



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

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Mr. Tom Nolan  
Board Chair  
San Francisco Municipal Transportation Agency  
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San Francisco, CA 94103

JAN 14 2014

RE: FY 2013 Final Triennial Review Report

Dear Mr. Nolan:

This Final Report documents the Federal Transit Administration's (FTA) Triennial Review of the San Francisco Municipal Transportation Agency (SFMTA), of the City and County of San Francisco, CA. This review is required by Chapter 53 of Title 49, United States Code; Section 5307. Although not an audit, the Triennial Review is the FTA's assessment of the SFMTA's compliance with federal requirements, determined by examining a sample of grant 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 grant requirements.

No deficiencies were found with the FTA requirements in 12 of the 18 areas. Deficiencies were found in the Technical Capacity, Satisfactory Continuing Control, Maintenance, Procurement, Disadvantaged Business Enterprise (DBE), and Equal Employment Opportunity (EEO) areas. SFMTA had no repeat deficiencies from the 2010 Triennial Review and no advisory comments were made. The deficiencies and corrective actions that must be taken to attain full compliance are detailed in the report. The response dates included with each corrective action in the Technical Capacity, Maintenance, and Procurement areas reflect a three step process: an initial implementation date and a final completion date of September 30, 2014, with intermittent reports required monthly and/or quarterly.

In light of the recommendations from a recent Procurement System Review and deficiencies in Procurements in this Triennial Review, the regional office would like SFMTA to comment on any of those recommendations, highlighted in this report, which it has acted upon.

As part of this year's Triennial Review of SFMTA, FTA incorporated an Enhanced Review Module in the DBE area. The purpose of an Enhanced Review Module is to conduct a more comprehensive review of underlying or contributing issues in areas identified as high risk during the pre-assessment stage of the Triennial Review.

Subsequent to the site visit, SFMTA provided documentation to address two of the corrective actions in the Procurement area. However, corrective actions still remain to be completed in this area before the related deficiencies can be closed. Further, SFMTA provided documentation that it addressed and implemented the recommendation resulting from the Enhanced Review Module conducted in the DBE area.

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. Jeffrey Davis at (415) 744-2594 or [Jeffrey.S.Davis@dot.gov](mailto:Jeffrey.S.Davis@dot.gov), or your reviewer, Mr. Jim Buckley, at (410) 404-7443 or [jbuckley@milligancpa.com](mailto:jbuckley@milligancpa.com).

Sincerely,



Leslie T. Rogers  
Regional Administrator

Enclosure

cc: Edward D. Reiskin, Director of Transportation, SFMTA  
Kathleen Sakelaris, SFMTA  
James Buckley, Milligan & Company, LLC

**FINAL REPORT**

**FY2013 TRIENNIAL REVIEW**

of the

**San Francisco Municipal Transportation Agency  
(SFMTA)  
San Francisco, CA  
Recipient ID: 1697**

*Performed for:*

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

*Prepared by:*

**Milligan & Company, LLC**

**Scoping Meeting Date: November 14, 2013  
Site Visit Dates: December 16-18, 2013  
Draft Report Date: December 30, 2013  
Final Report Date: January 13, 2014**

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## I. Executive Summary

This report documents the Federal Transit Administration's (FTA) Triennial Review of the San Francisco Municipal Transportation Agency (SFMTA) of San Francisco, California. The review was performed by Milligan & Company, LLC. During the site visit, administrative and statutory requirements were discussed and documents were reviewed. SFMTA's transit facilities were toured to provide an overview of activities related to FTA-funded projects.

The Triennial Review focused on SFMTA's compliance in 18 areas. Deficiencies were found in six areas as listed below.

Review Area	Code <sup>1</sup>	Deficiency Description
Technical	03	Progress reports lack required information
	05	Excessive delays in project implementation
	16	Incorrect FFR reporting
Satisfactory Continuing Control	08	Excessive fixed route bus spare ratio
Maintenance	04	Late vehicle preventive maintenance
Procurement	35	Responsibility determination deficiencies
	C	Pre-award and/or post delivery certifications lacking
	H	No verification that excluded parties are not participating
Disadvantaged Business Enterprise (DBE)	20	Uniform reports do not include required information
Equal Employment Opportunity (EEO)	01	Inadequate designation of EEO Officer

As part of this year's Triennial Review of SFMTA, FTA incorporated an Enhanced Review Module in the DBE area. The purpose of an Enhanced Review Module is to conduct a more comprehensive review of underlying or contributing issues in areas identified as high risk during the pre-assessment stage of the Triennial Review.

Recommendations, resulting from observations and included in these sections are not binding upon the grantee (as are findings in an area of compliance with Federal regulations). However, it is advised that SFMTA give strong consideration to these recommendations, as they may be

<sup>1</sup> FTA database code that is a unique number or letter associated with the deficiency description and used to record each deficiency in FTA's oversight review and findings tracking system, OTRAK.

helpful in providing overall improvement, and enhanced compliance, for SFMTA's transit program and in avoiding deficiencies in future reviews. The Enhanced Review Module results are discussed at length in the DBE section of this report.

Subsequent to the site visit, SFMTA provided documentation to address two of the corrective actions in the Procurement area. However, corrective actions still remain to be completed in this area before the related deficiencies can be closed. Further, SFMTA provided documentation that addressed and implemented the recommendation resulting from the Enhanced Review Module conducted in the DBE area.

## **II. Review Background and Process**

### **1. Background**

The United States Code, Chapter 53 of Title 49, requires the FTA of the United States Department of Transportation (USDOT) to perform reviews and evaluations of Urbanized Area Formula Grant activities at least every three years. This requirement is contained in 49 U.S.C. 5307(i). This review was performed in accordance with FTA procedures (published in FTA Order 9010.1B, April 5, 1993). At least once every three years, the Secretary shall review and evaluate completely the performance of a grantee in carrying out its program, specifically referring to compliance with statutory and administrative requirements.

The Triennial Review includes a review of the grantee's compliance in 18 areas. The basic requirements for each of these areas are summarized in Section IV.

This report presents the findings from the Triennial Review of the SFMTA. 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 grants. The specific documents reviewed are referenced in this report and are available at FTA's Regional Office or at the grantee's office.

### **2. Process**

The Triennial Review process includes a pre-review assessment, a review scoping meeting with the FTA regional office, and an on-site visit to the grantee's location. The review scoping meeting was conducted with the Region IX Office on November 14, 2013. Necessary files retained by the regional office were sent to the reviewer electronically. A review package was sent to SFMTA advising it of the site visit and indicating information that would be needed and issues that would be discussed. The site visit to SFMTA occurred on December 16-18, 2013.

The onsite portion of the review began with an entrance conference, in 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. A tour of SFMTA's transit facilities was conducted to provide an overview of activities related to FTA-funded projects. A sample of maintenance records for FTA-funded vehicles and equipment was also examined during the site visit. Upon completion of the review, a summary of preliminary findings was provided to SFMTA at an exit conference. The individuals participating in the review are listed in Section VI of this report.

### **3. Metrics**

The metrics used to evaluate whether a grantee 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 grantee's implementation of the requirements.
- *Deficient*: An area is considered deficient if all of the requirements within the area reviewed were not met.
- *Advisory Comment*: An advisory comment is only made in the area of safety and security.
- *Not Applicable*: An area can be deemed not applicable if, after an initial assessment, the grantee does not conduct activities for which the requirements of the respective area would be applicable.
- *Recommendations*: The results from the Enhanced Review Modules may also contain recommendations for consideration by the grantee.

### III. Grantee Description

#### Organization

The San Francisco Municipal Railway (MUNI) began service in 1912 as one of the first publicly owned and operated transit systems in the United States. In 1944, MUNI absorbed the privately owned Market Street Railway, which more than doubled the size of the system. All of the transit services within San Francisco were brought under public control when the City acquired the California Street Cable Railroad in 1952. From 1932 until 1994, MUNI was governed by the City's Public Utilities Commission (PUC). In November 1993, Proposition M was passed by the city's voters, creating the Public Transportation Commission (PTC) and the Public Transportation Department (PTD). MUNI was made part of the PTD and came under the control of the PTC in June 1994.

In November 1999, the voters of San Francisco passed a charter amendment, known as Proposition E, which consolidated MUNI and the Department of Parking and Traffic into the new San Francisco Municipal Transportation Agency, led by a Director of Transportation and a seven-member Board of Directors. The SFMTA Board of Directors is appointed by the Mayor and has the authority to appoint the Director of Transportation, approve the budget, and set agency policy.

In addition to the Board of Directors, SFMTA has a number of councils and committees that are authorized to facilitate agency governance regarding a host of critical transportation areas. Some of these entities are internal to the agency, with members who are SFMTA staff. Others are interagency committees staffed by SFMTA and other City departments. There are also a number of citizen councils and committees designed to provide public input and involvement in the governance of the agency.

