

SamTrans

CORRESPONDENCE

as of
November 1, 2019



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JIM HARTNETT
GENERAL
MANAGER/CEO

October 21, 2019

Mary Nichols, Chairwoman
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Maximize Investment in Zero-Emission Buses in FY 2019-20 Funding Plan

Chairwoman Nichols and Board Members:

On behalf of the San Mateo County Transit District (SamTrans), I am writing to respectfully urge you to maximize California's investment in zero-emission buses (ZEBs), and the associated infrastructure. This investment, which should flow to public transit agencies through the proposed Advanced Technology Demonstration and Pilots Projects and the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP), is critical to offsetting the high upfront cost of ZEB deployments. Increased funding will support SamTrans implementation of the Innovative Clean Transit (ICT) regulation while avoiding impacts to our core transit service.

As you review our request, we ask that you consider that public transit is the only industry in the transportation sector entirely subsidized by the public. We also ask that you recall that by adopting the ICT regulation, our industry was specifically selected to serve as the testing ground for zero-emission heavy-duty technologies. The ICT regulation was adopted on the premise that the broad deployment of ZEBs will develop the components, supply chains, knowledge and experience necessary to electrify other heavy-duty industries. SamTrans, like transit agencies across the state, has accepted this task and is working to implement the ICT regulation.

We are strongly committed to converting our fleet. Today, we have two (2) ZEBs in operation and eight (8) ordered. Your decision to prioritize the electrification of our fleets should require ARB to also prioritize transit agencies when it comes to funding.

We are concerned that transit agencies are ineligible for Advanced Technology Demonstrations and Pilot Project funding. We urge you to consider setting aside a portion of this funding for a large-scale demonstration of ZEBs, inclusive of infrastructure buildout. A demonstration of this kind could serve as a roadmap for transit agencies statewide.

We also urge you to consider modifying several of the programmatic changes proposed for HVIP,

with the goal of holding transit agencies harmless, regardless of the oversubscription of the program.

More specifically, we recommend that the Board: establish a set-aside for ZEBs, ensuring that transit agencies receive a minimum funding level from the program; retain the voucher enhancement for infrastructure be preserved for all transit agencies; and, exclude public fleets from the potential reduction of voucher amounts.

SamTrans looks forward to continuing to work with you on the implementation of the ICT regulation. Thank you for considering our request.

Sincerely,



Jim Hartnett
General Manager/Chief Executive Officer

cc: San Mateo County Transit District Board of Directors
San Mateo County Transit District Legislative Delegation
Virgil Welch, Senior Advisor, Office of the Chair Jack Kitowski, Chief, Mobile Source Control Division
Lucina Negrete, Branch Chief, Mobile Source Control Division – Innovative Strategies Branch
Jason Crow, Mobile Source Control Division – Innovative Strategies Branch

SAN MATEO COUNTY TRANSIT DISTRICT
1250 San Carlos Ave. - P.O. Box 3006
San Carlos, CA 94070-1306
(650) 508-6200

From: Jack Hopkins
To: [Board \(@samtrans.com\)](mailto:Board@samtrans.com)
Subject: Seeking In-kind Support
Date: Monday, October 28, 2019 4:33:44 PM

To Whom It May Concern:

My name is Jack Hopkins, and I am the AmeriCorps fellow for Downtown Streets Team's Palo Alto office. Downtown Streets Team is an organization that is seeking to address the issue of homelessness using a work experience model. Unhoused residents volunteer on our Teams, beautifying their community in exchange for a basic needs stipend, case management, and employment services. This model seeks to provide our participants with a meaningful daily activity while promoting accountability and a supportive community. I am reaching out to ask for your assistance as a member of the SamTrans board. Being based out of Palo Alto we receive support from the Valley Transit Authority to provide our Team Members with access to public transit, but we have encountered the problem that many services that could be helpful to our Team Members are based out of East Palo Alto. As you know, East Palo Alto falls under the jurisdiction of SamTrans and not VTA, meaning that many of our Team Members are unable to find a way to get to these valuable resources. If the board would be able to donate bus tokens to our Palo Alto office it would mean that our Team Members could access services ranging from shelters to food assistance to record clearance. If you have any questions, or would be interested in helping our Team Members, please don't hesitate to contact me by email or phone.

Many Thanks,
Jack Hopkins
AmeriCorps Fellow, Community Engagement
Downtown Streets Team
Mobile: (628) 600-8310

From: [Board \(@samtrans.com\)](mailto:Board@samtrans.com)
To: "Bredehoft, Audrey (FTA)"
Cc: [Board \(@samtrans.com\)](mailto:Board@samtrans.com)
Subject: RE: FY2019 Triennial Review Final Report - San Mateo County Transit District
Date: Friday, November 01, 2019 8:00:56 AM
Attachments: [\(FY 2019\) CA 1671 SamTrans 2019 TR Final Report.pdf](#)

Dear Ms. Bredehoft – this email is to confirm receipt and advise that Mr. Stone is our immediate past Board Chair and that the current SamTrans Board Chair is Carole Groom. Thank you.

