

FTA COMPLIANCE REVIEW DARTS

DARTS RESPONSE TO COMPLIANCE AUDIT

UPDATED DECEMBER 4, 2014

ADA

1) *Finding: Inoperable wheelchair lifts in 4 out of 18 buses inspected.*

Condition: During the on-site vehicle inspection, four lifts required manual assistance from the lift operator or excessive use of the remote to deploy or stow. These lift issues were not mentioned in the driver's pre/post documents.

Standard Affected: *CFR Title 49 Subtitle A Part 37 Subpart G Section 37.163: Keeping vehicle lifts in operative condition: Public entities.*

(b) The entity shall establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

(c) The entity shall ensure that vehicle operators report to the entity, by the most immediate means available, any failure of a lift to operate in service.

(d) Except as provided in paragraph (e) of this section, when a lift is discovered to be inoperative, the entity shall take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service.

(e) If there is no spare vehicle available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service will reduce the transportation service the entity is able to provide, the public entity may keep the vehicle in service with an inoperable lift for no more than five days (if the entity serves an area of 50,000 or less population) or three days (if the entity serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative.

Recommendation: DARTS' bus operators should be required to report any lift issues promptly, no matter how minor. If a lift fails while a bus is on route, the driver should notify dispatch immediately. Buses with lift operation issues must be taken out of service and repaired promptly. VMS should make repair of DARTS' wheelchair lifts a priority when scheduling vehicles for service.

DARTS Action Steps: As of September 15, 2014, Driver Supervisors will be required to complete a random check on lift operation throughout each day. Fleet Coordinator, Dispatch and Drivers will be notified that any lift operation issues requires the bus to be taken out of service. New VMS management will prioritize lift repairs on daily schedules.

As of September 15, 2014, the DARTS Driver SOP has been updated to reinforce the importance of reporting any lift operation issues including disciplinary measures if drivers do not fill out pre & post checklists accurately. Fleet Maintenance & VMS work flow process now includes a prioritization note about lift issues.

2) *Finding: Improper maintenance of accessible features*

Condition: During the on-site inspection, the lift door handle on one of the buses needed an excessive amount of pressure to open. This was out of the ordinary and something that should have been reported by the driver.

Standard Affected: *CFR Title 49 Subtitle A Part 37 Subpart G Section 37.161: Maintenance of accessible features: General*

(a) Public and private entities providing transportation services shall maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signage and systems to facilitate communications with persons with impaired vision or hearing.

(b) Accessibility features shall be repaired promptly if they are damaged or out of order. When an accessibility feature is out of order, the entity shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature.

(c) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

Recommendation: Operators should be reminded to report any lift or lift equipment issues promptly, no matter how minor. VMS should make repair of these buses a priority when scheduling vehicles in for their services.

DARTS Action Steps: As of September 15, 2014, Fleet Coordinator and interim VMS shop manager have been directed to prioritize lift repairs in scheduling. Fleet Maintenance & VMS work flow process now includes a prioritization note about lift issues.

3) Finding: *Inaccurate reporting of on-time performance.*

Condition: It was discovered that there was a practice of altering arrival times in the Trapeze scheduling system to improve the percentage of on-time pick-ups. The misreporting of this data makes it difficult to accurately determine whether DARTS is compliant with *CFR Title 49 Subtitle A Part 37 Subpart F Section 37.131: Service criteria for complementary paratransit.*

Standard Affected: *CFR Title 49 Subtitle A Part 37 Subpart F Section 37.131: Service criteria for complementary paratransit.*

(f) Capacity constraints. The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

(1) Restrictions on the number of trips an individual will be provided;

(2) Waiting lists for access to the service; or

(3) Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.

(i) Such patterns or practices include, but are not limited to, the following:

(A) Substantial numbers of significantly untimely pickups for initial or return trips;

(B) Substantial numbers of trip denials or missed trips;

(C) Substantial numbers of trips with excessive trip lengths.

(ii) Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated

at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.

Recommendation: DARTS must stop practice of altering arrival times in Trapeze data inappropriately. DARTS should retrain employees using Trapeze about the importance of accurately entering information.

