



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

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

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OCT 16 2018

Ms. Rebecca Jones  
Board Chair  
Board of Directors  
North County Transit District  
810 Mission Avenue  
Oceanside, CA 92054

RE: Federal Transit Administration (FTA)  
Fiscal Year 2018 Triennial Review –  
Final Report

Dear Ms. Jones:

The enclosed report documents the Federal Transit Administration's (FTA) Triennial Review of the North County Transit District (NCTD) in Oceanside, California. This review is required by Chapter 53 of Title 49, United States Code, Section 5307. Although not an audit, the Triennial Review is the FTA's assessment of NCTD'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 award requirements.

The Triennial Review focused on NCTD's compliance in 20 areas. No deficiencies were found with the FTA requirements in 19 areas. Deficiencies were found in one area: Technical Capacity - Award Management. This is a repeat deficiency from the 2015 Triennial Review.

Subsequent to the site visit, NCTD provided corrective action responses to address and close the deficiency noted in the Technical Capacity - Award Management section of the report that follows.

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 Audrey Bredehoft, Director, Office of Financial Management and Program Oversight at 415-734-9453 or by email at [Audrey.Bredehoft@dot.gov](mailto:Audrey.Bredehoft@dot.gov).

Sincerely,

Edward Carranza, Jr.  
Acting Regional Administrator

Enclosure

cc: Matthew Tucker, NCTD

**FINAL REPORT**

**FISCAL YEAR 2018  
TRIENNIAL REVIEW**

*of*

**North County Transit District  
(NCTD)**

**Oceanside, California  
Recipient ID: 1690**

*Performed for:*

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

*Prepared By:*

**CDI/DCI Joint Venture**

**Scoping Meeting Date: February 21, 2018**

**Site Visit Date: August 20-22, 2018**

**Final Report Date: October 16, 2018**

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## I. Executive Summary

This report documents the Federal Transit Administration's (FTA) Triennial Review of the North County Transit District (NCTD) of Oceanside, California. The review was performed by CDI/DCI Joint Venture. During the site visit, administrative and statutory requirements were discussed and documents were reviewed. NCTD's transit facilities were toured to provide an overview of activities related to FTA-funded projects.

The Triennial Review focused on NCTD's compliance in 20 areas. Deficiencies were found in the area listed below.

Review Area	Deficiencies	
	Code	Description
4. Technical Capacity – Award Management	TC-AM5-1*	Inactive award/untimely closeouts ( <i>closed</i> )

\* Denotes repeat deficiency

Subsequent to the site visit, NCTD provided corrective action responses to address and close the deficiency noted in the Technical Capacity - Award Management section of the report that follows.

## II. Review Process and 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.”

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 NCTD. 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 on site visit to the recipient’s location. A Recipient Information Request (RIR) package was sent to NCTD 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 February 21, 2018. Additional files retained by the regional office were sent to the reviewer electronically. A Site Visit Agenda package was sent to NCTD advising it of the site visit date and indicating information that would be needed and issues that would be discussed. The site visit to NCTD occurred on August 20 to 22, 2018.

The on site 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 visited NCTD’s transit/maintenance facility to provide 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 reviewers provided a summary of preliminary findings to NCTD at an exit conference. Section VI of this report lists the individuals participating in the review.

## 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

#### *North San Diego County Transit District*

On September 20, 1975, the North San Diego County Transit Development Board was created by California Senate Bill Number 802. In January 2006 it was renamed the North County Transit District (NCTD). NCTD was created to plan, construct, and operate—directly, or through a contractor—public transit in its area of jurisdiction. NCTD provides bus, complementary paratransit, and train service for people in the northern part of San Diego County. This includes the cities of Carlsbad, Del Mar, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista, as well as the rural areas of Fallbrook and Ramona, Camp Pendleton Marine Corps Base and unincorporated areas of North San Diego County. NCTD owns the coastal rail corridor from the Orange County line to the northern border of the City of San Diego, and operates commuter rail service on this line from Oceanside to Santa Fe Depot in downtown San Diego. The total population of NCTD’s 1,020 square mile service area is approximately 849,000 persons.

