

FINAL REPORT

**FISCAL YEAR 2023
TRIENNIAL REVIEW**

of

**Lowell Regional Transit Authority
(LRTA)
Lowell, Massachusetts
ID: 1375**

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: August 31, 2023
Final Report Date: October 30, 2023**

Table of Contents

I. Executive Summary	1
II. Review Background and Process	2
1. Background.....	2
2. Process	2
3. Metrics.....	3
III. Recipient Description	4
1. Organization	4
2. Award and Project Activity.....	5
IV. Results of the Review	7
1. Legal	7
2. Financial Management and Capacity	7
3. Technical Capacity – Award Management	7
4. Technical Capacity – Program Management & Subrecipient Oversight	7
5. Technical Capacity – Project Management.....	8
6. Transit Asset Management.....	8
7. Satisfactory Continuing Control.....	8
8. Maintenance	8
9. Procurement.....	8
10. Disadvantaged Business Enterprise (DBE)	9
11. Title VI.....	9
12. Americans with Disabilities Act (ADA) – General.....	10
13. ADA – Complementary Paratransit.....	10
14. Equal Employment Opportunity	11
15. School Bus.....	11
16. Charter Bus	11
17. Drug Free Workplace Act.....	11
18. Drug and Alcohol Program	12
19. Section 5307 Program Requirements.....	12
20. Section 5310 Program Requirements.....	12
21. Section 5311 Program Requirements.....	13
22. Public Transportation Agency Safety Plan (PTASP).....	13
23. Cybersecurity.....	13
V. Summary of Findings.....	14
VI. Attendees.....	16
VII. Appendices	17

I. Executive Summary

This report documents the Federal Transit Administration's (FTA) Triennial Review of the Lowell Regional Transit Authority (LRTA) of Lowell, Massachusetts. 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 LRTA'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 LRTA 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 LRTA'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 2016 and FY 2019 Triennial Reviews in the area of Disadvantaged Business Enterprise (DBE).

Deficiencies were found in the areas listed below.

Review Area	Deficiencies	
	Code	Description
Procurement	P11-1	Missing FTA clauses
	P8-4	Improper competitive proposal procedures used
Disadvantaged Business Enterprise	DBE5-1*	DBE Uniform Report contains inaccuracies and are missing information
Section 5307 Program Requirements	5307:3-3	Public comment process not followed

* 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 reviewers and the recipient corresponded and exchanged information and documentation in preparation for the virtual site visit. Prior to the virtual site visit, the reviewers sent to the recipient on June 5, 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.

LRTA's fixed-route operator, First Transit, and its paratransit contractor, MV, were reviewed virtually to provide an overview of activities related to the FTA-funded projects. The reviewers 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 August 31, 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 Lowell Regional Transit Authority (LRTA), established in 1973, provides service to the City of Lowell, as well as 13 surrounding towns in northeast Massachusetts: Acton, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Maynard, Pepperell, Tewksbury, Tyngsborough, Townsend, and Westford. The agency is governed by the LRTA Advisory Board, which consists of one representative from the City of Lowell and one from each of the towns LRTA serves. The service area population is approximately 370,600.

LRTA provides both fixed-route and paratransit services under contract with two private companies: First Transit (recently purchased by Transdev) for fixed-route services and MV Transportation for Americans with Disabilities Act (ADA) complementary paratransit services.

LRTA provides fixed-route transit service on 20 routes. Service is provided weekdays from 5:30 a.m. to 9:30 p.m. and on Saturdays from 7:15 a.m. to 7:00 p.m. LRTA's complementary paratransit service, known as Road Runner, operates during the same days and hours of service as the fixed routes.

LRTA also provides Road Runner senior service from 8:00 a.m. to 2:30 p.m. Monday through Friday for all persons aged 60 or older. LRTA partners with local Councils on Aging to provide additional demand-responsive transportation to seniors and persons with disabilities within local communities. Road Runner also offers trips outside the service area on Wednesdays for medical appointments to the Bedford Veterans Administration Hospital and to Boston hospitals.

The basic adult fare for bus service in the City of Lowell is \$1.25; for suburban routes, the fare is \$1.85. A reduced fare of \$0.60 is offered at all times to persons aged 60 and over, persons with disabilities, and Medicare cardholders within the City of Lowell. The reduced suburban route fare is \$0.90. Road Runner service for ADA passengers and other riders is \$2.00 for local trips within the City of Lowell and \$3.00 for trips between communities.

