



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

REGION III
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Columbia, Maryland,
Pennsylvania, Virginia,
West Virginia

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September 21, 2023

Mr. David Blanchard
Chairperson
Central Shenandoah Planning District Commission
112 MacTanly Place
Staunton, VA 24401

Re: Fiscal Year 2023 Triennial Review – Final Report

Dear Mr. Blanchard:

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 final report documents the FTA's Fiscal Year (FY) 2023 Triennial Review of Central Shenandoah Planning District Commission (CSPDC) in Staunton, VA. Although not an audit, the Triennial Review is the FTA's assessment of CSPDC'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.

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 CSPDC's 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 CSPDC's compliance in 23 areas. Deficiencies were found in three (3) areas: Technical Capacity – Award Management, Procurement, Title VI. CSPDC had no repeat deficiencies from the Fiscal Year 2019 Triennial Review.

As part of this year's Triennial Review of CSPDC, the FTA incorporated an Enhanced Review Focus (ERF) in the Financial Management and Capacity area. The purpose of an ERF is to conduct a more comprehensive review of underlying or contributing issues identified during the pre-assessment stage of the Triennial Review. No deficiencies resulted from the ERF.

Mr. Blanchard

Page 2

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 Mr. Anthony Matthews, Financial Analyst, at Anthony.Matthews@dot.gov.

Sincerely,

Terry Garcia Crews
Regional Administrator

Enclosure

FINAL REPORT

FISCAL YEAR 2023 TRIENNIAL REVIEW

of

**Central Shenandoah Planning District Commission
CSPDC
Staunton VA
ID: 7224**

Performed for:

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
REGION 3**

Prepared By:

Calyptus Consulting Group, Inc

**Desk Review/Scoping Meeting Date: March 1-2, 2023
Virtual Site Visit Entrance Conference Date: July 31, 2023
Virtual Site Visit Exit Conference Date: August 3, 2023
Draft Report Date: September 1, 2023
Final Report Date: September 21, 2023**

Table of Contents

I.	Executive Summary	1
II.	Review Background and Process	3
1.	Background.....	3
2.	Process	3
3.	Metrics.....	4
III.	Recipient Description	5
1.	Organization	5
2.	Award and Project Activity.....	6
IV.	Results of the Review.....	9
1.	Legal	9
2.	Financial Management and Capacity	9
3.	Technical Capacity – Award Management	10
4.	Technical Capacity – Program Management & Subrecipient Oversight	13
5.	Technical Capacity – Project Management.....	13
6.	Transit Asset Management	14
7.	Satisfactory Continuing Control	14
8.	Maintenance	14
9.	Procurement.....	14
10.	Disadvantaged Business Enterprise (DBE)	15
11.	Title VI	16
12.	Americans with Disabilities Act (ADA) – General.....	17
13.	ADA – Complementary Paratransit.....	17
14.	Equal Employment Opportunity	18
15.	School Bus.....	18
16.	Charter Bus	18
17.	Drug Free Workplace Act.....	18
18.	Drug and Alcohol Program	19
19.	Section 5307 Program Requirements.....	19
20.	Section 5310 Program Requirements.....	19
21.	Section 5311 Program Requirements.....	20
22.	Public Transportation Agency Safety Plan (PTASP).....	20
23.	Cybersecurity.....	20
V.	Summary of Findings	21
VI.	Attendees	23
	Appendices.....	24

I. Executive Summary

This report documents the Federal Transit Administration's (FTA) Triennial Review of the Central Shenandoah Planning District Commission (CSPDC) of Staunton, VA. 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 Calyptus Consulting Group, Inc. (Reviewer). 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 CSPDC'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 CSPDC 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 CSPDC'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 were no repeat deficiencies from the FY 2019 Triennial Review.

As part of this year's Triennial Review of Triennial Review of CSPDC, the FTA incorporated an Enhanced Review Focus (ERF) in the Financial Management & Capacity area. The purpose of an ERF is to conduct a more comprehensive review of underlying or contributing issues identified during the pre-assessment stage of the Triennial Review. No deficiencies resulted from the ERF.

