

STAFF REPORT

SUBJECT: 2024 FTA Triennial Review
FROM: Tamara Edwards, Director of Finance
DATE: September 9, 2024

Action Requested

Review the 2024 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, 2024. The review covers the period 2022, 2023 and 2024.

Discussion

FTA's final report is attached to this staff paper, and fully describes the 23 areas of interest to the federal government, and their report of LAVTA's compliance in each area. Of the 23 areas, LAVTA was found to have zero deficiencies or findings.

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 pleased with LAVTA and the review results.

Recommendation

Review the 2024 FTA Triennial report.

Attachments:

1. 2024 FTA Triennial Review – final report



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

REGION IX
Arizona, California,
Hawaii, Nevada, Guam,
American Samoa,
Northern Mariana Islands

888 South Figueroa Street
Suite 440
Los Angeles, CA 90017-5467
213-202-3950 (Southern California)
415-734-9490 (Bay Area)

August 20, 2024

Christy Wegener
Executive Director
Livermore Amador Valley Transit Authority
1352 Rutan Court Ste 100
Livermore, CA 94551

Re: FY 2024 Triennial Review Draft Report

Dear Ms. Wegener:

I am pleased to provide you with a copy of the Federal Transit Administration (FTA) draft report which documents the results of FTA's Fiscal Year (FY) 2024 Triennial Review of Livermore Amador Valley Transit Authority (LAVTA) in Livermore, California. Although not an audit, the Triennial Review, as required by [49 U.S.C. 5307\(f\)\(2\)](#), is the FTA's assessment of LAVTA's 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 program funding requirements.

Due to the Coronavirus 2019 (COVID-19) Public Health Emergency, FTA expanded the review to address LAVTA's compliance with the administrative relief and flexibilities FTA granted and the requirements of the [COVID-19 Relief](#) funds provided through the *Coronavirus Aid, Relief, and Economic Security Act* of 2020 (CARES); *Coronavirus Response and Relief Supplemental Appropriations Act* of 2021 (CRRSAA); and the *American Rescue Plan Act* of 2021 (ARP).


The Triennial Review focused on LAVTA's compliance in 23 areas. The review revealed **no deficiencies** with FTA requirements in any of these areas.

Please review this draft report for accuracy and provide your comments to both the reviewer and your FTA Post-Award Manager within 10 business days from the date of this letter, **September 4, 2024**. The FTA will provide you with a final report that incorporates your comments to the draft report within 14 business days of your response.

Thank you for your cooperation and assistance during this Triennial Review. If you have any questions, please contact your assigned Post-Award Manager, Catherine Luu, General Engineer, at 415-744-9467 or catherine.luu@dot.gov; or your assigned Review Coordinator, Philoki Barros, Transportation Program Specialist, at 415-734-9452 or philoki.barros@dot.gov. If you need any technical assistance before FTA issues the Final Report, please contact Joni Roeseler, your reviewer with Team TFC, at 816-560-5827 or jroeseler@tfcci.net.

Sincerely,

DARIN J
ALLAN

 Digitally signed by DARIN
J ALLAN
Date: 2024.08.20
10:39:30 -07'00'

For Ray Tellis
Regional Administrator

Attachment

DRAFT REPORT

**FISCAL YEAR 2024
TRIENNIAL REVIEW**

of

**Livermore Amador Valley Transit Authority
LAVTA
Livermore, California
ID: 5296**

Performed for:

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
REGION 9**

Prepared By:

TFC Consulting Inc.

Desk Review/Scoping Meeting Date: March 19-22, 2024

Site Visit Entrance Conference Date: July 11, 2024

Site Visit Exit Conference Date: July 22, 2024

Draft Report Date: August 20, 2024

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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) of Livermore, California. The FTA wants to ensure that awards are administered in accordance with the requirements of federal public transportation law in [49 U.S.C. Chapter 53](#). The review was performed by TFC Consulting, Inc. During the site visit, the reviewers discussed the administrative and statutory requirements and reviewed recipient documents.

