

FINAL REPORT

FY 2003 TRIENNIAL REVIEW

of the

**Capital Metropolitan Transportation Authority
(CMTA)
Austin, Texas**

**Desk Review: June 3, 2003
Site Visit: August 27-28, 2003**

October, 2003

**Prepared for the
Federal Transit Administration
Region VI
Fort Worth, Texas**

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Table of Contents

I.	TRIENNIAL REVIEW BACKGROUND.....	1
II.	REVIEW PROCESS.....	1
III.	DESCRIPTION OF THE GRANTEE	2
IV.	RESULTS OF THE REVIEW	4
	1. Legal.....	4
	2. Financial	5
	3. Technical	5
	4. Satisfactory Continuing Control.....	6
	5. Maintenance	6
	6. Procurement.....	6
	7. Disadvantaged Business Enterprise (DBE).....	7
	8. Buy America.....	7
	9. Suspension/Debarment.....	8
	10. Lobbying	8
	11. Planning/Program of Projects.....	8
	12. Title VI	8
	13. Public Comment Process for Fare and Service Changes	9
	14. Half Fare.....	9
	15. ADA	9
	16. Charter Bus.....	10
	17. School Bus.....	11
	18. National Transit Database (NTD)	11
	19. Safety and Security.....	11
	20. Drug-Free Workplace.....	12
	21. Drug and Alcohol Program	12
	22. Equal Employment Opportunity (EEO)	13
	23. ITS Architecture	13
V.	SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS	14
VI.	TRANSIT SECURITY EXPENDITURES	16
VII.	ATTENDEES	17

I. TRIENNIAL REVIEW BACKGROUND

The United States Code, Chapter 53 of Title 49, requires the Federal Transit Administration (FTA) of the United States Department of Transportation (USDOT) to perform reviews and evaluations of Urbanized Area Formula Grant activities at least every three years. This requirement is contained in 49 U.S.C. 5307(i):

- (2) At least once every three years, the Secretary shall review and evaluate completely the performance of a recipient in carrying out the recipient's program, specifically referring to compliance with statutory and administrative requirements and the extent to which actual program activities are consistent with the activities proposed under subsection (d) of this section and the planning process required under sections 5303-5306 of this title.
- (3) The Secretary may take appropriate action consistent with the review, audit and evaluation under this subsection, including making an appropriate adjustment in the amount of a grant or withdrawing the grant.

The Triennial Review includes a review of the grantee's compliance in 23 different areas. The basic requirements for each of these areas are summarized below.

This report presents the findings from the Triennial Review of the Capital Metropolitan Transportation Authority (CMTA). This review was performed in accordance with FTA procedures (published in FTA Order 9010.1B, April 5, 1993) and included preliminary reviews of documents on file at the Region VI Office, Fort Worth, Texas and on-site discussions and review of the procedures, practices, and records of CMTA, as deemed necessary. The review concentrated primarily on procedures and practices employed during the past three years, however, coverage was extended to earlier periods as needed to assess the policies in place and the management of grants. During the visit, administrative and statutory requirements were discussed, documents were reviewed, and facilities were toured. Specific documents examined during the Triennial Review are available in FTA's and CMTA's files.

II. REVIEW PROCESS

The desk review was conducted in the Region VI Office on June 3, 2003. Following the desk review, an agenda package was sent to CMTA advising it of the site visit and indicating additional information that would be needed and issues that would be discussed.

The site visit to CMTA occurred on August 27-28, 2003. The individuals participating in the review are listed in Section VII of this report.

At the entrance conference, the purpose of the Triennial Review and the review process were discussed. During the site visit, urbanized area formula grant program administrative and statutory requirements were discussed and documents were reviewed. CMTA's main

administrative/operations/maintenance facility, the Special Transit Services (STS) operations/maintenance facility, the facility housing CMTA's contingency fleet, and the Neighborhood Transit Center at 12th and Chicon Streets were toured to provide an overview of activities related to FTA-funded projects. A sample of CMTA vehicles was inspected during the site visit.

On completion of the review, an exit conference was held with CMTA staff to discuss findings as well as corrective actions and schedules. This information is summarized in the table in Section V of this report. A draft copy of this report was provided to CMTA at the exit conference.

