



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

REGION III
Delaware, District of
Columbia, Maryland,
Pennsylvania, Virginia,
West Virginia

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June 7, 2023

Mr. Todd Goldman
Board of Members President
Kanawha Valley Regional Transportation Authority (KVRTA)
P.O. Box 1188
Charleston, WV 25324

Re: Fiscal Year 2023 Triennial Review – Final Report

Dear Mr. Goldman:

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 the Kanawha Valley Regional Transportation Authority (KVRTA) in Charleston, WV. Although not an audit, the Triennial Review is the FTA's assessment of KVRTA'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 KVRTA'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 KVRTA's compliance in 23 areas. Deficiencies were found in two (2) areas: Technical Capacity-Award Management and Procurement. KVRTA 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 Mr. Ron Shatz, Regional Engineer, at 215-656-7071 or by email at Ron.Shatz@dot.gov.

Sincerely,

Terry Garcia Crews
Regional Administrator

Enclosure

FINAL REPORT

FISCAL YEAR 2023 TRIENNIAL REVIEW

of

**Kanawha Valley Regional Transportation Authority
KVRTA
Charleston, WV
ID: 1464**

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: April 3, 2023
Virtual Site Visit Exit Conference Date: April 5, 2023
Draft Report Date: May 4, 2023
Final Report Date: June 7, 2023**

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I. Executive Summary

This report documents the Federal Transit Administration's (FTA) Triennial Review of the Kanawha Valley Regional Transportation Authority (KVRTA) of Charleston, WV. 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. (the 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 KVRTA'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 KVRTA 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 KVRTA'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.

Deficiencies were found in the areas listed below.

Review Area	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
	Code	Description			
Technical Capacity – Award Management	TC-AM2-1 Incorrect FFR reporting	Recipient does not report unliquidated obligations using an accrual basis of accounting.	<p>The recipient must submit to the FTA regional office:</p> <ol style="list-style-type: none">1. Revised reports for Q4 2022 that include the corrected information.2. Procedures for including all required information in future reports. <p>If the recipient is no longer able to submit the reports electronically, it must upload hard copies of the reports to TrAMS and notify the regional office when the revised reports are submitted.</p>	July 7, 2023	
	TC-AM3-1 MPRs lack required information	MPRs do not contain discussion of schedule changes, explanations for delayed milestones, or discussion of the expected impact of the delays.	<p>The recipient must submit to the FTA regional office:</p> <ol style="list-style-type: none">1. Revised reports for Q4 2022 that include the missing information.2. Procedures for ensuring all required information is included in future reports. <p>If the recipient is no longer able to submit the reports electronically, it must upload hard copies of the reports to TrAMS and notify the regional office when the revised reports are submitted.</p>	July 7, 2023	

Review Area	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
	Code	Description			
Procurement	P1-4 Procurement policies and procedures not followed	Recipient is not following procurement manual for procurements above the recipient simplified acquisition threshold but below the federal threshold.	The recipient must provide evidence that it conducted training with all procurement staff on its procurement policies and procedures in the following areas: <ul style="list-style-type: none"> • Appropriate use of an IFB • Independent cost estimate • Cost and price analysis • Fair and reasonable price determination for piggyback • Liquidated damages 	September 7, 2023	
	P11-1 Missing FTA clauses	Recipient did not include all required clauses in all applicable procurements.	The recipient must submit to the FTA regional office: <ol style="list-style-type: none"> 1. Revised procurement procedures that address inclusion of all FTA-required third party contract clauses through use of a clause checklist or other mechanism. 2. A procedure for updating the required contract clauses on an annual basis. Documentation that all procurement staff have received training on the requirements for contract clauses and procedure for updating the clause checklist 	September 7, 2023	
	P12-1 Lobbying certifications not included in procurement solicitations or signed by bidders	Recipient did not include lobbying requirements or obtain a signed lobbying certification from bidders in one procurement over \$100K	The recipient must submit to the FTA regional office: <ol style="list-style-type: none"> 1. Procedures for obtaining signed lobbying certifications for all procurements over \$100K. 2. Documentation that all procurement staff have received training on the requirements for lobbying certifications. 	September 7, 2023	
	P20-2 Pre-award and/or post-delivery audits not performed	The recipient did not complete the required pre-award audit for one rolling stock procurement.	The recipient must submit to the FTA regional office: <ol style="list-style-type: none"> 1. The equivalent of a Buy America pre-award audit for the procurement reviewed. 2. Procedures for conducting pre-award review and inspection. 3. Documentation that all procurement staff have received training on the requirements for Buy America pre-award audits. 	September 7, 2023	

