



MONTEREY-SALINAS TRANSIT DISTRICT BOARD OF DIRECTORS MEETING AGENDA AND NOTICE

Meeting Date: April 10, 2023
Meeting Time: 10:00 AM Pacific Time (US and Canada)
Location: In-Person and Zoom Conference

MST Board of Directors Participation:

The Regular Meeting of the Monterey-Salinas Transit District Board of Directors in-person meeting will be held on April 10, 2023, at 10:00 a.m. at 19 Upper Ragsdale Drive, Suite 100.

Public Participation:

Public participation for the Regular Board Meeting is available in-person at 19 Upper Ragsdale Drive, Suite 100, as well as virtually via Zoom, telephone, and email. To participate virtually, click

<https://us06web.zoom.us/j/84500836234?pwd=aFQ0YUdjZ3Y0eW94WmtRZ1MyY0Vldz09>
and enter the following:

Meeting ID: 845 0083 6234 and Passcode: 652252.

To attend by telephone, dial (669) 900-6833 same Meeting ID: 845 0083 6234 and Passcode: 652252.

Public comments may be made either in person, via Zoom, or via email. Members of the public may attend the Board Meeting in person and request to speak to the Board when the Chair calls for public comment. Persons who wish to make public comment on an agenda item are encouraged to submit comments in writing by email to MST at clerk@mst.org by 3:00 pm on Friday, April 7, 2023; those comments will be distributed to the MST Board of Directors before the meeting. Written comments may be emailed to clerk@mst.com, and should include the subject line: "Public Comment Item # (insert the agenda item number relevant to your comment)."

MST District Board and Committee Agendas

Accessibility, Language Assistance, and Public Comments

Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection at the Monterey-Salinas Transit District Administration Building at 19 Upper Ragsdale Dr., Suite 200, Monterey, CA 93940 during normal business hours.

Upon request, Monterey-Salinas Transit District will provide written materials in appropriate alternative formats, including disability-related modifications or accommodations, 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, description of the requested materials, and preferred alternative format or auxiliary aid or service at least three working days prior to the meeting at the address below.

Public comments may be submitted for any item on the agenda by contacting MST:

Mail: MST, Attn: Clerk to the Board, 19 Upper Ragsdale Dr., Suite 200, Monterey, CA 93940

Website: <https://mst.org/contact-us/> • **Email:** clerk@mst.org • **Phone:** (888) 678-2871



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1. CALL TO ORDER

- 1-1. Roll Call.
- 1-2. Pledge of Allegiance.
- 1-3. Review Highlights of the agenda. (Carl Sedoryk)

2. 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 District 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. (Please refer to page 1 of the agenda for instructions)

3. CONSENT AGENDA

These items will be approved by a single motion. Anyone may request that an item be discussed and considered separately.

- 3-1. Adopt Resolution 2023-32 Recognizing Matthew Deal, Grants Analyst as Employee of the Month for April 2023. (Michelle Overmeyer) (Page 7)
- 3-2. Approve Minutes of the MST Board Meeting on March 13, 2023. (Jeanette Alegar-Rocha) (Page 9)
- 3-3. Reappoint Measure Q Oversight Committee Members Bobby Merritt and Steven Macias to a New 3-Year Term. (Lisa Rheinheimer) (Page 17)
- 3-4. Receive Report on Lost and Found Items Left on MST Property for the Month of November 2022. (Beronica Carriedo) (Page 19)
- 3-5. Financial Reports – February 2023. (Lori Lee) (Page 21)
 - a) Accept Report of February 2023 Cash Flow Presented in Attachment #1
 - b) Approve February 2023 Disbursements Listed in Attachment #2
 - c) Accept report of February 2023 Treasury Transactions Listed in Attachment #3
- 3-6. Reject Claim by the Claimant Stephanie Jimenez-Garcia. (Lisa Cox) (Page 29)
- 3-7. Authorize the Disposal of Thirteen (13) MST-Owned Vehicles that Have Reached or Exceeded Their Useful Life. (Norman K. Tuitavuki) (Page 31)

- 3-8. Ratify Final Settlement Agreement Between MST and SNG Evariste, Concluding the SNG Evariste, LLC v. Monterey-Salinas Transit, Monterey County Superior Court, Case No. 21CV002572. (Carl Sedoryk/David Laredo) (Page 33)

End of Consent Agenda

4. RECOGNITIONS AND SPECIAL PRESENTATIONS

- 4-1. March 2023 Employee of the Month – Marzette Henderson (Norman Tuitavuki)
- 4-2. April 2023 Employee of the Month – Matthew Deal (Michelle Overmeyer)
- 4-3. 30 Year Service Anniversary – George Alvarez (Norman Tuitavuki)
- 4-4. 35 Year Service Anniversary – Tiziano Minelli (Norman Tuitavuki)
- 4-5. 40 Year Service Anniversary – Janet Madler (Norman Tuitavuki)

5. PUBLIC HEARINGS

- 5-1. FY 2023 Program of Projects. (Matthew Deal) (Page 45)
 - a) Conduct Public Hearing for FY 2023 Program of Projects,
 - b) Adopt the FY 2023 Program of Projects, and
 - c) Authorize the Filing of the Appropriate Grant Applications with the Federal Transit Administration and Caltrans.

6. ACTION ITEMS

- 6-1. Approve Resolution 2023-33 Authorizing the Certifications and Assurances, Authorized Agent Forms, and Execution of the LCTOP Projects for FY 22/23. (Matthew Deal) (Page 51)
- 6-2. Approve a Free Fare Zone in the Community of Pajaro through June 30, 2023. (Lisa Rheinheimer) (Page 55)

7. REPORTS & INFORMATION ITEMS

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

- 7-1. General Manager/CEO Monthly Report – February 2023 (Page 57)
- 7-2. Federal Legislative Advocacy Report (Page 129)
- 7-3. State Legislative Advocacy Update (Page 131)
- 7-4. Staff Trip Reports – (Pages 135 & 137)

7-5. Correspondence – None

8. BOARD REPORTS, COMMENTS, AND REFERRALS

8-1. Reports on Meetings Attended by Board Members at MST Expense. (AB 1234)

8-2. Board Member Comments and Announcements.

a) CTA Spring Legislative Conference, May 15-16, 2023, Sacramento, CA, early registration due date April 14.

8-3. Board Member Referrals for Future Agendas.

9. ATTACHMENTS

9-1. The Detailed Monthly Performance Statistics and Disbursement Journal for February 2023 can be viewed online within the GM Report at <http://mst.org/about-mst/board-of-directors/board-meetings/>

10. CLOSED SESSION

Members of the public may address the Board on any matter related to Closed Session. 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 individually, through staff, or on a subsequent agenda. (Please refer to page 1 of the agenda for instructions)

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.

10-1. Conference with Labor Negotiators, Gov. Code § 54957.6: ATU, MSTE, Confidential Unit, General Manager/CEO and MST. (Kelly Halcon/Michael D. Laredo)

11. ADJOURN

NEXT SCHEDULED MEETING DATE: May 8, 2023 at 10:00 a.m.

NEXT SCHEDULED AGENDA DEADLINE: April 25, 2023

Dates, times and **teleconference information are subject to change.*

*Please contact MST for accurate meeting dates, times, and **teleconference** information or check online at <http://mst.org/about-mst/board-of-directors/board-meetings/>*

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**MATTHEW DEAL
APRIL 2023
EMPLOYEE OF THE MONTH**

WHEREAS, each month Monterey-Salinas Transit District 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, Matthew Deal began his career with Monterey-Salinas Transit as a Grants Analyst in January 2020 just prior to the world coming to a halt due to the pandemic. During his onboarding, he quickly learned how to navigate federal and state grant requirements; and

WHEREAS, Matthew Deal successfully processed over \$53 million in COVID relief grant funds to ensure MST continued to meet its cash flow needs over the last three years. He most recently played a vital role in securing funds so MST can transition to a zero-emission fleet and build the SURF! Busway and Bus Rapid Transit project; and

WHEREAS, Matthew Deal was instrumental in securing several important grant awards that will fund these efforts including \$3 million for a zero-emission bus and microgrid project; \$49.5 million for the SURF! project through various state and federal programs.

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of Monterey-Salinas Transit District recognizes Matthew Deal as employee of the Month for April 2023; and

BE IT FURTHER RESOLVED that Matthew Deal is to be congratulated for his outstanding performance, dedication, and supreme effort toward the success of MST fulfilling its mission.

THE BOARD OF DIRECTORS OF MONTEREY-SALINAS TRANSIT DISTRICT
PASSED AND ADOPTED RESOLUTION 2023-32 this 10th day of April 2023.

Anna Velazquez
Board Chair

Carl G. Sedoryk
Board Secretary

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MEETING OF THE MST BOARD OF DIRECTORS

MEETING MINUTES

March 13, 2023
10:00 am (Pacific)

Present:	Anna Velazquez, Chair	City of Soledad
	Mary Ann Carbone, Vice Chair	City of Sand City
	Jeff Baron	City of Carmel-by-the-Sea
	Kim Shirley	City of Del Rey Oaks
	Lorraine Worthy	City of Gonzales
	Yanely Martinez	City of Greenfield
	Mike LeBarre	City of King
	Liesbeth Visscher	City of Marina
	Ed Smith	City of Monterey
	Joe Amelio	City of Pacific Grove
	Tony Barrera	City of Salinas
	Dave Pacheco	City of Seaside
	Luis Alejo (Conference)	County of Monterey
Absent:	None	
Counsel:	David C. Laredo	De Lay & Laredo
	Michael D. Laredo	De Lay & Laredo
Staff:	Carl Sedoryk	General Manager/CEO
	Lisa Rheinheimer	Assistant General Manager
	Michael Kohlman	Chief Information Officer
	Kelly Halcon	Director of HR & Risk Management
	Jeanette Alegar-Rocha	Deputy Secretary/Clerk to the Board
	Andrea Williams	Finance Manager
	Claudia Valencia	Mobility Specialist
	Cristy Sugabo	Mobility Services Supervisor
	David Bielsker	Transit Scheduler
	Elena Grigorichina	Operations Analyst
	Emma Patel	Associate Planner
	Ezequiel Rebollar	IT Technician
	Ikuyo Yoneda-Lopez	Marketing & Communications Manager
	Jacqueline Munoz	C/S Representative
	Kevin Allshouse	Contract Services Manager
	Matthew Deal	Grants Analyst
	Natalie Flores	Assistant Planner

Paul Lopez
Scott Taylor
Ursulla Scardina
Vince Dang

Facilities Manager
IT Manager
Marketing Assistant
Project Management Coordinator

Public: Kevin Dayton
Chris Duymich
Jasmine Mejia-Cortez
Tyson Sohagi
Matt Wang

Salinas & Monterey Chambers of Commerce
AMBAG
Office of County Supervisor Luis Alejo
The Sohagi Law Group, PLC
The Sohagi Law Group, PLC

1. CALL TO ORDER

- a. Roll Call.
- b. Pledge of Allegiance.

Chair Velazquez called the meeting to order at 10:01 a.m. Roll call was taken, and a quorum was established with Director Martinez (Illness) noted as absent. Director Shirley led the pledge of allegiance. Director Alejo indicated that he would need to leave the meeting early due to the declared state of emergency due to flooding within Monterey County.

- c. Review Highlights of the agenda. (Carl Sedoryk)

Carl Sedoryk reviewed the highlights of the agenda and shared a letter emailed by Molly Erikson at 11:58 pm on Sunday, March 12, 2023.

Director Martinez joined the meeting at 10:10 am.

- d. Add Urgency Item to Vote on AB361 Resolution (2/3 vote required) (Carl Sedoryk)

On a motion by Director Carbone, seconded by Director Worthy and carried by the following vote, which was conducted by roll call, the Board approved adding the urgency item to vote on AB361 Resolution 2023-31:

AYES:	13	Alejo, Amelio Baron, Barrera, Carbone, LeBarre, Martinez, Pacheco, Shirley, Smith, Velazquez, Visscher, and Worthy
NOES:	0	
ABSENT:	0	
ABSTAIN:	0	

- e. Approve Resolution 2023-31 for the March 13 Board meeting to be Held Remotely (via Zoom teleconference) due to the State of Emergency in Monterey County from Severe Flooding. (Carl Sedoryk)

On a motion by Director Worthy, seconded by Director Smith and carried by the following vote, which was conducted by roll call, the Board approved Resolution 2023-31 for the March 13 Board meeting to be held remotely (via Zoom teleconference) as allowed by AB 361 due to the State of Emergency in Monterey County from severe flooding:

AYES: 13 Alejo, Amelio Baron, Barrera, Carbone, LeBarre, Martinez, Pacheco, Shirley, Smith, Velazquez, Visscher, and Worthy
NOES: 0
ABSENT: 0
ABSTAIN: 0

2. CLOSED SESSION

- 2-1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION (Gov. Code section 54956.9(d)(1).) Keep Fort Ord Wild; The Open Monterey Project v. Monterey-Salinas Transit, Monterey County Superior Court, Case No. 21CV002192.

David Laredo, MST General Counsel, reported that the Board received an update but no reportable action was taken.

- 2-2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION (Gov. Code section 54956.9(d)(1).) SNG Evariste, LLC v. Monterey-Salinas Transit, Monterey County Superior Court, Case No. 21CV002572.

David Laredo, MST General Counsel, reported that the Board received an update but no reportable action was taken.

3. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

There were no public comments.

4. CONSENT AGENDA

- 4-1. Adopt Resolution 2023-28 Recognizing Marzette Henderson, Transportation Manager, as Employee of the Month for March 2023. (Norman Tuitavuki)
- 4-2. Approve Minutes of the MST Board Meeting on February 13, 2023. (Jeanette Alegar-Rocha)
- 4-3. Receive Draft Minutes of the MST Board Operations Performance Committee Meeting on February 13, 2023. (Jeanette Alegar-Rocha)
- 4-4. Receive Report on Lost and Found Items Left on MST Property for the Month of October 2022. (Beronica Carriedo)

- 4-5. Financial Reports – January 2023. (Lori Lee)
 - a) Accept reports of January 2023 Cash Flow
 - b) Approve January 2023 Disbursements
 - c) Accept Report of January 2023 Treasury Transactions
- 4-6. Receive Draft Minutes of the Mobility Advisory Committee Meeting on January 25, 2023. (Ruben Gomez)
- 4-7. Reject Claim by the Claimant LaTasha Nichole Weston. (Lisa Cox)

There were no public comments on the consent agenda.

On a motion by Director Barrera, seconded by Director Amelio and carried by the following vote, which was conducted by roll call, the Board approved items 4-1 through 4-7 on the consent agenda:

AYES: 13 Alejo, Amelio, Baron, Barrera, Carbone, LeBarre, Martinez, Pacheco, Shirley, Smith, Velazquez, Visscher, and Worthy
NOES: 0
ABSENT: 0
ABSTAIN: 0

5. RECOGNITIONS AND SPECIAL PRESENTATIONS

- 5-1. March 2023 Employee of the Month – Marzette Henderson (Norman Tuitavuki)

Marzette Henderson was not present at the Board meeting due to transit support needed for the State of Emergency in Monterey County from severe flooding.

Board members asked to have Mr. Henderson return to the April 10th meeting to be recognized in person.

- 5-2. 35 -Year Service Anniversary – Tiziano Minelli (Norman Tuitavuki)

Tiziano Minelli was not present at the Board meeting due to transit support needed for the State of Emergency in Monterey County from severe flooding.

Board members asked to have Mr. Minelli return to the April 10th meeting to be recognized in person.

6. PUBLIC HEARINGS

None

7. ACTION ITEMS

- 7-1. Introduce and Hold a First Reading of an Ordinance Adopting Rules of Conduct for Attending Meetings of Legislative Bodies at MST Facilities, as Previously Presented at the February 13th Board Meeting. (Carl Sedoryk/ Michael Laredo)

Director Alejo moved to introduce and hold a first reading of the proposed ordinance to adopt rules of conduct for attending meetings of legislative bodies at MST facilities which was seconded by Director Shirley.

A substitute motion by Director LeBarre was made to not adopt rules of conduct for attending meetings of legislative bodies at MST facilities which was seconded by Director Smith. A roll call vote on the substitute motion was held and the motion passed as follows:

AYES:	7	Amelio, Barrera, LeBarre, Martinez, Pacheco, Smith, and Worthy
NOES:	6	Alejo, Baron, Carbone, Shirley, Velazquez, and Visscher
ABSENT:	0	
ABSTAIN:	0	

Director Alejo left the meeting at approximately 11:00 am.