III. DESCRIPTION OF THE GRANTEE

The Capital Metropolitan Transportation Authority (CMTA) is a metropolitan transit authority created in 1985 pursuant to Article 1118x of the Texas Civil Statutes, which was amended and re-codified into Chapter 451 of the Texas Transportation Code in 1977. Current member jurisdictions include the Cities of Austin, Lago Vista, Leander, San Leanne, Jonestown, Manor, Point Comfort, Volente, and the Anderson Mill area of Williamson County and Precinct 2 of Travis County. The CMTA service area extends over 500 square miles that, in 2002, included an estimated population of 737,000. The CMTA administrative/operations/maintenance facility is located at 2910 East Fifth Street in Austin.

CMTA has a seven member Board of Directors, with two members appointed by the City of Austin, one member appointed by Travis County, two members from suburban jurisdictions (one each for Travis and Williamson Counties), and two members appointed by the Capital Area Metropolitan Planning Organization Transportation Policy Board (CAMPO). Each board member is appointed to a two-year term and is limited to serving not more than eight years. The Board is responsible for adopting the Authority's policies relative to the operation, control and management of the Authority. It is authorized to hire the President/CEO and other persons necessary for the conduct of the affairs of the Authority.

The President/CEO is responsible for the day-to-day operation of the agency. State law prohibits political subdivisions of the state, e.g., CMTA, from engaging in collective bargaining with a labor organization. However, CMTA, as a recipient of federal transit assistance, has protected collective bargaining rights by contracting for the provision of operations personnel, including bus operators and mechanics.

CMTA's operating budget for FY 2002 was approximately \$99 million. CMTA has a one-cent sales tax dedicated to transit that provides annual revenue of approximately \$112 million. CMTA has approximately 250 full and part-time employees supporting its directly operated services.

CMTA maintains a fleet of 283 30-foot, 35-foot, and 40-foot transit and replica trolley buses. CMTA operates approximately 75 local, express flyer, feeder and circulator fixed routes

within the service area. CMTA provides 24-hour service on weekdays and Saturdays, and on Sundays between the hours of 6:30 am and 11:00 pm. StarTran, Inc., an independent not-for-profit contractor, has approximately 980 employees who operate the majority of these routes, as well as provide paratransit and maintenance services for CMTA.

CMTA contracts with ATC/Vancom of Texas to provide public fixed routes designed to serve the University of Texas campus, three schools within the Austin Independent School District, as well as certain express flyer routes. CMTA provides 87 35-foot and 40-foot transit buses purchased with FTA financial assistance for use in the contracted services.

CMTA entered into an Interlocal agreement with the Capital Area Rural Transportation System (CARTS) to operate limited fixed route services for suburban routes. CMTA also contracts with the Greater Austin Transportation Company (GATC) to provide limited fixed route services across the Austin and surrounding communities.

CMTA develops schedules for all directly operated and contracted fixed route bus services and distributes public timetables. The base fixed route fare, including “Flyers,” is \$.50. Express bus fares are \$1.00 each-way. CMTA provides 20-ride ticket books for \$5.00, monthly fixed route passes for \$10.00 and \$17.00 for Express service. Monthly fixed route student passes are available for \$5.00 and \$8.50 for Express service. Special services, e.g., the ‘Dillo’ circulator service, park & ride lot, and transfers, are free. CMTA also provides free fares throughout the service day on all fixed route service during “Ozone Action Days,” and for persons over age 65, persons with disabilities, and Medicare cardholders. University of Texas (UT) students and faculty also ride free with a University ID; two interlocal agreements with UT provide the revenue associated with UT passengers.

CMTA provides ADA paratransit services through its Special Transit Services Division (STS). The service operates during the same service hours as fixed route services, but covers an area larger than the fixed route service area. STS uses a fleet of 101 accessible small buses, vans, and sedans. CMTA, through StarTran, Inc., currently operates from and maintains these vehicles at its operations facility located on 509 Thompson Lane in Austin. CMTA contracts with three taxi companies to supplement ADA/paratransit services through voucher programs. CMTA provides ten-ride ticket books for \$3.00 and monthly passes for \$15.00. Companions pay the one-way fare but Personal Care Attendants (PCAs) and children under the age of six are transported free of charge. CMTA schedules all paratransit trips for both the directly operated and the contracted services. CMTA currently has 9,000 eligible paratransit clients.

