

STAFF REPORT

SUBJECT: 2018 FTA Triennial Review
FROM: Tamara Edwards, Director of Finance
DATE: September 25, 2018

Action Requested

Review the 2018 FTA Triennial report.

Background

As required by federal statutes, every three years transit agencies who are recipients of federal financial assistance are reviewed with respect to their compliance with federal rules and regulations. LAVTA's Triennial review was recently completed and a final report was issued on August 22, 2018. The review covers the period 2015, 2016, and 2017.

Discussion

FTA's final report is attached to this staff paper, and fully describes the 20 areas of interest to the federal government, and their report of LAVTA's compliance in each area. Of the 20 areas, LAVTA was found to have no deficiencies in 19. FTA found deficiencies in one area, Satisfactory Continuing Control in regard to the agencies spare ratio.

For each finding, FTA has specified the date by which the deficiency must be remediated. Staff has already sent in our corrective action plan and it has been approved by FTA staff.

Attachment 1 provides the summarized findings and LAVTA's actions taken.

Federal regulations continually change in the transit industry and the Triennial is a good mechanism to ensure that LAVTA is aware of all the changes. The FTA and its reviewers were overall very pleased with LAVTA and the results of the review.

Budget

NA

Next Steps

LAVTA will work with the FTA to close out the one finding.

Recommendation

Review the 2018 FTA Triennial report.

Attachments:

1. Spare ratio resolution sent to the FTA
2. 2018 FTA Triennial Review – final report

LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY

S T A F F R E P O R T

SUBJECT: Fleet Spare Ratio

FROM: David Massa, Senior Fleet & Technology Management Specialist

DATE: September 12, 2018

Background

During the 2018, the Federal Transit Administration's Triennial Audit of LAVTA's (herein referred to as the agency) fleet, it was deemed that the agency's spare ratio was too high.

In the second quarter of CY 2018, the agency fixed-route spare ratio stood at 22.45%.

Today

Current Federal Transit Administration guidance states that an agency's revenue vehicle spare ratio should not exceed 20% regardless of fleet size. If an agency has 60 buses they are allowed a 20% spare ratio. If an agency has 1000 buses they are allowed a 20% spare ratio.

The Agency's current spare ratio is just over 22%. Due to our very small fleet size the difference between a 20% and 22% spare ratio, in our case, amounts to 1 bus.

Action to Reduce the Spare Ratio

The following page displays the fleet reduction plan. Fleet levels are reassessed annually in order to determine the need to replace or not replace an asset based on projected service levels.

Fleet Retirement Plan by Vehicle Type through CY 2019 as of September 2018

Year/Model	Type	Quantity	Disposal CY	# of Planned Replacements	Active Fleet Size	Spare Ratio
2007 Gillig Hybrid	General Fixed Route	1	2019	0	59	20%

Through bus retirements, without replacements, the agency will be within the acceptable range of the spare ratio requirement. This assumes that the peak vehicle requirement remains steady at 49 vehicles. As stated previously, the number of peak vehicles required will be reassessed annually and the replacement schedule adjusted as necessary.

Summary

The agency is and has been actively reducing its active fleet size. We believe that our spare ratio will be within the acceptable range by the end of the calendar year 2019

FINAL REPORT

**FISCAL YEAR 2018
TRIENNIAL REVIEW**

of

**Livermore Amador Valley Transit Authority
(LAVTA)
Livermore, CA**

Recipient ID: 5296

Performed for:

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

Prepared By:

CDI/DCI Joint Venture

Scoping Meeting Date: February 23, 2018

Site Visit Date: July 10-12, 2018

Draft Report Date: July 26, 2018

Final Report Date: August 22, 2018

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I. Executive Summary

This report documents the Federal Transit Administration’s (FTA) Triennial Review of the Livermore Amador Valley Transit Authority (LAVTA), in Livermore, California. The review was performed by CDI/DCI Joint Venture. During the site visit, administrative and statutory requirements were discussed, and documents were reviewed. LAVTA’s transit facility was toured to provide an overview of activities related to FTA-funded projects.

The Triennial Review focused on LAVTA’s compliance in 20 areas. A deficiency was found in the area listed below.

Review Area	Deficiencies	
	Code	Description
Satisfactory Continuing Control	SCC9-1	Excessive fixed-route bus spare ratio

II. Review Process and Background

1. Background

The United States Code, Chapter 53 of Title 49 (49 US.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.”

