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of Transportation  
**Federal Transit  
Administration**

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August 27, 2024

Mr. Paul Grimes  
City Manager  
City of McKinney  
222 N Tennessee St.  
McKinney, TX 75069

**Re: Fiscal Year FY 2024 Triennial Review – Final Report**

Dear Mr. Grimes:

I am pleased to provide you with a copy of this Federal Transit Administration (FTA) report as required by 49 U.S.C. Chapter 53. The enclosed final report documents the results of the FTA's FY 2024 Triennial Review of the City of McKinney in McKinney, TX. Although not an audit, the Triennial Review is the FTA's assessment of the City of McKinney'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 program funding requirements.

Due to the Coronavirus 2019 (COVID-19) Public Health Emergency, the review was expanded to address the City of McKinney's compliance with the administrative relief and flexibilities FTA granted and the requirements of the COVID-19 relief funds received through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021, and the American Rescue Plan (ARP) Act of 2021.

The Triennial Review focused on the City of McKinney's compliance in 23 areas. Deficiencies were found in 7 areas: Legal, Transit Asset Management, Satisfactory Continuing Control, Procurement, Disadvantaged Business Enterprise, Americans with Disabilities Act (ADA) – General and Public Transportation Agency Safety Plans. The City of McKinney had no repeat deficiencies from the FY 2021 Triennial Review.

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. Suleman Shoaib, General Engineer, at 817-978-0556 or by email at [suleman.shoaib@dot.gov](mailto:suleman.shoaib@dot.gov).

Sincerely,

for Gail Lyssy  
Regional Administrator

Enclosure

cc: Akia Pichon, City of McKinney  
Grace Stegall, Tuba Group, Inc.  
David Crooks, Tuba Group, Inc.

**FINAL REPORT**

**FISCAL YEAR 2024  
TRIENNIAL REVIEW**

**of**

**City of McKinney**

**McKinney, TX  
ID: 6290**

Performed for:

**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL TRANSIT ADMINISTRATION  
REGION 6**

Prepared By:

**Tuba Group, Inc.**

**Desk Review/Scoping Meeting Date: March 18 & 21, 2024  
Site Visit Entrance Conference Date: June 17, 2024**

**Virtual Site Visit Exit Conference Date: June 24, 2024**  
**Draft Report Date: July 24, 2024**  
**Final Report Date: August 27, 2024**

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## I. Executive Summary

This report documents the Federal Transit Administration’s (FTA) Triennial Review of the City of McKinney of McKinney, TX. The FTA wants to ensure that awards are administered in accordance with the requirements of Federal public transportation law 49 U.S.C. Chapter 53. The review was performed by Tuba Group, Inc. During the site visit, the reviewer discussed the administrative and statutory requirements and reviewed recipient documents.

Due to the Coronavirus 2019 (COVID-19) Public Health Emergency, the FTA expanded the review to address the City of McKinney’s compliance with the administrative relief and flexibilities that the FTA granted, and the requirements of the COVID-19 Relief funds received through the Coronavirus Aid, relief, and Economic Security (CARES) Act, Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021, and the American Rescue Plan (ARP) Act of 2021. The FTA also requested the City of McKinney share if and/or how it suspended, deviated from, or significantly updated or altered its transit program due to the public health emergency.

The FY 2024 Triennial Review focused on the City of McKinney’s compliance in 23 areas. Deficiencies related to the COVID-19 Relief funds have been clearly identified as part of the deficiency description in the respective review area. There were no repeat deficiencies from the FY 2021 Triennial Review.

Deficiencies were found in the areas listed below.

