



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

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November 18, 2019

Mr. Kyle Lobner
Chairman
Fox Cities Transit Commission
3920 E. Ashbury Drive
Appleton, WI 54913

Re: Federal Transit Administration (FTA) Fiscal Year 2019 Triennial Review – Final Report

Dear Mr. Lobner:

I am pleased to provide you with a copy of this FTA report as required by 49 U.S.C. Chapter 53 and other Federal requirements. The enclosed final report documents the FTA's Triennial Review of the City of Appleton/Valley Transit. Although not an audit, the Triennial Review is the FTA's assessment of Valley Transit'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.

The Triennial Review focused on the Valley Transit's compliance in 21 areas. No deficiencies were found with the FTA requirements in 19 areas. Deficiencies were found in two areas: Disadvantaged Business Enterprise (DBE) and ADA-Complementary Paratransit. There were no repeat deficiencies from the 2016 Triennial Review.

Regulations and Guidance

Public Transportation Agency Safety Plan (PTASP) Final Rule

On July 19, 2018, FTA published the PTASP Final Rule. The PTASP Final Rule, which takes effect July 19, 2019, requires all operators of public transportation systems that are recipients and subrecipients of FTA's Urbanized Area Formula Grants to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS). FTA is deferring applicability of this requirement for operators that only receive funds through FTA's Enhanced Mobility of Seniors and Individuals with Disabilities Formula Program (Section 5310) and/or Rural Area Formula Program (Section 5311).

As part of the Annual Certifications and Assurances, transit operators must certify they have a safety plan in place for meeting the requirements of the rule by July 20, 2020. All plans will be reviewed starting October 1, 2021 through FTA's oversight process. For guidance and updates to assist in the preparation and implementation of the PTASP Final Rule, please visit FTA's website at www.transit.dot.gov/PTASP.

Random Drug Testing Rate Increase

On October 17, 2018, FTA published a dear colleague letter "2019 Random Drug Testing Increase". FTA, as mandated by its drug and alcohol regulation for random testing, at 49 C.F.R. 655.45, will increase the minimum rate of random drug testing from 25 percent to 50 percent of covered employees for employers subject to FTA's drug and alcohol regulation, which takes effect January 1, 2019. This increased random drug testing rate results from a recent uptick in the proportion of violations identified through random drug testing.

Mr. Kyle Lobner
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The 50 percent random drug testing rate will apply to entities receiving Federal assistance under 49 U.S.C. 5307, 5309, 5311 or 5339, including recipients, subrecipients, and safety-sensitive contractors. The required minimum rate for random alcohol testing is unaffected and will remain at 10 percent for calendar year 2019.

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. Hassan Dastgir, General Engineer, at 312-705-1280, or by email at hassan.dastgir@dot.gov.

Sincerely,

A handwritten signature in black ink that reads "Kelley Brookins". The signature is written in a cursive, flowing style.

Kelley Brookins
Regional Administrator

Enclosure

cc: Ronald C. McDonald, General Manager, Valley Transit
Hassan Dastgir, General Engineer
Marjorie Hughes, Regional Civil Rights Officer
George Pierlott, Reviewer

FINAL REPORT

**FISCAL YEAR 2019
TRIENNIAL REVIEW**

of

**City of Appleton/Valley Transit
Appleton, Wisconsin
ID: 2564**

Performed for:

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

Prepared By:

Interactive Elements Inc.

Scoping Meeting/Desk Review Date: June 6, 2019

Site Visit Date: September 12 and 13, 2019

Draft Report Date: October 10, 2019

Final Report Date: November 18, 2019

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I. Executive Summary

This report documents the Federal Transit Administration's (FTA) Triennial Review of the City of Appleton/Valley Transit. 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 Interactive Elements Inc. During the site visit, administrative and statutory requirements were discussed and documents were reviewed. Valley Transit's transit facilities were toured to obtain an overview of activities related to FTA-funded projects.

The Triennial Review focused on Valley Transit's compliance in 21 areas. Deficiencies were found in the areas listed below:

Review Area	Deficiencies	
	Code	Description
10. Disadvantaged Business Enterprise (DBE)	DBE5-1	DBE uniform reports contain inaccuracies and/or are missing required information
13. Americans With Disabilities Act (ADA) – Complementary Paratransit	ADA-CPT5-1	Unreasonable no-show suspension

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...” This Triennial Review was performed in accordance with FTA procedures (published in FTA Order 9010.1B, April 5, 1993).

