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of Transportation
**Federal Transit
Administration**

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July 11, 2023

Mayor Jim Donchess
City of Nashua
229 Main Street
Nashua, NH 03060

Re: Fiscal Year 2023 Federal Transit Administration (FTA) Triennial Review – Final Report

Dear Mayor Donchess:

I am pleased to provide you with a copy of this Federal Transit Administration (FTA) report as required by 49 U.S.C. Chapter 53 and other Federal requirements. The enclosed report documents the FTA's Fiscal Year (FY) 2023 Triennial Review of the City of Nashua (NTS) in Nashua, New Hampshire. Although not an audit, the Triennial Review is the FTA's assessment of NTS' 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.

Due to the Coronavirus 2019 (COVID-19) Public Health Emergency, a virtual site visit was conducted for this Triennial Review. In addition, the review was expanded to address NTS' compliance with the administrative relief and flexibilities 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 Triennial Review focused on NTS's compliance in 23 areas. Deficiencies were found in one area: Financial Management and Capacity. NTS had no repeat deficiencies from the Fiscal Year 2019 Triennial Review.

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 Alex Hammond, General Engineer, at (617) 494-2304 or by email at alex.hammond@dot.gov.

Sincerely,

PETER
SHANNON
BUTLER

Digitally signed by
PETER SHANNON
BUTLER
Date: 2023.07.11
13:50:13 -04'00'

Peter S. Butler
Regional Administrator
FTA Region 1

cc: Matt Sullivan, Community Development Division Director
Camille Correa, Transit Administrator
John Griffin, Chief Financial Officer/Treasurer
Matthew Keamy, Director, Program Management and Oversight, FTA
Alex Hammond, General Engineer, FTA
Bert Pechhold, General Engineer, FTA
Gwen Larson, Lead Reviewer, Qi Tech, LLC

Enclosure

FINAL REPORT

**FISCAL YEAR 2023
TRIENNIAL REVIEW**

of the

**City of Nashua
(NTS)
Nashua, New Hampshire
ID: 2413**

Performed for:

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

Prepared By:

Qi Tech, LLC

**Scoping Meeting Date: February 24 & 27, 2023
Virtual Site Visit Entrance Conference Date: March 28, 2023
Virtual Site Visit Exit Conference Date: May 17, 2023
Final Report Date: July 11, 2023**

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I. Executive Summary

This report documents the Federal Transit Administration's (FTA) Triennial Review of the City of Nashua (NTS) of Nashua, New Hampshire. 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 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 NTS' 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 that NTS 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 NTS' 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 were no repeat deficiencies from the FY 2019 Triennial Review.

A deficiency was found in the area listed below.

Review Area	Deficiencies	
	Code	Description
Financial Management and Capacity	F6-3	Single Audit submission deficient, including late submission

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 22, 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 April 21, 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 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.

An operations contractor, Transdev, was reviewed virtually to provide an overview of activities related to the FTA-funded projects. The reviewer also examined a sample of procurement files during this review.

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 May 17, 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

The City of Nashua established the Nashua Transit System (NTS) in 1984. The City contracts with Transdev to provide fixed-route and ADA complementary paratransit service to the more than 200,000 people of the communities of Nashua, Amherst, Brookline, Hollis, Hudson, Merrimack, Milford, Mont Vernon, and Wilton, New Hampshire. The population of the Nashua urbanized area is approximately 236,000.

NTS is a department within the City of Nashua's Community Development Division. NTS and its contracted services are directly managed by the system's Transit Administrator who oversees the day-to-day operations of the transit service and reports directly to the Community Development Division Director. The Division Director functions as NTS' Chief Executive Officer, reports directly to the Mayor, and is responsible for broad oversight of NTS and five other City Departments.

The basic bus fare for adults aged 19–59 is \$1.25. Students 6–18 years old pay \$0.75, and the fare for Honored Citizens is \$0.60. Honored Citizens are defined as disabled persons, Medicare cardholders, and veterans. Seniors 60 years and older and children five years and under ride free. The fare per paratransit trip is \$2.50.

A fleet of 21 FTA-funded buses provides fixed-route service. NTS operates weekdays from 6:00 a.m. to 10:45 p.m. and Saturdays from 9:00 a.m. to 10:45 p.m. NTS does not operate on Sundays. Ten federally funded paratransit vans provide complementary paratransit service during the same hours and days as the fixed-route service.

NTS has a maintenance and operations facility at 11 Riverside Street and a Transit Center located at 30 Elm Street in Nashua.

2. Award and Project Activity

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

Award Number	Award Amount	Year Executed	Description
NH-2020-018	\$356,046	2021	FY2020 Low or No Emission Electric Hybrid Vans; Electric Car & Charging Station
NH-2021-003	\$707,057	2021	Nashua Transit Safety, Security and Passenger Technology Enhancements
NH-2021-011	\$307,968	2022	NTS Transit Center Rehab §5339 funds
NH-2022-009	\$633,115	2022	Nashua Transit System ARPA 2021 Operating, Planning and Preventive Maintenance
NH-2022-012	\$135,364	2022	5310 ADA - Complementary Paratransit Services FFY21 5310 Formula Funding
NH-2022-019	\$1,995,377	2022	FY23 CAPITAL, OPERATING & PLANNING

NTS received Supplemental Funds for operating assistance in award numbers NH-2020-004, NH--2020-008, and NH-2022-009. This is NTS' first time receiving operating assistance from FTA.