DARTS Action Steps: As of August 14, 2014, DARTS implemented a Zero Tolerance policy for trip data editing, changed relevant SOPS, and re-trained all staff. When this issue was brought to DARTS attention, we investigated the situation and found that a previous DARTS Operations Manager had been incorrectly directing staff to adjust data on trips. The average time adjustment was 5.4 minutes and occurred in less than 4% of the trips analyzed. 2 days after receiving notification of this problem, we implemented a Zero Tolerance policy for trip data editing, changed relevant SOPS, and re-trained all staff. 7 business days after notification, we reported on implementation of our action plan on Trip Data Integrity and are preparing to submit one final piece of information to the Met Council on this matter. As of August 14, 2014, Driver, Customer Service, and Dispatch SOPs have been changed including disciplinary action to be taken if there is a violation. Trip Data Integrity policy has been included in the DARTS employee handbook. Director of Transportation meets weekly with Customer Service & Dispatch Supervisor to review trip data. Any further incidents will be reported immediately to the CEO.

4) Advisory Comment: Use of phrase “common wheelchair”

While DARTS was not limiting service by only accepting “common” wheelchairs, they were advised during the on-site visit on August 11 to remove the phrase “common wheelchair” from their policies. They were told that they are allowed to advertise the weight limit of their lifts, as long as it is the true weight limit, but just should not use the phrase “common wheelchair.” They agreed to remove this wording.

Standard affected: DOT’s Final Rule amending 49 CFR Part 37 deletes the sentence containing “common wheelchair” from Part 37.

FTA Triennial Review Guide FY2014, pages 4-11,4-12: *The grantee must change its operating policies so as not to limit service accessibility by the term “common wheelchair.”*

Recommendation: DARTS must change the wording of its ADA policy in regards to mobility devices transported by their vehicles.

DARTS Action Steps: As of September 16, 2014, DARTS ADA policy was changed to delete the word “common” from the language. As of September 30, 2014, all other materials will be reviewed and changed to delete the word “common” as recommended above.

Buy American

None

Drug and Alcohol

- 1) **Finding:** *Employees that had previously worked in a position that requires DOT drug testing and hired by DARTS had not had their drug testing information requested from prior employers.*

Condition: DARTS brought it to Audit's attention that, when the Drug and Alcohol program responsibilities changed hands, there was a misunderstanding about the requirement to follow-up on the testing history of new safety-sensitive employees who previously worked in a DOT position. This issue was discovered in June, and DARTS staff is now working on obtaining the missing records for all employees still working at DARTS. They freely admitted this issue, and are aware of what they need to do in the future.

Standard Affected: *DOT Rule 49 CFR Part 40 Section 40.25. Subpart B: Employer Responsibilities. Must an employer check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties?*

(a) *Yes, as an employer, you must, after obtaining an employee's written consent, request the information about the employee listed in paragraph (b) of this section. This requirement applies only to employees seeking to begin performing safety-sensitive duties for you for the first time (i.e., a new hire, an employee transfers into a safety-sensitive position). If the employee refuses to provide this written consent, you must not permit the employee to perform safety-sensitive functions.*

(b) *You must request the information listed in this paragraph (b) from DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer:*

(1) *Alcohol tests with a result of 0.04 or higher alcohol concentration;*

(2) *Verified positive drug tests;*

(3) *Refusals to be tested (including verified adulterated or substituted drug test results);*

(4) *Other violations of DOT agency drug and alcohol testing regulations; and*

(5) *With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), you must seek to obtain this information from the employee.*

(c) *The information obtained from a previous employer includes any drug or alcohol test information obtained from previous employers under this section or other applicable DOT agency regulations.*

(d) If feasible, you must obtain and review this information before the employee first performs safety-sensitive functions. If this is not feasible, you must obtain and review the information as soon as possible. However, you must not permit the employee to perform safety-sensitive functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless you have obtained or made and documented a good faith effort to obtain this information.

(e) If you obtain information that the employee has violated a DOT agency drug and alcohol regulation, you must not use the employee to perform safety-sensitive functions unless you also obtain information that the employee has subsequently complied with the return-to-duty requirements of Subpart O of this part and DOT agency drug and alcohol regulations.