#### Services.

SFMTA provides transit service within the City and County of San Francisco. The population of the service area is over 800,000. The SFMTA fleet, among the most diverse in the transit industry, includes historic streetcars, modern light rail vehicles, diesel buses, hybrid vehicles, electric trolley coaches, and cable cars. Diesel and hybrid bus service is provided on 59 routes. SFMTA Metro light rail subway service operates on six routes. Historic streetcars operate on one route. There are 14 routes served by electric trolley buses. The cable cars operate on three lines.

SFMTA directly operates all fixed route service and contracts with Veolia Transportation to manage paratransit service. Veolia acts as a broker, contracting with van and taxi operators to provide service known as San Francisco Paratransit. The program includes three primary services that are available to all ADA-eligible persons:

- San Francisco Access is an advance reservation system that uses vans to provide origin to destination ADA-compliant shared ride service.
- Taxi and Ramped Taxi service offers ADA-eligible persons same-day access to all taxis in San Francisco. Users have a monthly allocation of service and pay a subsidized fare using a debit card.
- Group Van service provides routine, pre-scheduled group trips transporting ADA-eligible clients to and from programs of approximately 35 San Francisco human service agencies.

SFMTA operates 24 hours per day, seven days per week, with reduced service levels on “owl lines” available between 1:00 a.m. and 5:00 a.m. The basic adult fare for fixed route bus, streetcar, and light rail service is \$2.00. A reduced fare of \$0.75 is offered to seniors, persons with disabilities, and Medicare card holders during all service hours. Cable car service fare is \$6.00, fare for Seniors, persons with disabilities, and Medicare card holders from 9:00 p.m. to 7:00 a.m. is at a reduced rate of \$3.00, regular \$6.00 fare from 7:00 a.m. to 9:00p.m. The fare for ADA paratransit service is \$2.00.

SFMTA operates a fleet of 504 diesel buses and 301 trolley buses for fixed-route bus service. The fleet includes 30-, 40-, and 60-foot standard and low-floor transit coaches. In addition, SFMTA operates 151 light rail vehicles for the Metro subway, 40 historic streetcars, and 40 cable cars. The current peak requirement is 379 motor coaches, 222 trolley coaches, 114 light rail vehicles, 24 streetcars, and 26 cable cars.

SFMTA also has a fleet of 87 vans that are leased to Veolia for use in the San Francisco Access.

### Facilities

SFMTA’s administrative headquarters is at One South Van Ness Avenue in San Francisco. Transit facilities include six bus garages, three rail facilities, and the cable car barn. In addition, SFMTA has other facilities, including a facilities maintenance shop, a non-revenue vehicle facility, the operations control center, and a warehouse.

### Grant Activity

Below is a listing of SFMTA’s 39 active grants at the time of the review.

Grant Number	Grant Amount	Year Executed	Description
CA-90-X957-01	\$109,537,310	2001	Grant for FY99-00
CA-90-Y124-00	\$82,156,753	2002	FY 2002-2003 FTA Formula Funds
CA-03-0673-01	\$8,837,960	2004	Muni’s FY 2004 Section 5309 FG Grant
CA-90-Y245-02	\$9,200,000	2005	MUNI Section 5307 FY 2004 FORMULA Grant
CA-90-Y348-01	\$16,396,893	2005	MUNI Section 5307 FY 2005 Formula Grant
CA-03-0708-01	\$8,082,085	2005	FY 2005 Sect 5309 Fixed Guideway Grant
CA-05-0200-00	\$29,453,769	2006	FY 2006 Sect 5309 Fixed Guideway Gr
CA-90-Y424-00	\$46,175,552	2006	FY 2006 Section 5307 Formula Grant
CA-05-0215-00	\$46,547,421	2007	FY 2007 Fixed Guideway Application



Grant Number	Grant Amount	Year Executed	Description
CA-90-Y533-00	\$31,854,482	2007	Section 5307 Formula Grant for FY 2007
CA-05-0225-00	\$41,180,417	2008	FY 08 Fixed Guideway Program
CA-90-Y624-00	\$38,169,738	2008	FY 2008 Section 5307 Formula Grant
CA-04-0072-00	\$980,000	2008	FY 2008 Bus & Bus Facilities - Bus Rehab
CA-05-0241-00	\$37,330,575	2009	FY 2009 Fixed Guideway Program
CA-90-Y749-00	\$30,916,609	2009	FY 2009 Section 5307 Formula Funds
CA-96-X014-02	\$18,221,874	2010	Infrastructure Enhancement and Maintenance
CA-90-Y822-00	\$23,553,162	2010	FY 2010 Section 5307 Formula Funds
CA-04-0051-02	\$2,031,480	2010	Islais Creek & ITS on MUNI transit system
CA-05-0742-00	\$63,772,057	2010	FY2010 Fixed Guideway Program
CA-55-0002-01	\$1,048,880	2010	HPP FLEX FUNDS FOR SFGO
CA-05-0259-00	\$67,382,500	2011	FY2011 Fixed Guideway Program
CA-04-0008-03	\$931,095	2011	Glen Park Intermodal Facility Renov
CA-70-X013-00	\$490,000	2011	SFgo Market Street Improvements
CA-90-Y905-02	\$14,889,334	2011	FY 2011 Section 5307 Formula Funds
CA-57-X077-00	\$200,000	2012	New Freedom: Accessible Light Rail Stops
CA-04-0247-00	\$6,822,106	2012	Phelan Loop
CA-05-0272-00	\$69,409,386	2012	FY2012 Fixed Guideway Program
CA-90-Y995-00	\$9,940,234	2012	FY 2012 Section 5307 Formula Funds
CA-26-0057-00	\$240,521	2012	SFgo Transit Priority
CA-03-0811-01	\$15,000,000	2012	Van Ness Avenue BRT
CA-95-X199-00	\$517,015	2012	Signal Rehab/Upgrade on 2nd Street
CA-95-X164-01	\$948,200	2013	Market Haight Project
CA-37-X180-00	\$289,196	2013	LTP - Continuation of Bus Service
CA-04-0278-00	\$6,352,000	2013	Bus Livability - Customer First
CA-04-0196-01	\$16,973,943	2013	State of Good Repair Projects
CA-54-0010-00	\$30,552,086	2013	FY2013 State of Good Repair Grant
CA-90-Z086-00	\$53,785,320	2013	FY 2013 Section 5307 Formula Funds
CA-95-X179-01	\$1,120,000	2013	Phelan Loop and Church & Duboce Projects
CA-95-X219-01	\$22,222,965	2013	Transit Performance Initiative

*The following projects have been completed in the past three years:*

**Saint Francis Circle Rail Replacement (\$19.2M) - Completed September 1, 2010.** This project included replacement of the special track work for K- and M- Lines at the intersection of Junipero Serra Boulevard, Saint Francis Boulevard, Sloat Boulevard, West Portal Avenue, and Portola Drive. The track replacement included a single crossover, two turnouts, and one diamond crossing. The exclusive K-Line tracks north of the single crossover on Junipero Serra Boulevard were also replaced.

**Automatic Fare Collection - Phase I (\$25M) - Completed October 31, 2010.** Phase I of this project replaced the fare collection systems at nine SFMTA Metro Subway stations; installed an estimated 40 ticket vending machines, 98 fare gates, and made modifications to the subway station agent booths and telecommunications infrastructure.

**Miscellaneous Rail Replacement (J-Line; L-Line; N-Line) (\$17.6M) - Completed November 30, 2010.** This project replaced worn track on N-Line (Judah/19th Avenue and Judah/Sunset Avenue), L-Line (Taraval/19th Avenue and Taraval/Sunset Avenue), and J-Line (Church/18th

Streets, Church/30th Streets, and San Jose/30th Street). The scope of work also included upgrading the ramp and platform at La Playa Loop, which is located at the end of N-Line.

**Traction Power - Station E and Richmond Substation (\$15.6M) - Completed January 24, 2011.** This project replaced and upgraded the aging and damaged electric power equipment at Station E and Richmond substations, modified the existing floor slab at Station E that supports the electrical equipment, and replaced a collapsed duct bank outside of the Richmond Substation.

**Cable Car Propulsion System Controller Replacement (\$11.8M) - Resumed revenue service June 2011.** This project replaced the existing analog controller with digital controller to extend the useful life of the direct current direct current motor drives, replacing the existing operator's console, replacing the existing Programmable Logic Controller and Human Machine Interface video display at the Cable Car Barn as well as at Central Control, and replaced the remote input/output panels at seven locations.

**California Cable Car Infrastructure Improvements (\$20.0M) - Resumed revenue service June 2011.** This project replaced the communication and data cable, which is the vital circuit wiring for the California Street Line. The project also included installation of duct bank, replacement of track drains, electrical and mechanical devices that support the cable car system. Maintenance of Way also performed maintenance work while the California line was shutdown.