Best,

Dora

Dora Seamans, MPA, CMC
Executive Officer/District Secretary
SamTrans, Executive Administration
1250 San Carlos Ave
San Carlos, CA 94070
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Seamansd@samtrans.com

From: Bredehoft, Audrey (FTA) <audrey.bredehoft@dot.gov>
Sent: Thursday, October 31, 2019 2:09 PM
To: Board (@samtrans.com) <Board@samtrans.com>
Cc: Hartnett, Jim <hartnettj@samtrans.com>; Skinner, Peter <SkinnerP@samtrans.com>; Tellis, Ray (FTA) <Ray.Tellis@dot.gov>; Carranza, Edward (FTA) <Edward.Carranza@dot.gov>; Barros, Philoki (FTA) <Philoki.Barros@dot.gov>; Murphy, Albirda (FTA) <albirda.murphy@dot.gov>; Little, Lynette (FTA) <lynette.little@dot.gov>; Dizon, Giuseppe (FTA) <giuseppe.dizon@dot.gov>; gwen_larson@qitechllc.com; Mike Warren <michael_warren@qitechllc.com>
Subject: FY2019 Triennial Review Final Report - San Mateo County Transit District

Dear Mr. Stone:

Attached is a copy of the final report of the Federal Transit Administration's Triennial Review of the San Mateo County Transit District. We would like to thank the San Mateo County Transit District staff for their cooperation and assistance during the review.

Please contact me at (415) 734-9453 or by e-mail at audrey.bredehoft@dot.gov if you have any questions or need any additional information.

Thank you.

Audrey Bredehoft

Senior Financial Analyst
U.S. Department of Transportation
Federal Transit Administration, TRO-9
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415-734-9453



U.S. Department
of Transportation
**Federal Transit
Administration**

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October 31, 2019

Mr. Charles Stone
Chair
Board of Directors
San Mateo County Transit District
1250 San Carlos Avenue
San Carlos, CA 94070

RE: Federal Transit Administration (FTA)
Fiscal Year 2019 Triennial Review
Final Report

Dear Mr. Stone:

I am pleased to provide you with a copy of this FTA report as required by 49 U.S.C. Chapter 53 and other Federal requirements. The enclosed final report documents the FTA's Triennial Review of San Mateo County Transit District (SamTrans) in San Carlos, California. Although not an audit, the Triennial Review is the FTA's assessment of SamTrans' compliance with Federal requirements, determined by examining a sample of award 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 award requirements.

The Triennial Review focused on SamTrans' compliance in 21 areas. No deficiencies were found with the FTA requirements in 17 areas. Deficiencies were found in 4 areas: Procurement, Disadvantaged Business Enterprise (DBE), Title VI, and Equal Employment Opportunity (EEO). SamTrans had two repeat deficiencies from the 2016 Triennial Review in the areas of Procurement and EEO.

Regulations and Guidance

Public Transportation Agency Safety Plan (PTASP) Final Rule

On July 19, 2018, FTA published the PTASP Final Rule. The PTASP Final Rule, which took effect July 19, 2019, requires all operators of public transportation systems that are recipients and subrecipients of FTA's Urbanized Area Formula Grants to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS). FTA is deferring applicability of this requirement for operators that only receive funds through FTA's Enhanced Mobility of Seniors and Individuals with Disabilities Formula Program (Section 5310) and/or Rural Area Formula Program (Section 5311).

As part of the Annual Certifications and Assurances, transit operators must certify they have a safety plan in place for meeting the requirements of the rule by July 20, 2020. All plans will be reviewed starting October 1, 2021 through FTA's oversight process. For guidance and updates to assist in the preparation and implementation of the PTASP Final Rule, please visit FTA's website at www.transit.dot.gov/PTASP.

Random Drug Testing Rate Increase

On October 17, 2018, FTA published a Dear Colleague letter, "2019 Random Drug Testing Increase." FTA, as mandated by its drug and alcohol regulation for random testing, at 49 CFR 655.45, increases the minimum rate of random drug testing from 25 percent to 50 percent of covered employees for employers subject to FTA's drug and alcohol regulation, which took effect January 1, 2019. This increased random drug testing rate results from a recent uptick in the proportion of violations identified through random drug testing. The 50 percent random drug testing rate will apply to entities receiving Federal assistance under 49 U.S.C. 5307, 5309, 5311, or 5339 including recipients, subrecipients, and safety-sensitive contractors. The required minimum rate for random alcohol testing is unaffected and will remain at 10 percent for calendar year 2019.

This year, FTA is implementing new procedures to close Civil Rights findings. The corrective actions to your DBE, Title VI, and EEO deficiencies must be emailed to this address: **region9civilrights@dot.gov**. Please see Section VII of the draft report for more information. The corrective actions for your DBE, Title VI, and EEO deficiencies must follow these procedures.

Thank you for your cooperation and assistance during this Triennial Review. If you need any technical assistance or have any questions, please do not hesitate to contact Ms. Audrey Bredehoft, Senior Financial Analyst, at (415) 734-9453 or by email at audrey.bredehoft@dot.gov.