(f) You must provide to each of the employers from whom you request information under paragraph (b) of this section written consent for the release of the information cited in paragraph (a) of this section.

(g) The release of information under this section must be in any written form (e.g., fax, e-mail, letter) that ensures confidentiality. As the previous employer, you must maintain a written record of the information released, including the date, the party to whom it was released, and a summary of the information provided.

(h) If you are an employer from whom information is requested under paragraph (b) of this section, you must, after reviewing the employee's specific, written consent, immediately release the requested information to the employer making the inquiry.

(i) As the employer requesting the information required under this section, you must maintain a written, confidential record of the information you obtain or of the good faith efforts you made to obtain the information. You must retain this information for three years from the date of the employee's first performance of safety-sensitive duties for you.

(j) As the employer, you must also ask the employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, you must not use the employee to perform safety-sensitive functions for you, until and unless the employee documents successful completion of the return-to-duty process (see paragraphs (b)(5) and (e) of this section)

Recommendation: DARTS must obtain DOT drug testing records of all new employees. DARTS should remove any employee from a safety sensitive position whose records have not yet been obtained after 30 days, and not return them to that position until the records have been obtained or a good faith effort to obtain them has been documented.

DARTS Action Steps: As of September 15, 2014, previous drug testing results have been obtained for relevant employees with the following exceptions: one employee who has left the organization and one employee who moved to a non-safety sensitive position.

As of September 16, 2014, DARTS procedure for new safety-sensitive employees includes getting records from previous DOT employer records.

2) Finding: One instance of late post-accident testing

Condition: One example was found in post-accident testing records where an employee in an accident was tested for alcohol 5 minutes later than the 2-hour window following the accident, which is DARTS' policy and FTA policy. Although the supervisor who completed the post-accident test questionnaire put the time as 5 minutes late, the box marked "Yes" was checked, indicating that the test took place within the 2-hour window. This employee's name did not appear in the log of employees whose post-accident test had been outside of the 2-hour window. FTA requires that if an alcohol test is completed outside the two hour window, documentation must be kept explaining why the test was not correctly completed. Staff was made aware of this during the August 11 visit. They agreed to add the employee name to the log and look into the issue.

Standard Affected: CFR Title 49, Subtitle B, Chapter VI, Part 655, Subpart E, Section 655.44: *Post-accident testing.*

(i) As soon as practicable following an accident not involving the loss of human life in which a mass transit vehicle is involved, the employer shall drug and alcohol test each covered employee operating the mass transit vehicle at the time of the accident unless the employer determines, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident. The employer shall also drug and alcohol test any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

(ii) If an alcohol test required by this section is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and maintain the record. Records shall be submitted to FTA upon request of the Administrator.

Recommendation: DARTS should add the instance outside the 2-hour window to their record of alcohol testing completed outside of the required time frame. Supervisors should be reminded that testing taking place even a few minutes outside of window must still be recorded as outside of the window. Management should review documents submitted regarding post-accident testing to ensure that forms are filled out accurately.

DARTS Action Steps: As of September 14, 2015, this instance has been added to our Post-accident log. As of September 16, 2014, Driver Supervisors have been retrained about correct documentation regarding post-accident reporting and the importance of the 2-hour window.

3) Finding: DARTS did not make all policy changes recommended in findings from a 2013 FTA Drug and Alcohol Compliance Audit

Condition:

- 1) DARTS was instructed to add to its post-accident testing policy an exception for employees in non-fatal accidents whose performance has been discounted. This addition does not appear to have been made to current DARTS drug and alcohol policy.
- 2) DARTS was instructed to add to its pre-employment testing policy language that an individual receiving a negative drug test should be referred to a qualified SAP. This language does not appear to have been added to current DARTS drug and alcohol policy.
- 3) DARTS was instructed to add to its removal of duty discussion after a positive drug test language that states that individuals refusing to take drug tests also be referred to an SAP.

Standard Affected: Final Audit Report, FTA Drug and Alcohol Compliance Auditing Program 2013

Recommendation: DARTS should make all changes to its Drug and Alcohol Policy that were recommended in the 2013 FTA Drug and Alcohol Audit.