LRTA operates a fleet of 50 FTA-funded fixed-route vehicles. LRTA's Road Runner service has 33 locally funded paratransit vehicles. The local Councils on Aging operate 14 additional LRTA-owned, state-funded transit vehicles, all of which are maintained by LRTA.

Fixed-route buses are maintained at LRTA's 100 Hale Street facility, and paratransit vehicle maintenance is performed at its 113 Thorndike Street facility, both in Lowell. In addition, LRTA operates the Gallagher Intermodal Transit Center at 145 Thorndike Street, where the administrative offices are also located. There is FTA interest in all these facilities. LRTA has a lease with the Massachusetts Bay Transportation Authority to manage the North Billerica commuter rail station. LRTA receives parking revenue from the station to offset its operating costs.

2. Award and Project Activity

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

Award Number	Award Amount	Year Executed	Description
MA-2017-025	\$1,592,292	2017	City of Lowell Parks Transit Improvement Project
MA-2017-030	\$585,000	2017	LRTA Pedestrian Bridge, Spare Parts and Facility's Improvements
MA-2019-015	\$5,378,699	2019	2020 Operating, Preventive Maintenance and Replacement of (5) Fixed Route Buses
MA-2020-004	\$300,000	2020	Rehab Intermodal Hub, Support Equipment and Facilities
MA-2020-013	\$1,611,105	2020	Lowell Regional Transit Authority Boston UZA Section 5307 CARES ACT Operating and Capital Assistance
MA-2020-027	\$920,000	2020	LRTA Facilities Improvements
MA-2021-008	\$4,987,000	2021	Replace: (8) Fixed Route Buses and (2) Fixed Route Minibuses
MA-2021-018	\$405,000	2021	Planning, Facilities & Equipment, IT Equipment and Spare Parts
MA-2021-029	\$240,000	2021	Purchase Automated Passenger Counters
MA-2022-009	\$138,393	2022	FY2022 Facilities & Equipment, Spare Parts, and IT Equipment
MA-2022-010	\$4,315,711	2022	Lowell Regional Transit Authority Section 5307 ARP Operating Assistance
MA-2023-001	\$500,000	2023	Planning, Facilities & Equipment, IT Equipment and Spare Parts

LRTA received Supplemental Funds for operating assistance in award numbers MA-2020-013 and MA-2022-010. This is not LRTA's first time receiving operating assistance from FTA.

Projects Completed

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

- Replaced five bus shelters and the ticket/information booth at the Kennedy Bus Hub
- Completed an emergency shoring repair to the stairway connecting the Gallagher Intermodal Transportation Center to the MBTA Commuter Rail platform
- Replaced 15 diesel and hybrid 35-foot fixed-route buses
- Replaced 2 fixed-route cutaway vehicles
- Replaced 2 paratransit cutaway vehicles
- Replaced a non-revenue service truck/plow

- Rehabbed the roof at the Gallagher Intermodal Transportation Center
- Replaced 5 vehicle lifts at the Fixed Route Operations and Maintenance Facility.

Ongoing Projects

LRTA is currently implementing the following noteworthy projects:

- Completing the design and engineering for the replacement and rehab of the ADA and Pedestrian Accessway connecting the Gallagher Intermodal Transportation Center with the MBTA Commuter Rail platform including the pedestrian bridge, stairway, elevator, and interior corridor
- Acquiring a new AVL system for fixed-route service with AVA/audio and visual announcements and automated passenger counters.

Future Projects

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

- Construct and rehab the ADA and Pedestrian Accessway connecting the Gallagher Intermodal Transportation Center with the MBTA Commuter Rail platform, which includes the pedestrian bridge, stairway, elevator, and interior corridor
- Hire a consultant to assist with designing facility improvements at the Fixed Route Operations and Maintenance Center to prepare for zero-emission buses, which includes electric grid/infrastructure improvements and safety improvements, such as enhanced fire suppression and safe storage area.

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 LRTA, 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 LRTA 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 LRTA, 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 LRTA.

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 LRTA, 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 LRTA, 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 LRTA, 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 LRTA, 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 LRTA, deficiencies were found with the FTA requirements for Procurement.

