MONTEREY-SALINAS TRANSIT

REVISED

Board of Directors Regular Meeting

Monday, February 11, 2008

MST Conference Room
One Ryan Ranch Road, Monterey

10:00 a.m.

TRANSPORTATION: Ride the Peninsula DART to MST Office

1. CALL TO ORDER
   1-1. Roll call.
   1-2. Pledge of Allegiance.

2. CLOSED SESSION

As permitted by Government Code §64956 et seq. of the State of California, The Board of Directors may adjourn to Closed Session to consider specific matters dealing with personnel and/or pending possible litigation and/or conferring with the Board’s Meyers-Milias-Brown Act representative.

   2-1. Conference with labor negotiators. (§ 54957.6) (No Enclosure)
       Agency designated representatives:  D. Laredo, L. Owens
       Employee organization:  Amalgamated Transit Union

3. RETURN TO OPEN SESSION
   3-1. Report on Closed Session and possible action.

4. CONSENT AGENDA
   4-1. Review highlights of Agenda. (Carl Sedoryk)

   *These items will be approved by a single motion. Anyone may request that an item be discussed and considered separately.*
4-2. Adopt Resolution 2008-13 recognizing Karleen Russell, Accounting Assistant as Employee of the Month for February 2008. (Dave Sobotka) (p. 1)

4-3. Disposal of property left aboard buses. (Danny Avina) (p. 3)

4-4. Minutes of the regular meeting of January 14, 2008. (Sonia Bannister) (p. 5)


4-6. Claim rejection. (Benjamin Newman) (p. 39)

4-7. Authorize disposal of CNG bottles. (Michael Hernandez) (p. 41)

4-8. Capital Budget Transfer FY 2007. (Dave Sobotka) (p. 45)

4-9. FY 2008 Budget Transfers. (Dave Sobotka) (p. 49)

4-10. Accept FY 2008 audited financial reports. (Dave Sobotka) (p. 53)

4-11. Adopt revised Drug & Alcohol policy. (Lyn Owens) (p. 61)

4-12. Claim Rejection. (Benjamin Newman)

End of Consent Agenda

5. SPECIAL PRESENTATIONS

5-1. February Employee of the Month – Karleen Russell, Accounting Assistant. (Dave Sobotka)

6. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Members of the public may address the Board on any matter related to the jurisdiction of MST but not on the agenda. There is a time limit of not more than three minutes for each speaker. The Board will not take action or respond immediately to any public comments presented, but may choose to follow-up at a later time, either individually, through staff, or on a subsequent agenda.
7. COMMITTEE REPORTS

No action required unless specifically noted.

<table>
<thead>
<tr>
<th>Report Title</th>
<th>Date</th>
<th>Author(s)</th>
<th>Page</th>
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<tbody>
<tr>
<td>MST RIDES Advisory Committee Minutes</td>
<td>November 19, 2007</td>
<td>Bill Morris</td>
<td>67</td>
</tr>
<tr>
<td>MST Finance Committee Minutes</td>
<td>January 14, 2008</td>
<td>Dave Sobotka</td>
<td>71</td>
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</tbody>
</table>

8. BIDS/PROPOSALS

9. PUBLIC HEARINGS

10. UNFINISHED BUSINESS

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<thead>
<tr>
<th>Item</th>
<th>Description</th>
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<tr>
<td>10-1</td>
<td>Ratify Memorandum of Understanding with Amalgamated Transit Union</td>
<td>73</td>
</tr>
</tbody>
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11. NEW BUSINESS

12. REPORTS & INFORMATION ITEMS

The Board will receive and file these reports, which do not require any action by the Board.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Page</th>
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<tbody>
<tr>
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<td>General Manager/CEO Report</td>
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<td>12-2</td>
<td>TAMC Highlights – January 23, 2008</td>
<td>97</td>
</tr>
<tr>
<td>12-4</td>
<td>Sacramento Lobbyist report – January 29, 2008</td>
<td>105</td>
</tr>
<tr>
<td>12-5</td>
<td>Letter from TAMC regarding Transportation Excellence Award – Marina Transit Exchange</td>
<td>107</td>
</tr>
<tr>
<td>12-6</td>
<td>Referral log</td>
<td>109</td>
</tr>
<tr>
<td>12-7</td>
<td>Staff trip reports</td>
<td>111</td>
</tr>
</tbody>
</table>

13. ELECTION OF OFFICERS

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>13-1</td>
<td>Receive report from Nominating Committee and conduct election of officers</td>
<td>113</td>
</tr>
</tbody>
</table>
14. COMMENTS BY BOARD MEMBERS

14-1. Reports on meetings attended by Board members at MST expense (AB1234).

15. ANNOUNCEMENTS

16. ADJOURN

**NEXT MEETING DATE:** March 17, 2008 in MST Conference Room.

**NEXT AGENDA DEADLINE:** March 5, 2008

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Upon request, MST will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least 5 days before the meeting. Requests should be sent to Sonia Bannister, MST, One Ryan Ranch Road, Monterey, CA 93940 or sbannister@mst.org
KARLEEN RUSSELL
FEBRUARY 2008
EMPLOYEE OF THE MONTH

WHEREAS, each month Monterey-Salinas Transit recognizes an outstanding employee as Employee of the Month; and

WHEREAS, the Employee of the Month is recognized for their positive contribution to MST and to the entire community; and

WHEREAS, Karleen Russell began her career with Monterey-Salinas Transit in April 1997 as an Accounting Assistant. She is highly respected, admired by her co-workers, and is without a doubt, a valuable asset and a team player; and

WHEREAS, Karleen Russell’s involvement with the implementation of the new FAMIS payroll system was instrumental in getting the necessary data entered and validated on time. MST was able to meet their “go-live” date as planned thus avoiding a possible three-month delay; and

WHEREAS, Karleen Russell maintains a positive attitude while remaining flexible to assist where needed within her department. She has consistently proven her professionalism and dedication.

THEREFORE BE IT RESOLVED that the Board of Directors of Monterey-Salinas Transit recognizes Karleen Russell as Employee of the Month for February 2008; and

BE IT FURTHER RESOLVED that Karleen Russell is to be congratulated for her excellent work at Monterey-Salinas Transit.


_______________________
Fernando Armenta
Chairman

_______________________
Carl Sedoryk
Secretary
To: Board of Directors

From: Danny Avina, Customer Service Supervisor

Subject: Disposal of unclaimed property left on bus

Goodwill

2 eyeglasses  
2 eye glass case  
2 pair gloves  
2 hats  
1 mug  
1 pants  
2 sweaters  

1 purse  
1 scarf  
2 shirts  
1 pair socks  
1 sunglasses  
2 toys  
1 picture frame

To be disposed

1 key
3 rx
3 soiled items
1 bag of food
1 bag of clothes

MST makes an attempt to contact the owners of Lost and Found items. If the items are unclaimed after 30 days, they are added to the above list.

PREPARED BY: ______________________  REVIEWED BY: ______________________

Danny Avina  
Carl Sedoryk
1. CALL TO ORDER

Chair Armenta called the meeting to order at 10:00 a.m. in the Monterey-Salinas Transit Conference Room.

Present: Karen Sharp City of Carmel-By-The-Sea
Kristin Clark City of Del Rey Oaks
James Ford City of Marina
Libby Downey City of Monterey
Vicki Stilwell City of Pacific Grove
Sergio Sanchez City of Salinas
Thomas Mancini City of Seaside
Fernando Armenta County of Monterey
Lisa Senkir City of Gonzales (Ex-Officio)

Absent: None

Staff: Carl Sedoryk General Manager/CEO
Lyn Owens Director of Human Resources
Hunter Harvath Director of Administration
Michael Hernandez Chief Operating Officer
Robert Weber Dir. Transportation Services
Sonia Bannister Office Administrator
Tom Hicks CTSA Manager
Mark Eccles Director of IT
Dave Sobotka Controller
Zoe Smallwood Marketing Analyst
Carl Wulf Facilities/Capital Projects Manager

Others: Dave Laredo DeLay & Laredo
Ann Armbruster Coach Operator
Cristy Sugabo Paratransit Eligibility Specialist
Paul Lopez Facilities Technician
Patrick Hilliard Coach Operator

Apology is made for any misspelling of a name.
2-2. – 2-7. CONSENT AGENDA

The consent agenda items consisted of the following:


2-4. Disposal of property left aboard buses.


2-7. Claim rejection.

Director Downey moved to approve the items on the consent agenda. Director Ford seconded and the motion carried unanimously.

3. SPECIAL PRESENTATIONS

Robert Weber, Director of Transportation Services, introduced Cristy Sugabo, Paratransit Eligibility Specialist as MST Employee of the Month for January 2008. Cristy has successfully completed the ADA Paratransit Eligibility Determination training in July 2007. Since then she has done an excellent job processing between 80 - 100 MST RIDES applications monthly and within specifically required timelines. She has also been able to resolve difficult and demanding problems involving individuals with disabilities. In addition to her regular duties, she has recently completed an extensive, time-consuming project involving the implementation of a new fare program. At the same time, she is able to assist the Customer Service Department by continuing to provide pass order accounting.

Carl Sedoryk, General Manager/CEO, introduced Paul Lopez, Facilities Technician, as MST Employee of the Year for 2007. Paul has been instrumental in supporting MST’s service changes and provided valuable feedback to improve signage installation. Over the past two and a half years, he was tasked with maintaining and providing rebuilding support for the CARS station. The City of Monterey staff is very impressed with the condition of the CARS station and are thankful to MST for taking such good care of the facility.

Mr. Sedoryk also presented Patrick Hilliard, Coach Operator, a 20-Year service award.
The General Manager’s Excellence Awards were presented to Michael Hernandez, Chief Operating Officer and Carl Wulf, Facilities/Capital Projects Manager.

Throughout the past year, Mr. Hernandez has excelled in his role as Chief Operating Officer and has overseen many successful projects this year. These include the successful construction and occupation of the Marina Transit Exchange, purchase of 15 new buses, implementation of the largest service change in the past seven years, and the successful retirement of all CNG equipment including the CARS station.

Throughout the past year, Mr. Wulf has excelled in his role of overseeing construction of our new Marina Transit Exchange (MTX). He oversaw the successful removal of the hazardous materials from the site, identified potential problems with workmanship, materials and helped identify conflicts in the project schedule. He also made decisions to keep the project moving if materials needed to be substituted or if meetings were needed with agencies/vendors. He played a vital role in coordinating with other MST staff for key project elements like Information Technology, Security and Planning for bus operations at Marina Transit Exchange.

4. PUBLIC COMMENTS

None.

5-1. – 5-2. BOARD COMMITTEE MINUTES

The Board accepted and filed the MST Marketing Committee Minutes – December 3, 2007; and the MST Human Resources Committee Minutes – December 10, 2007.

6-1. RIDERS GUIDE CONTRACT

MST’s Rider’s Guide is the main customer service and information piece for the agency, notifying the public of all route schedules and MST policies.

Director Mancini moved to authorize the procurement of Rider’s Guide printing to PrintTeam for one year at $59,928.75 with two additional year options at the same price. Director Clark seconded and the motion carried unanimously.

6-2. SHOP HOIST

MST’s has one portable “Transpo” hoist. The hoist is routinely used to service buses at the Monterey TDA facility when the two in-ground hoists are in use. The existing hoist is 25 years old and has been repaired on numerous occasions over the past several years. In October 2007, the hoist had a serious failure and was promptly removed from service.
Director Ford moved to: 1) Authorize the purchase of a replacement portable hoist from ALM Corporation at a cost of $26,100; and 2) Authorize the sale/disposal of the existing hoist. Director Stilwell seconded and the motion carried unanimously.

7. PUBLIC HEARING

None.

8. UNFINISHED BUSINESS

None.

9-1. PRESIDIO OF MONTEREY ACCESS

Mr. Harvath, Director of Administration, reported that in late summer of 2001, general public access to the Presidio of Monterey was curtailed due to security concerns. For decades, MST had operated transit lines that traversed the Presidio twice each hour connecting downtown Monterey with upper New Monterey and Pacific Grove via High, Stillwell and Pine Streets. In addition, MST operated peak-hour commuter service into the heart of the Presidio, which catered to the students, faculty and support staff of the Defense Languages Institute (DLI).

With the closure of the Presidio in 2001, MST was forced to reroute Line 2 Pacific Grove from High/Stilwell/Pine streets to Lighthouse Avenue. An unintended consequence of this action was that upper New Monterey lost a substantial degree of access to transit service, especially considering the extreme topography of this neighborhood. Furthermore, the closure eliminated a key transportation corridor between Pacific Grove and downtown Monterey, redirecting all traffic onto Lighthouse Avenue and Holman Highway. The result has been severe congestion on Lighthouse Avenue, especially during summer, weekends and holiday periods, which adversely impacts MST’s operations and on-time performance on Lines 1 Monterey-Pacific Grove, 1x Asilomar-Lover’s Point Express, and 2 Monterey-Pacific Grove via Forest Hill.

During the autumn of 2007, MST staff attended meetings of the New Monterey Neighborhood Association in an attempt to brainstorm with the community as to how to improve transit access to the upper portion of their community. The consensus that emerged from the discussions at the meetings was that the key to effectively, efficiently and economically serving this area with transit involved regaining access through the Presidio. At the same time, there may be some opportunities to assist the Presidio/DLI with mobility solutions to meet their needs during this time of mission- and facility-expansion.

Initial research has indicated that there are other military installations in the country that currently allow public transit vehicles to travel to and/or through the restricted areas. To facilitate negotiations with the military about public transit access
to/through the Presidio, the City Manager of Monterey has requested that the MST Board endorse these efforts. With the Board’s approval, staff will move forward with these discussions, which could potentially produce both improved transit access for residents of upper New Monterey as well as new partnerships with the Presidio of Monterey and DLI.

It was the consensus of the Board to clarify that the purpose of the military personnel on the buses while traveling within the Presidio, is to prevent passengers from deboarding within the Presidio of Monterey.

9-2. LINE 23 EXPRESS SALINAS-KING CITY

The new Line 23 Express is a one-year demonstration project that will offer one morning rush hour round trip and one evening rush hour round trip on weekdays. Its streamlined route will make only one stop in each of the south county communities of King City, Greenfield, Soledad, Gonzales and Chualar. In Salinas, Line 23 Express will serve both the Salinas Transit Center as well as Hartnell College and will be operated using buses equipped with MST’s free Wifi network in hopes of attracting students and commuters. With this streamlined route, travel time between King City and Salinas will be reduced by approximately 20 minutes. MST was awarded $24,654 in Federal Transit Administration 5311(f) grant funds for the new Line 23 Express.

Director Downey moved to approve the new Line 23 Express Salinas-King City Demonstration Project. Director Stilwell seconded and the motion carried unanimously.

10-1. – 10-6. REPORTS & INFORMATION ITEMS

The reports consisted of the General Manager/CEO Report; TAMC Highlights – December 5, 2007; Washington DC Lobbyist Report – December 28, 2007; Sacramento Lobbyist report – January 1, 2008; Letter regarding unmet transit needs for Gonzales residents; and staff trip report.

11. COMMENTS BY BOARD MEMBERS

Director Sanchez asked staff to meet with representative from Hartnell College to discuss the new Alisal Campus.

Director Ford would like an update on adding more bus service to the Dunes Shopping Center and how the MST On Call is doing.

12. ANNOUNCEMENTS

None.
13-1. CLOSED SESSION

The Board adjourned to Closed Session to meet with legal counsel regarding conference with labor negotiators and potential litigation on two cases.

Upon returning to Open Session, General Counsel Laredo provided a status report regarding labor negotiations with ATU. No reportable action was taken by the Board.

Regarding the potential litigations on two different cases, the Board provided authority and direction to retain special counsel to defend Ninfa Fagaragan and Danny Togafau.

14. ADJOURNMENT

There being no further business, Chair Armenta adjourned the meeting at 11:05 a.m.

Prepared by: ______________________________
Sonia AR Bannister
To: Board of Directors
From: D. Sobotka, Controller

RECOMMENDATION:

1. Accept report of January cash flow presented in Attachment #1
2. Approve January disbursements listed in Attachment #2
3. Accept report of January treasury transactions listed in Attachment #3

FISCAL IMPACT:

The cash flow for January is summarized below, and is detailed in Attachment #1.

Beginning balance December 19, 2007 $ 3,436,204.72
Revenues 7,526,875.38
Disbursements < 3,190,042.47>
Ending balance January 25, 2007 $ 7,773,037.63

POLICY IMPLICATIONS:

Disbursements are approved by your Board each month and are shown in Attachment #2. Treasury transactions are reported to your Board each month, and are shown in Attachment #3.

Prepared by: ______________________   Reviewed by: ___________________
Dave Sobotka       Carl Sedoryk

Attachment #3
### TREASURY TRANSACTIONS
#### FOR JANUARY 2008

<table>
<thead>
<tr>
<th>Date</th>
<th>Account</th>
<th>Confirm #</th>
<th>Bank</th>
<th>Deposit</th>
<th>Withdrawal</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Balance Forward at 12/19/07</td>
</tr>
<tr>
<td>Dec 20</td>
<td>LAIF</td>
<td>1151182</td>
<td>FNB</td>
<td>300,000</td>
<td></td>
<td>2,771,287</td>
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<td>Dec 28</td>
<td>LAIF</td>
<td>1152060</td>
<td>FNB</td>
<td>3,200,000</td>
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<td>5,971,287</td>
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<tr>
<td>Jan 2</td>
<td>LAIF</td>
<td>1152445</td>
<td>FNB</td>
<td>1,550,000</td>
<td></td>
<td>4,421,287</td>
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<td>Jan 2</td>
<td>LAIF</td>
<td>1152446</td>
<td>WF</td>
<td>350,000</td>
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<td>4,071,287</td>
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<td>Jan 8</td>
<td>LAIF</td>
<td>1152820</td>
<td>FNB</td>
<td>3,600,000</td>
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<td>7,671,287</td>
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<td>Jan 15</td>
<td>LAIF</td>
<td>Int. Income</td>
<td>FNB</td>
<td>54,939</td>
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<td>7,726,226</td>
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<tr>
<td>Jan 17</td>
<td>LAIF</td>
<td>1156620</td>
<td>FNB</td>
<td>350,000</td>
<td></td>
<td>$7,376,226</td>
</tr>
</tbody>
</table>

Local Agency Investment Fund:
(Earned 4.801% for December 2007) $7,376,226

Treasury Balance at 01/25/08: $7,376,226
To: Board of Directors
From: Ben Newman, Risk Manager
Subject: Liability Claim Rejections

RECOMMENDATION:

Reject claims by the claimants below.

FISCAL IMPACT:

Both claims in excess of $10,000 each

POLICY IMPLICATIONS:

None.

DISCUSSION:

Ms. Norma Zamora, claims an injury to her back from an accident that occurred involving an MST bus on August 8, 2007.

Mr. Danny Togafau, an MST passenger, claims an injury to his knee from an accident that occurred on November 2, 2007.

After conducting a preliminary investigations into these matters, it is determined that Monterey-Salinas Transit has no liability in these claims and recommends they be rejected in their entirety.

The above claims are under investigation. If any Board member desires further information on these claims, they may request discussion in closed session.

PREPARED BY: __________________ APPROVED BY: _____________
Ben Newman                                                      Carl Sedoryk
To: Board of Directors
From: M. Hernandez, Chief Operating Officer
Subject: Authorize the Disposal of CNG Storage Bottles

RECOMMENDATION:

Authorize staff to negotiate the removal of MST’s CNG bus yard infrastructure, dispose or sell the CNG storage bottles and fund the partial repair of the TDA bus parking lot.

FISCAL IMPACT:

No fiscal impact to MST.

POLICY IMPLICATIONS:

Your Board approves the sale and disposal of assets.

DISCUSSION:

MST has three groups of CNG storage tanks, totaling nine individual bottles. These CNG storage tanks, the bus yard CNG dispenser and 17 bus fueling ports were funded as part of a $1.2 million Monterey Bay Unified Air Pollution Control District (MBUAPCD) grant in September 1994 of which approximately $720,000 was specifically allocated towards MST’s bus yard construction and fueling infrastructure.

The CNG tanks served as reserve fuel tanks when the Clean Air Refueling Station (CARS) was off-line. The individual CNG bottles are designed as three-bottle combination packs and it appears each pack has an estimated value of $48,000 - $52,000 or, approximately $144,000 - $156,000 for all three packs.