DARTS Action Steps: As of September 14, 2014, these changes have been added to the DARTS substance abuse policy. We acknowledge that these changes are not in the current policy. In further investigation, we found documentation showing that transportation leaders signed a policy addendum regarding the post-accident testing policy. A worksheet completed by the Drug & Alcohol program manager at the time of the 2013 audit shows that changes were made to the policy; however, they do not appear in the January, 2014 version of the policy.

Financial

None

Lobbying

None

Maintenance

1) Finding: Inadequate staffing for maintaining vehicle maintenance records

Condition: Volunteers are tasked with entering maintenance records into DARTS' computer system. There is a significant lag time between when maintenance is done and when it gets entered. The data entry includes many errors.

Standard affected: FTA standards as prescribed in the FTA Triennial Review Workbook 2014: *The way in which the agency's maintenance function is organized and staffed, along with the experience of maintenance staff, should be commensurate with the agency's size and complexity*

Recommendation: DARTS should hire adequate and qualified staff to maintain the Council fleet. It is recommended that DARTS not utilize volunteers for data entry of time sensitive tasks such as bus preventative maintenance services. Given the size of DARTS' transportation operations, there should

be a full or half-time staff member qualified to enter and schedule vehicle service. Typically, this would fall under the authority of a fleet manager, which DARTS employs. It is also recommended that DARTS follows the DARTS Vehicle Fleet Maintenance Program and VMS Facility and Equipment Maintenance Plan.

DARTS Action Steps: By September 30, 2014 complete the following actions: DARTS will begin the process of hiring a Fleet Manager and will bring in a part-time paid employee to keep records updated. Contingent on continued Met Council contracts, VMS will be integrated into DARTS as an in-house maintenance department. By September 30, 2014, the Director of Transportation will be authorized to hire an outside consultant (as approved by the Met Council) to audit Met Council vehicles and recommend all repairs required. This consultant will also review all record-keeping and scheduling processes. DARTS will update its Vehicle Fleet Maintenance Program to reflect the new in-house arrangement.

Upon award of a Council contract, the Repair Shop Manager and all technicians making repairs on Met Council vehicles will be ASE certified. Non-safety work such as headlight and light bulb repair may be assigned to shop assistants/runners under the direction of the Shop Manager.

2) *Finding: Non-certified mechanics*

Condition: Non-certified maintenance technicians are servicing Metropolitan Council owned vehicles.

Standard affected: FTA standards as prescribed in the FTA Triennial Review Workbook 2014: *The way in which the agency's maintenance function is organized and staffed, along with the experience of maintenance staff, should be commensurate with the agency's size and complexity.*

Master Lease Agreement Between the Metropolitan Council and DARTS for Transit Vehicles, Chapter IV, Sub-section 4.01: *Lessee Responsible for Vehicle Maintenance.* Lessee shall at its sole cost and expense maintain all Council Vehicles and their equipment, including safety and emergency equipment, in good working condition (normal wear and tear expected) to minimize breakdowns, to maximize passenger and driver safety, and to meet applicable local, state, and federal standards. No driver shall be required or allowed to operate a vehicle that is not in safe operating condition and does not meet all such standards. All maintenance on Council Vehicles and equipment must be done by mechanics licensed under applicable local and state standards.

Recommendation: It is recommended that DARTS utilize trained and qualified mechanics to repair Metropolitan Council owned vehicles. Technician certifications should be maintained with personnel files and easily accessible.

DARTS Action Steps: As of September 11, 2014, only certified technicians will be allowed to work on Met Council vehicles. Two non-certified technicians have been terminated. One new certified technician has been hired. The VMS general manager is also no longer with the organization. DARTS will no longer consider hiring technicians without proper certification.

Upon award of a Council contract, the Repair Shop Manager and all technicians making repairs on Met Council vehicles will be ASE certified. Non-safety work such as headlight and light bulb repair may be assigned to shop assistants/runners under the direction of the Shop Manager.

3.) Finding: Interiors of the buses generally appeared unkempt

Condition: Trash and driver's personal items were found in many of the buses inspected. Interior cleanliness was not maintained, with dirty floors, seats, and windows in many of the buses were documented.

