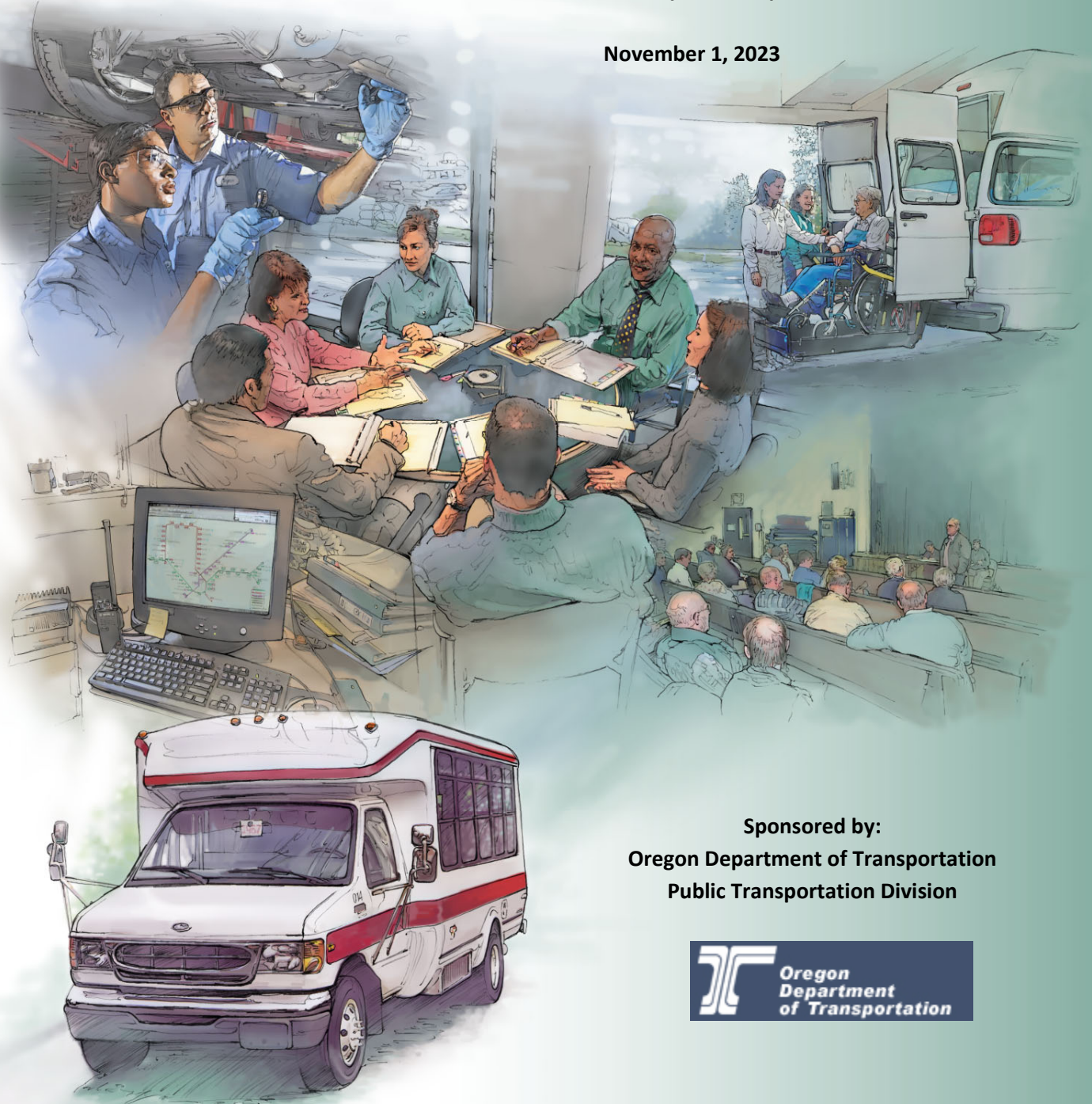




# Compliance Review of Benton County

Final Compliance Report

November 1, 2023



Sponsored by:  
Oregon Department of Transportation  
Public Transportation Division



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**Exhibit 1. Compliance Review Participants**

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# Oregon DOT Compliance Monitoring Program

## Scope of the Review

The Oregon Department of Transportation's (ODOT) Public Transportation Division (PTD) is responsible for the implementation and oversight of ODOT's federal and state transit grant programs. The Compliance Monitoring Program is designed to assist the PTD and public transportation providers with the assessment of how transit agencies in Oregon meet the varied compliance requirements imposed by the state, as stipulated in the latest version of the *State Management Plan for Public Transportation Programs*. This document summarizes federal and state requirements for PTD-administered grant programs.