The Triennial Review includes a review of the recipient’s compliance in 21 areas. The basic requirements for each of these areas are summarized in Section IV.

This report presents the findings from the Triennial Review of Valley Transit. The review concentrated on procedures and practices employed during the past three years; 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 regional office or the recipient’s office.

2. Process

The Triennial Review process includes a pre-review assessment, a review scoping meeting/desk review with the FTA regional office, and an on-site visit to the recipient’s location. The review scoping meeting/desk review was conducted with the Region 5 Office on June 6, 2019. Necessary files retained by the regional office were sent to the reviewer electronically. A recipient information request was sent to Valley Transit advising it of the site visit and indicating information that would be needed and issues that would be discussed. The site visit to Appleton occurred on September 12 and 13, 2019.

The onsite portion of the review began with an entrance conference, at which the purpose of the Triennial Review and the review process were discussed. The remaining time was spent discussing administrative and statutory requirements and reviewing documents. The reviewer visited the Valley Transit’s transit administration and maintenance facility to obtain an overview of activities related to FTA-funded projects. The reviewer examined a sample of maintenance records for FTA-funded vehicles and equipment.

Upon completion of the review, FTA and the reviewer provided a summary of preliminary findings to Valley Transit at an exit conference. Section VI of this report lists the individuals participating in the review.

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, no findings were noted with the recipient's implementation of the requirements.
- *Deficient*: An area is considered deficient if any of the requirements within the area reviewed were not met.
- *Not Applicable*: An area can be deemed not applicable if, after an initial assessment, the recipient does not conduct activities for which the requirements of the respective area would be applicable.

III. Recipient Description

1. Organization

The City of Appleton, Wisconsin operates Valley Transit within the Fox Cities urbanized area (i.e., Appleton, Grand Chute, Kaukauna, Little Chute, Kimberly, Menasha, Fox Crossing, Neenah, and Buchanan), as well as the Counties of Calumet, Outagamie, and Winnebago. A Transit Commission, consisting of 15 members appointed by the Mayor and confirmed by the City Council, governs Valley Transit's policies and procedures. The Fox Cities service area population is approximately 216,000. VT's general manager, appointed by the Mayor, is directly responsible for the day-to-day operations of the transit system. All Valley Transit staff are employees of the City of Appleton.

2. Services

Valley Transit directly operates 18 fixed routes with a fleet of 36 FTA-funded buses. Fixed-route service operates between the hours of 5:45 a.m. and 9:45 p.m. on weekdays. Saturday service is provided between 7:45 a.m. and 9:45 p.m. There is no fixed-route service on Sundays. The basic adult cash fare is \$2.00. A reduced fare of \$1.00 is available for senior citizens, persons with disabilities, and Medicare cardholders during all hours and days of service.

One seasonal route, a downtown circulator, is operated under contract with Lamers, Inc. from June through September. The service is known as the Downtown Trolley and operates from 5:00 a.m. to 11:00 p.m. on weekdays, and from 8:00 a.m. to 11:00 p.m. on Saturdays. The Downtown Trolley service is fare-free.

ADA complementary paratransit service for persons with disabilities eligible under the Americans with Disabilities Act (ADA) is provided during the same days and hours as fixed-route service. Additional paratransit service is provided on Sundays from 7:30 a.m. and 2:00 p.m. Paratransit services are operated through a turnkey contract with Running, Inc. The contractor owns and maintains the paratransit vehicles.

Valley Transit also purchases demand-response and route-deviation services from other local transportation providers. These services are operated in certain low-density areas beyond the fixed-route service area. These include services operated by Kobussen Buses, Fox Valley Cab, and Calumet County.

- The Connector – this service provides employment transportation to residents of the Fox Cities. The Connector is designed to supplement Valley Transit's bus service by providing trips when the rider lives or works outside of Valley Transit's regular bus route locations or when transportation is needed before or after normal operating hours of the bus.
- Senior Transportation Services – this service provides trip to seniors in Calumet and Outagamie County. Passengers must be 60 years of age, or over and live in the Fox Cities portion of Outagamie or Calumet County. Outagamie County residents may travel to

Winnebago County for medical appointments only. The service is operated from 9:00 a.m. to 5:00 p.m. on weekdays.