CMTA also owns 162 miles of rail right-of-way purchased with Federal funds and contracts with an operating rail freight company, Trans-Global Solutions, and the Austin Steam Railway, which provides limited tourist services. CMTA is studying the potential public transit applications that will best utilize the right-of-way.

CMTA owns and maintains three park-and-ride lots, leases three other park-and-ride lots, and has cooperative agreements for additional park-and-ride locations.

CMTA directly administers a vanpool program involving approximately 150 vehicles using local funds. CMTA also offers carpool matching services.

CMTA reported the following NTD statistics for service operated during FY2002:

2002	Fixed Route Bus	Vanpools	Paratransit	Total
Unlinked Passengers	34,922,431	258,993	386,588	35,568,012
Revenue Hours	1,107,612	45,063	186,008	1,338,683
Revenue Miles	13,859,116	1,315,863	2,626,154	17,801,133
Operating Expenses	\$75,283,825	\$641,912	\$16,306,391	\$92,232,128.00

IV. RESULTS OF THE REVIEW

The Triennial Review focused on CMTA’s compliance in 23 different areas. This section provides a discussion of the basic requirements and findings in each area. No deficiencies were found with the FTA requirements in 15 of the 23 areas. Deficiencies were found in the following eight areas: Legal, Satisfactory Continuing Control, Maintenance, Procurement, Title VI, ADA, Charter Bus, and Drug and Alcohol Program. The deficiency reported in Drug and Alcohol Program was closed during the site visit. Advisory comments were made in one area: Safety and Security.

Following the site visit, CMTA submitted corrective actions to close deficiencies in the following three areas: Satisfactory Continuing Control, Procurement and Title VI.

1. Legal

Basic Requirement: The grantee must be eligible and authorized under state and local law to request, receive, and dispense FTA funds and to execute and administer FTA funded projects. The authority to take all necessary action and responsibility on behalf of the grantee must be properly delegated and executed.

Findings: During this Triennial Review of CMTA, deficiencies were found with the FTA requirements for Legal. CMTA Board Resolution # 85-0528-36 delegates authority to the Executive Director to take actions on its behalf with FTA. The current CMTA organization does not include the position of Executive Director. The current position is General Manager and President/Chief Executive Officer (CEO).

In its response to the Draft Report, CMTA stated that *it respectfully disagrees with the draft conclusion and requests that this deficiency be withdrawn. CMTA provided the FTA representatives a copy of the Board Resolution, dated April 29, 2002, authorizing the hiring of*

Fred M. Gilliam as the General Manager and President/CEO of Capital Metro. While the title of Executive Director, used in 1985, changed over the years (1987), the clear line of delegated authority from the Board of Directors to that position is clear. The title used (General Manager) is also consistent with the duties and responsibilities outlined in our state statute, Chapter 451 of the Texas Transportation Code, and Mr. Gilliam's employment agreement. The Board Resolution dated April 29, 2002, states WHEREAS, the Board of Directors desires to hire a General Manager and President/Chief Executive Officer to assist the Board in its responsibilities for the management and operation of the Capital Metropolitan Transportation Authority, NOW, THEREFORE BE IT RESOLVED by the Capital Metropolitan Transportation Board of Directors that:

The Board hereby offers to Fred M. Gilliam the position of General Manager and President/Chief Executive Officer of the Capital Metropolitan Transportation Authority under the terms and conditions reflected in the employment agreement. Upon acceptance of this offer by Fred M. Gilliam, the Chairperson is hereby authorized to execute the agreement.

The Resolution does not specifically delegate authority to the General Manager and President/CEO to take actions on its behalf with FTA and CMTA did not provide a copy of the employment agreement to document that it delegates authority to Fred M. Gilliam to take actions on its behalf with FTA. CMTA did not provide documentation that Chapter 451 of the Texas Transportation Code specifically delegates authority to the General Manager to take actions on its behalf with FTA.

