

Nine Triennial Review Lessons Learned: Best Practices

APTA Legal Affairs Committee, February 2018 Dana Steele, RTD Associate General Counsel 303-299-2616, <u>dana.steele@rtd-denver.com</u>

- 1. Look first to most recent Triennial findings confirm you have corrected any deficiencies **and** *that you are continuing to do so!* You do not want repeat findings.
 - RTD corrected something in year 1 & 2, but went back to an "old form" for year 3.
 Doesn't look good and is easy to fix...
- 2. Start preparing now (regardless of where you are in the cycle). Perform routine process updates, records checks, etc.
 - Are your procedures up to date? Being followed?
 - Do your files have complete records?
 - Have you updated your agreements with current references to federal requirements and any changes since last drafted?
- 3. If you can't attend one of the Triennial Review oversight workshops conducted by the FTA throughout the country, https://www.planitnow.com/FTA FY18 Oversight Fall.php, review the most recent FTA Comprehensive Review Guide found on the FTA website. It has summaries of changes to the guidelines, detailed explanations of how to interpret and guidance what corrective action requirements, as to а mav be. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FY2017%20Comprehensive%20Gui de 1.pdf

Virtually everything you need to know can be found on the FTA website, including webinars, updates, guidance and corrective actions issued to other agencies.

- 4. Get to know and work with your region staff. They will provide invaluable help and guidance they want you to get it right and for you to succeed!
- 5. If you discover you may be headed for a finding, get started on the fix now! It helps to show that you knew something was incorrect rather than being caught unaware. You may get partial credit[©]
- 6. Reach out to other agencies. If you have questions about how to approach an issue, reach out to your counterparts. We all are going through the same formulaic review.
 - Research prior findings. If another agency had a finding in an area of concern, call them!
- 7. If you have subrecipients, definitely review your oversight procedures this has been a trending area of focus for review.
- 8. Ensure your MPO understands the requirements if they are advertising for public involvement on your behalf. You will be on the hook for any deficiencies they may have!
- 9. Having your legal department involved in the review and drafting of the RIR and may help to relay a consistent message to reviewers as different departments might express the same practice in different ways.