**5-Fulton Duct Bank Reconstruction (\$12.1M) - Completed January 9, 2012.** This project installed duct bank to put the feeders underground along Fulton Street between 8th and 32nd Avenues. The project also included pole replacement at isolated areas inside the Golden Gate Park and installation of curb ramps that lead to transit stops.

**21-Hayes Pole Replacement and Miscellaneous Overhead OVHD Construction (\$14.9M) Completed January 24, 2012.** This project replaced the deteriorating steel and wood poles with new steel poles primarily along the Hayes Street Corridor and the Civic Center area; reconfigured the trolley overhead system at Polk/Grove, and Webster/McAllister; replaced the existing overhead switches and reprogram the switch controller at Presidio Facility; replaced and upgraded the traffic signals and streetlights at various intersections; and converted McAllister Street between Hyde Street and Market Street to two-way operations for trolley service.

**Escalator Replacement - Phase I (\$5.4M) - Completed May 9, 2013.** This project included the rehabilitation of five outdoor escalators at SFMTA rail stations to reduce breakdowns and inconvenience to the customer. As part of the rehabilitation, the escalators were also being brought up to date to comply with the latest relevant safety codes. A remote monitoring system was installed to inform the facility personnel whenever a fault or an outage occurs. The monitoring system has the expansion capability to accommodate future connections to the Subway elevator system.

**Islais Creek Facility – Phase I (\$41.0M) - Completed March 2013.** This project included the design and construction of a new bus yard on 8.4 acres of property.

**Church and Duboce Rail Replacement (\$25.8M) - Completed on May 14, 2013.** This project replaced worn track work, including special track work, for N- and J- Lines on Duboce Avenue between Church and Noe Street and on Church Street between Duboce Avenue and Market Street. In addition, the Wayside Train Control System was replaced and upgraded along with overhead wires and poles at selected locations.

*The following projects are underway:*

**Central Subway (\$1.57B).** The Central Subway Project consists of a 1.7 mile extension of the existing Third Street light rail transit line (T-Line) on the surface north from King Street along Fourth Street, entering the new underground portal between Bryant and Harrison Streets. Subway operation will continue under Fourth Street to Market Street and under the existing Stockton Street tunnel to a terminus at Jackson Street.

**C3 Interim Primary Operation Central Control Project (\$32.1M).** This project included the construction of a new Transportation Management Center (TMC) for a centralized control and command facility for all SFMTA functions. The Municipal Railway, SFMTA Operations Control Center (OCC), San Francisco Go traffic management center, transit line management center, parking control dispatching, and security monitoring will be consolidated into the new facility. In addition, associated communication systems will be built or relocated and a business process review will be completed.

**C3 Integrated Systems Replacement Project (\$51.3M).** This project replaced central control and subway communication systems; which include the Public Address system, Platform Display Sign system, and Facility Supervisory Control and Data Acquisition (SCADA) system; and upgrade the Motive Power SCADA system. Also being performed is installation of a new fiber broadband network and Uninterruptible Power Supply systems for critical communication systems.

**ATCS System Management Center (SMC) Upgrade (\$12.6M).** This project included the upgrade of the hardware and software of the System Management Center, a subsystem of the Advanced Train Control System. In addition, this project will replace certain train management functionality that will be lost when the existing legacy train control system is removed.

**Enterprise Asset Management System (EAM) (\$23M)** to inventory all of the SFMTA's major assets, providing information on an asset's condition. The proposed EAM system will capture, populate, count, inventory, locate, identify assets and integrate the collected data into a state-of-the-art asset inventory and EAM system with an asset management system module. The project will select a vendor/implementer and then implement the selected system.

**ITS Radio System Replacement (\$116M).** This project includes replacement and modernization of the radio communication system using seventeen 700 MHz voice channels and six 800 MHz data channels as the basis for the communication network. The new system will utilize five existing antennae sites and will meet the regional Intelligent Transportation Standard and the Project 25 standard (P25) interoperability criteria for land mobile radio. This project also includes options for traffic signal priority and a digital voice annunciation system.



**Green Rail Center Roof Rehabilitation (\$6.5M).** This project includes replacement of the Main Shop Building roof, installation of new rooftop Heating Ventilation Air Conditioning (HVAC) equipment, and removal of the abandoned HVAC equipment and associated components.

**Islais Creek Facility – Phase II (\$48.4M).** This project includes the design and construction of a new operations and maintenance building at the Islais Creek site, providing light and heavy maintenance bays, administrative offices, training facilities, locker rooms.

**Woods Lift Replacement (\$6.9M).** This project includes the correction of various design and operational problems with existing lifts and provides for the servicing and maintenance of alternatively-fueled motor coaches. Twenty-two worn in-ground lifts will be replaced.

**Historic Streetcar Rehabilitation and Overhaul – 16 Presidents' Conference Committee (PCC) Street Cars (\$24.7M).** This project includes the rehabilitation of the mechanical and electrical systems of 11 former New Jersey PCC streetcars and will completely rehabilitate four double-ended PCCs and one single-ended PCC from SFMTA's fleet.

**Light Rail Vehicle (LRV) Rehabilitation and Safety Overhaul Program (\$72.8M).** This project includes the Rehabilitation of 143 aging LRVs, including the doors and steps, air supply unit, couplers, roof articulation wiring harness, center truck wiring harness, articulation joint resilient pins and traction motor bearings. Under Contract Modification #1 (Truck Rebuild Program): the contractor will replace and overhaul the truck components and suspension systems of 34 LRVs.

**LRV Collision Repairs (\$36.0M).** This project includes the repair of seven LRVs that have severe damage resulting from derailments and collisions. It also includes the repair and restoration of three additional LRV's to their original condition.

**Neoplan Diesel Coach Mid-Life Rehabilitation (\$20.7M).** This project includes the rehabilitation of up to eighty (80) 40ft Neoplan diesel coaches. The scope includes overhauling and/or repairing the propulsion system; suspension and pneumatic systems; articulated section; differential carrier; wheel chair lift; body and structural components; brake components; and door switch operation. In addition, the contractor will perform the installation of a Vapor CLASS door system, replacing the camera system, installing light-emitting diode (LED) destination signs; and updating the paint scheme.

**Procurement of 40-ft Hybrid Motor Coaches (\$25.3M).** This project will procure forty-five 45 40-ft diesel hybrid electric buses to replace SFMTA's fleet of 45 40-ft NABI buses that were placed into revenue service beginning in 1999. These buses have reached the end of their service life and are ready to be retired from regular revenue service.

**Bernal Substation Upgrade (\$6.3M).** Under this project, the existing damaged and obsolete substation equipment will be replaced and upgraded to SFMTA's current standards, with surge arrestors installed to protect the new traction power equipment from future damage. In addition, low voltage conditions on the 24-Divisadero Line bus terminus will be alleviated by creating a new feeder circuit originating out of Phelps Substation, allowing loading to be taken off of Bernal Substation feeder circuit #2.

**Green Center Rail Replacement (\$45.8M).** This project includes replacement of worn tracks and switches at the north and south ladder tracks in the Green Center storage yard. Replacement also includes revenue track outside the storage yard, overhead contact systems, and track switch control systems. New boarding islands, with ADA platforms, have been proposed along San Jose Avenue to improve circulation and safety.

**Market and Haight Transit and Pedestrian Improvements (\$7.8M).** This project includes converting Haight Street between Octavia Boulevard and Market Street to a two-way street with a new transit only lane on Haight between Laguna and Market Street. The project also includes transit and pedestrian improvements related to the Overhead Contact System, traffic signals, streetlights, and streetscape work.

**Sunset Tunnel Trackway Improvement Project (\$31.1M).** This project includes upgrade to and reconstruction of aging N-Line railway infrastructure in the Sunset Tunnel, which includes replacing track work, overhead contact system components, feeder cables, the curve signal system, and firefighting standpipe components; cleaning drain lines; and adding conduit for a future emergency blue light telephone system. Additional scope has been identified to address the findings from the Tunnel Seismic Vulnerability Study Report dated February 29, 2012. Scope elements include obtaining a geotechnical report evaluating the portal walls for earthquake loading and incorporating any resulting design requirements, such as a foundation retrofit, into the Final Design package.

**Twin Peaks Tunnel Rail Replacement (\$46.8M).** This project includes enhancing the track system reliability and efficiency and reducing track infrastructure maintenance in the Twin Peaks Tunnel from West Portal to Castro Station by replacing worn track, switch machines, switch controllers, damaged drain line, and fire-suppression system. Scope also includes new installation of flood lighting, deluge systems, guardrails, West Portal fire alarm, and seismic retrofits identified in the Twin Peaks Seismic Rehabilitation Report.