Review Area	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
	Code	Description			
P20-3 Pre-award and/or post-delivery certifications lacking	The recipient did not complete the required pre-award certifications for one rolling stock procurement.	The recipient must submit to the FTA regional office: 1. The certifications for the procurement reviewed 2. Procedures for completing the applicable pre-award certifications for future revenue rolling stock procurements. 3. Documentation that all procurement staff have received training on the requirements for Buy America pre-award certifications.		September 7, 2023	

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)

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. Due to the [COVID-19 relief funds](#) received through the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021, and American Rescue Plan (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 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 on March 1-2, 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 an agenda package to the recipient on March 13, 2023, indicating the issues that would be discussed, records to be reviewed, and interviews to be conducted. The virtual site visit to KVRTA occurred from April 3, 2023 (entrance conference) to April 5, 2023 (exit conference).

The virtual site visit portion of the review began with an entrance conference, at which time 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.

Upon completion of the virtual site visit, the Reviewers and the FTA regional office staff provided a summary of preliminary findings to the recipient at the exit conference on April 5, 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

KVRTA is a public transportation authority created in 1971 by Kanawha County and the City of Charleston, West Virginia. KVRTA is governed by a 13-member board. The County Commission appoints four board members. the City of Charleston appoints three members, and there is one representative each from the towns of South Charleston, Nitro. St. Albans, Dunbar. Montgomery. and Belle. KVRTA provides fixed-route and complementary paratransit service in Kanawha County and portions of Fayette and Putnam Counties. The service area is approximately 913 square miles with a population of 183,283. Approximately 88 percent of Kanawha County's residents live within three-quarters of a mile of KVRTA route.

KVRTA runs 20 daily fixed routes seven days a week around the commercial center of Charleston. KVRTA's fleet comprises 49 fixed-route transit coaches. minibuses, and a trolley. Complementary paratransit service known as Kanawha Alternative Transit (KAT), operates during the same days and hours with 15 cutaway vans.

Fares for KVRTA's service for a single ride are \$1.50. KVRTA offers several fare pass programs from as little as a daily pass to a 31-day pass. Reduced fares starting at \$0.75 are offered to customers with certain disabilities and adults over the age of 65. Children under 40 inches ride the bus for free. KVRTA's buses run Monday through Saturday from 4:25 a.m. until 12:55 a.m. the next day, with reduced service on Sunday.

KVRTA's operations, maintenance, and administrative headquarters are located on Fourth Avenue in Charleston. The City Center in downtown Charleston is the hub and transfer center for all routes.

2. Award and Project Activity

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

Award Number	Award Amount	Year Executed	Description
WV-2023-005	\$9,814,536	2023	The Kanawha Valley Regional Transportation Authority FFY 2021 and FFY 2022 Section 5307 and Section 5339 - Operating and Capital Projects
WV-2021-002	\$400,000	2021	Kanawha Valley Regional Transportation Authority (KVRTA) FFY 2019 and FFY 2020 Section 5307 Replacement Bus, Support Vehicle, Shelters, Hardware, Security Equipment, Ticket Vending Machines and Amenities
WV-2021-017	\$4,367,650	2021	The Kanawha Valley Regional Transportation Authority (KVRTA) FY 2020 Section 5307 Purchase of Buses, Vans, Hardware, Security and Miscellaneous Equipment Purchase and FFY 2020 and FFY 2021 Section 5339 Bus and Van Purchase
WV-2020-019	\$2,109,760	2020	The Kanawha Valley Regional Transportation Authority (KVRTA) Section 5307 FFY 2019 Capital Grant., Purchase of buses, Security Equipment, Computers Hardware & Software and Misc. Communication Equipment for both Facilities and Fixed Route Vehicles.
WV-2019-018	\$5,007,073	2019	KVRTA FFY 2018 and FFY 2019 Section 5307 Operating Assistance, Purchase of Security Equipment Computer Hardware and Software and Section 5339 Bus Purchase

KVRTA received Supplemental Funds for operating assistance in award numbers WV-2020-010, WV-2021-012, and WV-2021-015. This is not the KVRTA's first time receiving operating assistance from the FTA.