Corrective Action and Schedule: Within 60 days, CMTA must submit to the FTA Region VI Office documentation that authority has been delegated to the appropriate individual(s) to take official actions on its behalf with FTA.

2. Financial

Basic Requirement: The grantee must demonstrate the ability to match and manage FTA grant funds, to cover cost overruns, to cover operating deficits through long-term stable and reliable sources of revenue, to maintain and operate federally funded facilities and equipment, and to conduct an annual independent organization-wide audit in accordance with the provisions of OMB C A-133.

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for Financial.

3. Technical

Basic Requirement: The grantee must be able to implement the Urbanized Area Formula Grant Program of Projects in accordance with the grant application, Master Agreement, and all applicable laws and regulations, using sound management practices.

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for Technical.

4. Satisfactory Continuing Control

Basic Requirement: The grantee must maintain control over real property, facilities and equipment and ensure that they are used in transit service.

Findings: During this Triennial Review of CMTA, deficiencies were found with the FTA requirements for Satisfactory Continuing Control. CMTA's equipment records for FTA-funded equipment lacked the required information for Use and Condition. After the site visit, CMTA provided documentation that its equipment records contained all required information, including use and condition, and the deficiency was closed.

5. Maintenance

Basic Requirement: The grantee must keep federally funded equipment and facilities in good operating order.

Findings: During this Triennial Review of CMTA, deficiencies were found with the FTA requirements for Maintenance. CMTA has established preventive maintenance (PM) inspection intervals for fixed route buses of 6,000 miles. The PM records for nine fixed route buses were randomly sampled during the site visit. Of the 76 PM intervals sampled, 51, or 67 percent, were completed on time, which is below the FTA goal of 80 percent of PM inspections being performed according to plan.

Corrective Action and Schedule: Beginning with the month ending October 31, 2003, CMTA must submit to the FTA Region VI Office monthly reports on the timeliness of its PM inspections for all buses purchased with FTA assistance. CMTA must continue to submit the reports until it is completing its PM inspections on time for two consecutive months.

6. Procurement

Basic Requirement: FTA grantees will use their own procurement procedures that reflect applicable state and local laws and regulations, provided that the process ensures competitive procurement and that the procedures conform to applicable federal law including 49 CFR Part 18, specifically Section 18.36 and FTA C 4220.1E, "Third Party Contracting Requirements." Grantees will maintain a contract administration system that ensures that contractors perform in accordance with terms, conditions, and specifications of their contracts or purchase orders.

Findings: During this Triennial Review of CMTA, deficiencies were found with the FTA requirements for Procurement. CMTA purchased six MCI buses, with an option for an

additional 20 buses, under a piggybacking procurement with New Jersey Transit (NJT). According to information provided by CMTA, the original price for the NJT bus was \$413,490. In negotiations with MCI, CMTA had \$52,267 in “additions” from the original specification and \$36,570 in “deletions” from the original specification, for a final price of \$429,187. This represents a 22 percent change in the vehicle as originally specified, evaluated, and awarded. CMTA did not do a sole-source justification for the procurement, including justification for an engine change. CMTA did not perform a cost and price analysis for the final version of the buses purchased to determine if the piggyback was the most cost-effective procurement. After the site visit, CMTA revised its procurement procedures for FTA-funded procurements to conform to FTA Circular 4220.1E, specifically, procedures to conduct a piggybacking procurement, and the deficiency was closed.

CMTA is advised that it cannot use a piggyback procurement to purchase a bus with an engine that is different from the original specification because an engine change to a bus constitutes a *material* change and the bus would not be the same vehicle as originally specified, evaluated, and awarded.

7. Disadvantaged Business Enterprise (DBE)

Basic Requirement: The grantee must comply with the policy of USDOT that DBEs, as defined in 49 CFR Part 26, are ensured nondiscrimination in the award and administration of USDOT-assisted contracts. Grantees also must create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts; ensure that only firms that fully meet eligibility standards are permitted to participate as DBEs; help remove barriers to the participation of DBEs; and assist the development of firms that can compete successfully in the marketplace outside the DBE program.

