



U.S. Department
of Transportation
Federal Transit
Administration

REGION VI
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Texas

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July 8, 2009

Mr. Fred Gilliam, President
Capital Metropolitan Transportation Authority
2910 East 5th Street
Austin, Texas 78702

Re: FY 2009 Triennial Review – Final Report

Dear Mr. Gilliam,

This report documents the Federal Transit Administration's (FTA) Triennial Review of the of the Capital Metropolitan Transportation Authority (CMTA), as required by Chapter 53 of Title 49, United States Code, Section 5307. Although less exacting than an audit, the triennial review is the FTA's assessment of grantee compliance with Federal requirements determined by the examination of grant management and program implementation practices. As such, the triennial review is not intended as, nor does it constitute a comprehensive and final review of compliance with grant requirements.

The report documents the 23 areas that were reviewed. No deficiencies were identified in 22 of the areas. Deficiencies were identified in one area: Maintenance. The deficiency and corrective actions that must be taken to attain full compliance are detailed in the report.

Please convey our thanks and appreciation to your staff for the cooperation and assistance they provided during this Triennial Review. If you need any technical assistance or have any questions, please do not hesitate to contact Suleman Shoaib, Regional Engineer, or Gail Lyssy, Director of Operations and Program Management, at 817-978-0550.

Sincerely,

Robert C. Patrick
Regional Administrator

Enclosure

cc w/enclosure: Caroline Beyer, Vice President Internal Audit, CMTA

FINAL REPORT

FY2009 TRIENNIAL REVIEW

of the

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

Desk Review: December 11, 2008

Site Visit: June 10-12, 2009

**Prepared for the
Federal Transit Administration
Region 6
Fort Worth, Texas**

by

Interactive Elements, Incorporated

Table of Contents

I.	TRIENNIAL REVIEW BACKGROUND	1
II.	REVIEW PROCESS.....	1
III.	DESCRIPTION OF THE GRANTEE	2
IV.	RESULTS OF THE REVIEW	3
	1. Legal.....	3
	2. Financial	3
	3. Technical	4
	4. Satisfactory Continuing Control.....	4
	5. Maintenance	4
	6. Procurement.....	4
	7. Disadvantaged Business Enterprise (DBE).....	5
	8. Buy America.....	5
	9. Suspension/Debarment.....	5
	10. Lobbying	6
	11. Planning/Program of Projects.....	6
	12. Title VI	6
	13. Public Comment Process for Fare and Service Changes	6
	14. Half Fare.....	7
	15. ADA	7
	16. Charter Bus.....	7
	17. School Bus.....	7
	18. National Transit Database (NTD)	8
	19. Safety and Security.....	8
	20. Drug-Free Workplace.....	9
	21. Drug and Alcohol Program	9
	22. Equal Employment Opportunity (EEO)	9
	23. ITS Architecture	9
V.	SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS	10
VI.	TRANSIT SECURITY EXPENDITURES	Error! Bookmark not defined.
VII.	ATTENDEES	13

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 3 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) of Austin, Texas. 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 6 Office in Fort Worth, 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 6 Office on December 11, 2008. 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 Austin occurred on June 10-12, 2009. 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 transit facilities

were toured to provide an overview of activities related to FTA-funded projects. A sample of FTA-funded 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

Capital Metropolitan Transportation Authority (CMTA) provides transit service in the Austin metropolitan area, serving all of the City of Austin, the surrounding communities of Leander, Lago Vista, Jonestown, Manor, San Leanna, Volente and Point Venture. Also, CMTA serves portions of unincorporated areas of Travis in Precinct 2 and the Anderson Mill area of Williamson County. CMTA is a Metropolitan Transportation Authority created in 1985 under the laws of the State of Texas. CMTA contracts with a subsidiary non-profit company, Star Tran, Inc., for management services and both fixed-route and paratransit operations. CMTA also has contracts for fixed-route services with First Transit, Veolia Transportation and Capital Area Rural Transportation (CARTS). Paratransit operations are performed by StarTran, Inc., as well as taxi contractors Austin Cab, and Greater Austin Transportation Company. The population of its service area is approximately 1,170,276.

CMTA operates a network of 150 fixed-routes. Service is provided 24 hours a day weekdays and Saturdays. Sunday service is operated from 5:00 a.m. to 12:00 p.m. The grantee's complementary paratransit service, known as MetroAccess, operates during the same days and times as the fixed route service.

The basic adult fare for bus service is \$0.75. Senior citizens, disabled persons, and Medicare cardholders ride for free during all service hours. The fare for ADA paratransit service is \$0.70.

CMTA operates a fleet of 437 buses for fixed-route service. Its bus fleet consists of standard 30-, 35-, 40- and 45-foot transit coaches and rubber-tired trolleys. The current peak requirement is for 338 vehicles. CMTA also has a fleet of 48 minibuses, which are operated by its contractor for ADA paratransit service, and 47 Ford Crown Victorias operated in non-ADA paratransit service. CMTA also provides 145 vans for a volunteer driver vanpool service.