**Van Ness Bus Rapid Transit (BRT) (\$125M).** This project includes the implementation a BRT network on Van Ness Avenue from Mission Street to Lombard Street by reconfiguring the existing roadway cross section to provide for dedicated bus lanes and transit platforms. Project scope includes the design and construction of new dedicated bus lanes; transit stations with platforms, canopies, landscape planters, and station amenities; pavement rehabilitation and resurfacing; streetscape improvements; median upgrades; utility relocation; curb bulb and curb ramp construction; traffic signal infrastructure upgrade; transit signal priority (TSP) implementation; and replacement of the overhead contact system and trolley/streetlight poles from Mission Street to North Point Street.

*The following projects are planned for the next three to five years:*

**SFMTA Metro Accessible Stops (\$4.5M).** The Accessible Light Rail Stops Project will construct additional accessible light rail boarding platforms. The implementation strategy the project will employ is the product of the 2008 Transit Effectiveness Project (TEP). The project will first conduct a stop analysis and feasibility study to identify five locations where existing stops can be augmented with ramps and "mini-high" platforms (serving inbound and outbound trains). The project will develop and implement a community outreach effort to the disabled

community and to merchants and neighborhood associations in the vicinity of the proposed new accessible stops. Additional outreach, final design and construction of the platforms will occur as part of the TEP implementation and/or track replacement projects .

**33 Stanyan Overhead Replacement Project (\$10.3M).** This project is to replace worn overhead catenary system (OCS) and trolley poles for the No. 33 Stanyan Trolley Line. The limits of work are to be on 18th Street between Castro Street and Mission Street, and on Potrero Avenue between 16th and 25th Streets loop. At this time, all OCS special work within the work limit is deemed to be in good condition to remain and do not need to be replaced.

- 1) Replace wore trolley wires along the alignment
- 2) Replace defective and/or obsolete OCS components
- 3) Replace damaged/ deteriorated/ undersized trolley poles

**Cable Car Barn-Propulsion Gear Boxes (\$5.2M).** This project will remove and rebuild each gear box. This would involve extensive shutdowns to remove the existing gear boxes and install a replacement. Existing gearboxes would be shipped for rebuilds and returned. The work would include rebuilding the high speed shafts and seals on the four propulsion gearboxes, installing new bearings on the high speed shafts, perform complete gearbox inspections, and install new shaft seals.

**Cable Car Pulley Replacement Project (\$1M).** This project will establish a pulley replacement program, for all four (4) cable car lines. The project will provide improved performance through increased inventory of pulleys and in house labor support preventive maintenance to reduce service delays due to equipment failure.

**M-Line Rail Replacement (St. Francis Circle to Holloway) (\$20M).** The work on this project includes the replacement of approximately 9,300 feet of 33 year old SFMTA Metro M-Line track between Saint Francis Circle and Junipero Serra Boulevard. Existing railroad ties have seriously degraded, with rot and maintaining the cut spike fastening system is a maintenance problem. Work should include direct fixation for crossings, paving of boarding areas adjacent to new tracks, bonding cables for non-insulated bolted joints, cross bonding, removal of vegetation along the trackway, cleaning existing track drains and repairing existing damaged fencing. No overhead catenary, signal or other work is included.

**Market Street F-Line Track Pavement Repair (\$3M).** This project will repair existing track pavement along Market Street from Stuart Street to Castro at miscellaneous locations, removing broken pavement, tamping the existing trackwork and restoring concrete track pavement and asphalt pavement.

**Muni Metro Subway Track Fastener Replacement (\$11M).** This project will include the replacement of subway track fasteners.

**Replacement of 24,000, 100 pounds. rail fasteners in the SFMTA Metro Tunnel, from Embarcadero Station to the Twin Peaks Tunnel, including the Duboce Portal, approximately 35,000 track feet.** The current fasteners are forty years old and are deteriorating. Their purpose is to secure the rail to the tunnel structure. Their condition may affect the track gauge, allowing excess lateral movement of track and ultimately compromise safety.

Replacement of fasteners will improve safety and reliability of the subway. Work to include survey and adjustment to alignment. The special track work portion of the work would be to replace individual components of the crossovers and turnouts in the subway. . Components would include turnout frogs, switch points, and closure and stock rails for 16 turnouts. Provisions for spare parts and components should be included. Other items would include replacement of existing ties embedded in the concrete with new composite ties, which have greater resistance to rotting

**SFMTA Metro West Portal Interlock Reconfiguration (\$3M).** This project will reconfigure the West Portal interlocking, installing new Vital Processor Interlocking Control System (VPI) logic, installation of new track circuits, and replacement of switch machines. The existing train control logic is not able to route trains efficiently. The goal of the project would be to revise the logic to improve efficiency and maintain safe operations. It would also provide more standardized use of approach circuits and vetag for route requests. The project will also include replacement of T3 switch machines with new hydraulic switch machines. Additional scope may include station improvements such as wayfinding, station upgrades, bicycle storage lockers, etc.

**Replace Neoplan buses (60 and 40 ft) (\$85M).** SFMTA owns 124 Neoplan buses placed in service in 2002 and 2003. Most will have reached the end of their FTA lifespan in 2014 and will be eligible for retirement. These buses have now acquired over 350,000 service miles and are in need of immediate replacement.

**Rail Grinding (\$5M).** A high percentage of rail in the SFMTA Metro Tunnel and the Twin Peaks Tunnel is showing uneven wear. The useful life of the rail can be extended by rail grinding which can eliminate cupping at welds and other forms of differential wear. The grinding would reduce wheel wear on rolling stock and reduce the likely hood of failure with welds, which are vulnerable to wheel impacts from cupping of the weld on the head of the rail.

## IV. Results of the Review

### 1. Legal

Basic Requirement: The grantee must be eligible and authorized under state and local law to request, receive, and dispense FTA funds and to execute and administer FTA funded projects. The authority to take actions and responsibility on behalf of the grantee must be properly delegated and executed.

Finding: During this Triennial Review of SFMTA, no deficiencies were found with the FTA requirements for Legal.

### 2. Financial Management and Financial Capacity

Basic Requirement: The grantee must demonstrate the ability to match and manage FTA grant funds, cover cost increases and operating deficits, financially maintain and operate FTA funded facilities and equipment, and conduct and respond to applicable audits.

Finding: During this Triennial Review of SFMTA, no deficiencies were found with the FTA requirements for Financial Management and Financial Capacity.

### 3. Technical Capacity

Basic Requirement: The grantee must be able to implement FTA funded projects in accordance with the grant application, Master Agreement, and all applicable laws and regulations, using sound management practices.

Findings: During this Triennial Review of SFMTA, deficiencies were found with the FTA requirements for Technical Capacity.

#### *Progress reports lack required information (03)*

SFMTA does not include sufficient detail about schedule delays and omits other required information, such as original estimated completion dates, in its quarterly milestone reports. This is further discussed under the *excessive delays in project implementation* deficiency below.

#### *Excessive delays in project implementation (05)*

At the time of the site visit, SFMTA had 39 open grants. Eleven of these grants contain projects that have experienced delays in implementation. SFMTA's Milestone Progress Reports (MPR) do not provide adequate detail on project elements to allow a clear understanding of the various delays in the projects. In a review of the MPRs for the grants funding the delayed projects, there have been changes to the scopes of work and revisions to the completion dates. The majority of these projects are categorized as "State of Good Repair (SGR)." SFMTA is implementing projects such as, renovation to facilities, rehabilitation and rebuild of historic rail cars, and the rehabilitation and renovation to the cable car infrastructure, to name a few.



Through examination of the limited details in the MPRs, it appears that SFMTA requests FTA funds prior to identifying specific projects within grants. SFMTA advises that it programs projects in its grants consistent with its projected transit capital needs. These needs, based upon the Transit Capital Priorities (TCP), developed as part of the Metropolitan Planning Organization's (MPO) Transportation Improvement Program (TIP) process, exceed the available FTA funds. Therefore, SFMTA includes priority projects, such as fixed guideway, communications and control systems, propulsion systems and revenue vehicles, as denoted in the TCP, in the Activity Line Items (ALI) of its grants with a high level project scope, i.e. rail replacement. This allows SFMTA the flexibility to expend funds within the grant on any number of active projects in its Capital Improvement Program that relate to the scope. However, the description included in the grant for these projects, do not contain sufficient detail to track progress and completion of milestones from the beginning of grant award through closeout; thus impeding the ability to monitor project status and ensure timely grant closeout.

This impacts SFMTA's grants management, as projects do not appear to be implemented as forecasted in grants or completed as scheduled; quarterly reports are not concise and up to date; grants remain open for numerous years after the original projected completion date e.g. CA-90X57 (open for 12 years after the original projected completion date); and funds lapse (as discussed below) for four of SFMTA's fixed guideway grants.