NCTD contracts with private operators for the provision of all modes of public transit service. Through these contracts, NCTD provides the following transit services: commuter rail (COASTER); hybrid rail (SPRINTER); bus fixed-route (BREEZE); demand response and route deviation (FLEX); and Americans with Disabilities Act of 1990 (ADA) complementary paratransit (LIFT).

Both the COASTER commuter rail service and SPRINTER hybrid rail service are operated by Bombardier Transportation (Holdings) USA, Inc. The BREEZE bus fixed-route, FLEX demand response and route deviation, and LIFT ADA complementary paratransit services are operated by MV Transportation, Inc. NCTD does not have any subrecipients.

#### *Fixed Route, Demand Response, Route Deviation, and ADA Complementary Paratransit Service*

The BREEZE’s 30 fixed-routes provide service on weekdays from approximately 4:00 a.m. to 12:15 a.m. Saturday service is operated from approximately 4:00 a.m. to 12:00 a.m. Sunday service operates from approximately 4:30 a.m. to 12:00 a.m. The demand responsive FLEX service hours are from approximately 5:00 a.m. to 8:30 p.m. Monday through Friday and from approximately 5:30 a.m. to 7:15 p.m. on weekends. . Due to changes in running times on routes and connections with other services, service span can change by a few minutes in either direction. The LIFT ADA complementary paratransit service operates during the same days and hours of service as the BREEZE fixed-route bus service.

There are 152 FTA-funded buses in the BREEZE fleet plus a bus contingency fleet of three vehicles. The LIFT service provides ADA complementary paratransit service with 54 locally funded vehicles. The FLEX service consists of four routes using fifteen (15) NCTD vehicles. MV Transportation also subcontracts a limited number of trips to meet demand and increase efficiencies.

The basic adult fare for the BREEZE is \$1.75. A reduced fare of \$0.75 is offered to seniors (60 years-old and above), persons with disabilities, and Medicare cardholders during all hours. The fares for FLEX service are \$5.00 for adults and \$2.50 for seniors, persons with disabilities, and Medicare cardholders. The LIFT ADA fare is \$3.50 per trip.

The BREEZE, LIFT and FLEX services are operated from two maintenance garages. The West Division is located in Oceanside and the East Division is located in Escondido. NCTD has two administration/office buildings located in Oceanside: 810 Mission Avenue and 311 South Tremont Street.

*COASTER and SPRINTER Rail Service*

The COASTER operates on 41.1 miles of track along the north-south line between Oceanside and San Diego. The SPRINTER operates on 22.0 miles of track on the east-west line between Escondido and Oceanside. NCTD owns 82.6 miles of rail right-of-way. This includes 22.0 miles of SPRINTER track; 0.4 miles of track east of Escondido Transit Center used primarily by freight; and 60.6 miles of track along the main north-south line between Orange County and the northern border of the City of San Diego. The COASTER along with tenant railroads—Amtrak, Metrolink, and BNSF/PacSun freight services—utilize the track on the north-south line. Additionally, NCTD maintains track owned by San Diego Metropolitan Transit System (MTS) for use by the COASTER and tenant railroads in the City of San Diego.

The COASTER is a north-south commuter rail service that links Oceanside to Downtown San Diego, serving eight stations. In Oceanside, the COASTER connects with the BREEZE, FLEX, SPRINTER, RTA Commuterlink, Greyhound, Amtrak, and Metrolink. In San Diego, the COASTER connects with the MTS bus, MTS Trolley, and MTS Rapid Bus. The COASTER service operates seven days a week, from approximately 5:00 a.m. to 8:15 p.m. on weekdays, and approximately 8:30 a.m. to 8:15 p.m. on weekends. The COASTER also operates extended hours on Friday and Saturday in the summer. The COASTER fare is determined by how many zones a customer travels. The basic fare ranges from \$4.00 to \$5.50 with a reduced fare ranging from \$2.00 to \$2.75 for seniors, persons with disabilities, and Medicare cardholders. The COASTER has 7 diesel locomotives, 10 cab cars, and 18 coach cars. The COASTER operations facility is located in Camp Pendleton at the Stuart Mesa Operations and Maintenance Facility.