Sincerely,

For: Ray Tellis
Regional Administrator

Enclosure

cc: Mr. James Hartnett, General Manager/Chief Executive Officer, SamTrans
Mr. Peter Skinner, Manager, Grants and Fund Programming, SamTrans

FINAL REPORT

**FISCAL YEAR 2019
TRIENNIAL REVIEW**

of the

**San Mateo County Transit District
(SamTrans)
San Carlos, CA
ID: 1671**

Performed for:

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
REGION IX**

Prepared by:

Qi Tech, LLC

**Scoping Meeting Date: June 10, 2019
Site Visit Date: September 16-17, 2019
Final Report Date: October 31, 2019**

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I. Executive Summary

This report documents the Federal Transit Administration’s (FTA) Triennial Review of the San Mateo County Transit District (SamTrans) in San Carlos, California. FTA wants to ensure that awards are administered in accordance with the requirements of Federal Public Transportation Law 49 U.S.C. Chapter 53. The review was performed by Qi Tech, LLC. During the site visit, administrative and statutory requirements were discussed and documents were reviewed. SamTrans’ transit facilities were toured to provide an overview of activities related to FTA-funded projects.

The Triennial Review focused on the SamTrans’ compliance in 21 areas. Deficiencies were found in the areas listed below.

Review Area	Deficiencies	
	Code	Description
Procurement	P10-1	Lacking independent cost estimate
	P10-2*	Lacking required cost/price analysis
	P20-2	Pre-award and/or post-delivery audits not performed
	P20-3	Pre-award and/or post-delivery certifications lacking
Disadvantaged Business Enterprise (DBE)	DBE4-1	Semi-annual DBE reports not submitted or not submitted timely
	DBE12-4	Recipient not ensuring prompt payment
Title VI	TVI3-1	Title VI public notification not disseminated
Equal Employment Opportunity (EEO)	EEO4-2	Employment practices analyses deficiencies
	EEO4-3*	EEO reporting and monitoring system deficiencies

* Denotes repeat deficiency

II. Review Background and Process

1. Background

The United States Code, Chapter 53 of Title 49 (49 U.S.C. 5307(f) (2)) requires that “At least once every three years, the Secretary shall review and evaluate completely the performance of a grantee in carrying out its program, specifically referring to compliance with statutory and administrative requirements.” This Triennial Review was performed in accordance with FTA procedures (published in FTA Order 9010.1B, April 5, 1993).

The Triennial Review includes a review of the recipient’s compliance in 21 areas. The basic requirements for each of these areas are summarized in Section IV.

This report presents the findings from the Triennial Review of SamTrans. The review concentrated 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 award funds. The specific documents reviewed and referenced in this report are available at FTA’s regional office or the recipient’s office.

2. Process

The Triennial Review process includes a pre-review assessment, a review scoping meeting with the FTA regional office, and an on-site visit to the recipient’s location. A Recipient Information Request (RIR) package was sent to SamTrans advising it of the review and site visit and containing a list of items and questions that the recipient was required to submit to the reviewer. The review scoping meeting was conducted with the Region IX Office on June 10, 2019. Necessary files retained by the regional office were sent to the reviewer electronically. A Site Visit Agenda package was sent to SamTrans advising it of the site visit date and indicating information that would be needed and issues that would be discussed. The site visit to SamTrans occurred on September 16-17, 2019.

The onsite portion of the review began with an entrance conference, at which the purpose of the Triennial Review and the review process were discussed. The remaining time was spent discussing administrative and statutory requirements and reviewing documents. The reviewers toured the San Carlos Transit Center, San Carlos, and interviewed one of SamTrans’ operating contractors, First Transit, to obtain an overview of activities related to FTA-funded projects. The reviewers examined a sample of maintenance records for FTA-funded vehicles and equipment.

Upon completion of the review, FTA and the reviewer provided a summary of preliminary findings to SamTrans at an exit conference. Section VI of this report lists the individuals participating in the review.

3. Metrics

The metrics used to evaluate whether a recipient is meeting the requirements for each of the areas reviewed are:

- *Not Deficient*: An area is considered not deficient if, during the review, no findings were noted with the recipient's implementation of the requirements.
- *Deficient*: An area is considered deficient if any of the requirements within the area reviewed were not met.
- *Not Applicable*: An area can be deemed not applicable if, after an initial assessment, the recipient does not conduct activities for which the requirements of the respective area would be applicable.

III. Recipient Description

1. Organization and Services

The San Mateo County Transit District is the administrative body for the public transportation programs in San Mateo County. These programs include the SamTrans fixed-route bus, ADA complementary paratransit service, commuter bus, and dial-a-ride community shuttles. SamTrans also manages Caltrain commuter rail service under an agreement with the Peninsula Corridor Joint Powers Board (PCJPB). However, PCJPB receives its own Triennial Review.

SamTrans is governed by a nine-member Board of Directors comprised of two directors from the San Mateo County Board of Supervisors; three directors from city councils; one each for northern, central, and southern cities; three directors from the general public; and one additional public member, designated as a transportation expert, appointed by the Board of Supervisors.

SamTrans bus service operates throughout San Mateo County and in portions of Santa Clara County and San Francisco. Its service area is 446 square miles and has a population of approximately 720,100. The majority of fixed-route service is directly operated, but a portion of the service is provided under contract with MV Transportation. MV also operates the paratransit services for the coastside communities (RediCoast), while First Transit is the paratransit contractor for the urbanized cities (Redi-Wheels).

