

APTA Legislative Conference:

Federal Procedures and Regulations

Subcommittee

March 12, 2023



Joe DeLorenzo

Associate Administrator and Chief Safety Officer,
Transit Safety and Oversight
Federal Transit Administration



U.S. Department of Transportation
Federal Transit Administration

Current Priorities

- FTA Safety Regulatory Agenda
 - Transit Worker Fitness for Duty
 - Rail Transit Roadway Worker Protection
 - State Safety Oversight
 - Public Transportation Safety Certification Training Program
 - Public Transportation Agency Safety Plan
- Risk-Based Inspection Program
- PTASP Safety Committee Updates
- Transit Worker Assault
- Safety Advisory 22-4: Suicide Prevention Signage

Questions

Joe DeLorenzo

Associate Administrator and Chief Safety Officer
for Transit Safety and Oversight
Federal Transit Administration
joseph.delorenzo@dot.gov



FTA's Top Triennial Review Findings, Comprehensive Review Manual & Overall Tips for Compliance

Hope Jensen

Director, Office of Program Oversight
Federal Transit Administration

March 12, 2023



What is Program Oversight?

FTA is responsible for conducting oversight activities to help ensure that recipients of Chapter 53 grants use the funds in a manner consistent with their intended purpose and in compliance with regulatory and statutory requirements.

We do this through Comprehensive Reviews (Triennial & State Management) which:

- Occur every three years
- Forward-looking instead of reactive
- Assess management practices and program implementation

Specialized Reviews (Financial, Procurement, & Civil Rights):

- Occur at FTA's discretion
- Focus on specific areas of Federal compliance



FTA Oversight in Context

Oversight is necessary and beneficial for recipients, the public, and FTA

- Strengthens the capacity of FTA funding recipients to improve public transit for America's communities
- Meets legislation requirements
- Fulfills FTA's fiduciary responsibility to prevent and identify improper payments and to ensure every dollar counts toward improving public transit
- Confirms and promotes recipient compliance with FTA requirements
- Helps address Congressional and public questions about the use of federal funds



Program Oversight: FY22 Activities Summary

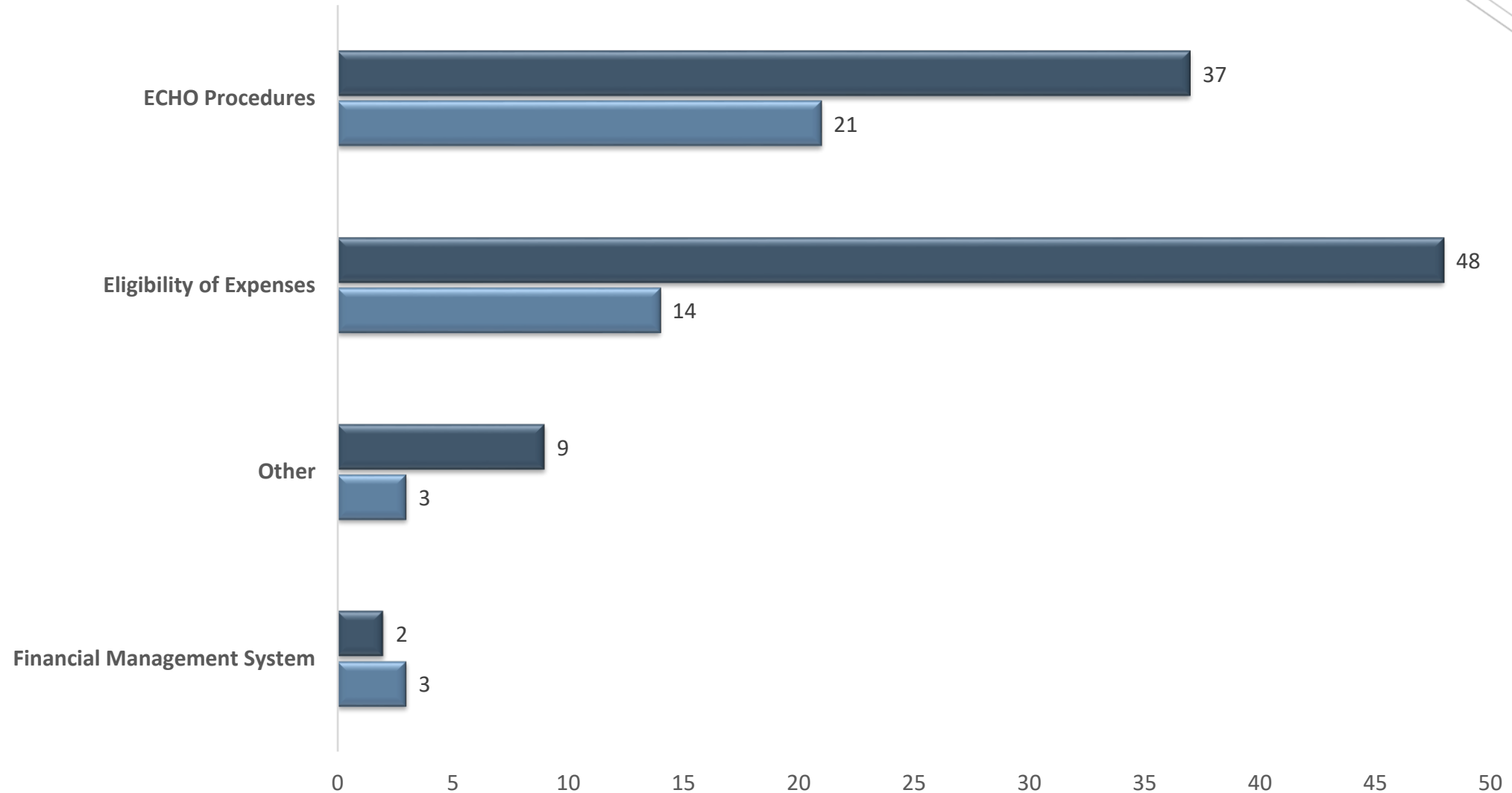
Oversight Activity	FY22	Findings Issued
Triennial Review	214	1,323
State Management Review	13	112
Combined TR/SMR	3	29
COVID-19 Financial Reviews	68	41
Financial Management Review*	8	–
Procurement System Review*	2	11
Total	308	1,514

