



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

REGION IX
Arizona, California,
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American Samoa,
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October 8, 2025

Mark Foley
President of the Board
San Francisco Bay Area Rapid Transit District
2150 Webster St 10th Fl
Oakland, CA 94612

Re: Triennial Review – Final Report

Dear Mr. Foley:

I am pleased to provide you with a copy of this Federal Transit Administration (FTA) final report which documents the results of FTA's Fiscal Year (FY) 2025 Triennial Review of the San Francisco Bay Area Rapid Transit District (BART) in Oakland, California. Although not an audit, the Triennial Review, as required by 49 U.S.C. 5307(f)(2), is the FTA's assessment of BART'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 BART'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 of 2020; Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021; and the American Rescue Plan (ARP) Act of 2021.

The Triennial Review focused on Bart's compliance in 23 areas. Deficiencies were found in three areas:

- 7. Satisfactory Continuing Control
- 9. Procurement
- 10. Disadvantaged Business Enterprise

After the site visit, BART provided corrective action responses to address and **close all deficiencies**.

Thanks to the staff of BART for their cooperation and assistance during this Triennial Review. If you have any questions, please contact your FTA-assigned award manager, Cathy Luu, General Engineer, at (415) 734-9467 or catherine.luu@dot.gov.

Sincerely,

For Ray Tellis
Regional Administrator

Attachment

FINAL REPORT

FISCAL YEAR 2025 TRIENNIAL REVIEW

of

**San Francisco Bay Area Rapid Transit District
(BART)
Oakland, California
ID 1957**

Performed for:

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
REGION 9**

Prepared By:

RLS & Associates, Inc.

Key Dates:

Desk Review: February 1-28, 2025

Scoping Meeting: March 25-27, 2025

Site Visit Entrance Conference: July 28, 2025

Site Visit Exit Conference: August 6, 2025

Draft Report: September 5, 2025

Final Report: October 8, 2025

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Executive Summary

This report documents the Federal Transit Administration's (FTA) Triennial Review of the San Francisco Bay Area Rapid Transit District (BART) of Oakland, California. 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 RLS & Associates (Contractor). During the site visit, the reviewers 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 BART'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 of 2020; Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021; and American Rescue Plan (ARP) Act of 2021. The FTA also requested that BART share if and/or how it suspended, deviated from, or significantly updated or altered its transit program due to the public health emergency.

1. Metric

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.

2. Summary of Findings

The Fiscal Year (FY) 2025 Triennial Review focused on BART's compliance in 23 areas.

Deficiencies were found in the areas listed below. The details of the required response, i.e., the corrective actions, are presented at the end of each deficient review area in the body of the report.

There were no repeat deficiencies from the FY 2022 Triennial Review.

Review Area	Finding	Deficiency		Response Due Date	Date Closed
		Code	Description		
1. Legal	ND				
2. Financial Management and Capacity	ND				
3. Technical Capacity – Award Management	ND				
4. Technical Capacity – Program Management and Subrecipient Oversight	NA				
5. Technical Capacity – Project Management	ND				
6. Transit Asset Management	ND				
7. Satisfactory Continuing Control	D	SCC 1-3	Property reports not submitted as required.	1/7/2026	10/6/2025
8. Maintenance	ND				
9. Procurement	D	P11-1	Missing FTA clauses	1/7/2026	9/25/2025
10. Disadvantaged Business Enterprise	D	DBE 12-5	Recipient does not implement DBE termination/substitution provisions	1/7/2026	9/29/2025
11. Title VI	ND				
12. Americans with Disabilities Act (ADA) – General	ND				
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				
19. Section 5307 Program Requirements	ND				
20. Section 5310 Program Requirements	NA				
21. Section 5311 Program Requirements	NA				
22. Public Transportation Agency Safety Plan	ND				
23. Cybersecurity	ND				

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)

I. Review Background and Process

1. Review 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 III. The FTA contracts with experienced reviewers to lead and conduct the Triennial 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 2022; however, coverage was extended to earlier periods as appropriate 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 regional 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 FY 2025 process began with the regional office transmitting a notification of the review and a Recipient Information Request (RIR). While the recipient prepared its response to the RIR, the regional office and review team conducted a desk review and scoping meeting, respectively. Regional office staff provided electronic files as necessary to the reviewers who also accessed recipient information in FTA electronic 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 an agenda package indicating the issues that would be discussed, records to be reviewed, and interviews to be conducted.