Review Area	Finding	Deficiency Code(s)	
		Code	Description
1. Legal	D	L3-2	Recipient did not submit OMB Standard Form LLL/quarterly update
6. Transit Asset Management	D	TAM5-3	Participant accountable executive not designated/responsibilities not implemented
7. Satisfactory Continuing Control	D	SCC9-2	Non-permitted use of equipment disposal proceeds
9. Procurement	D	P1-1	Procurement policies and procedures not evident
	D	P11-1	Missing FTA clauses
	D	P20-2	Pre-award and/or post-delivery audits performed
	D	P20-3	Pre-award and/or post- delivery certifications lacking
10. Disadvantaged Business Enterprise	D	DBE11-1	Unreported transit vehicle purchases

Review Area	Finding	Deficiency Code(s)	
		Code	Description
12. Americans with Disabilities Act (ADA) – General	D	ADA-GEN1-1	Insufficient ADA complaint process
22. Public Transportation Agency Safety Plan	D	PTASP1-2	ASP not signed by the Accountable Executive
	D	PTASP1-3	ASP not approved by Board of Directors or Equivalent Authority.

## II. Review Background and Process

### 1. Background

The United States Code, Chapter 53 of Title 49 (49 U.S.C. 5307(f)(2)) requires that “At least once every 3 years, the Secretary shall review and evaluate completely the performance of a recipient in carrying out the recipient’s program, specifically referring to compliance with statutory and administrative requirements...” The FTA performs this Triennial Review in accordance with its procedures (published in FTA Order 9010.1B, April 5, 1993).

The Triennial Review includes a review of the recipient’s compliance in 23 areas. The basic requirements for each of these areas are summarized in Section IV. The FTA contracts with experienced Reviewers to lead and conduct the reviews, in partnership with the staff of the regional office.

This report presents the findings from the Triennial Review of the recipient. The review concentrated on procedures and practices employed since the recipient’s previous Triennial Review in 2021; however, coverage was extended to earlier periods as needed to assess the policies in place and the management of award funds. The specific documents reviewed and referenced in this report are available at the FTA’s Region 6 office or the recipient’s location.

### 2. Process

The Triennial Review includes a pre-review assessment, a desk review and scoping meeting with the FTA regional office, and a site visit to the recipient’s location. The FTA expanded this review to address the recipient’s compliance with the administrative relief and flexibilities that the FTA granted, and the requirements of the COVID-19 relief funds received through the CARES, CRRSAA, and ARP. The FTA also requested that the recipient share if and/or how it suspended, deviated from, or significantly updated or altered its transit program due to the public health emergency.

The fiscal year (FY) 2024 process began with the regional office transmitting a notification of the review and a Recipient Information Request (RIR) to the recipient on December 28, 2023, indicating a review would be conducted. While the recipient prepared its response to the RIR, the regional office and review team conducted a desk review and scoping meetings on March 18, 2024, and March 21, 2024, respectively. Regional office staff provided electronic files as necessary to the reviewers who also accessed recipient information in the FTA electronic award management systems: Transit Award Management System (TrAMS) and Oversight Tracking System (OTrak). Following the desk review and scoping meeting, the reviewers and the recipient corresponded and exchanged information and documentation in preparation for the site visit. Prior to the site visit, the reviewer sent to the recipient on May 28, 2024, an agenda package indicating the issues that would be discussed, records to be reviewed, and interviews to be conducted. The site visit to the City of McKinney occurred from June 17, 2024 (Entrance Conference) to June 24, 2024 (Exit Conference).

The site visit began with an entrance conference, at which the reviewer and regional staff discussed the purpose of the Triennial Review. The reviewer conducted additional interviews and reviewed documentation to evidence the recipient's compliance with FTA requirements.

Upon completion of the site visit, the reviewer and the FTA regional office staff provided a summary of preliminary findings to the recipient at the exit conference on June 24, 2024. Section VI of this report lists the individuals participating in the site visit.

### 3. Metrics

The metrics used to evaluate whether a recipient is meeting the requirements for each of the areas reviewed are:

- Not Deficient (ND): An area is considered not deficient if, during the review, nothing came to light that would indicate the requirements within the area reviewed were not met.
- Deficient (D): An area is considered deficient if any of the requirements within the area reviewed were not met.
- Not Applicable (NA): An area can be deemed not applicable if, after an initial assessment, the recipient does not conduct activities for which the requirements of the respective area would be applicable.