The SPRINTER is an east-west hybrid rail service that links Escondido to Oceanside, and serves 15 stations. In Escondido, the SPRINTER connects with the BREEZE, FLEX, MTS Rapid bus, MTS Rapid Express, Greyhound, and RTA Commuterlink services. In Oceanside, the SPRINTER connects with the COASTER, Metrolink, Amtrak, BREEZE, Riverside Transit Agency, and Greyhound. The SPRINTER service operates seven days a week, from approximately 4:03 a.m. to 9:26 p.m., with similar service hours on Saturdays and Sundays. The basic SPRINTER fare is \$2.00 with a reduced fare of \$1.00 for seniors, persons with disabilities, and Medicare cardholders. The SPRINTER has 12 Diesel Multiple Units (DMUs). The SPRINTER Operations Facility is located at 1021 W. Washington Boulevard in Escondido.



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

<b>Award Number</b>	<b>Award Amount</b>	<b>Year Executed</b>	<b>Description</b>
CA-90-Y345-01	\$28,276,240	2006	Capital & Planning FY05
CA-90-Y467-00	\$17,145,689	2006	Capital & Planning FY06
CA-37-X078-00	\$487,487	2007	FY06 Jobs Access Reverse Commute (JARC) Bus Stops
CA-03-0718-02	\$1,317,375	2007	Transit Center Improvements FY05
CA-03-0528-00	\$152,100,000	2008	Full Funding Grant Agreement - Oceanside-Escondido Rail
CA-37-X091-00	\$1,095,680	2008	FY07/08 JARC, Bus Stops, Weekend Service
CA-90-Y632-00	\$16,669,622	2008	Capital & Planning FY07/08
CA-90-Y815-00	\$18,794,432	2010	Capital & Planning FY10
CA-04-0188-00	\$332,000	2011	SGR-Replace Underground Storage Tank
CA-90-Y705-01	\$16,733,110	2012	Capital & Planning FY09
CA-90-Y959-00	\$15,486,933	2012	Capital & Planning FY12
CA-90-Y556-01	\$13,750,478	2013	Capital & Planning FY07
CA-90-Z096-00	\$5,704,329	2013	Capital & Planning FY13
CA-54-0029-00	\$9,406,126	2014	Fixed Guideway
CA-90-Z200-00	\$16,537,002	2014	Capital & Planning FY14
CA-54-0012-00	\$8,639,740	2014	Fixed Guideway FY13
CA-90-Y874-02	\$17,122,340	2014	Capital & Planning FY11
CA-54-0035-00	\$6,282,817	2015	State of Good Repair & Rail Capital
CA-90-Z241-00	\$11,528,711	2015	Capital Projects & Preventive Maintenance (PM)
CA-2016-069-00	\$3,061,150	2016	5337 State of Good Repair & Rail Capital 2
CA-2016-112-00	\$1,489,092	2016	Bus Replacement
CA-2016-113-00	\$14,461,489	2016	Capital Projects & PM
CA-2016-068-00	\$5,268,878	2016	Capital Projects & PM
CA-2017-021-00	\$11,045,921	2017	Rail State of Good Repair
CA-2017-132-00	\$1,492,092	2017	Bus Replacement
CA-2017-133-00	\$11,045,921	2017	5337 State of Good Repair
CA-2017-134-00	\$18,258,939	2018	Capital Projects & PM

NCTD has seventeen (17) open grants that are over three years old. Of those, eleven (11) are funding active projects and NCTD anticipates closeout amendments will be submitted by June 30, 2019.