Due to the Coronavirus 2019 (COVID-19) Public Health Emergency, the FTA expanded the review to address LAVTA’s compliance with the administrative relief and flexibilities that the FTA granted, and the requirements of the [COVID-19 Relief](#) funds provided through the *Coronavirus Aid, Relief, and Economic Security Act* of 2020 (CARES); *Coronavirus Response and Relief Supplemental Appropriations Act* of 2021 (CRRSAA); and the *American Rescue Plan Act* of 2021 (ARP). The FTA also requested the LAVTA share if and/or how it suspended, deviated from, or significantly updated or altered its transit program due to the public health emergency.

The Fiscal Year (FY) 2024 Triennial Review focused on LAVTA’s compliance in 23 areas. The review found **no deficiencies** with FTA requirements in any of these areas.

Summary of Findings

Review Area	Finding	Deficiency		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	NA				
5. Technical Capacity – Project Management	ND				
6. Transit Asset Management	ND				
7. Satisfactory Continuing Control	ND				
8. Maintenance	ND				
9. Procurement	ND				

Review Area	Finding	Deficiency		Response Due Date	Date Closed
		Code	Description		
10. Disadvantaged Business Enterprise	ND				
11. Title VI	ND				
12. Americans with Disabilities Act (ADA) – General	ND				
13. ADA – Complementary Paratransit	ND				
14. Equal Employment Opportunity	ND				
15. School Bus	ND				
16. Charter Bus	ND				
17. Drug-Free Workplace	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				
22. Public Transportation Agency Safety Plan	ND				
23. Cybersecurity	NA				

The metrics used to evaluate whether a recipient is meeting the requirements for each of the areas reviewed are: Deficient (D) / Not Deficient (ND) / Not Applicable (NA).

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 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...” The FTA performs this Triennial Review in accordance with its procedures (published in FTA Order 9010.1B, April 5, 1993).

The [Triennial Review](#) includes a review of the recipient’s compliance in 23 areas. The basic requirements for each of these areas are summarized in Section IV. The FTA contracts with experienced reviewers to lead and conduct the reviews, in partnership with the staff of the regional office.

This report presents the findings from the Triennial Review of the recipient. The review concentrated on procedures and practices employed since the recipient’s previous Triennial Review in 2021; however, coverage was extended to earlier periods as appropriate to assess the policies in place and the management of award funds. The specific documents reviewed and referenced in this report are available at the FTA regional office or the recipient’s location.

2. Process

The Triennial Review includes a pre-review assessment, a desk review and scoping meeting with the FTA regional office, and a site visit to the recipient’s location. Due to the Coronavirus 2019 (COVID-19) Public Health Emergency, the FTA expanded the review to address the recipient’s compliance with the administrative relief and flexibilities that the FTA granted, and the requirements of the [COVID-19 Relief](#) funds provided through the *Coronavirus Aid, Relief, and Economic Security Act* of 2020 (CARES); *Coronavirus Response and Relief Supplemental Appropriations Act* of 2021 (CRRSAA); and the *American Rescue Plan Act* of 2021 (ARP). The FTA also requested the recipient share if and/or how it suspended, deviated from, or significantly updated or altered its transit program due to the public health emergency.

The Fiscal Year (FY) 2024 process began with the regional office transmitting FTA’s notification of the review and a Recipient Information Request (RIR). While the recipient prepared its response to the RIR, the regional office and review team conducted a desk review and scoping meeting. Regional office staff provided electronic files as necessary to the reviewers who also accessed recipient information in the FTA electronic award management and program oversight systems: [Transit Award Management System \(TrAMS\)](#) and [Oversight Tracking System \(OTrak\)](#). Following the desk review and scoping meeting, the reviewers and the recipient corresponded and exchanged information and documentation in preparation for the site visit. Prior to the site visit, the reviewer sent to the recipient an agenda package indicating the issues for discussion, records to be reviewed, and interviews to be conducted.