Deficiencies were found in the areas listed below.

Review Area	Deficiency Codes		Corrective Action(s)	Response Due Date(s)
	Code	Rationale		
Technical Capacity – Award Management	TC-AM5-1: Inactive award/untimely closeouts	VA-2022-004 and VA-2020-017 (final draws in September 2022) planning to initiate closeout in August 2023	Submit to the Region 3 office: 1. An award closeout plan. 2. More effective procedures and tools for award management (spending older funds first, tracking project progress, identifying project balances, reprogramming unused project funds to other projects, reassigned older projects to newer awards, or closing out projects) to enable it to close awards more timely.	11/21/23

Review Area	Deficiency Codes		Corrective Action(s)	Response Due Date(s)
	Code	Rationale		
Procurement	P4-1: Responsibility determination deficiencies	CSPDC does not have a process for consistently reviewing and documenting responsibility	Submit to the Region 3 office: 1. Documentation of an implemented process to make adequate responsibility determinations prior to award of a contract. 2. Evidence that, for any contracts where the recipient was found to have failed to verify that the contractor was responsible, the recipient has verified and documented the responsibility of contractors. 3. For the next procurement, submit to the FTA regional office documentation that the required process was implemented.	11/21/23
Title VI	TVI2-1: Language Assistance Plan implementation deficiencies	CSCPDC not implementing the monitoring efforts listed in the LAP	Submit to the RCRO via FTACivilRightsSupport@dot.gov (per instructions in Section VII of this report) documentation of implementing its FY23 LAP.	1/2/24

II. Review Background and Process

1. Background

The United States Code, Chapter 53 of Title 49 (49 U.S.C. 5307(f)(2)) requires that “At least once every 3 years, the Secretary shall review and evaluate completely the performance of a recipient in carrying out the recipient’s program, specifically referring to compliance with statutory and administrative requirements...” The FTA performs this Triennial Review in accordance with its procedures (published in FTA Order 9010.1B, April 5, 1993).

The Triennial Review includes a review of the recipient’s compliance in 23 areas. The basic requirements for each of these areas are summarized in Section IV. The FTA contracts with experienced Reviewers to lead and conduct the 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 3 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. 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 December 2, 2022, indicating a review would be conducted. While the recipient prepared its response to the RIR, the regional office and review team conducted a desk review and scoping meeting was held on March 1-2, 2023. Regional office staff provided electronic files as necessary to the Reviewer 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(s) 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 an agenda package to the recipient on March 14, 2023, indicating the issues that would be discussed, records to be reviewed, and interviews to be conducted. The virtual site visit to CSPDC occurred from July 31, 2023 (entrance conference) to August 3, 2023 (exit conference).

The virtual site visit portion of the review began with an entrance conference, 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 3, 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 (ND): An area is considered not deficient if, during the review, nothing came to light that would indicate the requirements within the area reviewed were not met.
- Deficient (D): An area is considered deficient if any of the requirements within the area reviewed were not met.
- Not Applicable (NA): An area can be deemed not applicable if, after an initial assessment, the recipient does not conduct activities for which the requirements of the respective area would be applicable.

III. Recipient Description

1. Organization

The Central Shenandoah Planning District Commission (CSPDC) provides transit services under the brand name BRITE, Blue Ridge Intercity Transit Express, in the Staunton-Augusta-Waynesboro area. Until January 2014, transit service was managed and operated by a private provider, Virginia Regional Transit (VRT), contracted through the Virginia Department of Rail and Public Transportation (DRPT). VRT was a subrecipient of DRPT Section 5311 funds and was awarded Section 5311 funds to purchase rolling stock and construct a transit facility for use in provision of the service.

In July 2012, notice was provided by DRPT to the local jurisdictions that, as a result of the 2010 census, the area was now classified as "small urban" and would no longer qualify for rural transit funds. The local jurisdictions were asked to become recipients of Section 5307 funds. However, they were unable to assume this responsibility and suggested that a regional body be established, since the transit service was "regional" in nature.