Projects Completed

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

- Purchased six low floor Champion vans
- Purchased one 30-foot CNG low floor bus
- Partnered with BAE systems and purchased two hybrid electric diesel 35-foot buses with a Low-No Emissions award
- Procured two Frontrunner paratransit vans.

Ongoing Projects

NTS is currently implementing the following noteworthy project:

- Completing the “punch list” items in the Transit Center rehabilitation project.

Future Projects

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

- Complete the mid-life overhaul of several revenue vehicles.

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 NTS, 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 NTS, a deficiency was found with the FTA requirements for Financial Management and Capacity.

Deficiency Description:

Single Audit submission deficient, including late submission (F6-3)

Per 2 CFR Part 200.512 (Uniform Guidance), recipients that meet the threshold for a Single Audit must complete and submit to the Federal Audit Clearinghouse (FAC), its Single Audit and the data collection form within 30 calendar days after receipt of the auditor's report or nine months after the end of the audit period, whichever is earlier. The City of Nashua's fiscal year ends June 30th, so it is required to submit its Single Audit report and data collection form by March 30th. Due to staffing shortages during the review period, the City's FY2020 Single Audit and data collection form were submitted nearly three months late into the FAC, while the FY2021 Single Audit and data collection form were submitted 13 months late. The FY2022 Single Audit and data collection form were due March 30, 2023, and have not yet been submitted.

Corrective Action and Schedule: For the deficiency, *Single Audit submission deficient, including late submission (F6-3)*, by March 30, 2024, NTS must upload into OTrak procedures to ensure that the Single Audit report, data collection form, and reporting package are submitted on time in the Federal Audit Clearinghouse. NTS shall notify the FTA regional office via email once the procedures have been uploaded into OTrak.

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 NTS, 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 NTS.

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 NTS, 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 NTS, 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 NTS, 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 NTS, no deficiencies were found with the FTA requirements for Maintenance.

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 NTS, 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 NTS, 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 NTS, 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 NTS, 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 NTS, 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 NTS, 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 NTS, 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 NTS, 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 NTS, 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 NTS, 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 NTS, 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.

Finding: During this Triennial Review of NTS, no deficiencies were found with the FTA requirements for Section 5310 Program Requirements.

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 NTS.

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 NTS, 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).

Finding: During this Triennial Review of NTS, no deficiencies were found with the FTA requirements for Cybersecurity Requirements.

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	D	F6-3: Single Audit submission deficient, including late submission	NTS must upload into OTrak procedures to ensure that the Single Audit report, data collection form, and reporting package are submitted on time in the Federal Audit Clearinghouse. NTS shall notify the FTA regional office via email once the procedures have been uploaded into OTrak.	March 30, 2024	
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				
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	ND				
21. Section 5311 Program Requirements	NA				
22. Public Transportation Agency Safety Plan	ND				
23. Cybersecurity	ND				

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)

VI. Attendees

Name	Title	Phone Number	E-mail Address
<i>City of Nashua (NTS)</i>			
Camille Correa	Transit Administrator	603-821-2035	correac@nashuanh.gov
Matt Sullivan	Community Development Division Director	603-589-3075	sullivanm@nashuanh.gov
Rose Evans	Comptroller	603-589-3166	evansr@nashuanh.gov
Janet Graziano	Senior Finance Manager	603-589-3174	grazianoj@nashuanh.gov
Louise Woodworth	Finance Coordinator	603-821-2034	woodworthl@nashuanh.gov
Kerry Miller	Mobility Manager	603-821-2030	millerk@nashuanh.gov
Greg Gillette	Maintenance Supervisor	603-821-2037	gilletteg@nashuanh.gov
<i>Transdev</i>			
John Savage	General Manager	603-821-2032	john.savage2@firstgroup.com
Raymond Blethen IV	Northeast Director of Operations	603-566-4401	raymond.blethenIV@firstgroup.com
<i>FTA</i>			
Michelle Muhlanger	Deputy Regional Administrator	617-494-2630	michelle.muhlanger@dot.gov
Matt Keamy	Program Management and Oversight Director	617-494-3038	matthew.keamy@dot.gov
Peggy Griffin	Regional Civil Rights Officer	617-494-2397	margaret.griffin@dot.gov
Alex Hammond	General Engineer	617-494-2304	alexander.hammond@dot.gov
Bert Pechhold	General Engineer	617-494-4914	bert.pechhold@dot.gov
Syed Ahmed	General Engineer	617-494-3254	syed.ahmed@dot.gov
<i>Qi Tech, LLC</i>			
Gwen Larson	Reviewer	920-746-4595	gwen_larson@qitechllc.com

VII. Appendices