The site visit began with an entrance conference, at which the reviewers and regional staff discussed the purpose of the Triennial Review and the review process. The reviewers conducted additional interviews and reviewed documentation to evidence the recipient’s compliance with

FTA requirements. Section IV of this report lists the individuals participating in the review, either onsite or in other capacities.

Upon completion of the site visit, the reviewers and the FTA regional office staff discussed preliminary findings with the recipient, subsequently presented and provided the findings formally at the exit conference, conducted virtually. The table below summarizes key review dates.

Date	Process
January 16, 2025	FTA transmittal of the Recipient Information Request (RIR)
February 28, 2025	Recipient Transmittal of RIR to Reviewers
March 25-27, 2025	FTA and Reviewers Scoping Meeting/Desk Review
July 14, 2025	Reviewer Transmittal of the Agenda Package
July 28, 2025	Site Visit: Entrance Conference
August 6, 2025	Exit Conference (Virtual)
September 5, 2025	FTA Transmittal of the Draft Report
October 8, 2025	Final Report to be sent to the Recipient within 45 business days from the Exit Conference

II. Recipient Description

1. Organization

The San Francisco Bay Area Rapid Transit District (BART) was created by the California State Legislature in 1957 and directly operates a heavy rail system in the San Francisco Bay Area. Voter approval in 1962 of a \$792 million general obligation bond issue in the counties of San Francisco, Alameda, and Contra Costa provided the funding and authorization to begin construction of the initial 71-mile system. The first segment of the system, serving 12 stations in the East Bay, opened in 1972. The most recent segment, an extension to Berryessa/North San Jose in Santa Clara County, opened in June 2020.

BART is governed by a nine-member publicly elected Board of Directors, each representing the voters of one of BART's electoral districts. BART's general manager, general counsel, district secretary, and independent police auditor are board-appointed officers and report directly to the Board of Directors. BART also has an independent Inspector General authorized in Bay Area Regional Measure 3, which voters approved on June 5, 2018.

The system serves the three counties that constitute the District, plus portions of San Mateo and Santa Clara counties. The BART District population is 3.7 million persons. The system consists of five routes serving 50 stations over 131 route-miles of track. Four of the routes operate through the Transbay Tube under San Francisco Bay. One route, Richmond-Berryessa, serves the East Bay only.

BART's 50 stations comprise the following types: 16 subway, 15 elevated, and 19 at-grade. Four stations in downtown San Francisco are also served by the San Francisco Municipal Transportation Agency's Metro (Muni) trains. One station in Millbrae is served by Caltrain, and one station in North San Jose is served by the Santa Clara Valley Transportation Authority (VTA) light rail. BART trains operate from 5:00 a.m. to 12:00 a.m. on weekdays, 6:00 a.m. to 12:00 a.m. on Saturdays, and 8:00 a.m. to 12:00 a.m. on Sundays and major holidays.

BART to the Oakland International Airport (OAK) is an automated guideway transit system operated by BART between its Coliseum station and the Oakland International Airport station. The system opened for revenue service in November 2014 and is integrated into BART's fare system. This 3-mile line operates with 12 FTA-funded cars with no drivers. It is operated from the OAK Maintenance Facility on Hegenberger Road in Oakland.

BART to Antioch extends the system from the Pittsburg/Bay Point station to Antioch and is accessed via a transfer platform just east of the Pittsburg/Bay Point Station. The system opened for revenue service in May 2018 and is integrated into BART's fare system. This 10-mile line operates with 8 Diesel Multiple Unit (DMU) coupled cars fueled by renewable diesel that serve two stations (Pittsburg Center and Antioch) beyond the Pittsburg/Bay Point station.

Fares, which are distance-based, range from \$2.40 to \$19.55. The region's Clipper card – the all-in-one Bay Area transit card administered by the Metropolitan Transportation Commission (MTC) – offers discounts ranging from 6.25 percent to 62.5 percent. Persons 65 years and older,

persons with disabilities, and Medicare cardholders are eligible for a discount of 62.5 percent, and youth between the ages of 5 and 18 are eligible for a discount of 50 percent.