Each Compliance Review assesses how an agency's management is complying with federal and state laws, rules, requirements, and regulations. The Program's overall goal is to improve an agency's compliance with applicable regulations while strengthening management's abilities in those areas.

Procedures for conducting this review follow the process described in the Compliance Field Guide for conducting Oregon Compliance Reviews, developed by RLS & Associates, Inc. (RLS). ODOT contracted with this firm to conduct these reviews. This report documents the results of a Compliance Review conducted of Benton County, which operates Benton Area Transit ("BAT"). Service is delivered by a contractor, Dial-a-Bus.

The review was conducted in person from July 31 to August 1, 2023, by Ms. Amy Crossin and Ms. Michelle Perales of RLS. Ms. Arla Miller, ODOT Regional Transit Coordinator, also participated and observed the review.

The County's receipt of grant funds applicable to this review includes federal Section 5310 funds; 5311 funds, STIF, and STF funds. Based on the contractual relationship with Dial-a-Bus, it was determined through consultation with ODOT officials that the compliance review would address the following nine (9) topical areas:

1. Program Management
2. Financial Management
3. Operations Management
4. Procurement
5. Use and Maintenance of Project Equipment
6. Civil Rights
7. Americans with Disabilities Act

- 8. Charter and School Bus Provision
- 9. Statewide Transportation Improvement Fund

An overview of the major compliance principles and elements is provided for each topical area. Reviewers used the Remote Compliance Field Guided (Version 6.05) to determine the nature and extent of technical assistance required to assure compliance.

This report documents those policies, procedures, or practices requiring corrective action to bring the element(s) into compliance or for which a best practice recommendation could improve operating or administrative efficiency. Findings relative to the subrecipient are stated and remedial actions necessary to achieve compliance are outlined in each topical area along with a timetable to address the findings.

Observations and recommendations will be provided as a result of the review. These findings are typically categorized as follows:

**Exhibit 2. Report Findings**

Report Finding	Subrecipient Responsibility	Timeframe
Compliance Observation	Implement remedial action within a limited, prescribed timeframe.	30 -180 Days
Advisory Recommendation	Optional element to be considered by transit system management. Recommendations typically represent industry “best practices” and should be evaluated by management accordingly.	No specific timeframe

In addressing each report’s recommendations, the following information will be provided:

- ◆ **Condition.** A narrative description of the condition or conditions that do not align with federal or state requirements or a condition that creates:
  - A compliance deficiency;
  - An increase in risk to the agency; or
  - An inefficient use of agency resources.
- ◆ **Remedy.** The review will provide a detailed narrative of remedial activity needed to address the condition noted above. Where applicable, sample forms, policies, or procedures will be provided to the subrecipient to assist the subrecipient in remedying the deficiency.
- ◆ **Timeframe.** In consultation with ODOT staff, the reviewer will determine a suitable timeframe to implement corrective action for all Compliance Observations.

If Benton County requires additional time beyond what is noted in this report, the organization should consult with its ODOT Regional Transit Coordinator (RTC). A compliance review corrective action plan at the end of this report contains a summary table of all report recommendations.

Because of the test nature and other inherent limitations of the limited scope of work encompassed in this review, together with the limitations of any system of internal and management controls used to ensure compliance, this assessment will not necessarily disclose all findings of noncompliance. The procedures employed are substantially less in scope than a compliance audit; they are designed to provide the transit system with technical assistance to facilitate compliance with the terms and conditions of federal financial assistance.

## Service Area

Benton County covers an area of 679 square miles in the mid-Willamette Valley. The County is home to approximately 96,000 residents, resulting in a population density of 141 persons per square mile. US Highway 20 runs east-west through the County, while Oregon Route 99W provides for north-south travel.

The County's seat and largest population center is the City of Corvallis (population 59,864), which is home to Oregon State University. Corvallis is the westernmost city in the contiguous 48 states with a population larger than 50,000. Other incorporated communities in the County include Adair Village, Albany (part), Monroe, and Philomath.