- Calumet County Van Service – Calumet County Aging and Disability Resource Center provides non-emergency transportation services to individuals 60 years of age and older and individuals with a disability who reside in Calumet County. This service is provided to help people remain in their community by providing access to safe and reliable transportation. Services are available to provide assistance to medical, nutrition, shopping, and human services resources. Services are provided both for ambulatory and non-ambulatory individuals.

Valley Transit is the designated recipient of Section 5310 funds in the Appleton, Wisconsin area. Section 5310 funds are passed through to Lutheran Social Services of Wisconsin and Upper Michigan (LSS). LSS provides specialized transportation services for seniors and persons with disabilities in Outagamie County called “Make the Ride Happen.”

The National Transit Database Report for fiscal year 2017 provided the following financial and operating statistics for Valley Transit’s fixed-route and paratransit service:

Statistics	Fixed-Route Directly Operated Service	Fixed-Route Contracted Service	Paratransit Service
Unlinked Passengers	961,596	27,826	157,412
Revenue Hours	59,512	7,676	39,470
Operating Expenses	\$5,223,046	\$332,410	\$2,163,729

3. Award and Project Activity

Below is a list of Valley Transit’s open awards at the time of the review:

Award Number	Award Amount	Year Executed	Description
WI-2017-017	\$178,981	2017	LAPSING FY15 5310 Enhanced Mobility
WI-2018-008	\$336,734	2018	FY16 & FY17 5310 Enhanced Mobility - Lapsing Funds
WI-34-0007	\$567,758	2014	FY13 & FY14 5339 Bus Replacement
WI-2016-038	\$172,011	2016	FY14 5310 Enhanced Mobility
WI-2018-039	\$3,654,117	2018	2018 City of Appleton Valley Transit 5307 and 5339 Operating and Capital Grant

Award Number	Award Amount	Year Executed	Description
WI-2019-005	\$4,000,000	2019	City of Appleton Valley Transit 5339 Buses and Bus Facilities Infrastructure Investment Capital Grant
WI-2016-020	\$516,724	2016	FY15 & FY16 5339 Bus Replacement

Projects Completed

In the past few years, Valley Transit has completed the following noteworthy projects:

- Purchased four fixed route buses
- Renovated and repaired bus washer
- Repaired pit in maintenance shop
- Replaced infrared heaters and HVAC in maintenance shop
- Repaired transit center roof

Ongoing Projects

Valley Transit is currently undertaking the following FTA-funded projects:

- Purchase of 10 fixed route replacement buses
- Replacement of AVL system
- Replacement of emergency generator for maintenance and administration building
- Upgrade of fueling system
- Replacement of paratransit Intelligent Transportation System (ITS)
- Purchase of a replacement support vehicle

Future Projects

In the next three to five years, Valley Transit plans to remodel and update the maintenance and administration building at 801 South Whitman Avenue.

IV. Results of the Review

1. Legal

Basic Requirement: The recipient must promptly notify the FTA of legal matters and additionally notify the U.S. DOT 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 Valley Transit, 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 authority; and financial management systems in place to match, manage, and charge only allowable cost to the award. The recipient must conduct required single audits and provide financial oversight of subrecipients.

Finding: During this Triennial Review of Valley Transit, 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 FTA timely.

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

4. Technical Capacity – Program Management & Subrecipient Oversight

Basic Requirement: The recipient must follow the public involvement process for transportation plans; develop and submit a State Management Plan to the FTA for approval; 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: FTA requirements for Technical Capacity – Program Management & Subrecipient Oversight are not applicable to Valley Transit. The City is not a designated recipient of Section 5310, or Section 5339 funding, and does not have any subrecipients.

5. Technical Capacity – Project Management

Basic Requirement: The recipient must be able to implement FTA-funded projects in accordance with the award application, FTA Master Agreement, and all applicable laws and regulations, using sound management practices; and prepare force account plans.

Finding: During this Triennial Review of Valley Transit, 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. Recipients' TAM plans must include an asset inventory, condition assessments of inventoried assets, and a prioritized list of investments to improve the state of good repair of their capital assets.

Finding: During this Triennial Review of Valley Transit, 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 Valley Transit, 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 ADA accessibility features on all vehicles, equipment, and facilities in good operating order.

Finding: During this Triennial Review of Valley Transit, no deficiencies were found with the FTA requirements for Maintenance.