SamTrans operates a network of 70 fixed routes. Hours of service vary by route, but many routes operate 24 hours a day, 7 days per week. Redi-Wheels and RediCoast provide ADA complementary paratransit service within three-fourths of a mile of all bus routes and operate when those fixed-routes are in service. Therefore, much of the ADA complementary paratransit service is also available 24 hours a day, 7 days per week.

The basic adult fare for fixed-route bus service is \$2.25. A reduced fare of \$1.10 is offered to seniors age 65 or older; persons with disabilities; and persons with a Medicare card, Regional Transit Connection Discount Card, or a Disabled Placard Identification card from the Department of Motor Vehicles. The reduced fare is provided during all hours of operation. The Redi-Wheels and RediCoast fare is \$4.25 per trip.

SamTrans has a fleet of 295 buses for fixed-route service, consisting of low-floor 29-, 30-, 35-, and 40-foot transit coaches and 60-foot articulated buses. The current peak requirement is for 252 vehicles. SamTrans' fleet consists of diesel, electric hybrids, and most recently, battery electric buses. SamTrans operates 90 cutaways and minivans for the provision of ADA complementary paratransit service. All SamTrans revenue vehicles have FTA interest.

SamTrans operates from two maintenance facilities: The North Base facility in South San Francisco, which has federal interest; and the South Base facility in San Carlos, which was locally funded. The central base for paratransit operations is located at the Brewster Depot in Redwood City. SamTrans service is oriented around seven transit centers: Colma, Redwood City, Daly City BART Station, Millbrae BART Station, the San Carlos Caltrain Station, and the Palo Alto Caltrain Station. All the transit centers are locally funded, with the exception of the San Carlos Transit Center, which has FTA funds.

2. Award and Project Activity

Below is a list of the SamTrans' open awards at the time of the review.

Award Number	Award Amount	Year Executed	Description
CA-04-0221-00	\$8,450,000	2013	San Carlos TOD, Hybrid Buses
CA-57-X073-01	\$314,126	2014	Peninsula Rides Implementation and Development
CA-2016-091-00	\$42,557,933	2016	FY14, FY15, and FY16 2003 Gillig Replacement, Articulated Bus Replacement, ADA Operating Subsidy, Replacement Non-Rev Vehicles, and Expansion of Fixed Route 122
CA-2017-016-00	\$30,271,455	2017	FY16 Replacement of 2003 Gillig Buses, Articulated Buses, Minivans, Cutaway Buses, Non-Revenue Vehicles and ADA Operating
CA-2017-104-01	\$3,749,553	2017	FY17 Bus Replacement and ADA Operating Subsidy
CA-2018-101-00	\$3,459,000	2018	FY18 Traffic Signal Priority Project
CA-2019-087-00	\$2,611,687	2019	FY19 Replacement of Minivans, Support for Route 280, and ADA Operating Subsidy

Projects Completed

During the review period, SamTrans completed the following noteworthy projects:

- Replaced 50 fixed-route buses that were purchased in 2003
- Replaced 9 minivans and 10 cutaway buses
- Upgraded the Advanced Communications System
- Overhauled the shop bus lifts
- Completed the San Carlos Transit Center project.

Ongoing Projects

SamTrans is currently implementing the following noteworthy projects:

- Purchasing 10 battery electric buses
- Installing the charging infrastructure for the battery electric buses
- Replacing the 2002 articulated buses with 55 new articulated buses
- Implementing a traffic signal priority system for buses operating on El Camino Real (SR82) in San Mateo County.

Future Projects

SamTrans plans to pursue the following noteworthy project in the next three to five years:

- Replace the 2009 fixed-route buses
- Replace the 2015 cutaway buses
- Implement a pilot project to operate express bus service into San Francisco using the management lane project for US-101.

IV. Results of the Review

1. Legal

Basic Requirement: The recipient must promptly notify the FTA of legal matters and additionally notify the U.S. DOT Office of Inspector General (OIG) of any instances relating to false claims under the False Claims Act or fraud. Recipients must comply with restrictions on lobbying requirements.

Finding: During this Triennial Review of SamTrans, no deficiencies were found with the FTA requirements for Legal.

2. Financial Management and Capacity

Basic Requirement: The recipient must have financial policies and procedures; an organizational structure that defines, assigns, and delegates authority; and financial management systems in place to match, manage, and charge only allowable cost to the award. The recipient must conduct required single audits and provide financial oversight of subrecipients.

Finding: During this Triennial Review of SamTrans, no deficiencies were found with the FTA requirements for Financial Management and Capacity.

3. Technical Capacity – Award Management

Basic Requirement: The recipient must report progress of projects in awards to the FTA timely.

Finding: During this Triennial Review of SamTrans, no deficiencies were found with the FTA requirements for Technical Capacity – Award Management.

4. Technical Capacity – Program Management and Subrecipient Oversight

Basic Requirement: The recipient must follow the public involvement process for transportation plans; develop and submit a State Management Plan to the FTA for approval; report in the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) on subawards; and ensure subrecipients comply with the terms of the award.

Finding: During this Triennial Review of SamTrans, no deficiencies were found with the FTA requirements for Technical Capacity – Program Management and Subrecipient Oversight.

5. Technical Capacity – Project Management

Basic Requirement: The recipient must be able to implement FTA-funded projects in accordance with the award application, FTA Master Agreement, and all applicable laws and regulations, using sound management practices; and prepare force account plans.