BART participates in the Clipper START pilot program that provides single-ride transit fare discounts (20% on BART) for eligible low-income individuals in the San Francisco Bay Area. BART, in partnership with MTC, is implementing the Clipper Bay Pass program that provides unlimited regional transit access on all bus, rail, and ferry services in the nine-county region. Phase 1 of the pilot provided a group of 50,000 college students and affordable housing residents free access to unlimited rides on more than two dozen Bay Area transit systems using a prepaid Clipper card. Phase 2 expands the pilot to interested organizations that then offer the pass to employees, students, or residents.

Delivery of BART's FTA-funded order of 775 new heavy rail cars from Alstom was completed in October 2024. A subsequent order comprising 354 cars is in production and delivery, funded via an FTA Core Capacity grant, a California state grant, and an agreement with Santa Clara VTA to serve the BART Silicon Valley Santa Clara extension. These cars are being delivered to BART at a rate of about 20 units per month. All of BART's legacy rolling stock was removed from service by April 2024 and has since been scrapped/recycled or re-purposed.

As of July 2025, at least 980 new cars, including about 205 of the second order of 354, have been delivered to BART. Delivery of the remaining 149 second-order cars is scheduled to be complete by February 2026, at which time the revenue fleet will total 1,129 cars, comprised of 310 'D' (cab control) and 819 'E' (non-control) cars.

BART's administrative offices consists of a 245,000 square foot, 10-story building located at 2150 Webster Street in Oakland, California. BART recently acquired a 105,000 square foot, five-story building to house the BART Police Department located at 2000 Broadway in Oakland, adjacent to the 19th Street station and one block from the administrative offices.

Rail cars are stored and maintained at the Richmond, Concord, Hayward, and Daly City yards. Light maintenance is performed at all yards. Heavy maintenance is performed at the Hayward facility, and wayside maintenance operates out of the Oakland Shops. All facilities have an FTA interest.

In 1994, BART and the Alameda Contra-Costa Transit District (AC Transit) executed a joint exercise of powers agreement establishing the East Bay Paratransit Consortium to provide ADA-compliant paratransit service in their joint service area. The consortium solicits and oversees the services of a broker that coordinates the delivery of ADA-compliant paratransit service. The consortium's operating contractor subcontracts with service providers. Fares are distance-based and range from \$4.00 to \$10.00. BART also has entered into agreements for paratransit services with the City and County of San Francisco, Eastern Contra Costa Transit Authority, Central Contra Costa Transit Authority, and Livermore/Amador Valley Transit District. The San Mateo County Transit District and Santa Clara VTA provide paratransit services in their service areas that meet BART's obligation in San Mateo and Santa Clara counties, respectively.

2. Award and Project Activity

Below is a list of BART's open awards at the time of the review.

Award Number	Amount	Year Executed	Description
CA-2022-223-00	\$927,171	2022	FY 2022 CMAQ Transfer - MacArthur BART Station Mobility Hub Improvements
CA-2025-064-00	\$39,822,803	2025	FY23 5309 Supplemental CIG Funds - BART Transbay Corridor Core Capacity Project
CA-2019-029-00	\$15,000,000	2019	Embarcadero Station New Platform Elevator
CA-04-0126-00	\$3,951,335	2009	Bus Projects- ERC Richmond, Ala, Oak
CA-2021-065-00	\$437,500	2021	Transit Oriented Development Planning - Jobs Attraction Strategy (2020)
CA-2018-013-00	\$32,592,556	2018	FY 2016 TIGER Grant - Gateway to Oakland Uptown (Go Uptown)
CA-2025-152-00	\$1,295,606	2025	FY24 CMAQ - BART Variable Parking Pricing
CA-2021-163-00	\$264,939,306	2021	FY21 Formula Funds & SGR Capital Program
CA-2020-086-00	\$170,584,442	2020	FY 19 - Formula and SOGR Capital Improvements
CA-2024-225-00	\$57,880,722	2024	FY23 5337 Formula Funds - State of Good Repair
CA-2020-247-00	\$164,248,896	2020	FY 20 - Formula and SOGR Capital Improvements
CA-2024-237-00	\$64,090,691	2024	FY24 5337 Formula Funds - State of Good Repair
CA-90-Z276-00	\$4,501,942	2015	FY 15 - PM and Access Improvements
CA-2023-214-00	\$3,551,680	2023	BART FY22 FHWA Flex Funds Quick-Strike Program: Embarcadero Elevator Project
CA-2022-120-00	\$4,226,305	2022	FY22 ADA Access Capital Grant
CA-2021-223-00	\$87,075,134	2021	ARP Act Transbay Corridor Core Capacity Project - Supplemental CIG Funds
CA-2018-036-00	\$72,689,087	2018	Rail Cars (New and Modified), Fare Collection Modernization and Concord Wheel Truing Facility
CA-2017-029-00	\$124,232,627	2017	FY 16 - Formula and SOGR Capital Improvements
CA-2023-115-00	\$2,000,000	2023	FY22 CPF - Next Generation Fare Gates
CA-2025-091-00	\$7,598,075	2025	FY20-24 5307 (OBAG3-STP) - Elevator Renovation Program
CA-2024-236-00	\$15,703,484	2024	FY24 5307 Formula Funds - State of Good Repair

