

**FEDERAL TRANSIT ADMINISTRATION
COMPLIANCE REVIEW
FIRST TRANSIT — BURNSVILLE, 2019**
PROGRAM EVALUATION AND AUDIT

DRAFT



**METROPOLITAN
C O U N C I L**

February 5, 2020

Introduction

Background

First Transit - Burnsville contracts with the Metropolitan Council to operate Metro Mobility service in the South Metro Zone. Metro Mobility is a “dial-a-ride,” door-to-door service for people with disabilities who cannot access standard transportation. The South Metro Zone covers the communities south of Minneapolis/St. Paul and spans from Shakopee to Cottage Grove. The Burnsville garage operates about 100 vehicles under the terms of Contract 14P127.

Purpose

As a direct recipient of federal funds from the Federal Transit Administration (FTA), the Metropolitan Council is required to conduct oversight of its subrecipients and ensure that they comply with federal requirements. Program Evaluation and Audit reviews subrecipients on a triennial basis to help fulfill the Council’s obligations as a direct recipient.

Objective

The objective of the Audit is to determine First Transit Burnsville’s compliance with federal requirements in seven (7) areas, as well as for compliance with the service agreement’s contractual requirements.

Scope

This review covers activities conducted during the last three years under Council Contract 14P127. It also covers any services or activities that used FTA or Metropolitan Council funded vehicles subject to the Master Lease Agreement.

Methodology

Audit conducted its review from September 2019 through December 2019. Audit conducted a desk review of First Transit Burnsville’s policies, procedures, and practices for compliance using the FTA’s *Comprehensive Review Guide for Triennial and State Management Reviews Fiscal Year 2019*, Council Contract 14P127, and the Master Lease Agreement as criteria. Once the desk review was complete, an onsite interview was held with First Transit’s management. Audit also performed a maintenance review of a sample of vehicles.

Prior to this report’s issuance, Audit met with Metropolitan Transportation Services (MTS) and Office of Equal Opportunity (OEO) staff to discuss the findings. Audit also held an exit conference with First Transit Burnsville prior to the presentation to Audit Committee.

Findings and Responses

1. Americans with Disabilities Act (ADA)

Basic Requirement: Recipients must track, resolve, and respond to ADA-related complaints and advertise this process to the public in an easily accessible format for individuals with disabilities.

During this Triennial Review of First Transit Burnsville, no deficiencies were found with the FTA requirements for Americans with Disabilities.

2. Drug and Alcohol

Basic Requirement: The recipient must ensure that subrecipients, contractors, subcontractors, and lessees with safety-sensitive employees administer their drug and alcohol programs in accordance with the requirements of 49 CFR parts 40 and 655.

During this Triennial Review of First Transit Burnsville, **one (1) contract violation was found with Drug and Alcohol.**

1. Finding Council Agreement No. 14P127 5.10 Drug and Substance Abuse: The contractor is required to implement a testing program compliant with 49 CFR Parts 40 and 655. 49 CFR 655.45 (g), requires the contractor to perform random drug tests during all periods of operation. In 2018, First Transit Burnsville did not conduct any tests during November or December. The problem stemmed from a misunderstanding about federal requirements, and has since been remedied according to the drug and alcohol program manager.

Corrective Action(s) and Schedule: First Transit Burnsville must ensure and document that it has scheduled its random tests such that they are spread evenly throughout the year, even if this causes the contractor to go over the FTA minimum testing threshold.

Management Response: *First Transit is committed to adhering to all drug testing requirements within 49 CFR parts 40 and 655, and randomly tests employees at or above the minimum FTA testing threshold. First Transit employees were tested in different parts of the consortium during those months, but we will work with our vendor if another instance of zero testing occurs.*

Status: Open

3. Equal Employment Opportunity (EEO)

Basic Requirement: Recipients are required to submit a full or abbreviated EEO Program based on the number of its transit-related employees and whether it reaches a monetary threshold.

During this Triennial Review of First Transit Burnsville, no deficiencies were found with the FTA requirements for Equal Employment Opportunity.

4. Legal

Basic Requirement: Recipients must promptly notify the FTA of any current or prospective legal matters that may affect the Federal government.

During this review of First Transit Burnsville, no deficiencies were found with the FTA requirements for Legal.

5. 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.

During this Triennial Review of First Transit Burnsville, no deficiencies were found with the FTA requirements for Maintenance.

6. Satisfactory Continuing Control

Basic Requirement: Recipients must maintain adequate property records and submit annual reports on the status of real property in which the Federal Government retains interest.

During this review of First Transit Burnsville, no deficiencies were found with the FTA requirements for Satisfactory Continuing Control.

7. Title VI

Basic Requirement: Recipients are required to have a Title VI plan. Contractors are required to implement the Title VI programs of the agencies that they contract with. Contractors are required to conduct their services without regard to race, color, or national origin.

During this Triennial Review of First Transit Burnsville, no deficiencies were found for FTA requirements for Title VI.

DRAFT



390 Robert Street North
Saint Paul, MN 55101-1805

651.602.1000
TTY 651.291.0904
public.info@metc.state.mn.us
metro council.org