The Triennial Review includes a review of the recipient’s compliance in 20 areas. The basic requirements for each of these areas are summarized in Section IV.

This report presents the findings from the Triennial Review of the Livermore Amador Valley Transit Authority. 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 grants. 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 onsite visit at the recipient’s location. A Recipient Information Request (RIR) package was sent to LAVTA advising it of the review and site visit 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 February 23, 2018. Additional files retained by the regional office were sent to the reviewer electronically. A Site Visit Agenda package was sent to LAVTA advising it of the site visit date and indicating information that would be needed and issues that would be discussed. The site visit to LAVTA occurred on July 10-12, 2018.

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 reviewer visited LAVTA’s transit facility and Intermodal Station to provide an overview of activities related to FTA-funded projects.

The reviewer 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 LAVTA 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 grantee'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 grantee does not conduct activities for which the requirements of the respective area would be applicable.

III. Recipient Description

1. Organization and Services

The Livermore Amador Valley Transit Authority (LAVTA) is a joint powers authority established in 1986. It provides transit service to the Tri-Valley area 39 miles east of San Francisco and 28 miles north of Silicon Valley, serving the cities of Livermore, Pleasanton, Dublin, and unincorporated areas of eastern Alameda County. LAVTA contracts with MV Transportation, Inc. for its Wheels fixed route service and with Medical Transportation Management (MTM) for complementary paratransit service. The population of LAVTA's service area is approximately 230,968. LAVTA operates a network of 28 fixed routes. Service is provided seven days per week from 4:34 a.m. to 1:36 a.m. Monday-Friday, and from approximately 5:34 a.m. to 1:36 a.m. Saturday and Sunday. LAVTA's complementary paratransit service, known as Dial-a-Ride, operates during the same days and hours of service as the fixed routes.

The basic adult fare for bus service is \$2.00. A reduced fare of \$1.00 is offered to seniors, persons with disabilities, and Medicare cardholders during all hours. The fare for Dial-a-Ride paratransit service is \$3.50. LAVTA offers monthly passes and discounted multi-ride ticket options.

LAVTA operates a fleet of 60 buses for fixed route service. Its bus fleet consists of standard and low floor 29, 35 and 40-foot transit coaches. The current peak requirements for 48 vehicles. LAVTA's spare ratio currently is 25%. The spare ratio decreased during the review period due to the agency following an FTA-approved fleet management plan to reduce its excessive fleet. The agency anticipates being in full compliance with the FTA mandated spare ratio by the end of calendar year 2019.

LAVTA operates from a single maintenance and administration facility at 1362 Rutan Court in Livermore. It maintains a bus storage, washing and fueling facility at 875 Atlantis Court. Service is oriented around a transit center at 2500 Railroad Avenue in downtown Livermore. All three facilities have an FTA interest.

The LAVTA's National Transit Database Report for fiscal year 2017 has been accepted by FTA.

2. Award and Project Activity

Below is LAVTA's open awards at the time of the review.

Award Number	Award Amount	Year Executed	Description
CA-2017-146	\$14,639,017	2017	Bus replacement, preventive maintenance
CA-2016-018	\$1,009,440	2016	Dublin Boulevard, Transit performance
CA-03-0801	\$10,930,000	2012	Bus Rapid Transit

Projects completed:

Purchase of 40 buses: 20 purchased in 2016, and 20 purchased in 2017. Includes a mix of 29', 35' and 40' heavy-duty buses.

Transit Performance Initiative (TPI) Project on Dublin Blvd: The project upgraded the traffic system to include adaptive signal technology to improve travel times, and three new bus queues jump lanes were installed. Additionally, the project brought a GTFS-Real time feed to the LAVTA bus system and now real time bus information is being made available on several phone apps.

Implementation of major fixed route restructuring in August 2016: A comprehensive operational analysis (Wheels Forward) was conducted in 2015/16 and recommendations were implemented in August 2016 to streamline routes, reduce duplicative routes/route segments, eliminate unproductive routes/route segments, improve bus stop spacing, and increase frequency along major BART feeder lines.

Resurfacing Rutan Parking Lot: A slurry seal was done on the Rutan Administration building parking lot in 2017, which also included several ADA upgrades.