### **III. Recipient Description**

#### **1. Organization**

The City of McKinney is a local governmental agency located in Collin County, Texas. The City of McKinney and the McKinney Urban Transit District (MUTD) have an agreement with Dallas Area Rapid Transit Local Government Corporation (DART LGC) to provide services as Collin County Transit. The MUTD Board consists of representatives from the cities of Celina, Lowry Crossing, McKinney, Melissa, Princeton, and Prosper. The Transit Coordinator reports to the Transit Administrator who reports to the Department of Housing and Community Development Manager, and the Manager reports to one of three Assistant City Managers, who reports to the City Manager. The City Manager is appointed by the City Council, which consists of the Mayor, four District members, and two at-large members. The service area population is approximately 1,202,942 persons.

This service operates as an on-demand response micro-transit program for senior, disabled, and low-income individuals in the cities of Celina, Lowry Crossing, McKinney, Melissa, Princeton, and Prosper. DART LGC contracts with Spare Labs Inc to operate all portions of the program, including the call center. Prior to DART LGC's transition in January 2022, Denton County Transportation Authority provided operations for the Collin County Transit program. The Texoma Area Paratransit System (TAPS) halted transportation services in northern Collin County in December of 2013. The service is available weekdays from 6:00 a.m. to 6:00 p.m. and Saturdays from 8:00 a.m. to 6:00 p.m.

Qualified program participants pay \$3.15 for travel within member cities of Celina, Lowry Crossing, McKinney, Melissa, Princeton, and Prosper. For trips outside of those cities but still within Collin County, one-way fare is \$5.25. Participants activate a credit or debit card that can be used for taxi service to go anywhere within Collin County. All services are accessible to persons with disabilities.

The City's bus fleet consists of one 2014 cutaway bus originally operated by TAPS and was titled to the City of McKinney in 2017. The City of McKinney also owns one 2019 ARBOC cutaway vehicle and one 2021 Starcraft cutaway bus. All dedicated vehicles are accessible and have FTA interest.

The City of McKinney has no FTA-funded facilities.

## 2. Award and Project Activity

Below is a list of City of McKinney’s open awards at the time of the review.

<b>Award Number</b>	<b>Award Amount</b>	<b>Year Executed</b>	<b>Description</b>
TX-2019-025-00	\$2,135,681	2020	City of McKinney FY16 5307
TX-2020-133-00	\$8,844,174	2020	McKinney FY20 Sec 5307 CARES Act Grant Operating & Preventive Maintenance
TX-2021-076-00	\$55,610	2022	City of McKinney FY18 lapsing 5339 Bus Purchase
TX-2022-081-00	\$137,145	2023	McKinney 5339 Bus Purchase: LAPSING FY19, FY20, & FY21
TX-2023-033-00	\$62,344	2023	FY2021 McKinney ARP Section 5307 Operating Assistance
TX-2023-071-00	\$2,944,216	2023	LAPSING McKinney FY18 Section 5307 Operating Assistance Application

The City of McKinney received Supplemental Funds for operating assistance in award numbers TX-2020-059-02. This is not the City of McKinney’s first time receiving operating assistance from the FTA.

### Projects Completed

In the past few years, The City of McKinney completed the following noteworthy projects:

Collin County Transit is a demand response microtransit program available to residents of the UZA who are either low-income, disabled, or over 65 years old. Program participants use the Collin County Transit service for medical, employment, and recreational purposes. This is an FTA 5307 funded project.

### Ongoing Projects

The City of McKinney is currently implementing the following noteworthy projects:

Collin County Transit is on-going.

### Future Projects

The City of McKinney plans to pursue the following noteworthy project in the next three to five years:

This Collin County Transit project will continue to be ongoing for the next three to five years. Two option years remain on the interlocal agreement for services with Dallas Area Rapid Transit Local Government Corporation. The 2020 census redesignation of the UZA may change the service area and other operational service components.

## IV. Results of the Review

### 1. Legal

Basic Requirement: The recipient must promptly notify the FTA of legal matters and additionally notify the USDOT Office of Inspector General (OIG) of any instances relating to false claims under the False Claims Act or fraud. Recipients must comply with restrictions on lobbying requirements.

Finding: During this Triennial Review of the City of McKinney, a deficiency was found with the FTA requirements for Legal.