In December 2012, CSPDC was asked by DRPT to be the direct recipient of the Section 5307 funds and to "pass them through" to VRT, which would continue to manage and provide the regional transit service. This relationship was presented to the Staunton-Augusta-Waynesboro Metropolitan Planning Organization (MPO) at their February 2013 meeting, and a resolution was approved for CSPDC to be the direct recipient and conduit of Section 5307 funds to VRT. This resolution was followed by similar action at the CSPDC full Commission meeting in April 2013.

The MPO, CSPDC Commission, DRPT, and VRT drafted a Memorandum of Agreement for consideration. Subsequently, DRPT informed CSPDC that the funds could not be passed directly to VRT and that a competitive procurement process needed to occur. After considerable collaboration with the FTA, state, and local agencies, the procurement process was completed, and a contract was awarded to VRT. In January 2014, the transit service officially began operation as a "small urban" system. Currently, the service area population is approximately 59,065.

The VRT contract remained in place until a subsequent competitive procurement was advertised in late 2016. This RFP resulted in the award of a contract to VRT with an effective date of July 1, 2017, for an initial period of five years, with the potential for two, two-year extensions. Concurrent with this contract, the ownership of the federally funded BRITE Transit Facility was transferred to the CSPDC who also became the designated state subrecipient of the 5311 funds for the PDC region.

CSPDC operates services in the urbanized areas of Staunton, Augusta, and Waynesboro, Virginia, and in rural areas of Augusta County under the name BRITE. BRITE serves the area through a network of six (6) fixed urban and three (3) fixed rural routes, beginning in FY24 this includes Afton Express, which has been incorporated as a regular fixed route due to its success during the demonstration period. Service is provided under a turnkey contract, weekdays from 5:00 a.m. to 9:30 p.m., and on Saturday from 8:30 a.m. to 9:00 p.m. There is no service on

Sunday. Additionally, ADA complementary paratransit service is operated under the BRITE Access brand with co-mingled dedicated Access buses and route deviation.

In September 2021, BRITE launched a new route, Afton Express, through DRPT Demonstration Grants. Afton Express connects Staunton-Augusta-Waynesboro to Charlottesville and Albemarle County with four (4) morning and five (5) evening trips. Service falls under the 2017 VRT contract previously mentioned and meets the needs of many commuters who commute between the two regions.

The basic adult fare for fixed-route service is \$0.50. The fare for the Staunton Trolley service and Staunton Loops is \$0.25. A reduced fare of \$0.10 is charged for seniors (age 65 and over), persons with disabilities, and Medicare cardholders on both the trolley and fixed-route services. Students displaying a college or school picture ID ride free on all routes. The fare for basic paratransit and deviated fixed-route service is \$1.00, except for Staunton, where the paratransit fare is \$0.50. Afton Express fares are \$3.00 one way, or a farecard for 10 trips can be purchased for \$25.00 (a further discount is applied to UVA employees that purchase directly from UVA - \$20.00).

Under the terms of the current contract with DRPT and VRT, the fleet used to operate the BRITE service must be provided by the contractor. VRT provides a fleet of 13 vehicles, plus spares, to provide both the urban and rural service. These vehicles were purchased with private funds. The bus fleet consists of standard 22-, 28-, and 30-foot cutaways and a rubber-tired trolley.

The BRITE service currently operates from an FTA-funded (Section 5311 funds) administration, operations, and maintenance facility located at 51 Ivy Ridge Lane in Fishersville. CSPDC's administrative offices are located at 112 MacTanly Place in Staunton. The MacTanly facility does not use federal funds. BRITE's service is oriented around the Staunton Hub, located at 240 N. Lewis Street, and the Walmart Waynesboro Hub, located at 116 Lucy Lane in Waynesboro.