Award Number	Amount	Year Executed	Description
CA-2023-003-00	\$4,335,000	2023	CRRSAA - FY 2021 FHWA Funds Transferred to Sec 5307 for BART Next Generation Faregates Project
CA-2020-222-00	\$3,610,000	2020	Pilot Program for Transit Oriented Development Planning
CA-2025-138-00	\$2,125,000	2025	FY24 Comm. Project Funding - 16th St Elevator & Cyber Security
CA-2023-079-00	\$514,045	2023	FY21 American Rescue Plan BART Route Planning Restoration Grant
CA-95-X301-01	\$12,338,331	2021	Track Extension/PM/Berkeley Improvements
CA-2020-047-04	\$2,618,645,148	2022	Transbay Corridor Core Capacity Project - FFGA
CA-2019-126-00	\$98,753,836	2019	FY 18 - Formula and SOGR Capital Improvements
CA-2022-200-01	\$76,564,681	2023	FY22 Sec 5337 Formula Funds & SGR Capital Program
CA-2025-061-00	\$6,679,268	2025	FY24 5307 (CRP) - Electric Vehicle Charging at BART Stations
CA-2024-072-00	\$1,466,178	2024	FY 2020 Sec 5307 - Embarcadero Elevator Project
CA-2021-016-00	\$8,750,000	2021	FY 2020 Elevator Renovation Program
CA-2023-227-00	\$10,446,848	2023	FY20 Section 5337 - Fare Collections
CA-2025-063-00	\$9,026,925	2025	FY22-24 5307 - BART Elevator Renovation Program
CA-2018-084-00	\$73,419,341	2018	FY 17 - Formula and SOGR Capital Improvements
CA-04-0043-00	\$10,853,812	2008	Various Projects in BART Service Area
CA-2024-025-01	\$46,356,596	2024	FY23 Sec 5307 & 5337 Rail Car Replacement Program

Projects Completed

In the past few years, BART completed the following noteworthy projects:

- BART to Silicon Valley Extension – Phase 1
- El Cerrito Plaza Station Modernization

Ongoing Projects

BART is currently implementing the following noteworthy projects:

- Hayward Maintenance Complex
- Next Generation Fare Gates
- Core Capacity Program
- New Rail Cars
- Station Modernization
- System Reinvestment

Future Projects

BART plans to pursue the following noteworthy projects in the next three to five years:

- Transit-Oriented Developments (TOD). Please refer to the *BART TOD Program Work Plan 2024: 20240826 TOD Work Plan Final*
- BART to Silicon Valley Extension – Phase 2

III. 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: No (0) deficiencies

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: No (0) deficiencies

3. Technical Capacity – Award Management

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

Finding: No (0) deficiencies

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: Not Applicable. This section only applies to recipients with sub-recipients, states, and/or designated recipients of Sections 5310, 5311, or 5339 funds.

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: No (0) deficiencies

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: No (0) deficiencies

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: One (1) deficiency

SCC1-3: Property reports not submitted as required

Deficiency Description: The recipient's transit facilities were not initially funded by FTA. In the past few years, federal funds have been utilized to create a permanent CNG fuel center and electric vehicle charging infrastructure at one facility, giving the federal government a legal interest in the property. BART was unaware of the requirement to submit a report to FTA at least annually on the status of any real property in which the federal government retains an interest.

Corrective Actions and Schedule: By January 7, 2026, BART must submit in OTrak:

1. A real property report for all real property purchased with FTA grants awarded on or after December 26, 2014. Additionally, a copy of the report must be uploaded to TrAMS.
2. Procedures for preparing and submitting such reports in a timely manner.