CMTA operates from two primary facilities: an administration and maintenance facility on East Fifth Street and a second administrative facility on 624 E. Pleasant Valley in Austin. There is a second maintenance facility on Ed Bluestein Avenue. CMTA also operates 15 Park & Ride facilities throughout its service area.

CMTA's National Transit Database Report for FY2008 provided the following financial and operating statistics for its fixed-route, paratransit, and vanpool services:

	Fixed-Route Service (DO & PT)	Paratransit Service (DO & PT)	Vanpool (DO)
Unlinked Passengers	36,344,437	928,715	53,176
Revenue Hours	1,112,246	359,078	345,618
Operating Expenses	\$115,619,436	\$27,447,871	\$1,554,255

Over the past three years, CMTA purchased service expansion vehicles, completed the Leander Park and Ride and South Congress Transit Center and opened its North Operations and Maintenance facility. Planned projects over the next several years include Bus Rapid Transit and rail platform renovation to increase rail frequency.

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 22 of the 23 areas. Deficiencies were found in the Maintenance area.

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, no deficiencies were found with the FTA requirements for Legal.

2. Financial

Basic Requirement: The grantee must demonstrate the ability to match and manage FTA grant funds, cover cost increases, cover operating deficits through long-term stable and reliable sources of revenue, maintain and operate federally funded facilities and equipment, and conduct an annual independent organization-wide audit in accordance with the provisions of OMB Circular 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, no deficiencies were found with the FTA requirements for Satisfactory Continuing Control.

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. In January 2008, CMTA staff moved maintenance operations into its newly constructed, federally-funded, North Operations maintenance facility. CMTA has not developed a comprehensive written facility maintenance plan for the facility and equipment.

Corrective Action and Schedule: Within 120 days of the issuance of the final report or by November 12, 2009, CMTA must develop and implement a facility maintenance plan that at a minimum will identify the facility and equipment that are to be maintained. The plan must define an organization and assign responsibility for on-going maintenance, and specify a series of maintenance and inspection activities to be performed at appropriate intervals. The plan must have a prescribed record-keeping system that will memorialize the maintenance history of the facility, equipment and systems. CMTA must provide a copy of the facility maintenance plan to FTA Region VI Office.

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, no deficiencies were found with the FTA requirements for Procurement.

7. Disadvantaged Business Enterprise (DBE)

Basic Requirement: The grantee must comply with the policy of DOT that DBEs, as defined in 49 CFR Part 26, are ensured nondiscrimination in the award and administration of DOT-assisted contracts. Grantees also must create a level playing field on which DBEs can compete fairly for DOT-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 DOT requirements for DBE.

8. Buy America

Basic Requirement: Per FTA's "Buy America" requirements, federal funds may not be obligated unless steel, iron, and manufactured products used in FTA funded projects are produced in the United States, unless FTA has granted a waiver, or the product is subject to a general waiver. Rolling stock must have sixty percent domestic content and final assembly must take place in the United States.

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

9. Suspension/Debarment

Basic Requirement: To protect the public interest and 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. Federal agencies use the government-wide nonprocurement debarment and suspension system to exclude from Federal programs persons who are not presently responsible. Grantees are required to ensure to the best of their knowledge and belief that none of the grantee's "principals" (as defined in the governing regulation 2 CFR Part 180), subrecipients, and third-party contractors and subcontractors is debarred, suspended, ineligible, or voluntarily excluded from participation in federally assisted transactions or procurements. Grantees are strongly encouraged to review the Excluded Parties Listing System (<http://www.epls.gov/>) before entering into any third party contracts.

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 Restrictions on Lobbying before they can receive funds. In addition, grantees are required to impose the lobbying restriction provision 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, SAFETEA-LU, and the Metropolitan and Statewide Planning Regulations.

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/POP.

12. Title VI

Basic Requirement: The grantee must ensure that no person in the United States shall, on the grounds 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 services and related benefits are distributed in an equitable manner.

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

13. Public Comment Process for Fare and Service Changes

Basic Requirement: The grantee is expected to have a written copy of a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation services.

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 service, including complementary paratransit service.

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

16. Charter Bus

Basic Requirement: FTA grantees are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. The grantees are allowed to operate community based charter services exempted under the regulations; some irregular or limited duration services; and those that are covered by the exceptions.

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

17. School Bus

Basic Requirement: FTA grantees are prohibited from providing exclusive school bus service unless it 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: Grantees that receive 5307 and 5311 grant funds 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.

19. Safety and Security

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

Under the safety authority provisions of 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. States are required to oversee the safety of rail fixed guideway systems through a designated oversight agency, per 49 CFR Part 659, Rail Fixed Guideway Systems, State Safety Oversight.

Under security, a list of 17 Security and Emergency Management Action Items has been developed by FTA and the Department of Homeland Security's Transportation Security Administration (TSA). This list of 17 items, an update to the original FTA Top 20 security action items list, was developed in consultation with the public transportation industry through the Mass Transit Sector Coordinating Council, for which the American Public Transportation Association (APTA) serves as Executive Chair. Security and Emergency Management Action Items for Transit Agencies aim to elevate security readiness throughout the public transportation industry by establishing baseline measures that transit agencies should employ.