In addition, projects later assigned to grants may be completed with cost savings. SFMTA adds new projects to the related grant, thus extending the grant's life and giving the impression that the original project has not completed. Absent detailed information in MPRs to identify and explain which projects are progressing within the ALI, it is difficult to ascertain when a project has been completed, whether funds are remaining and for which projects they will be used, and more importantly, when all grant funds will be expended and the grant closed.

Listed below are eleven grants with various projects that have experienced significant delays. As discussed, SFMTA has extended the completion dates of these grants multiple times due primarily to delays in project implementation. These grants contain formula funds for fixed guideway projects. Four of the grants contain lapsed funds totaling \$22,426,592. Over the past two years, SFMTA has launched an active grants management program whereby, via FTA's budget revision process, SFMTA moves funds from inactive or nearly closed projects to active, high priority projects in order to improve project delivery and close old grants. However, for the four grants with lapsed funds, SFMTA no longer has the flexibility to deobligate funds from older grants and reapply for them in newer grants. Additionally, FTA restricts the ability to amend these grants to add new scopes.

Table 1

Project Funded	Grant Number	Obligation Date	Amount		Last Draw	Closeout Date	
			Obligated	Disbursed		Original	Revised
Muni Metro Electrical Improvements	CA-90-X957	5/1/2001	\$109,537,310	\$109,465,038	10/18/2013	9/30/2001	12/30/2013
Plan/Construct Bayview Pedestrian Access/Walkways	CA-90-Y124-00	7/26/2002	\$82,156,753	\$79,737,668	11/18/2013	No date indicated in the MPR	7/31/2014
Buy Replacement 40-Foot Bus	CA-90-Y245-02	3/8/2005	\$9,200,000	\$9,188,363	2/8/2013	No date indicated in the MPR	3/30/2016
Buy Replacement 40-Foot Bus	CA-90-Y348-01	9/6/2005	\$5,550,000	\$4,750,000	11/18/2013	No date indicated in the MPR	3/30/2016
Purchase Wayside Fare Collection Equipment	CA-03-0708-01 <sup>(1)</sup>	9/7/2005	\$23,305,667	\$18,261,855	11/18/2013	9/1/2008	10/31/2013
Rehab/Rebuild Historic Rail Cars						12/30/2007	6/30/2014
Cable Car Infrastructure Rehab/Renovation						6/30/2007	12/30/2013
Cable Car Infrastructure Rehab/Renovation	CA-05-0200-00 <sup>(2)</sup>	6/28/2006	\$29,453,769	\$29,305,941	11/18/2013	6/30/2007	12/31/2013
Cable Car Infrastructure Rehab/Renovation	CA-90-Y424-00	7/7/2006	\$46,175,552	\$45,208,781	11/18/2013	6/30/2007	12/31/2013
Miscellaneous Safety Modifications	CA-90-Y533-00	8/3/2007	\$31,854,482	\$25,230,102	11/21/2013	12/30/2010	12/31/2013
Rehab/Renovation at E-Woods Facility Lifts						11/1/2008	6/30/2014
Rehab/Renovation						3/30/2009	1/31/2014

Project Funded	Grant Number	Obligation Date	Amount		Last Draw	Closeout Date	
			Obligated	Disbursed		Original	Revised
Escalator						6/30/2008	1/30/2015
Rehab/Rebuild Historic Rail Cars						No date indicated in the MPR	10/31/2013
Miscellaneous Security Expenditures						11/1/2007	6/30/2014
Cable Car Infrastructure Rehab/Renovation	CA-05-0215-00 <sup>(3)</sup>	8/3/2007	\$46,547,421	\$41,442,927	11/18/2013	6/30/2008	6/30/2014
Rehab/Rebuild Historic Rail Cars						6/15/2009	6/30/2014
Muni Rail Replacement						5/31/2010	3/30/2014
Rehab/Renovation Escalator	CA-90-Y624-00	8/18/2008	\$38,169,738	\$32,116,760	11/18/2013	4/14/2009	1/31/2014
Rehab/Renovation at E-Woods/Purchase Woods Facility Lifts						9/30/2009	6/30/2014
Cable Car Infrastructure Rehab/Renovation						2/28/2011	9/30/2014
Purchase Subway Fire Alarm & Detection System						6/30/2010	10/31/2013
Rehab/Renovation at E-Woods/Purchase Potrero-Presidio Hoists						No date indicated in the MPR	12/31/2014
Miscellaneous Security IMP & Graffiti Prevention						12/31/2009	2/28/2014
Muni Rail	CA-05-0225-00 <sup>(4)</sup>	8/18/2008	\$41,180,417	\$29,049,959	11/21/2013	12/31/2009	4/30/2014



Project Funded	Grant Number	Obligation Date	Amount		Last Draw	Closeout Date	
			Obligated	Disbursed		Original	Revised
Replacement							
Wayside/Central Train Control & Trolley						6/30/2008	6/30/2014
Signal Systems Rehab							
Rehab/Rebuild Cable Cars						6/30/2008	12/30/2013
Overhead Lines Rehab						8/30/2009	6/30/2014
Rehab/Rebuild Light Rail Cars						5/31/2012	11/17/2015

- (1) Lapsed funds 2009 - \$5,043,812
- (2) Lapsed funds 2010 - \$147,828
- (3) Lapsed funds 2011 - \$5,104,494
- (4) Lapsed funds 2012 - \$12,130,458

*Incorrect FFR reporting (16)*

SFMTA incorrectly records negative Federal cash on hand at the end of the period (Federal Financial Report (FFR) Line D) as the total of all expenditures incurred for all open grants. Instead, SFMTA should record on Line D only those funds it has received through the Electronic Clearinghouse (ECHO) process for which it has not incurred any allowable expenses. These disbursements may include direct charges for goods and services, indirect expenses charged to the grant, and the amount of payments made to subrecipients and contractors.

Corrective Actions and Schedule for deficiencies 03, 05 and 16:

- For the deficiency *Progress report lacks required information (03)*, perform the following:
  - by **January 30, 2014**, submit updated and completed progress reports with all required information in TEAM-Web. SFMTA is to provide a listing of corrected progress reports to the regional office. Those progress reports that have not been corrected with all required information must be updated by April 30 as stated below.
  - by **March 28, 2014**, submit to the regional office procedures for ensuring that all required information is included in future reports, including missing completion dates.
  - by **April 30, 2014**, submit all remaining reports that have been fully updated and completed with all required information in TEAM-Web. SFMTA is to provide a listing of corrected progress reports to the regional office.
- For the deficiency *Excessive delays in project implementation (05)*, beginning **April 30, 2014 (for the period January 1 through March 31) then quarterly through September 30, 2014**, submit to the regional office the following two reports:
  - a cash flow schedule detailing each grant listed in *Table 1* (indicating the obligated amount, amount disbursed, last disbursement date, percentage of total federal funds expended, original closeout date and estimated closeout date) by activity line item (ALI), and the projected draw down of funds to meet the forecasted close out dates. FTA will monitor adherence to this cash flow schedule quarterly for federal fiscal year 2014.
  - a milestone schedule of all federally funded projects aligned with the 39 open grants (indicating the obligated amount, amount disbursed, last disbursement date, percentage of total federal funds expended, original closeout date and estimated closeout date). FTA will monitor adherence to this schedule quarterly for federal fiscal year 2014.
- For the deficiency *Incorrect FFR reporting (16)*, perform the following:
  - by **January 30, 2014**, correct all quarterly FFR reports in TEAM-Web

- by **March 28, 2014**, submit to the regional office procedures for correctly identifying and including federal cash on hand at the end of period (as defined by FTA) in the quarterly FFRs.

#### 4. Satisfactory Continuing Control

Basic Requirement: The grantee must maintain control over real property, facilities, and equipment and ensure that they are used in transit service.

Finding: During this Triennial Review of SFMTA, a deficiency was found with the FTA requirements for Satisfactory Continuing Control.

*Excessive fixed route bus spare ratio (08)*

SFMTA maintains a fleet of 504 buses. Of these, 379 are required for use during peak service. With 125 spare buses, SFMTA's fixed route spare ratio is 33 percent, 13 percent above the 20 percent fixed route spare ratio supported by FTA.

Corrective Action and Schedule for deficiency 08: By **April 18, 2014**, submit to the regional office an updated fleet management plan that includes a specific schedule for reducing the fixed route spare ratio to 20 percent.

#### 5. Maintenance

Basic Requirement: Grantees and subrecipients must keep federally funded equipment and facilities in good operating order and maintain ADA accessibility features.

Finding: During this Triennial Review of SFMTA, a deficiency was found with the FTA requirements for Maintenance.