It is the policy of the MBUAPCD to use surplus equipment funded through Air Board grants within the tri-county air district. The MBUAPCD has determined that there is a need for at least eight of the nine bottles; however, since the bottles are designed as combination packs, conceivably all 9 bottles could be placed within the tri-county air district region. Currently PG&E has an interest in two combination packs for both their Salinas and Santa Cruz CNG fueling stations. Additionally, Monterey County has an interest in at least two tanks for their Laurel Street fueling station.
While the storage tanks have a significant value on the used market, the MBUAPCD’s position is that they were already purchased with an Air Board grant and should therefore be provided at no cost to eligible recipients within the tri-county region. MST has no further need for these tanks given MST’s CNG fleet is essentially retired; staff therefore supports the request by the MBUAPCD to put the tanks to use within the local air district.

Removal and relocation of the storage tanks is estimated at $15,000 to $20,000 and could be funded by PG&E, or tank recipients, depending on the terms negotiated between the MBUAPCD, PG&E and recipients.

MST has an interest in the CNG tanks, related equipment and fueling port removal process, as substantial repairs and bus yard repaving work will be required. The Air Board staff supports MST’s interest to include CNG related repairs and partial bus yard repaving as part of the equipment removal process.

Approval of this item would authorize staff to negotiate and execute an agreement with the MBUAPCD, PG&E or another interested party for the removal, disposal and/or sale of MST’s CNG storage tanks per MBUAPCD’s requirements. The terms would be required to meet MST’s needs for the adequate removal, repair and partial repaving of the MST bus yard in areas impacted by CNG equipment or the CNG fleet, at no cost to MST.

As a point of clarification, staff will come back to your Board at a future date for authorization to repair the remainder of the TDA/CJW bus parking yards as part of a separate action, as additional yard repairs unrelated to the use of CNG equipment are needed.

Attachments:
MBAPCD letter dated December 13, 2007
List of CNG Fueling Stations, 2007

PREPARED BY: ____________________  REVIEWED BY: ____________________
Michael Hernandez       Carl G. Sedoryk
To: Board of Directors

From: D. Sobotka, Controller

Subject: Capital Budget Transfers: FY 2007

RECOMMENDATION:

Approve budget transfers as detailed in Attachment 1.

FISCAL IMPACT:

A Capital Budget transfer is necessary to recognize a decrease in State Transit Assistance Funds (STAF) of $356,340, an elimination of Federal ITS Earmark funds of $250,000, the addition of Air Pollution Control District (APCD) funds of $15,760 and an increase of Local Transportation Funding (LTF) of $26,000 for MST Fixed-Route BUS for FY 2007.

The entire MST budget remains balanced and funds match expenditures.

Capital Transfers are summarized below:

<table>
<thead>
<tr>
<th>Approved Capital Budget</th>
<th>Proposed Transfers</th>
<th>Proposed Capital Budget Revised</th>
<th>Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>MST Fixed-Route BUS</td>
<td>( $6,277,659 )</td>
<td>( $-(564,580) )</td>
<td>( $5,713,079 )</td>
</tr>
</tbody>
</table>

POLICY IMPLICATIONS:

Approval of these budget transfers would indicate the Board’s desire to accept the LTF adjustment from the Fixed-Route BUS operating budget necessary to balance the Operating Budget for the fiscal year ended June 30, 2007. In addition, the other fund transfers affecting only the Capital Budget are the result of changes in fund availability that occurred during the last fiscal year.
DISCUSSION:

The budget transfer is based upon the addition of LTF to partially replace Federal ITS Earmark funding that never materialized. The addition of $15,760 from APCD for Wi-Fi on Commuter Buses became available from a grant submitted during the last fiscal year. The removal of $356,340 of STAF funding was due to a shortfall in State resources. These changes are listed in Attachment 1.

The Finance Committee met on January 14 to review this transfer, and will report to your Board as appropriate.

Prepared by: ______________________  Reviewed by: _______________________

Dave Sobotka  Carl Sedoryk

Attachments:  1. FY 2007 MST Fixed-Route BUS Capital Budget Revision
# FIXED- ROUTE BUS
## FY 2007 Capital Budget Revision
### February 11, 2008

<table>
<thead>
<tr>
<th>PRIORITY</th>
<th>CAPITAL ITEMS</th>
<th>APPROVED SPENDING BUDGET</th>
<th>REVISED SPENDING TRANSFERS</th>
<th>REVISED SPENDING BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Preventive Maintenance (Included in Operations Budget)</td>
<td>0</td>
<td>(366,340)</td>
<td>1,477,319</td>
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<tr>
<td>2</td>
<td>Bus Lease Payment Fund</td>
<td>1,843,659</td>
<td>0</td>
<td></td>
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<tr>
<td>3</td>
<td>Shelters - South County</td>
<td>0</td>
<td>0</td>
<td></td>
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<tr>
<td>4</td>
<td>Partial Roof Repair/Replacement TDA Admin. Bldg.</td>
<td>50,000</td>
<td>0</td>
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<tr>
<td>5</td>
<td>Replace/Install HVAC @ TDA &amp; CJW</td>
<td>55,500</td>
<td>0</td>
<td></td>
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<tr>
<td>6</td>
<td>Security Improvements-Door swipe cards/Electric gates</td>
<td>250,000</td>
<td>(224,000)</td>
<td>26,000</td>
</tr>
<tr>
<td>7</td>
<td>Mid-life rebuild of 5 2000 Gillig Phantoms</td>
<td>688,500</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>CNG Station Upgrades</td>
<td>100,000</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Replace 900-Series Buses</td>
<td>790,000</td>
<td>0</td>
<td></td>
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<td>10</td>
<td>Marina Transit Exchange</td>
<td>2,500,000</td>
<td>0</td>
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</tr>
<tr>
<td>11</td>
<td>Wi-Fi Commuter buses</td>
<td>0</td>
<td>15,760</td>
<td>15,760</td>
</tr>
<tr>
<td>12</td>
<td>Computers</td>
<td>0</td>
<td>10,000</td>
<td>10,000</td>
</tr>
</tbody>
</table>

**Total Funded**

<table>
<thead>
<tr>
<th></th>
<th>APPROVED REVENUE</th>
<th>REVISED REVENUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Earmark Section 5309</td>
<td>200,640</td>
<td>200,640</td>
</tr>
<tr>
<td>Federal CMAQ</td>
<td>375,000</td>
<td>375,000</td>
</tr>
<tr>
<td>RSTP</td>
<td>419,000</td>
<td>419,000</td>
</tr>
<tr>
<td>ITS Earmark</td>
<td>250,000</td>
<td>(250,000)</td>
</tr>
<tr>
<td>LTF</td>
<td>0</td>
<td>26,000</td>
</tr>
<tr>
<td>APCD</td>
<td>100,000</td>
<td>15,760</td>
</tr>
<tr>
<td>STIP</td>
<td>2,500,000</td>
<td>2,500,000</td>
</tr>
<tr>
<td>STAF</td>
<td>2,433,019</td>
<td>(356,340)</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>6,277,659</strong></td>
<td><strong>(564,580)</strong></td>
</tr>
</tbody>
</table>
To: Board of Directors

From: D. Sobotka, Controller

Subject: FY2008 Budget Transfers

**RECOMMENDATION:**

Approve budget transfers as detailed in Attachment 1.

**FISCAL IMPACT:**

A budget transfer is necessary to recognize additional State Transit Improvement Funds (STIP), State Proposition 1B Bond funds, Fort Ord Redevelopment Authority (FORA) funds and a reduction in State Transportation Authority (STA) funds for the fiscal year.

The net impact is an increase in the total budget by $10,078,379. The entire MST budget remains balanced and revenues match expenses.

**FY 2008 Transfers are summarized below:**

<table>
<thead>
<tr>
<th></th>
<th>FY 08 Budget</th>
<th>Proposed Transfers</th>
<th>Proposed FY 08 Budget Revised</th>
<th>Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fixed-Route BUS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Budget</td>
<td>$23,894,942</td>
<td>$0</td>
<td>$23,894,942</td>
<td></td>
</tr>
<tr>
<td>Capital Budget</td>
<td>$3,114,364</td>
<td>$10,078,379</td>
<td>$13,192,743</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>$27,009,306</td>
<td>$10,078,379</td>
<td>$37,087,685</td>
<td></td>
</tr>
<tr>
<td><strong>MST RIDES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Budget</td>
<td>$1,839,549</td>
<td></td>
<td>$1,839,549</td>
<td></td>
</tr>
<tr>
<td>Capital Budget</td>
<td>$169,950</td>
<td></td>
<td>$169,950</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$2,009,499</td>
<td>$0</td>
<td>$2,009,499</td>
<td></td>
</tr>
<tr>
<td>Total Budget</td>
<td>$29,018,805</td>
<td>$10,078,379</td>
<td>$39,097,184</td>
<td></td>
</tr>
</tbody>
</table>
POLICY IMPLICATIONS:

Approval of these budget transfers would indicate the Board’s desire to continue to operate at the current service levels for the remainder of this fiscal year.

DISCUSSION:

The mid-year budget transfers are based upon six months of revenue and cost experience. No change is projected for the Operating Budgets. Capital revenues and expenditures will increase greatly. These changes are summarized below, and listed in Attachment 1.

Capital Expenditures. Fixed-Route BUS: STA funds of $1,093,015 are being reduced, and STIP of $7,500,000 is being made available from the State for Bus replacement. California Proposition 1B Bond funds of $3,530,005 along with FORA’s additional $141,389 of funding has been set aside for the FJL Monterey Bay Operations Center.

The Finance Committee met on January 14 to review these transfers, and will report to your Board as appropriate.

Prepared by: ______________________  Reviewed by: ___________________
Dave Sobotka  Carl Sedoryk

Attachments:  1. FY 2008 Fixed-Route BUS Capital Budget Transfer
## MONTEREY-SALINAS TRANSIT
Fixed-Route BUS Capital Budget Transfer
**FY 2008**

<table>
<thead>
<tr>
<th>PRIORITY</th>
<th>ORIGINAL DEPT</th>
<th>ORIGINAL BUDGET</th>
<th>2/11/2008 TRANSFER</th>
<th>PROPOSED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FUNDED</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Preventive Maintenance (In Operations Budget)</td>
<td>Maint</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2 Bus Lease Payments</td>
<td>Trans</td>
<td>2,480,514</td>
<td>(1,093,015)</td>
<td>1,387,499</td>
</tr>
<tr>
<td>3 Replace 11 Service Vehicles</td>
<td>Maint</td>
<td>396,000</td>
<td>396,000</td>
<td>396,000</td>
</tr>
<tr>
<td>4 Repair/Upgrade Bus Washers</td>
<td>Maint</td>
<td>150,000</td>
<td>(54,000)</td>
<td>96,000</td>
</tr>
<tr>
<td>5 Replace TDA Main Copy Machine</td>
<td>Admin</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
</tr>
<tr>
<td>6 Replace Portable Hoist - TDA</td>
<td>Maint</td>
<td>48,000</td>
<td>48,000</td>
<td>48,000</td>
</tr>
<tr>
<td>7 Misc Computer Equipment</td>
<td>Admin</td>
<td>14,850</td>
<td>14,850</td>
<td>14,850</td>
</tr>
<tr>
<td>8 Annex Fire Alarm</td>
<td>Admin</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>9 Bus Replacement - Phase 2</td>
<td>Trans</td>
<td>7,500,000</td>
<td>7,500,000</td>
<td>7,500,000</td>
</tr>
<tr>
<td>10 Energy Upgrades</td>
<td>Maint</td>
<td>19,000</td>
<td>19,000</td>
<td>19,000</td>
</tr>
<tr>
<td>11 Monterey Mobility Management Center Improvements</td>
<td>Admin</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
</tr>
<tr>
<td>12 FJL Monterey Bay Operations Center</td>
<td>Trans</td>
<td>3,671,394</td>
<td>3,671,394</td>
<td>3,671,394</td>
</tr>
</tbody>
</table>

| Total Funded | | | | |
| 3,114,364 | 10,078,379 | 13,192,743 |

### FUNDING ESTIMATED TO BE AVAILABLE

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Original Amount</th>
<th>Proposed Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Earmark Section 5309</td>
<td>200,640</td>
<td>200,640</td>
</tr>
<tr>
<td>STIP</td>
<td>0</td>
<td>7,500,000</td>
</tr>
<tr>
<td>CAL Prop 1B Bond</td>
<td>0</td>
<td>3,530,005</td>
</tr>
<tr>
<td>STAF</td>
<td>2,605,622</td>
<td>(1,093,015)</td>
</tr>
<tr>
<td>LTF</td>
<td>308,102</td>
<td>308,102</td>
</tr>
<tr>
<td>FORA Development Fees</td>
<td>0</td>
<td>141,389</td>
</tr>
<tr>
<td>TOTAL</td>
<td>3,114,364</td>
<td>10,078,379</td>
</tr>
</tbody>
</table>
To: Board of Directors

From: D. Sobotka, Controller

Subject: Audited Financial Reports for FY 2007

RECOMMENDATION:

Accept the audited financial results for FY 2007 as prepared by Vavrinek, Trine, Day & Co.

POLICY IMPLICATIONS:

The annual financial reports are prepared and issued in accordance with state and federal regulations.

FISCAL IMPACT:

None.

DISCUSSION:

MST staff prepared and submitted the following reports as part of our annual audit process:

1. State Financial Reports to the State Controller.


4. State Transportation Development Act Compliance Report (Attachment #1)

The State Financial Reports and the Federal Financial Report were submitted prior to their required deadlines. The State Compliance Report and the Federal Single Audit are due by the end of FY 2008. The detail reports are available for review upon request.
State and Federal Financial Reports (Items 1 and 2)

Comparative Financial Results. The first table below compares the audited "bottom lines" for the past three years for Fixed Route BUS, and the second table compares "bottom lines" for MST RIDES:

<table>
<thead>
<tr>
<th>Fixed Route BUS –</th>
<th>FY 2005</th>
<th>FY 2006</th>
<th>% Change</th>
<th>FY 2007</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger Revenue</td>
<td>$ 4,612,486</td>
<td>$ 5,660,573</td>
<td>22.7%</td>
<td>$ 6,289,281</td>
<td>11.1%</td>
</tr>
<tr>
<td>Expense</td>
<td>$17,074,778</td>
<td>$19,401,817</td>
<td>13.6%</td>
<td>$21,270,636</td>
<td>9.6%</td>
</tr>
<tr>
<td>Farebox Recovery Ratio</td>
<td>27%</td>
<td>29%</td>
<td></td>
<td>30%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MST RIDES -</th>
<th>FY 2005</th>
<th>FY2006</th>
<th>%Change</th>
<th>FY2007</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger Revenue</td>
<td>174,087</td>
<td>156,394</td>
<td>-10.2%</td>
<td>159,095</td>
<td>1.7%</td>
</tr>
<tr>
<td>Expense</td>
<td>1,884,808</td>
<td>1,628,330</td>
<td>-13.6%</td>
<td>1,491,999</td>
<td>-8.4%</td>
</tr>
<tr>
<td>Farebox Recovery Ratio</td>
<td>9%</td>
<td>10%</td>
<td></td>
<td>11%</td>
<td></td>
</tr>
</tbody>
</table>

Federal Single Audit Report and State Compliance Report (Items 3 and 4)

The Single Audit covering Federal rules, regulations, and requirements is enclosed as a Handout. It found no material weaknesses nor did MST fail to comply in all material respects with the many Federal rules, regulations, and requirements. The State Compliance Audit (Attachment #1) found no violations of the State Transportation Development Act.

Prepared by: ______________________  Reviewed by: ___________________
Dave Sobotka                                Carl Sedoryk
To:       Board of Directors  
From:    L. Owens, Director of Human Resources  
Subject: Revised Drug and Alcohol Policy  

RECOMMENDATION:  

Approve the revised Anti-Drug Abuse and Alcohol Misuse Program Policy.  

FISCAL IMPACT:  

None.  

POLICY IMPLICATIONS:  

Your Board approves changes to this policy. This action complies with Federal Transit Administration (FTA) regulations and enables MST to receive federal funds.  

DISCUSSION:  

FTA requires Monterey-Salinas Transit to amend the Anti-Drug Abuse and Alcohol Misuse Program Policy once changes are made to the program, get approval from the Board of Directors and distribute to all members of the Agency.  

Your Board approved an amended Drug and Alcohol Policy in November of 2007. Since that date, Monterey-Salinas Transit has contracted with a new vendor, Pinnacle Health Care that will provide additional resources for specimen collection and testing for drug and alcohol. MST will, in addition, change the criteria testing for post accident/collision that strictly meets the FTA criteria, (CFR 49 Part 655 Code of Regulations). In November 2007, MST awarded a contract to a new drug & alcohol program third party administrator, Preferred Alliance, therefore adding a new Medical Review Officer. Should any member of the Board or public wish to receive the full text of this document; it is available from the Human Resources Department at any time.  

PREPARED BY: Lyn Owens  
REVIEWED BY: Carl G. Sedoryk  

ATTACHMENTS 1-4 (changes noted in bold underlined print)
Monterey-Salinas Transit

ANTI-DRUG ABUSE &
ALCOHOL MISUSE PROGRAM

IN

COMPLIANCE WITH THE
UNITED STATES
DEPARTMENT OF TRANSPORTATION

(CFR 40 and 655)

September 1, 2001
AMENDED February 11, 2008
I. **POLICY STATEMENT**

Monterey-Salinas Transit recognizes that drug abuse and alcohol misuse in today’s society is a very serious problem, which has also found its way into the workplace. Monterey-Salinas Transit also recognizes the significant threat that a drug and/or alcohol-impaired “EMPLOYEE,” as defined in CFR 40 and Part 655, working in the transportation industry can pose to the safety of him/herself, of his/her co-workers and the general public.

**Purpose:**

In order to address the safety threat presented by the problem of drug abuse and/or alcohol misuse in the transportation industry, the Department of Transportation has established extensive regulations requiring drug and alcohol testing under certain circumstances. In light of the above, Monterey-Salinas Transit has adopted this Anti-Drug Abuse & Alcohol Misuse Program to specify the circumstances under which drug and/or alcohol testing will be required, the procedures for conducting such testing and the methods and procedures for complying with Department of Transportation, rules and regulations.

All EMPLOYEE(S) listed in Section III, are EMPLOYEE(S) that are considered to be in safety sensitive positions. EMPLOYEE(S) in these positions are required to participate in this program as part of employment conditions with Monterey-Salinas Transit.

**Objective:**

Monterey-Salinas Transit’s Program is designed to create an alcohol/drug-free workplace. This Program has been developed in compliance with Department of Transportation rules and regulations in a manner that ensures accurate and reliable test results, and thereby eliminates the possibility of any “false positives.” This Program also contains procedures designed to recognize and respect the dignity and privacy of all our EMPLOYEES. Monterey-Salinas Transit also has information to appropriate resources designed to help those individuals who are desirous of treating such problems.

**General:**

Alcohol, when consumed in quantity producing physical or mood altering effects it becomes substance abuse. Alcohol has the following effects on operating a vehicle: Slurred speech, Aggressiveness, Blackouts, Tunnel vision, Slowed reaction time, Impaired judgment, Nausea, Hostility, Drowsiness, Coma, Increased Tolerance Levels, Distorted Sense of Time and Distance, Memory Loss, Unsteadiness, Odor of Alcohol, Incoherent, Short Attention Span, Blurred or Distorted Vision. Signs and symptoms of alcohol use and misuse are very similar to other prohibited drugs.
II. DEFINITION OF TERMS

A. MST means a person or business entity operating under the authority of Monterey-Salinas Transit.

B. CONTRACTOR, means any individual or business entity with whom MST contracts to perform an operating function as regulated by CFR 40 and Part 655, for MST as an independent CONTRACTOR or SUBCONTRACTOR. Both CONTRACTOR and the CONTRACTOR’S EMPLOYEES are deemed EMPLOYEES of MST. Except where specifically referred to as CONTRACTOR, the term “MST” shall mean MST and the CONTRACTOR.

C. CONTRACTOR, acknowledges under the authority of CFR 40 and Part 655 that MST remains responsible for ensuring that the requirements of CFR 40 and Part 655 are complied with; and that the CONTRACTOR must allow MST access to all property and records for the purpose of monitoring the CONTRACTOR’S compliance with the requirements, thereby ensuring MST’s compliance with the Department of Transportation.

D. MEDICAL REVIEW OFFICER, (MRO), means a licensed physician responsible for receiving laboratory results generated by MST’s drug testing plan who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his/her medical history and any other relevant information.

E. REPORTING OF TEST RESULTS means that the MRO shall communicate test results to MST by contacting the Drug and Alcohol Program Manager.

F. DEPARTMENT OF TRANSPORTATION, (DOT), means the United States Department of Transportation.

G. DOT PROCEDURES, means the “Procedures for Transportation Work Place Drug Testing Programs” published by the Office of Secretary of Transportation in Part 40 of 49 CFR.

H. DOT REGULATIONS, means the Alcohol and Controlled Substances Testing Regulations published by the Office of the Secretary of Transportation.