Projects Completed

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

- Technology upgrades
- Renewal of Local Funding Levy
- Bus, Small Bus and ADA Van Replacements

Ongoing Projects

KVRTA is currently implementing the following noteworthy projects:

- Introduction of Mobile Ticketing options
- Comprehensive Operational Analysis
- Implementing new AVL/GPS system
- Bus, Small Bus and ADA Van Replacements

Future Projects

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

- Potential new Facility that will combine Maintenance, Operations, and Admin into one facility.
- Investigating a micro-transit model to increase service areas and efficiencies.

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 KVRTA, 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 KVRTA, 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 KVRTA, two (2) deficiencies were found with the FTA requirements for Technical Capacity – Award Management.

Deficiency Description #1: Incorrect FFR reporting (TC-AM2-1)

Recipient did not report unliquidated obligations using an accrual basis of accounting on FY 2022 FFRs.

Corrective Action(s) and Schedule: By July 7, 2023, KVRTA must submit to the Region 3 office:

1. Revised reports for Q4 2022 that include the corrected information.
2. Procedures for including all required information in future reports.

If the recipient is no longer able to submit the reports electronically, it must upload soft copies of the reports to TrAMS and notify the regional office when the revised reports are submitted.

Deficiency Description #2: MPRs lack required information (TC-AM3-1)

FY2022 MPRs for awards WV-2020-019 and WV-2021-017 do not narrative activity status and any problems encountered, detailed discussion of budget or schedule changes, explanations for why scheduled milestones were not met, identification of problem areas, or discussion of the expected impact of the delays.

Corrective Action(s) and Schedule: By July 7, 2023, KVRTA must submit to the Region 3 office:

1. Revised reports for Q4 2022 that include the missing information.
2. Procedures for ensuring all required information is included in future reports.

If the recipient is no longer able to submit the reports electronically, it must upload soft copies of the reports to TrAMS and notify the regional office when the revised reports are submitted.

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 KVRTA, 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 KVRTA, 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 KVRTA, 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 KVRTA, 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 KVRTA, 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 KVRTA, five (5) deficiencies were found with the FTA requirements for Procurement.

Deficiency Description #1: Procurement policies and procedures not followed (P1-4)

The recipient has a local small purchase threshold of \$25,000; however, two procurements included in the file sample with contract values over this amount but under the federal simplified acquisition threshold were not conducted using a formal method of procurement as required by the recipient's procurement manual.

Corrective Action(s) and Schedule: By September 7, 2023, KVRTA must submit to the Region 3 office evidence that it conducted training of all procurement staff on its procurement policies and procedures in the following areas:

- Appropriate use of an IFB
- Independent cost estimates
- Cost and price analysis
- Fair and reasonable price determination for piggyback
- Liquidated damages

Deficiency Description #2: Missing FTA Clauses (P11-1)

The contract files for all five procurements included in the file sample did not include the required FTA clauses for seatbelt use or distracted driving. Three procurement files were also missing required clause: Notice to FTA and U.S. DOT Inspector General of information related to fraud, waste, abuse, or other legal matters. One procurement was missing the required FTA clauses for termination for cause and for convenience and prohibition on certain telecommunications and video surveillance services or equipment.

Corrective Action(s) and Schedule: By September 7, 2023, KVRTA must submit to the Region 3 office:

1. Revised procurement procedures that address inclusion of all FTA-required third party contract clauses through use of a clause checklist or other mechanism.
2. A procedure for updating the required contract clauses on an annual basis.
3. Documentation that all procurement staff have received training on the requirements for contract clauses and procedure for updating a clause checklist.

Deficiency Description#3: Lobbying certifications not included in procurement solicitations or signed by bidders (P12-1)

The recipient contract files did not include lobbying requirements or obtain a signed lobbying certification from bidders in one procurement valued over \$100,000.

Corrective Action(s) and Schedule: By September 7, 2023, KVRTA must submit to the Region 3 office:

1. Procedures for obtaining signed lobbying certifications for all procurements over \$100,000..
2. Documentation that all procurement staff have received training on the requirements for lobbying certifications.

Deficiency Description #4: Pre-award and/or post-delivery audits not performed (P20-2)

The recipient contract files did not include the required pre-award audit for one rolling stock procurement.

Corrective Action(s) and Schedule: By September 7, 2023, KVRTA must submit to the Region 3 office:

1. The equivalent of a Buy America pre-award audit for the procurement reviewed.
2. Procedures for conducting pre-award review and inspection.
3. Documentation that all procurement staff have received training on the requirements for Buy America pre-award audits.