*Late vehicle preventative maintenance (04)*

A random sample of SFMTA preventative maintenance (PM) inspection records from the prior twelve months was selected for review. The sample was selected from a list of SFMTA vehicles and equipment located throughout the system. The sample included seven buses, two electric trolleys, two paratransit vans, two cable cars, four light rail vehicles and two antique rail cars operated from and maintained at various SFMTA facilities. The sample also included two air compressors and two bus washers at the Woods Bus Facility and two station elevators at the Van Ness Station.

The PMs were on schedule for all modes except fixed route bus. Twelve of 29 bus PM inspections (40 percent) reviewed were not completed on schedule. Most of the late PMs occurred from January through June 2013. A report provided after the site visit, indicates that SFMTA has improved its on-time PM performance to 98 percent for the six-month period from July to December 2013.

Corrective Action and Schedule for deficiency 04: By **January 30, 2014**, submit to the regional office a monitoring plan for ensuring that fixed-route bus PMs are performed timely.

In addition, by April 18, 2014 then monthly through September 30, 2014, submit to the regional office:

- a summary report on fixed-route bus PM inspection results that has been signed by the Director of Transportation or delegated authority. The report must indicate that the Director of Transportation or delegated authority has reviewed the PM inspections on a monthly basis until the data demonstrates that SFMTA has conducted at least 80 percent of its PMs on time for three consecutive months starting February 1, 2014 (for January 2014 data).

For each bus that received a PM inspection during the month, include with the submittal a report that lists the bus number, date of the inspection, mileage of the current inspection, mileage of the previous inspection, and the mileage interval between the two inspections.

- documentation of corrective actions implemented for instances where PM inspections were not performed timely.

## 6. Procurement

Basic Requirement: FTA grantees use their own procurement procedures that reflect applicable state and local laws and regulations, provided that the process ensures competitive procurement and the procedures conform to applicable federal law, including 49 CFR Part 18 (specifically Section 18.36) and FTA Circular 4220.1F, "Third Party Contracting Guidance."

Findings: During this Triennial Review of SFMTA, deficiencies were found with the FTA requirements for Procurement.

The procurement process at SFMTA is not centralized. Procurements are implemented by multiple departments, managed by various personnel. As a result, several of the below findings are similar to those found during the 2011 Procurement System Review. In addition to deficiencies, recommendations were made from that review for SFMTA to initiate procurement management controls.

Attachment B to the 2011 Procurement System Review Final Report contained the following recommendations:

- A Management Control Plan that further defines:
  - Peer Reviews/internal auditing
  - Electronic procurement processing
  - Uniformity in procurement processes and procedures between departments
  - External reviews
  - Effective sanctions for non-compliance
  - Ongoing adequate training and lessons learned sessions
  - Adequate approval levels including legal counsel if appropriate
  - Documentation and recordkeeping standards
  - Adequate security of procurement sensitive information
  - Effective procurement planning (to avoid rushed procurements)
  - Supportive and effective management environment
  - Easy to access information

During the site visit, six FTA-funded contracts were reviewed. The six contracts included an invitation for bid (IFB) for professional services and equipment, a request for proposals (RFP) for engineering services, an RFP for vehicle rehabilitation, a cooperative purchasing venture using the Minnesota agreement for buses, and two IFBs for construction services.

*Deficiency 35:* The vehicle rehabilitation contract files do not contain documentation of vendor responsibility determination

*Deficiency C:* The bus procurement contract files do not contain a Buy America post-delivery audit certification.

*Deficiency H:* The contract files for Neoplan coach rehabilitation do not contain verification that excluded parties were not participating in covered transactions.

SFMTA has procurement procedures to address these requirements, however, they were not consistently followed by the departments delegated to perform procurements.

Subsequent to the site visit, SFMTA submitted documentation to the regional office that the procurement of buses complied with the Buy America provisions by completing the after the fact post-delivery Buy America certifications. In addition, SFMTA submitted documentation that the System for Award Management (SAM) search was conducted for the Neoplan coach rehabilitation contractor in the form of the results from the SAM. The search indicates that there are no active exclusions for the contractor or federal debt. These portions of the corrective actions are completed.

Corrective Action and Schedule for deficiencies 35, C, H: By **April 18, 2014**, submit to the regional office a process (es) to ensure that the procurement policies and procedures are followed for:

- making and documenting adequate responsibility determinations prior to award of a contract
- completing the applicable pre-award and post-delivery audits certifications for future revenue rolling stock procurements.
- searching the SAM before entering into applicable transactions and documenting the results of the search
- compliance with all FTA required procurement elements

**Beginning April 30, 2014 then quarterly through September 30, 2014**, submit to the regional office evidence of the implementation of the above process (es).

## **7. Disadvantaged Business Enterprise**

Basic Requirement: The grantee must comply with 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. Grantees also must create a level

playing field on which disadvantaged business enterprises (DBEs) can compete fairly for DOT-assisted contracts.

**Finding:** During this Triennial Review of the SFMTA, a deficiency was found with USDOT requirements for DBE.

*Uniform reports do not include required information (20)*

Appendix B to 49 CFR Part 26 includes instructions for completing the *Uniform Report of DBE Awards or Commitments and Payments*. The amounts in the uniform report are to include all types of prime contracts awarded and all types of subcontracts awarded or committed. All dollar amounts are to reflect only the Federal share of such contracts in the DBE uniform report. The bottom portion of the uniform report must include actual payments on prime and DBE contracts completed during the reporting period.

The review team engaged SFMTA in a discussion, demonstration, and review of their process for completing the semi-annual DBE uniform reports. SFMTA's December 1, 2013 DBE uniform report incorrectly included the total contract award amount and report of payments on active projects. SFMTA procedures do not indicate that only the federal share of contract awards and payments are to be reported for ongoing and completed projects.

**Corrective Actions and Schedule for deficiency 20:** By **April 18, 2014**, develop and submit to FTA's Region IX Civil Rights Officer (RCRO) updated procedures for reporting only the FTA funded share of awards and commitments in the DBE Uniform Report. The procedures must include how SFMTA will report payments on projects completed during the reporting period.

### **Disadvantaged Business Enterprise (DBE) Enhanced Review Module**

An Enhanced Review Module was conducted of SFMTA to close open findings from the FTA DBE Compliance Review 2012 Final Report and provide technical assistance to SFMTA in goal setting. Recommendations resulting from observations included in this section are not binding upon SFMTA (as are findings in an area of compliance with Federal regulations). However, it is recommended that SFMTA give strong consideration to these recommendations, as they may be helpful in providing overall improvement, and enhanced compliance, for SFMTA's transit program and to avoid deficiencies in future reviews.

#### ***Goal Setting***

Currently, SFMTA is using Census data and 2007 Survey of Business Owners (SBO) to determine the relative availability of DBEs that can participate on DOT-assisted contracts. The Enhanced Review Module examined data sources available and contracting opportunities to assist SFMTA in determining availability, reflective of DBEs in their marketplace, which could result in a more realistic overall goal.

**Basic Requirement:** To begin the goal setting process, the recipient must first develop a base figure for the relative availability of DBEs. After the base figure is achieved, all other relevant evidence must be considered to adjust this figure to match the needs of the specific DBE community.



Observation: The SFMTA defined their market area to include the San Jose, San Francisco, and Oakland combined statistical area in their FFY 2014 – 2016 DBE Goal methodology. Next, SFMTA searched the 2007 SBO for DBE availability in the three major industries of construction, manufacturing, and professional services in their market area. The SFMTA reported DBE/all firms availability of 18,478/58,660 firms in construction, 4,877/17,989 firms in manufacturing, and 46,070/164,186 firms in professional services. The DBE firms in the California Unified Certification Program (UCP) directory are significantly lower than the minority owned firms identified by SFMTA from the 2007 SBO. The UCP directory may be more indicative of DBE firms ready, willing, and able to participate on DOT-assisted projects. When the UCP directory is used for the numerator, Census County Business Pattern and/or a bidder's list data is often utilized as the denominator to closely resemble the relative availability of firms.

Discussion: The review team discussed SFMTA's rationale for using the 2007 SBO as a data source instead of the DBE directory and County Business Pattern methodology described in the *USDOT Tips for Goal Setting*. SFMTA advised the review team that a consultant recommended this process for setting their overall goal. It was also discussed that the SFMTA has commissioned a disparity study to be conducted, which is anticipated to be completed in approximately one year. The review team recommended that SFMTA use the most refined data available and review the tips for goal setting document to consider a bidders list, UCP directory, and/or County Business Patterns for optional, additional data sources for the next goal setting period. However, the SFMTA advised the review team that they will await the results of the disparity study to determine the appropriate methodology for setting their overall goal for federal fiscal years (FFY) 2017 to 2019.