Finding: During this Triennial Review of SamTrans, no deficiencies were found with the FTA requirements for Technical Capacity – Project Management.

6. Transit Asset Management

Basic Requirement: Recipients must comply with 49 CFR Part 625 to ensure public transportation providers develop and implement transit asset management (TAM) plans. Recipients' TAM plans must include an asset inventory, condition assessments of inventoried assets, and a prioritized list of investments to improve the state of good repair of their capital assets.

Finding: During this Triennial Review of SamTrans, no deficiencies were found with the FTA requirements for Transit Asset Management.

7. Satisfactory Continuing Control

Basic Requirement: The recipient must ensure that FTA-funded property will remain available to be used for its originally authorized purpose throughout its useful life until disposition.

Finding: During this Triennial Review of SamTrans, no deficiencies were found with the FTA requirements for Satisfactory Continuing Control.

8. Maintenance

Basic Requirement: Recipients must keep federally funded vehicles, equipment, and facilities in good operating condition. Recipients must keep ADA accessibility features on all vehicles, equipment, and facilities in good operating order.

Finding: During this Triennial Review of SamTrans, no deficiencies were found with the FTA requirements for Maintenance.

9. Procurement

Basic Requirement:

States: When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with 2 CFR §200.322 (*Procurement of Recovered Materials*) and ensure that every purchase order or other contract includes any clauses required by section 2 CFR §200.326 (*Contract Provisions*).

All other non-Federal entities, including subrecipients of a state, will follow 2 CFR §§200.318 (*General Procurement Standards*) through 200.326 (*Contract Provisions*).

Non-state recipients: The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, and conform to applicable Federal law and the standards identified in 2 CFR Part 200.

Where FTA funds are used in procurements for services or supplies, or where FTA-funded facilities or assets are used in revenue contracts, FTA Circular 4220.1F applies. FTA funds, even operating assistance, can be segregated from local funds. FTA Circular 4220.1F does not apply to wholly locally funded capital procurements.

Finding: During this Triennial Review of SamTrans, deficiencies were found with the FTA requirements for Procurement.

Lacking independent cost estimate (P10-1)

The independent cost estimate (ICE) for one of SamTrans' reviewed procurements, the purchase of 10 Heavy-Duty Battery Electric Buses (Proterra Bus procurement), was solely based on the cost of the vehicles on the procurement it was piggybacking on through the State of Washington. Per 2 CFR 200.323, federal recipients must make independent cost estimates before receiving bids or proposals that will exceed the Simplified Acquisition Threshold. Basing an ICE on the cost of the contract that the recipient plans to piggyback on is not an independent estimate. It is noted that SamTrans' procurement manual contains thorough instructions for completing an ICE, but for this procurement, those instructions were not followed.

Corrective Actions and Schedule: For the deficiency *Lacking independent cost estimate (P10-1)*, by February 19, 2020, SamTrans must provide the FTA regional office documentation that it has trained its staff to follow SamTrans' procurement manual for the development of independent cost estimates prior to receipt of bids or proposals. For its next applicable procurement, SamTrans must submit to the FTA regional office documentation that the required process was implemented.

Lacking required cost/price analysis (P10-2)

The cost/price analysis for one of SamTrans' reviewed procurements, the purchase of 10 Heavy-Duty Battery Electric Buses (Proterra Bus procurement), was not an analysis, but rather a copy of the pricing sheet for the bus purchase. According to 2 CFR 200.323, federal recipients must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold. It is noted that SamTrans' procurement manual contains detailed instructions for completing a cost or price analysis, but for this procurement, those instructions were not followed. This is a repeat deficiency from SamTrans' 2016 Triennial Review.

Corrective Actions and Schedule: For the deficiency *Lacking required cost/price analysis (P10-2)*, by February 19, 2020, SamTrans must provide the FTA regional office documentation that it has trained its staff to follow SamTrans' procurement manual for performing applicable cost or price analysis for procurements above its Simplified Acquisition Threshold. For its next applicable procurement, SamTrans must submit to FTA regional office documentation that the required analysis was implemented.

Pre-award and/or post-delivery audits not performed (P20-2)

The post-delivery Buy America audit for one of SamTrans' reviewed procurements, the purchase of 10 Heavy-Duty Battery Electric Buses (Proterra Bus procurement), was not included in the procurement file. Post-delivery Buy America audits are required under 49 CFR 663.33. SamTrans relies on a third-party contractor to perform the required audits, certifications, and inspections for its rolling stock procurements. While the third-party contractor certified that the Buy America audit was completed, there was no documentation to verify that the buses met the domestic content requirement.

Corrective Actions and Schedule: For the deficiency *Pre-award and/or post-delivery audits not performed (P20-2)*:

By December 17, 2019, SamTrans must conduct a Buy America post-delivery audit on the Proterra Bus procurement. SamTrans must also submit to the FTA regional office procedures for post-delivery review and inspection to ensure Buy America requirements for rolling stock are met.

By February 19, 2020, for its next applicable procurement, SamTrans must submit to the FTA regional office documentation that the Buy America post-delivery audit was completed.