J. SUBSTANCE ABUSE PROFESSIONAL, (SAP), means Substance Abuse Professional, licensed physician, medical doctor or doctor of Osteopathy, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of
Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorder.

K. **DRUG AND ALCOHOL PROGRAM MANAGER, (DAPM),** means Drug and Alcohol Program Manager, the primary individual who is in charge of the Drug and Alcohol Program for MST.

III. **SCOPE**

A. **SAFETY SENSITIVE EMPLOYEES UNDER THIS PROGRAM**

"SAFETY SENSITIVE" means an EMPLOYEE who is required by their job description to have a Class "B" Commercial Driver’s License (CDL); operates a motor vehicle weighing over 26,000 pounds; and/or is designed to carry 16 passengers or more including the driver; or carries a hazardous placard. SAFETY SENSITIVE EMPLOYEES are regulated by CFR 40 and Part 655. This individual may be engaged by MST, be a CONTRACTOR engaged by MST, or be employed by the CONTRACTOR. Thus, all contract personnel, including SUBCONTRACTORS and anyone employed by a SUBCONTRACTOR, who performs safety sensitive work, comes within the EMPLOYEE definition.

1. To simplify, the following positions are subject to drug & alcohol testing as outlined in the Program:

   Any EMPLOYEE who is required by their job description to have a Class "B" Commercial Driver’s License (CDL); operates a motor vehicle weighing over 26,000 pounds; that operates a motor vehicle and/or is designed to carry 16 passengers or more including the driver; or drives a motor vehicle displaying a hazardous placard, and/or;

   Performs the following “safety sensitive” functions as part of their job description and/or duties:

   - Operate revenue service vehicles including when not in revenue service.
   - Operate non-revenue service vehicles that require drivers to hold Commercial Driver’s Licenses.
   - Dispatch or control revenue service vehicles.
   - Maintain revenue service vehicles equipment used in revenue service, except for contractors to section 18 (49 U.S.C. 5331) transit agencies

   - Provide security *and* carry a firearm.
   - Supervisors who perform any of the above functions.

The following is a list of Safety-Sensitive job functions at Monterey-Salinas Transit.
Chief Operating Officer
Director of Transportation Services
Communications Systems Manager
Communication Systems Specialist
Operations Analyst
Senior Operations Supervisors
Operations Supervisors
Coach Operators
DOT Instructors
Contract Services Manager
Risk & Security Manager
Safety/Training Officer
Fleet Manager
Facilities Supervisor
Sr. Utility Service Persons
Maintenance Supervisors
Mechanics
Utility Service Persons
ITS Technician

All EMPLOYEES will be provided with a copy of the Program at the time they are hired. MST will also make copies of the Program available to any employee upon request.

2. CONTRACTOR COMPLIANCE

All CONTRACTOR(S) shall maintain compliance with CFR 40 and Part 655 and the basic content of this document and shall be inspected semi-annually by MST’s Program Manager. Where the CONTRACTOR(S) own policy differ, it must still maintain the minimum requirements of the CFR 40 AND PART 655.

B. PROHIBITED DRUGS

The presence in the body, possession, use, distribution, dispensing, and/or unlawful manufacture of prohibited drugs is prohibited while conducting MST business; while in work areas; in MST vehicles on or off MST premises. No EMPLOYEE will work under the influence of prohibited drugs.

Prohibited drug means any of the following substances:

Marijuana (THC)
Opiates
Cocaine
Phencyclidine (PCP)
Amphetamines

Any EMPLOYEE in violation of these prohibitions shall be immediately relieved from duty and shall be subject to appropriate disciplinary action in accordance with Section IX, DISCIPLINE.

C. **PRESCRIBED MEDICATION**

EMPLOYEE(S) need not reveal any medication that he/she may be taking or may have recently taken, however, the EMPLOYEE may provide that information to the MRO as part of the medical interview following a positive report from the Laboratory to the MRO. As part of the medical interview, the MRO may request the EMPLOYEE identify the physician prescribing the medication and authorize the MRO to communicate with that physician about the medication, it's possible side effects, the condition requiring taking the medication, and the medication's relationship to the ability to safely perform his/her job. Prior to making a final decision to verify a positive test result, the EMPLOYEE will have the opportunity to discuss the use of the medication with the MRO.

In the event it is determined by the MRO that an EMPLOYEE is taking or is under the influence of a prescribed medication that will reasonably impair the ability to safely and adequately perform his/her job, the EMPLOYEE will be placed on a medical leave of absence until the condition requiring the taking of the medication is resolved or the EMPLOYEE is no longer taking the medication.

D. **REFUSAL TO SUBMIT TO TESTING**, means any EMPLOYEE or applicant who:

1. refuses to take a required drug and/or alcohol test;
2. without a legitimate reason fails to report to the Collection Site;
3. without a medical reason fails to provide an adequate specimen of a minimum amount of 45 milliliters or an adequate breath sample for alcohol testing; or
4. fails to cooperate with the collection process at the Collection Site; or
5. fails to arrive within the allotted time to the Collection Site.

E. **FAIL A DRUG OR ALCOHOL TEST OR TEST POSITIVE**, means that the Confirmation Test result shows positive evidence of the presence of a prohibited drug or blood alcohol concentration in the or applicant’s system. See Section IV, A, 2., PROHIBITED BEHAVIOR, for specific alcohol tolerance levels.

F. **PASS A DRUG OR ALCOHOL TEST OR TESTS NEGATIVE**, means that initial testing or performance by the Substance Abuse & Mental Health Services Agency (SAMHSA, formerly National Institute of Drug Abuse, NIDA) certified lab, which is Federally Registered & approved, does not show evidence of the presence of a prohibited drug in the / applicant’s system.
For Alcohol Testing: this means the initial or confirmation test shows a blood alcohol concentration or less than .02 BAC. See Section IX, H. for specific alcohol tolerance levels.

IV. QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED BEHAVIOR

A. PROHIBITED BEHAVIOR

1. The DOT under the Federal Transit Administration, prohibits MST or a CONTRACTOR from using any EMPLOYEE, CONTRACTOR, or an EMPLOYEE of the CONTRACTOR, or a SUBCONTRACTOR of the CONTRACTOR whom: Fails a drug test which is confirmed as positive by the MRO, or who refuses to take a drug test, or knowingly allows the use, sale, possession, manufacture or distribution of prohibited drugs by its EMPLOYEES at any time.

   Further, no EMPLOYEE may work under the influence of prohibited drugs.

2. ALCOHOL CONCENTRATION – No EMPLOYEE:

   ▪ shall report to work or remain on duty in a safety sensitive position or function while having an alcohol concentration of .04 or greater.
   ▪ having an alcohol concentration of .02 or greater but less than .04 must not perform any safety sensitive functions for a minimum of 24 hours.
   ▪ shall remain on duty or operating a commercial motor vehicle while the EMPLOYEE possesses any alcohol except if the alcohol is manifested and is being transported as part of a shipment.
   ▪ shall use or consume alcohol while performing a safety sensitive function
   ▪ shall use or consume alcohol within eight * (8) hours before performing a safety sensitive function
   ▪ required to take a post-accident alcohol shall not consume alcohol after eight* (8) hours after an accident, or until the EMPLOYEE has taken the post-accident test, which ever occurs first.
   ▪ shall remain on duty or perform any safety sensitive functions if that EMPLOYEE has tested positive for alcohol

   * Pursuant to MST’s choice and authority.

   See Section IX. H., for specific tolerance levels.

B. DISQUALIFICATION

Any EMPLOYEE who tests positive or refuses to submit to any chain of custody collection procedure, drug or alcohol testing will be immediately relieved from duty without pay and is subject to discipline up to and including termination.
V. **DRUG AND ALCOHOL TEST(S) REQUIRED**

A. **PRE-EMPLOYMENT**

All applicants for initial employment, subsequent re-employment, or temporary employment in safety-sensitive positions with MST (see Section III. A.) must successfully pass a Pre-Employment Drug Test prior to working in a safety-sensitive position. All applicants will be notified at the time they complete a job application, that they will be required to submit to a drug test, if they are considered otherwise qualified for employment and that they will submit to the terms and conditions of this Program if they are ultimately hired.

All current EMPLOYEES transferring or being transferred from a non-safety-sensitive position to a safety-sensitive position must successfully pass a Pre-Employment Drug Test prior to assuming a safety-sensitive position. MST may not use any EMPLOYEE hired by a CONTRACTOR who does not pass a Pre-Employment drug test.

No applicant or transferring EMPLOYEE will be hired into a safety-sensitive position unless he/she passes a Pre-Employment Drug Test (see Section IX, A, PRE-EMPLOYMENT).

B. **POST-ACCIDENT**

As soon as possible, but no later than 32 hours for drugs and 8 hours for alcohol, after an accident, MST will test each EMPLOYEE or supervisor whose performance either contributed to an accident or cannot be completely discounted as a contributing factor to the accident.

All reasonable steps will be taken to obtain a urine specimen for drugs from an EMPLOYEE after an accident. In the case of a conscious but hospitalized EMPLOYEE, MST will request that the hospital or medical facility obtain a specimen, following proper Chain-of-Custody and, if necessary, MST will refer the hospital or medical facility to the DOT Drug Testing Requirements provided in CFR 40.

If an EMPLOYEE is unconscious and otherwise unable to evidence consent to a Post-Accident Drug Test, after the condition is stabilized, the hospital or medical facility shall collect a specimen in compliance with the Chain-of-Custody and guidelines provided in CFR 40, and the hospital or medical facility shall retain the specimen, preferably in frozen storage, until the EMPLOYEE has regained consciousness.

If an EMPLOYEE who is subject to Post-Accident Drug & Alcohol testing is conscious, able to urinate normally (in the opinion of a medical doctor/physician)
and refuses to be tested, that EMPLOYEE shall be relieved from his/her safety-sensitive position and shall be subject to discipline according to Section IX., C.,

POST-ACCIDENT.

For purposes of this Program and in compliance with the Federal Transit Administration, an accident/collision is defined as one of the following:

Must perform a DOT post-accident test when there is an occurrence associated with the operation of a mass transit vehicle, if as a result:

1. An individual dies; or

2. An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or

   ("individual" refers to a transit employee, pedestrian, passenger on the mass transit vehicle or person in the other vehicle(s))

3. A vehicle (including non-transit vehicle) incurs disabling damage the result of the occurrence and a vehicle is transported away from the scene by a tow truck or another vehicle.

An EMPLOYEE required to take a post-accident alcohol shall not consume alcohol after eight (8) hours after an accident, or until the EMPLOYEE has taken the post-accident test, which ever occurs first.

The EMPLOYEE may be but on leave but not due to waiting the results of the drug test.

MST POLICY

If the accident (collision/incident) does not meet the FTA (DOT) testing criteria, MST reserves the right to perform a non-FTA (DOT) test on any safety sensitive or non safety sensitive EMPLOYEE after any accident/collision regardless of the severity of the accident.

C. RANDOM

All EMPLOYEES, including temporary, limited and seasonal, who perform work for MST in a safety-sensitive position will be subject to Random Drug and/or Alcohol Testing at any time with no advance notice. The random selection process will ensure each EMPLOYEE the same fair and equal chance of being selected.
MST or its agents will perform the random selections and transmit this information to the MST’s Drug and Alcohol Program Manager. The MST’s Program Manager then selects the day and time for the EMPLOYEE is to be tested. Upon notification, the EMPLOYEE shall report to the Collection Site immediately.

To ensure the selection process is completely random, all full-time, part-time, temporary, limited and seasonal EMPLOYEES will be in a common pool. EMPLOYEES will be selected for Random Drug and/or Alcohol Testing by an anonymous, objective selection criteria (computer-based random number generator) matched with a social security number, and all EMPLOYEES will have an equal chance of being selected. Because each random sampling selects from the total pool of EMPLOYEES, it is conceivable that an EMPLOYEE could be tested more than once each year. The random computer selection procedure will be by the social security number.

Random Drug Testing will be administered for the year at a rate equal to 25 percent of the total pool of EMPLOYEES. The number of EMPLOYEES to be tested for each month will be calculated by taking the total number of EMPLOYEES in the pool dividing that number by 25% and dividing that subsequent number by 12 for the monthly selection for testing.

Random Alcohol Testing will be administered for the year at a rate equal to 10 percent of the total pool of EMPLOYEES. The number of EMPLOYEES to be tested for each month will be calculated by taking the total number of EMPLOYEES in the pool dividing that number by 10% and dividing that subsequent number by 12 for the monthly selection for testing.

The selection procedure will exceed the required testing percentage for the twelve-month period in order to reach the appropriate testing level during each test period.

EMPLOYEES are to be randomly drug and/or alcohol tested when they are scheduled to work. Generally, this means just before the EMPLOYEE is to perform, while the EMPLOYEE is performing, or just after the EMPLOYEE has ceased performing such functions that day.

On Duty Time is defined as: All the time from the time the driver begins to work or is required to work or is required to be in readiness for work until he/she is relieved from work and all the responsibility for performing work. On Duty Time shall include all the time spent providing a breath sample or urine sample, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post accident or follow up testing required to.

EMPLOYEES will not be tested whenever not scheduled to work that day which includes those who are on scheduled vacation or have reported in sick.
If an EMPLOYEE tests positive in a Random Drug Test, his/her discipline will be handled according to Section IX., D., RANDOM.

See Section IX.,H., for specific alcohol tolerance levels.

D. REASONABLE SUSPICION

MST will require a Reasonable Suspicion drug & alcohol test for an EMPLOYEE when there is a reasonable and articulated belief that the EMPLOYEE is using or under the influence of a prohibited drug on the basis of specific, contemporaneous physical, speech, behavioral or performance. An EMPLOYEE displaying unusual behavior, speech or alcohol odors are indicators of probable alcohol use.

These observations must be made just preceding, during, or just after the period of the workday that the employee performed a safety-sensitive function.

For instance, evidence of repeated errors on the job regulatory or MST rule violations, unsatisfactory attendance or punctuality patterns, if coupled with a specific contemporaneous event that indicates probable drug and/or alcohol use, could provide Reasonable Suspicion to test an EMPLOYEE. Any MST supervisor trained in a reasonable suspicion class as outlined by the FTA, in a confidential manner, order the EMPLOYEE to submit to reasonable suspicion drug and alcohol test.

The EMPLOYEE shall be immediately relieved from their safety sensitive positions/functions for any Reasonable Suspicion Drug and Alcohol testing.

A written report describing the condition will be completed, dated and signed by the supervisor who substantiated this Reasonable Suspicion report. Copies of the report must be made available to the EMPLOYEE upon request.

Third party reports that an EMPLOYEE is impaired in his duties due to the possible use of prohibited drugs and/or consumption/use of alcohol, shall not constitute Reasonable Suspicion, but may be cause for the observation of the EMPLOYEE.

MST will transport the EMPLOYEE to an appropriate Collection Site facility as soon as possible, but within two (2) hours and await the completion of the collection procedure. MST will exercise a variety of methods to ensure that the EMPLOYEE does not drive to his/her home. Failure by the EMPLOYEE to cooperate in the Reasonable Suspicion procedures will result in disciplinary actions up to and including termination.
While waiting for the drug test results, that EMPLOYEE must be relieved from his/her safety-sensitive position until the drug test results are confirmed negative for prohibited drugs. If the EMPLOYEE cannot be placed in a non-sensitive position during this time, the EMPLOYEE will be off work with pay.

Alcohol test results will be known immediately. An alcohol test must be performed and the test result is below .02, before the EMPLOYEE can return to perform in a safety sensitive function. See Section IX., H., for specific alcohol tolerance levels.

If the EMPLOYEE tests positive, his/her discipline shall be subject to disciplinary action in accordance with, Section IX., B., REASONABLE SUSPICION.

If the EMPLOYEE tests negative, the EMPLOYEE may return to work in a safety-sensitive position.

E. RETURN TO DUTY TEST (Not applicable under MST’s current Zero Tolerance rule established and approved by the Board of Directors on May 13, 2002).

A Return to Duty drug & alcohol test is required for an EMPLOYEE when he/she has been previously tested positive for using a prohibited drug or alcohol misuse. If the EMPLOYEE tests positive, the employee will not be allowed to return to work and will be terminated from employment. If the EMPLOYEE tests negative, the EMPLOYEE may return to work in a safety-sensitive position. See Section IX., H., for specific alcohol tolerance levels.

F. FOLLOW UP (Not applicable under MST’s current Zero Tolerance rule established and approved by the Board of Directors on May 13, 2002).

Follow Up testing for drug and/or alcohol is required for an EMPLOYEE when he/she has been previously tested positive for using a prohibited drug or alcohol misuse.

Follow Up Testing is determined by the SAP and if necessary with the MRO, as described in Section VIII. If the EMPLOYEE tests positive at any time during the follow up testing, he/she will be immediately relieved and will be terminated from employment. See section IX, E., FOLLOW UP. See Section IX, H., for specific alcohol tolerance levels.

G. REFUSAL TO SUBMIT/INSUBORDINATION

Any EMPLOYEE who refuses to submit to any drug and/or alcohol test required under this Program would be treated as if he/she had tested positive in any such
test. The discipline shall be subject to Section IX., E., REFUSAL TO SUBMIT/INSUBORDINATION.

Refusal to submit shall include: (1) Failure of EMPLOYEE to report to Collection Site without a legitimate reason; (2) Failure to provide an adequate specimen/breath sample, without a legitimate medical reason; (3) refusal of MST’s initial request to submit to any required drug and/or alcohol testing; and (4) refusal to provide a specimen and/or breath sample, and/or cooperate with the collection process at the Collection Site.

1. **FAILURE OF EMPLOYEE TO REPORT TO COLLECTION SITE**

If an EMPLOYEE fails to appear for a scheduled collection, the Collection Site Personnel shall immediately notify MST’s Program Manager by telephone, who in turn shall immediately contact the supervisor.

The Supervisor shall initiate appropriate disciplinary action in accordance with Section IX., E., REFUSAL TO SUBMIT/INSUBORDINATION.

2. **EMPLOYEE REFUSAL TO PROVIDE SPECIMEN AND/OR A BREATH SAMPLE, AT THE COLLECTION SITE**

In the event an EMPLOYEE refuses to provide a specimen and/or a breath sample, the following procedures shall apply:

   a. The EMPLOYEE shall be informed by the Collection Site Personnel that:
      (1) MST’s Program Manager or designate will be contacted; and
      (2) He/She is to report back to the work site supervisor and await further instructions.

   b. The Collection Site Personnel shall immediately notify MST’s, Program Manager by telephone and document the refusal in writing on the Chain-of Custody form and/or Breath Alcohol test form.

   c. The Drug and Alcohol Program Manager shall notify the supervisor of the refusal to provide specimen and/or a breath sample at the collection site. The supervisor shall initiate appropriate disciplinary action in accordance with Section IX., E., REFUSAL TO SUBMIT/INSUBORDINATION.

3. **FAILURE OF EMPLOYEE TO PROVIDE AN ADEQUATE SPECIMEN**

If the EMPLOYEE fails to provide a sufficient quantity of urine, at least 45 milliliters, the following procedures shall apply:
a. The EMPLOYEE shall remain at the Collection Site and be given a reasonable period of time to provide a specimen. As a standard rule, the EMPLOYEE will be allowed up to three (3) hours from the time the 1st specimen is collected. No more than 40oz of fluids over the three-hour period, whichever is later.

b. Employees shall be instructed to drink fluids to facilitate urination. During the waiting period, the EMPLOYEE will remain at the Collection Site under supervision at all times.

c. If at the end of the waiting period if the EMPLOYEE still cannot provide a specimen of sufficient quantity, this inability shall be recorded by the Collection Site Personnel on the Chain-of-Custody form as failure to provide a specimen. Collection personal will contact the authorized company representation for instructions.

d. A physician (not the MRO) will evaluate the employee for possible physical reasons for not providing an adequate urine specimen for drug testing – and will notify the company representative of the evaluation.

e. A physician (not the MRO) will evaluate the employee for possible physical reasons for not providing an adequate breath sample for alcohol testing – and will notify the company representative of the evaluation.

f. If the physician finds no possible physical reasons for the EMPLOYEE not providing an adequate urine specimen drug testing, and/or breath sample for alcohol testing. MST’s Program Manager shall contact the supervisor. The supervisor shall initiate appropriate disciplinary action in accordance with Section IX., E., REFUSAL TO SUBMIT/INSUBORDINATION.

4. EMPLOYEE REFUSAL TO SUBMIT TO TESTING

a. Any EMPLOYEE who refuses MST’s initial request to submit to any required drug and/or alcohol test is in violation of this policy and will be considered the same as testing positive.

b. The EMPLOYEE will be immediately removed from his/her safety-sensitive position and shall be subject to disciplinary action in accordance with Section IX., E., REFUSAL TO SUBMIT/INSUBORDINATION.