SFMTA provided proof of publication of their FFY 2014 – 2016 DBE Goal. The goal was published in several news outlets prior to May 10, 2013. This publication was consistent with the corrective action plan and timeline developed by SFMTA in response to the FTA DBE Compliance Review 2012 Final Report. The SFMTA anticipated in their corrective action plan publishing their overall goal by May 15<sup>th</sup>, which is a month prior to the recommended June 15<sup>th</sup> deadline to publish the goal. Therefore, the review team recommends closure of the finding for publication of overall goal.

### ***Small Business Participation***

During the SFMTA site visit, the Enhanced Review Module found that SFMTA delayed the implementation of the revised DOT requirements in §26.39 Fostering Small Business Participation.

Basic Requirement: The DBE program must include an element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

Observation: SFMTA did not fully implement their Small Business Element (SBE) outlined in their DBE SBE program by following the size standards in accordance with §26.5. SFMTA's SBE was approved by FTA in May 2012. SFMTA implemented the correct SBE size standards in a recent contract during August 2013.

Discussion: SFMTA sent their updated DBE program to the Regional Administrator and Regional Civil Right Officer for FTA Region IX on February 28, 2012. SFMTA adopted a Small Business Enterprise (SBE) Program in 2006 as a result of the Ninth Circuit Court decision. Since that time, the SFMTA had not imposed race conscious (DBE) goals in its contracts, but instead issued race-neutral SBE goals on many FTA-funded contracts. SFMTA incorporated its 2006 SBE program as the Small Business Element of their DBE program and noted in its February 2012 submittal that the Small Business Element would be implemented with the inclusion of instructions and forms in its invitation for bids (IFBs) and request for proposals (RFPs).

The guidance given on December 6, 2011 in the *USDOT Official DBE Questions & Answers* states, "The [Small Business Element] implementation date should be established by the operating administration when it approves the small business element submitted by the recipients. Recipients are encouraged to include an implementation schedule as part of their submission to ensure the small business element is fully operational within nine months of approval."

As noted, the Small Business Element was submitted to FTA for approval as a part of SFMTA's DBE program by February 28, 2012. Upon FTA approval, SFMTA was to actively implement their program elements to foster small business participation. Doing so is a requirement of good faith implementation of the DBE program. [§26.39(c)]. FTA acknowledged receipt of the SFMTA's DBE program submission from February 28, 2012 and approved the DBE program submission on May 24, 2012. SFMTA noted in their submission letter that they anticipated fully implementing this element within four weeks subsequent to FTA approval.

The SBE background section of SFMTA's DBE program correctly stated, "In December 2011, DOT issued guidance addressing the final rule. In the guidance, DOT stated that the definition of 'small business concern' shall be consistent with the definition set out in 49 CFR Section 26.5." SFMTA further noted, "The elements of the SFMTA's SBE Program adopted in 2006 are generally consistent with the small business element requirements contained in the January 2011 final rule, except that the income thresholds for eligibility as an SBE in some work categories are different than the threshold in 49 CFR Part 26.5. SFMTA stated that it therefore adopts this Small Business Enterprise Element, which updates the existing SBE Program to reflect the small business size standards of the final rule."

The review team requested the following contracts as part of the DBE Enhanced Review Module to substantiate implementation of the SBE and DBE program:



Contract No.	SBE Goal	Correct SBE Size Cap in Solicitation	Contract Name	RFP/IFB	Award Date	Original Contract
CS-173	30%	No	As-Needed Specialized Engineering Services	RFP	8/20/2013	\$5,000,000
1260R	20%	No	Muni Metro System Integrated Systems Replacement Project	IFB	1/15/2013	\$24,116,000
1249	22%	No	Green Light Rail Center Track Replacement Project	IFB	11/6/2012	\$31,197,197
1300	20%	No	Third Street Light Rail Program Phase 2 - Central Subway Stations, Surface, Track, and Systems	IFB	5/21/2013	\$839,676,400
1262	15%	No	Bernal Substation Upgrade Project	IFB	8/21/12	\$3,546,880
DPW 1900J	25%	No	Van Ness Corridors-Franklin Street and 2 <sup>nd</sup> St.	IFB	2/11/13	\$1,819,038

SFMTA used the incorrect size standards in the construction agreement for contract number 1300 (Central Subway) as follows:

*The total average gross revenue thresholds for the past three years must not exceed the following categories as follows:*

Contract Type	Income Thresholds
<i>Construction – Building, Heavy</i>	<i>\$14 Million</i>
<i>Construction – Dredging and Surface Cleanup</i>	<i>\$14 Million</i>
<i>Construction (specialty trades)</i>	<i>\$12 Million</i>
<i>General Freight Trucking</i>	<i>\$12 Million</i>
<i>Hazardous Waste Collection, Trucking</i>	<i>\$12 Million</i>
<i>Remediation</i>	<i>\$12 Million</i>
<i>Testing Labs</i>	<i>\$12 Million</i>
<i>Merchant Wholesalers, Durable Goods and other Work Categories</i>	<i>\$12 Million</i>

*For these eight categories, the proposer needs to collect and submit to SFMTA with its proposal the SBE Contractor/Joint Venture Partner/Subcontractor Gross Revenue Declaration(s) (SFMTA SBE Form No. 2B) from all potential SBE participants attesting that its total average gross revenues for the past three years are equal to or below the income threshold for that specific category of contract by the proposal due date.*

SFMTA SBE Form No. 2B is a gross revenue declaration form to be completed by SBE contractors and submitted to prime contractors for their proposals or bids. These thresholds are below the size standards allowed in 49 CFR Part 26.5. For example, heavy construction should have a small business threshold of \$22.41 million instead of \$14 million. These incorrect small

business thresholds may have precluded SBEs and DBEs from participation on the contracts let by SFMTA subsequent to the December 2011 SBE program guidance.

SFMTA Contract Compliance Office representatives advised the review team that DBEs did not have to meet these thresholds. However, the review team could not substantiate this statement from the documents collected. The SBE Form No. 2B accepts certification from DBEs issued by California UCP, SBEs issued by California Department of General Services, and Local Business Enterprises (LBEs) issued by San Francisco General Services Agency and did not indicate to prime contractors that DBEs are exempt from these lower income thresholds. SFMTA also stated that the inclusion of the correct size standards took some time to implement after their program was approved by FTA in May 2012.

SFMTA provided updated SBE provision inserts for request for proposals (revised October 1, 2013) and construction contracts (revised August 1, 2013). These revised provisions included the correct SBE size standards in accordance with §26.5. SFMTA also provided contract number 1268 dated August 2013 for the Blue Light Emergency Telephone Replacement Project. The contract included the correct \$22.41 million size standard for heavy construction and other size standards in appropriate work categories. Since SFMTA corrected the delay in implementing the SBE size standards prior to this review this issue was not noted as an open finding.

- The SFMTA received two DBE program complaints regarding the Central Subway Project from a minority- and women-owned business group and a small minority owned firm on May 17, 2013 and July 2, 2013, respectively. The complaints alleged that SFMTA is not taking steps required by law to facilitate contracting with DBEs, including those that are locally-owned; lack of inclusion of SFMTA's DBE program in the Central Subway Project solicitation documents; and a request to open an investigation for a prime contractor not acting in good faith for SBE inclusion in the project. SFMTA investigated both complaints and determined that the complaints were unjustified.

Recommendation: It is recommended that SFMTA proactively review contracts, bidder's lists and other documents to determine the impact on SBEs and DBEs precluded from participation on FTA-funded contracts due to this issue, in the event the SFMTA's DBE program receives complaints or is challenged.

It is noted that subsequent to the site visit, SFMTA implemented the above recommendation. SFMTA provided documentation that it reviewed contracts advertised before and after FTA's approval of their Small Business Program and determined there was no indication that the level of DBE participation was impacted by the implementation delay.

## 8. Planning/ Program of Projects

Basic Requirement (Planning): The grantee must participate in the transportation planning process in accordance with FTA requirements, SAFETEA-LU, and the metropolitan and statewide planning regulations.

Basic Requirement (Human Services Transportation): Grantees must participate in a coordinated public transit-human services transportation planning process that identifies the transportation

needs of individuals with disabilities, older adults, and people with low incomes; provides strategies for meeting those local needs; and prioritizes transportation services for funding and implementation.

Basic Requirement (Program of Projects (POP)): Each recipient of a Section 5307 grant shall develop, publish, afford an opportunity for a public hearing on, and submit for approval, a POP.

Finding: During this Triennial Review of SFMTA, no deficiencies were found with the FTA requirements for Planning/POP.

## 9. Title VI

Basic Requirement: The grantee 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. The grantee must ensure that federally supported transit services and related benefits are distributed in an equitable manner.

Note: The 2013 Triennial Review covers a three-year period in which the FTA issued a revised circular for Title VI that provided more information on how to comply and changed requirements for some grantees with populations over 200,000 persons. As of October 1, 2012, grantees must comply with the requirements of FTA C 4702.1B. The review will look at compliance with the requirement of FTA C 4702.1A for the period prior to October 1 and compliance with the revised circular for activities after this date.