Status: Subsequent to the exit conference BART submitted satisfactory documentation of the corrective actions and **this finding is closed**.

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: No (0) deficiencies

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.

Finding: One (1) deficiency

P11-1: Missing FTA clauses

Deficiency Description: A review of BART procurements found missing required FTA clauses (Seat Belt Use and Distracted Driving).

Corrective Actions and Schedule: By January 7, 2026, BART must submit in OTrak:

1. Revised procurement procedures to ensure annual review of the FTA's updated Comprehensive Review Contractor's Manual, FTA Master Agreement, and 2 CFR 200 to confirm the inclusion of all FTA-required third-party contract clauses through the use of a clause checklist or other mechanism.
Option: The recipient's procedures may also include a step to utilize ProcurementPRO <https://www.nationalrtap.org/TechnologyTools/ProcurementPRO> to capture required clauses.
2. BART must provide evidence of staff training on the revised procurement procedures.

Status: Subsequent to the exit conference BART submitted satisfactory documentation of the corrective actions and **this finding is closed.**

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: One (1) deficiency

DBE12-5: Recipient does not implement DBE termination/substitution provisions.

Deficiency Description: In 2022, BART awarded a civil grading contract to a prime contractor that stated it would utilize DBE subcontractors for certain waste removal. The prime contractor substituted non-DBE subcontractors to perform the waste removal and notified BART of its intent to do so. However, BART failed to follow its termination and substitution procedures to provide due process and determine good cause for the substitution.

Corrective Actions and Schedule: By January 7, 2026, BART must submit:

1. In OTrak, procedures for ensuring good cause and due process provisions for termination or substitution of DBEs.
2. In TrAMS, BART must amend and submit corrected uniform reports of awards and commitments for reporting periods in which DBE subcontracts were misreported.

Status: Subsequent to the exit conference BART submitted satisfactory documentation of the corrective actions and **this finding is closed**.

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: No (0) deficiencies

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: No (0) deficiencies

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: No (0) deficiencies

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: No (0) deficiencies

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: No (0) deficiencies

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: No (0) deficiencies

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: No (0) deficiencies

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: No (0) deficiencies

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: No (0) deficiencies

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: Not Applicable. This section only applies to recipients that receive Section 5310 funds directly from the FTA.

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: Not Applicable. This section only applies to recipients that receive Section 5311 funds directly from FTA.

22. Public Transportation Agency Safety Plan (PTASP)

Basic Requirement: Recipients must comply with the Public Transportation Agency Safety Plan (PTASP) regulation (49 CFR Part 673) to ensure public transportation providers develop and implement an Agency Safety Plan (ASP). The PTASP Final Rule, published in the Federal Register on April 11, 2024, became effective May 13, 2024. FTA expects transit agencies to

address the regulatory changes in the new PTASP Final Rule in their next Agency Safety Plan (ASP) annual update.

FTA requires applicable recipients to certify that they have established an ASP that meets the requirements of the PTASP regulation and 49 U.S.C. 5329(d) as part of the annual Certifications and Assurances for FTA grants and cooperative agreements. FTA notes that per 49 U.S.C. 5307(c)(1)(L), this certification is a required condition of receiving section 5307 funding (though noncompliance can impact access to Section 5307 funding as well as other grant funds where 5307 requirements apply). FTA monitors these certifications in its Transit Award Management System (TrAMS).

Finding: No (0) deficiencies

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: No (0) deficiencies

IV. Participants

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Appendix

Governing Directives

7. Satisfactory Continuing Control

2 CFR 200.330 Reporting on real property

The Federal agency or pass-through entity must require the recipient or subrecipient to submit reports on the status of real property in which the Federal Government retains an interest. Such reports must be submitted at least annually. In instances where the Federal Government's interest in the real property extends for 15 years or more, the Federal agency or pass-through entity may require the recipient or subrecipient to report at various multi-year frequencies. Reports submitted at multi-year frequencies may not exceed a five-year reporting period. The Federal agency must only require OMB-approved government-wide data elements on recipient real property reports.

