

FINAL REPORT

FISCAL YEAR 2023 TRIENNIAL REVIEW

of

**Estuary Transit District
(ETD)
Centerbrook, Connecticut 06409
Recipient ID: 7324**

Performed for:

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

Prepared By:

**Advanced Systems Technology & Management, Inc.
under subcontract to Qi Tech, LLC**

Scoping Meeting Date: February 24 & 27, 2023

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Virtual Site Visit Exit Conference Date: August 10, 2023

Final Report Date: October 11, 2023

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I. Executive Summary

This report documents the Federal Transit Administration's (FTA) Triennial Review of the Estuary Transit District (ETD) of Centerbrook, Connecticut. The FTA wants to ensure that awards are administered in accordance with the requirements of Federal public transportation law 49 U.S.C. Chapter 53. The review was performed by Advanced Systems Technology & Management, Inc. under subcontract to Qi Tech, LLC. During the virtual site visit, the reviewer discussed the administrative and statutory requirements and reviewed recipient documents.

Due to the Coronavirus 2019 (COVID-19) Public Health Emergency, the FTA conducted a virtual site visit for this Triennial Review. In addition, the FTA expanded the review to address ETD's compliance with the administrative relief and flexibilities that the FTA granted, and the requirements of the COVID-19 Relief funds received through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021, and the American Rescue Plan (ARP) Act of 2021. The FTA also requested the ETD share if and/or how it suspended, deviated from, or significantly updated or altered its transit program due to the public health emergency.

The FY2023 Triennial Review focused on ETD's compliance in 23 areas. Deficiencies related to the COVID-19 Relief funds have been clearly identified as part of the deficiency description in the respective review area. There was one repeat deficiency from the FY 2019 Triennial Review in the Maintenance area.

A deficiency was found in the area listed below.

Review Area	Deficiencies	
	Code	Description
Maintenance	M2-1*	Late vehicle/vessel preventive maintenance

* Denotes repeat deficiency

II. Review Background and Process

1. Background

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 Triennial 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 2019; however, coverage was extended to earlier periods as needed to assess the policies in place and the management of award funds. The specific documents reviewed and referenced in this report are available at the FTA's Region 1 office or the recipient's office.

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 COVID-19 Public Health Emergency, a virtual site visit was conducted of each recipient. In addition, the review was expanded to address the recipient's compliance with the administrative relief and flexibilities FTA granted and the requirements of the COVID-19 relief funds received through the CARES Act, CRRSAA of 2021, and the ARP Act of 2021. The FTA also requested that 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) 2023 process began with the regional office transmitting a notification of the review and a Recipient Information Request (RIR) to the recipient on November 23, 2022, indicating a review would be conducted. While the recipient prepared its response to the RIR, the regional office and review team conducted the scoping meeting on February 24 and 27, 2023. Regional office staff provided electronic files as necessary to the reviewers who also accessed recipient information in the FTA electronic award management (TrAMS) and oversight (OTrak) systems. Following the desk review and scoping meeting, the reviewer and the recipient corresponded and exchanged information and documentation in preparation for the virtual site visit. Prior to the virtual site visit, the reviewer sent to the recipient on June 28, 2023, an agenda package indicating the issues that would be discussed, records to be reviewed, and interviews to be conducted.

The virtual site visit portion of the review began with an entrance conference on March 28, 2023, at which the reviewer and regional staff discussed the purpose of the Triennial Review and the review process. The reviewer conducted additional interviews and reviewed documentation to evidence the recipient's compliance with FTA requirements.

Upon completion of the virtual site visit, the reviewer and the FTA regional office staff provided a summary of preliminary findings to the recipient at the exit conference on August 10, 2023. Section VI of this report lists the individuals participating in the site visit.

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, nothing came to light that would indicate the requirements within the area reviewed were not met.
- *Deficient*: An area is considered deficient if any of the requirements within the area reviewed were not met.
- *Not Applicable*: An area can be deemed not applicable if, after an initial assessment, the recipient does not conduct activities for which the requirements of the respective area would be applicable.