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for Disadvantaged Business Enterprise.

8. Buy America

Basic Requirement: Per Buy America law, federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA, or the product is subject to a general waiver. Rolling stock must be manufactured in the United States and have a 60 percent domestic content.

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for Buy America.

9. Suspension/Debarment

Basic Requirement: To prevent fraud, waste, and abuse in federal transactions, persons or entities, which by defined events or behavior, potentially threaten the integrity of federally administered programs, are excluded from participating in FTA-assisted programs. FTA grantees are required to certify that they are not excluded from federally assisted transactions. Grantees also are required to ensure that none of the grantee's "principals" (as defined in the governing regulation 49 CFR Part 29), subrecipients, and third-party contractors and subcontractors is debarred, suspended, ineligible or voluntarily excluded from participation in federally assisted transactions.

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for Suspension/Debarment.

10. Lobbying

Basic Requirement: Recipients of federal grants and contracts exceeding \$100,000 must certify compliance with P.L. 101-121, Section 319, Restrictions on Lobbying, before they can receive funds. In addition, grantees are required to impose the lobbying restriction provisions on their contractors.

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for Lobbying.

11. Planning/Program of Projects

Basic Requirement: The grantee must participate in the transportation planning process in accordance with FTA requirements. Each recipient of a grant shall have complied with the public participation requirements of Section 5307(c)(1) through (7). Each recipient is required to develop, publish, afford an opportunity for a public hearing on, and submit for approval a Program of Projects (POP).

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for Planning/Program of Projects.

12. Title VI

Basic Requirement: The grantee must ensure that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participating in, or denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance. The grantee must ensure that federally supported transit service and related benefits are distributed in an equitable manner.

Findings: During this Triennial Review of CMTA, deficiencies were found with the FTA requirements for Title VI. CMTA had not implemented procedures to monitor its level and quality of transit service in conformance with FTA Circular 4702.1. Following the site visit, CMTA submitted a memorandum entitled *Revised Procedures for Monitoring Level and Quality of Transit Service in Accordance with FTA Circular 4702.1*. The memorandum provides for the monitoring to be performed on an annual basis, to be completed no later than March 1st of each year. Based on the submittal, the deficiency is closed.

13. Public Comment Process for Fare and Service Changes

Basic Requirement: The grantee must have a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transit service.

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for Public Comment Process for Fare and Service Changes.

14. Half Fare

Basic Requirement: Grantees must ensure that elderly persons and persons with disabilities, or an individual presenting a Medicare card, will be charged during non-peak hours for transportation using or involving a facility or equipment of a project financed under Section 5307 not more than 50 percent of the peak hour fare.

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for Half Fare.

15. ADA

Basic Requirement: Titles II and III of the Americans with Disabilities Act of 1990 provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of complementary paratransit service.

Findings: During this Triennial Review of CMTA, deficiencies were found with the FTA requirements for ADA. CMTA reported that it had purchased non-accessible vehicles during the review period but did not submit a Certification of Equivalent Service to the FTA.

In response to the Draft Report, CMTA stated:

Capital Metro respectfully disagrees with the recommended corrective action. ... Filing this certification after the vehicles are already purchased is not consistent with the intent

of the certification process. There appears to be no additional benefit or control which would accrue from the retroactive filing of this document.

Current guidance on the subject from FTA's Director of the Office of Civil Rights states:

Public entities operating demand responsive service for the general public must purchase or lease accessible vehicles unless it can be demonstrated that the system, when viewed in its entirety, provides a level of service to persons with disabilities that is equivalent to the level of service it provides to persons without disabilities.

CMTA has not demonstrated that its system, when viewed in its entirety, provides a level of service to persons with disabilities that is equivalent to the level of service it provides to persons without disabilities.

Corrective Actions and Schedules: Within 90 days, CMTA must submit to the FTA Region VI Civil Rights Officer documentation that it has retrofitted the vehicles or procured replacements that comply with Part 38, unless documentation qualifying it for an exception can be provided.