- 7-2. Adopt Resolution 2023-29 Authorizing Remote Meeting Participation for Members of the Public at All MST Legislative Bodies. (Carl Sedoryk/ Michael Laredo)

On a motion by Director LeBarre, seconded by Director Amelio and carried by the following vote, which was conducted by roll call, the Board approved Resolution 2023-29 authorizing remote meeting participation for members of the public at all MST legislative bodies:

AYES:	12	Amelio Baron, Barrera, Carbone, LeBarre, Martinez, Pacheco, Shirley, Smith, Velazquez, Visscher, and Worthy
NOES:	0	
ABSENT:	1	Alejo
ABSTAIN:	0	

- 7-3. Public Meeting to Review and Consider Comments and Responses on the SURF! Busway and Bus Rapid Transit Project ("Project") California Environmental Quality Act (CEQA) Exemptions under Senate Bill 922 [2022] (Public Resources Code Section 21080.25) ("CEQA Exemptions"), to Adopt a Resolution Approving CEQA Exemptions for the SURF! Busway and Bus Rapid Transit Project, to Adopt Project Conditions, and to Direct Staff to File a Notice of Exemption. (Lisa Rheinheimer)

Lisa Rheinheimer, Assistant General Manager for MST stated the following:

The item before you this morning is for a Public Meeting to Review and Consider Comments and Responses on the SURF! Busway and Bus Rapid Transit Project (“Project”) California Environmental Quality Act (CEQA) Exemptions under Senate Bill 922 [2022] (Public Resources Code Section 21080.25) (“CEQA Exemptions”), to Adopt a Resolution Approving CEQA Exemptions for the SURF! Busway and Bus Rapid Transit Project, to Adopt Project conditions, and to Direct Staff to File a Notice of Exemption.

In July 2021, the MST Board approved the project by finding the project exempt from CEQA under SB 288 and approved an Initial Study-Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project.

SB 288 by Senator Scott Wiener provided CEQA statutory exemptions for certain projects including pedestrian and bicycle facilities, transit signal prioritization, wayfinding, bus rapid transit, and charging and refueling of zero-emission transit buses.

Should the Board approve the recommendation today, the previous Board actions from July 2021 are still valid and in full force and effect.

Today, staff’s recommendation on SB922 is supported by the staff memo, resolution and exhibits, which meets the requirements of SB922.

SB922, went into effect on January 1, 2023 and provides for CEQA statutory exemptions until January 1, 2030 for projects listed at Public Resources Code section 21080.25(b), including (b)(1) [Pedestrian/Bike Facilities], (b)(2) [wayfinding], (b)(3) [transit prioritization], (b)(5) [Bus rapid transit, bus, or light rail service, including stations, terminals, or existing operation facilities], (b)(6) [Charging stations], and (b)(7) [Infrastructure]

This morning, MST received a comment about the Transit Oriented Development (TOD) Planning Study not being part of MST's scope and focus for the SURF! project and not analyzed under CEQA. MST’s response is that the SURF! project has independent utility regardless of the TOD study in that SURF! supports the goals of increasing ridership while using zero-emissions vehicles.

We also received a letter of support from Landwatch Monterey County earlier this morning.

The purpose of this recommended Board action is for the Board to determine that the Project is exempt based on the SB 922 statutory exemption.

Chair Velazquez asked for public comment.

Kevin Dayton stated that he was speaking on behalf of the Salinas Valley and Monterey Peninsula Chambers of Commerce. Mr. Dayton stated support for the item. Mr. Dayton stated that they condemn the abuse of the California Environmental Quality Act to stop projects such as this.

On a motion by Director LeBarre, seconded by Director Pacheco and carried by the following vote, which was conducted by roll call, the Board adopted Resolution 2023-30 approving CEQA exemptions for the SURF! Busway and Bus Rapid Transit Project, to adopt project conditions, and directed staff to file a Notice of Exemption:

AYES:	12	Amelio Baron, Barrera, Carbone, LeBarre, Martinez, Pacheco, Shirley, Smith, Velazquez, Visscher, and Worthy
NOES:	0	
ABSENT:	1	Alejo
ABSTAIN:	0	

8. REPORTS & INFORMATION ITEMS

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

- 8-1. General Manager/CEO Monthly Report – January 2023
- 8-2. Federal Legislative Advocacy Report
- 8-3. State Legislative Advocacy Update
- 8-4. Staff Trip Reports – None
- 8-5. Correspondence – None

9. BOARD REPORTS, COMMENTS, AND REFERRALS

- 9-1. Reports on Meetings Attended by Board Members at MST Expense. (AB 1234)
- 9-2. Board Member Comments and Announcements.

Director LeBarre and Chair Velazquez thanked MST staff for the response and support of the community during the State of Emergency in Monterey County from severe flooding.

Carl Sedoryk announced that MST was granted a \$22 million grant from FTA for the SURF! Busway and Bus Rapid Transit Project.

Carl Sedoryk announced the MST Transit Employee Appreciation Day is scheduled for March 17th at the MST operations facilities, weather permitting.

- 9-3. Board Member Referrals for Future Agendas.

The Board members requested that Marzette Henderson and Tiziano Minelli be invited to the April 10th meeting to be recognized and thanked in-person.

10. ATTACHMENTS

- 10-1. The Detailed Monthly Performance Statistics and Disbursement Journal for January 2023 can be viewed online within the GM Report at <http://mst.org/about-mst/board-of-directors/board-meetings/>

11. ADJOURN

With no further business to discuss, Chair Velazquez adjourned the meeting at 11:17 a.m. (Pacific).

Prepared by:


Jeanette Alegar-Rocha

Reviewed by:


Carl G. Sedoryk

To: Measure Q Oversight Committee

From: Lisa Rheinheimer, Assistant General Manager

Subject: Measure Q Oversight Committee Appointments

RECOMMENDATION:

Reappoint Measure Q Oversight Committee members Bobby Merritt and Steven Macias to a new 3-year term.

FISCAL IMPACT:

None.

POLICY IMPLICATIONS:

Ordinance 2015-01 requires the MST Board to approve all nominations to the Measure Q Oversight Committee.

DISCUSSION:

According to Ordinance 2015-01 and MST Resolution 2015-31, the membership of the committee shall consist, at a minimum, of a representative of each of the following:

- The Salinas urbanized area, to include a representative from the City of Salinas;
- The Seaside-Marina-Monterey urbanized area, to include a representative from among the cities of Carmel-by-the-Sea, Monterey, Pacific Grove, Seaside, Del Rey Oaks, Sand City, and Marina;
- The Non-Urbanized Areas, to include a representative from among the cities of Gonzales, Greenfield, Soledad, and King City;
- The County of Monterey, to include a representative from an unincorporated area of Monterey County;
- A bona fide non-profit organization that represents the interest of taxpayers in the county; and
- The District's existing Mobility Advisory Committee, to include two members of the Mobility Advisory Committee.

Additionally, the Bylaws of the Committee call for a staggering of member terms. The Bylaws specifically state that “The MST Board of Directors shall set a term of service at three (3) years. Terms shall be staggered so that, insofar as possible, one-third of appointments shall expire each year. Members shall be eligible for reappointment.”

MST staff recommends the Board re-appoint the following and highlighted Measure Q Oversight Committee members with associated terms of office:

	REPRESENTATIVE	NAME	TERM EXPIRATION	NEW TERM
1.	Salinas Urbanized Area	Juan Pablo Lopez	3/26/2025	
2.	Seaside-Marina-Monterey Urbanized Area	Sid Williams, Chair	3/26/2024	
3.	Non-urbanized South County Cities	Sharlene Hughes	3/26/2025	
4.	County of Monterey Unincorporated	Vacant	3/26/2025	
5.	Taxpayer’s Association	Kevin Dayton	3/26/2024	
6.	Mobility Advisory Committee	Bobby Merritt Vice Chair	3/26/2023	3/26/2026
7.	Mobility Advisory Committee	Steven Macias	3/26/2023	3/26/2026

Prepared by:  Reviewed by: 
 Lisa Rheinheimer Carl G. Sedoryk

To: Board of Directors
From: Beronica Carriedo, Customer Service & Community Relations Supervisor
Subject: Disposal of Unclaimed Items Left on MST Property

RECOMMENDATION:

Receive Report on Lost and Found Items Left on MST Property for the Month of November 2022.

FISCAL IMPACT:

There are no fiscal impacts to receiving this report.

POLICY IMPLICATIONS:

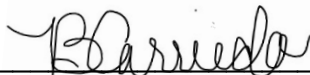
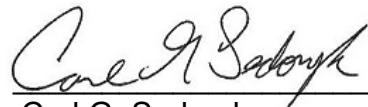
Your Board adopted MST's Disposal of Lost and Found Property Policy.

DISCUSSION:

Per MST's revised Disposal of Lost and Found Property policy during shelter in place adopted on April 6, 2020, MST shall suspend collection and storage of lost personal items with an estimated value of less than \$100. Unless prohibited by law, lost, and found personal items with an estimated value of less than \$100 shall be treated as potentially hazardous and disposed of immediately. These items include but are not limited to umbrellas, articles of clothing, pill containers, glasses, etc.

Items reasonably estimated with a value of greater than \$100 shall only be handled by employees wearing personal protective equipment (such as gloves, masks, etc.), and stored in a secure area to limit possible exposure of COVID-19 to MST employees. All wallets/purses with identifying information and Driver's License or Identification Cards will continue to be retained for 90 days before being disposed. MST makes an attempt to contact the owners of Lost and Found items with identifying information.

Item(s) with an estimated fair market value of \$100 or more: None

Prepared by:  Reviewed by: 
Beronica Carriedo Carl G. Sedoryk

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To: Board of Directors
From: Lori Lee, Accountant
Subject: **FINANCIAL REPORTS – FEBRUARY 2023**

RECOMMENDATION:

1. Accept report of February 2023 cash flow presented in Attachment #1
2. Approve February 2023 disbursements listed in Attachment #2
3. Accept report of February 2023 treasury transactions listed in Attachment #3

FISCAL IMPACT:

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

Beginning balance February 1, 2023	\$51,372,555
Revenues	1,610,166
Disbursements	<u><3,871,524></u>
Ending balance February 28, 2023	<u>\$49,111,197</u>

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.

DISCUSSION:

By the end of February 2023, using the Board approved FY 2023 Budget, MST had a \$6,841,636 year-to-date surplus to budget on fixed-route operations and a \$915,963 surplus to budget on MST RIDES operations, resulting in an overall year-to-date surplus of \$7,757,599.

The following fixed-route expenses have negative variances of greater than 5% and have a monetary value greater than \$5,000 as seen in the February Budget vs. Actual reports contained in Attachment #4:

1. Advertising & Marketing – This 78.8% negative variance for the month of February can be primarily attributed to the timing and payments for a Non-Rider Survey effort anticipated to be completed by the end of March. For the fiscal year, this overall category was 39.8% below budget.
2. Miscellaneous Expenses – These 28.8% Fixed Route and 84.6% RIDES negative category variances for the month of February are primarily the result of larger than anticipated fees charged by the state Board of Equalization. These fees fluctuate with the amount of Sales Tax revenue distributed to MST. This year-to-date adjustment is a result of higher revenues received. In that regard, this expense line item will most likely have a negative variance for the remainder of the fiscal year.

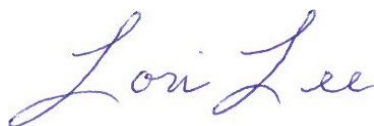
The financial impact of the COVID-19 pandemic began in mid-March 2020 when the agency began ordering sanitizing and cleaning supplies and the Shelter in Place Order was issued by the Monterey County Health Department. During the month of February 2023, MST spent \$2,237 on COVID-19 supplies. This amount includes no payments for MV bus sanitation services and supplies. This report is the final month MST will be reporting COVID-related expenses due to the expiration of the State of Emergency on February 28, 2023.

A detail of disbursements can be viewed within the GM Report at:
<http://www.mst.org/about-mst/board-of-directors/board-meetings/>

ATTACHMENT(S):

1. February 2023 Cash Flow
2. February 2023 Disbursements
3. February 2023 Treasury Transactions
4. February 2023 Budget vs. Actual

PREPARED BY:



Lori Lee

REVIEWED BY:



Carl G. Sedoryk

REVENUES & DISBURSEMENTS

CASH FLOW

Beginning balance 02/01/2023		51,372,555.56
Revenues		
Passenger Revenue	274,796.07	
DOD Revenue	2,380.00	
LTF / STA / SGR	-	
Sales Tax	1,227,455.86	
Grants	-	
Interest Income	49,565.27	
Non Transit Revenue	55,968.87	
Total Revenues	1,610,166.07	1,610,166.07
Disbursements		
Operations (See Attachment #2)	3,830,756.43	
Capital	40,767.88	
Total Disbursements		(3,871,524.31)
Ending balance 02/28/2023		<u><u>49,111,197.32</u></u>

COMPOSITION OF ENDING BALANCE

Checking - Mechanics Bank	1,171,315.77
Local Agency Investment Fund (LAIF)	27,505,320.39
Money Market - Mechanics Bank MM	13,725,829.61
Money Market - Mechanics Bank	1,916,749.54
Money Market - LCTOP	2,543,451.20
Money Market - State of Good Repair	2,135,201.94
Money Market - FOR A/Other	94,166.80
Bank of America - Escrow	8,989.57
Petty cash fund, STC Coin Machine, and 2 change funds	10,172.50
Total	<u><u>49,111,197.32</u></u>

PAYROLL ACCOUNT

February 10 Payroll & Related Expenses	645,123.88	
February 24 Payroll & Related Expenses	664,355.45	
CA Payroll Tax Penalty	2,147.47	
PERS & 457	359,077.44	
Garnishments	4,015.06	
PERS Health Insurance	<u>424,545.82</u>	
	2,099,265.12	2,099,265.12

GENERAL ACCOUNT

Disbursements on Attached Summary	1,646,184.31	
Payments to CDTFA Fees	610.00	
Paydown Loans	70,187.39	
Workers Comp. Disbursements	48,127.95	
Interest Expense	3,885.70	
Bank Service Charge	<u>3,263.84</u>	
	1,772,259.19	1,772,259.19
Total Disbursements		<u>3,871,524.31</u>
Less Capital Disbursements & Transfers		(40,767.88)
Operating Disbursements		<u><u>3,830,756.43</u></u>

DISBURSEMENTS SUMMARY:
GENERAL ACCOUNT DISBURSEMENTS FOR February 01, 2023 - February 28, 2023

CHECK PRINT DATE	CHECKS	TOTAL
Accounts Payable 02/03/2023	66155 - 66218	113,897.61
Accounts Payable 02/10/2023	66219 - 66300	272,615.04
Accounts Payable 02/14/2023	66301 - 66305	1,202.31
Accounts Payable 02/17/2023	66306 - 66367	1,084,118.69
Accounts Payable 02/24/2023	66368 - 66426	167,950.70
Accounts Payable 02/28/2023	66427 - 66473	6,399.96
TOTAL		<u>1,646,184.31</u>

CHECKS \$100,000 AND OVER

VENDOR	BOARD APPROVED	CHECK CHECK	CHECK DATE	AMOUNT
MV TRANSPORTATION	Recurring	66340	2/17/23	810,383.54

PURCHASES BETWEEN \$50,000 AND \$99,999

VENDOR	GENERAL MANAGER APPROVED	CHECK CHECK	CHECK DATE	AMOUNT
SC FUELS	Recurring	66236	2/10/23	57,872.43

CURRENT COVID-19 RELATED ACCUMULATED EXPENSES

Expenses paid through 03/14/23	1,608,060.66
Payroll and benefits for payperiods 3/7/20-1/06/22 paid	<u>3,028,873.34</u>
	<u>4,636,934.00</u>
 MV Transportation Inc. - Amendment #7:	
COVID-19 expenses reimbursed to date	<u>333,224.45</u>
Total MV COVID-19 expenses reimbursed to date	<u>333,224.45</u>

COVID-19 related expenses have been tracked since the beginning of the pandemic. Expenses include personal protective equipment, cleaning supplies, additional janitorial services, and public information materials. Payroll and benefits costs are included under the Families First Coronavirus Response Act (FFCRA or Act), which requires certain employers to provide employees with paid sick leave or expanded family and medical leave for reasons related to COVID-19. Additional expenses include paying standby employees while they remain in a state of readiness, administrative staff time dedicated to COVID-19 response, and costs related to community services.