9. Procurement

Basic Requirement: States: When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with 2 CFR §200.322 (Procurement of Recovered Materials) and ensure that every purchase order or other contract includes any clauses required by section 2 CFR §200.326 (Contract Provisions). All other non-Federal entities, including subrecipients of a state, will follow 2 CFR §§200.318 (General Procurement Standards) through 200.326 (Contract Provisions).

Non-state recipients: 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.

Where FTA funds are used in procurements for services or supplies, or where FTA-funded facilities or assets are used in revenue contracts, FTA Circular 4220.1F applies. FTA funds, even operating assistance, can be segregated from local funds. FTA Circular 4220.1F does not apply to wholly locally-funded capital procurements.

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

During the site visit six procurement files were reviewed. The table below provides details for each procurement. No deficiencies were identified for these procurements.

Procurement #	1	2	3	4	5	6
Goods/Services Procured	Bus Purchase	ADA & Ancillary Paratransit	Tire Lease	Radios & Infrastructure	Trolley Service	Specialized Transit Service
Date	2017	2018	2018	2017	2019	2016
Dollar Value	\$1,342,226	\$7,800,000	~\$50,000	\$90,000	\$93,000	\$1,561,140
Type	Rolling Stock	Operations	Materials & Supplies	Materials & Supplies	Operations	Operations
Method	Piggyback	RFP	RFP	Sole Source	RFP	RFP
New Start or Small Start	No	No	No	No	No	No
Awarded by Contractors or Subrecipients	No	No	No	No	No	No
Change Order	No	No	No	No	No	No
DBE Goal	No	No	No	No	No	No
Protest	No	No	No	No	No	No
Deficiencies	No	No	No	No	No	No

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 US DOT-assisted contracts.

Finding: During this Triennial Review of Valley Transit, a deficiency was found with the US DOT requirements for DBE.

DBE uniform reports contain inaccuracies and/or are missing (DBE5-1)

Valley Transit has been incorrectly reporting ongoing payments on FTA-assisted contracts as awards in Section A of its DBE semi-annual reports to FTA. Furthermore, payments made on

ongoing contracts have not been reported in Section C, but rather as payments on completed contracts in Section D of the semi-annual reports.

49 CFR Part 26 Appendix B “INSTRUCTIONS FOR COMPLETING THE UNIFORM REPORT OF DBE AWARDS/COMMITMENTS AND PAYMENTS”

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. All dollar values listed on this form should represent the DOT share attributable to the Operating Administration (OA): Federal Highway Administration (FHWA), Federal Aviation Administration (FAA) or Federal Transit Administration (FTA) to which this report will be submitted.

1. *Indicate the DOT (OA) that provides your Federal financial assistance. If assistance comes from more than one OA, use separate reporting forms for each OA. If you are an FTA recipient, indicate your Vendor Number in the space provided.*
2. *If you are an FAA recipient, indicate the relevant AIP Numbers covered by this report. If you are an FTA recipient, indicate the Grant/Project numbers covered by this report. If more than ten vendors attach a separate sheet.*
3. *Specify the Federal fiscal year (i.e., October 1-September 30) in which the covered reporting period falls.*
4. *State the date of submission of this report.*
5. *Check the appropriate box that indicates the reporting period that the data provided in this report covers. For FHWA and FTA recipients, if this report is due June 1, data should cover October 1-March 31. If this report is due December 1, data should cover April 1-September 30. If the report is due to the FAA, data should cover the entire year.*
6. *Provide the name and address of the recipient.*
7. *State your overall DBE goal(s) established for the Federal fiscal year of the report being submitted to and approved by the relevant OA. Your overall goal is to be reported as well as the breakdown for specific race-conscious and race-neutral projections (both of which include gender-conscious/neutral projections). The race-conscious projection should be based on measures that focus on and provide benefits only for DBEs. The use of contract goals is a primary example of a race-conscious measure. The race-neutral projection should include measures that, while benefiting DBEs, are not solely focused on DBE firms. For example, a small business outreach program, technical assistance, and prompt payment clauses can assist a wide variety of businesses in addition to helping DBE firms.*

Section A: Awards and Commitments Made During This Period

The amounts in items 8(A)-10(I) should include all types of prime contracts awarded and all types of subcontracts awarded or committed, including: professional or consultant services, construction, purchase of materials or supplies, lease or purchase of equipment and any other types of services. All dollar amounts are to reflect only the Federal share of such contracts and should be rounded to the nearest dollar.