16. Charter Bus

Basic Requirement: Grantees are prohibited from using federally funded equipment and facilities to provide charter service except on an incidental basis and when one or more of applicable exceptions for urban areas set forth in the charter service regulation at 49 CFR 604.9 (b) applies.

Findings: During this Triennial Review of CMTA, deficiencies were found with the FTA requirements for Charter Bus. CMTA stated that it provides charter service under Exceptions 2, 5, and 7. CMTA publishes an Annual Public Service Notice and has identified six "willing and able" operators. CMTA does not have a formal agreement with the "willing and able" operators, as required. CMTA also provides advanced reservation exclusive group service to senior citizen groups of 20 or more free of charge. FTA has reviewed the information provided for this service and has concluded that since this service is being provided by Capital Metro to persons who are 65 years of age and over, this service is defined as "mass transportation" under the definitions in the Federal Transit Act and therefore is not considered charter service and is not subject to the provisions set forth in the charter service regulation. At the site visit, CMTA provided documentation that its fully allocated cost is currently \$75.45. The current CMTA charter rate is \$61 per hour, which is less than the fully allocated cost. In response to the Draft Report, CMTA provided a draft Board Resolution to change the rate for charter service to \$80 per hour.

In addition, CMTA provided information at the site visit that suggested that it might provide charter service that is not incidental, i.e., charter service is provided during hours defined by CMTA as peak hours. In response to the Draft Report, CMTA stated:

The statement that CMTA is providing non-incident charter service is not correct. The example charter request provided during the site visit did not result in the provision of charter services.

Based on that statement, the deficiency on incidental use is closed.

Corrective Actions and Schedules: Within 90 days, CMTA must submit to FTA Region VI Office documentation that it is operating charter service that complies with the charter regulations. CMTA must document that it is following the specific requirements for its “Exceptions”. CMTA must document that the Board of Directors has approved the Board Resolution to increase the rate for charter service to recover fully allocated cost.

17. School Bus

Basic Requirement: Grantees are prohibited from providing exclusive school bus service unless the grantee qualifies under specified exceptions. In no case can federally funded equipment or facilities be used.

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for School Bus.

18. National Transit Database (NTD)

Basic Requirement: The grantee must collect, record, and report financial and non-financial data in accordance with the Uniform System of Accounts (USOA) and updated with the *National Transit Database (NTD) Reporting Manual* as required by 49 USC 5335(a).

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for National Transit Database (NTD).

19. Safety and Security

Basic Requirement: Any recipient of Urbanized Area Formula Grant Program funds must annually certify that it is spending one percent of such funds for transit security projects or that such expenditures for security systems are not necessary.

Under the safety authority provisions in the federal transit laws, the Secretary has the authority to investigate the operations of the grantee for any conditions that appear to create a serious hazard of death or injury especially to patrons of the transit service. However, FTA has no specific requirements for transit safety. States are required to oversee the safety of rail fixed guideway systems through a designated oversight agency.

Findings: CMTA does track expenditures for transit security projects as shown in Section VI of this report. During this Triennial Review of CMTA, the following observations and advisory comments were made. CMTA does currently have a system security plan for CMTA services, which include transit operations. CMTA does have a written emergency preparedness plan, which includes transit operations. Through the FTA Office of Safety and Security, CMTA conducted an audit of its security procedures for transit operations. CMTA has incorporated its customer/riders in a security program designed to encourage consumers to recognize and report suspicious or illegal activity in or around transit services or facilities. CMTA has not conducted mandatory security training for non-operating personnel. CMTA and its contractor conduct criminal background checks of employees and conduct limited credit background checks.

CMTA is encouraged to conduct security training for non-operating personnel.

CMTA will inform the FTA Region VI Office of its progress in developing and implementing system security plans.

20. Drug-Free Workplace

Basic Requirement: Grantees are required to maintain a drug-free workplace for all employees and to have an ongoing drug-free awareness program.

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for Drug-Free Workplace.

21. Drug and Alcohol Program

Basic Requirement: Grantees receiving FTA funds under Capital Grant, Urbanized Area Formula Grant, or Non-Urbanized Area Formula Grant Programs must have a drug and alcohol-testing program in place for all safety-sensitive employees.