Standard Affected: FTA Circular 5010.1D Ch. IV, Sub-section 3.j (1)(b): The lessee shall maintain project property at a high level of cleanliness, safety, and mechanical soundness under maintenance procedures outlined by the project sponsor. The project sponsor lessor and/or FTA shall have the right to conduct periodic maintenance inspections for the purpose of confirming the existence, condition, and the proper maintenance of the project property.

Agreement No. 09P176 Agreement Between the Metropolitan Council and DARTS For Operation of Public Transit Service (Dakota County Transit Link Dial-a-Ride), Chapter IV, Sub-section 4.03: *Vehicle Cleaning*. The Contractor shall be responsible at its cost for maintaining all Vehicles in a neat and clean appearance.

Recommendation: DARTS must comply with the Council contract requirements for cosmetic maintenance of vehicles. We recommend that buses be cleaned thoroughly in conjunction with the language in agreement No. 09P176 and that washer fluid is stored out of the sight of passengers if stored on the bus. Section 4.03 of agreement No. 09P176 regarding Vehicle Cleaning should be referenced and adhered to.

DARTS Action Steps: As of September 15, 2014, the DARTS bus washer has been charged with reporting drivers who do not clean interior of bus after shift to the Director of Transportation and Driver Supervisors for action. As of September 13, 2014, the Driver SOP has been changed to reflect the importance of cleaning windows as well as interior cleanliness. The following statement was added to page 16 of the Driver SOP: "As part of your post-trip inspection, drivers must remove any personal items from the bus, make sure the interior of the bus is clean including seats, floors, and windows."

Finding: Exteriors of many of the buses appeared to be in need of minor repairs

Condition: The exteriors of many of the buses inspected appeared to be in need of minor repairs. Even if the damage does not impair vehicle functioning, damaged buses give a poor impression of the Metropolitan Council to the public.

Standard Affected: FTA Circular 5010.1D Ch. IV, Sub-section 3.j (1)(b): The lessee shall maintain project property at a high level of cleanliness, safety, and mechanical soundness under maintenance procedures outlined by the project sponsor. The project sponsor lessor and/or FTA shall have the right to conduct periodic maintenance inspections for the purpose of confirming the existence, condition, and the proper maintenance of the project property.

Master Lease Agreement Between the Metropolitan Council and DARTS for Transit Vehicles, Chapter IV, Sub-section 4.01: *Lessee Responsible for Vehicle Maintenance*. Lessee shall at its sole cost and expense maintain all Council Vehicles and their equipment, including safety and emergency equipment, in good working condition (normal wear and tear expected) to minimize breakdowns, to maximize passenger and driver safety, and to meet applicable local, state, and federal standards. No driver shall be required or allowed to operate a vehicle that is not in safe operating condition and does not meet all such standards. All maintenance on Council Vehicles and equipment must be done by mechanics licensed under applicable local and state standards.

Recommendation: DARTS must comply with the Council contract requirements for cosmetic maintenance of vehicles. Vehicles should be thoroughly inspected by drivers in pre/post trips and any commentary should be reviewed and corrected by the Fleet Manager in coordination with VMS as agreed to by the DARTS VMS Vehicle Maintenance Plan as well as the Master Lease Agreement between the Metropolitan Council and DARTS.

DARTS Action Steps: As of September 12, 2014, the Director of Transportation has been authorized to hire an outside consultant (approved by the Met Council) to audit Met Council vehicles and recommend all repairs required. As of September 15, 2014, the Fleet Coordinator has been re-trained to address all cosmetic repairs with urgency related to our contractual requirements.

5.) Finding: Unsatisfactory vehicle maintenance records keeping

Condition: DARTS and VMS use different systems for keeping track of vehicle maintenance. Discrepancies were found between paper records and computer records. These issues were found in the computer records systems of both DARTS and VMS. For example, half of the invoices analyzed had different appointment dates from when the technician put that he performed the work on the work order. Mistakes had also been made when entering data from VMS invoices into DARTS' computer system.

Standard Affected: FTA standards as prescribed in the FTA Triennial Review Workbook 2014: The grantee agrees to keep satisfactory records pertaining to the use of project property.