VI. SPECIMEN COLLECTION PROCEDURES
A. URINE SPECIMEN COLLECTION

Any EMPLOYEE instructed to undergo a drug test will be required to provide a urine specimen at a designated Collection Site. In order to ensure integrity of the specimen collection procedure, a standard Urine Custody and Control form will be used. This form shall be checked and completed by the EMPLOYEE and the Collection Site Personnel. The form will be forwarded along with the urine specimen to a designated laboratory, which will conduct the actual drug test. The Laboratory will then forward a copy of the Urine Custody and Control form to the MRO, who will review it when analyzing test results. MST will retain a copy of the Urine Custody and Control form for each drug test it conducts. Every person who handles or otherwise comes into contact with the urine specimen shall complete the Chain-of-Custody portion of the Urine Custody and Control form.

All urine will be collected in a clean, single-use specimen bottle that is securely wrapped until filled with the specimen. A clean single-use collection container (e.g., disposable cup or sterile urinal) that is securely wrapped until used may also be employed. If urination is directly into the specimen bottle, the specimen bottle shall be provided to the EMPLOYEE still sealed in its wrapper or shall be unwrapped in the presence immediately prior to its being provided. If a separate collection container is used for urination, the collection container shall be provided to the EMPLOYEE still sealed in its wrapper or shall be unwrapped in the presence immediately prior to its being provided; and the Collection Site Person shall unwrap the specimen bottle in the presence of the EMPLOYEE at the time the urine specimen is presented.

B. COLLECTION PROCEDURES

1. DESIGNATED COLLECTION SITES

MST will utilize an approved Collection Site which will have the personnel, materials, equipment, facilities, and supervision necessary to provide for the collection, security, temporary storage, and shipping of urine specimens to a DHHS-certified laboratory for testing, in a manner consistent with the requirements of the CFR, Part 40.

See Attached Collection site listing.

2. ALTERNATIVE COLLECTION SITES
If one of MST’s designated Collection Site facilities cannot be used to collect a specimen (e.g., a Post-Accident test in a distant location), MST and/or the EMPLOYEE will attempt to use another Collection Site facility which is familiar with collection procedures under CFR 40. In the event an alternative Collection Site familiar with requirements of CFR 40 is not available, the urine specimen must still be collected in a secure manner, described below:

a. Procedures shall provide for the Collection Site to be secure. If a Collection Site facility is dedicated solely to urine collection, it shall be secure at all times. If a facility cannot be dedicated solely to drug testing, the portion of the facility used for testing shall be secured during drug testing.

b. A facility normally used for other purposes, such as a public rest room or hospital examining room, may be secured by visual inspection to ensure other persons are not present and undetected access (e.g., through a rear door not in the view of the Collection Site Person) is not possible. Security during collection may be maintained by effective restriction of access to collection materials and specimens. In the case of a public rest room, the facility must be posted against access during the entire collection procedure to assure privacy to the EMPLOYEE and eliminate any distractions of the Collection Site Person.

c. If it is impractical to maintain continuous physical security of a Collection Site from the time the specimen is presented until the sealed mailer is transferred for shipment, the following minimum procedures in the collection of a urine specimen shall apply. The specimen shall remain under the direct control of the Collection Site Person from delivery to its being sealed in the mailer, maintained in secure storage, or remain until mailed under the personal control of the Collection Site Person.

3. INDIVIDUAL PRIVACY

Collection procedures allow urine specimens to be provided by the EMPLOYEE in private, unless there is reason to believe that the EMPLOYEE may alter or substitute the specimen, as set forth below:

a. CIRCUMSTANCES REQUIRING DIRECT OBSERVATION

A second specimen of urine will be obtained as soon as possible under the direct observation of a same gender Collection Site Person whenever there is reason to believe that a particular donor has altered or substituted the specimen under the following circumstances:
(1) The donor has presented a specimen which falls outside the allowable temperature ranges (32.5 to 37.7 degrees Celsius or 90.5 to 99.8 degrees Fahrenheit), and

(a) The donor declines to provide a measurement of oral body temperature, or

(b) The donor’s oral body temperature varies by more than 1 degree Celsius or 1.8 degrees Fahrenheit, from the temperature of the specimen.

(2) The Collection Site Person observes donor conduct clearly and unequivocally indicating an attempt to substitute or adulterate the specimen.

When it is necessary to collect a second specimen of urine, the donor may find it difficult to immediately give another specimen. In such cases, the donor is to remain at the designated Collection Site (in no event longer than three hours or until the EMPLOYEE has provided a specimen. The EMPLOYEE will be given fluid to drink. No more than 40oz. over a three (3) hour period.

b. CIRCUMSTANCES WHEN DIRECT OBSERVATION OF COLLECTION WILL BE OPTIONAL

Under certain circumstances collection of a second specimen of urine may be required. A collector of the same gender as the donor will observe this second collection of urine if a higher-level supervisor of the Collection Site Person, MRO, or a designated MST management official have reviewed and concurred in advance with any decision by the Collection Site Person to obtain a specimen under direct observation. The circumstances are as follows:

(1) the last urine specimen provided by the donor on a previous occasion was determined by the NIDA certified laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2 g/L, or

(2) the donor has tested positive in a prior drug test and the particular test being conducted was either a Return-to-Duty Test or an unannounced Follow-Up Test (post-rehabilitation).

4. SPECIMEN INTEGRITY AND IDENTITY

MST, the EMPLOYEE and the Collection Site shall take appropriate precautions to preserve the integrity and identity of the urine specimen by ensuring that it is not adulterated or diluted during the collection procedure and that the urine
specimen tested is that of the Person from whom it was collected. Collection Site Personnel will be responsible for maintaining the integrity of the specimen collection and transfer process, but EMPLOYEES shall cooperate with Collection Site Personnel.

To deter the dilution of specimens at the Collection Site, toilet-bluing agents shall be placed in toilet tanks wherever possible, so the reservoir of water in the toilet bowl always remains blue. Where practicable, there shall be no other source of water (e.g., no shower or sink) in the enclosure where urination occurs. If there is another source of water in the enclosure, it shall be effectively secured or monitored to ensure it is not used to dilute the specimen.

When an EMPLOYEE arrives at the Collection Site, the Collection Site Personnel shall ensure that the EMPLOYEE is positively identified as the EMPLOYEE selected for testing through presentation of photo identification. If the individual’s identity cannot be established, the Collection Site Personnel shall not proceed with the collection. If the EMPLOYEE requests, the Collection Site Personnel shall show his/her identification to the EMPLOYEE.

5. COLLECTION CONTROL

The Collection Site Person shall keep the individual's specimen bottle within sight both before and after the EMPLOYEE has urinated. After the specimen is collected, it shall be properly sealed and labeled. The Urine Custody and Control form shall be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen.

The date and purpose shall be documented on an approved Chain-of-Custody form each time a specimen is handled or transferred and every EMPLOYEE in the chain shall be identified. Every effort shall be made to minimize the number of persons handling specimens.

6. TRANSPORTATION TO LABORATORY

Collection Site Personnel shall arrange to ship the collected specimens to the Drug Testing Laboratory. The specimens shall be placed in a container designed to minimize the possibility of damage during shipment (e.g., specimen boxes and/or padded mailers), and those containers shall be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the container, Collection Site Personnel will enter the date the specimen was sealed in the containers for shipment. The Collection Site Person shall ensure that the Chain-of-Custody documentation is attached to each container sealed for shipment to the Drug Testing Laboratory.

7. FAILURE TO COOPERATE
If the EMPLOYEE refuses to cooperate during the collection process (e.g., refusal to provide a complete specimen, complete paperwork, initial specimen etc.), the Collection Site Person shall inform MST and shall document the non-cooperation on the Urine Custody and Control form.

Any EMPLOYEE required to provide a urine specimen shall complete any necessary forms required by the Collection Site or MST, including those authorizing the disclosure of test results to MST. Failure or refusal to do so will result in the EMPLOYEE being relieved from his/her safety sensitive position and be subject to disciplinary action in accordance with Section IX., E., REFUSAL TO SUBMIT/INSUBORDINATION.

8. **EMPLOYEES REQUIRING MEDICAL ATTENTION**

If the specimen is being collected from an EMPLOYEE in need of medical attention (e.g., as part of a Post-Accident test given in an emergency facility), necessary medical attention will not be delayed in order to collect the specimen. For additional information on collection procedures for injured EMPLOYEES, see Section V., B., POST-ACCIDENT.

B. **ALCOHOL TESTING**

Alcohol testing shall be conducted using an Evidentiary Breath Testing (EBT) device as approved by the National Highway Traffic Safety Administration (NHTSA) and listed on their Conforming Products List. Two breath tests are required to determine if a person has a prohibited alcohol concentration.

A screening test is conducted first. Any result with alcohol concentration less than 0.02 are considered a "negative" test and no further testing is required.

Alcohol concentration of .02 or greater requires that a second test (confirmation test) must be conducted fifteen (15) minutes after the initial test. The confirmation test must be conducted using a EBT device that prints the test results, date and time the procedure was performed. The EBT also prints a sequential test number along with the name and serial number of the EBT. This information is provided to ensure the integrity and reliability of the results under which NHTSA has approved a quality assurance program submitted by the device manufacturer.

The Breath Analysis Technician (BAT) conducts and reports the test results to the employer. A BAT is defined as a person trained in using the breath analysis device.

**VII. TESTING METHODOLOGY**
A. **APPROPRIATE LABORATORIES**

All urine specimens to be tested for the presence of prohibited drugs must be analyzed by the NIDA Laboratory certified under the DHHS Mandatory Guidelines for Federal Work Place Drug Testing Programs. All drug tests required by MST will therefore be shipped for analysis to the laboratories listed below:

MEDTOX
402 West County Road D
Saint Paul, MN 55112

B. **INITIAL TEST**

All urine specimens will be initially tested for the use of prohibited drugs by an immunoassay test, which will eliminate negative urine specimens from further consideration. Any positive test results in an initial test will be subject to confirmation through an additional, more precise, and accurate testing methodology.

The cut-off levels set forth below will be used for the initial testing of specimens to determine whether they are negative for the following drugs.

1. Marijuana metabolites 50 ng/ml
2. Cocaine metabolites 1000 ng/ml
3. Opiate metabolites 1000 ng/ml
4. Phencyclidine 25 ng/ml
5. Amphetamines 1000 ng/ml

C. **CONFIRMATORY TESTS**

Any urine specimen identified as positive on the initial test will be confirmed by a second analytical procedure independent from the initial test and which uses a different chemical technique and procedure. MST will use gas chromatography/mass spectrometry to confirm initial positive test results.

The cut-off levels set forth below will be used to establish the existence of a “confirmed positive” test result:

1. Marijuana metabolites 15 ng/ml
2. Cocaine metabolites 150 ng/ml
3. Opiates
   - Codeine 2000 ng/ml
   - Morphine 2000 ng/ml
4. Phencyclidine 25 ng/ml
5. Amphetamines
(1) Delta 9-tetrahydrocannabinol-9 carboxylic acid; (2) Benzoylecgonine; (3) Specimen must also include amphetamine at a concentration greater than or equal to 200 ng/ml; (4) Laboratories must report quantitative values for morphine or codeine at 15,000 ng/ml or above.

Any initial positive result, which is not confirmed as positive under the above cut-off levels, will be deemed negative.

C. REPORTING PROCEDURES

Before the Laboratory reports any test results, it will first review the results of the initial test, confirmatory test or any relevant quality control data to certify that the test result is accurate. The Laboratory will then report the test results to MST's MRO within five (5), working days after the receipt of the specimen and will also forward the original Urine Custody and Control forms to the MRO. Any specimen which was negative on an initial or confirmatory test will be reported as negative. The only specimens reported as positive will be those, which have been confirmed as positive through gas chromatography/mass spectrometry. Test results may not be reported verbally to the MRO by telephone. Additionally, the Laboratory will not report any test results to MST, but only to its MRO. The Laboratory and MST will ensure that the data transmission is confidential and will secure and limit access to its data transmission storage and retrieval system.

The MRO may request from the Laboratory and the Laboratory will provide quantification of test results. The MRO will then report to MST’s Drug and Alcohol Program Manager whether the test is positive or negative and may also report the identity of the drug(s) for which there was a positive result. The MRO will not however, disclose the quantification of test results to MST unless disclosure of the same to MST, EMPLOYEE, or decision-maker is necessary in a lawsuit, grievance, or other proceeding initiated by or on behalf of the EMPLOYEE arising from a verified positive drug test.

D. SPECIMEN RETENTION

Specimens that yield positive results on confirmation must be retained by the Laboratory in properly secured, long-term, frozen storage for at least 365 days as required by DOT, Rules and Regulations. Within this 365 day period, the EMPLOYEE or his representative, MST, or MST’s representative, the DOT, Administrator, or, if MST is subject to the jurisdiction of a state agency, may request that the Laboratory retain the specimen for an additional period. If within the 365-day period the Laboratory has not received a proper written request to
retain the specimen for a further reasonable period specified in the request, the specimen may be discarded following the end of the 365-day period.

E. RETEST PROCEDURES

If the MRO determines there is no legitimate medical explanation for a confirmed positive test result other than the unauthorized use of a prohibited drug, the original specimen must be retested if the EMPLOYEE makes a written request for retesting within 72 hours of receipt of the final test result from the MRO. The EMPLOYEE may specify retesting to be done by the original laboratory or by a second laboratory certified by the Department of Health and Human Services. The retest will be at the expense unless the retest is negative, at which time the EMPLOYEE will be reimbursed for his/her costs.

If the EMPLOYEE specified retesting is done by a second laboratory, the original laboratory must follow approved Chain-of-Custody procedures in transferring a portion of the specimen.

Since some substances may deteriorate during storage, detected levels of the drug below detection limits established in the DOT Procedures, but equal to or greater than the established sensitivity of the assay, must, as technically appropriate, be reported and considered corroborative of the original positive results.

VIII. REVIEW OF DRUG TEST RESULTS

A. MEDICAL REVIEW OFFICER QUALIFICATIONS

All confirmed positive test results will be reported by the Laboratory to MST’s MRO prior to any decision regarding an qualification for continued employment due to the results of a drug test. The MRO will be a licensed physician with knowledge of substance abuse disorders. The MRO will review and consider possible alternate medical explanations for the positive test result, as well as the Chain-of-Custody to ensure that it is complete and sufficient on its face. MST’s MRO is:

**Medical Review Officer**
Stuart B. Hoffman, M.D., F.A.C.P.
Choice Point MRO Services
480 Quadrangle Drive Ste D
Boling Brook, IL 60440
(888)794-6574

B. MRO DUTIES
The MRO will perform the following functions for MST:

1. Review the results of drug testing before they are reported to MST.
2. Review and interpret each confirmed positive test result to determine if there is an alternative medical explanation for the confirmed positive test result by:

   a. Conducting a medical interview with the EMPLOYEE tested;
   b. Reviewing the medical history and any relevant biomedical factors;
   c. Reviewing all medical records made available by the EMPLOYEE tested to determine if a confirmed positive test resulted from legally prescribed medication;
   d. requiring, if necessary, that the original specimen be reanalyzed to determine the accuracy of the reported test results; and
   e. verifying that the Laboratory report and assessment are correct.

C. ACTION ON POSITIVE TEST RESULTS

Prior to making a final decision to verify a positive test result for an EMPLOYEE, the MRO will give the EMPLOYEE an opportunity to discuss the test result. The MRO will therefore contact the EMPLOYEE directly on a confidential basis, to determine whether the EMPLOYEE wishes to discuss the test result. A staff person under the MRO's supervision may make the initial contact and a medically licensed or certified staff person may gather information from the EMPLOYEE. Except as provided below, the MRO will talk directly with the EMPLOYEE before verifying a test as positive.

If, after making and documenting all reasonable efforts to contact the EMPLOYEE, the MRO is unable to reach the EMPLOYEE directly, the MRO will contact MST's Drug and Alcohol Program Manager, who will direct the EMPLOYEE to contact the MRO as soon as possible. If it becomes necessary to reach the EMPLOYEE through the Drug and Alcohol Program Manager, the DAPM will utilize procedures to ensure, to the maximum extent practicable, the requirement that the EMPLOYEE contact by the MRO is held in confidence.

If, after making all reasonable efforts, MST is unable to contact the EMPLOYEE, MST will place the EMPLOYEE on temporary medically unqualified status or on medical leave of absence.

The MRO may verify a test as positive without having communicated directly with an EMPLOYEE if:

1. the EMPLOYEE expressly declines the opportunity to discuss the test;
2. the Drug and Alcohol Program Manager has successfully made and documented a contact with the EMPLOYEE and instructed him/her to contact the MRO, and more than five (5) days have passed since the EMPLOYEE was successfully contacted; or
3. other circumstances provided for in DOT Drug Testing Regulations are affected

If a test is verified as positive because of a failure to contact the MRO (number 2 above), the EMPLOYEE will have the opportunity to provide the MRO with evidence documenting the serious illness, injury, or other circumstances that unavoidably prevented him/her from timely contacting the MRO. The MRO on the basis of such information may reopen the verification and allow the EMPLOYEE to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO will declare the test to be negative.

D. MRO DETERMINATION

If the MRO determines, after appropriate review, that there is a legitimate medical explanation for the confirmed positive test result other than the unauthorized use of prohibited drugs, the MRO will conclude and report the test to be negative.

If the MRO determines, after appropriate review, that there is no legitimate medical explanation for the confirmed positive test result other than the unauthorized use of prohibited drug, the MRO shall confirm and report the test as positive and refer the EMPLOYEE tested to MST for further proceedings in accordance with the Program.

If the MRO determines, based upon his/her review of the Laboratory’s Inspection Reports, quality assurance and quality control data, and other drug test results, that a particular drug test result is scientifically insufficient for further action, the MRO will conclude that the test is negative.

E. DISCLOSURE OF INFORMATION

The MRO will not disclose to any third party medical information provided by the EMPLOYEE to the MRO as a part of the testing verification process, except as provided below:

1. The MRO may disclose such information to the MST, a government agency, or a physician responsible for determining the medical qualification of the EMPLOYEE under an applicable DOT regulation, as applicable, only if:

   a. An applicable DOT regulation permits or requires such disclosure;
b. In the MRO’s reasonable medical judgment, the information could result in the EMPLOYEE being determined to be medically unqualified under a DOT rule; or

c. In the MRO’s reasonable medical judgment, in a situation in which there is no DOT rule establishing physical qualification standards applicable to the EMPLOYEE, the information indicates that continued performance by the EMPLOYEE in his/her safety-sensitive position could pose a significant safety risk.

2. Before obtaining medical information from the EMPLOYEE as part of the verification process, the MRO will advise the EMPLOYEE that the information may be disclosed to third parties as provided above and of the identity of any parties to whom the information may be disclosed.

MRO REPORT OF A NEGATIVE DILUTE SPECIMAN

If the MRO informs MST that a negative drug test was dilute, the employee will be required to take another test immediately. In some cases the MRO may require the retest to be performed under direct observation.

Employees directed to take another test will be given minimum advance notice that he/she must go to the collection site to take another test.

The result of the second test, not that of the first test, becomes MST’s final result of record. Any employee who takes a second test and the result of the second test is also negative dilute will not be required to take a third test.

Any employee who is directed to take another test and the employee declines to do so, shall be considered “refusal to test” as stated in this policy and as required in the DOT regulations.

F. SUBSTANCE ABUSE PROFESSIONAL (Any reference to returning to work after a positive test result is not applicable under MST’s Zero Tolerance rule established and approved by MST’s Board of Directors on May 13, 2002.)

1. Determines whether an EMPLOYEE who refused to take or did not pass a drug test administered under DOT Procedures may be returned to duty.

2. Determines a schedule of unannounced Follow-Up Drug Testing, in consultation with MST, for an EMPLOYEE who is scheduled to return to duty.
G. MST

1. Ensures that an EMPLOYEE has been drug tested in accordance with the DOT Procedures.

IX. DISCIPLINE

The following discipline will be taken in the event of a positive test result:

A. PRE-EMPLOYMENT

Any applicant who tests positive as a result of a Pre-Employment, Post Offer Drug test or refuses to submit to the same, will be disqualified from further consideration for employment and may not reapply for a period of one (1) year.

Any current EMPLOYEE transferring from a non-safety-sensitive position to a safety-sensitive position who tests positive as a result of a conditional offer of transfer, or refuses to submit to a Drug Test will not be hired into the safety-sensitive position. The EMPLOYEE will be given a one-time opportunity for rehabilitation at the employee’s expense. The employee must be evaluated by a Substance Abuse Professional. The SAP may concur with the MRO when the EMPLOYEE may return to the safety sensitive position and on a plan for return to duty testing and on follow up testing.