**TREASURY TRANSACTIONS
FOR FEBRUARY 2023**

LAIF ACCOUNT

<u>Date</u>	<u>Account</u>	<u>Description</u>	<u>Deposit</u>	<u>Withdrawal</u>	<u>Balance</u>
Balance Forward at 02/01/2023					27,505,320.39
Quarterly interest earned 2.07%					27,505,320.39
Local Agency Investment Fund:					
LAIF Treasury Balance at 02/28/2023					27,505,320.39

MECHANICS BANK MM ACCOUNT

<u>Date</u>	<u>Account</u>	<u>Description</u>	<u>Deposit</u>	<u>Withdrawal</u>	<u>Balance</u>
Balance Forward at 02/01/2023					16,791,624.23
02/06/23	687	AP/Payroll		750,000.00	16,041,624.23
02/08/23	687	AP/Payroll		550,000.00	15,491,624.23
02/14/23	687	AP/Payroll		1,600,000.00	13,891,624.23
02/23/23	687	AP/Payroll		200,000.00	13,691,624.23
02/28/23		Interest	34,205.38		13,725,829.61
MECHANICS MM Balance at 02/28/2023					13,725,829.61

Fixed-Route
MONTEREY-SALINAS TRANSIT DISTRICT
Revenue & Expense - Consolidated
Period: 02/01/23..02/28/23

ATTACHMENT 4
Page 1

Fiscal Start Date: 07/01/22
G/L Budget Filter: FY23, Fund Filter: 001|004|005
All amounts are in USD.

Description	Cur Mo. Actual	Cur Mo. Budget	Cur Mo. Variance	YTD Actual	YTD Budget	YTD Variance
Revenue						
Passenger Fares	131,077	197,055	(65,978)	1,417,764	1,576,440	(158,676)
Special Transit	121,993	43,834	78,159	606,129	350,672	255,457
Cash Revenue	55,442	24,174	31,268	616,531	193,392	423,139
Cash Grants & Reimbursement	3,632,094	3,632,094	0	29,056,752	29,056,752	0
Total Revenue	3,940,607	3,897,157	43,450	31,697,176	31,177,256	519,920
Expenses						
Labor	1,257,910	1,540,950	(283,040)	10,178,311	12,327,600	(2,149,289)
Benefits	907,637	1,054,559	(146,922)	7,753,174	8,436,472	(683,298)
1 Advertising & Marketing	27,819	15,559	12,260	74,902	124,472	(49,570)
Professional & Technical	36,554	180,925	(144,371)	586,597	1,447,400	(860,803)
Outside Services	51,747	54,175	(2,428)	417,831	433,400	(15,569)
Outside Labor	118,395	187,959	(69,564)	1,076,835	1,503,672	(426,837)
Fuel & Lubricants	193,517	351,432	(157,915)	1,938,991	2,811,456	(872,465)
Supplies	52,395	114,592	(62,197)	475,214	916,736	(441,522)
Vehicle Maintenance	47,625	80,417	(32,792)	458,682	643,336	(184,654)
Marketing Supplies	0	3,167	(3,167)	26,738	25,336	1,402
Utilities	75,878	71,521	4,357	524,266	572,168	(47,902)
Insurance	107,861	104,167	3,694	885,703	833,336	52,367
Taxes	8,531	25,922	(17,391)	107,282	207,376	(100,094)
Purchased Transportation	367,936	436,000	(68,064)	2,922,733	3,488,000	(565,267)
2 Miscellaneous Expenses	54,078	41,976	12,102	338,976	335,808	3,168
Interfund transfers	0	0	0	0	0	0
Pass Thru/Beloh of Others	0	0	0	0	0	0
Interest Expense	6,090	12,000	(5,910)	119,755	96,000	23,755
Leases & Rentals	40,526	45,999	(5,473)	362,852	367,992	(5,140)
Total Operating Expenses	3,354,498	4,321,320	(966,822)	28,248,843	34,570,560	(6,321,717)
Operating Surplus (Deficit)	586,108	(424,163)	1,010,271	3,448,332	(3,393,304)	6,841,636

RIDES
MONTEREY-SALINAS TRANSIT DISTRICT
Revenue & Expense - Consolidated
Period: 02/01/23..02/28/23

ATTACHMENT 4
Page 2

Fiscal Start Date: 07/01/22
G/L Budget Filter: FY23, Fund Filter: 002
All amounts are in USD.

Description	Cur Mo. Actual	Cur Mo. Budget	Cur Mo. Variance	YTD Actual	YTD Budget	YTD Variance
Revenue						
Passenger Fares	25,602	15,000	10,602	102,004	120,000	(17,996)
Special Transit	8,120	0	8,120	52,264	0	52,264
Cash Revenue	0	0	0	0	0	0
Cash Grants & Reimbursement	557,614	557,614	0	4,460,912	4,460,912	0
Total Revenue	591,336	572,614	18,722	4,615,181	4,580,912	34,269
Expenses						
Labor	3,467	11,750	(8,283)	60,672	94,000	(33,328)
Benefits	3,805	6,207	(2,402)	34,473	49,656	(15,183)
Advertising & Marketing	0	417	(417)	0	3,336	(3,336)
Professional & Technical	0	417	(417)	0	3,336	(3,336)
Outside Services	0	0	0	0	0	0
Outside Labor	2,312	6,500	(4,188)	19,629	52,000	(32,371)
Fuel & Lubricants	52,458	78,750	(26,292)	435,939	630,000	(194,061)
Supplies	5,023	1,709	3,314	11,289	13,672	(2,383)
Vehicle Maintenance	0	0	0	0	0	0
Marketing Supplies	0	167	(167)	0	1,336	(1,336)
Utilities	40	120	(80)	383	960	(577)
Insurance	0	0	0	0	0	0
Taxes	0	0	0	0	0	0
Purchased Transportation	336,624	450,417	(113,793)	2,993,882	3,603,336	(609,454)
2 Miscellaneous Expenses	29,836	16,161	13,675	142,959	129,288	13,671
Interfund transfers	0	0	0	0	0	0
Pass Thru/Behalf of Others	0	0	0	0	0	0
Interest Expense	0	0	0	0	0	0
Leases & Rentals	0	0	0	0	0	0
Total Operating Expenses	433,566	572,615	(139,049)	3,699,226	4,580,920	(881,694)
Operating Surplus (Deficit)	157,770	(1)	157,771	915,955	(8)	915,963

To: Board of Directors
From: Lisa Cox, Risk and Security Manager
Subject: Notice of Rejection

RECOMMENDATION:

Reject claim by the claimant Stephanie Jimenez-Garcia.

FISCAL IMPACT:

An amended claim has not been received and the claimant failed to provide the exact amount desired to resolve the claim.

POLICY IMPLICATIONS:

None.

DISCUSSION:

On November 8, 2022, MST received a claim related to an incident at the Salinas Transit Center that occurred on May 12, 2022.

The claimant states the coach operator deployed the exit ramp as she was exiting the bus, catching the claimant's foot, and causing her to fall and injure herself.

It has been determined that the most recent claim submitted has failed to comply with the California Tort Claims Act and is insufficient as the amount claimed is not specific as stated, "exceeds \$100,000.00" for pain and suffering, available medical bills, and continuation of the same. The claimant failed to provide the documentation needed to evaluate the value of their claim. The claimant's failure to provide a specific claim amount has prompted the recommendation to have this amended claim rejected in its entirety.

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

Prepared by:  Lisa Cox
Approved by:  Carl G. Sedoryk

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To: Board of Directors

From: Norman K. Tuitavuki, Chief Operating Officer

Subject: Authorize the Disposition of 13 Vehicles

RECOMMENDATIONS:

Authorize the disposal of thirteen (13) MST-owned vehicles that have reached or exceeded their useful life.

FISCAL IMPACT:

Pending sales proceeds.

POLICY IMPLICATIONS:

Your Board approves the disposition (retirement, sale, donation, or disposal) of MST-owned vehicles per MST's Disposal of Surplus Property Policy adopted July 12, 2010, and revised March 2, 2018.

DISCUSSION:

MST has several vehicles in its fleet that have reached or exceeded the FTA recommended minimum useful life criteria as defined by FTA Circular 5010.1.E. MST's Maintenance Department has removed these vehicles from service and changed their status to inactive.

If the Board approves the disposition of these vehicles, staff will remove any MST-owned equipment of value including fareboxes and radio equipment and installed/reused in other MST vehicles.

Staff will attempt to donate vehicles deemed safe and road-worthy before sending these vehicles to auction. All other vehicles will be disposed of accordingly.

The following table identifies the vehicles available for donation, disposal, or sale:

Model Year	Manufacturer	Equipment Description	VIN (Last 5)	Meter Reading Estimated
2009	TOYOTA	PRIUS	39732	222,255
2009	TOYOTA	PRIUS	74449	231,342
2010	TOYOTA	PRIUS	57432	269,706
2003	GILLIG	40' LOW FLOOR	73302	716,150
2003	GILLIG	40' LOW FLOOR	73304	726,474
2003	GILLIG	40' LOW FLOOR	73306	767,046
2003	GILLIG	40' LOW FLOOR	73309	767,119
2009	MCI	45' COMMUTER COACH	58992	745,233
2009	MCI	45' COMMUTER COACH	58994	776,418
2010	MCI	45' COMMUTER COACH	59206	885,581
2011	MCI	45' COMMUTER COACH	59903	703,904
2015	MCI	45' COMMUTER COACH	13577	566,560
2015	MCI	45' COMMUTER COACH	13578	544,636

Approval of this item authorizes staff to donate, sell, or dispose of the 13 vehicles listed above.

PREPARED BY: Norman K. Tuitavuki REVIEWED BY: Carl G. Sedoryk
 Norman K. Tuitavuki Carl G. Sedoryk

To: Board of Directors

From: Carl G. Sedoryk, General Manager/CEO
David C. Laredo, General Counsel

Subject: **Final Settlement Agreement between MST and SNG Evariste, LLC**

RECOMMENDATION:

Ratify final Settlement Agreement between MST and SNG Evariste, concluding the SNG Evariste, LLC v. Monterey-Salinas Transit, Monterey County Superior Court, Case No. 21CV002572.

FISCAL IMPACT:

Settlement of this litigation will end additional MST expenses required to defend this case.

POLICY IMPLICATIONS:

The SNG case was filed against MST relating the SURF! Busway and Bus Rapid Transit project. The SURF! project supports MST's 2-Year Action Plan to move forward with the project.

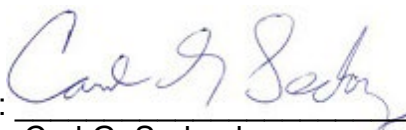
DISCUSSION:

SNG Evariste, LLC approached MST to settle the case it brought against MST in 2021 related to California Environmental Quality Act (CEQA) actions taken by the MST Board approving the SURF! Busway and Bus Rapid Transit Project. The settlement was discussed during the Board closed session in March and general direction was provided to negotiate settlement of the case. The attached final Settlement Agreement is for ratification in accordance with Board's general direction.

ATTACHMENT(S):

Settlement Agreement

Prepared by:


Carl G. Sedoryk

Reviewed by:


David C. Laredo

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SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (this “**Agreement**” or “**Settlement**”) is made and entered into by and between Petitioner SNG Evariste, LLC, a Delaware limited liability company (“SNG”), and the Monterey-Salinas Transit District (“MST”), a transit district created by Assembly Bill 644 (2010) (individually a “**Party**,” collectively, the “**Parties**”) and is effective as of the date of the final signature of the Settlement by all the Parties.

RECITALS

WHEREAS, MST is a special transit district created by Assembly Bill 644 (2010) and is a successor agency to the Monterey-Salinas Transit Joint Powers Agency; and

WHEREAS, MST operates a transit system within the Cities of Carmel, Del Rey Oaks, Gonzalez, Greenfield, King City, Marina, Monterey, Pacific Grove, Salinas, Sand City, Seaside, Soledad, and the County of Monterey; and

WHEREAS, in 2016, Monterey County voters approved Measure X, which included \$15 million for a Highway 1 rapid bus corridor project, since renamed the SURF! Busway and Bus Rapid Transit Project (“Project”); and

WHEREAS, in 2019, MST initiated design for the Project consisting of approximately six (6) linear miles of roadway surface and related improvements to provide dedicated express busway and bus rapid transit service between MST’s Marina Transit Exchange at Reservation Road and De Forest Road, and Contra Costa Street and Orange Avenue in Sand City/Seaside.

WHEREAS, the Project is described by Appendix 3 to the March 2021 Mitigated Negative Declaration for the MST SURF! Busway and Bus Rapid Transit Project (revised January 2023); and

WHEREAS, MST adopted Resolutions 2022-02 and 2022-03, finding the SURF! Busway and Bus Rapid Transit Project (“Project”) to be statutorily and categorically exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq. (“CEQA”), approved findings and adopted the Mitigated Negative Declaration of the Project, approved the Project’s mitigation monitoring and reporting program, and approved the Project; and

WHEREAS, the Project design is not yet finalized and further design refinements and construction plans are yet to be prepared; and

WHEREAS, SNG is a limited liability company formed under the laws of Delaware; and

WHEREAS, SNG owns real property of approximately 40 acres of land located seaward of Highway 1, south of Fort Ord Dunes State Park in Sand City, California, and is the holder of a coastal development permit (CDP A-3SNC-98-114) to develop on the real property a 368-unit mixed-use residential and visitor-serving facility (the “Monterey Bay Shores Hotel”); and

WHEREAS, on August 11, 2021, SNG filed a Verified Petition for Writ of Mandate, challenging the Project and all related approvals in the case of *SNG Evariste, LLC v. Monterey-Salinas Transit District*, Monterey County Superior Court Case No. 21CV002572; and

WHEREAS, SNG filed a First Amended Petition for Writ of Mandate, again challenging the Project and all related approvals (the “**Lawsuit**”); and

WHEREAS, on September 24, 2021 the Parties entered into settlement discussions pursuant to Public Resources Code section 21167.8, subdivision (a); and

WHEREAS, on July 8, 2021 Keep Fort Ord Wild, the Open Monterey Project (“KFOR”) also filed a Verified Petition for Writ of Mandate, challenging the Project and all related approvals in the case of *Keep Fort Ord Wild, The Open Monterey Project v. Monterey-Salinas Transit District*, Monterey County Superior Court Case No. 21CV002192; and

WHEREAS, on August 9, 2021 KFOR filed a Verified Supplemental Petition for Writ of Mandate, again challenging the Project and all related approvals; and

WHEREAS, Monterey County Superior Court Case Numbers 21CV002572 and 21CV002192 were consolidated for trial purposes only; and

WHEREAS, KFOR is not a party to this Settlement Agreement; and

WHEREAS, the Parties agree that it is in the best interests of the Parties concerned to settle and conclude their disputes in the Lawsuit.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

TERMS OF SETTLEMENT

1. **Dismissal of the Lawsuit.** Within ten (10) days of executing this Settlement, SNG shall file a request for dismissal of their Lawsuit with prejudice with the Monterey County Superior Court for all causes of action against MST and release their Released Claims, as outlined in greater detail in Sections 2 and 5 of this Settlement.

2. **SNG’s Released Claims:** SNG releases, discharges, and forever waives any and all claims, demands, rights, liabilities, debts and obligations that SNG currently possesses and that are stated as causes of action in the Lawsuit (collectively the “Released Claims”), and covenant not to sue MST or any of the City’s or MST’s members, commissioners, officers, directors, members, employees, agents, insurers and subrogees, predecessors, successors, assigns, and assignors and assignees (collectively included in “Released Parties”) based upon Released Claims in connection with the Project or a subsequent design of the Project that substantially conforms to the Project as currently designed.

The phrase “Released Claims” shall also include claims related to the Project that may arise in the future, including but not limited to any statutory exemptions under Public Resources Code section 21080.25, subdivision (b) (as amended by SB 288 and SB 922), Categorical Exemptions to CEQA under Title 14 California Code of Regulations, sections 15303 and 15304, any other causes of action arising under CEQA, compliance with the Ralph M. Brown Act (Gov. Code, § 54950 et seq.), any actions taken related to the Project taken by MST on March 13, 2023.

3. **SNG’s Third Party Attorney’s Fees and Costs.** SNG further covenants not to pay attorney’s fees or other litigation costs of any third-party to sue Released Parties related to the

cause of action in the Lawsuit. SNG agrees not to encourage, support or facilitate a third party to oppose the Project or implementation of this Settlement.

