



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

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July 8, 2021

Mr. Bruce Warner
Board of Directors, President
Tri-County Metropolitan Transportation District of Oregon (TriMet)
1800 SW 1st Avenue, Suite 300
Portland, OR 97201

Re: Federal Transit Administration (FTA) Fiscal Year 2021 Triennial Review– Final Report

Dear Mr. Warner:

I am pleased to provide you with a copy of this FTA report as required by 49 U.S.C. Chapter 53 and other Federal requirements. The enclosed final report documents the FTA's Triennial Review of TriMet in Bellingham, WA. Although not an audit, the Triennial Review is the FTA's assessment of TriMet's compliance with Federal requirements, determined by examining a sample of award 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 award requirements.

The Triennial Review focused on TriMet's compliance in 21 areas. No deficiencies were found with the FTA requirements in 21 areas. TriMet had no repeat deficiencies from the 2017 Triennial Review.

Given the delay in completing the FY 2020 reviews until FY 2021 and the significant amount of additional Federal financial support provided through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), FTA developed a supplement to the FY2020 Contractors' Manual to assist in the evaluation of how recipients have used CARES Act and Emergency Relief funding. This supplement details the specific flexibilities and administrative relief provided by FTA for the use of these funds.

Regulations and Guidance

As TriMet moves forward with its transit program, FTA would like to provide a look-ahead for future oversight activities related to new and/or updated requirements, below.

Public Transportation Agency Safety Plan (PTASP) Regulation

The PTASP regulation requires all operators of public transportation systems that are recipients and subrecipients of FTA's Urbanized Area Formula Grants (Section 5307) to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS). FTA has deferred applicability of this requirement for operators that only receive funds through FTA's Enhanced Mobility of Seniors and Individuals with Disabilities Formula Program (Section 5310) and/or Rural Area Formula Program (Section 5311).

As part of the Annual Certifications and Assurances, transit operators must certify they have a safety plan in place for meeting the requirements of the rule by July 20, 2020. However, in response to the COVID-

19 public health emergency, on December 11, 2020, FTA issued a Notice of Enforcement Discretion, effectively extending the PTASP compliance deadline to July 21, 2021. All plans will be reviewed starting October 1, 2021 through FTA's oversight process. For guidance and updates to assist in the preparation and implementation of the PTASP Final Rule, please visit FTA's website at www.transit.dot.gov/PTASP.

Random Drug Testing Rate Increase

On October 17, 2018, FTA published a dear colleague letter "2019 Random Drug Testing Increase". In its letter, FTA notified recipients that effective January 1, 2019 and as mandated by its drug and alcohol regulation at 49 C.F.R. 655.45, the random drug testing rate will change. FTA increased the minimum rate of random drug testing from 25 percent to 50 percent of covered employees, for employers subject to FTA's drug and alcohol regulation. This increased random drug testing rate results from an uptick in the proportion of violations identified through random drug testing.

The 50 percent random drug testing rate applies to entities receiving Federal assistance under 49 U.S.C. 5307, 5309, 5311 or 5339, including recipients, subrecipients, and safety-sensitive contractors. The required minimum rate for random alcohol testing is unaffected and remains at 10 percent.

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. Steven Saxton, Regional Engineer, at 206-220-4311 or by email at james.saxton@dot.gov.

Sincerely,

Ms. Linda Gehrke
Regional Administrator

Enclosure

Cc: Erika Turney, Grants Administrator, TriMet
Steven Saxton, FTA Regional Engineer, Region 10
Ketnah Parchment, Milligan & Company, LLC