Recommendation: DARTS must implement and maintain a satisfactory record keeping system. Delay in entering maintenance records into the fleet management system results in inaccurate records. When records are missing or delayed in entry it is extremely difficult to determine if preventative maintenance is occurring on time. Therefore it is difficult to assess whether DARTS is compliant and on-time with its preventative maintenance schedule according to FTA regulations. It is recommended that a proper and streamlined method be implemented immediately to track vehicle maintenance.

DARTS Action Steps: By September 30, 2014, DARTS will employ a part-time data entry person to keep up-to-date on maintenance records. As of September 12, 2014, invoices for repairs are now being delivered to Fleet Maintenance within 48 hours of work being completed.

6.) Finding: Unsafe buses being kept in service

Condition: Three buses were found during vehicle inspection that badly needed repairs that should not have been left in service. The Audit team requested that these buses be removed from service.

Standard Affected: 49 CFR Part 18.32 (d)(4) states: "Adequate maintenance procedures must be developed to keep the property in good condition."

FTA Circular 5010.1D Ch. IV Section 3.m: "The grantee agrees to maintain project property in good operating order and in compliance with any applicable Federal regulations or directives that may be issued, except to the extent that the FTA determines otherwise in writing."

Master Lease Agreement Between the Metropolitan Council and DARTS for Transit Vehicles, Chapter IV, Sub-section 4.01: *Lessee Responsible for Vehicle Maintenance.* Lessee shall at its sole cost and expense maintain all Council Vehicles and their equipment, including safety and emergency equipment,

in good working condition (normal wear and tear expected) to minimize breakdowns, to maximize passenger and driver safety, and to meet applicable local, state, and federal standards. No driver shall be required or allowed to operate a vehicle that is not in safe operating condition and does not meet all such standards. All maintenance on Council Vehicles and equipment must be done by mechanics licensed under applicable local and state standards.

Recommendation: DARTS should remind drivers to report all needed repairs promptly and must make repair of federally funded buses a priority. Furthermore, buses with serious repair issues should not remain in service until repair is completed.

DARTS Action Steps: As of September 15, 2014, Driver supervisors were retrained to emphasize the importance of pre & post trip checklists with each driver immediately and will hold each driver accountable for accurate checklists. On September 16, 2014, the Director of Transportation reviewed out-of-service requirements with the Fleet Coordinator. Currently, the DARTS driver SOP contains a three- step warning process for drivers who do not follow proper pre- and post-trip checklist procedures. A third violation results in termination.

7.) Finding: Preventative maintenance is not occurring on time

Condition: The oil changes for 52 buses from the last year were analyzed. The OEM specification, and the interval followed by DARTS for their bus maintenance, for oil changes is 5,000 mile intervals. "On time" can be up to 110% of that interval. This means that buses can go up to 5,500 miles between oil changes. Only 75.7% of the oil changes analyzed were on time.

Standard Affected: 49 CFR Part 18.32 (d)(4) states: "Adequate maintenance procedures must be developed to keep the property in good condition."

FTA Circular 5010.1D Ch. IV Section 3.m: "The grantee agrees to maintain project property in good operating order and in compliance with any applicable Federal regulations or directives that may be issued, except to the extent that the FTA determines otherwise in writing."

The FTA standards as prescribed in the FTA Triennial Review Workbook 2014 states that the grantee is deficient if fewer than 80 percent of the inspections for any mode or operation occurred on time.

Master Lease Agreement Between the Metropolitan Council and DARTS for Transit Vehicles, Chapter IV, Sub-section 4.01: *Lessee Responsible for Vehicle Maintenance*. Lessee shall at its sole cost and expense maintain all Council Vehicles and their equipment, including safety and emergency equipment, in good working condition (normal wear and tear expected) to minimize breakdowns, to maximize passenger and driver safety, and to meet applicable local, state, and federal standards. No driver shall be required or allowed to operate a vehicle that is not in safe operating condition and does not meet all such standards. All maintenance on Council Vehicles and equipment must be done by mechanics licensed under applicable local and state standards.

Recommendation: DARTS must comply with FTA regulations and perform preventative maintenance on time for at least 80% of the Metropolitan Council owned fleet. DARTS must become compliant with FTA regulations for bus maintenance, and follow the organization's policies regarding when preventative maintenance will take place. It is recommended that a more reliable system for keeping track of and scheduling preventative maintenance be developed and strictly followed.