## Description of the Transit Service

The County contracts with Benton County Dial-A-Bus, Inc., a private non-profit organization, to operate a range of public transportation services, including:

- BAT Lift Service is a demand response service available to eligible riders with disabilities as well as County residents age 65 and above. The service operates Monday through Friday from 8:00 a.m. to 7:00 p.m., and Saturday from 8:30 a.m. to 6:00 p.m. This service is free to passengers through June 30, 2025, via STIF funding.
- The 99 Express is a six-mile commuter bus service that connects Adair Village and Corvallis along Oregon Route 99W. The service operates Monday through Friday from 6:47 a.m. to 6:37 p.m., and the service is fare-free.
- The Coast to Valley Express (NW Connector) is a service jointly operated by Benton and Lincoln Counties that connects Corvallis to the City of Newport and the Oregon coast. This service is marketed through the North by Northwest Connector Alliance and operates seven days a week from 6:00 a.m. to 7:00 p.m. Fares range from \$1.00 to \$10.00 based on the origin and destination.

- Complementary Paratransit Service is provided by Benton Area Transit (through Dial-a-Ride) on behalf of the cities of Corvallis and Philomath. BAT) provides wheelchair-accessible, curb-to-curb service that is a shared-ride experience that mirrors the urban bus systems for people who are within 3/4 of a mile from a CTS or PC bus route and have a disability that prevents them from using transit. The hours mirror the operating hours of each system, and both are fare-free.

## **Funding**

As referenced above, Benton County is a pass-through entity for 5310, 5311, STIF, and STF funds.

## **Overview of the Compliance Status of Benton County**

Based on the interviews conducted and materials examined as part of this review, eight (8) Compliance Observations were made, primarily based on the need for Benton County to ensure that requirements associated with the Americans with Disabilities Act are implemented and proper oversight of the County's contractor is conducted.

# Benton County Compliance Review

## Program Management

Program management encompasses several key areas, including the governing structure of the organization, documentation detailing the environment of control, and the subrecipient’s managerial capacity to ensure adequate oversight and proper use of federal funds. All ODOT grant recipients must be legally constituted and have a governing board that must provide appropriate oversight of the financial affairs of the organization and approve all key policies of the agency. An agency's overall control environment sets the tone of the organization and influences the control consciousness of its employees. To successfully address risks and achieve its objectives, agency management must institute various control activities, such as segregation of duties, physical controls, and a system of approvals.

Program management encompasses the following areas in the review process:

- ◆ Organizational Governance
- ◆ Control Environment

### ***Program Management Compliance Observations and Advisory Recommendations***

Based on the interviews conducted and materials examined as part of this review, one (1) deficiency was found with ODOT requirements in the area of Program Management, however, this deficiency is beyond the scope of the compliance contractor. Thus, observations made in this review are being communicated to Benton County and ODOT for subsequent action.

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**Notice****Control Environment**

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**Code: N/A**

*Condition:* Benton County is generally knowledgeable of and appropriately monitors the operations of its service contractor, Dial-a-Bus. Communication between the two is frequent, and BAT has several processes in place to conduct continuing oversight. However, upon visiting Dial-a-Bus, several issues of which BAT was unaware were discovered. These items are discussed in their respective topical section. Typically, ODOT addresses drug and alcohol testing program compliance in a separate oversight effort; therefore, this review will only provide information for subsequent ODOT action. It was determined that the contractor, with safety-sensitive employees, was unaware of the requirement to request drug and alcohol testing records for any new, safety-sensitive employees who had previously worked for other DOT-regulated agencies.

*Remedy:* Benton County must ensure the contractor complies with all drug and alcohol regulatory requirements of 49 CFR § 655. ODOT should note this observation for future drug and alcohol oversight efforts

*Timeframe:* N/A

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Additionally, one (1) Advisory Recommendation is offered to improve the County’s management of the program.

**1. Advisory Recommendation**

**Control Environment**

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**No. 1956**

**Code: N/A**

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*Condition:* The County and Dial-a-Ride recently signed a new contract for service; however, there has been some friction between the two agencies as to the administration of the contract. Benton County should perform strict oversight of the contract’s implementation, as there are concerns and evidence they are not receiving the full benefit of the contract. For example, Benton County has funding for various expansions of service that have been planned for some time; however, Dial-a-Bus does not currently have enough drivers to meet the needs of these programs. (Dial-a-Bus is a 501(c)(3) which operates transit programs in addition to BAT’s). A review of the offer made by Dial-a-Bus in their bid for, and incorporated into the newest contract, estimates they would provide 13.5 full-time drivers to meet BAT’s needs. The contractor interviewed Dial-a-Bus’s Executive Director, who stated that at this time, there are five drivers available for BAT services.

*Remedy:* Benton County should closely monitor the contract compared to the services provided by Dial-a-Ride and assert their full rights under the contract. BAT may consider consulting with the County Attorney’s Office on potential remedies for any breach of the contract that occurs.

*Timeframe:* No specific timeframe.