The site visit began with an entrance conference, at which the reviewers and regional staff discussed the purpose of the Triennial Review and the review process. The reviewers conducted additional interviews and reviewed documentation to evidence the recipient’s compliance with FTA requirements.

Upon completion of the site visit, the reviewers and the FTA regional office staff discussed preliminary findings with the recipient, and subsequently presented and provided the findings formally at the exit conference, conducted virtually. The table below summarizes key review dates. Section V of this report lists the individuals participating in the entrance conference, exit conference, and/or the site visit.

Key Review Dates

12/20/2023	FTA transmits the Recipient Information Request (RIR)
2/29/2024	RIR response is due to the Reviewers
3/19-22/2024	Scoping Meeting between FTA and the Reviewers
6/24/2024	Reviewer transmits the Agenda Package
7/11/2024	Site Visit begins with Entrance Conference
7/12/2024	Site Visit ends
7/22/2024	Exit Conference (virtual)
9/24/2024	Final Report to be sent to the Recipient within 45 business days from the Exit Conference

3. Metrics

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

- Not Deficient (ND): An area is considered not deficient if, during the review, nothing came to light that would indicate the requirements within the area reviewed were not met.
- Deficient (D): An area is considered deficient if any of the requirements within the area reviewed were not met.
- Not Applicable (NA): 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

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 County Connection for complementary paratransit service. The population of LAVTA’s service area is approximately 252,774.

Currently, LAVTA operates a network of 29 fixed routes, and service is provided seven (7) days per week from 4:17 a.m. to 11:10 p.m. Monday-Friday, and from approximately 5:00 a.m. to 11:00 p.m. Saturday and Sunday. LAVTA has been working to restore service since some service was suspended during the pandemic; in 2022, LAVTA restored approximately 80% of pre-pandemic service, increasing that to 90% in 2023. In early 2024, LAVTA implemented a major network realignment to provide expanded coverage in order to better connect riders with Bay Area Rapid Transit (BART) and is seeing positive ridership gains as a result. 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. Additionally, LAVTA participates in the Bay Area’s regional low-income fare program, Clipper START. The fare for Dial-a-Ride paratransit service is \$3.75. LAVTA offers monthly passes for Fixed Route.

LAVTA operates 60 buses for fixed route service, with a bus fleet consisting of standard and low floor 29, 35 and 40-foot transit coaches. The peak requirement is currently 49 vehicles, for a spare ratio of 22%. 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.

2. Award and Project Activity

Below is a list of LAVTA’s open awards at the time of the review.

FAIN	Award Amount	Year Executed	Award Name
CA-2019-100	\$979,335	2019	FY 2018 5307 and 5339 Operating and Hybrid Bus Battery Pack Replacement
CA-2020-151	\$576,599	2020	FY 2019 5307 and 5339 Operating and Hybrid Bus Battery Pack Replacement
CA-2021-011	\$434,811	2021	Livermore Transit Center Rehabilitation and Improvement Project

FAIN	Award Amount	Year Executed	Award Name
CA-2022-003	\$10,085,445	2022	Livermore Amador Valley Transit Authority (LAVTA) FFY21 5307 ARPA Grant-Operating Assistance
CA-2023-044	\$2,000,000	2023	FY 2021 FHWA STP CRRSAA Transferred to Sec 5307 for Passenger Facilities Enhancements
CA-2023-177	\$1,099,137	2023	LAVTA FY22 & FY23 Section 5307 ADA Operating in the Livermore and Concord UZA for operating years FY23 and FY24

LAVTA received Supplemental Funds for operating assistance in award numbers CA-2020-216 and CA-2020-078 (CARES Act), CA-2022-182 and CA-2023-044 (CRRSAA), and CA-2022-003 (ARPA). This is not the first Triennial Review LAVTA received operating assistance from the FTA.