DARTS Action Steps: As of September 30, 2014, this performance metric will be added to DARTS performance dashboard and will be included as part of the Fleet management performance review. Fleet maintenance personnel will be held to the minimum 80% level of on-time preventive maintenance.

8.) Finding: Issues reported by drivers in pre-trip checklists remained unresolved for extended periods of time

Condition: The pre-trips and corresponding Vehicle Maintenance Service (VMS) records for 10 buses from the last year were analyzed. There is a clear pattern of general neglect to respond in a timely manner to the issues that drivers raise in their pre-trip check-lists. This spans from minor issues to issues that are serious, could lead to engine failure or other costly repairs, and to issues that could threaten the safety of the driver and/or passengers. During the course of the review one engine on a Metropolitan Council owned bus failed and a second Council owned bus was removed from service out of concern of that engine failing.

Standard Affected: The Dakota County Transit Link Dial-A-Ride contract between The Metropolitan Council and DARTS, Section 2.01 Contractor's Responsibilities, states: "The Contractor's responsibilities include... maintaining equipment... The Contractor shall take all steps necessary to ensure the safety and reasonable comfort and convenience of the public utilizing the transit services." Section 4.05 Vehicle Safety Inspections states: "The Contractor shall ensure that repairs are made in a timely manner and a vehicle shall not be placed in service until all safety related repairs are made."

FTA Circular 5010.1D Ch. IV Section 3.m: "The grantee agrees to maintain project property in good operating order and in compliance with any applicable Federal regulations or directives that may be issued, except to the extent that the FTA determines otherwise in writing."

Recommendation: DARTS must develop and strictly adhere to a procedure for requesting service in a timely manner for issues that are identified during driver pre-trip checks. When a driver identifies an issue in a pre-trip check, there should be a clear and detailed policy for the Fleet Manager to immediately schedule service with VMS for the repairs or other services. This process should involve the Fleet Manager completing a clear work order with exactly what services should be performed. It should also include processes for the Fleet Manager to review work orders and invoices from VMS for accuracy and to ensure that work requested was actually performed.

DARTS Action Steps: As of September 15, 2014, DARTS has updated its procedure for requesting repairs and communicating those requests to VMS. Changes in personnel will ensure adherence to this procedure. A quality review step has been incorporated into the SOP for DARTS and VMS Maintenance workflow to verify that invoiced work was performed to DARTS satisfaction.

Procurement

1.) Finding: The service agreement with Lifeworks does not contain the appropriate FTA required clauses

Condition: The current service agreement effective December 1, 2013 and amended April 1, 2014 lacks FTA required clauses. The business associate agreement contains federal clauses pertaining to electronic protected health information, but lacks any FTA required clauses such as Americans with Disabilities Act and Equal Employment Opportunity.

Standard Affected: FTA Circular 4220.1F, Chapter IV, Section 2 requires third party contracts to contain required FTA clauses as determined by the FTA Master Agreement.

FTA's Master Agreement contains a current, but not all-inclusive, description of statutory and regulatory requirements that may affect a recipient's procurement (such as Disadvantaged Business Enterprise (DBE) and Clean Air requirements). The Master Agreement states that applicable Federal requirements will apply to project participants to the lowest tier necessary to ensure compliance with those requirements. A recipient will also need to include applicable Federal requirements in each subagreement, lease, third party contract, or other document as necessary. For specific guidance on cross-cutting requirements administered by other Federal agencies, FTA recommends that the recipient contact those agencies.

Recommendation: DARTS must execute a service agreement with Lifeworks that includes appropriate FTA clauses.

DARTS Action Steps: DARTS recognizes that federal clauses cannot be amended into an existing contract. In accordance with any future Met Council contract, DARTS will ensure that its subcontracts are awarded in full compliance with applicable regulations, and that each subcontract includes clauses mandated by its Met Council contract, including, without limitation, FTA third party contracting requirements. DARTS will also comply with any Met Council contract requirement to obtain pre-approval of a prospective subcontractor.

Safety and Security

None

Satisfactory Continuing Control

1.) Finding: DARTS is not keeping updated record of bus locations

Condition: DARTS did not provide an accurate list of off-site bus locations when requested.