Findings: During this Triennial Review of CMTA, deficiencies were found with the FTA requirements for the Drug and Alcohol Program. CMTA has five contractors (ATC Vancom, StarTran, GATC, EPSI, Firestone & CARTS) that report random drug and alcohol testing results annually through MIS reports. The MIS reports submitted during this review showed that only three of the contractors (StarTran, GATC and CARTS) consistently satisfied both the random drug and alcohol testing requirements during the review period. Prior to the Exit Conference, CMTA submitted documentation on its procedures to monitor the random drug and alcohol testing of its contractors and assured the FTA that it would more closely monitor all contractors in the future. Based on this documentation and assurance the deficiency was closed.

22. Equal Employment Opportunity (EEO)

Basic Requirement: The grantee must ensure that no person in the United States shall, on the ground of race, color, creed, national origin, sex, age, or disability be excluded from participating in, denied the benefits of, or be subject to discrimination in employment under any project, program or activity receiving federal financial assistance from the federal transit laws.

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for EEO.

23. ITS Architecture

Basic Requirement: Intelligent Transportation Systems (ITS) projects funded by the Highway Trust Fund and the Mass Transit Account must conform to the National ITS Architecture, as well as to U. S. Department of Transportation (DOT) adopted ITS standards.

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for ITS Architecture.

V. SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS

Review Area	Finding	Deficiency	Corrective Action	Response Days/Date	Date Closed
1. Legal	D	04: Lacking delegation of authority	CMTA must submit to the FTA Region VI Office documentation that authority has been delegated to the appropriate official(s) to take official actions on its behalf with FTA.	60 Days	
2. Financial	ND				
3. Technical	ND				
4. Satisfactory Continuing Control	D	03: Inadequate equipment records	CMTA must submit to the FTA Region VI Office documentation that its equipment records contain all required information.	90 Days	9/8/2003
5. Maintenance	D	04: Late vehicle preventive maintenance	CMTA must submit to the FTA Region VI Office monthly reports on the timeliness of its PM inspections for all buses purchased with FTA assistance. CMTA must continue to submit the reports until it is completing its PM inspections on time for two consecutive months.	Monthly, beginning with the month ending October 31, 2003	
6. Procurement	D	19: Lacking required cost/price analysis 22: Lacking required justification(s) and documentation for non-competitive award	CMTA must submit to the FTA Region VI Office documentation that it has revised its procurement procedures for FTA-funded procurements to conform to FTA Circular 4220.1E, specifically, procedures to document a sole-source justification, and perform a cost and price analysis for every procurement action, including contract modification.	90 Days	9/5/2003
7. DBE	ND				
8. Buy America	ND				
9. Suspension/Debarment	ND				
10. Lobbying	ND				
11. Planning/POP	ND				
12. Title VI	D	06: No procedure for monitoring level or quality of service	CMTA must submit to the FTA Region VI Civil Rights Officer documentation that it has implemented procedures to monitor its level and quality of transit service in conformance with FTA Circular 4702.1.	90 Days	9/8/2003
13. Public Comment for Fare and Service Changes	ND				
14. Half Fare	ND				

Review Area	Finding	Deficiency	Corrective Action	Response Days/Date	Date Closed
15. ADA	D	11: No certification of equivalent service	CMTA must submit to the FTA Region VI Civil Rights Officer documentation that it has retrofitted the vehicles or procure replacements that comply with Part 38, unless documentation qualifying it for an exception can be provided.	90 Days	
16. Charter Bus	D	02: Charter service operated outside of allowed exceptions 03: Charter service not incidental	CMTA must submit to FTA Region VI Office documentation that it is operating charter service that complies with the charter regulations. CMTA must document that it is following the specific requirements for its "Exceptions". CMTA must document that the Board of Directors has approved the Board Resolution to increase the rate for charter service to recover fully allocated cost.	90 Days	
17. School Bus	ND				
18. NTD	ND				
19. Safety and Security	AC		CMTA is encouraged to take the following actions: <ul style="list-style-type: none"> Conduct security training for non-operating personnel. CMTA will inform the FTA Region VI Office of its progress in developing and implementing system security plans.		
20. Drug-Free Workplace	ND				
21. Drug and Alcohol Program	D	08: Contractors, subrecipients and/or lessees not properly monitored	CMTA must submit to FTA Region VI Office documentation that it has revised its Drug and Alcohol Program to include procedures to monitor its contractors, subrecipients, or lessees with safety-sensitive employees to ensure that drug and alcohol testing requirements are met in the future. At the site visit, CMTA submitted documentation on its procedures to monitor the random drug and alcohol testing of its contractors and the deficiency was closed.	30 Days	8/27/2003
22. EEO	ND				
23. ITS Architecture	ND				