Projects Completed

Since the prior review in 2021, LAVTA, completed the following noteworthy projects:

- Procurement of 16 40’ Gillig Buses
- Completion of 60% bridging design documents for the Atlantis Facility
- Gradual restoration of fixed-route service post-pandemic
- Completion of the Tri-Valley Hub Network Integration Study
- Completion of the Short Range Transit Plan and Title VI Program
- Completion of the Zero Emissions Bus Rollout Plan
- Recipient of a TIRCP Grant Award (cycle 5) for a future hydrogen fueling station and infrastructure for express bus service.
- Completion of the Wheels in Motion Service Plan Outreach Campaign.

Ongoing Projects

LAVTA is currently implementing the following noteworthy projects:

- Go Tri-Valley Discount Program
- One-Seat Ride Paratransit Pilot
- Doolan Tower Generator installation
- Rutan Maintenance Bay Retrofit for hydrogen
- Implementation of Clipper 2/fare integration
- Implementation of Metropolitan Transportation Commission (MTC)’s Transit Transformation Action Plan initiatives, including fare integration, mapping and wayfinding, transit priority
- Bus stop improvements and upgrades throughout the Tri-Valley
- Lighting and wayfinding updates at the Livermore Transit Center.

Future Projects

LAVTA plans to pursue the following noteworthy projects in the next three to five years:

- Construction of the hydrogen fueling station at Atlantis
- Construction of the retrofit of maintenance bays at Rutan
- Beginning construction of Atlantis facility
- Purchase of 12 heavy duty buses (at least four will be hydrogen)
- Modernization of the LAVTA IT system including conversion to the cloud
- Launching a new 680 express route
- Upgrade to cloud-based transit signal priority.

IV. Results of the Review

1. Legal

Basic Requirement: The recipient must promptly notify the FTA of legal matters and additionally notify the USDOT 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: No deficiencies.

2. Financial Management and Capacity

Basic Requirement: The recipient must have financial policies and procedures; an organizational structure that defines, assigns, and delegates fiduciary authority; and financial management systems in place to manage, match, and charge only allowable costs to the award. The recipient must conduct required Single Audits, as required by [2 CFR Part 200 Subpart F](#), and provide financial oversight of subrecipients.

Finding: No deficiencies.

3. Technical Capacity – Award Management

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

Finding: No deficiencies.

4. Technical Capacity – Program Management & Subrecipient Oversight

Basic Requirement: Designated Recipients of Sections 5310, 5311, and 5339 funds must develop and submit a Program Management Plan to the FTA for approval. Recipients must enter into an agreement with each subrecipient, obtain required certifications from subrecipients, 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: Not applicable. This section only applies to states and recipients with subrecipients.

5. Technical Capacity – Project Management

Basic Requirement: The recipient must implement the FTA-funded projects in accordance with the award application, the [FTA Master Agreement](#), and applicable laws and regulations using sound management practices.

Finding: No deficiencies.

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](#).

Finding: No deficiencies.

7. Satisfactory Continuing Control

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

Finding: No deficiencies.

8. 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: No deficiencies.

9. Procurement

Basic Requirement: 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](#).

The reviewers examined documentation in the following sampled procurements:

Contract/ Product	Award Date	Amount	Method	Deficiencies
Construction	5/1/2023	\$119,220	Invitation for Bid (IFB)	None
Rolling Stock	5/16/2022	\$9,194,600	Piggyback – Athens, GA	None
Operations	7/1/2022	\$2,505,663	Request for Proposals (RFP)	None

Finding: No deficiencies.

10. Disadvantaged Business Enterprise (DBE)

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

Finding: No deficiencies.

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: No deficiencies.

12. Americans with Disabilities Act (ADA) – 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: No deficiencies.

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: No deficiencies.

14. Equal Employment Opportunity (EEO)

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.

Finding: No deficiencies.

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: No deficiencies.

16. Charter Bus

Basic Requirement: Recipients are prohibited from using the FTA-funded equipment and facilities to provide charter service that unfairly competes with private charter operators. Recipients may operate charter only when the service meets a specified exception defined in rule.

Finding: No deficiencies.

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: No deficiencies.

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: No deficiencies.