***Deficiency Code: L3-2: Recipient did not submit OMB Standard Form LLL/quarterly update***

Deficiency Description: The City of McKinney uses local funds to engage in lobbying activities, however, the OMB Standard LLL form was never completed and submitted to the FTA.

Corrective Action and Schedule: By November 25, 2024, the recipient must submit a process for reporting lobbying activities on OMB Standard Form LLL and any quarterly updates. The recipient must submit in TrAMS an initial OMB Standard Form LLL and/or a report for any quarter in which there was a material change.

Supporting documentation to address the corrective actions should be uploaded in FTA's Oversight Tracking System, known as OTrak. For additional information, please contact your FTA Program Manager.

### 2. Financial Management and Capacity

Basic Requirement: The recipient must have financial policies and procedures; an organizational structure that defines, assigns and delegates fiduciary authority; and financial management systems in place to manage, match, and charge only allowable costs to the award. The recipient must conduct required Single Audits, as required by 2 CFR part 200, and provide financial oversight of subrecipients.

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

### 3. Technical Capacity – Award Management

Basic Requirement: The recipient must report progress of projects in awards to the FTA and close awards timely.

Finding: During this Triennial Review of the City of McKinney, no deficiencies were found with the FTA requirements for Technical Capacity – Award Management.

#### 4. Technical Capacity – Program Management & Subrecipient Oversight

Basic Requirement: States must document and follow a public involvement process for the development of the long-range statewide transportation plan and State Transportation Improvement Program (STIP). Designated recipients of Sections 5310, 5311, and 5339 funds must develop and submit a State Management/Program Management Plan to the FTA for approval. Recipients must enter into an agreement with each subrecipient, obtain required certifications from subrecipients, report in the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) on subawards, and ensure subrecipients comply with the terms of the award.

Finding: During this Triennial Review of The City of McKinney, no deficiencies were found with the FTA requirements for Technical Capacity – Program Management & Subrecipient Oversight.

#### 5. Technical Capacity – Project Management

Basic Requirement: The recipient must implement the FTA-funded projects in accordance with the award application, the FTA Master Agreement, and applicable laws and regulations using sound management practices.

Finding: During this Triennial Review of the City of McKinney, no deficiencies were found with the FTA requirements for Technical Capacity – Project Management.

#### 6. Transit Asset Management

Basic Requirement: Recipients must comply with 49 CFR part 625 to ensure public transportation providers develop and implement transit asset management (TAM) plans.

Finding: During this Triennial Review of the City of McKinney, a deficiency was found with the FTA requirements for Transit Asset Management.

***Deficiency Code: TAM5-3: Participant accountable executive not designated/responsibilities not implemented***

Deficiency Description: The Transit Administrator has been designated as the Accountable Executive. A job description was provided for the Transit Administrator, but it did not include TAM responsibilities.

Corrective Action and Schedule: By November 25, 2024, the recipient must submit evidence that it has designated an accountable executive that is responsible for the implementation of the TAM plan. The recipient must submit evidence that the responsibilities of the accountable executive have been implemented.

Supporting documentation to address the corrective actions should be uploaded in FTA's Oversight Tracking System, known as OTrak. For additional information, please contact your FTA Program Manager.

## 7. Satisfactory Continuing Control

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

Finding: During this Triennial Review of the City of McKinney, deficiencies were found with the FTA requirements for Satisfactory Continuing Control.

### ***Deficiency Code: SCC9-2: Non-permitted use of equipment disposal proceeds***

Deficiency Description: Bus #312 was removed from service on December 14, 2023. The City of McKinney received \$9,440 from the sale. Although the City of McKinney did notify FTA about the disposal, they did not remit to FTA its share of the proceeds.

Corrective Action and Schedule: By November 25, 2024, the recipient must submit documentation of the reimbursement calculation of FTA's share of proceeds from disposed property, along with the receipt from pay.gov. The recipient must submit procedures for reimbursing FTA for disposition proceeds.

Supporting documentation to address the corrective actions should be uploaded in FTA's Oversight Tracking System, known as OTrak. For additional information, please contact your FTA Program Manager.

