



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

REGION IV
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Kentucky, Mississippi,
North Carolina, Puerto
Rico, South Carolina
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Mr. Larry Kiker
Chairman of the Board
Lee County Transit
P.O. Box 398
Fort Myers, FL 33902

NOV 13 2014

Re: Federal Transit Administration FY 2014 Triennial Review – Final Report

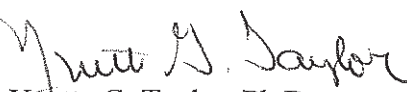
Dear Mr. Kiker:

This report documents the Federal Transit Administration's (FTA) Triennial Review of Lee County Transit in Ft. Meyers, Florida. This review is required by Chapter 53 of Title 49, United States Code, Section 5307. Although less exacting than an audit, the Triennial Review is the FTA's assessment of the County'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.

The Triennial Review focused on the County's compliance in 17 areas. No deficiencies were found with the FTA requirements in 16 areas. Deficiencies were found in one area: Procurement. The County had no repeat deficiencies from the 2011 Triennial Review. The deficiencies and corrective actions to be taken are described in the report.

If you need any technical assistance or have any questions, please do not hesitate to contact Ms. Lauren Pessoa at 404-865-5488 or Lauren.Pessoa@dot.gov.

Sincerely,


Yvette G. Taylor, Ph.D.
Regional Administrator

Enclosure

cc: Christopher White, FTA Program Manager
Lauren Pessoa, Transportation Program Specialist
Steven Myers, Lee County Transit, Director

FINAL REPORT

FY2014 TRIENNIAL REVIEW

of

Lee County Transit

(LeeTran)

Ft. Myers, Florida

Recipient ID: 1083

Performed for:

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

Prepared by:

CDI/DCI Joint Venture

**Scoping Meeting Date: April 30, 2014
Site Visit Dates: September 10-11, 2014
Draft Report Date: October 8, 2014
Final Report Date: November 13, 2014**

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I. Executive Summary

This report documents the Federal Transit Administration’s (FTA) Triennial Review of the transit operations of Lee County, Florida (LeeTran). CDI/DCI Joint Venture performed the review. During the site visit, administrative and statutory requirements were discussed and documents were reviewed. The County’s transit facilities were toured to provide an overview of activities related to FTA-funded projects.

The Triennial Review focused on the County’s compliance in 17 areas. The review team conducted an Enhanced Review Module (ERM) in Procurement. Deficiencies were found in the areas listed below.

Review Area	Deficiencies	
	Code	Description
Procurement	D-01	Procurement policies and procedures not evident
	D-309	Improper advance/progress payments

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 17 areas. The basic requirements for each of these areas are summarized in Section IV.

This report presents the findings from the Triennial Review of Lee County. 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 IV Office on April 30, 2014. Necessary files retained by the regional office were sent to the reviewer electronically. A review package was sent to the County advising it of the site visit and indicating information that would be needed and issues that would be discussed. The site visit to the County occurred on September 10-11, 2014.

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 the County'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 the County 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.
- *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.

III. Grantee Description

Organization

Lee County Transit or LeeTran is a department of Lee County. Service operates within the county including the City of Fort Myers, City of Cape Coral, City of Bonita Springs and the Town of Fort Myers Beach. LeeTran also operates a route into Collier County that connects with Collier Area Transit. The service area has a population of approximately 463,224.

Services

The County operates a network of 24 fixed routes. Service is provided weekdays and Saturdays from 5:00 a.m. to 10:30 p.m. and Sundays from 5:45 a.m. to 9:00 p.m. Limited service operates on Sunday with eight routes. The grantee’s complementary paratransit service, known as Passport, operates during the same days and hours of service as the fixed routes. The County also sponsors commuter vanpool service through an agreement with VPSI in the Fort Myers area with six vans.

The basic adult fare for bus service is \$1.25. A reduced fare of \$0.60 is offered to senior citizens, persons with disabilities and Medicare cardholders during all hours. The County has various pass programs that provide passenger options for lower fares. The fare for ADA paratransit service is \$2.50.

The County operates a fleet of 60 federally funded buses for fixed-route service. Its bus fleet consists of standard 30-, 35-, and 40-foot transit coaches and rubber-tired trolleys. The current peak requirement is for 47 vehicles. The County also has a fleet of 42 federally funded minibuses, which are operated in Passport service.

LeeTran operates from a single maintenance and administration facility in Fort Myers. Its service is oriented around three transit transfer centers: two in Fort Myers and one in Cape Coral.

Grant Activity

Below is a list of LeeTran’s active grants at the time of the review.