Pre-award and/or post-delivery certifications lacking (P20-3)

The post-delivery purchaser's requirements certification was not included in one of SamTrans' reviewed procurement files, the purchase of 10 Heavy-Duty Battery Electric Buses (Proterra Bus procurement). This certification is required for federally assisted rolling stock procurements per 49 CFR 663.37. SamTrans' third-party contractor did not include the post-delivery purchaser's requirement certification in the procurement file, and SamTrans was not aware that the certification was missing.

Corrective Actions and Schedule: For the deficiency *Pre-award and/or post-delivery certifications lacking (P20-3)*:

By December 17, 2019, SamTrans must submit to the FTA regional office the post-delivery purchaser's requirement certification for the Proterra Bus procurement and procedures for completing the post-delivery audit certifications for future revenue rolling stock procurements. If the recipient cannot certify compliance, it must confer with the FTA regional office for the appropriate corrective action.

By February 19, 2020, for its next applicable procurement, SamTrans must submit to the FTA regional office documentation that the post-delivery purchaser's requirement certification was completed.

10. Disadvantaged Business Enterprise (DBE)

Basic Requirement: Recipients must comply with 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. Recipients also must create a level playing field on which DBEs can compete fairly for US DOT-assisted contracts.

Finding: During this Triennial Review of SamTrans, deficiencies were found with the US DOT requirements for DBE.

Semi-annual DBE reports not submitted or not submitted timely (DBE4-1)

Due to staff turnover, SamTrans submitted both of the semi-annual DBE Reports of Awards and Commitments late in Federal Fiscal Year 2018. However, 49 CFR 26.11(a) requires that the semi-annual reports are submitted by June 1 and December 1 of each fiscal year.

Corrective Action and Schedule: For the deficiency *Semi-annual DBE reports not submitted or not submitted timely (DBE4-1)*, by February 19, 2020, SamTrans must submit to the FTA Office of Civil Rights (TCR) an implemented procedure to ensure that future DBE reports are submitted on time.

Recipient not ensuring prompt payment (DBE12-4)

The prompt payment and return of retainage clause was missing from two of SamTrans' reviewed procurements, the purchase of 10 Heavy-Duty Battery Electric Buses (Proterra Bus procurement) and the In-Plant Bus Inspection Services. SamTrans mistakenly believed that the clause only belonged in construction contracts, when in fact 49 CFR 26.29 (d) requires that recipients that meet the DBE Program threshold include the prompt payment and return of retainage clause in all federally assisted contracts.

Corrective Actions and Schedule: For the deficiency *Recipient not ensuring prompt payment (DBE12-4)*, by February 19, 2020, SamTrans must submit to the FTA TCR documentation of a process to ensure the prompt payment and return of retainage clause is included in all FTA-assisted procurements. For its next applicable procurement, SamTrans must submit to FTA documentation that the prompt payment and return of retainage clause was included in the solicitation document.

11. Title VI

Basic Requirement: The recipient must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance without regard to whether specific projects or services are federally funded. The recipient must ensure that all transit services and related benefits are distributed in an equitable manner.

Finding: During this Triennial Review of SamTrans, a deficiency was found with the FTA requirements for Title VI.

Title VI public notification not disseminated (TVI3-1)

SamTrans' Title VI Program states, "the Notice to the Public regarding Title VI rights is posted at several highly visible locations around SamTrans Administrative headquarters at 1250 San Carlos Avenue, San Carlos, CA. In addition, ad cards with a similar notice are on all SamTrans revenue rolling stock." While SamTrans posted its Title VI Notice to Beneficiaries in the public areas of its building and on its fixed-route fleet, the notice was not posted on any paratransit vehicles. Per FTA Circular 4702.1B Chapter III.5, recipients must disseminate the Title VI Notice in the manner prescribed in its Title VI Program.

Corrective Action and Schedule: For the deficiency *Title VI public notification not disseminated (TVI3-1)*, by February 19, 2020, SamTrans must prepare and submit to the FTA TCR documentation of having notified the public of its rights under Title VI as described in its Title VI Program.

12. Americans With Disabilities Act (ADA) – General

Basic Requirement: Titles II and III of the ADA 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.

Finding: During this Triennial Review of SamTrans, no deficiencies were found with the US DOT requirements for ADA – General.

13. ADA – Complementary Paratransit

Basic Requirement: Under 49 CFR 37.121(a), each public entity operating a fixed-route system shall provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed-route system. "Comparability" is determined by 49 CFR 37.123-37.133. Requirements for complementary paratransit do not apply to commuter bus, commuter rail, or intercity rail systems.

Finding: During this Triennial Review of SamTrans, no deficiencies were found with the US DOT requirements for ADA – Complementary Paratransit.

14. Equal Employment Opportunity

Basic Requirement: The recipient must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or 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 under the Federal transit laws. (Note: Equal Employment Opportunity Commission's regulation only identifies/recognizes religion and not creed as one of the protected groups.)

Finding: During this Triennial Review of SamTrans, deficiencies were found with the FTA requirements for Equal Employment Opportunity.