III. Recipient Description

1. Organization

ETD was formed in 1981 by the nine towns of the Connecticut River Estuary region, which includes Clinton, Chester, Deep River, Essex, Killingworth, Lyme, Old Lyme, Old Saybrook, and Westbrook. On July 1, 2022, the towns of Middletown, Middlefield, and Durham joined the district as it took over services and assets formerly operated by the Middletown Transit District. In addition, service is provided on a contracted basis to the towns of East Hampton, East Haddam, Haddam, and Portland. ETD is governed by a Board of Directors made up of representatives from each of the twelve member towns, each having a weighted vote based on the population of the town they represent. The Directors serve in a voluntary capacity to adopt bylaws, set policy, and direct the activities of the Executive Director. The Executive Director, in turn, directs the daily activities of ETD and is responsible for the overall management of ETD and its employees. ETD contracts with First Transit, a private transit management firm, to provide the Executive Director. ETD's mission is to provide local, coordinated public transportation for the residents of the Estuary region.

ETD's public transportation service provides fixed-route, deviated fixed-route, Dial-A-Ride, on-demand microtransit, and ADA paratransit service. Most services, except ADA paratransit, are open to the general public with no age or disability restrictions. Fixed-route and deviated fixed-route services consist of twelve routes operating on a published route and schedule. Deviated routes also provide off-route service, up to three-quarters of a mile on either side of the route, with advance notice. ETD's routes serve 17 towns and offer connections to three neighboring bus systems, Shoreline East commuter rail, Amtrak passenger rail, passenger ferry service, and Greyhound intercity bus service.

ETD's demand-response Dial-A-Ride service provides door-to-door transportation anywhere within the Estuary region. Dial-A-Ride services are open to the general public, with priority given to trips not along a deviated fixed-route. ADA Paratransit, an origin-to-destination service, is for individuals of any age with a physical or cognitive disability that prevents them from using the ETD fixed-route system. Trips that qualify as ADA Paratransit must have origins and destinations that are within 3/4 of a mile of a fixed-route and occur with the same hours and days of operation.

The standard fare for the service is \$1.75. Senior citizens, Medicare card holders, and the disabled with I.D. cards pay a reduced fare of \$0.85. The fare for ADA paratransit and Dial-A-Ride service is \$3.50 per one-way trip.

ETD's fleet consists of 14 FTA-funded 30- and 35-foot transit buses and 24 FTA-funded mini-buses used in demand-response service.

ETD has two FTA-funded bus garages located at 91 North Main Street and 80 Pease Avenue, both in Middletown, CT. An FTA-funded transit center is located at 340 Main Street, Middletown, CT.

2. Award and Project Activity

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

Award Number	Award Amount	Year Executed	Description
CT-2017-018	\$1,973,000	2017	2017 Capital Program
CT-2019-008	\$392,000	2019	ETD Capital Equipment 2019
CT-2018-017	\$857,600	2018	2018 Capital Program
CT-2017-002	\$377,405	2017	Madison to Middletown Bus Service
CT-2020-013	\$2,600,000	2021	Estuary Transit Section 5307 CARES ACT Operating, Capital and Preventative Maintenance
CT-2021-012	\$1,384,000	2021	FFY 20 & 21 Capital Program
CT-2022-007	\$1,500,000	2022	Estuary Transit Section 5307 ARP Operating Assistance
CT-2023-003	\$2,856,000	2023	FFY 2022 Capital program
CT-2023-004	\$3,185,651	2023	Merging MAT Grants
CT-2023-009	\$5,640,000	2023	Estuary Transit District CRRSAA

ETD received Supplemental Funds for operating assistance in award numbers CT-2022-007, CT-2020-013, and CT-2023-009. This is not ETD's first time receiving operating assistance from the FTA.