Grant Number	Grant Amount	Year Executed	Description
FL040169	\$1,309,200	2013	FY 2012 VTCLI
FL040170	\$5,000,000	2013	SGR - FY 2012 State o
FL260022	\$50,000	2013	FY 2012 VTCLI Study
FL340002	\$678,443	2014	FY 2013 Sec 5339 Bus
FL340016	\$564,014	2014	FY 2014 Sec 5339 Bus
FL37X027	\$669,177	2008	FY 2006 JARC A
FL37X045	\$377,800	2010	FY 2010 JARC Program
FL37X075	\$190,561	2013	FY 2012 JARC Program
FL57X019	\$287,456	2010	FY 2010 & 2011 New Freedom
FL57X040	\$235,677	2013	FY 2012 New Freedom
FL90X623	\$4,102,233	2007	FY 2007 USC 5307
FL90X647	\$4,386,926	2009	FY 2008 USC 5307
FL90X682	\$4,676,781	2009	FY 2009 USC 5307

Grant Number	Grant Amount	Year Executed	Description
FL90X712	\$4,584,747	2010	FY 2010 USC 5307
FL90X748	\$4,507,643	2012	FY 2011 USC 5307
FL90X777	\$4,583,483	2012	FY 2012 USC 5307
FL90X806	\$6,527,494	2013	FY 2013 USC 5307

Completed Projects

Since the last triennial review, the County has constructed new facilities, conducted innovative planning, and made operational changes. The County used local funds to construct a transfer center. It is located at Edison Mall, which is centrally located in the LeeTran system. The project included a public/private partnership with the County and the mall owners.

The County, in partnership with the City of Sanibel and the US Fish and Wildlife Service at J.N. Ding Darling National Wildlife Refuge, completed planning work that assessed the transportation needs in the refuge and potential connections with LeeTran service.

In 2011, the County implemented route reconfigurations identified in a Comprehensive Operations Analysis. Ridership increased 21.5 percent while operating hours remained relatively the same.

In October 2011, the County implemented a new route into Collier County to the south, establishing hourly connections with Collier Area Transit. In two years of operation, it became the seventh most productive route in the system.

Using an FTA State of Good Repair grant, LeeTran purchased 24 hybrid buses, bringing its hybrid fleet to 30. In the first year of operating the new vehicles, LeeTran has realized fuel savings of up to 32 percent.

Projects Underway

LeeTran is constructing a Maintenance-Administration and Operations facility to replace the current facility that has exceeded its useful life and is operating beyond its original design capacity. With a construction estimate of \$32 million, and 30,000 square feet of office space and 45,000 square feet of maintenance, the project improves the operational efficiency of transit services in Lee County and allows for future growth and planned expansions. The building is on schedule to be completed in December 2014.

LeeTran initiated JARC and New Freedom programs in coordination with the Lee County MPO. The programs provided vehicles and operating funds to local transportation and human services agencies in support of transportation services.

LeeTran has identified safety and security improvements. Increased investments in shelters and improvements to pedestrian access and walkways at transit stops have been planned and are currently underway. Other security improvements include the installation of solar lighting at shelters, on-board security cameras on buses and paratransit vehicles, as well as the installation and monitoring of security cameras at the transfer centers at Edison Mall and the Rosa Parks Transportation Center.

LeeTran's veterans' initiative grant is being used to purchase ADP hardware and software to provide a one call/one click resource for veterans seeking transportation providers. The system will facilitate travelling throughout Lee County.

Future Projects

Over the next few years, LeeTran will be constructing a Transfer Center/Park and Ride facility at the gateway to Estero and Sanibel/Captiva Islands. The park and ride will be near the intersection of Pine Ridge Road and Summerlin Square Drive in southeast Lee County.

LeeTran will also be constructing the North Fort Myers Regional Transfer Center near the Shell Factory. This will be the first step in creating a regional connection with Charlotte County to the north. This project aims to reduce traffic congestion in North Fort Myers, Cape Coral, and downtown Fort Myers.

IV. Results of the Review

1. 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, cover maintenance and operational costs for FTA funded facilities and equipment, as well as conduct and respond to applicable audits.

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

2. 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.

Finding: During this Triennial Review of LeeTran, no deficiencies were found with the FTA requirements for Technical Capacity.

3. Maintenance

Basic Requirement: Grantees and subrecipients must keep federally funded vehicles, equipment and facilities in good operating condition. Grantees and subrecipients must keep ADA accessibility features on all vehicles, equipment and facilities in good operating order.

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

4. 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 LeeTran, no deficiencies were found with the USDOT requirements for ADA.

5. 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 without

regard to whether specific projects or services are federally funded. The grantee must ensure that federally supported transit services and related benefits are distributed in an equitable manner.

Note: The 2014 Triennial Review covers a three-year period in which the FTA issued a revised circular for Title VI, which 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 Triennial Review will look at compliance with the requirement of FTA C 4702.1A for the period prior to October 1, 2012, and compliance with the revised circular for activities after this date.