Line 8: Prime contracts awarded during this period: The items on this line should correspond to the contracts directly between the recipient and a supply or service contractor, with no intermediaries between the two.

8(A). Provide the total dollar amount for all prime contracts assisted with DOT funds and awarded during this reporting period. This value should include the entire Federal share of the contracts without removing any amounts associated with resulting subcontracts.

8(B). Provide the total number of all prime contracts assisted with DOT funds and awarded during this reporting period.

8(C). From the total dollar amount awarded in item 8(A), provide the dollar amount awarded in prime contracts to certified DBE firms during this reporting period. This amount should not include the amounts sub contracted to other firms.

8(D). From the total number of prime contracts awarded in item 8(B), specify the number of prime contracts awarded to certified DBE firms during this reporting period.

8(E&F). This field is closed for data entry. Except for the very rare case of DBE-set asides permitted under 49 CFR Part 26, all prime contracts awarded to DBES are regarded as race-neutral.

8(G). From the total dollar amount awarded in item 8(C), provide the dollar amount awarded to certified DBEs through the use of race-neutral methods. See the definition of race-neutral in item 7 and the EXPLANATION FOR THE RECIPIENT in item 8 of project types to include.

8(H). From the total number of prime contracts awarded in 8(D), specify the number awarded to DBEs through race-neutral methods.

8(I). Of all prime contracts awarded this reporting period, calculate the percentage going to DBEs. Divide the dollar amount in item 8(C) by the dollar amount in item 8(A) to derive this percentage. Round percentage to the nearest tenth.

Line 9: Subcontracts awarded/committed this period: Items 9(A)-9(I) are derived in the same way as items 8(A)-8(I), except that these calculations should be based on subcontracts rather than prime contracts. Unlike prime contracts, which may only be awarded, subcontracts may be either awarded or committed.

9(A). If filling out the form for general reporting, provide the total dollar amount of subcontracts assisted with DOT funds awarded or committed during this period. This value should be a subset of the total dollars awarded in prime contracts in 8(A), and therefore should never be greater than the amount awarded in prime contracts. If filling out the form for project reporting, provide the total dollar amount of subcontracts assisted with DOT funds awarded or committed during this period. This value should be a subset of the total dollars awarded or previously in prime contracts in 8(A). The sum of all subcontract amounts in consecutive periods should never exceed the sum of all prime contract amounts awarded in those periods.

9(B). Provide the total number of all subcontracts assisted with DOT funds that were awarded or committed during this reporting period.

9(C). From the total dollar amount of subcontracts awarded/committed this period in item 9(A), provide the total dollar amount awarded in subcontracts to DBEs.

9(D). From the total number of subcontracts awarded or committed in item 9(B), specify the number of subcontracts awarded or committed to DBEs.

9(E). From the total dollar amount of subcontracts awarded or committed to DBEs this period, provide the amount in dollars to DBEs using race-conscious measures.

9(F). From the total number of subcontracts awarded or committed to DBEs this period, provide the number of subcontracts awarded or committed to DBEs using race-conscious measures.

9(G). From the total dollar amount of subcontracts awarded/committed to DBEs this period, provide the amount in dollars to DBEs using race-neutral measures.

9(H). From the total number of subcontracts awarded/committed to DBEs this period, provide the number of subcontracts awarded to DBEs using race-neutral measures.

9(I). Of all subcontracts awarded this reporting period, calculate the percentage going to DBEs. Divide the dollar amount in item 9(C) by the dollar amount in item 9(A) to derive this percentage. Round percentage to the nearest tenth.

Line 10: Total contracts awarded or committed this period. These fields should be used to show the total dollar value and number of contracts awarded to DBEs and to calculate the overall percentage of dollars awarded to DBEs.

10(A)-10(B). These fields are unavailable for data entry.

10(C-H). Combine the total values listed on the prime contracts line (Line 8) with the corresponding values on the subcontracts line (Line 9).

10(I). Of all contracts awarded this reporting period, calculate the percentage going to DBEs. Divide the total dollars awarded to DBEs in item 10(C) by the dollar amount in item 8(A) to derive this percentage. Round percentage to the nearest tenth.

Section B: Breakdown by Ethnicity & Gender of Contracts Awarded to DBEs This Period

11-17. Further breakdown the contracting activity with DBE involvement. The Total Dollar Amount to DBEs in 17(C) should equal the Total Dollar Amount to DBEs in 10(C). Likewise the total number of contracts to DBEs in 17(F) should equal the Total Number of Contracts to DBEs in 10(D).