Deficiency Description #5: Pre-award and/or post-delivery certifications lacking (P20-3)

The recipient contract files did not include the required pre-award certifications for one rolling stock procurement.

Corrective Action(s) and Schedule: By September 7, 2023, KVRTA must submit to the Region 3 office:

1. The certifications for the procurement reviewed.
2. Procedures for completing the applicable pre-award certifications for future revenue rolling stock procurements.
3. Documentation that all procurement staff have received training on the requirements for Buy America pre-award certifications.

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 KVRTA, no deficiencies were found with the USDOT 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 KVRTA, 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 KVRTA, 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 KVRTA, 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 KVRTA, 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 KVRTA, 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 KVRTA, 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 KVRTA, 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 KVRTA, 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 KVRTA, 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 KVRTA.

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 KVRTA.

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 KVRTA, 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 KVRTA.

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-AM2-1	Incorrect FFR reporting	The recipient must submit to the FTA regional office: revised reports for Q4 2022 that include the corrected information. procedures for including all required information in future reports. If the recipient is no longer able to submit the reports electronically, it must upload soft copies of the reports to TrAMS and notify the regional office when the revised reports are submitted.	July 7, 2023	
		TC-AM3-1	MPRs lack required information	The recipient must submit to the FTA regional office: revised reports for Q4 2022 that include the missing information. procedures for ensuring all required information is included in future reports. If the recipient is no longer able to submit the reports electronically, it must upload soft copies of the reports to TrAMS and notify the regional office when the revised reports are submitted.	July 7, 2023	
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					

Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
		Code	Description			
9. Procurement	D	P1-4	Procurement policies and procedures not followed	The recipient must provide evidence that it conducted training with all procurement staff on its procurement policies and procedures in the following areas: <ul style="list-style-type: none"> • Appropriate use of an IFB • Independent cost estimate • Cost and price analysis • Fair and reasonable price determination for piggyback • Liquidated damages 	September 7, 2023	
		P11-1	Missing FTA clauses	The recipient 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. A procedure for updating the required contract clauses on an annual basis. Documentation that all procurement staff have received training on the requirements for contract clauses and procedure for updating the clause checklist	September 7, 2023	
		P12-1	Lobbying certifications not included in procurement solicitations or signed by bidders	The recipient must submit to the FTA regional office: Procedures for obtaining signed lobbying certifications for all procurements over \$100K. Documentation that all procurement staff have received training on the requirements for lobbying certifications.	September 7, 2023	
		P20-2	Pre-award and/or post-delivery audits not performed	The recipient must submit to the FTA regional office: The equivalent of a Buy America pre-award audit for the procurement reviewed. Procedures for conducting pre-award review and inspection. Documentation that all procurement staff have received training on the requirements for Buy America pre-award audits.	September 7, 2023	
		P20-3	Pre-award and/or post-delivery certifications lacking	The recipient must submit to the FTA regional office: The certifications for the procurement reviewed Procedures for completing the applicable pre-award certifications for future revenue rolling stock procurements. Documentation that all procurement staff have received training on the requirements for Buy America pre-award certifications.	September 7, 2023	
10. Disadvantaged Business Enterprise	ND					
11. Title VI	ND					

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	ND					
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
Kanawha Valley RTA			
Sean Hill	Director	304-343-3840	seanhill@rideonkrt.com
Scott Menefee	Director of Finance	304-343-3940	smenefee@rideonkrt.com
Chris Baldwin	Director of Maintenance	304-343-3840	cbaldwin@rideonkrt.com
Curt Zickafoose	Director of Grants	304-343-3840	czickafoose@rideonkrt.com
Jacob Pitman	Director of Operations	304-343-3840	jpitman@rideonkrt.com
Angie Talbott	Director of Purchasing	304-320-3840	atalbott@rideonkrt.com
FTA			
Tony Tarone	Deputy Regional Administrator	215-656-7100	Tony.Tarone@dot.gov
Tony Cho	Director, Office of Program Management and Project Oversight	215-656-7100	Tony.Cho@dot.gov
Ron Shatz	General Engineer	215-656-7071	Ron.Shatz@dot.gov
Anthony Romero	Procurement Specialist (Consultant)	215-656-7100	Anthony.Romero.CTR@dot.gov
Contractor			
Jameson Beekman	Lead Reviewer	617-577-0042	jamesonb@calyptusgroup.com
Ellen Harvey	Associate Reviewer	617-577-0042	eharvey@calyptusgroup.com

VII. Appendices