The goal of FTA's Safety and Security Program is to achieve the highest practical level of safety and security in all modes of transit. To this end, FTA continuously promotes the awareness of safety and security throughout the transit community by establishing programs to collect and disseminate information on safety/security concepts and practices. In addition, FTA develops guidelines that transit systems can apply in the design of their procedures and by which to compare local actions. As such, many of the questions in this review area are designed to determine what efforts grantees have made to develop and implement safety, security, and emergency management plans. While there may not be specific requirements associated with all of the questions, grantees are encouraged to implement the plans, procedures, and programs referenced in these questions. For this reason, findings in this area will most often result in advisory comments rather than deficiencies.

Findings: A summary of CMTA's expenditures for security projects is provided in Section VI of this report.

During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for Safety and Security.

20. Drug-Free Workplace

Basic Requirement: FTA 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 (Section 5309), Urbanized Area Formula Grant (Section 5307), or Non-Urbanized Area Formula Grant (Section 5311) Programs must have a drug and alcohol testing program in place for all safety-sensitive employees.

Findings: During this Triennial Review of CMTA, no deficiencies were found with the FTA requirements for the Drug and Alcohol Program.

22. Equal Employment Opportunity (EEO)

Basic Requirement: The grantee must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or physical or mental disability be excluded from participating in, or 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 United States Department of Transportation (USDOT) 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	ND				
2. Financial	ND				
3. Technical	ND				
4. Satisfactory Continuing Control	ND				
5. Maintenance	D-01	No facility maintenance plan	CMTA must develop and implement a facility maintenance plan that at a minimum will identify the facility and equipment that are to be maintained. The plan must define an organization and assign responsibility for on-going maintenance, and specify a series of maintenance and inspection activities to be performed at appropriate intervals. The plan must have a prescribed record-keeping system that will memorialize the maintenance history of the facility, equipment and systems. CMTA must provide a copy of the facility maintenance plan to FTA Region VI Office.	120 days/ 11/12/2009	
6. Procurement	ND				
7. Disadvantaged Business Enterprise	ND				
8. Buy America	ND				
9. Suspension/Debarment	ND				
10. Lobbying	ND				
11. Planning/POP	ND				
12. Title VI	ND				
13. Public Comment for Fare and Service Changes	ND				
14. Half Fare	ND				
15. ADA	ND				
16. Charter Bus	ND				
17. School Bus	ND				
18. National Transit Database	ND				
19. Safety and Security	ND				
20. Drug-Free Workplace	ND				
21. Drug and Alcohol Program	ND				

Review Area	Finding	Deficiency	Corrective Action	Response Days/Date	Date Closed
22. Equal Employment Opportunity	ND				
23. ITS Architecture	ND				

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

VI. TRANSIT SECURITY EXPENDITURES

Does the grantee expend one percent or more of its Section 5307 Urbanized Area Formula Grant funds for transit security? FY2006: Yes___ No X

FY2007: Yes___ No X

FY2008: Yes X No___

If no, why does the grantee consider such expenditure unnecessary (check all that apply):

___ No deficiency found from a threat and vulnerability assessment

___ TSA/FTA Security and Emergency Management Action Items met or exceeded

___ Other (please describe):

Security Funding	FTA Section 5307 Funds (in Dollars)		
	FY 2006	FY 2007	FY 2008
Total amount of 5307 Funds expended	\$18,459,960	\$14,297,776	\$17,030,798
Amount of 5307 Funds expended on security	\$0	\$0	\$501,004
Percent of 5307 Funds expended on security	0%	0%	3%
Infrastructure/Capital Improvement Security Projects:			
Lighting, Fencing & Perimeter Control		\$ 49,762	\$27,812
CCTV and Surveillance Technology	\$64,039		\$644,325
Communications Systems			
Security Planning ^(a)			
Drills & Tabletop Exercises ^(a)			
Employee Security Training ^(a)			
Other Security-Related Infrastructure & Capital Improvements (please list): Railroad Security Enhancements & Infrastructure _____	\$3,500,000	\$2,300,000	\$2,500,000
Operating/Personnel Expenditures (can only be used by agencies in areas with populations UNDER 200,000):			
Contracted Security Force			
In-house Security Force			
Other Security-Related Operating Expenditures (please list): _____			

^(a) SAFETEA-LU amended the definition of a capital project to include:

- projects to refine and develop security and emergency response plans;
- the conduct of emergency response drills with public transportation agencies and local first response agencies; and
- security training for public transportation employees.

SUPPLEMENTAL SECURITY INFORMATION INCLUDED ON CMTA CD INCLUDED IN SUBMITTAL.

VII. ATTENDEES

Name	Title/Organization	Phone Number	e-mail address
CMTA			
Fred Gilliam	President/CEO	512.389-7504	Fred.Gilliam@ capmetro.org
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