Deficiency Description:

Missing FTA clauses (P11-1)

Per Appendix II to the Uniform Guidance (2 CFR Part 200) and the FTA Master Agreement, certain federal clauses and provisions must be added to federally funded contracts. All four procurements reviewed were missing a required federal clause: 6002 of the Solid Waste Disposal Act. LRTA was not aware that it was a required federal clause.

Corrective Actions and Schedule: For the deficiency *Missing FTA clauses (P11-1)*, by January 31, 2024, LRTA must submit to the FTA regional office revised procurement procedures that address inclusion of all FTA-required third-party contract clauses through use of a clause checklist or other mechanism.

Deficiency Description:

Improper sealed bid procedures used (P8-4)

The Uniform Guidance at 2 CFR 200.320 and FTA Circular 4220.1F require FTA recipients to follow specific procedures when conducting sealed bid procurements. During the review period, LRTA issued an Invitation for Bid (IFB) to replace bus shelters and the ticket/information booth at the Kennedy Bus Hub. Initially, LRTA did not intend to use FTA funds for the project. However, there was a small amount of funds remaining in an older FTA award, and this project met the scope of the award, so \$11,733 in FTA funds were applied to the project after it had already been awarded to a contractor that had certified non-compliance with Buy America. LRTA did not follow its written procedures for IFB procurements.

Corrective Actions and Schedule: For the deficiency *Improper sealed bid procedures used (P8-4)*, by December 29, 2023, LRTA must work with the FTA regional office to determine if it must pay back federal funds or to find an alternative resolution.

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 LRTA, a deficiency was found with the US DOT requirements for DBE.

Deficiency Description:

DBE Uniform Report contains inaccuracies and are missing information (DBE5-1)

Per 49 CFR Part 26, Appendix B, recipients of Department of Transportation (DOT) funds are expected to keep accurate data regarding the contracting opportunities available to firms paid with DOT dollars. Failure to submit contracting data relative to the DBE program will result in noncompliance with Part 26.

For this review, the December 2020, June 2021, and December 2022 semi-annual reports, as found in TrAMS, were examined to assess the accuracy of the data entries. During the virtual site visit, LRTA acknowledged the December 2020, June 2021, and December 2022 semi-annual reports were not accurate because the reports did not include all the FTA-funded contracts noted in their procurement list and LRTA did not include the on-call contracts. The FTA dollar value missing from the three reports is \$1,109,634.16.

This is a repeat deficiency from LRTA's FY 2016 and FY 2019 Triennial Reviews.

Corrective Action and Schedule: For the deficiency, *Semi-annual Uniform Reports of DBE Awards or Commitments and Payments not completed accurately (DBE5-1)*, by October 1, 2024, LRTA must submit corrected December 2020, June 2021, and December 2022 Uniform Reports of DBE Awards or Commitments and Payments in TrAMS and notify the FTA Office of Civil Rights (TCR) once those corrected reports have been submitted.

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 LRTA, 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 LRTA, 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 LRTA, 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 LRTA, 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 LRTA, 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 LRTA, 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 LRTA, 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 LRTA, 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 LRTA, a deficiency was found with the FTA requirements for Section 5307 Program Requirements.

Deficiency Description:

Public comment process not followed (5307:3-3)

FTA Circular 9030.1E, Chapter VI, requires recipients to provide an opportunity for a public hearing or public meeting for any fare increase or major service reduction. Furthermore, during this review period, FTA provided guidance on its website pertaining to temporary service reductions due to issues stemming from the COVID-19 pandemic. Those guidelines state that a temporary service reduction as a result of an emergency is by definition not a “major reduction in service” unless it lasts longer than a year or otherwise becomes permanent. Therefore, recipients must follow their public comment process for service reductions when the service reduction has exceeded one year.

LRTA was forced to reduce service effective January 3, 2022, due to a shortage of bus drivers. It increased wages and provided incentives, so the agency hoped that the reduced service would be temporary. However, at the time of the virtual site visit, LRTA was still experiencing a bus driver shortage, and its service was still reduced. LRTA did not realize that it was required to implement its public comment process for major service reductions.