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# Financial Management

All subrecipients are required to establish and maintain an accounting system that follows generally accepted accounting principles (GAAP) and/or guidelines issued by the Government Accounting Standards Board (GASB). All financial transactions must be recorded in a manner to be clearly identified, easily traced, and substantially documented. The fully allocated cost of the public transit program must be identified regardless of the agency’s operational nature. All ODOT subrecipients are expected to use funds received as specified in the project application and grant agreement(s). Control systems must adhere to the applicable requirements outlined in the State Management Plan and other requirements as may be established by ODOT.

Financial management encompasses the following areas in the review process:

- ◆ Accounting Practices
- ◆ Indirect Costs
- ◆ Internal Controls
- ◆ Budget
- ◆ Documentation of Costs
- ◆ Cash Management
- ◆ Financial and Program Reporting
- ◆ Local Match
- ◆ In-Kind or Contributed Services
- ◆ Program Income
- ◆ Single Audit

## ***Financial Management Compliance Observations and Advisory Recommendations***

Based on the interviews conducted and materials examined as part of this review, two (2) deficiencies were found with the ODOT requirements in the area of Financial Management.

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### **2. Compliance Observation**

### **Accounting Practices**

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**No 1957**

**Code: FM2-1**

*Condition:* Although financial statements demonstrate that charges to the grants were allowable under federal cost principles, the County has not adopted procedures for determining the allowability of costs in accordance with 2 CFR 200. Federal regulations (2 CFR § 200.302(b)(7)) stipulate that each non-federal entity has written policies in this regard.

*Remedy:* The subrecipient must adopt procedures for ensuring that all costs charged to its federal awards have been evaluated, before submission to ODOT, for allowability with standards set forth in Subpart E—Cost Principles of 2 CFR § 200.

*Timeframe:* 30 days

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## Operations Management

All subrecipients are required to demonstrate the managerial and technical capacity to meet all federal and state requirements, affect the scope of services described in grant applications and agreements, and optimize federal and state funding in a manner consistent with safeguarding the public trust. Subrecipients meet this requirement by ensuring appropriate staff levels, providing adequate training, and developing policies and procedures that maximize operational efficiency and effectiveness. In addition to the primary topics discussed below, reviewers also evaluated policies and procedures including customer service, operations planning, marketing, and complaint management.

Operations management encompasses the following areas in the review process:

- ◆ Organization and Staffing
- ◆ Operations
- ◆ Scheduling
- ◆ Dispatching
- ◆ Safety and Security

### ***Operations Management Compliance Observations and Advisory Recommendations***

Based on the interviews conducted and materials examined as part of this review, no deficiencies were found with the ODOT requirements in the area of Operations Management.

## Procurement

PTD and subrecipients receiving funding under ODOT programs must comply with all federal, state, and local laws, ordinances, regulations, and policies regarding procurement and contracting. FTA Circular 4220.1F documents applicable federal procurement requirements. Subrecipients that are public entities will follow those requirements that apply to state and local governments.

All non-federal entities, including subrecipients of the state, must follow 2 CFR part 200.318, “General procurement standards,” through 2 CFR part 200.326, “Contract provisions.” Subrecipients that are

private for-profit organizations must comply with FTA procurement requirements contained in FTA Circular 4220.1F for procurements conducted with federal funds.

Procurement encompasses the following areas in the review process:

- ◆ Standards of Conduct
- ◆ Third-Party Contracting Capacity
- ◆ Purchasing Methods
- ◆ Other Than Full and Open Competition
- ◆ Cost and Price Analysis
- ◆ Protests and Disputes
- ◆ Pre-Award and Post-Delivery Audits
- ◆ New Model Bus Testing

### ***Procurement Compliance Observations and Advisory Recommendations***

Based on the interviews conducted and materials examined as part of this review, one (1) deficiency was found with the ODOT requirements in the area of Procurement. Benton County must address:

#### **3. Compliance Observation**

#### **Third-Party Contracting Capacity**

**No: 1958**

**Code: P2-1**

*Condition:* Although the County adopted an appropriate Procurement Policy as the result of the last review, the policy has not been kept up to date and lacks newer FTA clauses and requirements. Further, the procurement files reviewed did not contain complete written documentation of the procurement history associated with the County's procurements. The procurement file for the transit service did not contain an ICE, single bid analysis, or cost analysis (all required elements).

*Remedy:* The subrecipient must submit to ODOT a revised FTA procurement policy that includes (a) more recent procurement requirements; (b) a process for documenting the County's procedures in the event of a lack of competition in a procurement (e.g., a single bid and the required cost analysis); and (c) all necessary documentation to provide procurement's complete history.