2. Award and Project Activity

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

Award Number	Award Amount	Year Executed	Description
VA-2019-002	\$1,000,085	2018	FY19 - 5307 Capital and Operating
VA-2019-025	\$1,576,268	2019	FFY 2017, FFY 2018 and FFY 2019 Section 5307 Capital Cost of Contracting and Operating
VA-2022-020	\$1,294,569	2022	Central Shenandoah Planning District Commission (CSPDC) FFY 2020 Section 5307 Operating Assistance, Capital Cost of Contracting, Engineering and Design and Purchase and Installation of Mobile Data Collection System
VA-2022-035	\$1,145,625	2022	CENTRAL SHENANDOAH PLANNING DISTRICT (CSPDC) Section 5339 Discretionary Engineering and Design, Construction and Construction Management of a Transit Hub
VA-2020-017	\$2,272,563	2020	The Central Shenandoah Planning District Commission (CSPDC) Section 5307 CARES ACT Operating Grant
VA-2022-004	\$219,886	2022	Central Shenandoah Planning District Commission (CSPDC) FFY 2021 Section 5307 American Rescue Plan (ARP) Operating
VA-2023-017	\$1,310,753	2023	Central Shenandoah Planning District Commission (CSPDC) FFY 2021 Section 5307 Operating Assistance and Capital Cost of Contracting

CSPDC received Supplemental Funds for operating assistance in award numbers VA-2022-004 and VA-2020-017. This is not the CSPDC's first time receiving operating assistance from the FTA.

Projects Completed

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

- Added Saturday service on the North and West Loop(s) and Waynesboro Circulator routes.
- Initiated Afton Express commuter bus service connecting Staunton, Fishersville and Waynesboro to Charlottesville/Albemarle destinations with DRPT Demonstration grant funding.
- Purchased Lewis Street Transit Hub property with local transit funds.
- Development of Transit Development Plan.
- Initiated components of ITS Plan.

Ongoing Projects

CSPDC is currently implementing the following noteworthy projects:

- Completing rehabilitation of Lewis Street Hub to improve rider and operator access.
- Finalizing Transit Development Plan for adoption.
- Continue implementation of ITS Plan components.

Future Projects

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

- The following are identified in the draft Transit Development Plan:
- Acquire new paratransit software and expand dedicated paratransit to Saturdays.
- Implement realtime schedule information.
- Implement Microtransit.
- Implement Staunton South route.
- Implement Sunday service.

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 CSPDC, 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: As part of this year's Triennial Review of CSPDC, the FTA incorporated an Enhanced Review Focus (ERF) in the Financial Management & Capacity area. No deficiencies resulted from the ERF.

ERF Requirement and Background

The Reviewer performed ECHO Drawdown Testing on selected drawdowns. We determined if the documentation used to determine capital and operating cost of recipient supported the expenses of the drawdowns and related eligible grant.

The FTA currently has funded Operating and Capital grants to the CSPDC.

Documentation reviewed

- Audited annual financial reports for the past three fiscal years ending June 30, 2019, 2020, and 2021
- Organizational chart
- Policies and procedures for grants management
- Position and job descriptions for award related personnel
- Most recent variance report(s) demonstrating that budget/actual comparisons are completed for awards
- Documentation in support of six ECHO draws

Testing Phase

The following ECHO draws were selected for additional testing:

Project Number (Award Number)	Financial Purpose Code	ECHO Transaction Date	ECHO Transaction Amount
VA-2022-020-01-00	Operating	4/10/2023	40,212.00
VA-2022-020-01-00	CCoC	4/7/2023	45,942.00
VA-2022-020-01-00	Operating	4/7/2023	35,001.00
VA-2022-020-01-00	CCoC	4/7/2023	43,159.00
VA-2019-025-01-00	Operating	4/6/2023	42,188.00
VA-2022-020-01-00	Capital	1/31/2023	84,589.00
VA-2020-017-01-00	Operating/CCOC	1/31/2023	139,606.00

The Reviewer tested each draw for the following:

- Financial purpose
- Appropriate segregation of duty
- Federal share participation
- Period of performance
- Adequacy and nature of supporting documentation
- Eligibility of costs for grant purposes
- Determination of appropriate payment to vendors (3 day rule)

Process

Following the 2023 Triennial Review Enhanced Review Module (ERM) for Financial Capacity worksheet, interviews were conducted with:

1. Ethan Riley – Finance Director
2. Kayla Snead - Fiscal Technician

Conclusion/Results

Based on the documentation provided, all selected ECHO draws were determined to be supported appropriately and the amounts claimed within each ECHO draw eligible grant costs.