## 8. Maintenance

Basic Requirement: Recipients must keep federally-funded vehicles, equipment, and facilities in good operating condition. Recipients must keep Americans with Disabilities Act (ADA) accessibility features on all vehicles, equipment, and facilities in good operating order.

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

## 9. Procurement

Basic Requirement: The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, and conform to applicable Federal law and the standards identified in 2 CFR Part 200. With regard to the procurement standards in 2 CFR Part 200, state recipients can use the state's overall policies and procedures, except that the state must comply with 2 CFR 200.321 (contracting with small and minority businesses (superseded by DOT's DBE regulation)), 200.322 (domestic preferences), 200.323 (procurement of recovered materials), and 200.327 (contract provisions). States also must comply with any requirement applicable to FTA recipients by reason other than a 2 CFR Part 200 procurement standard; for example, 49 U.S.C. 5325(a) requires recipients to conduct all procurement transactions in a manner that provides full and open competition, regardless of Part 200's allowance for states to use state procedures.

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

***Deficiency Code: P1-1: Procurement policies and procedures not evident***

Deficiency Description: The procurement manual was missing the following required elements:

- Procedures for contract dispute
- Prohibition on geographic preference
- Use and maintenance of prequalification lifts, if permitted
- Procurement of recovered materials
- Inclusion of required contract provisions

Corrective Action and Schedule: By November 25, 2024, the recipient must develop and submit procurement policies that include all required provisions.

Supporting documentation to address the corrective actions should be uploaded in FTA's Oversight Tracking System, known as OTrak. For additional information, please contact your FTA Program Manager.

***Deficiency Code: P11-1: Missing FTA clauses***

Deficiency Description: There was only one procurement file reviewed during this testing period. It was a purchase for a vehicle off the Oklahoma State Contract. The purchase was for approximately \$65,000, therefore under the simplified acquisition threshold. Although under the threshold, the procurement was missing a required FTA clause, specifically, the clause on prohibition on certain telecommunications and video surveillance services or equipment.

Corrective Actions and Schedule: By November 25, 2024, the recipient must:

- Submit revised procurement procedures that ensure review of the FTA Master Agreement and 2 CFR Part 200 annually to confirm the inclusion of all FTA-required third-party contract clauses through use of a clause checklist or other mechanism.
- For the next procurement, submit documentation that the required process was implemented.

Supporting documentation to address the corrective actions should be uploaded in FTA's Oversight Tracking System, known as OTrak. For additional information, please contact your FTA Program Manager.

***Deficiency Code: P20-2: Pre-award and/or post-delivery audits not performed***

Deficiency Description: For the procurement file reviewed, relating to the purchase of a vehicle off the Oklahoma State Contract, it was noted that pre-award and post-delivery audits were not performed.

Corrective Actions and Schedule: By November 25, 2024, the recipient must:

- Submit procedures for pre-award and post-delivery review and inspection.

- For the next procurement, the recipient must submit documentation that the required process was implemented.

Supporting documentation to address the corrective actions should be uploaded in FTA's Oversight Tracking System, known as OTrak. For additional information, please contact your FTA Program Manager.

***Deficiency Code: P20-3: Pre-award and/or post-delivery certifications lacking***

Deficiency Description: For the procurement file reviewed, relating to the purchase of a vehicle off the Oklahoma State Contract, it was noted that pre-award and post-delivery certifications were lacking.

Corrective Actions and Schedule: By November 25, 2024, the recipient must:

- Submit the certifications for the procurement reviewed and procedures for completing the applicable pre-award and post-delivery audits certifications for future revenue rolling stock procurements. If the recipient cannot certify compliance, it must confer with the FTA regional office for the appropriate corrective action.
- For the next procurement, submit documentation that the required process was implemented.

Supporting documentation to address the corrective actions should be uploaded in FTA's Oversight Tracking System, known as OTrak. For additional information, please contact your FTA Program Manager.

## **10. Disadvantaged Business Enterprise (DBE)**

Basic Requirement: Recipients must comply with 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. Recipients also must create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts.

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

***Deficiency Code DBE11-1: Unreported Transit Vehicle Purchases***

Deficiency Description: Although the City of McKinney did not meet threshold for DBE, there was a purchase of an FTA-funded vehicle in 2023. The recipient did not submit the required Transit Vehicle Manufacturer (TVM) form to the FTA.