*Timeframe:* 60 days

## **Use and Maintenance of Project Equipment and Facilities**

Capital equipment is defined as a tangible item with an aggregate purchase price of \$5,000 or more and with a useful life of at least one year. For all equipment, subrecipients are responsible for maintaining appropriate equipment records by: including a method of assigning a property tag number to each item; performing a periodic inventory (at least every two years); safeguarding equipment from misuse and abuse; maintaining equipment in a state of good repair; and following appropriate disposal procedures when equipment is no longer needed or has exceeded its useful life.

The subrecipient and/or designated operator shall have the requisite fiscal and technical capacity to carry out the project and be responsible for maintaining required insurance coverage and property records, conducting physical inventories, implementing adequate property control systems, and maintaining the equipment in proper working condition. Documentation that supports compliance with these elements must be available upon request.

Equipment and facilities must be kept in good operating order. Meal delivery or other incidental services provided by the grantee cannot conflict with the provision of public transit service or result in a reduction of service to transit passengers.

Use and maintenance of project equipment encompasses the following areas in the review process:

- ◆ Real Property
- ◆ Equipment – General
- ◆ Maintenance of Equipment and Facilities
- ◆ Equipment – Insurance
- ◆ Equipment – Incidental Use

### ***Use and Maintenance Compliance Observations and Advisory Recommendations***

Based on the interviews conducted and materials examined as part of this review, no deficiencies were found with the ODOT requirements in the area of the Use and Maintenance of Project Equipment and Facilities.

## **Civil Rights**

Federal civil rights requirements are encompassed in laws, regulations, and executive orders. The objective of FTA's oversight in this area is to:

- ◆ Ensure that the level and quality of transportation service are provided without regard to race, color, or national origin;

- ◆ Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- ◆ Promote the full and fair participation of all affected populations in transportation decision-making;
- ◆ Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations; and
- ◆ Ensure meaningful access to programs and activities by persons with limited English proficiency.

Civil Rights encompass the following areas in the review process:

- ◆ Title VI Requirements
- ◆ Limited English Proficiency (LEP)/Language Assistance Programs
- ◆ Equal Employment Opportunity
- ◆ Disadvantaged Business Enterprises (DBE)

***Civil Rights Compliance Observations and Advisory Recommendations***

Based on the interviews conducted and materials examined as part of this review, two (2) deficiencies were found with the ODOT requirements in the area of Civil Rights.

<b>4. Compliance Observation</b>	<b>Title VI</b>
<b>No: 1959</b>	<b>Code: CR1-1</b>
<i>Condition:</i> Benton County has a Title VI program that was originally written in 2017 and updated in 2023. However, the updated program has not yet been approved by the governing board or submitted to PTD for approval.	
<i>Remedy:</i> The subrecipient must prepare and submit to ODOT a Title VI program that meets the required elements detailed in FTA Circular 4702.1B. Once approved by ODOT, the governing board must approve the program.	
<i>Timeframe:</i> 90 days	

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**No: 1960****Code: CR2-1**

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*Condition:* The Title VI program requires a Language Assistance Plan (LAP). A critical element of the LAP is the four-factor analysis. The four-factor analysis in the Benton County Title VI program contained incorrect demographic data (drawn from the American Community Survey). Upon providing technical assistance to the subrecipient in obtaining the correct data, it was determined that Chinese (in addition to Spanish, which was already identified), represents a second language that exceeds safe harbor thresholds and, therefore, vital documents must be translated into this language.

*Remedy:* The subrecipient must translate vital documents identified in its Title VI Program to all languages identified in the four-factor analysis (Spanish and Chinese).

*Timeframe:* 90 days

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## Americans with Disabilities Act

Under U.S. Department of Transportation (USDOT) Americans with Disabilities Act of 1990 (ADA) regulations, public and private transportation providers are required to operate services in a way that does not discriminate against persons with disabilities. The regulations include general nondiscrimination provisions that apply to all types of agencies and services. Some provisions apply only to certain types of agencies and services. For example, public fixed route operators are required to make onboard stop announcements to keep riders oriented to their location.