4. **Redesign of Project.** The Project currently consists of approximately six (6) linear miles of roadway surface and related improvements between MST's Marina Transit Exchange at Reservation Road and Deforest Road, and Contra Costa Street and Orange Avenue in Sand City/Seaside and is more properly described by Appendix 3 to the March 2021 Mitigated Negative Declaration for the MST SURF! Busway and Bus Rapid Transit Project (revised January 2023) and attached as Exhibit A.

However, the Parties acknowledge that the Project's final design has not been completed, and the Project will undergo further design and review of construction designs, plans, drawings, schematics, and/or diagrams. Specifically, the Parties acknowledge that the Project currently includes a roundabout at the intersection of California Avenue and the southbound on-ramps at State Route 1 ("Intersection"), and that final approval of the design of this Intersection rests with Caltrans. SNG's obligations under Sections 2 and 5 shall be binding so long as the Project's final design substantially complies with current project designs, plans, drawings, schematics, and/or diagrams or is consistent with any changes or revisions to the Project's designs, plans, drawings, schematics, and/or diagrams required or suggested by Caltrans. SNG's obligations under Sections 2 and 5 shall be binding in the event that Caltrans requires a stop-sign controlled intersection, signalized intersection, or alternative design for the Intersection.

5. **Future Claims and Civil Code Section 1542.** In furtherance thereof, SNG acknowledges that it is familiar with Section 1542 of the Civil Code of the State of California, which provides as follows:

A general release does not extend to claims that the creditor or releasing Party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released Party.

Except as otherwise specifically set forth in this Agreement, SNG waives any and all rights it has or may have under California Civil Code section 1542 and/or any successor section to it with respect to the Released Claims in connection with the Project as currently designed.

In connection with this waiver, SNG acknowledges that it is aware that it may hereafter discover claims presently unknown or unsuspected or facts in addition to or different from those that each now knows or believes to be true with respect to the subject matter of this Settlement. Nevertheless, SNG intends by this Agreement, to release fully, finally and forever all Released Claims. In furtherance of such intention, the releases set forth in this Agreement shall be and shall remain in effect as full and complete releases notwithstanding the discovery or existence of any such additional or different claims or facts relevant to the Released Claims.

Notwithstanding the above sections 2, 4, and 5, SNG does not release claims related to negligence by MST, including its employees, agents, and assigns; any successor agency to MST; and any contractor retained by MST, in connection with, and during, design, construction, or operational phases of the Project.

6. **Enforcement.** The Parties have entered into this Agreement with the intent and for the purpose of avoiding further litigation. This Agreement is to be enforced solely through the

procedures set forth in this section, which are designed to avoid resorting to court enforcement or, if court enforcement is necessary, to provide simple and straightforward relief.

(a) **Notice of Default.** Failure by any Party to perform any obligation in the Settlement within the time periods provided constitutes a “**Default**” under this Settlement. A Party alleging Default shall (i) provide written notice of the Default to the other Party(ies), specifying in reasonable detail the nature of the alleged Default, and, where appropriate, the manner in which the alleged Default may be cured; (ii) offer to meet and confer in good faith to resolve the issue; and (iii) provide the other Party sixty (60) days to cure the alleged Default commencing at the time of receipt of the notice of a properly detailed written Default notice. The Parties may mutually agree, in writing, to a longer period to cure.

(b) **Mediation.** If an alleged Default in performance has not been cured during the 60-day period described above, either SNG or MST may request that the dispute first be submitted to ADR Services prior to judicial enforcement (or other mediation services that the Parties may mutually agree upon). If mediation is requested by either private Party, both shall make a good faith effort to first resolve through mediation any dispute about the other Party’s alleged Default in performance. When selecting a mediator, each private Party shall provide the other parties with a list of three (3) potential ADR mediators and a short biography of each mediator and his or her qualifications, which should be of the same nature as well-respected mediators throughout California. The private Parties shall work together in good faith to select a mediator from the lists provided. The private Parties shall commence mediation within thirty (30) days after notice of the mediation and designation of the mediator, subject to the mediator’s schedule. With the exception of the cost of the mediator’s services, which shall be shared equally, each private Party shall bear its own fees and costs relating to the mediation.

(c) **Judicial Remedies.** In the event a Party alleges that any other Party has not substantially performed one or more of its obligations set forth in the Agreement, the Parties shall only be entitled to specific performance for breach or default. After expiration of the cure period and mediation period provided in Sections 6(a) and 6(b), any Party may institute legal action to cure, correct, or remedy a Default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereto, seek specific performance the obligations and rights of the Parties. The successful Party shall be entitled to its reasonable attorney’s fees and costs. This Agreement shall be governed by and interpreted and construed in accordance with the laws of the State of California. Venue for enforcement of this agreement shall be in the Superior Court of the State of California, County of Monterey.

7. **Specific Performance.** This Settlement may be pleaded as a defense to and used as the basis for an order of specific performance ordering the dismissal of the Lawsuit or Released Claims with prejudice.

8. **Expiration:** The terms of this Settlement Agreement shall not expire.

9. General Provisions.

(a) **Definitions.** This Settlement contains terms and phrases which have been defined under the, Introduction, the "Recitals" section, and under the "Terms of Settlement." These terms and phrases have typically been defined by "**Bold**" uppercase text surrounded by quotation marks, with subsequent use of the term or phrase in Uppercase.

(b) **Headings, Recitals, and Figures.** The descriptive headings used in this Agreement are for convenience only. Recitals have been included to provide general background information, and shall not be considered substantive terms of this Settlement, except where they define specific terms of this Settlement. Figures in the recitals are intended to be for illustrative purposes only and shall not be considered substantive terms of this Settlement. Figures within "TERMS OF SETTLEMENT" shall only be considered substantive portions of the settlement where specific portions have been highlighted;

(c) **Notice.** Whenever any section of this Settlement references "**Notice**," written notice shall be provided utilizing the contact information identified in this Section. Any Notice sent by phone or email, shall also be accompanied by written notice mailed to the physical addresses below. This contact information may be modified without an amendment to the terms of this Settlement, provided such requests are submitted in writing to all Parties, and receipt of such requests are confirmed in writing by the MST and SNG.

(i) **MST** contact information: Carl Sedoryk, General Manager/CEO; (831) 264-5001; email: csedoryk@mst.org; 19 Upper Ragsdale Drive, Suite 200, Monterey, California 93940

(ii) **MST Legal Counsel** contact information: David C. Laredo; (831) 646-1502, email: dave@laredolaw.com; 606 Forest Avenue, Pacific Grove, California 93950;

(iii) **SNG** contact information: *Michael Kluchin 4406665772*
Michael@continuumanalytics.com 520 Newport Center Dr # 480
Newport Beach, CA 92660

(iv) **SNG Legal Counsel** contact information: John M. Bowman; (310) 746-4409; email: JBowman@elkinskalt.com; 10345 West Olympic Boulevard, Los Angeles, California, 90064

(d) **Entire Agreement.** This Settlement represents the entire Settlement between the Parties, and supersedes all prior negotiations, representations, or agreements between the Parties, either written or oral, on the subject hereof. This Agreement may be amended only by a written instrument designated as an amendment to this Agreement and executed by all the Parties to this Settlement.

(e) **Knowing and Voluntary Agreement.** All Parties have carefully read this Agreement and the contents hereof are known and understood by all Parties. During the course of settlement discussions, SNG has been represented by legal counsel. Prior to the execution of this Agreement, each Party has reviewed the Agreement and each Party acknowledges that it has executed this Agreement after independent investigation and without fraud, duress, or undue influence.

(f) **Representations and Warranties of Authority.** Any person signing this Settlement on behalf of any other Party represents and warrants that he or she is authorized by that entity to sign this Agreement on its behalf and is doing so with that authority.

(g) **Force Majeure and Acts of God.** No Party shall be deemed in default where delays or failures to perform are due to force majeure or acts of God. Any Party intending to rely upon force majeure to forgive performance shall give notice and full particulars of such force majeure in writing to the other Party within a reasonable time after occurrence of the event or cause relied on. The Parties commit to negotiating for purposes of amending the Settlement to address any such force majeure while preserving the intent of the Settlement to the extent possible.

(h) **Computation of Time.** The time in which any act is to be done under this Agreement is computed by excluding the first day, and including the last day, unless the last day is a holiday or a Saturday or Sunday, and then that day is also excluded. The term "holiday" shall mean all holidays as specified in Sections 6700 and 6701 of the California Government Code.

(i) **Third Party Beneficiaries.** No portion of this Agreement shall operate to benefit any third party. The Parties do not intend to provide a benefit of this Agreement to any third-party.

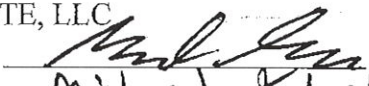
(j) **Counterparts.** This Settlement may be executed in two or more counterparts, each of which, when so executed and delivered, shall be deemed an original, but all of which together shall constitute one and the same instrument.

(k) **No Admission and No Fees or Costs.** This Settlement is not an admission of liability. The purpose of this Settlement is to settle claims which are denied and contested, or are potential, and this Settlement is the result of a compromise over such contested claims. Nothing contained herein shall be deemed as an admission of any kind to any other Party. Each side will bear its own attorneys' fees and costs related to the Lawsuit, and shall not seek damages or other remedies for filing the lawsuit or seek recovery for costs incurred in preparing the record of proceedings in connection with the Project.

(l) **MST's Retention of Discretion.** This Agreement in no way obligates or limits the MST's full legislative and administrative discretion, consistent with applicable laws, ordinances and regulations. MST retains full discretion to approve or not to approve the Project.

In witness whereof, the Parties hereto have caused this Settlement to be duly executed.

SNG EVARISTE, LLC

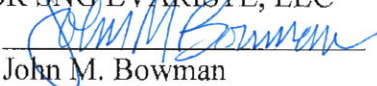
Signature: 

Name: Michael J. Kluehling

Title: Authorized Agent

Date: 3/28/23

COUNSEL FOR SNG EVARISTE, LLC


Signature: 

Name: John M. Bowman

Title: Partner, Elkins Kalt Weintraub Reuben Gartside, LLP

Date: 3/28/23

DocuSigned by:
MONTEREY-SALINAS TRANSIT DISTRICT

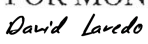
Signature: 

Name: Carl Sedoryk

Title: General Manager/CEO of Monterey-Salinas Transit District

Date: 3/29/2023

DocuSigned by:
COUNSEL FOR MONTEREY-SALINAS TRANSIT DISTRICT

Signature: 

Name: David C. Laredo

Title: Managing Partner, DeLay & Laredo

Date: 3/30/2023

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EXHIBIT A

Appendix 3 to the March 2021 Mitigated Negative Declaration for the SURF! Busway and Bus Rapid Transit Project, revised January 2023

Web link: <https://mst.org/wp-content/media/Appendix-03-MST-Busway-Proj-Desc-Final-1-12-2023.pdf>

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To: Board of Directors

From: Matthew Deal, Grants Analyst

Subject: Conduct public hearing and adopt FY 2023 Program of Projects

RECOMMENDATION:

1. Conduct public hearing for FY 2023 Program of Projects
2. Adopt the FY 2023 Program of Projects, and
3. Authorize the filing of the appropriate grant applications with the Federal Transit Administration and Caltrans.

FISCAL IMPACT:

Federal section 5307 program funds will provide an estimated \$13,310,334 for operating and capital expenses.

POLICY IMPLICATIONS:

Your Board must conduct a public hearing and approve MST's Program of Projects to comply with federal regulations.

DISCUSSION:

The Program of Projects (POP) allocates federal funds to specific projects each fiscal year. The POP becomes part of MST's application for federal grant funding that is submitted to the Federal Transit Administration. According to federal regulations, MST is required to develop, publish, and afford an opportunity for a public hearing on and submit for approval a POP. In addition, the projects listed in the POP are submitted to the Association of Monterey Bay Area Governments (AMBAG) for inclusion in the Metropolitan Transportation Improvement Program (MTIP).

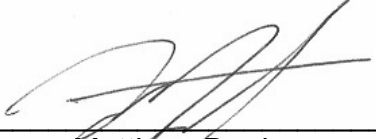
Monterey-Salinas Transit
Final Program of
Section 5307 Federally Funded Projects

Project	FY 2023
Fixed-Route Bus Planning & Operations	\$11,661,062.71
Vehicle Procurements	\$1,649,271.20
TOTAL	\$13,310,333.91

Hearing notices were published in the Herald and Californian on March 24, 2023. It is appropriate for your Board to conduct a public hearing to receive comments on the POP and then consider its adoption.

ATTACHMENT(s):

1. English Program of Projects as published.
2. Spanish Program of Projects as published.

Prepared by: 
Matthew Deal

Reviewed by: 
Carl Sedoryk



MONTEREY-SALINAS TRANSIT

PUBLIC HEARING NOTICE

Monterey-Salinas Transit District (MST) will hold a public hearing on MST's proposed program of Section 5307 federally funded projects on April 10, 2023, at 10:00 a.m. at its monthly board of directors meeting. The public may provide verbal comments at the meeting either virtually or in person. Persons who wish to make public comment on the proposed program of Section 5307 federally funded projects are encouraged to submit comments in writing by email to MST at clerk@mst.org by 3:00 pm on Friday, April 7, 2023; those comments will be distributed to the legislative body before the meeting. The meeting agenda and zoom link can be accessed at <https://mst.org/about-mst/board-of-directors/board-meetings/>.

Sources of funding are Section 5307 of the Consolidated Appropriations Act. The proposed program of federally funded 5307 projects is shown below and depicts the full level of federal funding planned for Fiscal Year 2023.

Interested businesses, persons, or private operators wishing to comment but who are unable to attend the public hearing may submit written comments to: Carl Sedoryk, General Manager / CEO, Monterey-Salinas Transit, 19 Upper Ragsdale Drive, Suite 200, Monterey, CA 93940. The deadline to receive written comments is April 7, 2023.

If there are no comments on this proposed Program of Projects as a result of soliciting public comments, then this publication will serve as the final Program of Projects.

Monterey-Salinas Transit District
Final Program of
Section 5307 Federally Funded Projects

Project	FY 2023
Fixed-Route Bus Planning & Operations	\$11,661,062.71
Vehicle Procurements	\$1,649,271.20
TOTAL	\$13,310,333.91

PREPARED BY: _____
Matthew Deal

Publish: *The Herald* – March 24, 2023
The Californian – March 24, 2023

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AVISO DE AUDIENCIA PÚBLICA

Monterey-Salinas Transit District (MST) llevará a cabo una audiencia pública sobre el programa propuesto por MST de proyectos financiados con fondos federales de la Sección 5307 el 10 de abril de 2023 a las 10:00 a.m. en su reunión mensual de la junta directiva. El público puede proporcionar comentarios verbales en la reunión, ya sea virtualmente o en persona. Se anima a las personas que deseen hacer comentarios públicos sobre el programa propuesto de proyectos financiados con fondos federales de la Sección 5307 a enviar comentarios en escrito por correo electrónico a MST a clerk@mst.org antes de las 3:00 pm del viernes 7 de abril de 2023; esos comentarios se distribuirán al cuerpo legislativo antes de la reunión. La agenda de la reunión y el enlace de zoom se pueden acceder en <https://mst.org/about-mst/board-of-directors/board-meetings/>.

Las fuentes de financiación son la Sección 5307 de la Ley de Asignaciones Consolidadas. El programa propuesto de proyectos 5307 financiados por el gobierno federal se muestra a continuación y describe el nivel total de financiamiento federal planificado para el año fiscal 2023.

Las empresas, personas u operadores privados interesados que deseen hacer comentarios pero que no puedan asistir a la audiencia pública pueden enviar comentarios por escrito a: Carl Sedoryk, General Manager / CEO, Monterey-Salinas Transit, 19 Upper Ragsdale Drive, Suite 200, Monterey, CA 93940. La fecha límite para recibir comentarios por escrito es el 7 de abril de 2023.

Si no hay comentarios sobre este Programa de Proyectos propuesto como resultado de solicitar comentarios públicos, entonces esta publicación servirá como el Programa final de Proyectos.

Monterey-Salinas Transit District
Programa Final de
Sección 5307 Proyectos Financiados Federalmente

Proyecto	FY 2023
Operaciones y planificación de autobuses de ruta fija	\$11,661,062.71
Adquisiciones de vehículo	\$1,649,271.20
TOTAL	\$13,310,333.91

PREPARADO POR: _____
Matthew Deal

Publicado: *The Herald* – 24 de marzo de 2023
The Californian – 24 de marzo de 2023

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To: Board of Directors

From: Matthew Deal, Grants Analyst

Subject: Low Carbon Transit Operations Program (LCTOP) FY 22/23 Application

RECOMMENDATION:

Approve Resolution 2023-33 authorizing the certifications and assurances, authorized agent forms and execution of the LCTOP projects for FY 22/23.