Corrective Action and Schedule: For the deficiency, *Public comment process not followed (5307:3-3)*, by October 1, 2024, LRTA must provide documentation to the FTA regional office that it has updated its public comment process to include procedures for when temporary service reductions as the result of an emergency meet the definition of major reductions in service.

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 LRTA.

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 LRTA.

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 LRTA, 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 LRTA.

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	ND				
9. Procurement	D	P11-1: Missing FTA clauses	LRTA must submit to the FTA regional office revised procurement procedures that address inclusion of all FTA-required third-party contract clauses through use of a clause checklist or other mechanism	January 31, 2024	
	D	P8-4: Improper competitive proposal procedures used	LRTA must work with the FTA regional office to determine if it must pay back federal funds or to find an alternative resolution.	December 29, 2023	
10. Disadvantaged Business Enterprise	D	DBE5-1:* DBE Uniform Report contains inaccuracies and are missing information	LRTA must submit corrected December 2020, June 2021, and December 2022 Uniform Reports of DBE Awards or Commitments and Payments in TrAMS and notify the FTA Office of Civil Rights (TCR) once those corrected reports have been submitted.	October 1, 2024	
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				

Review Area	Finding	Deficiency Code(s)	Corrective Action(s)	Response Due Date(s)	Date Closed
19. Section 5307 Program Requirements	D	5307:3-3: Public comment process not followed	LRTA must provide documentation to the FTA regional office that it has updated its public comment process to include procedures for when temporary service reductions as the result of an emergency meet the definition of major reductions in service.	October 1, 2024	
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>Lowell Regional Transit Authority</i>			
David Bradley	Administrator	978-459-0164	d.bradley@lrta.com
Ali Bent	Assistant Administrator	978-459-0164	asarault@lrta.com
Meaghan O'Brien	Procurement and Compliance Director	978-459-0164	meaghan.obrien@lrta.com
Kevin Drislane	Transit Coordinator	978-459-0164	kevin.drislane@lrta.com
Chris Curry	LRTA Consultant	978-459-0164	chris.curry@lrta.com
Todd Bello	Facilities Manager	978-459-0164	toddbello@hotmail.com
<i>First Transit (Transdev)</i>			
George Anastas	Fixed Route General Manager	978-452-6161	ganastas@lrta.com
Dawn Marvin	Fixed Route Operations Manager	978-452-6161	dmarvin@lrta.com
Tim Bomil	Fixed Route Operations Coordinator	978-452-6161	tbomil@lrta.com
Jeff Jones	Fixed Route Office Manager	978-452-6161	jjones@lrta.com
Nick Saltsman	Fixed Route Maintenance Director	978-452-6161	nick.saltsman@lrta.com
<i>MV Transportation</i>			
John Bronski	Paratransit General Manager	978-459-0152	john.bronski@lrta.com
Cita Moeun	Paratransit Operations Manager	978-459-0152	s.moeun@lrta.com
<i>FTA</i>			
Peter S. Butler	Regional Administrator	617-494-2729	peter.butler@dot.gov
Michelle Muhlander	Deputy Regional Administrator	617-494-2630	michelle.muhlander@dot.gov
Matt Keamy	Program Management and Oversight Director	617-494-3038	matthew.keamy@dot.gov
Alex Hammond	General Engineer	617-494-2304	alexander.hammond@dot.gov
Bert Pechhold	General Engineer	617-494-4914	bert.pechhold@dot.gov
<i>Qi Tech, LLC</i>			
Gwen Larson	Lead Reviewer	920-746-4595	gwen_larson@qitechllc.com
Olivia Fonseca	Reviewer	916-261-2246	olivia_fonseca@qitechllc.com

VII. Appendices

Civil Rights Corrective Action Procedures:

Please submit corrective actions for all Civil Rights deficiencies to the following email address and copy your FTA Region I Program Manager:

FTACivilRightsSupport@dot.gov

1. A separate email should be sent to address each deficiency separately with attached supporting documentation.
2. Email Subject Line: FY 23 CORTAP Review Corrective Actions – Findings Code – Recipient Name/Acronym + TrAMS ID

Example: FY23 CORTAP Review Corrective Actions – DBE5-1 – Lowell Regional Transit Authority/LRTA #1375

3. The body of the email should contain a short summary of the corrective action.
4. Supporting documents should be sent as PDF files. Do not send MS Word or Excel spreadsheets.