A current EMPLOYEE with a verified positive urine drug test will be terminated in accordance with MST’s Zero Tolerance Rule as established and approved by MST’s Board of Directors on May 13, 2002.

B. REASONABLE SUSPICION

Any EMPLOYEE who tests positive as a result of a Reasonable Suspicion Drug Test will be relieved from his/her safety sensitive position immediately. The EMPLOYEE will be on leave without pay. The EMPLOYEE will be given a one-time opportunity for rehabilitation at the employee’s expense. The employee must be evaluated by a Substance Abuse Professional.

See this section, “H” for alcohol conditions/circumstances, requirements and discipline.

C. POST-ACCIDENT

Any EMPLOYEE who tests positive as a result of a post-accident drug will be relieved from his/her safety sensitive position immediately. The EMPLOYEE will be on leave without pay.
A current EMPLOYEE with a verified positive urine drug test after a post accident/collision will be terminated in accordance with MST’s Zero Tolerance Rule as established and approved by MST’s Board of Directors on May 13, 2002.

D. RANDOM

Any EMPLOYEE who tests positive as a result of a Random Drug Test will relieved from his/her safety sensitive position immediately. The EMPLOYEE will be on leave without pay. The EMPLOYEE must be referred and evaluated by a Substance Abuse Professional.

A current EMPLOYEE with a verified positive urine drug test after a Random Drug Test will be terminated in accordance with MST’s Zero Tolerance Rule as established and approved by MST’s Board of Directors on May 13, 2002.

See this section, “H” for alcohol conditions/circumstances, requirements and discipline.

E. FOLLOW UP – (this section is not applicable under MST’s Zero Tolerance rule as established and approved by MST’s Board of Directors on May 13, 2002)

F. REFUSAL TO SUBMIT/INSUBORDINATION

Any EMPLOYEE who refuses to take a required drug or alcohol test, refuses to provide a specimen/breath sample at the Collection Site, refuses to cooperate during the collection process, refuses to complete any relevant documentation, such as the Urine Custody and Control form or any other paperwork, fails to properly cooperate with Collection Site Personnel, engages in any conduct which creates reason to believe a urine specimen has been altered or substituted, fails to report to the Collection Site without a legitimate reason, and fails to provide an adequate specimen/breath sample without a medical basis will be taken off his/her safety sensitive position. The EMPLOYEE will be subject to disciplinary action up to and including termination of employment.

G. VOLUNTARILY COMES FORWARD

Any EMPLOYEE who voluntarily comes forward with a drug or alcohol problem will be taken off his/her safety sensitive position immediately. The EMPLOYEE will be on leave without pay. The EMPLOYEE will be given a one-time opportunity for rehabilitation at the employee’s expense. The employee must be evaluated by a Substance Abuse Professional. The SAP may concur with the
MRO when the EMPLOYEE may return to the safety sensitive position and on a plan for return to duty testing and on follow up testing.

An EMPLOYEE who voluntarily comes forward and who has returned to duty and has a verified positive urine drug and or alcohol test will be terminated.

H. ALCOHOL TESTS RESULTS AND DISCIPLINE

Any EMPLOYEE who tests positive for of a Reasonable Suspicion, Post-Accident, or Random Alcohol test results are greater than .02 BAC but less than .04 will be relieved from his/her safety sensitive position immediately for 24 hours and will be taken to their residence. The EMPLOYEE will be on leave without pay.

Any EMPLOYEE who tests positive for a Reasonable Suspicion, Post-Accident, or Random Alcohol test results are greater than .04 will be relieved from his/her safety sensitive position immediately and will be taken to their residence.

The EMPLOYEE will be on leave without pay. The EMPLOYEE must be referred to and evaluated by a SAP.

The EMPLOYEE will be terminated in accordance with MST’s Zero Tolerance Rule as established and approved by MST’s Board of Directors on May 13, 2002.

X. EMPLOYEE EDUCATION, TRAINING, AND ASSISTANCE PROGRAM

A. EMPLOYEE EDUCATION

MST will provide an education program for its EMPLOYEES, which will include the following:

1. Display and distribution of informational material on substance abuse;

2. Display and distribution of a community service hot-line telephone number for EMPLOYEE assistance; and

3. Display and distribution of MST’s Anti-Drug Abuse & Alcohol Misuse Program regarding the use of prohibited drugs and alcohol misuse.

B. SUPERVISOR TRAINING

Any supervisory personnel responsible for determining whether an EMPLOYEE must be drug and alcohol tested based on Reasonable Suspicion will be required to complete at least 120-minute session of training on the specific
contemporaneous physical, behavioral, and performance indicates of probable drug use/abuse or alcohol use/misuse.

Supervisory positions to receive training under this Program are:

OPERATIONS SUPERVISORS
COMMUNICATIONS SYSTEMS SPECIALISTS
MAINTENANCE SUPERVISORS
FLEET MANAGER
DRUG AND ALCOHOL PROGRAM MANAGER

Training will be provided by the:

Safety/Training Officer
Monterey-Salinas Transit
One Ryan Ranch Road
Monterey, CA 93940
(831) 758-3563

C. EMPLOYEE ASSISTANCE PROGRAM

In addition to the Employee Education and Supervisor Training programs described above, MST also will have available an Employee Assistance resources to which EMPLOYEES may refer for additional consultation and referral. See Appendix B.

XI. CONFIDENTIALITY

Information regarding drug and alcohol test results will only be released upon the written consent of the EMPLOYEE, except that such information must be released to the DOT, Administrator or the representative of a state agency upon request as part of an accident investigation.

Statistical data related to drug and alcohol testing that is not name-specific and training records must be made available to the DOT Administration or the representative of a state agency upon request.

MST’s contract with its Laboratory requires it to maintain all EMPLOYEE test records in confidence. However, the Laboratory will disclose information related to a positive drug test of an EMPLOYEE to the EMPLOYEE, MST, or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the EMPLOYEE and arising from a certified positive drug test.

Any EMPLOYEE who is the subject of a drug and alcohol test conducted under this program shall, upon written request, have access to any records relating to
his/her drug and alcohol test and any records relating to the results of any relevant certification, review, or revocation-of-certification proceedings.

To maintain confidentiality, written requests regarding the drug and alcohol records will be stored in locked containers. The drug and alcohol testing records will not be made a part of the personnel file.

**XII. BLIND PERFORMANCE TEST PROCEDURES**

In order to further ensure the accuracy of test results and test procedures, MST will utilize blind testing quality control procedures. Under these procedures, MST or his agent will submit three blind performance test specimens for each 100 EMPLOYEE specimens it submits, up to a maximum of 100 blind performance test specimens to be submitted per quarter.

MST or his agent may submit blind performance test specimens as follows:

1. Approximately 80 percent of the blind samples submitted by MST or its agent will be blank and the remaining samples will be positive for one or more drugs per sample in a distribution such that all the drugs to be tested are included in approximately equal frequencies of challenge. The positive samples will be spiked only with those drugs for which MST is testing; or

2. MST may also submit only blank samples; or

3. MST may submit two separately labeled portions of a specimen from the same Non-Safety Sensitive Employee.

In the event of a false positive error on a blind test, which is determined to be due to an administrative error (e.g., clerical, samples mix-up, etc.), MST will promptly notify DHHS. DHHS and MST will then require the Laboratory to take corrective action to minimize the occurrence of the particular error in the future, and if there is reason to believe the error could have been systemic, the DHHS may also require review and re-analysis of previously run specimens.

In the event of a false positive error on a blind test, which is determined to be due to a technical or methodological error, MST will instruct the Laboratory to submit all quality control data from the batch of specimens, which included the false positive specimen to DHHS. In addition, the Laboratory will be required to retest all specimens analyzed positive for that drug or metabolite from the time of final resolution of the error back to the time of the last satisfactory performance test cycle. This retesting must be documented by a statement signed by the individual responsible for the day-to-day management of the Laboratory’s urine drug testing.
XIII. RECORD KEEPING

MST shall keep the following records for the periods specified and permit access to the records as provided in Section XI:

A. Records of EMPLOYEE drug and/or alcohol test results that show that EMPLOYEE failed any drug and/or alcohol test, and the type of test failed (e.g., Post-Accident), and records that demonstrate rehabilitation, if any, will be kept for at least five (5) years.

B. Records of EMPLOYEE drug test results that show EMPLOYEES passed a drug and/or alcohol test will be kept for at least one (1) year.

C. A record of the number of EMPLOYEES tested, by type of test (e.g., Post-Accident), will be kept for at least five (5) years. Annual report to Federal Transit Administration, (FTA)

D. Records confirming that supervisors and EMPLOYEES have been trained as required under this Program will be kept permanently.
MONTEREY-SALINAS TRANSIT

XIV DRUG AND ALCOHOL PROGRAM MANAGER

A. MST’s Anti-Drug Abuse and Alcohol Misuse Program Manager is responsible for monitoring compliance with the provisions of the Program and is available to provide information and answer questions that you may have regarding the Program. MST’s Program Manager is:

Safety/Training Officer
Monterey-Salinas Transit
One Ryan Ranch Rd.
Monterey CA 93940-5703
(831) 393-8161

The revised Anti-Drug Abuse & Alcohol Misuse Program was approved by Monterey-Salinas Transit’s Board of Directors on January 31, 2008.

__________________________________________ Date: February 11, 2008
Fernando Armenta, Chairman

__________________________________________ Date: February 11, 2008
Lyn Owens, Director of Human Resources
MONTEREY-SALINAS TRANSIT

XV  APPENDICES

A.  Employee Specimen Collection Procedure
B.  Employee Notification
C.  Collection Sites
D.  Waiver and Agreement With Respect to Drug Testing
EMPLOYEE SPECIMEN COLLECTION PROCEDURES

1. To deter the dilution of specimens at the Collection Site, toilet-bluing agents will be placed in toilet tanks wherever possible so the reservoir of water in the toilet bowl always remains blue. Where practicable, there shall be no other source of water (e.g., no shower or sink) in the enclosure where urination occurs. If there is another source of water in the enclosure, it shall be effectively secured or monitored to ensure it is not used (undetected) as a source of diluting the specimen.

2. Upon arriving at the Collection Site, the EMPLOYEE to be tested shall present the Collection Site Person with proper identification to ensure that he/she is positively identified as the Person selected for testing (e.g., by presenting a driver’s license or other photo ID, or by identification by Drug Program Administrator. If the identity cannot be established, the Collection Site Person shall not proceed with the collection and MST shall be notified. If the EMPLOYEE requests, the Collection Site Person shall show his/her identification to the EMPLOYEE.

3. If the EMPLOYEE to be tested fails to arrive at the Collection Site at the assigned time, the Collection Site Person shall contact MST to obtain guidance on the action to be taken. Failure to report for urine test at the assigned time may result in the termination of employment.

4. The EMPLOYEE to be tested will be required to remove any unnecessary outer garments (e.g., a coat or jacket) that might conceal items or substances that could be used to tamper with or adulterate the urine specimen. The Collection Site Person will ensure that all personal belongings such as purses or briefcases remain with the outer garments. The EMPLOYEE may retain his/her wallet. If the EMPLOYEE requests it, the Collection Site Person shall provide the EMPLOYEE with a receipt for any personal belongings.

5. Before the collection process begins, the EMPLOYEE shall provide the Collection Site Person with a Urine Custody and Control form, unless it has been previously forwarded to the Collection Site by MST on behalf of EMPLOYEE.

6. The EMPLOYEE shall be instructed to wash and dry his/her hands prior to urination.

7. After washing his/her hands, the EMPLOYEE shall remain in the presence of the Collection Site Person and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent, or any other materials, which could be used to adulterate the specimen.
8. The EMPLOYEE may provide his/her specimen in the privacy of a stall or otherwise partitioned area that allows for EMPLOYEE privacy. The Collection Site Person shall provide the EMPLOYEE with a specimen bottle or container, if applicable.

9. The Collection Site Person shall note any unusual behavior or appearance on the Urine Custody and Control form.

10. In the exceptional event that a MST designated Collection Site is not accessible and there is an immediate requirement for specimen collection (e.g., an accident investigation), a public rest room may be used according to the following procedures: A Collection Site Person of the same gender as the EMPLOYEE shall accompany the EMPLOYEE into the public rest room, which shall be made secure during the collection procedure. If possible, a toilet-bluing agent shall be placed in the bowl and any accessible toilet tank. The Collection Site Person shall remain in the rest room, but outside the stall until the specimen is collected. If no bluing agent is available to deter specimen dilution, the Collection Site Person shall instruct the EMPLOYEE not to flush the toilet until the specimen is delivered to the Collection Site Person. After the Collection Site Person has possession of the specimen, the EMPLOYEE will be instructed to flush the toilet and to participate with the Collection Site Person in completing the Chain-of-Custody procedure.

11. Upon receiving the specimen from the EMPLOYEE, the Collection Site Person shall determine if it contains at least 45 milliliters of urine. If the EMPLOYEE is unable to provide 45 milliliters of urine, the Collection Site Person shall direct the EMPLOYEE to drink fluids and, after a reasonable time, again attempt to provide a complete specimen using a fresh specimen bottle (and fresh collection container, if employed). The original specimen shall be discarded. If the EMPLOYEE is still unable to provide a complete specimen, the following rules apply:

   a. In the case of a Post-Accident Drug Test or test for Reasonable Suspicion, the EMPLOYEE shall remain at the Collection Site and continue to consume up to 40 oz. of fluids, until the specimen has been provided or a period up to three (3) hours from the beginning of the collection procedure has elapsed.

   b. In the case of a Pre-Employment Drug, Random Drug, or Post Accident, Follow-Up Drug Test, MST may elect to proceed as specified in paragraph a. above or may elect to discontinue the collection and conduct a subsequent collection at a later time.

   c. If the EMPLOYEE cannot provide a complete specimen within the three-hour period or at the subsequent collection, as applicable, then the MRO shall refer the EMPLOYEE for a medical evaluation to gather pertinent information.
concerning whether the ability to provide a specimen is genuine or constitutes a refusal to provide a specimen. In cases of Pre-Employment/Post Offer Drug Testing, if MST does not wish to hire the individual, the MRO is not required to make such a referral. Upon completion of the examination, the MRO shall report his/her conclusions to MST in writing.

12. In the event MST decides to utilize a “split sample” method of collection (it is not required to do so), the following procedures shall be utilized:

a. The donor shall urinate into a collection container, which the Collection Site Person, in the presence of the donor, after determining specimen temperature, pours into two bottles.

b. The first bottle is to be used for the DOT-mandated test, and 45 milliliters of urine shall be poured into it. If there is no additional urine available for the second specimen bottle, the first specimen bottle shall nevertheless be processed for testing.

c. Up to 45 milliliters of the remainder of the urine shall be poured into the second specimen bottle.

d. All requirements of 49 CFR, Part 40 shall be followed with respect to both specimen samples, including the requirement that a copy of Chain-of-Custody form accompany each bottle processed under “split sample” procedures.

e. Any specimen collected under “split sample” procedures must be stored in a secured, refrigerated environment and an appropriate entry made on the Chain-of-Custody form.

f. If the test of the first bottle is positive, the EMPLOYEE may request that the MRO direct that the second bottle be tested in a DHHS-certified laboratory for the presence of the drug(s) for which a positive result was obtained in the test of the first bottle. The result of this test is transmitted to the MRO without regard to the cutoff values of 49 CFR, Part 40.29. The MRO shall honor such a request if it is made within 72 hours of the having actual notice that he/she tested positive.

g. Action required by DOT, Rules and Regulations as the result of a positive drug test (e.g., the removal from his/her safety-sensitive position) is not stayed pending the result of the second test.

h. If the result of the second test is negative, the MRO shall cancel the test.

13. Except for split samples collected under paragraph 12, no portion of any specimen collected under these procedures may be used for any purpose other than drug testing required under this PLAN.
14. After the specimen has been provided and submitted to the Collection Site Person, the EMPLOYEE shall be allowed to wash his/her hands.

15. Immediately after the specimen is collected, the Collection Site Person shall measure the temperature of the specimen. The temperature-measuring device used must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measurement is critical and in no case shall exceed four (4) minutes.

16. If the temperature of a specimen is outside the range of 32.5 to 37.7 degrees Celsius or 90.5 to 99.8 degrees Fahrenheit, there will be reason to believe that the EMPLOYEE may have altered or substituted the specimen, and another specimen shall be collected under direct observation of a Collection Site Person of the same gender and both specimens shall be forwarded to the Laboratory for testing. An EMPLOYEE may volunteer to have his/her oral temperature taken to provide evidence to counter the reason to believe the EMPLOYEE may have altered or substituted the specimen caused by the specimen’s temperature falling outside the prescribed range.

17. Immediately after the specimen is collected, the Collection Site Person shall also inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted on the Urine Custody and Control form.

18. All specimens suspected of being adulterated shall be forwarded to the Laboratory for testing.

19. Whenever there is reason to believe that a particular EMPLOYEE has altered or substituted the specimen, a second specimen shall be obtained as soon as possible under the direct observation of a same gender Collection Site Person.

20. Prior to requiring any EMPLOYEE to provide another urine specimen under direct observation because of circumstances constituting reason to believe the specimen may have been altered or substituted, the Collection Site Person shall first contact a higher level supervisor or MST’s Drug Program Administrator to review and concur in advance with the decision to require observation.

21. After the urine specimen is provided, both the EMPLOYEE being tested and the Collection Site Person shall keep the specimen in view at all times prior to its being sealed and labeled in the presence of the EMPLOYEE. If the specimen is transferred to a second bottle, the Collection Site Person shall request the EMPLOYEE to observe the transfer of the specimen and the placement of the tamper-proof seal over the bottle cap and down the sides of the bottle.

22. The Collection Site Person, in the presence of the EMPLOYEE, shall place securely on the bottle an identification label, which contains the date, the
individual's specimen number, and any other identifying information provided or required by MST. If separate from the label, the tamper-proof seal shall also be applied.

23. The EMPLOYEE shall, in the presence of the Collection Site Person, initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collection from him/her.

24. The Collection Site Person shall, in the presence of the EMPLOYEE, enter on the Urine Custody and Control form all information identifying the specimen. The Collection Site Person shall sign the Urine Custody and Control form certifying that the collection was accomplished according to the instructions provided.

25. The EMPLOYEE shall be asked to read and sign a statement on the Urine Custody and Control form certifying that the specimen identified as having been collected from him/her is in fact that specimen he/she provided. He/she will also have the opportunity to set forth, on the EMPLOYEE Donor Copy of the Urine Custody and Control form only, information concerning medication recently taken or administered.

26. After signing the Urine Custody and Control form, the Collection Site may also require the EMPLOYEE to sign consent and/or release form authorizing the collection of the specimen, analysis of the specimen for prohibited drugs, and release of the test results to MST and its MRO. The EMPLOYEE will not be required to waive liability with respect to negligence on the part of any person participating in the collection, handling or analysis of the specimen, or to indemnify any person for the negligence of others.

27. After a proper specimen has been provided, labeled and sealed, the Collection Site Person shall complete the Chain-of-Custody portion of the Urine Custody and Control form to indicate receipt from the EMPLOYEE and shall certify proper completion of the collection process.

28. The urine specimen and Chain-of-Custody form will then be shipped to an appropriate laboratory for analysis. If the specimen is not immediately prepared for shipment, it shall be appropriately safeguarded during temporary storage.

29. While any part of the above Chain-of-Custody procedures are being performed, the urine specimen and custody documents must remain under the control of the involved Collection Site Person. If the involved Collection Site Person leaves his/her workstation momentarily, the specimen and Urine Custody and Control form shall be taken with him/her or shall be secured. After the Collection Site Person returns to the workstation, the custody process will continue. If the Collection Site Person is leaving for an extended period of time, the specimen shall be packaged for mailing before he/she leaves the Collection Site.
30. The Collection Site Person shall not leave the Collection Site in the interval between presentation of the specimen by the EMPLOYEE and identifying of the specimen with an identifying label bearing the specimen identification number (shown on the Urine Custody and Control form) and seal initialed by the EMPLOYEE. If it becomes necessary for the Collection Site Person to leave the site during this interval, the collection shall be modified and (at the election of MST) a new collection begun.
Appendix B

EMPLOYEE NOTIFICATION

The Anti-Drug Abuse & Alcohol Misuse Program Administrator is responsible to train and inform all EMPLOYEES of the DOT Anti-Drug Abuse & Alcohol Misuse Testing Program:

A copy of Monterey-Salinas Transit's Anti-Drug Abuse & Alcohol Misuse Testing Program is provided to each EMPLOYEE.