The City serves as a pass-through entity that does not operate transportation service, and as such, the Americans with Disabilities Act (ADA) topics examined during this review were limited to the below referenced:

- ◆ Entity/Service Classification
- ◆ Nondiscrimination
- ◆ Fixed Route Systems
- ◆ Demand Response Systems
- ◆ General Requirements

## **Americans with Disabilities Act Compliance Observations and Advisory Recommendations**

Based on the interviews conducted and materials examined as part of this review, four (4) deficiencies were found with ODOT requirements in the area of the Americans with Disabilities Act. The County must:

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### **6. Compliance Observation**

**Nondiscrimination**

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**No: 1961**

**Code: ADA2-4**

*Condition:* The County policy allowed for lengthy suspension and even permanent exclusion of riders due to the individual exhibiting excessive no-shows or engaging in behavior contrary to system policies. As access to transit is a civil right, the County does not have the authority to permanently suspend a qualified individual with a disability.

*Remedy:* U.S. DOT's ADA rules permit covered entities to adopt an administrative procedure for suspending eligible complementary paratransit users who exhibit a pattern or practice of excessive no-shows. While included in the guidance for complementary paratransit, these principles work well in an entity ensuring it is providing equivalent demand response services. The County must amend its procedure for suspensions that may still lead to progressive consequences for additional violations, but under which the maximum suspension is no longer than 30 days. Moreover, the policy cannot embrace permanent suspension.

*Timeframe:* 60 days

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### **7. Compliance Observation**

**Nondiscrimination**

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**No: 1962**

**Code: ADA2-6**

*Condition:* Various nondiscrimination elements of the Americans with Disabilities Act apply to the County, including the need to designate a responsible employee and create a process where the public can make complaints alleging discrimination on the basis of disability. Benton County has a combined Title VI/ADA Complaint Form located on the recipient's website; however, it was nested within Title VI information, and there was no notification to the public of the right to file an ADA complaint.

*Remedy:* The County must designate a responsible employee (see 49 CFR §37.17(h)), establish procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by the ADA, and effectively communicate (the County's website) how the public may file

complaints. While the same complaint form may be used, it is further recommended that the County create dedicated links for the ADA complaint process.

*Timeframe:* 60 days

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## 8. Compliance Observation

Fixed Route Service

**No: 1963**

**Code: ADA3-1**

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*Condition:* Benton Area Transit operates commuter bus service. While not subject to the ADA’s complementary paratransit requirements, as a fixed route service, other requirements for this mode apply. FTA Circular 4710.1, Chapter 1, Table 1.1, for example, clearly indicates that Subpart G of 49 CFR § 37 applies to commuter bus services. Federal regulations in Subpart G (see 49 CFR § 37.167(b)) stipulate stop announcements must be made at designated locations. During the review, it was found that Dial-a-Bus drivers are not trained, nor do they announce major stops and transfer points along their routes.

*Remedy:* Benton County must monitor the operations of its subcontractor to ensure that all ADA requirements are carried out, as the contractor “stands in the shoes” of the County when it comes to applicable ADA requirements. A program of stop announcements must be initiated, the contractor’s bus operators must be trained, and Benton must conduct the requisite ride checks to ensure stop announcements are being made.

*Timeframe:* 60 days

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## 9. Compliance Observation

General Requirements

**No: 1964**

**Code: ADA7-4**

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*Condition:* Federal regulations (49 CFR § 37.167(f)) obligate transit agencies to ensure that individuals with disabilities also have access to adequate information, including schedules, routes, fares, service rules, and temporary changes. This broad crosscutting requirement applies to all modes.

*Remedy:* Benton County must ensure that it communicates and provides all materials in alternative accessible formats upon request; ensure that electronically published

materials (e.g., websites) are accessible; and ensure alternatives to audio communications are available, such as publicizing the relay phone number (e.g., 711).

*Timeframe:* 60 days

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## Charter and School Bus

ODOT subrecipients are prohibited from using federally funded equipment or facilities to provide charter service. Under new regulations, effective April 30, 2008, certain activities are exempt from coverage and other charter services may be provided under limited circumstances if they meet certain exceptions spelled out in the regulation. Generally, service provided under contract to a human services agency is considered a “program purpose” and is exempt from charter regulatory coverage.

ODOT subrecipients are not permitted to use federally funded equipment to provide exclusive school bus transportation for school students and school personnel. The implementing regulation does permit regular service to be modified to accommodate school students along with the general public. Under FTA’s school bus regulation, Head Start is considered a social service, not a school program.

The charter and school bus regulations encompass the following areas in the review process:

- ◆ Charter Service
- ◆ School Bus Service

### ***Charter and School Bus Compliance Observations and Advisory Recommendations***

Based on the interviews conducted and materials examined as part of this review, no deficiencies were found with ODOT requirements in the area of Charter and School Bus services.