Projects Completed

In the past few years, ETD completed the following noteworthy projects:

- Completed the transfer of all Middletown Transit District assets and services to the Estuary Transit District on July 1, 2022. The past three years were spent largely preparing for the transfer including performing marketing studies, fare studies, and acquiring equipment to make one seamless system.
- Launched a microtransit pilot project in May 2019, which has become a permanent service due to its popularity.

Ongoing Projects

ETD is currently implementing the following noteworthy projects:

- Implementing systemwide recommendations from a 2019 comprehensive operational analysis, which indicated system wide service changes to improve routing and scheduling.
- In the process of changing the fare structure to be uniform across all services.

Future Projects

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

- Construct new facilities to accommodate the system's larger fleet. CTDOT will be responsible for procuring property, architecture and engineering services, and building the facilities.
- Renovate and expand a passenger terminal in Middletown. The current facility is over 40 years old and requires renovations and expansion of parking facilities to remain viable. CTDOT has conducted a feasibility study to determine if the parking area expansion could occur at the existing site and is determining the best path forward. CTDOT will be the recipient for any renovation or expansion project.

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: During this Triennial Review of ETD, 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 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, and provide financial oversight of subrecipients.

Finding: During this Triennial Review of ETD, 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 Federal Transit Administration (FTA) and close awards timely.

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

4. Technical Capacity - Program Management & Subrecipient Oversight

Basic Requirement: States must document and follow a public involvement process for the development of the long-range statewide transportation plan and State Transportation Improvement Program (STIP). Designated recipients of Sections 5310, 5311, and 5339 funds must develop and submit a State Management/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.

This section only applies to recipients that have subrecipients; therefore, the related requirements are not applicable to the Triennial Review of ETD.

5. Technical Capacity – Project Management

Basic Requirement: The recipient must be able to 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: During this Triennial Review of ETD, no deficiencies were found with the FTA requirements for Technical Capacity – Project Management.

6. Transit Asset Management

Basic Requirement: Recipients must comply with 49 CFR Part 625 to ensure public transportation providers develop and implement transit asset management (TAM) plans.

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

7. Satisfactory Continuing Control

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

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

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: During this Triennial Review of ETD, a deficiency was found with the FTA requirements for Maintenance.

Deficiency Description:

Late vehicle/vessel preventive maintenance (M2-1)

FTA C. 5010.1E requires that recipients develop and implement maintenance procedures adequate to keep federally assisted property in good condition. Recipients must keep satisfactory records pertaining to the use of federally assisted property and submit to FTA, upon request, such information as may be required to assure compliance with federal requirements. A recipient is deficient if examination of preventive maintenance records shows that the recipient is not performing on-time preventive maintenance in accordance with its program at least 80 percent of the time.

An examination of selected preventive maintenance records for fixed-route and demand-response vehicles revealed the ETD is only completing on-time preventive maintenance in accordance with its vehicle maintenance plan 40% of the time.

This is a repeat deficiency from ETD's FY 2019 Triennial Review.

Corrective Actions and Schedule: For the deficiency *Late vehicle/vessel preventive maintenance (M2-1)*, by January 16, 2024, ETD must submit to the FTA regional office procedures for completing vehicle preventive maintenance inspections on time.

By April 15, 2024, ETD must submit monthly reports signed by the chief executive officer or other senior management designee on preventive maintenance results until the data demonstrate the recipient has conducted 80 percent of its preventive maintenance on time for three consecutive months. For each vehicle that received a preventive maintenance inspection during the month, the recipient must include with the submittal to the FTA regional office:

- A report that lists the vehicle number, date of the inspection, mileage of the current inspection, mileage of the previous inspection, and the mileage interval between the two inspections for each vehicle that received a preventive maintenance inspection during the month. List the percentage of the inspections performed on time.
- Back-up documentation for each vehicle (e.g., copy of work order, printout from the maintenance management system) documenting the date and mileage of the inspection.