The Director of Human Resources’s responsibility is to advise all EMPLOYEES of Assistance Resources, which includes community hot-line numbers, and MST’s Policy and Procedures Manual are given to each EMPLOYEE.

EMPLOYEE Assistance Resources are displayed on MST's bulletin boards.
Appendix C

COLLECTION SITES

Monterey Locations:

For Pre-Employment/Post-Offer, Reasonable Suspicion, Random and Post Accident Alcohol and Drug Testing:

Monterey Bay Urgent Care
245 Washington Street
Monterey, CA 93940
(831) 325-2273

Hours of operation:
7:30 a.m.- 6:30 P.M. hours, Monday-Friday
Saturday - 9 a.m. – 5:00 p.m.

Community Hospital Laboratory
23625 WR Holman Highway
Monterey, CA 93940
(831) 625-4811

Hours of operation:
24 hours a day, 7 days a week

Salinas Locations:

For Pre-Employment/Post-Offer, Reasonable Suspicion, Random and Post Accident Alcohol and Drug Testing:

Pinnacle HealthCare
2 Rossi Circle
Salinas, CA, 93905
(831)770-0444

Hours of operation:
8:00 a.m.- 8:00 P.M. hours, Monday-Friday
Saturday, Sunday - 9:00 a.m. – 5:00 p.m.
WorkWell Health Services
680 East Romie Lane
Salinas, CA 93901
(831) 422-3701

Hours of operation:
8:00 a.m.- 6:00 P.M. hours, Monday-Friday
Saturday - 9:00 a.m. – 5:00 p.m.
Amendment A

Monterey-Salinas Transit

For a period commencing February 1, 2008 through July 31, 2008, MST will amend:

Section V. DRUG AND ALCOHOL TESTS REQUIRED

B. POST-ACCIDENT

MST POLICY

As:

MST will not require a Drug or Alcohol Test for a post accident/collision that does not meet the FTA criteria. (49 Code of Federal Regulations)
Appendix D

Monterey-Salinas Transit

WAIVER AND AGREEMENT WITH RESPECT TO
DRUG & ALCOHOL TESTING

I, the undersigned EMPLOYEE of Monterey-Salinas Transit hereby certify that I have been furnished with a copy of Monterey-Salinas Transit's Anti-Drug Abuse & Alcohol Misuse Testing Program, including employee assistance resources and that I have read and understand same. I further certify that I have been provided with informational material, education and training on the dangers and problems of drug abuse & alcohol misuse.

I will cooperate with Monterey-Salinas Transit in its Anti-Drug Abuse & Alcohol Misuse Testing Program, including:

(I) providing specimens of urine, when requested,

(II) identifying same as required by Monterey-Salinas Transit, the DOT, Collection Site Personnel, and the Testing Laboratory, and certifying in writing that same is fresh, my own and unadulterated in any manner,

(III) consenting in writing to, and I hereby consent to the testing and analysis of such specimen for drugs, to the submission of such specimen to the Laboratory designated by Monterey-Salinas Transit for such testing and analysis, and to the release of the results of such test and analysis to Monterey-Salinas Transit, the Medical Review Officer designated by Monterey-Salinas Transit, and to whomever else the DOT requires, and

(IV) completing, executing and delivering to Monterey-Salinas Transit, or such other person or entity as Monterey-Salinas Transit or the DOT shall direct, such other forms and documents as may be required by Monterey-Salinas Transit or the DOT in connection with said Anti-Drug & Alcohol Misuse Testing Program.
To: Board of Directors

From: Lyn Owens, Director of Human Resources

Subject: Liability Claim Rejection

**RECOMMENDATION:**

Reject claim by the claimant below.

**FISCAL IMPACT:**

Unknown at this time.

**POLICY IMPLICATIONS:**

None.

**DISCUSSION:**

A pedestrian, Ninfa Fagaragan, was fatally injured on November 28, 2007 by an MST coach.

The above claim continues to be under investigation and staff recommends that this claim be rejected in its entirety.

If any Board member desires further information on this claim, they may request it be discussed in closed session.

PREPARED BY: Lyn Owens  APPROVED BY: Carl G. Sedoryk
I am fully aware and agree that I may be terminated from employment or otherwise disciplined for any violation by me of MST’s Anti-Drug & Alcohol Misuse Program, or for any failure or refusal to provide urine specimens and/or breath sample when requested by Monterey-Salinas Transit, for the failure or refusal to identify and certify same as above provided, for the failure to provide the consents, releases, forms and other documents above mentioned, and/or for any other failure or refusal to cooperate with Monterey-Salinas Transit in its said Anti-Drug & Alcohol Misuse Program Monterey-Salinas Transit, and will not be liable to me in damages or otherwise for or on account of any such discharge.

Executed this the _____ day of __________________, year of______.

Employee Name (printed)_____________________________________

Employee Name (signature)_____________________________________
MST RIDES Advisory Committee
November 19, 2007
Minutes

Present: Chair: Diana Seay: Consumer Representative
        Alma Almanza: CCCIL: Consumer Representative
        Margie Rossi: REAP
        MST Staff: William Morris: Contract Transportation Manager
        MST Staff: Tom Hicks: CTSA Manager
        MST Staff: Cristy Sugabo: ADA Paratransit Eligibility Specialist
        MV Transportation Staff: Lance Atencio: General Manager
        TAMC Staff: Andy Cook: Transportation Planner

Excused: Brandy Abend: Salinas Valley Dialysis

1. Call to order

   Committee Chair Diana Seay called the meeting to order at 1:12 p.m.

2. Introductions

   Attendees introduced themselves and explained their affiliations.

3. Approval Of the Minutes

   The minutes were approved as amended.

4. Public Comment

   Kathy Spake, Carmel Foundation, stated that she manages the
   transportation program for the foundation, which consists of over 4,000
   members. They own three transportation vehicles, however, the only
   wheelchair accessible vehicle has now been placed out of service. She said
   that fifteen wheelchair users might be applying for the MST RIDES program,
   because they can no longer transport them. Tom Hicks, CTSA Manager, said
   he would speak with her after the meeting to discuss possible transportation
   alternatives.
5. Committee Member Reports

None.

6. New Business

The committee presented Lance Atencio, MV General Manager, an award for employee Jose Saldeña. The committee also discussed employee recognition award criteria, and nominated two MV employees to receive awards. Geri Flagler, Scheduler, was chosen for being very helpful and conscientious. Brent Boardman, Operations Manager, was chosen as being a major asset to improving efficiency, because of his knowledge of all aspects of operations.

MST Staff informed the committee that there were still two committee member vacancies available. Karina Orozco, MST RIDES consumer, expressed an interest in becoming a member. MST Staff said they would send her an interest form to fill out, and would also be sending an interest form to former member Cherie Brady. Committee member Alma Almanza, stated that at the next meeting, she would rather interview the candidates privately instead of publicly. MST Staff advised that they would ask counsel if that procedure would be legal, and report back to her.

MST Staff reviewed the MST RIDES vehicle fleet status with the committee, and informed them that it would probably be eighteen months before any new replacement vehicles can be obtained, due to delays in the grant process. At that time, approximately nine of the twenty-three vehicles will have reached more than 250,000 odometer miles.

MST Staff informed the committee that the MST Board of Directors had approved the proposed MST RIDES free fixed-route fare modification policy. Staff will be informing MST RIDES clients of the program via letters and information posted inside the vehicles.

7. Comments by Committee Members

Committee member Alma Almanza noted that all vehicles appear to have their vehicle number stenciled inside, and thanked MV staff for finishing the numbering. She also reported that one of her consumers was late for an appointment, because the driver had driven all they way to a client’s house that was outside of the ¾ mile service area. MV Staff knew about the incident, and stated that a supervisor had spoken to the client and driver, informing them where the bus should wait.
8. Unfinished Business

MV General Manager, Lance Atencio, reported that they had examined a problem with the new vehicle driver cam placements. He said that the new vehicles had different consoles that make it difficult to properly place the drive cams.

9. Staff Reports and Information Items

MST staff reviewed ridership statistics. Committee member Alma Almanza, noted that the weekend on time performance was much lower than that of weekdays. Lance Atencio stated that MV would be concentrating on improving weekend service.

Lance Atencio also gave a staffing update. He said that they had a new class scheduled to start training next week. Alma Almanza asked who would be replacing one of their dispatchers while she was on maternity leave, and Lance stated that Rebecca and Brent were both helping out in that area.

Tom Hicks, CTSA Manager, informed the committee that the MST Board of Directors had approved the lease agreement for the new Mobility Management Center, and that it would probably be open in February or March of next year. He said that MST would begin travel training next year, and that a volunteer program would be started that teaches volunteers how to accompany persons with disabilities on fixed-route buses. Tom also said that a regional information number that could provide information about all transportation services available was still being worked on.

10. Announcements:

MST staff announced that the next MST RIDES Advisory Committee meeting would be at MST December 17, 2007. Andy Cook, TARC Planner, announced that the next SSTAC meeting is on January 10, 2008. He also said they were finishing up the unmet needs hearing process, and that the regional taxi study had begun.

11. Adjourn

The Committee adjourned at 2:30 p.m.

SUBMITTED BY: ____________________________________________

William Morris
Finance Committee

Minutes

January 14, 2008

Present: Director Fernando Armenta, County of Monterey
Director Kristin Clark, City of Del Rey Oaks
Director Karen Sharp, City of Carmel-By-The-Sea (9:30 a.m.)
David Laredo, Counsel
Carl Sedoryk, General Manager/CEO
Hunter Harvath, Director of Administration
David Sobotka, Controller

Called to order 9:06 a.m.

Director Armenta chaired the meeting.

No Public Comment on matters on the agenda.

Update on Federal, State and local funding sources.

Mr. Sedoryk presented several Federal and State funding issues for fiscal year 2008. Federal funding is on hold due to Congress imposing a "continuing resolution" on the Federal fiscal 2008 funds. Earmark funding has been reduced to $196,000 rather than the usual million dollar allocations received in the past. At the State level Proposition 1B funding of $23 million appears safe from being raided and will be used for the FJL Operations Facility.

Mr. Harvath addressed Local funding issues, primarily support for the sales tax measure being presented on the November 2008 ballet by TAMC. MST is identified to receive 20% of the funds to be directed toward Bus Rapid Transit. MST will not be budgeting for any sales tax revenues in FY 2009.

FY 2008 Mid-year Capital Budget Transfers

Mr. Sobotka presented the summary of Fixed-Route Bus Capital budget transfers including increased State Transit Improvement Program (STIP) funding of $7,500,000 for Bus purchases and State1B Bond funding for FJL Operations Center.
Planning of $3,530,005. This was offset by a reduction of STAF funding of $1,093,015, but boosted by an increase of a FORA development fee of $141,389.

There is no anticipated adjustment of Operating Budgets or the RIDES Capital Budget. Any adjustment would be made and presented on the Consent Agenda should significant funds become available.

The Committee recommended that the Capital Budget transfers be approved and a consent agenda could be used for any operating fund transfer that might arise.

Municipal Services Group bus financing issues

Mr. Sedoryk reiterated that the STIP capital funding mentioned above would be utilized for the payoff of the leasing arrangement for the 15 new buses acquired this year. Municipal Services Group (MSG) is arranging a defeasance account to finalize this transaction. In addition, an alternative plan to improve cash flow should funding fall short to pay-off the initial portion of the lease (the 2002 46-bus purchase) was presented. Discussion resulted in the opinion that this option would be costly and would be used only as a last resort.

Results of FY 2007 Audit and Actuarial Review

Mr. Sedoryk indicated that the audited operating results for MST’s fiscal year ended June 30, 2007 showed a surplus of $26,000 in LTF revenue, which can be transferred to the Capital Budget. The net result was a balanced statement with revenues equal to expenses, A brief discussion of the results of the Actuarial Review for the fiscal year were very favorable and resulted in canceling a significant reserve increase that was proposed in the prior year’s review.

The Committee recommended approval of the budget transfer to your Board.

Meeting Adjourned at 9:45 a.m.

SUBMITTED BY: 

Dave Sobotka
To: Board of Directors

From: L. Owens, Director of Human Resources

Subject: Memorandum of Understanding (MOU) between Amalgamated Transit Union Local 1225 (ATU) and Monterey-Salinas Transit (MST)

RECOMMENDATIONS:

Ratify the MOU between MST and ATU.

FISCAL IMPACT:

Your Board approved the FY 2008 budget on May 14, 2007. A 3% wage increase in wages was factored into this budget for represented employees.

POLICY IMPLICATIONS:

Your Board sets wages, and approves increases.

DISCUSSION:

The result of the negotiations that ended on January 22, 2008 (attached) reflect a 2.5% wage increase in the first year with some work rule changes that reflect another .5%. Your Board directed the negotiating team to keep the overall increases throughout the three (3) year contract to 3% each year. The second and third years of the contract reflect a 3% wage increase each year.

Outstanding at the same time as negotiations, was the issue of a scheduled arbitration over language of the previous two contracts regarding accruals of personal leave while an employee is not working due to a work-related illness or injury. A dispute arose between MST and ATU as to the application of Article 2b of the contracts dated 2001-2004, 2004-2007. During negotiations, a settlement was reached with ATU. The settlement is within the authority of the General Manager/CEO and settles any and all claims of ATU represented employees past and present as well as amends the language of Article 2b of those prior contracts.

PREPARED BY: Lyn Owens

REVIEWED BY: Carl Sedoryk
To: Board of Directors

From: C. Sedoryk, General Manager/CEO

Subject: Monthly Report

Attached are the most recent monthly statistics and the reports from the Administration and Operations/Maintenance Departments.

Attachment #1 – Fixed Route Bus – Monthly Boardings
Attachment #2 – Fixed Route Bus – Comparative Statistics
Attachment #3 – MST RIDES Monthly Boardings
Attachment #4 – MST RIDES Comparative Statistics
Attachment #5 – Operations Department Report December 2007
Attachment #6 – Facilities & Maintenance Department Report December 2007
Attachment #7 – Administration Department Report December 2007

PREPARED BY: Carl G. Sedoryk
To: M. Hernandez, Chief Operating Officer
From: R. Weber, Director Of Transportation Services
Subject: Transportation Department Monthly Report – December 2007

FIXED ROUTE BUS OPERATIONS:

System Wide Service: (Fixed Route & DART Services)

Preliminary boarding statistics indicate that ridership decreased by 11.11% in December 2007, (326,910), as compared to December 2006, (367,757). Year to date, system wide passenger boardings are down by 7.04% from last year.

December productivity fell slightly from 21.7 passengers per hour last year, to 18.7 passengers per hour for December of 2007.

Seasonal Service:
None

Supplemental Service:

On 12/31/07, MST provided supplemental service on multiple MST lines for the annual First Night Monterey event. During this one night event, MST transported 3,319, which represents a 35.25% increase in passenger boardings over last year’s event, (2,454).

System Wide Statistics:

- Ridership: 326,910
- Vehicle Revenue Hours: 17,471.65
- Vehicle Revenue Miles: 273,591
- System Productivity: 18.7 Passengers Per Vehicle Revenue Hour
- Scheduled One-Way Trips: 24,278

On-Time Compliance: Of 87,703 total time-point crossings sampled for the month of December, the TransitMaster™ system recorded 12,621 delayed arrivals to MST’s published time-points system-wide. This denotes that 85.61% of all scheduled arrivals at published time-points were on time. (See MST Fixed-Route Bus ~ On Time Compliance Chart FY 2008.)

Service arriving later than 5 minutes beyond the published schedule are considered late. The on-time compliance chart (attached) reflects system wide “on-time performance” as a percentage to the total number of reported time-point crossings.

Trips With 10 or More Standees: There were 58 reported trips with 10 or more standees for the month of December. (See Operations Summary report for further information)
Cancelled Trips: There were a total of 5 cancelled trips for the month of December for both directly operated and contracted services representing less than one tenth of one percent of all scheduled trips for the month. Cancelled trips for December were attributed to the following:

<table>
<thead>
<tr>
<th>Reason</th>
<th>MST</th>
<th>MV Transportation</th>
<th>% Of All Missed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mechanical</td>
<td>2</td>
<td>0</td>
<td>40.00%</td>
</tr>
<tr>
<td>Traffic</td>
<td>2</td>
<td>0</td>
<td>40.00%</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>0</td>
<td>20.00%</td>
</tr>
</tbody>
</table>

Documented Occurrences: MST Coach Operators are required to complete an occurrence report for any unusual incident that may occur during their work day. The information provided within these reports is used to identify trends, which often drive changes in policy or standard operating procedures. The following is a comparative summary of reported incidents for the month(s) of December 2006 and 2007:

<table>
<thead>
<tr>
<th>Occurrence Type</th>
<th>December-06</th>
<th>December-07</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accident: Coach Involved</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Medical Emergency</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Object Thrown @ Coach</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Passenger Conflict</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Passenger Fall</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Passenger Injury</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Unreported Damage</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total Occurrences</strong></td>
<td><strong>17</strong></td>
<td><strong>21</strong></td>
</tr>
</tbody>
</table>

Field Supervision: While providing general oversight to the system, MST’s Operations Supervisors logged 1,589 hours, and 9,162 service miles for the month of December.

Coach Operator Alvin Johnson was assigned as an Interim Operations Supervisor throughout December.

CONTRACTED SERVICES:

MST RIDES ADA Paratransit Program:

- Preliminary boarding statistics for the MST RIDES program reflect that for the month of December there were 5,813 passenger boardings. This represents a 17.7 % increase in passenger trips from December of 2006. Year to date, passenger boardings for this program have increased by 24.31% in FY 2008.

- For the month of December, 88.18 % of all scheduled trips for the MST RIDES Program arrived on time, decreasing from 89.39 % in December of 2006.

- Productivity decreased from 1.79 passengers per hour in 2006, to 1.75 passengers per hour for December of 2007.

- For the month of December, 64 applications were reviewed, resulting in 63 approvals and 1 denial. Of the approvals, 42 were new clients, and 21 were recertifications.

- 21 clients were inactivated in December, leaving 2713 total active clients as of January
28, 2008.

Other:

- On December 26, 2007 MV Transportation discontinued operating the Line 6 Edgewater – Ryan Ranch. MST is now directly operating this service.

- One MST Trolley participated in the First Night Monterey parade on December 31st.

COMMUNICATIONS CENTER:

In December, the Communications Department summoned public safety agencies on thirteen (13) separate occasions to MST’s transit vehicles and facilities:

<table>
<thead>
<tr>
<th>Agency Type</th>
<th>Incident Type</th>
<th>Number Of Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>Passenger Incident</td>
<td>10</td>
</tr>
<tr>
<td>Emergency Medical Services</td>
<td>Medical Emergency</td>
<td>2</td>
</tr>
<tr>
<td>Fire Department</td>
<td>Trash Can Fire</td>
<td>1</td>
</tr>
</tbody>
</table>

Robert Weber

### MST FIXED ROUTE
### ON-TIME COMPLIANCE FY 2008

<table>
<thead>
<tr>
<th>MONTH</th>
<th>FY07 ON-TIME PERFORMANCE</th>
<th>FY08 TIME POINT COUNT</th>
<th>FY08 DELAYED ARRIVALS 5 + MINUTES</th>
<th>FY08 % of TRIP DELAY PERFORMANCE</th>
<th>FY08 ON-TIME PERFORMANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>84.56%</td>
<td>96,770</td>
<td>16,779</td>
<td>17.34%</td>
<td>82.66%</td>
</tr>
<tr>
<td>August</td>
<td>81.12%</td>
<td>100,678</td>
<td>18,982</td>
<td>18.85%</td>
<td>81.15%</td>
</tr>
<tr>
<td>September</td>
<td>81.20%</td>
<td>86,598</td>
<td>15,803</td>
<td>18.25%</td>
<td>81.75%</td>
</tr>
<tr>
<td>October</td>
<td>84.22%</td>
<td>94,293</td>
<td>14,844</td>
<td>15.74%</td>
<td>84.26%</td>
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<tr>
<td><strong>November</strong></td>
<td><strong>83.76%</strong></td>
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<td><strong>14,020</strong></td>
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<td><strong>84.29%</strong></td>
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<td>December</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>January</td>
<td>86.40%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>83.81%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>March</td>
<td>83.10%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>April</td>
<td>83.40%</td>
<td></td>
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<tr>
<td>May</td>
<td>82.67%</td>
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<tr>
<td>June</td>
<td>82.63%</td>
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**Total**

<table>
<thead>
<tr>
<th>MONTH</th>
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<th>FY08 % of TRIP DELAY PERFORMANCE</th>
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<tr>
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</tbody>
</table>

**Monthly Average**

<table>
<thead>
<tr>
<th>MONTH</th>
<th>FY07 ON-TIME PERFORMANCE</th>
<th>FY08 TIME POINT COUNT</th>
<th>FY08 DELAYED ARRIVALS 5 + MINUTES</th>
<th>FY08 % of TRIP DELAY PERFORMANCE</th>
<th>FY08 ON-TIME PERFORMANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>N/A</td>
<td>467,607</td>
<td>80,428</td>
<td>17.20%</td>
<td>N/A</td>
</tr>
<tr>
<td>Monthly Average</td>
<td>82.97%</td>
<td>93,521</td>
<td>16,086</td>
<td>16.20%</td>
<td>82.82%</td>
</tr>
</tbody>
</table>

On-Time Compliance Chart:

- **July:** 84.56%
- **August:** 81.12%
- **September:** 81.20%
- **October:** 84.22%
- **November:** 83.76%
- **December:** 86.91%
- **January:** 86.40%
- **February:** 83.81%
- **March:** 83.10%
- **April:** 83.40%
- **May:** 82.67%
- **June:** 82.63%
Operations Summary Report

Fixed Route and DART Service

July - December 2007
Fixed Route & DART Monthly Operations Summary Report  
December 2007

<table>
<thead>
<tr>
<th>Service Delivered</th>
<th>Service Quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ridership 326,910</td>
<td>On-time Time Points 75,082</td>
</tr>
<tr>
<td>Passengers / Vehicle Revenue Hour 18.71</td>
<td>Delayed Time Points 12,621</td>
</tr>
<tr>
<td>One-way Trips Scheduled 24,278</td>
<td>Schedule Adherence 85.61%</td>
</tr>
<tr>
<td>Cancelled Trips 5</td>
<td>Overcrowded Trips 58</td>
</tr>
</tbody>
</table>

**System Wide Service:**
Total systemwide ridership fell 11.1% compared to December 2006, dropping from 367,757 boardings last December to 326,910 boardings for December 2007. For the same timeframe, scheduled revenue hours increased 3.1%, resulting in a productivity decrease from 21.7 passengers per hour last year to 18.71 passengers per hour in December 2007.