Employment practices analyses deficiencies (EEO4-2)

SamTrans' former Civil Rights Program Manager retired in October 2018 and has not yet been replaced. This person served as the EEO Officer and was responsible for implementing SamTrans' EEO Program. The current EEO Officer responsibilities have been assumed by two Employee Relations Specialists until the Civil Rights Program Manager position can be filled; however, the Employee Relations Specialists are not familiar with all EEO requirements. Therefore, SamTrans has not been conducting regular narrative and statistical assessments of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization. SamTrans could not provide evidence that any narrative and statistical assessments had been conducted during the review period, as required in FTA Circular 4704.1A Ch. 2.2.6.

Corrective Action and Schedule: For the deficiency *Employment practices analyses deficiencies (EEO4-2)*, by February 19, 2020, SamTrans must submit to the FTA TCR a detailed narrative and statistical assessment of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization. SamTrans must submit to the FTA TCR a plan to routinely conduct this assessment in conjunction with evaluating short-term and long-range goals. The recipient must submit to the FTA TCR an employment practices chart that provides all the statistical data in FTA Circular 4704.1A Attachment 4.

EEO reporting and monitoring system deficiencies (EEO4-3)

Again, because the EEO Officer responsibilities have been shared for nearly a year by two Employee Relations Specialists that are not familiar with all EEO requirements, the reporting and monitoring system that is described in SamTrans' EEO Program has not been carried out since the Civil Rights Program Manager retired in October 2018. In addition, SamTrans could not provide evidence that the reporting and monitoring system was implemented during the review period, as mandated in FTA Circular 4704.1A Ch. 2.2.7. This is a repeat deficiency from SamTrans' 2016 Triennial Review.

Corrective Action and Schedule: For the deficiency *EEO reporting and monitoring system deficiencies (EEO4-3)*, by February 19, 2020, SamTrans must develop and submit to the FTA TCR a detailed EEO monitoring and reporting system.

15. School Bus

Basic Requirement: Recipients are prohibited from providing school bus service in competition with private school bus operators unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. Federally funded equipment or facilities cannot be used to provide exclusive school bus service.

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

16. Charter Bus

Basic Requirement: Recipients 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. Recipients are allowed to operate community-based charter services excepted under the regulations.

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

17. Drug-Free Workplace Act

Basic Requirement: Recipients are required to maintain a drug-free workplace for all award-related employees; report any convictions occurring in the workplace timely; and have an ongoing drug-free awareness program.

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

18. Drug and Alcohol Program

Basic Requirement: Recipients receiving Section 5307, 5309, 5311, or 5339 funds that have safety-sensitive employees must have a drug and alcohol testing program in place for such employees.

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

19. Section 5307 Program Requirements

Basic Requirements: For fixed-route service supported with Section 5307 assistance, fares charged seniors, persons with disabilities, or an individual presenting a Medicare card during off peak hours will not be more than one half the peak hour fares. Recipients are expected to have a written, locally developed process for soliciting and considering public comment before raising a fare or carrying out a major transportation service reduction. Recipients shall develop, publish, afford an opportunity for a public hearing on, and submit for approval, a program of projects (POP). Recipients must annually certify that they are spending at least one percent of such funds for transit security projects or that such expenditures for security systems are not necessary. Recipients must ensure that least one percent of such funds are expended on associated transit enhancement projects.

Finding: During this Triennial Review of SamTrans, no deficiencies were found with the FTA requirements for Section 5307 Program Requirements.

20. Section 5310 Program Requirements

Basic Requirement: Recipients must expend funds on eligible projects that meet the specific needs of seniors and individuals with disabilities. Projects selected for funding under the Section 5310 program must be included in a locally developed, coordinated public transit-human services transportation plan. Recipients must approve all leases of Section 5310-funded vehicles and ensure that leases include required terms and conditions. Either the recipient or subrecipient must hold title to the leased vehicles.

This section only applies to recipients that receive Section 5310 funds directly from FTA; therefore, the requirements are not applicable to the review of SamTrans.

21. Section 5311 Program Requirements

Basic Requirement: Recipients must expend funds on eligible projects to support rural public transportation services and intercity bus transportation.

This section only applies to recipients that receive Section 5311 funds directly from FTA; therefore, the requirements are not applicable to the review of SamTrans.

V. Summary of Findings

Review Area	Finding	Deficiency Code(s)	Corrective Action	Response Due Date	Date Closed
1. Legal	ND				
2. Financial Management and Capacity	ND				
3. Technical Capacity – Award Management	ND				
4. Technical Capacity – Program Management and Subrecipient Oversight	ND				
5. Technical Capacity – Project Management	ND				
6. Transit Asset Management	ND				
7. Satisfactory Continuing Control	ND				
8. Maintenance	ND				
9. Procurement	D	P10-1: Lacking independent cost estimate	SamTrans must provide the FTA regional office documentation that it has trained its staff to follow SamTrans’ procurement manual for the development of independent cost estimates prior to receipt of bids or proposals. For its next applicable procurement, SamTrans must submit to the FTA regional office documentation that the required process was implemented.	February 19, 2020	
	D	P10-2*: Lacking required cost/price analysis	SamTrans must provide the FTA regional office documentation that it has trained its staff to follow SamTrans’ procurement manual for performing applicable cost or price analysis for procurements above its Simplified Acquisition Threshold. For its next applicable procurement, SamTrans must submit to FTA documentation that the required analysis was implemented.	February 19, 2020	