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

6. Procurement

Basic Requirement: 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.”

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

This area was selected by FTA for an ERM to follow up on the 2012 Procurement System Review and to examine any issues related to the \$32 million new administrative, operations and maintenance facility.

Lee County provided several policy and procedures documents related to procurement: *Lee County’s Purchasing Procedures*, *Lee County Contracts Manual*, *LeeTran Section 500 Fiscal Policies*, and *LeeTran Employee Policy and Procedure Manual*. Each of the manuals addresses some elements of procurement. When considering all of the documents together they do not address all of the FTA requirements as shown in the finding below. Also, the procedures do not include a comprehensive discussion of contract administration.

However, a review of procurement documents indicated that FTA requirements are being met in most procurements.

A review of contracts files showed that the Gilbane Inc. contract did not provide adequate security for FTA-funded assets related to progress payments in the construction of the new administration and operations facility progress payments. While the work is being done on County property, the contract does not explicitly indicate that any work completed or in process is the property of the County. Subsequent to the site visit, the County submitted to the FTA regional office documentation showing changes in the forms that accompany progress payments to indicate that FTA interests are protected before such payments are made.

Corrective Action(s) and Schedule: By February 16, 2015, the County must submit to the FTA Submit to the FTA regional office a procurement policies and procedures document that

complies with FTA requirements including contract administration procedures and procedures to protect FTA assets when progress payments are used.

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 DBEs can compete fairly for DOT-assisted contracts.

Finding: During this Triennial Review of LeeTran, no deficiencies were found with the USDOT requirements for DBE.

8. 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. Grantees must comply with Restrictions on Lobbying requirements.

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

9. Satisfactory Continuing Control

Basic Requirement: The grantee must ensure that FTA-funded property will remain available to be used for its originally authorized purpose throughout its useful life until disposition.

Finding: During this Triennial Review of LeeTran, no deficiencies were found with the FTA requirements for Satisfactory Continuing Control.

10. Planning/Program of Projects

Basic Requirement: The grantee must participate in the transportation planning process in accordance with FTA requirements, MAP-21, and the metropolitan and statewide planning regulations. 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. 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 LeeTran, no deficiencies were found with the FTA requirements for Planning/POP.

11. Public Comment on Fare Increases and Major Service Reductions

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 LeeTran, no deficiencies were found with the FTA requirements for Public Comment on Fare Increases and Major Service Reducitons.

12. Half Fare

Basic Requirement: For 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 LeeTran, no deficiencies were found with the FTA requirements for Half Fare.

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 LeeTran, 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 LeeTran, no deficiencies were found with the FTA requirements for School Bus.

15. Security

Basic Requirement: 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 systems are not necessary.

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

16. 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 LeeTran, no deficiencies were found with the FTA requirements for Drug-Free Workplace and Drug and Alcohol Program.

17. Equal Employment Opportunity

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: EEOC's regulation only identifies/recognizes religion and not creed as one of the protected groups.)

Finding: During this Triennial Review of LeeTran, no deficiencies were found with the FTA requirements for Equal Employment Opportunity (EEO).

V. Summary of Findings

Review Area	Finding	Deficiency	Corrective Action	Response Date	Date Closed
1. Financial Management and Financial Capacity	ND				
2. Technical Capacity	ND				
3. Maintenance	ND				
4. ADA	ND				
5. Title VI	ND				
6. Procurement	D-22	Procurement policies and procedures not evident	Submit to the FTA regional office a procurement policies and procedures document that complies with FTA requirements including contract administration procedures and procedures to protect FTA assets when progress payments are used.	February 16, 2015	
	D-309	Improper advance/progress payments	Submit to the FTA regional office procurement procedures to protect FTA assets when progress payments are used.	February 16, 2015	October 27, 2014
6. DBE	ND				
8. Legal	ND				
9. Satisfactory Continuing Control	ND				
10. Planning/POP	ND				
11. Public Comment on Fare Increase and Major Service Reductions	ND				
12. Half Fare	ND				
13. Charter Bus	ND				
14. School Bus	ND				
15. Security	ND				
16. Drug-Free Workplace/ Drug and Alcohol Program	ND				
17. EEO	ND				

VI. Attendees

Name	Title/Organization	Phone Number	E-mail Address
<i>Lee County Transit</i>		<i>(239)</i>	
Susan Riley	Fiscal Manager	533-0331	rileysp@leegov.com
Steven Myers	Transit Director	533-0322	slmyers@leegov.com
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Paul Goyette	Deputy Director Fixed Route	533-0343	pgoyette@leegov.com
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Joann Haley	Marketing Manager	533-0323	jhaley@leegov.com
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