Finding: During this Triennial Review of SFMTA, no deficiencies were found with the FTA requirements for Title VI.

## 10. Public Comment on Fare and Service Changes

Basic Requirement: Section 5307 grantees 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.

Finding: During this Triennial Review of SFMTA, no deficiencies were found with the FTA requirements for Public Comment on Fare and Service Changes.

## 11. Half Fare

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

Finding: During this Triennial Review of SFMTA, no deficiencies were found with the FTA requirements for Half Fare.

## 12. Americans with Disabilities Act

Basic Requirement: Titles II and III of the Americans with Disabilities Act of 1990 (ADA) 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 SFMTA, no deficiencies were found with the USDOT requirements for ADA.

## 13. Charter Bus

Basic Requirement: Grantees 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. Grantees are allowed to operate community based charter services excepted under the regulations.

Finding: During this Triennial Review of SFMTA, no deficiencies were found with the FTA requirements for Charter Bus.

## 14. School Bus

Basic Requirement: Grantees are prohibited from providing exclusive school bus service 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. School tripper service that operates and looks like all other regular service is allowed.

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

## 15. National Transit Database

Basic Requirement: Grantees that receive Section 5307 and 5311 grant funds must collect, record and report financial and non-financial data in accordance with the Uniform System of Accounts (USOA) and the National Transit Database (NTD) Reporting Manual as required by 49 USC 5335(a).

Finding: During this Triennial Review of SFMTA, no deficiencies were found with the FTA requirements for NTD.

## 16. Safety and Security

Basic Requirement: Under the safety authority provisions of the federal transit laws, the Secretary has the authority to investigate the operations of the grantee for any conditions that

appear to create a serious hazard. As recipients of Section 5307 funds, grantees must annually certify that they are spending at least one percent of such funds for transit security projects or that such expenditures for security projects are not necessary.

Finding: During this Triennial Review of SFMTA, no deficiencies were found with the FTA requirements for Safety and Security.

## 17. Drug Free Workplace and Drug and Alcohol Program

Basic Requirement: All grantees are required to maintain a drug free workplace for all employees and to have an ongoing drug free awareness program. Grantees receiving Section 5307, 5309 or 5311 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 SFMTA, no deficiencies were found with the FTA requirements for Drug-Free Workplace and Drug and Alcohol Program.

## 18. Equal Employment Opportunities

Basic Requirement: The grantee 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: The 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 SFMTA, a deficiency was found with the FTA requirements for Equal Employment Opportunity (EEO).

### *Inadequate designation of EEO Officer (01)*

SFMTA's Human Resources Director is also the EEO Officer. The EEO officer should be independent and without any conflict of interest between the EEO Officer's responsibilities and collateral duties.

Corrective Action and Schedule for deficiency 01: By **April 18, 2014**, submit to the FTA Region IX RCRO evidence of corrective actions taken to properly designate EEO responsibilities. This could consist of designating an EEO Officer that is independent of the Human Resources Officer.



## V. Summary of Findings

Review Area	Finding	Deficiency	Corrective Action	Response Date	Date Closed
1. Legal	ND				
2. Financial Management and Financial Capacity	ND				
3. Technical Capacity	D	03-Progress reports lack required information	Submit updated and completed progress reports with all required information in TEAM-Web. SFMTA is to provide a listing of corrected progress reports to the regional office. Those progress reports that have not been corrected with all required information must be updated by April 30 as stated below.	January 30, 2014	
			Submit to the regional office procedures for ensuring that all required information is included in future reports, including missing completion dates.	March 28, 2014	
			Submit all remaining reports that have been fully updated and completed with all required information in TEAM-Web. SFMTA is to provide a listing of corrected progress reports to the regional office.	April 30, 2014	
		05-Excessive delays in project implementation	Submit a cash flow schedule (for federal fiscal quarters two and three) detailing each grant listed in <i>Table 1</i> , (indicating the obligated amount, amount disbursed, last disbursement date, percentage of total federal funds expended, original closeout date and estimated closeout date), by activity line item (ALI), and the projected draw down of funds to meet the forecasted close out dates. FTA will monitor adherence to this cash flow schedule quarterly for federal fiscal year 2014.	April 30, 2014 then quarterly through September 30, 2014	
			Submit a milestone schedule (for federal fiscal quarters two and three) of all federally funded projects aligned with the 39 open grants (indicating the obligated amount, amount disbursed, last disbursement date, percentage of total federal funds expended, original closeout date and estimated closeout date). FTA will monitor adherence to this schedule quarterly for federal fiscal year 2014.	April 30, 2014 then quarterly through September 30, 2014	
		16 Incorrect FFR reporting	Correct all quarterly FFR reports in TEAM-Web	January 30, 2014	

Review Area	Finding	Deficiency	Corrective Action	Response Date	Date Closed
			Submit to the regional office procedures for correctly identifying and including federal cash on hand at the end of period (as defined by FTA) in the quarterly FFRs.	March 28, 2014	
4. Satisfactory Continuing Control	D	08 Excessive fixed route bus spare ratio	Submit to the regional office an updated fleet management plan that includes a specific schedule for reducing the fixed route spare ratio to 20 percent.	April 18, 2014	
5. Maintenance	D	04-Late vehicle preventive maintenance	Submit to the regional office a monitoring plan for ensuring that fixed route bus PMs are performed timely.	January 30, 2014	
			Submit to the regional office a summary report on fixed-route bus PM inspection results that has been signed by the Director of Transportation or delegated authority. The report must indicate that the Director of Transportation or delegated authority has reviewed the PM inspections on a monthly basis until the data demonstrates that SFMTA has conducted at least 80 percent of its PMs on time for three consecutive months starting February 1, 2014 (for January 2014 data).	Beginning April 18, 2014 then monthly through September 30, 2014	
			For each bus that received a PM inspection during the month, include with the submittal a report that lists the bus number, date of the inspection, mileage of the current inspection, mileage of the previous inspection, and the mileage interval between the two inspections.		
			Submit to the regional office documentation of corrective actions implemented for instances where PM inspections were not performed timely.	Beginning April 18, 2014 then monthly through September 30, 2014	
6. Procurement	D	35-Responsibility determination deficiencies	Submit to the regional office a process (es) to ensure that the procurement policies and procedures are followed for making and documenting adequate responsibility determinations prior to award of a contract.	April 18, 2014	
		C-Pre-award and/or post delivery certifications lacking	Submit to the regional office a process (es) to ensure that the procurement policies and procedures are followed for completing the applicable pre-award and post-delivery audits certifications for future revenue rolling stock procurements.	April 18, 2014	

Review Area	Finding	Deficiency	Corrective Action	Response Date	Date Closed
			Submit to the regional office documentation that the procurement of buses complied with the Buy America provisions by completing the after the fact post-delivery Buy America certifications.	April 18, 2014	January 8, 2014
		H-No verification excluded parties are not participating	Submit to the regional office a process (es) to ensure that the procurement policies and procedures are followed for searching the SAM before entering into applicable transactions and documenting the results of the search.	April 18, 2014	
			Submit documentation to regional office that the SAM search was conducted for the Neoplan coach rehabilitation contractor. SFMTA is to ensure that this contractor is not listed as suspended or debarred from participating in covered transactions. Immediately notify the regional office, if SFMTA needs to implement corrective measures, based upon the results of the SAM search.	April 18, 2014	January 8, 2014
			Submit to the regional office a process (es) to ensure that the procurement policies and procedures are followed for compliance with all FTA required procurement elements.	April 18, 2014	
			Submit to the regional office evidence of the implementation of the above process (es).	Beginning April 30, 2014 then quarterly through September 30, 2014	
7. DBE	D	20-Uniform reports do not include required information	Develop and submit to the FTA Region IX RCRO procedures for reporting the FTA funded share of awards and commitments in the DBE Uniform Report. The procedures must include how SFMTA will report payments on projects completed during the reporting period.	April 18, 2014	
8. Planning/ POP	ND				
9. Title VI	ND				
10. Public Comment on Fare and Service Changes	ND				
11. Half Fare	ND				
12. ADA	ND				



Review Area	Finding	Deficiency	Corrective Action	Response Date	Date Closed
13. Charter Bus	ND				
14. School Bus	ND				
15. NTD	ND				
16. Safety and Security	ND				
17. Drug-Free Workplace/ Drug and Alcohol Program	ND				
18. EEO	D	01-Inadequate designation of EEO Officer	Submit to the FTA RCRO evidence of corrective actions taken to properly designate EEO responsibilities. This could consist of designating an EEO Officer that is independent of the Human Resources Officer	April 18, 2014	

## VI. Attendees

Name	Title	Phone Number	E-mail Address
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## **VI. Appendices**

No appendices included in this report.