Line 16: The "Non-Minority" category is reserved for any firms whose owners are not members of the presumptively disadvantaged groups already listed, but who are either "women" OR eligible for the DBE program on an individual basis. All DBE firms must be certified by the Unified Certification Program to be counted in this report.

Section C: Payments on Ongoing Contracts

Line 18(A-E). Submit information on contracts that are currently in progress. All dollar amounts are to reflect only the Federal share of such contracts, and should be rounded to the nearest dollar.

18(A). Provide the total dollar amount paid to all firms performing work on contracts.

18(B). Provide the total number of contracts where work was performed during the reporting period.

18(C). From the total number of contracts provided in 18(A) provide the total number of contracts that are currently being performed by DBE firms for which payments have been made.

18(D). From the total dollar amount paid to all firms in 18(A), provide the total dollar value paid to DBE firms currently performing work during this period.

18(E). Provide the total number of DBE firms that received payment during this reporting period. For example, while 3 contracts may be active during this period, one DBE firm may be providing supplies or services on all three contracts. This field should only list the number of DBE firms performing work.

18(F). Of all payments made during this period, calculate the percentage going to DBEs. Divide the total dollar value to DBEs in item 18(D) by the total dollars of all payments in 18(B). Round percentage to the nearest tenth.

Section D: Actual Payments on Contracts Completed This Reporting Period

This section should provide information only on contracts that are closed during this period. All dollar amounts are to reflect the entire Federal share of such contracts, and should be rounded to the nearest dollar.

19(A). Provide the total number of contracts completed during this reporting period that used Race Conscious measures. Race Conscious contracts are those with contract goals or another race conscious measure.

19(B). Provide the total dollar value of prime contracts completed this reporting period that had race conscious measures.

19(C). From the total dollar value of prime contracts completed this period in 19(B), provide the total dollar amount of dollars awarded or committed to DBE firms in order to meet the contract goals. This applies only to Race Conscious contracts.

19(D). Provide the actual total DBE participation in dollars on the race conscious contracts completed this reporting period.

19(E). Of all the contracts completed this reporting period using Race Conscious measures, calculate the percentage of DBE participation. Divide the total dollar amount to DBEs in item 19(D) by the total dollar value provided in 19(B) to derive this percentage. Round to the nearest tenth.

20(A)-20(E). Items 21(A)-21(E) are derived in the same manner as items 19(A)-19(E), except these figures should be based on contracts completed using Race Neutral measures.

20(C). This field is closed.

21(A)-21(D). Calculate the totals for each column by adding the race conscious and neutral figures provided in each row above.

21(C). This field is closed.

21(E). Calculate the overall percentage of dollars to DBEs on completed contracts. Divide the Total DBE participation dollar value in 21(D) by the Total Dollar Value of Contracts Completed in 21(B) to derive this percentage. Round to the nearest tenth.

23. Name of the Authorized Representative preparing this form.

24. Signature of the Authorized Representative.

25. Phone number of the Authorized Representative.

Corrective Actions and Schedule: No later than February 17, 2020, Valley Transit must submit to the FTA Regional Civil Rights Officer (RCRO) corrected semi-annual reports for FFY2016, FFY2017, FFY2018 and FFY2019. Valley Transit must also submit procedures to ensure that future semi-annual reports will be completed accurately.

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 Valley Transit, 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 ADA 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 Valley Transit, 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 Valley Transit, a deficiency was found with US DOT requirements for ADA – Complementary Paratransit.

DEFICIENCY CODE ADA-CPT5-1: Unreasonable no-show suspension

Although Valley Transit does not enforce its no-show policy, the no-show suspension policy published in its the Paratransit System Policies & Procedures does not include adequate provisions for establishing a pattern, or practice of no-shows on the Valley Transit II (ADA Complementary Paratransit service).