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 CSPDC, one (1) deficiency was found with the FTA requirements for Technical Capacity – Award Management.

Deficiency Description: Inactive award/untimely closeouts (TC-AM5-1)

CSPDC completed the final drawdowns for VA-2022-004 and VA-2020-017 in September 2022. As of August 1, 2023, both awards were still open; closeout was not initiated within 120 days.

2 CFR 200.344 Closeout

The Federal awarding agency or pass-through entity will close out the Federal award when it determines that all applicable administrative actions and all required work of the Federal award have been completed by the non-Federal entity. If the non-Federal entity fails to complete the requirements, the Federal awarding agency or pass-through entity will proceed to close out the Federal award with the information available. This section specifies the actions the non-Federal entity and Federal awarding agency or pass-through entity must take to complete this process at the end of the period of performance.

(a) The recipient must submit, no later than 120 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by the terms and conditions of the Federal award. A subrecipient must submit to the pass-through entity, no later than 90 calendar days (or an earlier date as agreed upon by the pass-through entity and subrecipient) after the end date of the period of performance, all financial, performance, and other reports as required by the terms and conditions of the Federal award. The Federal awarding agency or pass-through entity may approve extensions when requested and justified by the non-Federal entity, as applicable.

(b) Unless the Federal awarding agency or pass-through entity authorizes an extension, a non-Federal entity must liquidate all financial obligations incurred under the Federal award no later than 120 calendar days after the end date of the period of performance as specified in the terms and conditions of the Federal award.

(c) The Federal awarding agency or pass-through entity must make prompt payments to the non-Federal entity for costs meeting the requirements in Subpart E of this part under the Federal award being closed out.

(d) The non-Federal entity must promptly refund any balances of unobligated cash that the Federal awarding agency or pass-through entity paid in advance or paid and that are not authorized to be retained by the non-Federal entity for use in other projects. See OMB Circular A-129 and see §200.346, for requirements regarding unreturned amounts that become delinquent debts.

(e) Consistent with the terms and conditions of the Federal award, the Federal awarding agency or pass-through entity must make a settlement for any upward or downward adjustments to the Federal share of costs after closeout reports are received.

(f) The non-Federal entity must account for any real and personal property acquired with Federal funds or received from the Federal Government in accordance with §§200.310 through 200.316 and 200.330.

(g) When a recipient or subrecipient completes all closeout requirements, the Federal awarding agency or pass-through entity must promptly complete all closeout actions for Federal awards. The Federal awarding agency must make every effort to complete closeout actions no later than

one year after the end of the period of performance unless otherwise directed by authorizing statutes. Closeout actions include Federal awarding agency actions in the grants management and payment systems.

(h) If the non-Federal entity does not submit all reports in accordance with this section and the terms and conditions of the Federal Award, the Federal awarding agency must proceed to close out with the information available within one year of the period of performance end date.

(i) If the non-Federal entity does not submit all reports in accordance with this section within one year of the period of performance end date, the Federal awarding agency must report the non-Federal entity's material failure to comply with the terms and conditions of the award with the OMB-designated integrity and performance system (currently FAPIIS). Federal awarding agencies may also pursue other enforcement actions per §200.339.

FTA Circular 5010.1E, Chapter III: Administration of the Award

1. AWARD CLOSEOUT. Closeout, in general, is the term used to signify the process by which the recipient and FTA agree that all activities approved for the Award have been completed and/or the federal assistance awarded has been expended for eligible costs. Recipients are required to close an Award 90 days after the end of the period of performance. FTA, or the recipient, may initiate the closeout process. Closeout, by either party, does not preclude FTA's ability to seek repayment or other remedies for a recipient's breach of the terms and conditions of the Grant or Cooperative Agreement.

a. Closeout by Recipient. The recipient is responsible to initiate closeout of the Award, within 90 days after the end of the period of performance, or after all approved activities are completed and/or the applicable federal assistance has been expended for all eligible costs. Any deviation from the approved Award must be documented in the closeout amendment...