Corrective Action and Schedule: By November 25, 2024, the recipient must submit in OTrak an implemented process to ensure that future awards of FTA funded transit vehicle purchases are reported timely to the FTA Office of Civil Rights. Additionally, the recipient must report any unreported awards to transit vehicle manufacturers to the FTA Office of Civil Rights via <https://www.surveymonkey.com/r/vehicleawardreportsurvey> and must revise any Semiannual Uniform Reports as necessary.

Supporting documentation to address the corrective actions should be uploaded in FTA's Oversight Tracking System, known as OTrak. For additional information, please contact FTA's Office of Civil Rights.

## 11. Title VI

Basic Requirement: The recipient 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 recipient must ensure that all transit services and related benefits are distributed in an equitable manner.

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

## 12. Americans with Disabilities Act (ADA) – General

Basic Requirement: Titles II and III of the Americans with Disabilities Act of 1990 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 The City of McKinney, a deficiency was found with the FTA requirements for ADA – General.

### ***Deficiency Code ADA-GEN1-1: Insufficient ADA complaint process***

Deficiency Description: The ADA complaint form and process is not distinguished from the Title VI form and process. Furthermore, the website is difficult to navigate.

Corrective Action and Schedule: By September 26, 2024, the recipient must submit in Otrak, information for the public on filing an ADA complaint and documentation that the information has been made available to the public.

Supporting documentation to address the corrective actions should be uploaded in FTA's Oversight Tracking System, known as OTrak. For additional information, please contact FTA's Office of Civil Rights.

## 13. ADA – Complementary Paratransit

Basic Requirement: Under 49 CFR 37.121(a), each public entity operating a fixed-route system shall provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed-route system. "Comparability" is determined by 49 CFR 37.123-37.133. Requirements for complementary paratransit do not apply to commuter bus, commuter rail, or intercity rail systems.



Finding: During this Triennial Review of the City of McKinney, no deficiencies were found with USDOT requirements for ADA – Complementary Paratransit.

#### **14. Equal Employment Opportunity (EEO)**

Basic Requirement: The recipient 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.

Finding: During this Triennial Review of the City of McKinney, no deficiencies were found with the FTA requirements for EEO.

#### **15. School Bus**

Basic Requirement: Recipients are prohibited from providing school bus service in competition with private school bus operators 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.

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

#### **16. Charter Bus**

Basic Requirement: Recipients are prohibited from using the FTA-funded equipment and facilities to provide charter service that unfairly competes with private charter operators. Recipients may operate charter only when the service meets a specified exception defined in rule.

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

#### **17. Drug Free Workplace Act**

Basic Requirement: Recipients are required to maintain a drug free workplace for all award-related employees; report any convictions occurring in the workplace timely; and have an ongoing drug free awareness program.

Finding: During this Triennial Review of the City of McKinney, no deficiencies were found with the FTA requirements for Drug-Free Workplace Act.

## 18. Drug and Alcohol Program

Basic Requirement: Recipients receiving Section 5307, 5309, 5311, or 5339 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 Triennial Review of the City of McKinney, no deficiencies were found with the FTA requirements for Drug and Alcohol Program.

## 19. Section 5307 Program Requirements

Basic Requirement: The recipient must participate in the transportation planning process in accordance with Federal Transit Administration (FTA) requirements and the metropolitan and statewide planning regulations.

Recipients shall develop, publish, afford an opportunity for a public hearing on, and submit for approval, a program of projects (POP).

Recipients 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.

For fixed-route service supported with Section 5307 assistance, fares charged seniors, 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 the City of McKinney, no deficiencies were found with the FTA requirements for Section 5307 Program Requirements.

## 20. Section 5310 Program Requirements

Basic Requirement: Recipients must expend Section 5310 funds on eligible projects that meet the specific needs of seniors and individuals with disabilities. Projects selected for funding must be included in a locally developed, coordinated public transit-human services transportation plan. Recipients must approve all subrecipient leases of Section 5310-funded vehicles. Leases of Section 5310-funded vehicles must include required terms and conditions. Either the recipient or subrecipient must hold the title to the leased vehicles.