FISCAL IMPACT:

\$1,396,193 in LCTOP funds would be used to fund facility retrofits in preparation for hydrogen fuel cell buses.

POLICY IMPLICATIONS:

The terms of the LCTOP require that your Board authorize the filing of the grant application requesting \$1,396,193 from the California Department of Transportation.

DISCUSSION:

Assembly Bill 32 (AB 32), the California Global Warming Solicitations Act of 2006, took a long-term, comprehensive approach to addressing climate change and its effects on the environment and natural resources. AB 32 requires California to reduce greenhouse gases to 1990 levels by 2020 and to maintain and continue reductions beyond 2020. The California Air Resources Board was directed to be the lead agency to implement the law. The California Air Resources Board and several other State and local agencies have implemented numerous regulations and programs to reduce emissions to meet these goals.

A key element in the State's emission reduction strategy, the Cap-and-Trade program places a limit, or cap, on greenhouse gas emissions by issuing a limited number of tradable permits (called allowances). A portion of these allowances can be purchased from the State at a quarterly auction, thereby generating proceeds, which are deposited in the State's Greenhouse Gas Reduction Fund. The Legislature then appropriates these funds to various programs that coordinate transportation and land use to encourage more sustainable communities.

In 2012, Senate Bill 535 (SB 535) was passed requiring Greenhouse Gas Reduction Fund investments in disadvantaged communities as defined by the California Environmental Protection Agency (CalEPA). CalEPA utilized the California Communities Environmental Health Screening Tool to assess all census tracts in California to identify

the areas disproportionately burdened by and vulnerable to multiple sources of pollution. In Monterey County, the designated disadvantaged communities are located in portions of Salinas, Marina, and Pajaro Valley.

LCTOP is one of several programs that are part of the Transit, Affordable Housing and Sustainable Communities Program established by SB 862 in 2014. The LCTOP draws from the Greenhouse Gas Reduction Fund to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility, with a priority on serving disadvantaged communities. For transit agencies with state-designated disadvantaged communities, at least 50% of the annual allocation must be expended on projects that provide direct, meaningful, and assured benefits to those communities. In 2016, Assembly Bill 1550 (AB 1550) provided additional statewide requirements for LCTOP expenditures within low-income communities.


Complying with the strict definition of “disadvantaged communities” and the requirements of the above-mentioned legislation, MST has developed several successful local projects with LCTOP funds with the past allocations. MST was able to start offering free weekend fares in Salinas and purchase an electric bus that is now in operation.

Now in the eighth year of LCTOP allocations, and with a larger funding allocation than in past years, MST will be requesting the \$1,396,193 award to fund facility retrofits in preparation for deploying hydrogen fuel cell buses.

To receive these LCTOP funds your Board must approve the attached resolution, which authorizes the General Manager/CEO to execute all required documents.

ATTACHMENT(S):

Resolution 2023-33

Prepared by: 
Matthew Deal

Reviewed by: 
Carl G. Sedoryk

RESOLUTION 2023-33

**AUTHORIZATION FOR THE EXECUTION OF THE
CERTIFICATIONS AND ASSURANCES AND AUTHORIZED
AGENT FORMS FOR THE LOW CARBON TRANSIT
OPERATIONS PROGRAM (LCTOP) FOR THE FOLLOWING
PROJECTS:**

**FUEL CELL BATTERY ELECTRIC BUS FACILITY RETROFITS
PROJECT \$1,396,193**

WHEREAS, Monterey-Salinas Transit District is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (LCTOP) for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 862 (2014) named the Department of Transportation (Department) as the administrative agency for the LCTOP; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies); and

WHEREAS, Monterey-Salinas Transit District wishes to delegate authorization to execute these documents and any amendments thereto to the General Manager/CEO, or its designee; and

WHEREAS, Monterey-Salinas Transit wishes to implement the LCTOP project listed above.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Monterey-Salinas Transit that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances and the Authorized Agent documents and applicable statutes, regulations, and guidelines for all LCTOP funded transit projects.

BE IT FURTHER RESOLVED that the General Manager/CEO, or its designee, be authorized to execute all required documents of the LCTOP and any amendments thereto with the California Department of Transportation.

BE IT FURTHER RESOLVED by the Board of Directors of Monterey-Salinas Transit that it hereby authorizes the submittal of the following project nomination(s) and allocation request(s) to the Department in FY 2022-2023 LCTOP funds:

Project 1	
Project Name:	Fuel Cell Battery Electric Bus Facility Retrofits
LCTOP Request:	\$1,396,193
Description:	Operations and Maintenance Facility Retrofits in Preparation for Deploying Hydrogen Fuel Cell Buses
Contrib. Sponsor:	Transportation Agency for Monterey County
Benefit to a Priority Pop.:	DAC
DAC Funding:	\$698,097
TAMC (99313) Funds:	\$1,064,609
MST (99314) Funds:	\$331,584

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF MONTEREY-SALINAS TRANSIT DISTRICT this 10th day of April 2023 by the following vote:

AYES:

NOES:

ABSENT:

To: Board of Directors
From: Lisa Rheinheimer, Assistant General Manager
Subject: **Free Fare Zone for Parajo Bus Stops**

RECOMMENDATION:

Approve a free fare zone in the community of Pajaro through June 30, 2023.

FISCAL IMPACT:

Lost fares associated with a free fare zone in Pajaro is negligible at less than \$2,500 through June 30, 2023.

POLICY IMPLICATIONS:

The MST Board of Directors may approve a free fare zone.

DISCUSSION:

MST has provided assistance to the residents of Pajaro during evacuation efforts resulting from flooding in January and March. The residents of Pajaro are now returning to their homes and starting cleanup efforts. Given the extraordinary difficulty the residents of Pajaro have been dealing with as a result of the flooding, free fares would be a gesture of support for our current and new passengers in Pajaro. MST transit lines 28 and 29 as well as MST RIDES paratransit riders would benefit from the free fare zone.

ATTACHMENT(S):

None

PREPARED BY:  REVIEWED BY: 
Lisa Rheinheimer Carl G. Sedoryk

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To: Board of Directors

From: C. Sedoryk, General Manager/CEO

Subject: Monthly Report – February 2023

Attached is a summary of monthly performance statistics for the Transportation, Maintenance, and Administration departments for the month of February 2023. (Attachments 1 – 5).

Attachment #1 – Dashboard Performance Comparative Statistics – February 2023

Attachment #2 – Transportation Department Monthly Report – February 2023

Attachment #3 – Maintenance Department Monthly Report – February 2023

Attachment #4 – Administration Department Monthly Report – February 2023

Attachment #5 – MST COVID-19 After Action Report – February 2023

Complete detail of Monthly Performance Statistics can be viewed within the GM Report at <http://www.mst.org/about-mst/board-of-directors/board-meetings/>

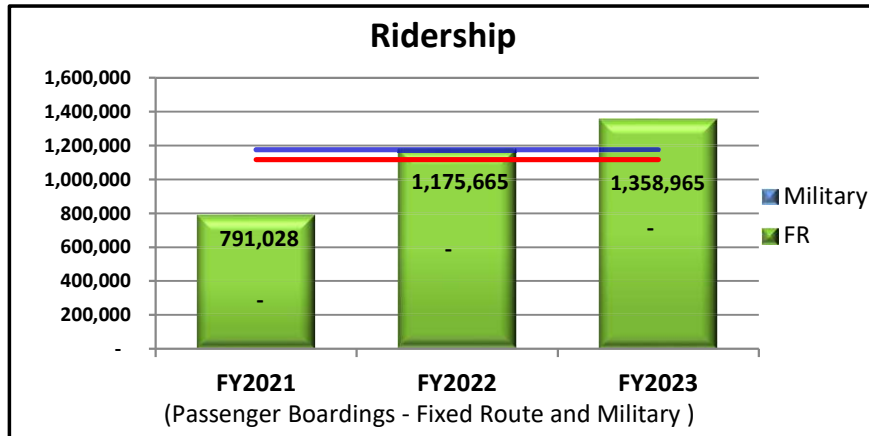
Prepared by: 
Carl G. Sedoryk

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YTD Dashboard Performance Comparative Statistics

July - February

Fiscal Years 2021-2023

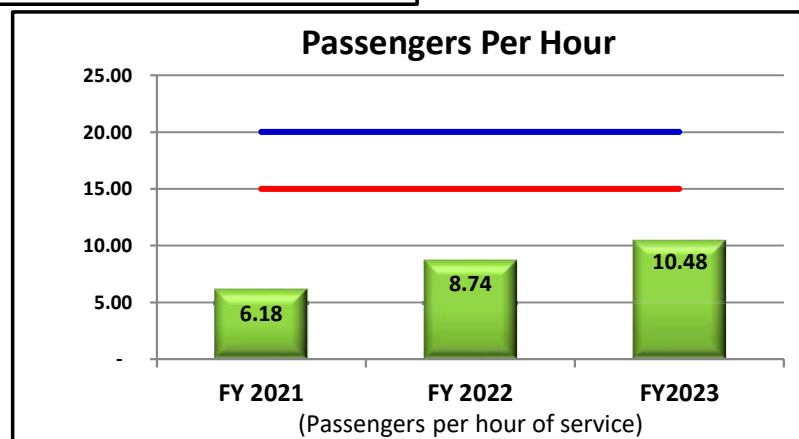


Goal = 1,175,665
passengers

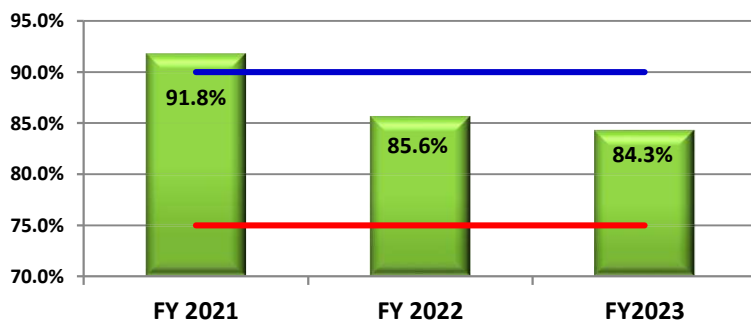
Minimum = 1,116,882
passengers

Goal = 20 passengers p/h

Minimum = 15 passengers p/h



On Time Performance



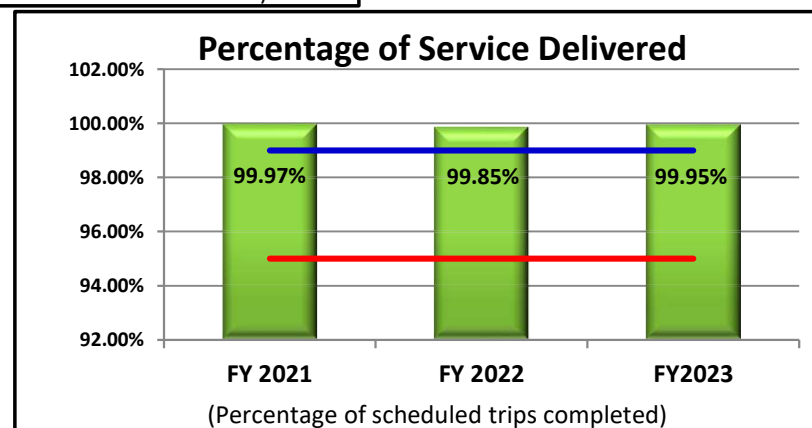
(Percent of passengers within 5 minutes of scheduled arrival)

Goal = 90% on time

Minimum = 75% on time

Goal = 99% completed

Minimum = 95% completed

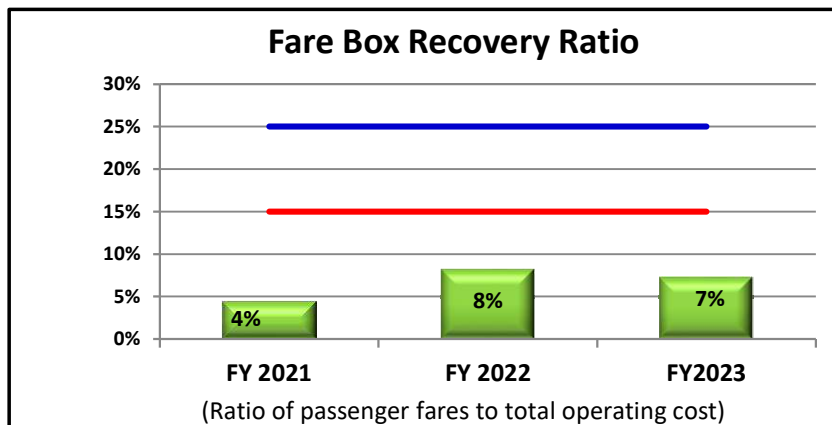


MST Fixed Route

YTD Dashboard Performance Comparative Statistics

July - February

Fiscal Years 2021-2023

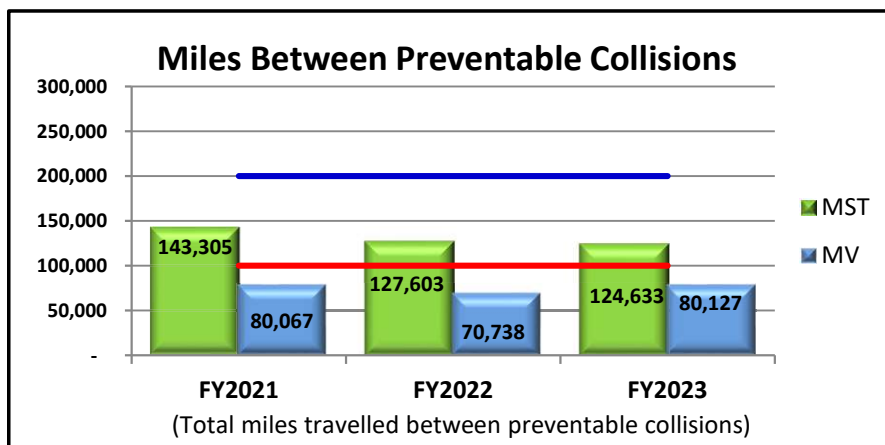
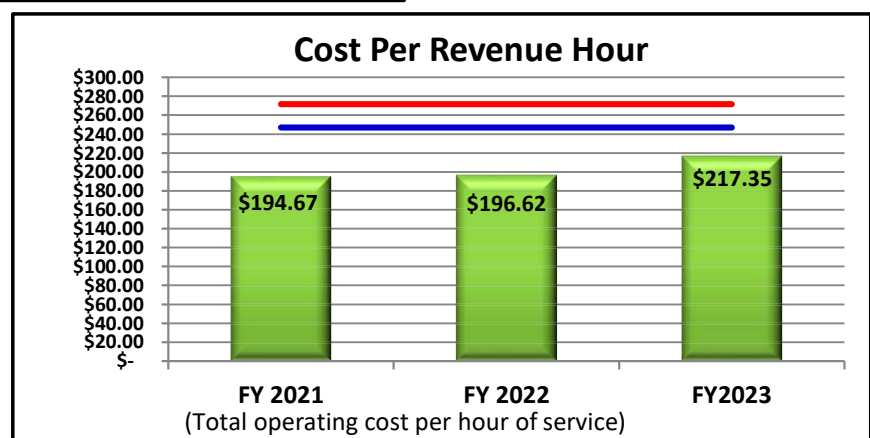