49 CFR 37.125 ADA paratransit eligibility: Process

- (h) *The entity may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA eligible individuals who establish a pattern or practice of missing scheduled trips.*
- (1) *Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists.”*
 - (2) *Before suspending service, the entity shall take the following steps:*
 - (i) *Notify the individual in writing that the entity proposes to suspend service, citing with specificity the basis of the proposed suspension and setting forth the proposed sanction.*
 - (ii) *Provide the individual an opportunity to be heard and to present information and arguments;* (iii) *Provide the individual with written notification of the decision and the reasons for it.*
 - (3) *The appeals process of paragraph (g) of this section is available to an individual on whom sanctions have been imposed under this paragraph. The sanction is stayed pending the outcome of the appeal.*
- i. *The entity shall establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial.*
- (1) *The entity may require that an appeal be filed within 60 days of the denial of an individual’s application.*
 - (2) *The process shall include an opportunity to be heard and to present information and arguments, separation of functions (i.e., a decision by a person not involved with the*

initial decision to deny eligibility), and written notification of the decision, and the reasons for it.

- (3) *The entity is not required to provide paratransit service to the individual pending the determination on appeal. However, if the entity has not made a decision within 30 days of the completion of the appeal process, the entity shall provide paratransit service from that time until and unless a decision to deny the appeal is issued.*

Corrective Actions and Schedule: No later than February 17, 2020, Valley Transit must submit to the RCRO a revised policy that satisfies the regulatory requirement for imposing a suspension only after establishing that the rider has a pattern or practice of missing scheduled trips.

Subsequent to the site visit, Valley Transit eliminated the no-show policy related to ADA Paratransit Service. An updated policy was provided to FTA on September 23, 2019. This corrective action remains open pending final review by the FTA Office of Civil Rights.

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. (Note: Equal Employment Opportunity Commission's regulation only identifies/recognizes religion and not creed as one of the protected groups.)

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

16. Charter Bus

Basic Requirement: Recipients are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. Recipients are allowed to operate community based charter services excepted under the regulations.

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

19. Section 5307 Program Requirements

Basic Requirement: 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. 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. Recipients shall develop, publish, afford an opportunity for a public hearing on, and submit for approval, a program of projects (POP). Recipients must annually certify that they are spending at least one percent of such funds for transit security projects or that such expenditures for security systems are not necessary. Recipients must ensure that least one percent of such funds are expended on associated transit enhancement projects.

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

20. Section 5310 Program Requirements

Basic Requirement: Recipients must expend funds on eligible projects that meet the specific needs of seniors and individuals with disabilities. Projects selected for funding under the Section 5310 program must be included in a locally developed, coordinated public transit-human services transportation plan. Recipients must approve all leases of Section 5310-funded vehicles and ensure that leases include required terms and conditions. Either the recipient or subrecipient must hold title to the leased vehicles.

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

21. Section 5311 Program Requirements

Basic Requirement: Recipients must expend funds on eligible projects to support rural public transportation services and intercity bus transportation.

Finding: This section only applies to recipients that receive Section 5311 funds directly from FTA, therefore, the related requirements are not applicable to the review of Valley Transit.

V. Summary of Findings

Review Area	Finding	Deficiency Code(s)	Corrective Action	Response Due Date	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	ND				
10. Disadvantaged Business Enterprise (DBE)	D	DBE5-1: DBE uniform reports contain inaccuracies and/or are missing required information	Valley Transit must submit to the FTA RCRO corrected semi-annual reports for FFY2016, FFY2017, FFY2018 and FFY2019. Valley Transit must also submit procedures to ensure that future semi-annual reports will be completed accurately.	02/17/2020	
11. Title VI	ND				
12. Americans With Disabilities Act (ADA) - General	ND				
13. Americans With Disabilities Act (ADA) – Complementary Paratransit	D	ADA-CPT5-1: Unreasonable no-show suspension	Valley Transit must submit to the RCRO a revised policy that satisfies the regulatory requirement for imposing a suspension only after establishing that the rider has a pattern or practice of missing scheduled trips.	02/17/2020	
14. Equal Employment Opportunity (EEO)	ND				
15. School Bus	ND				
16. Charter Bus	ND				
17. Drug-Free Workplace Act	ND				
18. Drug and Alcohol Policy	ND				
19. Section 5307 Program Requirements	ND				
20. Section 5310 Program Requirements	NA				
21. Section 5311 Program Requirements	NA				

VI. Attendees

Name	Title	Phone Number	E-mail Address
<i>Valley Transit</i>			
Ron McDonald	General Manager	920-832-2291	ronald.mcdonald@appleton.org
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Kolin Erickson	Transportation Planner	920-751-4770	kerickson@ecqrpc.org
<i>FTA Region 5</i>			
Melody Hopson	Director, Program Management & Project Oversight	312-886-1611	melody.hopson@dot.gov
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VII. Appendices

No appendices included in this report.