## Projects Completed

In the past few years, NCTD has completed the following noteworthy projects:

- BREEZE Replacement CNG Bus Purchase: This project funded the purchase of 26 New Flyer Xcelsior 2016 XN40 replacement buses.
- Green Beach Bridge (208.6), 513752: The Green Beach Bridge is located in the northern portion of Camp Pendleton where the Los Angeles – San Diego – San Luis Obispo Rail Corridor (LOSSAN) rail line crosses San Onofre Creek. The project modified the existing railroad trestle by replacing 220 feet of the southern wooden trestle with a new in line, steel deck and concrete piers, single-track bridge at Mile Post (MP) 208.6. The project limits are at the south approach to Bridge 208.6 on the San Diego Subdivision and all improvements are located within the existing NCTD Right-of-Way (ROW). The project expanded the underpass of the bridge to allow tanks and landing vehicles to safely travel under the bridge as a part of military training. The Navy contributed funding for the design and construction, and managed the project. NCTD provided coordination and bridge construction inspection through a third-party consulting firm, J. L. Patterson & Associates, Inc. Construction started in August 2013 and was completed in August 2014.
- Bridge 243 Construction 510753: Bridge 243.0 is located in the northern portion of Del Mar and at the western end of the San Dieguito River Valley. The bridge retrofit project was required as a result of excessive scouring around the timber piles supporting the bridge superstructure, and at the south abutment slopes. NCTD managed the design and obtained the required permits from the U.S. Army Corps of Engineers, and the California Coastal Commission. NCTD managed the construction of the bridge improvements by securing inspection services from J. L. Patterson & Associates and CDM Smith Inc. The project included the dredging of the lagoon seabed under 27 bents of the southern portion of the bridge, the installation of a geofabric and a six-foot thick layer of riprap around the existing timber piles, and the installation of revetment riprap at the south abutment slopes. Construction started in March 2015 and was completed in October 2015.

## Ongoing Projects

NCTD is currently in the process of implementing the following noteworthy projects:

- Positive Train Control (PTC): PTC is a federally mandated integrated command, control, communications, and information system that can control train movements, and stop trains when conditions warrant. The PTC Project started in August 2011. In July 2017, NCTD began the initial Revenue Service Demonstration (RSD) testing phase. After success with this phase, NCTD was cleared to begin the extended RSD phase of PTC, which commenced on all COASTER trains December 16, 2017. By way of background, RSD is when a railroad is operating revenue trains (passenger carrying) with PTC in full operation. The COASTER trains that operate PTC have the full benefits of PTC during this RSD phase. NCTD will continue in extended RSD until the Federal Railroad Administration (FRA) certifies NCTD's PTC system. Full compliance with FRA certification is due by December 31, 2018 and NCTD is on track to meet that deadline.