On-going Projects:

LAVTA is upgrading the Transit Signal Priority on the fleet of Rapid buses and along the Rapid corridors (Locally Funded). The project will be upgrading the Transit Signal Priority (TSP) along the Rapid BRT lines from infrared to GPS-based and will expand TSP to new corridors in Pleasanton.

BRT Corridor Upgrade Project (North Canyons Federally Funded). The project will upgrade the bus stop amenities along the 30R line in Livermore to the Rapid branded-style including premium shelters, real time transit information, seating, bicycle storage, and lighting.

Go Dublin TNC Pilot -A pilot partnership with TNCs (uber, lyft, De Soto cab) was launched in January 2017. The pilot was developed through the Wheels Forward study. The pilot includes a discount of up to \$5 for rideshare trips taken within the City of Dublin.

Santa Rita Bus Stop Upgrade Project (Locally Funded). The project will upgrade the bus stop amenities along the 10R line in Pleasanton to the Rapid branded-style including premium shelters, real time transit information, seating, bicycle storage, and lighting.

Historic Depot Project -The City of Livermore is relocating a Historic Train Depot to the Livermore Transit Center, which is owned by LAVTA. The existing ticket building was demolished, a temporary ticket office has been constructed, and the Depot building has been moved and is currently under renovation.

Mobility Forward: Paratransit Assessment (Locally Funded). This study is examining ways to enhance efficiency and improve service delivery for paratransit service(s) throughout the Tri-Valley. Study recommendations are expected to be considered by the Board in Spring 2018, with implementation in Fiscal Year 2019.

Shared Autonomous Vehicle Pilot (Locally Funded). This project will involve testing a level 4 Shared Autonomous Vehicle (SAV) in the City of Dublin on public roads and connecting with a mass transit (BART) station.

Individualized Marketing (Federally Funded). This project, involving door-to-door travel training and marketing of Rapid services, was introduced along the 10R Santa Rita corridor in Spring 2017. This project will be expanded to the 30R Dublin Blvd corridor in Spring 2018.

Renovation of the Livermore Transit Center (Federally Funded). This project will provide necessary repairs to the Transit Center passenger waiting area, including repainting the shade structure, lighting and security improvements, new street furniture, and a repair of the asphalt in the drive aisle.

Future Projects:

Farebox Upgrade on the remaining fleet of buses (20).

Completion of the SAV test and expansion of the SAV program.

Upgrade of the non-revenue fleet.

Atlantis Facility Phase III and IV design.

IV. Results of the Review

1. Legal

Basic Requirement: The recipient must promptly notify the Federal Transit Administration (FTA) of legal matters and additionally notify the U.S. Department of Transportation (US 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 LAVTA, 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 LAVTA, 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 LAVTA, 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 LAVTA, 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 LAVTA, no deficiencies were found with the FTA requirements for Technical Capacity – Project Management.

6. 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 LAVTA, a deficiency was found with the FTA requirements for Satisfactory Continuing Control.

Deficiency: SCC9-1: Excessive fixed-route bus spare ratio

LAVTA's spare ratio is 25%. Currently, LAVTA is operating under an FTA-approved fleet management plan to reduce its excessive fleet. While the spare ratio has significantly decreased during the review period, it continues to exceed the FTA mandated spare ratio of 20%.

Corrective Action and Schedule: By October 16, 2018, the recipient must submit to the FTA regional office an updated plan for reducing the spare ratio to 20 percent for fleets of 50 or more buses or to what is reasonable for fleets under 50 buses. The plan should include a spreadsheet listing for each bus type, the number of buses, and, for each year until the spare ratio reaches 20 percent, the number of buses to be disposed of, the number of buses to be added, the projected peak requirement, and the projected spare ratio. The plan should include detailed justifications for years in which spare ratios exceed 20 percent. If the plan cannot be completed within 90 days, the recipient must notify FTA and begin reporting progress in quarterly/annual reports.

7. Maintenance

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

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

8. 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.

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

9. Disadvantaged Business Enterprise

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 Disadvantaged Business Enterprises (DBEs) can compete fairly for US DOT-assisted contracts.

Finding: During this Triennial Review of LAVTA, no deficiencies were found with the U.S. Department of Transportation (US DOT) requirements for Disadvantaged Business Enterprises (DBEs).

10. 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 LAVTA, no deficiencies were found with the FTA requirements for Title VI.

11. Americans With Disabilities Act – General

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.