Triennial Review: FY22 Top 11 Findings

Review Area	Finding	FY22	FY21	FY19	FY18
Procurement	P11-1 - Missing FTA clauses	✓	✓	✓	✓
Disadvantaged Business Enterprise	DBE5-1 - DBE uniform reports contain inaccuracies and/or are missing required information	✓	✓	✓	✓
Procurement	P10-2 - Lacking required cost/price analysis	✓	✓	✓	✓
Procurement	P4-1 - Responsibility determination deficiencies	✓	✓		✓
Procurement	P10-1 - Lacking independent cost estimate	✓	✓	✓	✓
Procurement	P5-1 - Incomplete written documentation of procurement history	✓	✓		
Title VI	TVI2-1 - Language Assistance Plan implementation deficiencies	✓	✓	✓	✓
Disadvantaged Business Enterprise	DBE6-1 - DBE goal achievement analysis and corrective action plan not completed	✓			✓
Procurement	P12-2 - Lobbying certifications not included in procurement solicitations or signed by bidders	✓			
Financial Management and Capacity	F1-1 - Lacking/missing required written financial management policies and procedures	✓	✓	✓	✓
Technical Capacity – Award Management	TC-AM5-1 - Inactive award/untimely closeouts	✓			

COVID-19: FY21 – FY22 Deficiency* by Category

Deficiencies

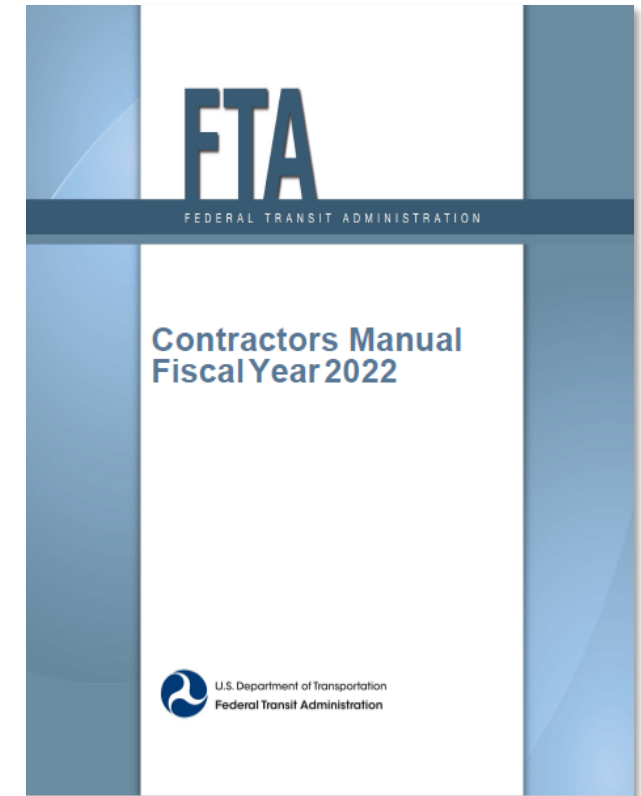


■ FY21 ■ FY22

FTA's Comprehensive Review Manual

Each overarching question has six basic parts

- 1. Review Area Question**
- 2. Basic Requirement:** High-level, clear statement of what a recipient is required to do
- 3. Applicability:** Recipients to whom the requirement applies
- 4. Explanation:** Detailed description of the basic requirement
- 5. Indicators of Compliance:** How reviewers will assess compliance with the basic requirement
- 6. Instructions to Reviewer:** For determinations based on the results of indicators
- 7. Determination:** Based on result of indicators
- 8. Governing Directives:** Citation from law, regulation, agreement, or other guidance forming the basis of a potential finding



 [Contractors Manual FY2022](#)

Overall Tips For Compliance

Review previous State Management Review report



- Document corrective action implementation
- Avoid repeat deficiencies

Conduct a self-assessment in non-review years



- FTA updates the Contractors Manual annually

Understand how information provided for one section of the review provides input for others, such as:



- Procurement lists for DBE
- Inventory lists for Maintenance

FTA's email subscription



- Sign up for [GovDelivery](#)

FTA Mission, Vision, Values

MISSION

Improve America's Communities through Public Transportation



VISION

A Better Quality of Life for All Built on Public Transportation Excellence



VALUES



SERVICE	Provide reliable, transparent, responsive, and anticipatory services to meet stakeholder needs
INTEGRITY	Commitment to the highest professional and ethical standards
INNOVATION	Foster new ideas, concepts, and solutions for improved outcomes
SUSTAINABILITY	Optimize decisions, resources, and systems to make long-term positive impacts on the environment, infrastructure, and safety
EQUITY	Remove barriers for systemically underserved communities to access all aspects of economic, social, and civic life