* Denotes repeat deficiency

Review Area	Finding	Deficiency Code(s)	Corrective Action	Response Due Date	Date Closed
	D	P20-2: Pre-award and/or post-delivery audits not performed	SamTrans must conduct a Buy America post-delivery audit on the Proterra Bus procurement. SamTrans must also submit to the FTA regional office procedures for post-delivery review and inspection to ensure Buy America requirements for rolling stock are met. For its next applicable procurement, SamTrans must submit to the FTA regional office documentation that the Buy America post-delivery audit was completed.	December 17, 2019 February 19, 2020	
	D	P20-3: Pre-award and/or post-delivery certifications lacking	SamTrans must submit to the FTA regional office the post-delivery purchaser's requirement certification for the Proterra Bus procurement and procedures for completing the post-delivery audit certifications for future revenue rolling stock procurements. If the recipient cannot certify compliance, it must confer with the FTA regional office for the appropriate corrective action. For its next applicable procurement, SamTrans must submit to the FTA regional office documentation that the post-delivery purchaser's requirement certification was completed.	December 17, 2019 February 19, 2020	
10. Disadvantaged Business Enterprise (DBE)	D	DBE4-1: Semi-annual DBE reports not submitted or not submitted timely	SamTrans must submit to the FTA Office of Civil Rights (TCR) an implemented procedure to ensure that future DBE reports are submitted on time.	February 19, 2020	
	D	DBE12-4: Recipient not ensuring prompt payment	SamTrans must submit to the FTA TCR documentation of a process to ensure the prompt payment and return of retainage clause is included in all FTA-assisted procurements. For its next applicable procurement, SamTrans must submit to FTA documentation that the prompt payment and return of retainage clause was included in the solicitation document.	February 19, 2020	

* Denotes repeat deficiency

Review Area	Finding	Deficiency Code(s)	Corrective Action	Response Due Date	Date Closed
11. Title VI	D	TVI3-1: Title VI public notification not disseminated	SamTrans must prepare and submit to the FTA TCR documentation of having notified the public of its rights under Title VI as described in its Title VI Program.	February 19, 2020	
12. Americans With Disabilities Act (ADA) - General	ND				
13. ADA – Complementary Paratransit	ND				
14. Equal Employment Opportunity (EEO)	D	EEO4-2: Employment practices analyses deficiencies	SamTrans must submit to the FTA TCR a detailed narrative and statistical assessment of present employment practices to identify those practices that operate as employment barriers and unjustifiably contribute to underutilization. SamTrans must submit to the FTA TCR a plan to routinely conduct this assessment in conjunction with evaluating short-term and long-range goals. The recipient must submit to FTA TCR an employment practices chart that provides all the statistical data in FTA Circular 4704.1A Attachment 4.	February 19, 2020	
	D	EEO4-3*: EEO reporting and monitoring system deficiencies	SamTrans must develop and submit to the FTA TCR a detailed EEO monitoring and reporting system.	February 19, 2020	
15. School Bus	ND				
16. Charter Bus	ND				
17. Drug-Free Workplace Act	ND				
18. Drug and Alcohol Program	ND				
19. Section 5307 Program Requirements	ND				
20. Section 5310 Program Requirements	NA				
21. Section 5311 Program Requirements	NA				

* Denotes repeat deficiency

VI. Attendees

Name	Title	Phone Number	E-mail Address
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Jim Hartnett	General Manager/CEO	650-508-6221	hartnettj@samtrans.com
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Carter Man	Deputy General Manager/CEO	650-622-7984	manc@samtrans.com
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Juliet Nogales-DeGuzman	Director, Human Resources	650-508-6236	nogalesdeguzmanj@samtrans.com
Fred Ocampo	Manager, Bus Maintenance	650-508-6485	ocampof@samtrans.com
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Name	Title	Phone Number	E-mail Address
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David Scarbor	Accessibility Coordinator	650-508-6475	scarbord@samtrans.com
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Enrique Silvas	Associate Operations Contractor Administrator	650-508-6491	silvase@samtrans.com
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Peter Skinner	Manager, Grants and Fund Programming	650-622-7818	skinnerp@samtrans.com
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<i>Contractor – First Transit</i>			
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<i>Contractor – MV Transportation</i>			
Lawrence Devereaux	Maintenance Manager	415-648-3010	lawrence.devereaux@mvtansit.com
<i>FTA (via telephone)</i>			
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Lynette Little	Regional Civil Rights Officer	415-734-9464	lynette.little@dot.gov
<i>Qi Tech, LLC</i>			
Gwen Larson	Technical Program Manager	920-746-4595	gwen_larson@qitechllc.com
Michael Warren	Associate Reviewer	414-292-5267	michael_warren@qitechllc.com

VII. Appendices

Civil Rights Corrective Action Procedures:

Please submit Corrective Actions for all Civil Rights deficiencies to the following email address:

region9civilrights@dot.gov

- A separate email should be sent to address each deficiency separately with attached supporting documentation
- Email Subject Line: TR FY19 Corrective Action: Recipient Name/ID, Deficiency Code #, and Deficiency Title

Example: TR FY19 Corrective Action: SamTrans/1671, DBE4-1: Semi-annual DBE reports not submitted or not submitted timely

- The body of the email should contain a short summary of the corrective action.
- Supporting documents should be sent as PDF files. No MS Word or Excel spreadsheets.