FTA Circular 9040.1G, Chapter V Program Management and Administrative Requirements

1. CLOSEOUT. States should initiate project closeout with subrecipients within ninety days after all funds are expended and all work activities for the project are completed. The states should similarly initiate program of project closeout with FTA within ninety days after all work activities for the program of projects are completed. A final federal financial report (SF 424), final budget, and final program of projects must be submitted electronically via the FTA electronic award management system at the time of closeout.

FTA expects grants awarded for a specific program of projects to be completed within a reasonable, specified time frame, generally two to three years. If small amounts of funds remain in an inactive grant, the state should request that the funds be deobligated and the project closed out. If the deobligated funds are still within their period of availability, FTA can reobligate the funds in a new grant to the state along with other currently available funds. Otherwise, the deobligated funds lapse and are reapportioned by FTA among all the states in a subsequent year.

FTA Circular 9070.1G, Chapter VI Program Management and Administrative Requirements

2. CLOSEOUT. Recipients should initiate project closeout with subrecipients within ninety days after all funds are expended and all work activities for the project are completed. Recipients should similarly initiate POP closeout with FTA within ninety days after all work activities for the POP are completed. A final Federal Financial Report, final budget, and final POP must be submitted electronically via the electronic grant management system at the time of closeout.

FTA expects grants awarded for a specific POP to be completed within a reasonable, specified time frame, generally not to exceed two to three years. Although this circular provides recipients with a great deal of flexibility in developing and subsequently revising programs of projects, it is not FTA's intent that grants be continually revised or amended in ways that will excessively prolong the life of the grant, and consequently result in a large number of active Section 5310 grants. If small amounts of funds remain in an inactive grant, the recipient should request that the funds be deobligated and the project closed out. If the deobligated funds are still within their period of availability, FTA can reobligate the funds in a new grant to the recipient along with other currently available funds. Otherwise the deobligated funds lapse and are reapportioned by FTA among states and UZAs in a subsequent year.

Corrective Action(s) and Schedule: By November 21, 2023, CSPDC must submit to the Region 3 office:

1. An award closeout plan.
2. Procedures and tools for award management (spending older funds first, tracking project progress, identifying project balances, reprogramming unused project funds to other projects, reassigned older projects to newer awards, or closing out projects) to enable it to close awards more timely.

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.

Finding: During this Triennial Review of CSPDC, the FTA requirements for Technical Capacity – Program Management & Subrecipient Oversight were found to be not applicable.

5. Technical Capacity – Project Management

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

Finding: During this Triennial Review of CSPDC, 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 CSPDC, 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 and used for its originally authorized purpose throughout its useful life until disposition.

Finding: During this Triennial Review of CSPDC, 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 CSPDC, 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 CSPDC, one (1) deficiency was found with the FTA requirements for Procurement.

Deficiency Description: Responsibility determination deficiencies (P4-1)

CSPDC does not have a process for consistently reviewing and documenting responsibility.

49 U.S.C 5325(j) AWARDS TO RESPONSIBLE CONTRACTORS

(1) IN GENERAL. Federal financial assistance under this chapter may be provided for contracts only if a recipient awards such contracts to responsible contractors possessing the ability to successfully perform under the terms and conditions of a proposed procurement.