- Solana Beach Slope Stabilization: This project will provide grading, planting, and irrigation to the west slope of the train trench at the Solana Beach COASTER station to support slope rehabilitation and long-term stabilization. A long term (3-year) planting and irrigation maintenance requirement was included in the RFP to ensure adequate plant establishment. Additionally, storm drain improvements will be constructed in order to improve storm water drainage from adjacent city streets and customer parking at the north end of the parking lot. Construction is anticipated to be completed in October 2018.
- Los Peñasquitos Bridge Replacement: This project replaces four timber trestle bridges at MP 246.1, 246.9, 247.1, and 247.7 in the Los Peñasquitos Lagoon that are past their useful life with new precast concrete girder bridges. Notice to Proceed for the construction phase of the project was issued in December 2014 and the construction phase was completed in December 2017. The five-year plant establishment phase commenced in April 2018. This project is being advanced by SANDAG pursuant to California Senate Bill 1703.
- Bridge 257.2 Replacement: This project replaces a 100-year-old bridge at MP 257.2 on the San Diego Subdivision. Bridge 257.2 is an existing timber trestle railroad bridge constructed in 1917. The bridge elevation today is currently below the 100-year storm flood elevation. Based on bridge elevation, age, and recent inspection reports, replacement is recommended. Bridge 257.2 design plans are currently being finalized and necessary environmental permits have already been obtained. Additionally, Bridge 257.2 replacement work will be incorporated into the ongoing Mid-Coast Corridor Transit Projects as a means of value engineering and minimizing costs. Construction is expected to begin in April 2019 and be complete by April 2021.
- BREEZE Replacement CNG Bus Purchase: This project funds the programmatic replacement of BREEZE buses that have reached the end of their useful life. NCTD intends to replace 10 buses with 35-foot Compressed Natural Gas (CNG) buses. These 10 buses will replace E-450 cutaway vans.
- JDE Reimplementation and Upgrade: This project is a reimplementation and upgrade of the current District JD Edwards (JDE) Enterprise Resource Planning (ERP) system from JDE 9.0 to JDE 9.2. JDE was first implemented at the NCTD in early 2000, replacing a legacy financial system which was nearing obsolescence. The JDE ERP functionality as implemented in 2000 versus the new business process requirements under the current NCTD transit service model as effected in 2009 required a strategic and significant JDE ERP reimplementation and upgrade. This reimplementation and upgrade maximizes cross-functional use of JDE at NCTD, and supports the critical business needs of the current transit service.
- Oceanside Transit Center (OTC) Canopy Roof Repair: This project includes the removal and replacement of the roof and gutter for the main OTC arcade canopy, which has reached end of life. The construction was solicited on July 27, 2018 and bids are due in October 2018. NCTD anticipates construction to be completion by April, 2019.

- Bus Stop Improvements: This project includes the design and construction of bus stop improvements throughout NCTD’s service area. The scope of work is under development, and it is anticipated the design solicitation will be issued on January 17, 2019, with the statements of qualifications due on February 19, 2019. The design contract is anticipated to be executed by March 2019 and completed by October 2019. It is anticipated that the construction solicitation will be issued by February 2020, with bids due in March 2020. The construction contract is anticipated to be awarded in April 2020, with construction complete by the end of December 2021.
- At-Grade Crossing Renewal: This project funds the construction of six (6) at-grade railroad crossings that have reached end of life. The construction contract was awarded on March 15, 2018 and is anticipated to be completed by March 2019.

## **Future Projects**

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

- BREEZE Bus Replacement: NCTD’s current replacement schedule for fixed-route buses is:
  - 10 Buses in FY2018
  - 0 Buses in FY 2019
  - 22 Buses in FY2020
  - 13 Buses in FY2021
  - 13 Buses in FY2022

NCTD has a competitively procured contract in place with New Flyer that allows for the purchase of 35 and 40-foot buses until FY2021. Purchases of these buses are to replace vehicles that have met or surpassed expected life cycles, and to meet the reasonably expected needs of NCTD.

- Del Mar Bluffs Stabilization: NCTD, in association with SANDAG, directed a 2016 Del Mar Bluffs Stabilization Project Study Report. The parties have now contracted with a third-party engineering firm to assist with design of near-term stabilization measures and existing drainage facility repairs as recommended in the 2016 Project Study Report. Stabilizing the Del Mar bluffs has been an ongoing concern for NCTD. The design of near-term stabilization measures and existing drainage facility repairs was initiated in December 2017 and is expected to be complete in December 2018. Following design approval, the project is anticipated to be solicited for construction in calendar year 2019. This project is being advanced by SANDAG pursuant to California Senate Bill 1703.
- Zero Emission Buses and Charging Infrastructure: NCTD is planning to implement zero-emission bus technology in the next three to five years. The State of California has mandated the purchase and use of zero-emission buses for public transit fleets. NCTD plans

to purchase six zero-emission buses in the next three to five years. NCTD will be conducting studies for facility upgrades to accommodate the new technology.