Goal = 25%

Minimum = 15%

Goal = \$246.83 per RH

Maximum = \$271.52 per RH

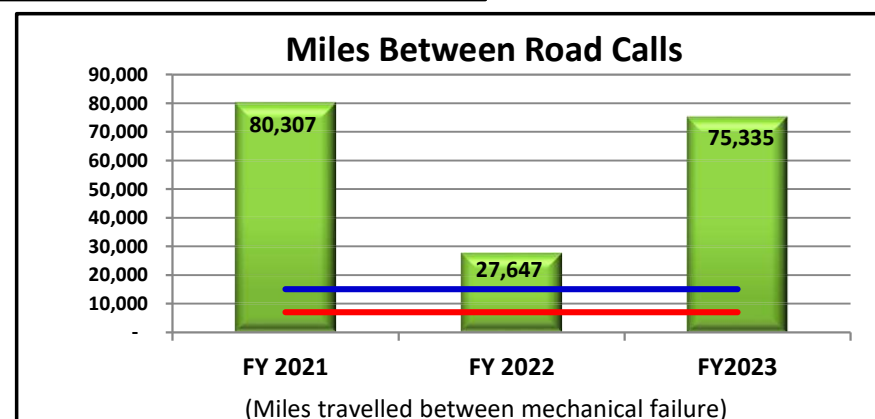


Goal = 200,000 Miles

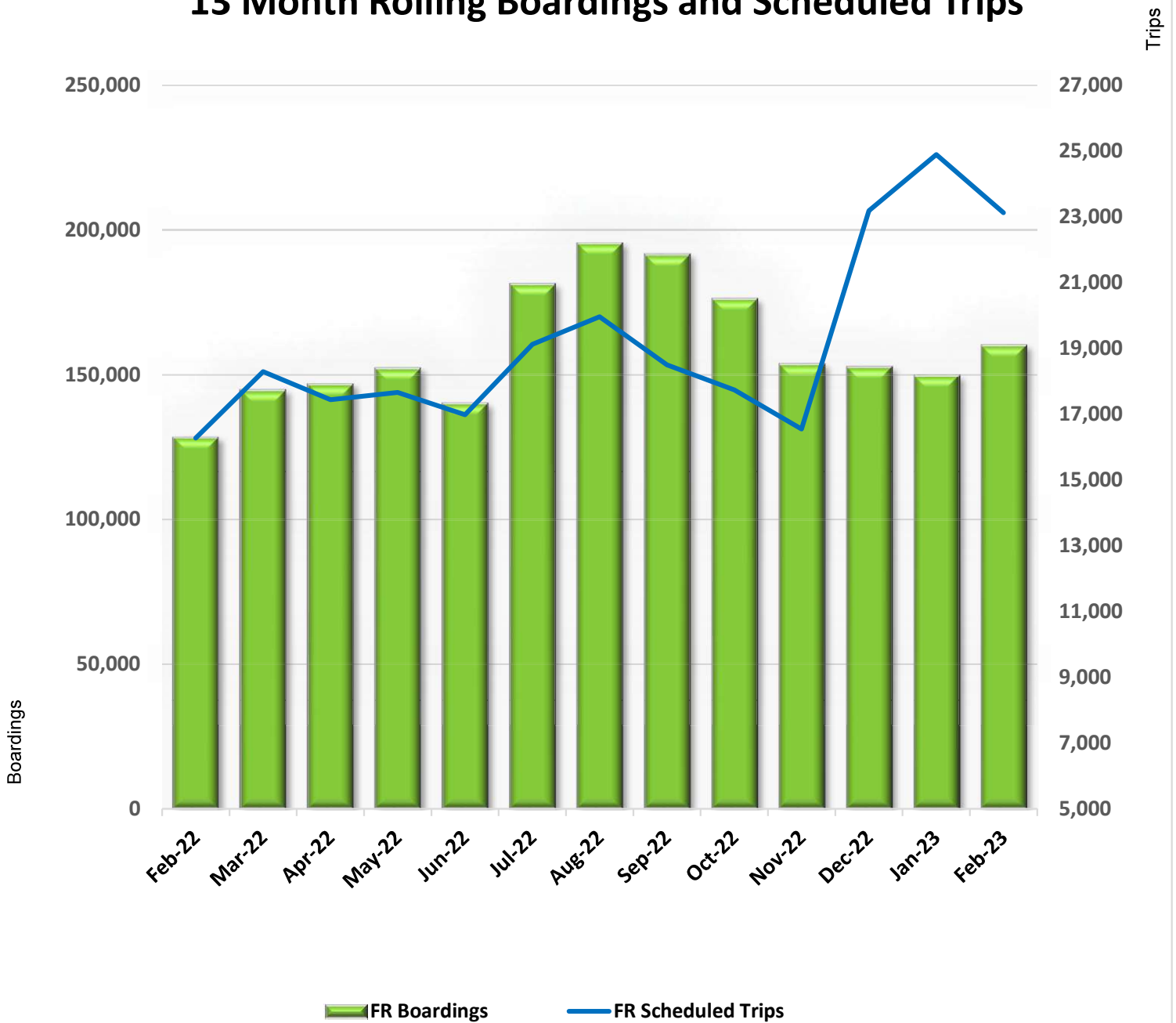
Minimum = 100,000 Miles

Goal = 15,000 Miles

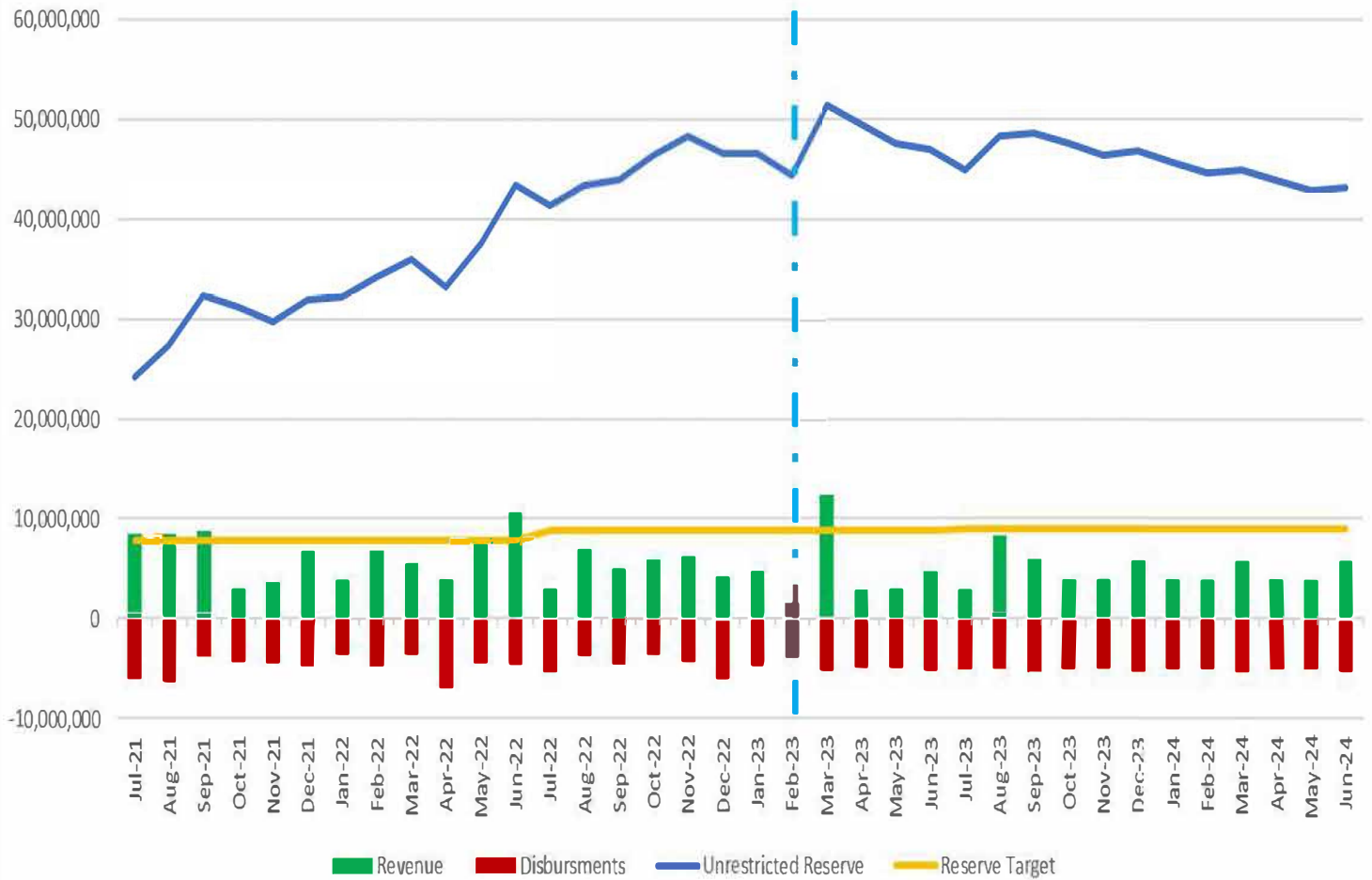
Minimum = 7,000 Miles



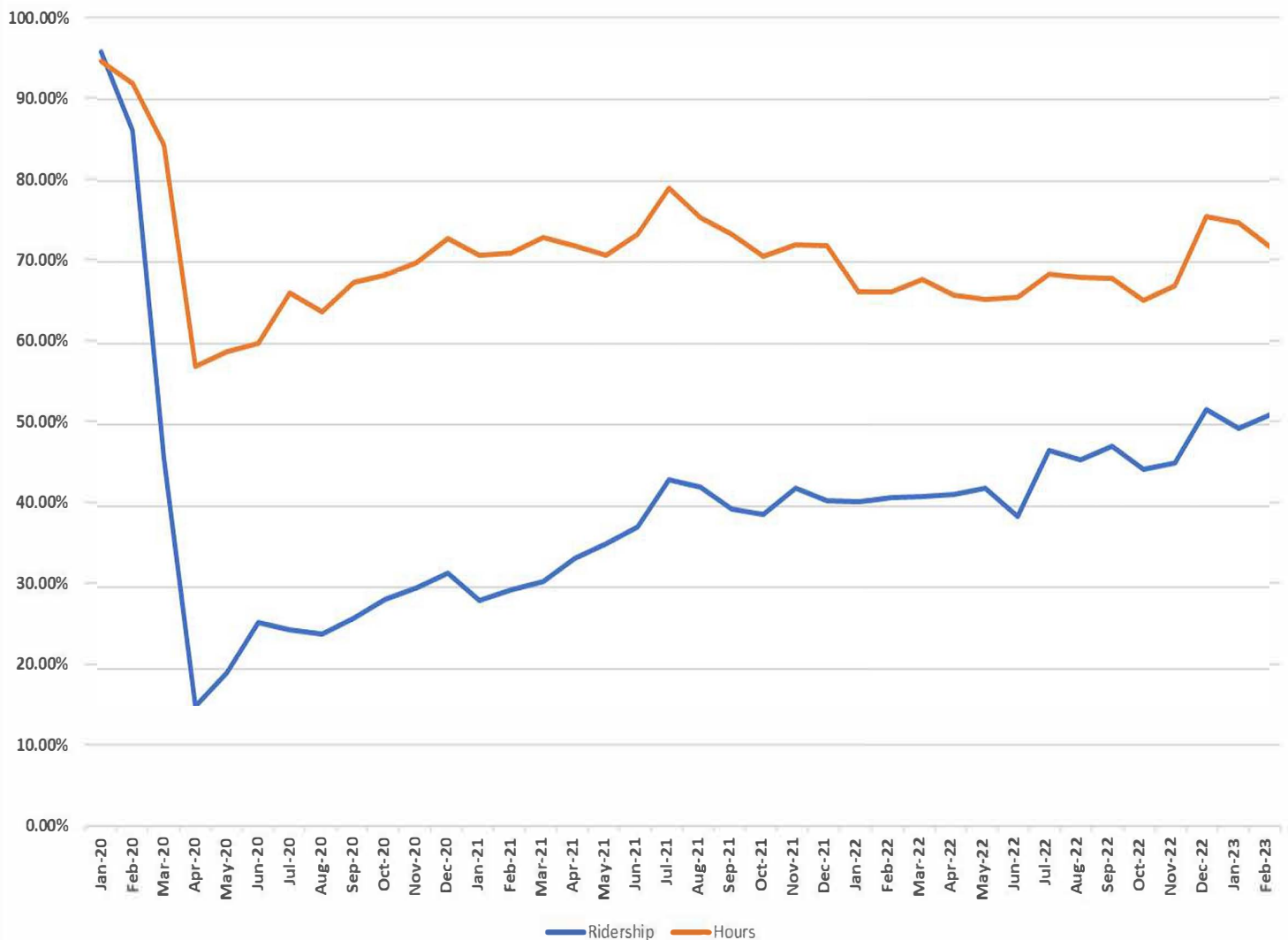
13 Month Rolling Boardings and Scheduled Trips



Cash Flow Projections July 2021 - June 2024



Percent of Monthly Ridership and Revenue Hours from CY17-19 Average

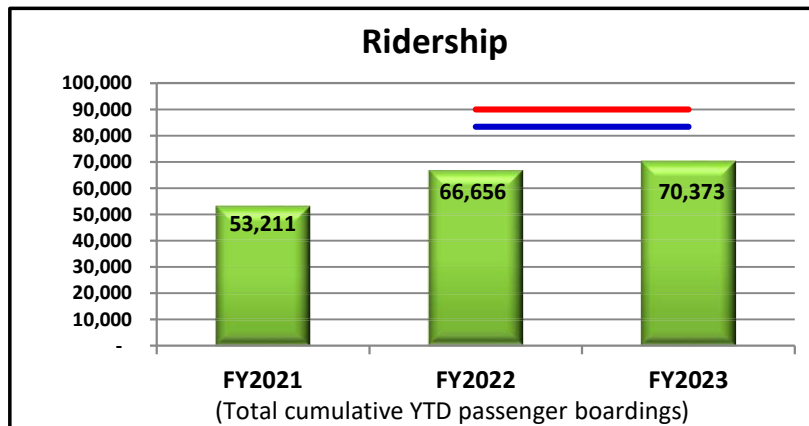


MST RIDES

YTD Dashboard Performance Comparative Statistics

July - February

Fiscal Years 2021-2023

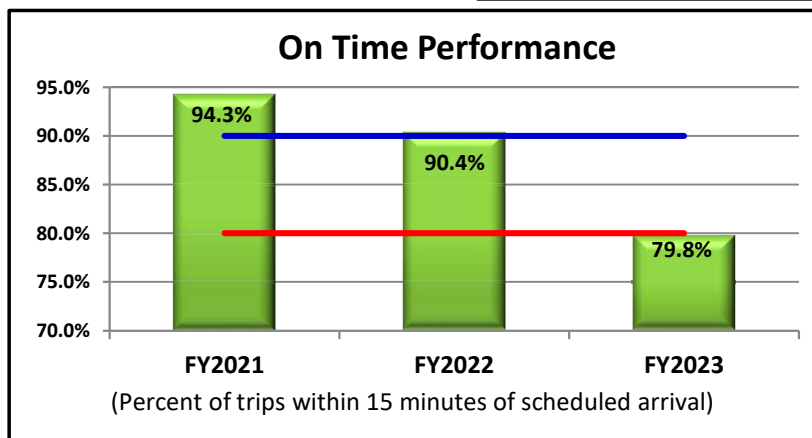
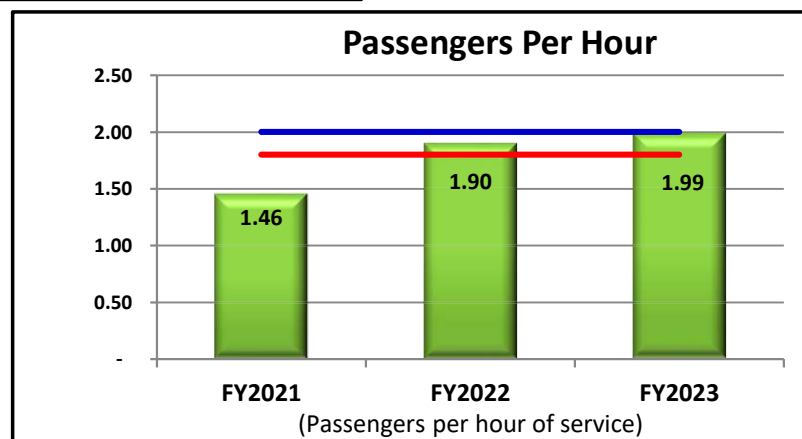