Standard Affected: CFR 49 18.32 Equipment. (d) management requirements

- (1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who hold title, the acquisition date, and cost of the property, percentage of Federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property
- (3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.

Recommendation: DARTS must establish a procedure for keeping the records regarding bus location current.

DARTS Action Steps: Beginning September 16, 2014, the location of each bus, even it is in a different location for less than one day, will be recorded in the DARTS spreadsheet. DARTS uses a physical whiteboard to record vehicle location and has not been updating location spreadsheet if a bus will be away from its off-site location for less than one day.

DARTS will utilize available GPS technology to track and report the location of remote park-out buses. These reports would be routinely submitted to the Council.

Suspension and Debarment

None

Technical

None

Title VI

None

Blood Borne Pathogens Exposure Control Plan

1.) Finding: DARTS does not have in place a Blood Borne Pathogens Exposure Control Plan

Condition: After finding 7 of 18 buses inspected had unsealed and/or expired Body Fluid Clean Up Kits, Audit was informed that DARTS did not have a Blood Borne Pathogens Exposure Control Plan.

Standard Affected: CFR 29 Part 1910 Occupational Safety and Health Standard Subpart Z Toxic and Hazardous Substances Standard Number 1910.1030 Bloodborne pathogens (c) (1) (i)

Each employer having an employee(s) with occupational exposure as defined by paragraph (b) of this section shall establish a written Exposure Control Plan designed to eliminate or minimize employee exposure

Recommendation: DARTS should create a Blood Borne Pathogens Exposure Control plan which includes a procedure for regularly checking the expiration dates on Body Fluid Clean Up Kits.

DARTS Action Steps: As of September 12, 2014, the Fleet coordinator required to record expiration date on Body Fluid Clean-up kits for each bus. By September 30, 2014, kits will also be checked during scheduled PMs. By September 30, 2014, HR will create a Blood Borne Pathogens Exposure Control plan.

Transit Link Contract

1.) Finding: *DARTS does not meet contractual obligations of storage for Council-owned vehicles.*

Condition: DARTS was discovered to be storing fewer than 50% of Transit-Link fleet indoors.

Standard Affected: Agreement No. 09P176 , Agreement Between the Metropolitan Council and DARTS For Operation of Public Transit Service (Dakota County Transit Link Dial-a-Ride)

The facilities for storing vehicles must permit a minimum of 50% of the Council owned fleet to be stored inside. Contractor will store at least 50% of the Council owned vehicles indoors. Council owned vehicles shall be given preference for inside storage.

Recommendation: DARTS must begin storing at least 50% of Transit Link vehicles indoors and give Council-owned vehicles preference for indoor storage.

DARTS Action Steps: By September 30, 2014, DARTS will have made arrangements for indoor storage of 2 additional buses to meet the 50% indoor storage requirement.

VMS Facility Use

1.) Finding: *VMS servicing vehicles of for-profit companies and private individuals.*

Condition: During the on-site review, the records of service in the Vehicle Maintenance Service (VMS) garage for the last three months were requested. This list was reviewed on site, and several services from one for-profit company, Crawford Door, were noted. The names of several private individuals were also noted.

Standard Affected: The VMS garage was built with grant funded from the Council. In 2005, DARTS requested permission to create a subsidiary non-profit corporation and lease the garage to that non-profit, where Council-owned vehicles would still be maintained. A General Counsel opinion from 2005 found that servicing other for-profit companies' transit vehicles was consistent with the Transit CIP and Transportation Policy Plan. However, it was determined that the servicing of vehicles for local businesses or employees of DARTS was inconsistent with these documents.

Recommendation: DARTS must stop servicing vehicles of for-profit companies and private individuals in the VMS garage. The General Counsel opinion, and the regulations of the Transit CIP and Transportation Policy Plan, must be followed.

DARTS Action Steps: As of August 14, 2014, DARTS stopped servicing vehicles of for-profit companies and private individuals.

Note: DARTS and the Council are negotiating a separate resolution regarding VMS Facility Use that will allow DARTS to service vehicles of for-profit companies and private individuals subject to certain conditions.