Some of the ridership loss can be attributed to the operation of holiday Trolley service last year, which had 9,072 boardings, but which did not operate in December 2007. However, comparing the base services without the Trolley or First Night service still results in a 9.2% decrease in ridership. An inspection of individual routes shows that the decrease was not localized but was spread throughout the system, although some routes did have ridership increases.

**Seasonal Service:**
None.

**Supplemental Service:**
On December 31st, supplemental service was operated for First Night Monterey, carrying 3,319 passengers this year, a 35.2% increase over First Night service in 2006.
### Fixed Route & DART Monthly Operations Summary Report
December 2007

#### Cancelled Trips by Month - FY 08 YTD

<table>
<thead>
<tr>
<th>Month</th>
<th>Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul</td>
<td>28</td>
</tr>
<tr>
<td>Aug</td>
<td>17</td>
</tr>
<tr>
<td>Sep</td>
<td>15</td>
</tr>
<tr>
<td>Oct</td>
<td>12</td>
</tr>
<tr>
<td>Nov</td>
<td>15</td>
</tr>
<tr>
<td>Dec</td>
<td>5</td>
</tr>
<tr>
<td>Jan</td>
<td></td>
</tr>
<tr>
<td>Feb</td>
<td></td>
</tr>
<tr>
<td>Mar</td>
<td></td>
</tr>
<tr>
<td>Apr</td>
<td></td>
</tr>
<tr>
<td>May</td>
<td></td>
</tr>
<tr>
<td>Jun</td>
<td></td>
</tr>
</tbody>
</table>

#### Cancelled Trips by Reason - FY 08 YTD

- **Traffic** - 38 Trips (46%)
- **Mechanical Failure** - 22 Trips (27%)
- **MST Accident** - 16 Trips (19%)
- **Non-MST Accident** - 7 Trips (8%)

**Note:** Routes accounting for less than 2% of all overcrowding are consolidated as "other."

#### Overcrowded Trip Reports by Line - FY 08 YTD

- **Line 10** - 119 trips (20%)
- **Line 11** - 87 trips (15%)
- **Line 20** - 169 trips (29%)
- **Other Lines** - 21 trips (5%)
- **Line 23** - 35 trips (6%)
- **Line 41** - 76 trips (13%)
- **Line 42** - 27 trips (5%)
- **Line 9** - 49 trips (8%)

**Note:** Routes accounting for less than 2% of all overcrowding are consolidated as "other."
### Primary Routes

<table>
<thead>
<tr>
<th>Line</th>
<th>Ridership</th>
<th>VRHrs</th>
<th>VRMi</th>
<th>Pax/Hr</th>
<th>% Riders</th>
<th>% Hrs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-Monterey-Pacific Grove</td>
<td>9,466</td>
<td>727:23</td>
<td>7,304.1</td>
<td>13.01</td>
<td>2.9%</td>
<td>4.2%</td>
</tr>
<tr>
<td>9-Fremont-Hilby</td>
<td>26,913</td>
<td>920:07</td>
<td>9,161.1</td>
<td>29.25</td>
<td>8.2%</td>
<td>5.3%</td>
</tr>
<tr>
<td>10-Fremont-Ord Grove</td>
<td>34,382</td>
<td>1048:40</td>
<td>11,185.7</td>
<td>32.79</td>
<td>10.5%</td>
<td>6.0%</td>
</tr>
<tr>
<td>41-East Alisal - Northridge</td>
<td>43,949</td>
<td>1600:14</td>
<td>17,460.0</td>
<td>27.46</td>
<td>13.4%</td>
<td>9.2%</td>
</tr>
<tr>
<td>42-East Alisal - Westridge</td>
<td>30,137</td>
<td>1266:15</td>
<td>13,481.5</td>
<td>23.80</td>
<td>9.2%</td>
<td>7.2%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>144,847</strong></td>
<td><strong>5562:39</strong></td>
<td><strong>58,592.4</strong></td>
<td><strong>26.0</strong></td>
<td><strong>44.3%</strong></td>
<td><strong>31.8%</strong></td>
</tr>
</tbody>
</table>

### Local Routes

<table>
<thead>
<tr>
<th>Line</th>
<th>Ridership</th>
<th>VRHrs</th>
<th>VRMi</th>
<th>Pax/Hr</th>
<th>% Riders</th>
<th>% Hrs</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-Monterey-Pacific Grove</td>
<td>12,745</td>
<td>676:47</td>
<td>7,631.9</td>
<td>18.83</td>
<td>3.9%</td>
<td>3.9%</td>
</tr>
<tr>
<td>Monterey Peninsula DART</td>
<td>1,667</td>
<td>731:06</td>
<td>8,262.0</td>
<td>2.28</td>
<td>0.5%</td>
<td>4.2%</td>
</tr>
<tr>
<td>4-Carmel-Carmel Rancho</td>
<td>1,979</td>
<td>377:15</td>
<td>3,848.0</td>
<td>5.25</td>
<td>0.6%</td>
<td>2.2%</td>
</tr>
<tr>
<td>5-Monterey-Carmel</td>
<td>5,772</td>
<td>351:58</td>
<td>4,164.6</td>
<td>16.40</td>
<td>1.8%</td>
<td>2.0%</td>
</tr>
<tr>
<td>6-Edgewater - Ryan Ranch</td>
<td>171</td>
<td>50:24</td>
<td>1,074.6</td>
<td>3.39</td>
<td>0.1%</td>
<td>0.3%</td>
</tr>
<tr>
<td>7-Monterey-Carmel</td>
<td>1,978</td>
<td>144:00</td>
<td>1,641.6</td>
<td>13.74</td>
<td>0.6%</td>
<td>0.8%</td>
</tr>
<tr>
<td>MST OnCall</td>
<td>837</td>
<td>379:00</td>
<td>3,670.0</td>
<td>2.21</td>
<td>0.3%</td>
<td>2.2%</td>
</tr>
<tr>
<td>11-Edgewater-Carmel</td>
<td>15,660</td>
<td>594:03</td>
<td>9,203.5</td>
<td>26.36</td>
<td>4.8%</td>
<td>3.4%</td>
</tr>
<tr>
<td>16-Monterey-Marina</td>
<td>9,520</td>
<td>904:35</td>
<td>16,428.9</td>
<td>10.52</td>
<td>2.9%</td>
<td>5.2%</td>
</tr>
<tr>
<td>43-Memorial Hospital</td>
<td>8,916</td>
<td>287:55</td>
<td>3,475.2</td>
<td>30.97</td>
<td>2.7%</td>
<td>1.6%</td>
</tr>
<tr>
<td>44-Northridge</td>
<td>6,307</td>
<td>335:00</td>
<td>4,035.0</td>
<td>18.83</td>
<td>1.9%</td>
<td>1.9%</td>
</tr>
<tr>
<td>45-East Market-Creekbridge</td>
<td>4,800</td>
<td>370:45</td>
<td>5,557.8</td>
<td>12.95</td>
<td>1.5%</td>
<td>2.1%</td>
</tr>
<tr>
<td>46-Natividad</td>
<td>3,566</td>
<td>172:12</td>
<td>1,805.4</td>
<td>20.71</td>
<td>1.1%</td>
<td>1.0%</td>
</tr>
<tr>
<td>48-East Salinas - Airport Business Center</td>
<td>1,350</td>
<td>206:24</td>
<td>3,916.8</td>
<td>6.54</td>
<td>0.4%</td>
<td>1.2%</td>
</tr>
<tr>
<td>49-Northridge</td>
<td>8,904</td>
<td>417:46</td>
<td>2,975.1</td>
<td>21.31</td>
<td>2.7%</td>
<td>2.4%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>84,172</strong></td>
<td><strong>5999:10</strong></td>
<td><strong>77,690</strong></td>
<td><strong>14.03</strong></td>
<td><strong>25.7%</strong></td>
<td><strong>34.3%</strong></td>
</tr>
</tbody>
</table>

### Regional Routes

<table>
<thead>
<tr>
<th>Line</th>
<th>Ridership</th>
<th>VRHrs</th>
<th>VRMi</th>
<th>Pax/Hr</th>
<th>% Riders</th>
<th>% Hrs</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-Monterey-Salinas</td>
<td>48,080</td>
<td>1657:23</td>
<td>33,038.3</td>
<td>29.01</td>
<td>14.7%</td>
<td>9.5%</td>
</tr>
<tr>
<td>21-Monterey-Salinas</td>
<td>584</td>
<td>98:24</td>
<td>1,890.0</td>
<td>5.93</td>
<td>0.2%</td>
<td>0.6%</td>
</tr>
<tr>
<td>23-Salinas-King City</td>
<td>9,886</td>
<td>740:18</td>
<td>22,107.6</td>
<td>13.35</td>
<td>3.0%</td>
<td>4.2%</td>
</tr>
<tr>
<td>24-Carmel Valley-Grapevine Express</td>
<td>5,850</td>
<td>708:24</td>
<td>14,494.2</td>
<td>8.26</td>
<td>1.8%</td>
<td>4.1%</td>
</tr>
<tr>
<td>27-Watsonville-Marina</td>
<td>1,396</td>
<td>251:42</td>
<td>6,678.0</td>
<td>5.55</td>
<td>0.4%</td>
<td>1.4%</td>
</tr>
<tr>
<td>28-Watsonville-Salinas</td>
<td>9,641</td>
<td>694:29</td>
<td>19,426.9</td>
<td>13.88</td>
<td>2.9%</td>
<td>4.0%</td>
</tr>
<tr>
<td>29-Watsonville-Salinas</td>
<td>16,314</td>
<td>925:45</td>
<td>15,978.4</td>
<td>17.62</td>
<td>5.0%</td>
<td>5.3%</td>
</tr>
<tr>
<td>53-Monterey Peninsula-South County Express</td>
<td>482</td>
<td>128:30</td>
<td>4,413.0</td>
<td>3.75</td>
<td>0.1%</td>
<td>0.7%</td>
</tr>
<tr>
<td>55-Monterey-San Jose Express</td>
<td>1,928</td>
<td>477:39</td>
<td>15,038.1</td>
<td>4.04</td>
<td>0.6%</td>
<td>2.7%</td>
</tr>
<tr>
<td>56-Monterey-Memorial Hospital</td>
<td>176</td>
<td>46:54</td>
<td>1,770.3</td>
<td>3.75</td>
<td>0.1%</td>
<td>0.3%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>94,337</strong></td>
<td><strong>5729:28</strong></td>
<td><strong>134,832.5</strong></td>
<td><strong>16.47</strong></td>
<td><strong>28.9%</strong></td>
<td><strong>32.8%</strong></td>
</tr>
</tbody>
</table>

### Seasonal / Supplemental Service

<table>
<thead>
<tr>
<th>Line</th>
<th>Ridership</th>
<th>VRHrs</th>
<th>VRMi</th>
<th>Pax/Hr</th>
<th>% Riders</th>
<th>% Hrs</th>
</tr>
</thead>
<tbody>
<tr>
<td>22-Big Sur</td>
<td>235</td>
<td>68:00</td>
<td>1,754.4</td>
<td>3.46</td>
<td>0.1%</td>
<td>0.4%</td>
</tr>
<tr>
<td>First Night Monterey</td>
<td>3,319</td>
<td>112:22</td>
<td>721.9</td>
<td>29.54</td>
<td>1.0%</td>
<td>0.6%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,554</strong></td>
<td><strong>180:22</strong></td>
<td><strong>2,476.3</strong></td>
<td><strong>19.70</strong></td>
<td><strong>1.1%</strong></td>
<td><strong>1.0%</strong></td>
</tr>
</tbody>
</table>
January 31, 2008

TO: Carl G. Sedoryk, General Manager/CEO
FROM: Michael Hernandez, Chief Operating Officer

This summary report highlights fuel, fleet and facilities information for the month of November. Detailed statistical information is also attached.

Fuel Prices:
Diesel, gasoline and CNG fuel prices per gallon (or equivalent) were as follows:

<table>
<thead>
<tr>
<th></th>
<th>December Low</th>
<th>December High</th>
<th>November Average</th>
<th>December Average</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diesel</td>
<td>$2.73</td>
<td>$2.93</td>
<td>$3.01</td>
<td>$2.85</td>
<td>-5.3%</td>
</tr>
<tr>
<td>Gasoline</td>
<td>$3.07</td>
<td>$3.44</td>
<td>$3.32</td>
<td>$3.25</td>
<td>-2.1%</td>
</tr>
</tbody>
</table>

Fleet Status:
In December there were a total of 23 road calls, of which 19 were maintenance related and 4 non-mechanical, or passenger related. In-processing work continued on the 900 series. Gillig representatives worked at TDA to complete some repairs on the 2000 series fleet.

<table>
<thead>
<tr>
<th>Road Call Rate Goal:</th>
<th>Miles Between Road Calls:</th>
</tr>
</thead>
<tbody>
<tr>
<td>7,000 Miles Or More</td>
<td>December: 10,456</td>
</tr>
<tr>
<td></td>
<td>Past 12 Months: 18,400</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operating Cost Per Mile:</th>
</tr>
</thead>
<tbody>
<tr>
<td>December: $0.89</td>
</tr>
<tr>
<td>FY08 Year To Date: $1.05</td>
</tr>
</tbody>
</table>

Facilities:
On December 1, the City of Monterey took over the operation and maintenance of the CARS station. All remaining construction and "punch list" details remaining at the Marina Transit Exchange were officially completed and closed-out in December. Facilities staff completed a system wide sweep to clean shelters. One new shelter was installed at Alisal and Soledad Street in Salinas.
Date: December 31, 2007

To: C. Sedoryk, General Manager/CEO

From: Lyn Owens, Director Human Resources; Hunter Harvath, Director of Administration; Mark Eccles, Director Information Technology

Subject: Administration Department Monthly Report December 2007

The following significant events occurred in Administration work groups for the month of December 2007:

Human Resources

Employment activity for the month of December 2007 is summarized as follows:

<table>
<thead>
<tr>
<th>Department</th>
<th>Title</th>
<th>Transaction</th>
<th>Hire Date</th>
<th>Term Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance</td>
<td>Seasonal Utility Person</td>
<td>Resigned</td>
<td></td>
<td>12/04/07</td>
</tr>
<tr>
<td>Operations</td>
<td>Coach Operator</td>
<td>Resigned</td>
<td></td>
<td>12/14/07</td>
</tr>
<tr>
<td>Maintenance</td>
<td>Mechanic</td>
<td>New Hire</td>
<td></td>
<td>12/19/07</td>
</tr>
</tbody>
</table>

Total employment levels for December 2007 is summarized as follows:

<table>
<thead>
<tr>
<th>Positions</th>
<th>Budget</th>
<th>Actual</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coach Operators / Trainees</td>
<td>123</td>
<td>123</td>
<td>0</td>
</tr>
<tr>
<td>C/O on Long Term Leave</td>
<td>10</td>
<td>4</td>
<td>-6</td>
</tr>
<tr>
<td>Coach Operators Limited Duty</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Operations Staff</td>
<td>22</td>
<td>22</td>
<td>0</td>
</tr>
<tr>
<td>Maintenance &amp; Facilities</td>
<td>43</td>
<td>41</td>
<td>-2</td>
</tr>
<tr>
<td>Administration (Interns 2 PT)</td>
<td>21.5</td>
<td>21.5</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>220.5</strong></td>
<td><strong>212.5</strong></td>
<td><strong>-8</strong></td>
</tr>
</tbody>
</table>

Workers Compensation statistics are as follows:

<table>
<thead>
<tr>
<th>December 2007</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Expenses</td>
<td>$71,553</td>
</tr>
<tr>
<td>Reserves</td>
<td>$1,256,882</td>
</tr>
<tr>
<td># Open cases</td>
<td>56</td>
</tr>
<tr>
<td># Closed cases</td>
<td>3</td>
</tr>
<tr>
<td>Average Reserves per Open claim</td>
<td>$22,444</td>
</tr>
<tr>
<td># Open with no financial activity</td>
<td>24</td>
</tr>
</tbody>
</table>

Training

<table>
<thead>
<tr>
<th>Description</th>
<th>Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervisor Harassment Training</td>
<td>31</td>
</tr>
</tbody>
</table>
Risk Management Update

<table>
<thead>
<tr>
<th>Description</th>
<th>December 2007 Preventable</th>
<th>December 2006 Preventable</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Passenger Injury</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Bus hits object</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Vehicle hits bus</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>

Liability Claims Paid/Recovered – Property and Personal Injury

Paid $524, and recovered $50.

Customer Services Update

Customer Service received 45 customer comments during the month as follows:

<table>
<thead>
<tr>
<th>Service Report Type</th>
<th>Dec '07</th>
<th>% Dec '06</th>
<th>% Dec '06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Compliment</td>
<td>0</td>
<td>0.00%</td>
<td>1</td>
</tr>
<tr>
<td>Service Compliment</td>
<td>3</td>
<td>6.67%</td>
<td>2</td>
</tr>
<tr>
<td>Improper Driving</td>
<td>11</td>
<td>24.44%</td>
<td>6</td>
</tr>
<tr>
<td>Improper Employee Conduct</td>
<td>8</td>
<td>17.78%</td>
<td>5</td>
</tr>
<tr>
<td>Request To Add Service</td>
<td>7</td>
<td>15.56%</td>
<td>4</td>
</tr>
<tr>
<td>No Show</td>
<td>6</td>
<td>13.33%</td>
<td>1</td>
</tr>
<tr>
<td>Early Departure</td>
<td>3</td>
<td>6.67%</td>
<td>1</td>
</tr>
<tr>
<td>Late Arrival</td>
<td>3</td>
<td>6.67%</td>
<td>0</td>
</tr>
<tr>
<td>Passenger Injury</td>
<td>2</td>
<td>4.44%</td>
<td>0</td>
</tr>
<tr>
<td>Bus Stop Amenities</td>
<td>1</td>
<td>2.22%</td>
<td>0</td>
</tr>
<tr>
<td>Carried By</td>
<td>1</td>
<td>2.22%</td>
<td>0</td>
</tr>
<tr>
<td>Fare / Transfer Dispute</td>
<td>0</td>
<td>0.00%</td>
<td>2</td>
</tr>
<tr>
<td>Passenger Conduct</td>
<td>0</td>
<td>0.00%</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>45</td>
<td>100.00%</td>
<td>24</td>
</tr>
</tbody>
</table>

Overall service reports continue to be minimal during the holiday months. “Improper Driving” reports represent the largest percentage of reports for both ’06 (25%) and ’07 (24.4%). “Improper Driving” reports in Dec ’07 (11) also showed a substantial increase over Nov ’07 (4). These observations will be forwarded to the Director of Transportation Services for further analysis.
Marketing and Sales Update

MST signed a contract worth a total of $620 with TAMC for Bike Week. Current bus advertisers include Gem Faire, McDonald’s, City of Seaside, County of Monterey Health Department, REI, Pacific Capital Bancorp, Monterey County Sheriffs Department, and MWRPCA.