(2) CRITERIA. Before making an award to a contractor under paragraph (1), a recipient shall consider:

A. the integrity of the contractor;

B. the contractor's compliance with public policy;

C. the contractor's past performance, including the performance reported in the Contractor Performance Assessment Reports required under section 5309(l)(2); and

D. the contractor's financial and technical resources.

Corrective Action(s) and Schedule: By November 21, 2023, CSPDC must submit to the Region 3 office:

1. Documentation of an implemented process to make adequate responsibility determinations prior to award of a contract.
2. Evidence that, for any ongoing contracts where the recipient was found to have failed to verify that the contractor was responsible, the recipient has verified and documented the responsibility of contractors.
3. For the next procurement, submit to the FTA regional office documentation that the required process was implemented.

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 CSPDC, the USDOT requirements for DBE were not applicable.

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 CSPDC, one (1) deficiency was found with the FTA requirements for Title VI.

Deficiency Description: Language Assistance Plan implementation deficiencies (TVI2-1)

CSCPDC did not implement the monitoring efforts listed in the FY2020 LAP during the review period as indicated below:

The CSPDC will update the LEP Plan as needed, and at a minimum every three years, as part of the Title VI submission. The plan will be reviewed annually and updated as a result of the review or when it is clear that higher concentrations of LEP individuals are present in the area served. Monitoring and evaluating the plan will allow the CSPDC to track outreach efforts to help improve future efforts. Updates will include the following:

- o Information from drivers and dispatchers to evaluate if the number of LEP person contacts encountered is increasing.
- o How the needs of LEP persons have been addressed based on feedback received.
- o Determination of the current LEP population in the service area by using Census data.
- o Determination as to whether the need for translation services has changed.
- o Determine whether local language assistance programs have been effective and sufficient to meet the need through outreach to community organizations. In addition, periodic surveys related to transit planning efforts, focus groups, community meetings, internal meetings with staff who assist LEP persons, review of updated Census data, formal studies of the adequacy and qualities of the language assistance provided, and determine changes to LEP needs.
- o Determine whether the CSPDC fully complies with the goals of this LEP Plan.
- o Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.
- o Maintain a Title VI complaint log, including LEP to determine issues and basis of complaints. This log will be maintained as part of the Civil Rights Database.
- o Include a LEP policy in the updates of the any transportation planning process through, 1) statements and notices that interpreters will be provided, upon prior

request for language assistance as well as for sign language, and 2) maintenance of a contact list for interpretation and translation providers.

- o In preparing the triennial update of this plan, CSPDC will conduct an internal assessment using the Language Assistance Monitoring Checklist provided in the FTA’s “Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers.”

Based on the feedback received from community members and agency employees, CSPDC will make incremental changes to the type of written and oral language assistance provided as well as to their staff training and community outreach programs. The cost of proposed changes and the available resources will affect the enhancements that can be made, and therefore CSPDC will attempt to identify the most cost-effective approaches.

FTA Circular 4702.1B Chapter III.9.b Developing a Language Assistance Plan

After completing the Four Factor Analysis, the recipient shall use the results of the analyses to determine which language assistance services are appropriate. Additionally, the recipient shall develop an assistance plan to address the identified needs of the LEP population(s) it serves. The DOT LEP Guidance recognizes that certain recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written plan. However, FTA has determined it is necessary to require its recipients to develop an assistance plan in order to ensure compliance.

Corrective Action(s) and Schedule: By January 2, 2024, CSPDC must submit to the RCRO via FTACivilRightsSupport@dot.gov (per instructions in Section VII of this report) documentation of implementing its FY23 LAP.

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 CSPDC, no deficiencies were found with the USDOT 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 CSPDC, no deficiencies were found with USDOT 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 CSPDC, the FTA requirements for Equal Employment Opportunity were not applicable.

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 CSPDC, 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. Recipients may operate charter only when the service meets a specified exception defined in rule.

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

19. Section 5307 Program Requirements

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

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

Recipients are expected to have a written, locally developed process for soliciting and considering public comment before raising a fare or carrying out a major transportation service reduction.

For fixed-route service supported with Section 5307 assistance, fares charged to seniors, persons with disabilities or an individual presenting a Medicare card during off peak hours will not be more than one half the peak hour fares.

Finding: During this Triennial Review of CSPDC, 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 the title to the leased vehicles.

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

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 CSPDC.