## IV. Results of the Review

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 NCTD, 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 NCTD, 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 NCTD, deficiencies were found with the FTA requirements for Technical Capacity - Award Management.

***Inactive award/untimely closeouts (TC-AM5-1)\****

The recipient must expend awards timely and close out projects and awards when project activity is completed.

A review of the active awards in TrAMS and discussions at the site visit found several issues with NCTD's management of awards. NCTD has twenty-six (26) active awards which is a high number of active awards. Of these awards, one is currently inactive (CA-03-0718) since the award is over three years old and have not had a draw in over a year. Two other awards

(CA-2016-068 and CA-2016-112) have not had draws in over a year. It should be noted that, since these awards are less than three years old, they are not considered inactive. Finally, the remaining fund balances for seven additional awards (CA-03-0621, CA-90-Y345, CA-37-X078, CA-90-Y632, CA-90-Y705, CA-90-Y556, CA-2016-112) are less than 10%. Therefore, of the 26 active awards, there are issues with ten awards or approximately 38% of NCTD's active awards. This is a repeat deficiency from the last review.

Subsequent to the site visit, NCTD provided an award draw down and closeout plan. It also submitted more effective procedures for award management (spending older funds first, tracking project progress, identifying project balances, reprogramming unused project funds to other projects, reassigning older projects to newer awards, or closing out projects) to enable it to close awards more timely. Therefore, this finding is closed.

#### **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.

This review area only applies to recipients that receive Section 5310 or 5311 funds or have subrecipients. Since NCTD does not receive Section 5310 or 5311 funds, nor has any subrecipients, the requirements of this review area are not applicable to the review of NCTD.

#### **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 NCTD, 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 NCTD, no deficiencies were found with the FTA requirements for Satisfactory Continuing Control.

#### **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 NCTD, 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 NCTD, 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 NCTD, no deficiencies were found with the U.S. Department of Transportation (US DOT) requirements for DBE.

## 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 NCTD, no deficiencies were found with the FTA requirements for Title VI.



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 NCTD, 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 Review of NCTD, 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.)

Finding: During this Triennial Review of NCTD, no deficiency was found with the FTA requirements for Equal Employment Opportunity.

## **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 NCTD, no deficiencies were found with the FTA requirements for School 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 NCTD, 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 NCTD, 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 NCTD, 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.

NCTD 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 NCTD.

## 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 NCTD.

## 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	D:TC-AM5-1*	Inactive award/untimely closeouts	Submit to the FTA regional office an award draw down and closeout plan. Also, it must submit more effective procedures for award management (spending older funds first, tracking project progress, identifying project balances, reprogramming unused project funds to other projects, reassigning older projects to newer awards, or closing out projects) to enable it to close awards more timely.	January 23, 2019	October 11, 2018
4. Technical Capacity – Program Management and Subrecipient Oversight	NA				
5. Technical Capacity – Project Management	ND				
6. Satisfactory Continuing Control	ND				
7. Maintenance	ND				
8. Procurement	ND				
9. Disadvantaged Business Enterprise (DBE)	ND				
10. Title VI	ND				
11. Americans With Disabilities Act (ADA) - General	ND				
12. Americans With Disabilities Act (ADA) – Complementary Paratransit	ND				
13. Equal Employment Opportunity (EEO)	ND				
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				

\* Denotes Repeat Deficiency

## VI. Attendees

Name	Title	Phone Number	E-mail Address
<i>North County Transit District</i>			
Matthew Tucker	Executive Director	760-967-2869	mtucker@nctd.org
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Jennifer Taylor	Chief Procurement & Contract Administration Officer	760-967-2862	jtaylor@nctd.org
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<b><i>CDI/DCI Joint Venture</i></b>			
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## **VII. Appendices**

No appendices included in this report.