Finding: During this Triennial Review of LAVTA, no deficiencies were found with the U.S. Department of Transportation (US DOT) requirements for Americans with Disabilities Act (ADA) - General.

12. Americans With Disabilities Act – Complementary Paratransit

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.

Finding: During this Triennial of LAVTA, no deficiencies were found with the U.S. Department of Transportation requirements for Americans with Disabilities Act (ADA) - Complementary Paratransit.

13. 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.)

This review area only applies to recipients that are required to submit a full or abbreviated EEO Program based on the number of its transit-related employees and whether it reaches a monetary threshold. Therefore, the requirements of this review area are not applicable to the review of LAVTA

14. 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 LAVTA, no deficiencies were found with the FTA requirements for School Bus.

15. 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 LAVTA, no deficiencies were found with the FTA requirements for Charter Bus.

16. 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 LAVTA, no deficiencies were found with the FTA requirements for Drug-Free Workplace Act.

17. 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 LAVTA, no deficiencies were found with the FTA requirements for Drug and Alcohol Program.

18. 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.

LAVTA had no deficiencies in its 5307 program implementation.

19. 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 review area only applies to recipients that receive Section 5310 funds; therefore, the requirements of this review area are not applicable to the review of LAVTA.

20. Section 5311 Program Requirements

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

This review area only applies to recipients that receive Section 5311 funds; therefore, the requirements of this review area are not applicable to the review of LAVTA.

V. Summary of Findings

Review Area	Deficiencies		Corrective Action	Response Due Date	Date Closed
	Code	Description			
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. Satisfactory Continuing Control	D	SCC9-1: Excessive fixed-route bus spare ratio	The recipient must submit to the FTA regional office a plan for reducing the spare ratio to 20 percent for fleets of 50 or more buses or to what is reasonable for fleets under 50 buses. The plan should include a spreadsheet listing for each bus type, the number of buses, and, for each year until the spare ratio reaches 20 percent, the number of buses to be disposed of, the number of buses to be added, the projected peak requirement, and the projected spare ratio. The plan should include detailed justifications for years in which spare ratios exceed 20 percent. If the plan cannot be completed within 90 days, the recipient must notify FTA and begin reporting progress in quarterly/annual reports.	October 16, 2018	
7. Maintenance	ND				
8. Procurement	ND				
9. Disadvantaged Business Enterprise (DBE)	ND				
10. Title VI	ND				

Review Area	Deficiencies		Corrective Action	Response Due Date	Date Closed
	Code	Description			
11. Americans With Disabilities Act (ADA) - General	ND				
12. Americans With Disabilities Act (ADA) Complementary Paratransit	ND				
13. Equal Employment Opportunity (EEO)	NA				
14. School Bus	ND				
15. Charter Bus	ND				
16. Drug-Free Workplace Act	ND				
17. Drug and Alcohol Policy	ND				
18. Section 5307 Program Requirements	ND				
19. Section 5310 Program Requirements	NA				
20. Section 5311 Program Requirements	NA				

VI. Attendees List

Name	Title	Phone Number	E-mail Address
<i>Livermore Amador Valley Transit Authority</i>			
Michael Tree	Executive Director	925-455-7564	mtree@lavta.org
Tamara Edwards	Director of Finance	925-455-7566	tedwards@lavta.org
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Tony McCaulay	Director of Planning & Marketing	925-455-7553	tmccaulay@lavta.org
Cyrus Shelk	Sr. Transit Planner	925-455-7555	cshelk@lavta.org
Kadri Kulm	Paratransit Planner	925-455-7575	kkulm@lavta.org
<i>MTM</i>			
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Scott Transue	Region Vice President	619-734-5842	stransue@ride-right.net
Thomas Greufe	Director of Safety Administration	602-758-2303	tgreufe@ride-right.net
<i>MV Transit</i>			
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Carol (DJ) Jackson	Facility Maintenance Supervisor	925-455-7528	carol.jackson@mvtransit.com
Karen Gaskin	Safety Supervisor	925-455-7514	Karen.gaskin@mvtransit.com
<i>FTA</i>			
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Lynette Little	Regional Civil Rights Officer for Region IX	415-734-9464	lynette.little@dot.gov
Marisa Appleton	Civil Rights Officer for Oversight	312-705-1270	marisa.appleton@dot.gov
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<i>CDI/DCI Joint Venture</i>			
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VII. Appendices

No appendices included in this report.