Findings: ND = No Deficiencies; D = Deficient; NA = Not Applicable; NR = Not Reviewed; AC = Advisory Comments

VI. TRANSIT SECURITY EXPENDITURES

Do you utilize the one percent expenditure of its Urbanized Area Formula Grant funds for transit security?

Yes No

If no, why do you consider such expenditure unnecessary (check all that apply):

Existing security measures meet agency needs

Level of incidents does not warrant further security expenditures

Potential security threats are minimal

Adequate local and federal (less than one percent) funds are spent on security projects.

Security Projects	Annual Expenditures					
	Year 1 FY'00		Year 2 FY'01		Year 3 – FY'02	
	FTA	Local	FTA	Local	FTA	Local
<i>Infrastructure/Capital Improvements:</i>						
Increased Lighting						
Increased Surveillance					\$34,109	\$8,526
Emergency Comm.						
Other Projects (list)						
Surveillance security up-grade						
Cameras on buses					\$392,000	\$98,000
ID badges equipment up-grade			\$30,400	\$7,600		
Controlled access devices reader						

Subtotal			\$30,400	\$7,600	\$426,109	\$106,528
<i>Operating/Personnel Expenditures ⁽¹⁾:</i>						
In-house Security Personnel		\$479,464		\$561,327		\$756,667
Contract Security Personnel		\$92,943		\$129,751		\$205,307
Other Projects (list)						
Mail coordinator temporary Employee due to 9/11						\$31,838
Bus placards				\$3,500		
Re-key all facilities				\$6,800		

Subtotal		\$572,407		\$701,378		\$993,812
TOTAL		\$572,407	\$30,400	\$708,978	\$426,109	\$1,100,340
UAFG Funds Received	\$11,283,287		\$11,451,135		\$12,689,720	
Security Percentage	5%		6%		12%	

(1) Federal operating funds available to agencies in areas with populations under 200,000

VII. ATTENDEES

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Laurie Heinze	Reviewer, Interactive Elements, Inc.	770-889-0071 770-889-0071	lmh@ieitransit.com
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October 8, 2003

Mr. Fred Gilliam
President and Chief Executive Officer
Capital Metro Transportation Authority
2910 East Fifth Street
Austin, Texas 78702

Re: 2003 Triennial Review Final Report

Dear Mr. Gilliam:

I am enclosing the Final Report of the Federal Transit Administration (FTA) Triennial Review for Capital Metro Transportation Authority (CMTA), as required by the Federal Transit Laws, 49 U.S.C. 5301 et.seq., requiring the FTA to perform reviews and evaluations of Section 5307 grant activities at least every 3 years. This requirement is contained in Sections 5307(i)(2) and 9(i)(3) of the Transit Laws. Although less exacting than an audit, the Triennial Review is FTA's assessment of grantee compliance with Federal requirements determined by examining management practices and program implementation.

Reflected in the enclosed Final Report are the 23 reviewed items and the finding for each. Each item has a finding of either not deficient, deficient, or advisory comments. A deficient finding is followed by the corrective action(s) CMTA must take and a timeframe in which to respond to the finding. Please adhere to the assigned timeframes as closely as possible. FTA will assess the response(s) and determine compliance.

Please convey our appreciation to all the CMTA staff for the assistance and cooperation they provided to the FTA review team. Should you have questions regarding the Final Report, please do not hesitate to contact us.

Sincerely,

Robert C. Patrick
Regional Administrator

Enclosure
TRO-6:KEMP:10/8/03:O/TRIS/03CMTAFinal