**Goal = 83,320
passengers**

**Maximum = 89,986
passengers**

**Goal = 2.0
passengers p/h**

**Minimum = 1.8
passengers p/h**

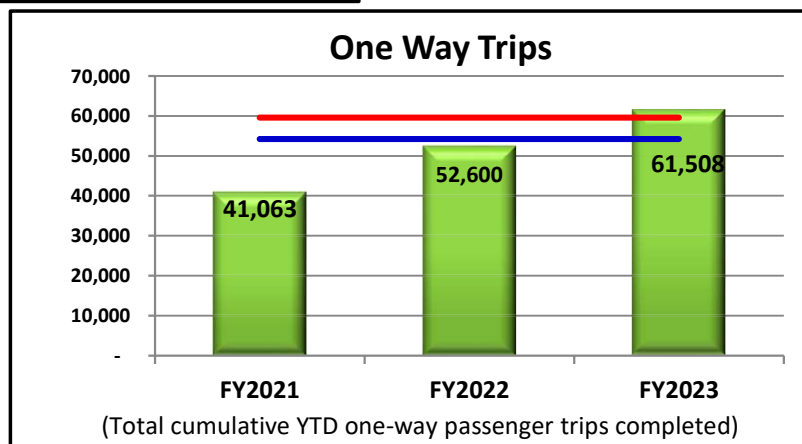


Goal = 90% on time

Minimum = 80% on time

**Maximum = 59,596
one-way trips**

**Goal = 54,178
one-way trips**

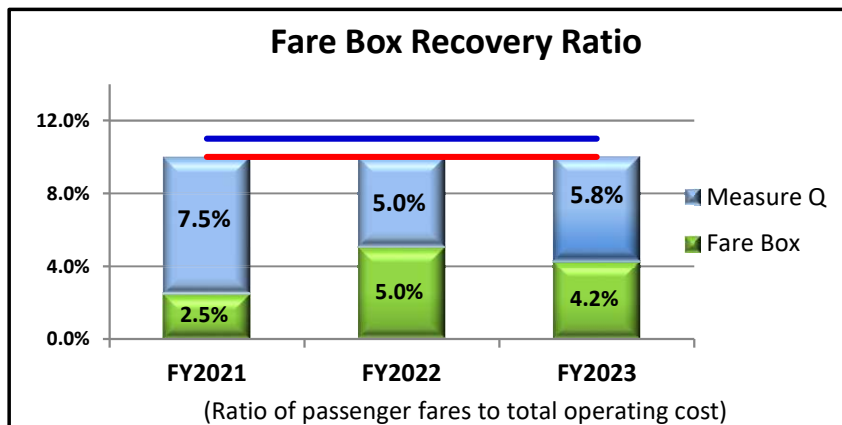


MST RIDES

YTD Dashboard Performance Comparative Statistics

July - February

Fiscal Years 2021-2023

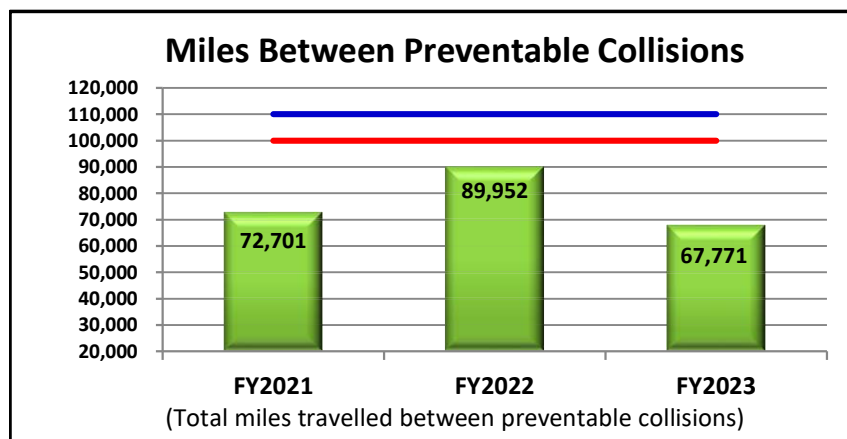
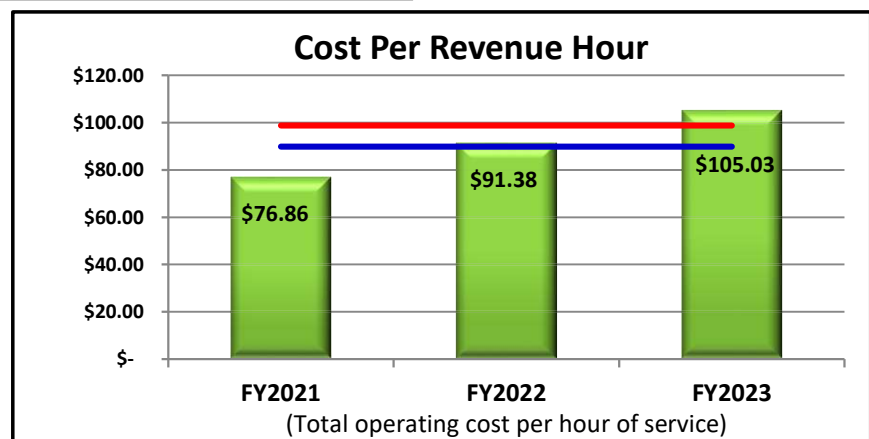


Goal = 11%

Minimum = 10%

Goal = \$89.82 per RH

Maximum = \$98.80 per RH

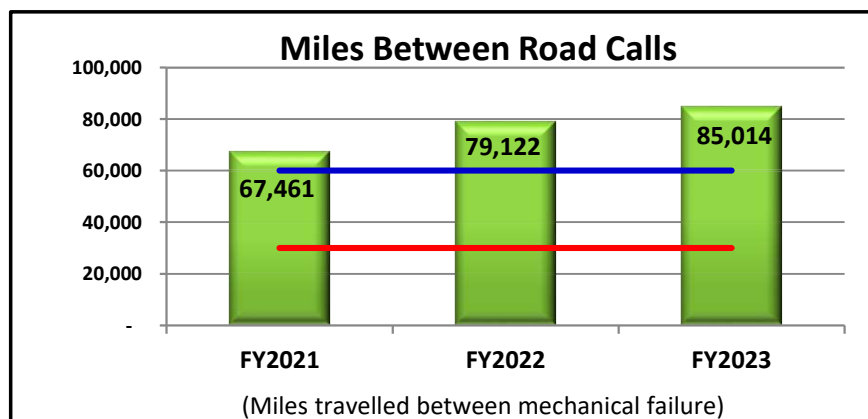


Goal = 110,000 Miles

Minimum = 100,000 Miles

Goal = 60,000 Miles

Minimum = 30,000 Miles

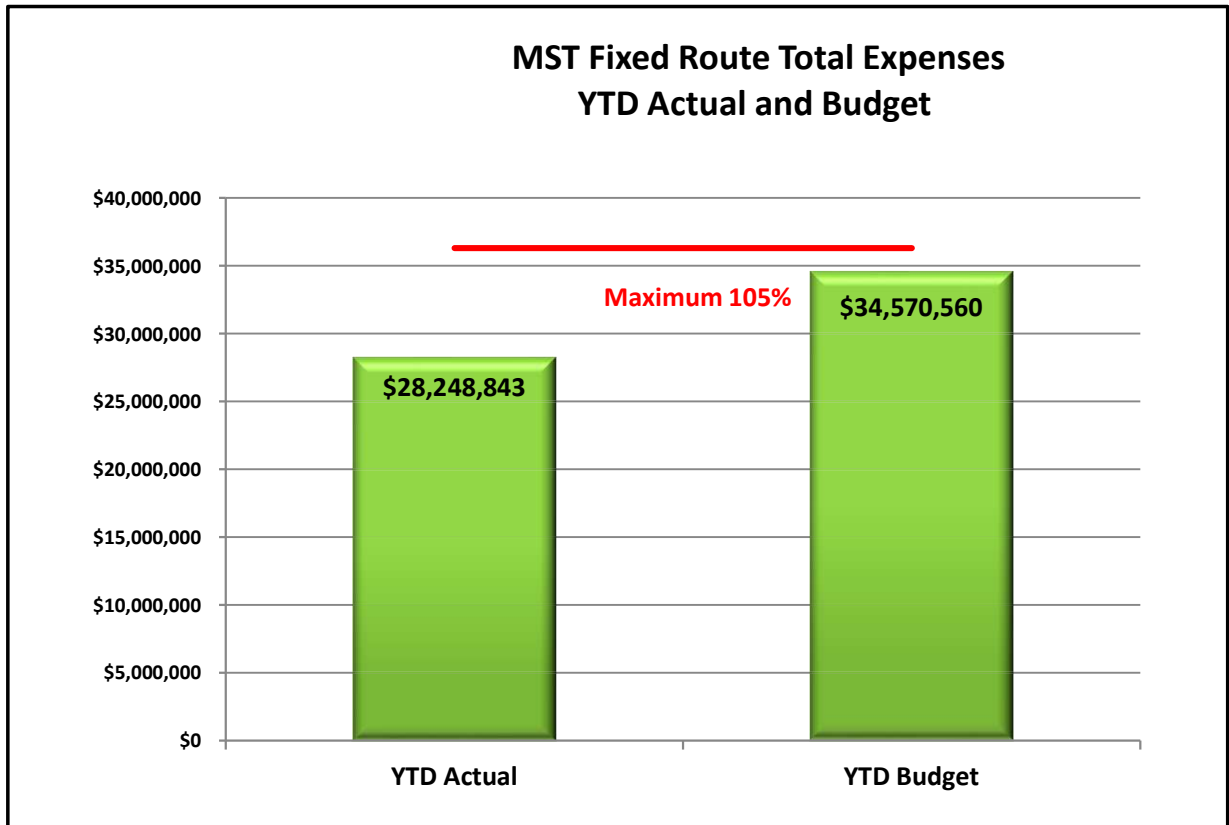
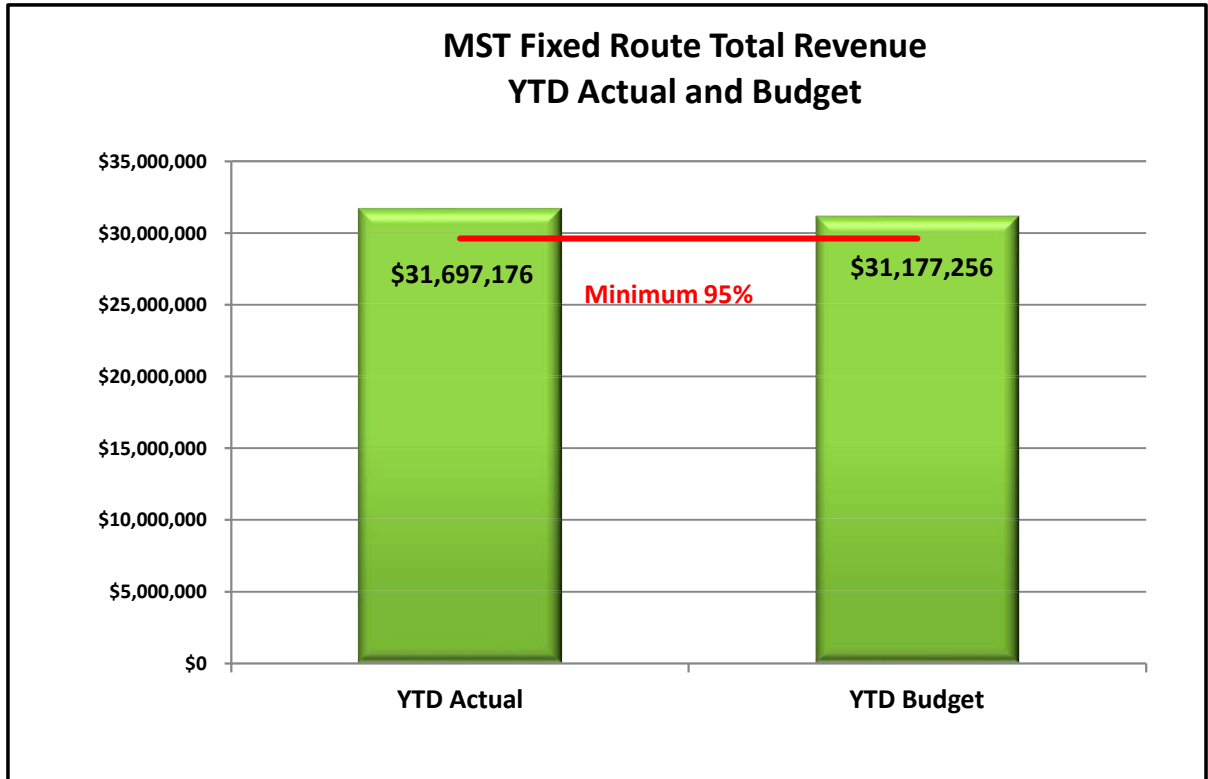


MST Fixed Route

Financial Performance Comparative Statistics

July - February

Fiscal Year 2023

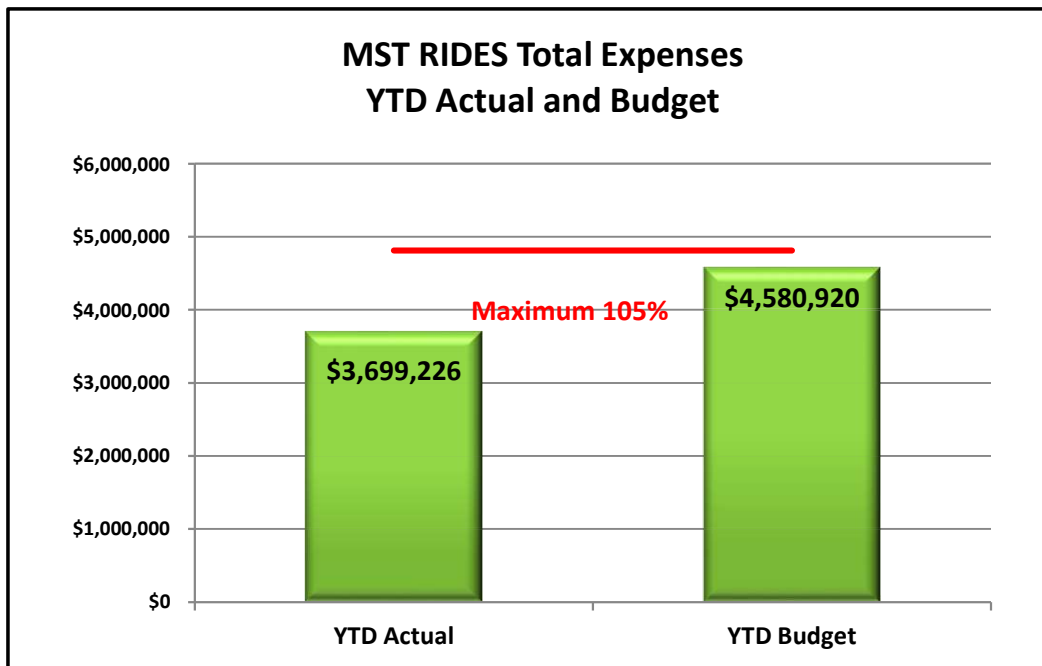
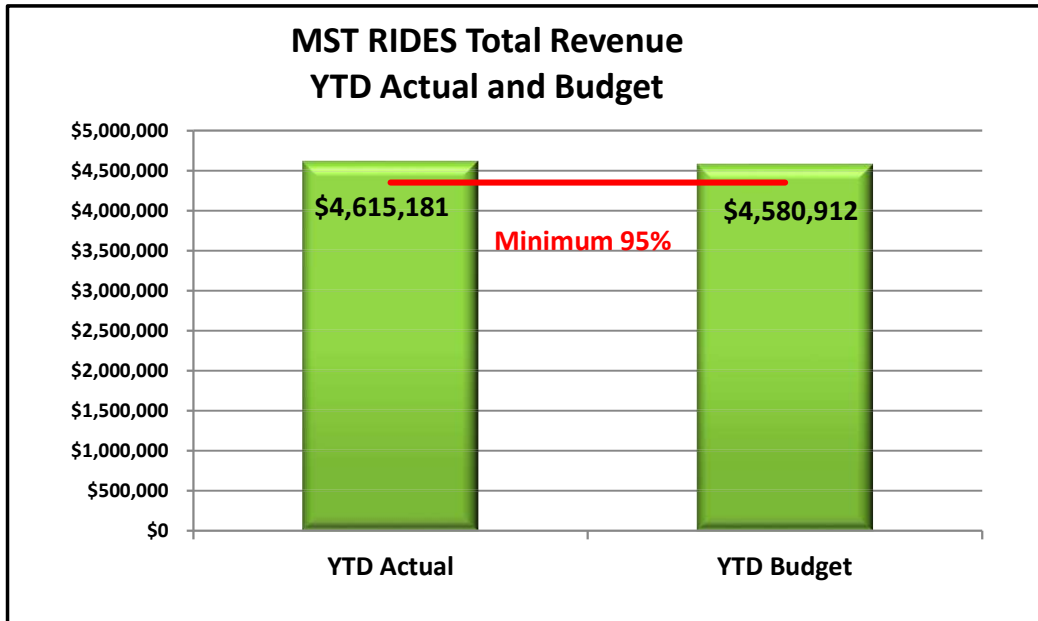


MST RIDES

Financial Performance Comparative Statistics

July - February


Fiscal Year 2023



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Date: March 27, 2023

To: Carl Sedoryk, General Manager / CEO

From:  Norman K. Tuitavuki, Chief Operating Officer

Subject: **Transportation Department Monthly Report – February 2023**

FIXED ROUTE BUS OPERATIONS:

System-Wide Service: (Fixed Route & On-Call Services):

MST's boarding statistics indicate ridership was 159,976 in February 2023, which represents a 24.8% increase compared to 2022's ridership of 128,215. For the fiscal year to date, passenger boardings continue to increase overall.