22. Public Transportation Agency Safety Plans (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 CSPDC, 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 CSPDC.

V. Summary of Findings

Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	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 Region 3 office: 1. An award closeout plan. 2. More effective procedures and tools 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.	11/21/23	
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	P4-1	Responsibility determination deficiencies	Submit to the Region 3 office: 1. Documentation of an implemented process to make adequate responsibility determinations prior to award of a contract. 2. Evidence that, for any contracts where the recipient was found to have failed to verify that the contractor was responsible, the recipient has verified and documented the responsibility of contractors. 3. For the next procurement, submit to the FTA regional office documentation that the required process was implemented.	11/21/23	
10. Disadvantaged Business Enterprise	NA					
11. Title VI	D	TVI2-1	Language Assistance Plan implementation deficiencies	Submit to the RCRO via FTACivilRightsSupport@dot.gov (per instructions in Section VII of this report) documentation of implementing its FY23 LAP.	1/2/24	

Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
		Code	Description			
12. Americans with Disabilities Act (ADA) – General	ND					
13. ADA – Complementary Paratransit	ND					
14. Equal Employment Opportunity	NA					
15. School Bus	ND					
16. Charter Bus	ND					
17. Drug-Free Workplace	ND					
18. Drug and Alcohol Program	ND					
19. Section 5307 Program Requirements	ND					
20. Section 5310 Program Requirements	NA					
21. Section 5311 Program Requirements	NA					
22. Public Transportation Agency Safety Plan	ND					
23. Cybersecurity	NA					

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

VI. Attendees

Name	Title	Phone Number	E-mail Address
Central Shenandoah Planning District Commission			
Bonnie Riedesel	Executive Director	540-885-5174 ext102	bonnie@cspd.org
Ann Cundy	Director of Transportation	540-885-5174 ext116	ann@cspd.org
Ethan Riley	Finance Director	540-885-5174 ext119	ethan@cspd.org
Devon Thompson	Transit Planner	540-885-5174 ext105	devon@cspd.org
Paula Melester	Regional Planner	540-885-5174 ext107	paula@cspd.org
Kayla Snead	Fiscal Technician	540-885-5174 ext104	kayla@cspd.org
Virginia Regional Transit (VRT)			
Phil Thompson	Phil Thompson	Phil Thompson	phil@vatransit.org
Steve Wilson	Steve Wilson	Steve Wilson	steve@vatransit.org
FTA			
Tony Tarone	Deputy Regional Administrator	215-656-7100	tony.tarone@dot.gov
Tony Cho	Director, Office of Program Management	215-656-7250	tony.cho@dot.gov
Anthony Matthews	Transportation Program Specialist	215-391-7657	Anthony.Matthews@dot.gov
Ben Stoltenberg	Transportation Program Specialist	215-656-7247	benjamin.stoltenberg@dot.gov
Anthony Romero	Procurement Specialist (Contractor)	215-656-7100	anthony.romero.ctr@dot.gov
Calyptus Consulting Group, Inc.			
Ellen Harvey	Lead Reviewer	617-577-0042	e.harvey@calyptusgroup.com
Trysh Strayhand	Associate Reviewer	617-577-0042	t.strayhand@calyptusgroup.com

VII. Appendices

Civil Rights Corrective Action Submission

All Civil Rights corrective actions should be submitted to FTACivilRightsSupport@dot.gov in the following format:

- A separate email should be sent to address each deficiency separately with attached supporting documentation.

Do not submit MS Word or Excel spreadsheets.

- Supporting documents should be sent as .pdf files in the following format:

Region Number-Grantee Name-TrAMSRcipID-Finding Code.pdf

For example, **Region3- CSPDC -1419-DBE6-1.pdf**

- **Email Subject Line:** TR FY23 Corrective Action: Grantee Name-Recipient ID, Deficiency Code, and Deficiency Title

For example, **Triennial Review FY23 Corrective Action: CSPDC -1419, DBE6-1 DBE Shortfall Analyses**

The body of the email should contain a short summary of the corrective action.