## Statewide Transportation Improvement Fund

The Statewide Transportation Improvement Fund (STIF) provides financial support to eligible Public Transportation Service Providers, defined as “Qualified Entities.” STIF monies may be used for public transportation purposes that support the effective planning, deployment, operation, and administration of STIF-funded public transportation programs, including, but not limited to:

- ◆ Creation of new systems and services with origins, destinations or stops in Oregon;
- ◆ Maintenance or continuation of systems and services; and

- ◆ Planning and development of a local plan or future STIF Plan to improve Public Transportation Service.

The majority of the STIF money (90%) is allocated based on a formula; the formula is structured to ensure that no Qualified Entity receives less than \$100,000 per year. The remaining funds are distributed by the Public Transportation Discretionary Grant Program. There are many requirements associated with receiving STIF funds.

***Statewide Transportation Improvement Fund Compliance Observations and Advisory Recommendations***

Based on the interviews conducted and materials examined as part of this review no deficiencies were found with the ODOT requirements in the area of STIF.

# Compliance Review Corrective Action Plan

## Summary

Eight (8) Compliance Observations and one (1) Advisory Recommendation were made as a result of this review.

Exhibit 3 provides a summary of the observation detailed in this compliance review. A recommended time frame for subrecipient remedial action is recommended. Both ODOT and Benton County may comment on this recommendation; this timeframe can then be adjusted based on the mutual agreements between the subrecipient and ODOT.

### Exhibit 3. Summary of Compliance Observations and Advisory Recommendations

Subrecipient	Date of Final Report	ODOT Region	RTC
Benton County	November 1, 2023	2	Arla Miller

Topic: Program Management		Subtopic: Control Environment	Advisory Recommendation
No.: 1956		Code: N/A	
Item No.	Condition	Remedy	Timeframe
1	The County and Dial-a-Ride recently signed a new contract for service; however, there has been some friction between the two agencies as to the administration of the contract. Benton County should perform strict oversight of the contract’s implementation, as there are concerns and evidence they are not receiving the full benefit of the contract. For example, Benton County has funding for various expansions of service that have been planned for some time; however, Dial-a-Bus does not currently have enough drivers to meet the needs of these programs. (Dial-a-Bus is a 501(c)(3) which operates transit programs in addition to BAT’s). A review of the offer made by Dial-a-Bus in their bid for, and incorporated into the newest contract, estimates they would provide 13.5 full-time drivers to meet BAT’s needs. The contractor interviewed Dial-a-Bus’s Executive Director, who stated that at this time, there are five drivers available for BAT services.	Benton County should closely monitor the contract compared to the services provided by Dial-a-Ride and assert their full rights under the contract. BAT may consider consulting with the County Attorney’s Office on potential remedies for any breach of the contract that occurs.	No specific timeframe

Topic: Financial Management		Subtopic: Accounting Practices	Compliance Observation
No.: 1957		Code: FM2-1	
Item No.	Condition	Remedy	Timeframe
2	Although financial statements demonstrate that charges to the grants were allowable under federal cost principles, the County has not adopted procedures for determining the allowability of costs in accordance with 2 CFR 200. Federal regulations (2 CFR § 200.302(b)(7)) stipulate that each non-federal entity has written policies in this regard.	The subrecipient must adopt procedures for ensuring that all costs charged to its Federal awards have been evaluated, before submission to ODOT, for allowability with standards set forth in Subpart E—Cost Principles of 2 CFR § 200.	No specific timeframe.
Topic: Procurement		Subtopic: Third-Party Contracting Capacity	Compliance Observation
No.: 1958		Code: P2-1	
Item No.	Condition	Remedy	Timeframe
3	Although the County adopted an appropriate Procurement Policy as the result of the last review, the policy has not been kept up to date and lacks newer FTA clauses and requirements. Further, the procurement files reviewed did not contain complete written documentation of the procurement history associated with the County's procurements. The procurement file for the transit service did not contain an ICE, single bid analysis, or cost analysis analysis (all required elements).	The subrecipient must submit to ODOT a revised FTA procurement policy that includes (a) more recent procurement requirements; (b) a process for documenting the County's procedures in the event of a lack of competition in a procurement (e.g., a single bid and the required cost analysis); and (c) all necessary documentation to provide procurement's complete history.	60 days
Topic: Civil Rights		Subtopic: Title VI	Compliance Observation
No.: 1959		Code: CR1-1-1	
Item No.	Condition	Remedy	Timeframe
4	Benton County has a Title VI program that was originally written in 2017 and updated in 2023. However, the updated program has not yet been approved by the governing board or submitted to PTD for approval.	The subrecipient must prepare and submit to ODOT a Title VI program that meets the required elements detailed in FTA Circular 4702.1B. Once approved by ODOT, the governing board must approve the program.	90 days