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. State recipients can use the state's overall policies and procedures. When applied to Federal procurements, those policies and procedures must still be compliant with all Federal requirements as applied to non-state recipients. The flexibility afforded by 2 CFR Part 200 should not be misconstrued as absolving a state from Federal requirements. For example, the FTA does not require each State DOT to have policies and procedures separate from the state education department.

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

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: During this Triennial Review of ETD, no deficiencies were found with the US DOT requirements for DBE.

11. Title VI

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

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

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

13. ADA – Complementary Paratransit

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

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

14. Equal Employment Opportunity

Basic Requirement: The recipient must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program or activity receiving Federal financial assistance under the Federal transit laws.

Finding: During this Triennial Review of ETD, no deficiencies were found with the FTA requirements for Equal Employment Opportunity.

15. School Bus

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

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

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. Recipient may operate charter only when the service meets a specified exception defined in rule.

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

17. Drug Free Workplace Act

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

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

18. Drug and Alcohol Program

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

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

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

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 title to the leased vehicles.

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

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.

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

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: During this Triennial Review of ETD, no deficiencies were found with the FTA requirements for PTASP Requirements.

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).

This section only applies to recipients that operate rail fixed guideway public transportation systems; therefore, the related requirements are not applicable to the Triennial Review of ETD.

V. Summary of Findings

Review Area	Finding	Deficiency Code(s)	Corrective Action(s)	Response Due Date(s)	Date Closed
1. Legal	ND				
2. Financial Management and Capacity	ND				
3. Technical Capacity – Award Management	ND				
4. Technical Capacity – Program Management and Subrecipient Oversight	NA				
5. Technical Capacity – Project Management	ND				
6. Transit Asset Management	ND				
7. Satisfactory Continuing Control	ND				
8. Maintenance	D	M2-1*: Late vehicle/vessel preventive maintenance	<p>ETD must submit to the FTA regional office procedures for completing vehicle preventive maintenance inspections on time.</p> <p>ETD must submit monthly reports signed by the chief executive officer or other senior management designee on preventive maintenance results until the data demonstrate the recipient has conducted 80 percent of its preventive maintenance on time for three consecutive months. For each vehicle that received a preventive maintenance inspection during the month, the recipient must include with the submittal to the FTA regional office:</p> <ul style="list-style-type: none"> • A report that lists the vehicle number, date of the inspection, mileage of the current inspection, mileage of the previous inspection, and the mileage interval between the two inspections for each vehicle that received a preventive maintenance inspection during the month. List the percentage of the inspections performed on time. • Back-up documentation for each vehicle (e.g., copy of work order, printout from the maintenance management system) documenting the date and mileage of the inspection. 	January 16, 2024 April 15, 2024	

Review Area	Finding	Deficiency Code(s)	Corrective Action(s)	Response Due Date(s)	Date Closed
9. Procurement	ND				
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 Act	ND				
18. Drug and Alcohol Program	ND				
19. Section 5307 Program Requirements	ND				
20. Section 5310 Program Requirements	NA				
21. Section 5311 Program Requirements	NA				
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)

* Denotes repeat deficiency

VI. Attendees

Name	Title	Phone Number	E-mail Address
<i>Estuary Transit District</i>			
Joseph Comerford	Executive Director	860-510-0429 ext. 101	jcomerford@estuarytransit.org
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Lisa Gibson	Human Resources Manager	860-510-0429 ext. 130	lgibson@estuarytransit.org
Patrick Hevrin	Maintenance Director	860-510-0429 ext. 124	phevrin@estuarytransit.org
Leslie Strauss	ETD Board Chair	860-510-0429	lstrauss69@gmail.com
<i>FTA</i>			
Peter Butler	Regional Administrator	617-494-2729	peter.butler@dot.gov
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<i>AdSTM, Inc. & Qi Tech, LLC</i>			
Keith Carlson	Lead Reviewer	608-780-8141	keith.carlson@adstm.com
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VII. Appendices