19. Section 5307 Program Requirements

Basic Requirement: The recipient must participate in the transportation planning process in accordance with FTA requirements and the metropolitan and statewide planning regulations.

Recipients shall develop, publish, afford an opportunity for a public hearing on, and submit for approval, a program of projects (POP).

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.

For fixed-route service supported with [Section 5307](#) assistance, fares charged to 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.

Finding: No deficiencies.

20. [Section 5310 Program Requirements](#)

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

Finding: Not applicable. This section only applies to recipients that receive Section 5310 funds directly from the FTA.

21. [Section 5311 Program Requirements](#)

Basic Requirement: States must expend [Section 5311](#) funds on eligible projects to support rural public transportation services and intercity bus transportation.

Finding: Not applicable. This section only applies to recipients that receive Section 5311 funds directly from FTA.

22. [Public Transportation Agency Safety Plan \(PTASP\)](#)

Basic Requirement: Recipients must comply with the [Public Transportation Agency Safety Plan \(PTASP\)](#) regulation ([49 CFR Part 673](#)) to ensure public transportation providers develop and implement an Agency Safety Plan (ASP).

Finding: No deficiencies.

23. [Cybersecurity](#)

Basic Requirement: Recipients that operate rail fixed guideway public transportation systems

must certify compliance with the requirements for establishing a cybersecurity process under [49 U.S.C. § 5323\(v\)](#), a new subsection added by the *National Defense Authorization Act for Fiscal Year 2020*, Pub. L. 116-92, § 7613 (Dec. 20, 2019).

Finding: Not applicable. This section only applies to recipients that operate rail fixed guideway public transportation systems.

V. Participants

Name	Title	Phone Number	E-mail Address
Livermore Amador Valley Transit Authority (LAVTA)			
Tamara Edwards	Director of Finance	925-455-7566	tedwards@lavta.org
Christy Wegener	Executive Director	925-455-7564	cwegener@lavta.org
Mike Tobin	Director of Operations	925-455-7562	mtobin@lavta.org
David Mark	Director of Customer Experience	925-455-7553	dmark@lavta.org
David Massa	Manager of Capital Projects	925-455-7568	dmassa@lavta.org
Jennifer Yeamans	Senior Grants and Management Specialist	925-455-7561	jyeamans@lavta.org
Kadri Klum	Paratransit Planner Specialist	925-455-7575	kklum@lavta.org
Martha Nguyen	Senior Operations Specialist	925-455-7572	mnguyen@lavta.org
Cyrus Sheik	Senior Transit Planner	925-455-7540	csheik@lavta.org
MV Transit			
Antonio Berastain	Maintenance Manager	925-455-7521	aberastain@mvtransit.com
FTA Region 9 Office			
Ray Tellis	Regional Administrator	415-734-9471	ray.tellis@dot.gov
Amy Changchien	Deputy Regional Administrator	415-734-9455	amy.changchien@dot.gov
Karin Vosgueritchian	Regional Civil Rights Officer	415-734-9475	karin.vosgueritchian@dot.gov
Stephanie Gauthier-Phillips	Program Manager, FTA HQ Office of Civil Rights	415-734-9465	s.gauthier-phillips@dot.gov
Darin Allan	Director, Office of Financial Management and Program Oversight (OFM)	415-734-9470	darin.allan@dot.gov
Philoki Barros	Review Coordinator & Transportation Program Specialist, OFM	415-734-9452	philoki.barros@dot.gov
Murat Omay	Director, Bay Area Office, (BAO)	771-200-6059	murat.omay@dot.gov
Catherine Luu	General Engineer, Bay Area Office, BAO	415-734-9467	catherine.luu@dot.gov
Michelle Ruan	Community Planner, Office of Planning and Program Development (PPD)	202-366-3186	Michelle.Ruan@dot.gov
Team TFC			
Joni Roeseler	Lead Reviewer	816-560-5827	jroeseler@tfcci.net
Sarah Lasky	Associate Reviewer	301-821-2199	slasky@kfhgroup.com