<b>Topic: Civil Rights</b>		<b>Subtopic: LAP</b>	<b>Compliance Observation</b>
<b>No.: 1960</b>		<b>Code: CR2-1</b>	
<b>Item No.</b>	<b>Condition</b>	<b>Remedy</b>	<b>Timeframe</b>
5	The Title VI program requires a Language Assistance Plan (LAP). A critical element of the LAP is the four-factor analysis. The four-factor analysis in the Benton County Title VI program contained incorrect demographic data (drawn from the American Community Survey). Upon providing technical assistance to the subrecipient in obtaining the correct data, it was determined that Chinese (in addition to Spanish, which was already identified), represents a second language that exceeds safe harbor thresholds and, therefore, vital documents must be translated into this language.	The subrecipient must translate vital documents identified in its Title VI Program to all languages identified in the four-factor analysis (Spanish and Chinese).	90 days
<b>Topic: Americans with Disabilities Act</b>		<b>Subtopic: Nondiscrimination</b>	<b>Compliance Observation</b>
<b>No.: 1961</b>		<b>Code: ADA2-4</b>	
<b>Item No.</b>	<b>Condition</b>	<b>Remedy</b>	<b>Timeframe</b>
6	The County policy allowed for lengthy suspension and even permanent exclusion of riders due to the individual exhibiting excessive no-shows or engaging in behavior contrary to system policies. As access to transit is a civil right, the County does not have the authority to permanently suspend a qualified individual with a disability.	U.S. DOT's ADA rules permit covered entities to adopt an administrative procedure for suspending eligible complementary paratransit users who exhibit a pattern or practice of excessive no-shows. While included in the guidance for complementary paratransit, these principles work well in an entity ensuring it is providing equivalent demand response services. The County must amend its procedure for suspensions that may still lead to progressive consequences for additional violations, but under which the maximum suspension is no longer than 30 days. Moreover, the policy cannot embrace permanent suspension.	60 days

Topic: ADA		Subtopic: Nondiscrimination	Compliance Observation
No.: 1962		Code: ADA2-6	
Item No.	Condition	Remedy	Timeframe
7	Various nondiscrimination elements of the Americans with Disabilities Act apply to the County, including the need to designate a responsible employee and create a process where the public can make complaints alleging discrimination on the basis of disability. Benton County has a combined Title VI/ADA Complaint Form located on the recipient's website; however, it was nested within Title VI information, and there was no notification to the public of the right to file an ADA complaint.	The County must designate a responsible employee (see 49 CFR §37.17(h)), establish procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by the ADA, and effectively communicate (the County's website) how the public may file complaints. While the same complaint form may be used, it is further recommended that the County create dedicated links for the ADA complaint process.	60 days
Topic: ADA		Subtopic: Fixed Route Service	Compliance Observation
No.: 1963		Code: ADA3-1	
Item No.	Condition	Remedy	Timeframe
8	Benton Area Transit operates commuter bus service. While not subject to the ADA's complementary paratransit requirements, as a fixed route service, other requirements for this mode apply. FTA Circular 4710.1, Chapter 1, Table 1.1, for example, clearly indicates that Subpart G of 49 CFR § 37 applies to commuter bus services. Federal regulations in Subpart G (see 49 CFR § 37.167(b)) stipulate stop announcements must be made at designated locations. During the review, it was found that Dial-a-Bus drivers are not trained, nor do they announce major stops and transfer points along their routes.	Benton County must monitor the operations of its subcontractor to ensure that all ADA requirements are carried out, as the contractor "stands in the shoes" of the County when it comes to applicable ADA requirements. A program of stop announcements must be initiated, the contractor's bus operators must be trained, and Benton must conduct the requisite ride checks to ensure stop announcements are being made.	60 days

Topic: ADA		Subtopic: General Requirements	Compliance Observation
No.: 1964		Code: ADA3-1	
Item No.	Condition	Remedy	Timeframe
9	Federal regulations (49 CFR § 37.167(f)) obligate transit agencies to ensure that individuals with disabilities also have access to adequate information, including schedules, routes, fares, service rules, and temporary changes. This broad crosscutting requirement applies to all modes.	Benton County must ensure that it communicates and provides all materials in alternative accessible formats upon request; ensure that electronically published materials (e.g., websites) are accessible; and ensure alternatives to audio communications are available, such as publicizing the relay phone number (e.g., 711).	60 days