FTA Circular 5010.1E Ch. IV, Section 2. Real Property, (i) Property Management (2)-(6)(a)3a-e

(5) Reporting on Real Property. Recipients must maintain adequate records on the status of real property in which the Federal Government retains an interest. FTA requires that recipients maintain a real property inventory on file for review upon request by FTA to satisfy the requirements of 2 CFR § 200.329, which requires recipients to submit reports on an annual basis for real property in which the Federal Government retains an interest. In instances where the Federal interest in the real property will extend for a period of 15 years or more, a recipient may request FTA's permission to report at multi-year frequencies, not to exceed a five-year reporting period. A Real Property Inventory must include: property location/physical address; use and condition of the property; summary of conditions on the title; brief description of improvements, expansions, and retrofits; corresponding useful life for the assets; date placed in service; original acquisition cost; sources of funding; Federal and non-Federal participation ratios; Federal award identification number; appraised value and date; anticipated disposition or action proposed; date of disposal; and sale price of the property. If the property is excess, identify the reasons for having excess property, such as purchase to a logical boundary. This inventory is necessary in order to accurately account for assets, and determine an equitable valuation of Federal interest retained in the property. The Excess Real Property Inventory and Utilization Plan requirement applies only to Grants or Cooperative Agreements awarded before December 26, 2014. The Real Property Reporting requirement (Real Property Inventory) replaces the Excess Real Property Inventory and Utilization Plan requirement for Grants and Cooperative Agreements (and funding increments to existing Grants and Cooperative Agreements) awarded on or after December 26, 2014.

9. Procurement

2 CFR 200.327

The non-Federal entity's contracts must contain the applicable provisions described in appendix II to this part.

FTA Master Agreement (30) Section 34. Safe Operation of Motor Vehicles.

Seat Belt Use. The Recipient agrees to implement Executive Order No. 13043, “Increasing Seat Belt Use in the United States,” April 16, 1997, 23 U.S.C. § 402 note, (62 Fed. Reg. 19217), by:

- (1) Adopting and promoting on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned vehicles, company-rented vehicles, or personally operated vehicles; and
- (2) Including a “Seat Belt Use” provision in each third party agreement related to the Award.

FTA Master Agreement (30) Section 34. Safe Operation of Motor Vehicles. (b) Distracted Driving, Including Text Messaging While Driving.

The Recipient agrees to comply with:

- (1) Executive Order No. 13513, “Federal Leadership on Reducing Text Messaging While Driving,” October 1, 2009, 23 U.S.C. § 402 note, (74 Fed. Reg. 51225);
- (2) U.S. DOT Order 3902.10, “Text Messaging While Driving,” December 30, 2009; and
- (3) The following U.S. DOT Special Provision pertaining to Distracted Driving:
 - (i) Safety. The Recipient agrees to adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while using an electronic device supplied by an employer, and driving a vehicle the driver owns or rents, a vehicle Recipient owns, leases, or rents, or a privately-owned vehicle when on official business in connection with the Award, or when performing any work for or on behalf of the Award;
 - (ii) Recipient Size. The Recipient agrees to conduct workplace safety initiatives in a manner commensurate with its size, such as establishing new rules and programs to prohibit text messaging while driving, re-evaluating the existing programs to prohibit text messaging while driving, and providing education, awareness, and other outreach to employees about the safety risks associated with texting while driving; and
 - (iii) Extension of Provision. The Recipient agrees to include the preceding Special Provision of section 34(b)(3)(i) – (ii) of this Master Agreement in its third party agreements, and encourage its Third Party Participants to comply with this Special Provision, and include this Special Provision in each third party subagreement at each tier supported with federal assistance.

10. Disadvantaged Business Enterprise

49 CFR 26.53(f)

- (1) (i) You must require that a prime contractor not terminate a DBE or any portion of its work listed in response to paragraph (b)(2) of this section (or an approved substitute DBE firm per paragraph (g) of this section) without your prior written consent, unless you cause the termination or reduction. A termination includes any reduction or underrun in work listed for a DBE not caused by a material change to the prime contract by the recipient. This requirement applies to instances that include, but are not limited to, when a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.
- (2)) You may provide such written consent only if you agree, for reasons stated in your concurrence document, that the prime contractor has good cause to terminate the listed DBE or any portion of its work.
- (4) Before transmitting to you its request to terminate a DBE subcontractor or any portion of its work, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to you sent concurrently, of its intent to request to terminate and the reason for the proposed request.
- (5) The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise you and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why you should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (*e.g.*, safety), you may provide a response period shorter than five days.
- (6) In addition to post-award terminations, the provisions of this section apply to preaward deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.