Finding: This section only applies to recipients that receive Section 5310 funds directly from the FTA; therefore, the related requirements are not applicable to the Triennial Review of the City of McKinney.

## 21. Section 5311 Program Requirements

Basic Requirement: States must expend Section 5311 funds on eligible projects to support rural public transportation services and intercity bus transportation.

Finding: This section only applies to recipients that receive Section 5311 funds directly from FTA; therefore, the related requirements are not applicable to the Triennial Review of the City of McKinney.

## 22. Public Transportation Agency Safety Plans (PTASP)

Basic Requirement: Recipients must comply with the Public Transportation Agency Safety Plans (PTASP) regulation (49 CFR Part 673) to ensure public transportation providers develop and implement an Agency Safety Plans (ASP).

Finding: During this Triennial Review of the City of McKinney, deficiencies were found with the FTA requirements for PTASP Requirements.

### ***Deficiency Code PTASP1-2: ASP not signed by the Accountable Executive***

Deficiency Description: The ASP was last updated on January 12, 2023. This ASP was not signed by the Accountable Executive.

Corrective Actions and Schedule: By January 7, 2025, the recipient must submit a copy of the ASP signed by the Accountable Executive.

Supporting documentation to address the corrective actions should be uploaded in FTA's Oversight Tracking System, known as OTrak. For additional information, please contact your FTA Program Manager.

### ***Deficiency Code PTASP1-3: ASP not approved by Board of Directors or Equivalent Authority.***

Deficiency Description: The ASP was last updated on January 12, 2023. The updated ASP did not have documentation of Board of Directors approval.

Corrective Actions and Schedule: By January 7, 2025, the recipient must submit evidence that the Board of Directors or Equivalent Authority approved its ASP.

Supporting documentation to address the corrective actions should be uploaded in FTA's Oversight Tracking System, known as OTrak. For additional information, please contact your FTA Program Manager.

## 23. Cybersecurity

Basic Requirement: Recipients that operate rail fixed guideway public transportation systems

must certify compliance with the requirements for establishing a cybersecurity process under 49 U.S.C. § 5323(v), a new subsection added by the National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92, § 7613 (Dec. 20, 2019).

Finding: This section only applies to recipients that operate rail fixed guideway public transportation systems; therefore, the related requirements are not applicable to the Triennial Review of the City of McKinney.

## V. Summary of Findings

Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
		Code	Description			
1. Legal	D	L3-2	Recipient did not submit OMB Standard Form LLL/quarterly update	The recipient must submit a process for reporting lobbying activities on OMB Standard Form LLL and any quarterly updates. The recipient must submit in TrAMS an initial OMB Standard Form LLL and/or a report for any quarter in which there was a material change.	11/25/2024	
2. Financial Management and Capacity	ND					
3. Technical Capacity – Award Management	ND					
4. Technical Capacity – Program Management and Subrecipient Oversight	ND					
5. Technical Capacity – Project Management	ND					
6. Transit Asset Management	D	TAM5-3	Participant accountable executive not designated/responsibilities not implemented	The recipient must submit evidence that it has designated an accountable executive that is responsible for the implementation of the TAM plan. The recipient must submit evidence that the responsibilities of the accountable executive have been implemented.	11/25/2024	

Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
		Code	Description			
7. Satisfactory Continuing Control	D	SCC9-2	Non-permitted use of equipment disposal proceeds	The recipient must submit documentation of the reimbursement calculation of FTA's share of proceeds from disposed property, along with the receipt from pay.gov. The recipient must submit procedures for reimbursing FTA for disposition proceeds.	11/25/2024	
8. Maintenance	ND					
9. Procurement	D	P1-1	Procurement policies and procedures not evident	The recipient must develop and submit procurement policies that include all required provisions.	11/25/2024	
	D	P11-1	Missing FTA clauses	The recipient must submit revised procurement procedures that ensure review of the FTA Master Agreement and 2 CFR Part 200 annually to confirm the inclusion of all FTA-required third-party contract clauses through use of a clause checklist or other mechanism. For the next procurement, submit documentation that the required process was implemented.	11/25/2024	

Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
		Code	Description			
	D	P20-2	Pre-award and/or post-delivery audits not performed	The recipient must submit procedures for pre-award and post-delivery review and inspection. For the next procurement, the recipient must submit documentation that the required process was implemented.	11/25/2024	
	D	P20-3	Pre-award and/or post-delivery certifications lacking	The recipient must Submit the certifications for the procurement reviewed and procedures for completing the applicable pre-award and post-delivery audits certifications for future revenue rolling stock procurements. If the recipient cannot certify compliance, it must confer with the FTA regional office for the appropriate corrective action. For the next procurement, submit documentation that the required process was implemented.	11/25/2024	

Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
		Code	Description			
10. Disadvantaged Business Enterprise	D	DBE11-1	Unreported transit vehicle purchases	The recipient must submit in OTrak an implemented process to ensure that future awards of FTA funded transit vehicle purchases are reported timely to the FTA Office of Civil Rights. Additionally, the recipient must report any unreported awards to transit vehicle manufacturers to the FTA Office of Civil Rights via <a href="https://www.surveymonkey.com/r/vehicleawardreportsurvey">https://www.surveymonkey.com/r/vehicleawardreportsurvey</a> and must revise any Semiannual Uniform Reports as necessary.	11/25/2024	
11. Title VI	ND					
12. Americans with Disabilities Act (ADA) – General	D	ADA-GEN1-1	Insufficient ADA complaint process	The recipient must submit in Otrak, information for the public on filing an ADA complaint and documentation that the information has been made available to the public	9/26/2024	
13. ADA – Complementary Paratransit	ND					
14. Equal Employment Opportunity	ND					
15. School Bus	ND					
16. Charter Bus	ND					
17. Drug-Free Workplace	ND					
18. Drug and Alcohol Program	ND					



Review Area	Finding	Deficiency Code(s)		Corrective Action(s)	Response Due Date(s)	Date Closed
		Code	Description			
19. Section 5307 Program Requirements	ND					
20. Section 5310 Program Requirements	NA					
21. Section 5311 Program Requirements	NA					
22. Public Transportation Agency Safety Plans	D	PTASP1-2	ASP not signed by the Accountable Executive	The recipient must submit a copy of the ASP signed by the Accountable Executive.	1/7/2025	
	D	PTASP1-3	ASP not approved by Board of Directors or Equivalent Authority.	The recipient must submit evidence that the Board of Directors or Equivalent Authority approved its ASP.	1/7/2025	
23. Cybersecurity	NA					

The metrics used to evaluate whether a recipient is meeting the requirements for each of the areas reviewed are: Deficient (D)/Not Deficient (ND)/Not Applicable (NA)

## VI. Attendees

Name	Title	Phone Number	E-mail Address
<b>City of McKinney</b>			
Akia Pichon	Transit Administrator	972-547-3497	apichon@mckinneytexas.org
Jasmine Stillwell	Transit Coordinator	972-547-3497	jstillwell@mckinneytexas.org
<b>Contractors</b>			
Ryan McCutchan	Project Manager, DART LGC	469-600-7906	rmmcutchan@dart.org
Sean Helgason	Contractor, Spare Labs	469-600-7906	<a href="mailto:sean.helgason@sparelabs.com">sean.helgason@sparelabs.com</a>
<b>FTA Region VI</b>			
Suleman Shoaib	General Engineer	817-978-0556	suleman.Shoaib@dot.gov
Sharon Coats	Director of Financial Management and Program Oversight	817-978-0552	sharon.coats@dot.gov
Nicholas Sun	Chief, Civil Rights Oversight Division, Office of Civil Rights	312-705-1267	nicholas.sun@dot.gov
Harold Tye	Sr. Contracts Consultant	817-978-0559	harold.Tye.ctr.dot.gov
<b>Tuba Group</b>			
Grace Stegall	Lead Reviewer	347-528-6912	stegallgrace@gmail.com
David Crooks	Technical Project Manager	703-417-9410	dcrooks@tubagroup.com