Press releases sent include: “MST to Provide Limited Bus Service for the Holidays” (12/21/07); “Free Bus Service to First Night Monterey” (12/28/07)

Published news stories included: “Study Safety of Intersection” (Monterey County Herald, 12/09/07); “Naan Starter” (Monterey County Weekly, 12/13-19/07); “BART Seating Down as Gas Rises” (Monterey County Herald, 12/15/07); “AMBAG Plans Tri-County Conference” (Monterey County Herald, 12/17/07); “Transport Agency to Holding Meetings for Half-Cent Tax Hike” (Monterey County Herald, 12/16/07); “MST Offers Limited Bus Service on Holidays” (Salinas Californian, 12/22/07); “Transit Agency Posts Holiday Bus Schedule” (Monterey County Herald, 12/22/07); “Ride the Bus” (Monterey County Herald, 12/23/07); “Christmas Closings” (Salinas Californian, 12/24/07); “First Night Bigger, Better than Ever” (Carmel Pine Cone, 12/28/07); “MST Offers Free Rides for First Night Event” (Monterey County Herald, 12/29/07)

Marketing activities: Submitted nomination for TARC Transpiration Excellence award recognizing the Marina Transit Exchange; helped design new website page to sell monthly passes and ticket books online; finished editing annual report articles and directed project through printing process; met with various media to discuss advertising opportunities and schedule ads; ordered employee and promotional products; coordinated MST’s sponsorship with First Night Monterey, providing bus service in exchange for MST promotion; completed Adobe Illustrator graphic design certification course; met with signage company to review new bus stop flag design.

Planning Update

During the month of December, staff continued working on the route and schedule changes to take effect on January 26, 2008. An administrative draft of the Monterey Bay Bus Rapid Transit report application for funding was prepared by the project consultant and reviewed by staff. Regular meetings of TARC, AMBAG and MCHA were attended. Staff met with representatives of the Pacific Meadows retirement community as well as the New Monterey Neighborhood Association to discuss transit access issues. Staff appeared on two AM radio programs to discuss public transit’s role in the community as well as its environmental benefits to the community. Staff traveled to Sacramento to conduct lobbying efforts at the Capitol on behalf of MST. Staff met with representatives of Monterey Peninsula College to examine improved transit access to the campus. A presentation was made to the Marina seniors group about the new MST On-Call service that was implemented the day after Thanksgiving in that community.
Information Technology Update

Staff continued working on outstanding warranty claims with the Siemens Transitmaster system as well as implementing additional functionality. Staff continued to configure software and hardware for the ongoing implementation of the Maximus Maintenance system. Staff continued to configure software for the ongoing implementation of the FAMIS Accounting system. Staff continued to configure software for the ongoing implementation of the FAMIS Payroll system. Staff continued to configure software for the ongoing implementation of the GIRO DDAM Timekeeping system. Staff updated software components of MST workstations. Staff continued developing functionality of the Payroll and Customer Service databases. Staff kept the MST web page updated and made the appropriate changes as required. Also, staff worked with our external ISP vendor to prepare the Website for Online Pass Sales. Staff worked with the vendor configuring the WiFi hardware and software on the 1800 bus fleet. Staff continued to support MST staff as needed, proactively ensuring MST staff were supported fully with their IT needs.

Staff completed the installation of the Intelligent Transportation Systems components on the new MST vehicles.
TRANSPORTATION AGENCY FOR MONTEREY COUNTY
www.tamcmonterey.org

HIGHLIGHTS

January 23, 2008 Meeting

TRANSPORTATION EXCELLENCE CELEBRATED

The Transportation Agency for Monterey honored outstanding Monterey County individuals, projects, and programs in the field of transportation at the sixth annual Transportation Agency for Monterey County Excellence Awards Ceremony. Those receiving awards have shown exceptional hard work and dedication in improving transportation in Monterey County.

Highlights of the award recipients are:

Special Recognition

- **District 17 Congressman, Sam Farr:** Congressman Farr successfully gathered $10.2 million for projects in Monterey County in H.R. 2764, the Consolidated Appropriations Act for 2008.
  - US 101 Prunedale Improvement Project: $9,000,000
  - Airport Boulevard US 101 Interchange: $490,000
  - Monterey Bay Sanctuary Scenic Trail: $490,000
  - Monterey-Salinas Transit: $196,000

Individuals

- **Lance Atencio, General Manager, MV Transportation:** Mr. Atencio has successfully increased the on-time performance and over-all reliability of the RIDES bus program for the elderly and disabled. Mr. Atencio’s openness and willingness to respond to stakeholder feedback has increased the value of this program to community members and has also increased confidence in the program.

- **Tom Carvey, Executive Director, Common Ground:** As the host of the "Your Town" radio and television show, Mr. Carvey has helped increase public awareness of transportation issues by holding bi-weekly transportation interviews, aired on Access Monterey Peninsula Channel 24 and KNRY AM1240.

- **Michele Allen, Traffic Reporter, KSBW-TV:** Ms. Allen's daily traffic reports provide essential information for viewers that save them time, energy, and money.

Groups

- **Highway 156 Safety Improvements Task Force:** Called together by Supervisor Lou Calcagno, this team of Caltrans, Monterey County, TMC, and community representatives worked together to successfully recommend short-term safety improvements to the Highway 156 corridor. Vital projects such as the new no-
passing zone, will improve the lives of thousands of commuters, visitors and truckers that travel Highway 156 everyday.

- Monterey County Health Department, Monterey County Bike Week Sponsors: The Health Dept. has been an extraordinary support to Monterey County Bike Week. The department has worked closely with the Transportation Agency in promoting bicycling as a healthy transportation alternative as well as providing monetary support towards to ensure that students were fed a good breakfast on bike to school day.

Projects
- South Sanborn Road Improvement Project: This project has reduced congestion on Sanborn Road, a heavily traveled arterial, by adding a third lane in the northbound and southbound lanes. The project also provides smoother, quieter, more comfortable riding pavement, improved traffic signal operation, and aesthetically pleasing landscaping features. The City of Salinas worked in close coordination with local businesses to minimize construction impacts in this critical agricultural distribution corridor.
- Marina Transit Exchange: Monterey-Salinas Transit: This state-of-the-art facility is located in the heart of what will soon become the largest community in coastal Monterey County. MST designed this facility in coordination with the City of Marina to meet the future demand for transit as thousands of new homes are constructed in North and South Marina.

See the attached list for a full description of the awards recipients. The full awards list may also be accessed at: http://www.tamcmonterey.org/programs/excelaward/07_honorees.html.

BOARD APPROVES DRAFT TRANSPORTATION INVESTMENT PLAN FOR PUBLIC REVIEW

The Transportation Agency for Monterey County approved the draft text for the Investment Plan to be funded by a 25-year, ½ cent sales tax slated for the November 2008 ballot. This Transportation Investment Plan will guide the expenditure of more than $980 million dollars from a proposed transportation sales tax over the next 25 years. The transportation sales tax, when combined with the developer fees and state and federal funds, will fund a $1.8 billion program of safety, maintenance, congestion relief and alternative transportation projects in Monterey County.

The Investment Plan provides a balance among a variety of much-needed transportation improvements throughout the County. Projects recommended for the sales tax include regional safety and congestion relief road projects on US 101, Highway 156 and Highway 68. Eligible for the 20% transit set-aside are bus rapid transit projects connecting Pacific Grove and Monterey to Seaside and Marina, increased bus service between Monterey and Salinas, wheelchair-accessible taxi cabs, and improved transit for the elderly and disabled. Candidates for the 3% funding for bicycle and pedestrian
improvements are a bicycle path between Carmel High School and across the Carmel River Bridge, a bridge over the Salinas River between South Salinas and Spreckels, and improvements along the Coast to add to the Monterey Bay Sanctuary Scenic Trail. While rail service is no longer included in the plan, Transportation Agency and Monterey-Salinas Transit staff have reached agreement to assure that Caltrain operations will be funded out of existing transit monies.

The investment plan must be adopted by the County Board of Supervisors as well as a majority of the cities representing the majority of the population before it can be placed on the November 2008 ballot.

AGENCY SEEKS PUBLIC INPUT ON TRANSPORTATION INVESTMENT PLAN

The Transportation Agency wants to know your thoughts on the newly-adopted draft transportation Investment Plan. The $1.8 billion plan will guide investment of a half-cent transportation sales tax to be placed on the November 2008 ballot. Learn more about the plan and provide your input at one of the following community meetings:

- Tuesday, Jan. 29, 5:30 - 7:30 PM
  Salinas Community Center, Santa Lucia Room
  940 N. Main Street, Salinas

- Wednesday, Jan. 30, 5:30 - 7:30 PM
  Castroville Water District Conference Room
  11499 Geil Street, Castroville

- Thursday, Jan. 31, 5:30 - 7:30 PM
  Lions Hall
  Acacia Street & Park Street, Soledad

- Tuesday, Feb. 12, 5:30 - 7:30 PM
  Seaside Community Center
  220 Coe Avenue, Seaside

REGIONAL DEVELOPMENT TRAFFIC IMPACT FEE PROGRAM APPROVED FOR CIRCULATION

Developers will be asked to pay for the traffic it adds to the regional transportation system if Monterey County and its cities adopt the Transportation Agency proposed Regional Development Traffic Impact Fee Program. Transportation Agency Board Members adopted the draft Nexus Study for a Regional Development Impact Fee, including a list of projects and fee schedule.
The Transportation Agency Board indicated a general acceptance of the project list and the three-zone benefit scenario. Under this scenario, the draft regional development impact fee schedule would assess $3,847 per dwelling unit to North County-Greater Salinas, $3,154 per dwelling unit to Monterey Peninsula-South Coast, and $4,608 per dwelling unit to the South County.

The developer fee program is estimated to generate $328 million in revenues for road and transit improvements. When combined with a transportation sales tax and state and federal funds, the fee will assist in fully funding a $1.8 billion multi-modal program of much needed transportation projects in Monterey County. The current schedule for implementing the draft regional development impact fee program is to seek approval by the cities and County beginning in Spring 2008.

**STATE FUNDING REQUESTED FOR MONTEREY COUNTY TRANSPORTATION PROJECTS**

The Transportation Agency for Monterey County authorized the request of $33.9 million in state funding for the following transportation projects in Monterey County:

- US 101 - Airport Boulevard interchange improvements - final construction costs
- US 101 - San Juan Road interchange at the Red Barn - right-of-way funds
- SR 156-Widening - design monies
- Hwy 68-widening near Community Hospital to Highway 1 - construction funds
- Spreckels Blvd/Portola Dr bike path and bridge - construction funds

With the exception of the US 101 - Airport Boulevard project, these state funds do not pay the full cost of all these projects; however, they will allow the projects to progress to advanced stages including construction. State Transportation Improvement Program funding is subject to the year-to-year State budget decisions and therefore is unreliable; consequently finding a stable source of local funding is still needed to support the future of transportation in this county. Action by the California Transportation Commission on these requests is expected this spring.

**MONTEREY BAY SANCTUARY SCENIC TRAIL MASTER PLAN APPROVED**

Bicyclists may see improvements to the Monterey Bay Sanctuary Scenic trail in the near future with the Transportation Agency's approval of the project Master Plan this Wednesday. Short-term projects include:

- Improving existing trail segments in Seaside and Monterey,
- Completing the Sand City gap, completion of the trail in the new Fort Ord Dunes State Park and between the park and Marina State Beach; and
- Completing Moss Landing area projects (including a new bridge across Elkhorn Slough).
Mid- to long-term improvements include:

- Constructing a trail from the current terminus north of Marina to the south edge of Moss Landing; and,
- Completion of a paved bike path along the coast and a bridge or bridge improvements across the Pajaro River.

Projects will be implemented as funding is determined.

TRANSPORTATION AGENCY AWARDS FUNDS TO MONTEREY-SALINAS TRANSIT AND MONTEREY COUNTY

The Transportation Agency awarded over $3 million in state infrastructure bond funds to Monterey-Salinas Transit and Monterey County this Wednesday for local transit service and South Monterey County transit services. Monterey-Salinas Transit intends to use a portion of these funds to expedite construction of the Frank J. Lichtanski Monterey Bay Operations Center project.
TO: Carl Sedoryk

FROM: Thomas P. Walters

The following report summarizes recent actions taken on behalf of Monterey-Salinas Transit:

- Consulted with MST on 2008 Federal agenda and advised on lobbying strategies.
- Scheduled and attended meetings in House of Representatives and Senate for MST staff advocacy in Washington, D.C.
- Contacted FTA and committee staff to discuss initiatives and projects in advance of 2008 advocacy meetings.
- Advised on FY 2009 appropriations process, including relevant deadlines and project support needs.
- Discussed proposal for reprogramming Federal funds for MST facilities with Congressional staff.

TPW:dwg
MEMO

DATE: February 1, 2008
TO: Carl Sedoryk, General Manager/CEO
    Monterey-Salinas Transit
FROM: John E. Arriaga, President
SUBJ: January 2008 Activity Report

Week of January 1, 2008
- Holiday – In observance of New Year’s Day.
- Monitored gubernatorial appointments

Week of January 7, 2008
- Monitored Senate and Assembly Floor Session on the Legislature’s first day back to Sacramento to begin the second year of the two-year 2007-08 Legislative Session
- Monitored and provided summary and highlight reports of the Governor’s State of the State address, proposed 2008-09 budget and current-year reductions and the Governor’s calling the Legislature into the Third Extraordinary Session (i.e., Special Session on the Budget).
- Monitored amendments to two-year bills and introduction of new legislation
- Met with Assembly Member Caballero’s Office regarding proposed legislation for “no smoking” policies at bus stops or facilities.
- Prepared Weekly Capitol Update Report on key events and activities in Sacramento/the Capitol
- Monitored gubernatorial appointments.

Week of January 14, 2008
- Prepared “draft” FPPC quarterly reports for review and approval.
- Monitored amendments to two-year bills and introduction of new legislation
- Monitored Senate and Assembly budget committee informational hearings on the Special Session on the Budget
- Met with Assembly Member Caballero’s Office regarding proposed legislation for “no smoking” policies at bus stops or facilities.
- Prepared Weekly Capitol Update Report on key events and activities in Sacramento/the Capitol
- Monitored gubernatorial appointments.

Week of January 21, 2008
- Worked on scheduling meetings in Sacramento with Legislators, Caltrans, CTA and others for Hunter Harvath’s visit to Sacramento on February 5, 2008.
- Monitored amendments to two-year bills and introduction of new legislation
- Monitored Senate and Assembly budget committee informational hearings on the Special Session on the Budget
- Met with Assembly Member Caballero’s Office regarding proposed legislation for “no smoking” policies at bus stops or facilities.
- Prepared Weekly Capitol Update Report on key events and activities in Sacramento/the Capitol
- Monitored gubernatorial appointments

**Week of January 28, 2008**
- Attended California Transit Association Transit Lobbyist meeting to discuss impacts to transit programs and agencies in California and update on the spill-over lawsuit
- Prepared final FPPC quarterly reports and filed electronically with the Secretary of State’s Office as required by law.
- Worked on scheduling meetings in Sacramento with Legislators, Caltrans, CTA and others for Hunter Harvath’s visit to Sacramento on February 5, 2008.
- Monitored amendments to two-year bills and introduction of new legislation
- Monitored Senate and Assembly budget committee informational hearings on the Special Session on the Budget
- Prepared Weekly Capitol Update Report on key events and activities in Sacramento/the Capitol
- Monitored gubernatorial appointments

Please feel free to contact me at (916) 669-1340 with any questions or concerns you may have regarding information contained in this report.
January 9, 2008

Carl G. Sedoryk,
General Manager/CEO
Monterey-Salinas Transit
One Ryan Ranch Rd.
Monterey CA 93940.

Subject: Transportation Excellence Awards—Marina Transit Exchange

Dear Mr. Sedoryk:

Congratulations! The Transportation Agency for Monterey County would like to present to Monterey-Salinas Transit a Transportation Excellence Award for its outstanding contribution to improving transportation in Monterey County with the Marina Transit Exchange.

The ceremony will take place on January 23, 2008 at 10:00 a.m. during the regularly scheduled Transportation Agency for Monterey County Board Meeting. The meeting will be held at the Salinas Community Center in the Santa Lucia Room at 940 North Main Street in Salinas.

Feel free to bring guests to be present at the ceremony in your appreciation. There will be light refreshments provided for those in attendance.

Please RSVP via email to kristen@tmcmonterey.org or give Kristen Hoschouer a call at 775-4403 by Monday, January 21, 2008. Be sure to include the number of guests you are bringing.

Congratulations again!

Sincerely,

Debra L. Hale
Executive Director
### Monterey Salinas Transit Board of Directors

**MEETING:** February 11, 2008  
**SUBJECT:** Receive Board Referrals Update  
**Agenda No.:** 12-6

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<tr>
<td>1/12/07</td>
<td>Armenta/Sanchez</td>
<td>Sedoryk</td>
<td>Adopt-a-shelter program</td>
<td>Staff met with Director Sanchez regarding this issue. Staff is examining the City of Indianapolis’ Adopt-A-Shelter program as a model.</td>
<td>Ongoing</td>
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<td>12/10/07</td>
<td>Downey</td>
<td>Havath</td>
<td>Transit access to Presidio of Monterey</td>
<td>This item was discussed at the Board meeting on January 14, 2008. City of Monterey to schedule meeting with DLI.</td>
<td>Ongoing</td>
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<td>12/10/07</td>
<td>Senkir</td>
<td>Havath</td>
<td>MST update to Gonzales Rotary</td>
<td>Mr. Sedoryk made a presentation to the Gonzales Rotary on January 7, 2008.</td>
<td>Completed</td>
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<td>1/14/08</td>
<td>Sanchez/Sedoryk</td>
<td></td>
<td>Hartnell Alisal Campus</td>
<td>Director Sanchez asked staff to meet with Hartnell College to discuss a new Alisal Campus. Directors Armenta and Sanchez requested to be part of the meeting.</td>
<td>Ongoing</td>
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<td>1/14/08</td>
<td>Ford</td>
<td>Havath</td>
<td>Marina Dunes Shopping Center</td>
<td>Director Ford asked for: 1) an update on adding more service to the Dunes Shopping Center; and 2) status on MST On Call service.</td>
<td>Ongoing</td>
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*As of January 2, 2008*
## Monterey Salinas Transit Board of Directors

### MEETING:
February 11, 2008

### Agenda No.:
12-6

### SUBJECT:
Receive Board Referrals Update

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As of January 2, 2008
January 31, 2008

To: Carl Sedoryk
From: H. Harvath, Director of Administration

Subject: Lobbying Visit to Sacramento

On December 11-12, 2007, I traveled to Sacramento for meetings with the offices of Senator Jeff Denham and Assembly Members John Laird and Anna Caballero regarding proposed legislation to eliminate smoking at bus stops that are within 20 feet of an open bus door or window. In addition, we discussed the looming budget crisis and its possible impacts on transit funding for the remainder of FY 2008 as well as for the upcoming FY 2009 budget. Subsequently, we met with Legislative Counsel to draft language to “gut & amend” bill AB 1258, which could have served as a vehicle for the smoking ban. Based on further consultations with Legislative Counsel and representatives of Assemblymember Caballero’s office, we are seeking a legal opinion regarding the smoking ban before going forward with legislation.

Hunter Harvath
To: Board of Directors
From: Director Clark
Subject: Election of Officers

RECOMMENDATION:

Accept the recommendations of the Nominating Committee as shown in Attachment #1.

FISCAL IMPACT:

None.

POLICY IMPLICATIONS:

None.

DISCUSSION:

The Nominating Committee consisted of Directors Clark, Downey and Sanchez. Our recommendations are shown in Attachment #1.

SUBMITTED BY: ________________________________
Kristin Clark

Attachment(s): 1. MST Officers and Appointments
MST Officers and Appointments
As of February 11, 2008

Officers elected by the Board:

Chair
Fernando Armenta
Vice-Chair
Tom Mancini

Non-elected officers and appointments:

Secretary to the Board
Carl G. Sedoryk
Deputy Secretary to the Board
Sonia A. R. Bannister
Treasurer
Carl G. Sedoryk
Deputy Treasurer
David A. Sobotka
General Counsel
David C. Laredo
Representative to TAMC
Carl G. Sedoryk
Alternate to TAMC
Hunter Harvath
Representative to FORA
Hunter Harvath
Alternate to FORA
Carl G. Sedoryk
Representative to California Transit Insurance Pool (CalTIP)
Carl G. Sedoryk
Alternate to CalTIP
Lyn Owens

February 11, 2008 Board Meeting