MST's productivity continues to improve monthly. MST's productivity increased from nine (9) passengers per revenue hour in February 2022, to ten (10) passengers per revenue hour in February 2023. This represents a 15% productivity improvement compared to February 2022.

Supplemental / Special Services:

None.

System-Wide Statistics:

- Ridership: 159,976
- Vehicle Revenue Hours: 15,839
- Vehicle Revenue Miles: 258,765
- System Productivity: 10 Passengers Per Vehicle Revenue Hour
- One-Way Trips Provided: 23,131

On-Time Performance (OTP): Of 85,545 total time-point crossings sampled for December, the Transit Master™ system recorded 11,850 delayed arrivals to MST's published time points system-wide. As a result, **86%** of all scheduled arrivals arrived on time. (*See MST Fixed-Route Bus ~ On Time Compliance Chart FY 2022 - 2023.*)

Note: Service arriving later than **5** minutes beyond the published time point is considered late. The on-time compliance chart, (attached), reflects system-wide "on-time performance" as a percentage of the total number of reported time-point crossings.

Service Canceled: As listed below, there were a total of eight (8) service cancellations in February for both directly operated and contracted services – compared to eight (8) service cancellations in the previous month, January 2023.

Total Revenue Trips Completed: 23,131			
Reason for Service Cancellation	MST	MV	Totals
Accident (MST)	0	1	1
Service Delay	0	0	0
Mechanical Failure	1	2	3
Other	0	0	0
Passenger Incident	1	1	2
Road Closure/Construction	0	0	0
Staff Shortage	0	2	2
Traffic	0	0	0
Totals	2	6	8

Documented Occurrences: MST **requires** Coach Operators to complete an occurrence report for any unusual incident that occurs during their workday. The information provided within these reports is used to identify trends that often drive changes in policy or standard operating procedures. The following is a comparative summary of reported incidents for February 2022 and February 2023:

Occurrence Type	February-22	February-23
Collision: MST Involved	1	5
Employee Injury	1	0
Medical Emergency	0	0
Object Hits Coach	0	2
Passenger Conflict	2	2
Conflict: Passenger VS Passenger	0	0
Passenger Fall	2	4
Passenger Injury	1	0
Other	2	2
Near Miss	0	0
Fuel/fluid Spill	1	2
Unreported Damage	1	1
Totals	11	18

CONTRACTED TRANSPORTATION SERVICES:

MST RIDES ADA / MST Paratransit Program:

Preliminary boarding statistics for the MST RIDES program reflect that for February 2023 there were 7,966 passenger boardings. This is a 1.6% decrease in passenger boardings compared to February 2022, (8,098). For the fiscal year – passenger boardings have increased by 5.6% compared to FY 2022.

- Productivity for February 2023 increased from 1.65 to 1.69 passengers per hour compared to the previous month, January 2023.
- For February 2023, 82% of all scheduled trips for the MST RIDES program arrived on time, below the expected on-time performance standard.

COMMUNICATIONS CENTER:

In February, MST's Communications Center summoned public safety agencies on five (5) separate occasions to MST's transit vehicles and facilities:

Agency Type	Incident Type	Number of Responses
Police	Vehicle Accident / Passenger Disturbance / Other	2
Medical	Employee Request / Passenger Request / Other	3
Fire	Employee Request / Passenger Request / Other	0
Totals		5

DEPARTMENT ACTIVITIES:

In February, the Monterey County Office of Emergency Services activated its Emergency Operations Center (EOC) in response to the "Atmospheric Rivers" affecting California's Central Coast. As a result, MST provided special transportation services for Monterey County residents, ensuring safe travel throughout the County.

Throughout February, I attended several operations-specific virtual meetings on behalf of MST where I provided continued support and professional guidance. I also communicated the concerns and needs for MST at the following virtual meetings:

- American Public Transportation Association (APTA) Bus Operations Committee
- Central Coast Community Energy (CCCE) Community Advisory Council

Prepared by: Norman K. Tuitavuki
Norman K. Tuitavuki

Reviewed by: Carl G. Sedoryk
Carl G. Sedoryk

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ATTACHMENT 3

Date: March 27, 2023

To: Carl Sedoryk, General Manager/CEO

From: **NKT** Norman K. Tuitavuki, Chief Operating Officer

Subject: **Maintenance Department Monthly Report – February 2023**

This report summarizes the performance and major activities of the Maintenance Department as well as fuel and operating expenses during the month.

Fuel Budget FY2023	Average Fuel Price February 2023	Average Fuel Price FY2023
Biofuel: \$5.40	\$3.66	\$4.32
Gasoline: \$5.40	\$4.40	\$4.76

Period	Revenue Fleet Operating Cost Per Mile	Revenue Fleet Miles Between Major Mechanical Road Calls: ¹
February 2023	\$1.20	47,738
YTD FY 2023	\$1.54	61,526
FY 2022	\$1.32	24,366
FY 2021	\$1.23	54,756

¹ **Minimum:** 7,000 Miles; **Goal:** 15,000 Miles

DEPARTMENT ACTIVITIES / COMMENTS:

February 2023's cost per gallon for gasoline **increased by 9.1%, an increase of 37 cents**, and the cost per gallon for biofuel **decreased by 9.4%, a decrease of 39 cents** compared to the previous month, January 2023. For FY23, MST increased its budgeted cost per gallon for both biofuel and gasoline fuels based on the prices experienced in the previous fiscal year. As a result, the cost per gallon for biofuel and gasoline fuels remains under budget. Fuel prices continue to fluctuate unpredictably. Staff continues to monitor all movement of vehicles to minimize unnecessary fuel usage.

In February, MST traveled 47,738 miles between major mechanical failures with four major mechanical road calls – exceeding the 15,000-mile goal. MST's Maintenance department completed 93% of their scheduled preventive maintenance inspections (PMI) on time. MST has continued to meet or exceed the stated goal within this area of

performance. It should be noted that MST has reduced the overall number of revenue miles traveled to conform with current ridership demands and other factors resulting from the COVID-19 pandemic and implementation of the Better Bus Network.

In February, MST's Maintenance department began replacing and installing upgraded ZONAR tablets in its revenue fleet. The new ZONAR tablets are faster and more reliable – which should result in improved vehicle inspection processing. MST expects to complete this project in 4-6 weeks and is working with Training and Operations staff to train and familiarize all employees with the new tablet.

Throughout February, I attended several Maintenance specific virtual meetings on behalf of MST where I provided continued support and professional guidance. I also communicated the concerns and needs for MST at the following virtual meetings:

- California Transportation Association (CTA) Maintenance Committee
- California Transit Training Consortium (CTTC) Educational Services Committee
- APTA Zero Emission Fleet (ZEF) Committee Meeting
- Zero Emission Bus Resource Alliance (ZEBRA) Membership Meeting

Prepared by: Norman K. Tuitavuki
Norman K. Tuitavuki

Reviewed by: Carl G. Sedoryk
Carl G. Sedoryk

ATTACHMENT 4

Date: March 28, 2023

To: C. Sedoryk, General Manager/CEO

From: Lisa Rheinheimer, Assistant General Manager; Michelle Overmeyer, Director of Planning /Innovation, Andrea Williams, Finance Manager; Michael Kohlman, Chief Information Officer; Kelly Halcon, Director of Human Resources/Risk Management; Lisa Cox, Risk and Security Manager; Ikuyo Yoneda-Lopez, Marketing and Communications Manager; Beronica Carriedo, Customer Service and Community Relations Supervisor.

Subject: **Administration Department Monthly Report – February 2023**

The following significant events occurred in Administration work groups for the month of February 2023:

Human Resources

A total employment level for February 2022 is summarized as follows:

Positions	Budget FY22	Actual	Difference
Coach Operators F/T	126	116	-10
Coach Operators Limited Duty	0	0	0
CO Occupational Injuries	(1)	(0)	(-1)
Operations Staff	33	26	-7
Maintenance & Facilities	55	52	-3
Administrative (Interns 1 PT)	38	36	-2
Total	253	230	-23

*Total budget numbers do not include the C/O on Long Term Leave as those numbers are already reflected in the Coach Operators/Trainees number.

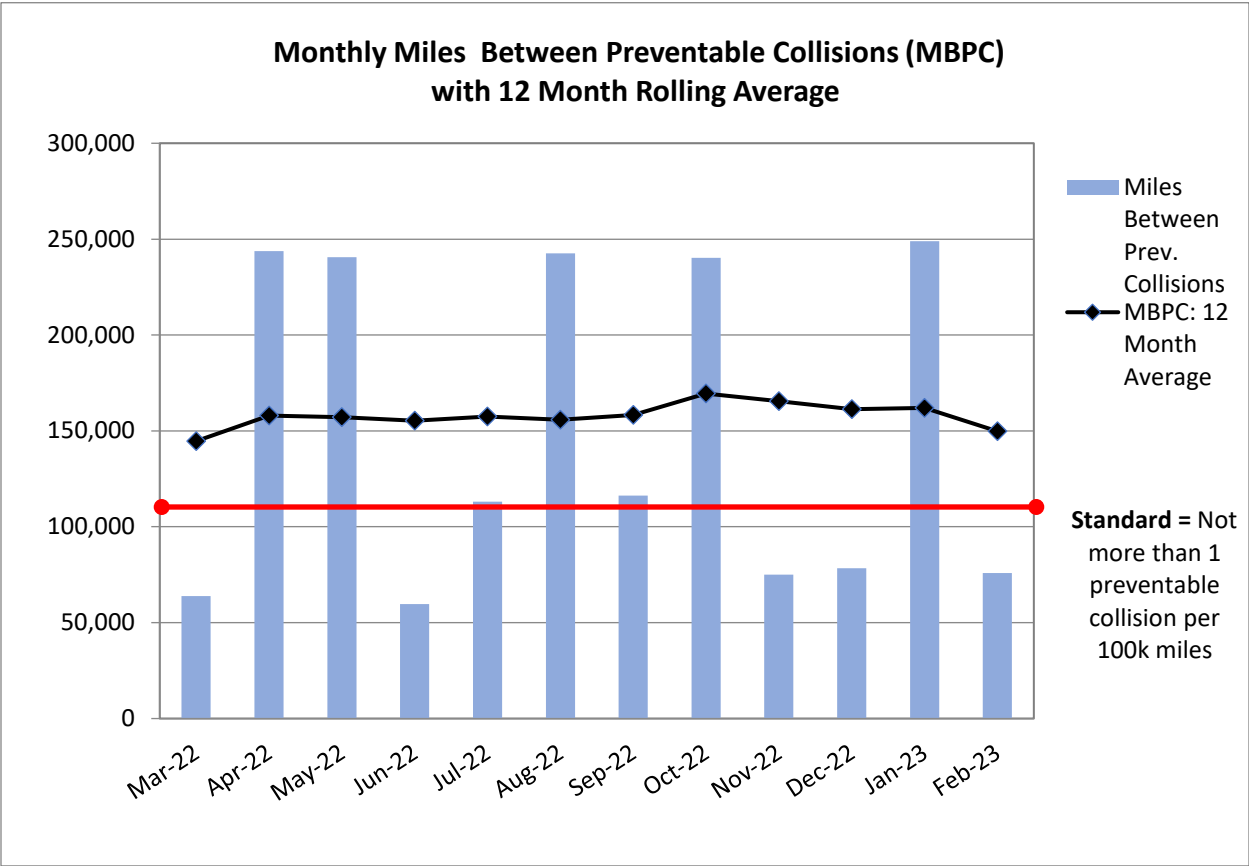
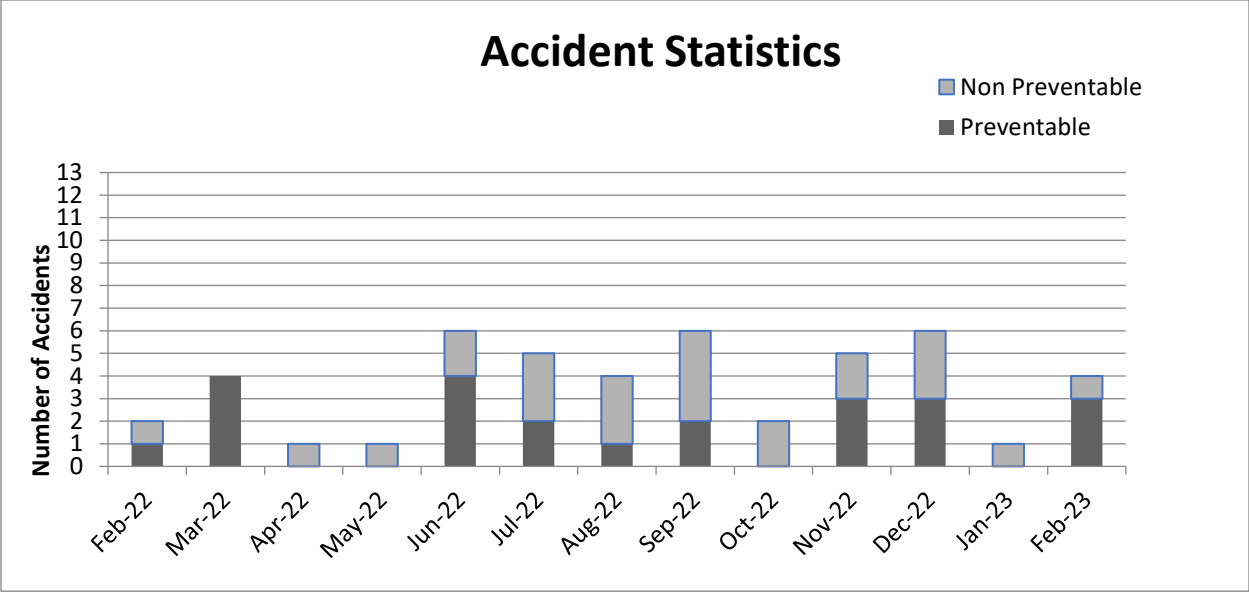
February Worker's Compensation Costs	
<i>Indemnity (paid to employees)</i>	\$33,847.21
<i>Other (includes Legal)</i>	\$6,411.08
<i>Medical includes Case Mgmt, UR, Rx & PT</i>	\$7,869.66
<i>TPA Administration Fee</i>	\$5,708.33
<i>Excess Insurance</i>	\$9,510.75
Total Expenses	\$63,347.03
Reserves	\$1,383,750.06
Excess Reserved	(\$274,802.77)
<i># Ending Open Claims</i>	41

Training

Description	Attendees
Annual Coach Operator Verification of Transit Training	19
Post-Accident/Incident Re-training	3
In-Service Training: BBN Familiarization of 2 hrs. for \$2	1
In-Service Training: 2022-2023 Model Gillig 40' and 35' Diesel low floor Familiarization Training	29
In-Service Training: 2021 Gillig Zeb Battery Electric Bus Familiarization Training	51
Forklift and Recertification Training	2
Alvarez Technology Group: 2023: Cyber Manager Training-MAN-101	1
DeLay and Laredo: AB 1234 Public Service Ethics Education	3
Sexual Harassment Prevention for Transit Employees	22
Review of Avoid, Deny, Defend Active Shooter Presentation	9
DOT Transportation Safety Institute: Transit System Security	1
DeLay and Laredo: AB1825 Harassment Prevention for Supervisors	8
Alvarez Technology Group: 2023 Cybersecurity Training-Sec-107	2
Yale Model 80VX Class 4	2
DOT Transportation Safety Institute: FT00435 Fundamentals of Bus Collision Investigation DOT	1
In-Service Training: Line 5 route familiarization	1
In-Service Training: Drug& Alcohol, Title VI, EEO Refresher	1
Alliance Career Training Solutions: Advanced Business Writing for Professionals	1

Risk Management

	February 2023 Preventable		February 2022 Preventable	
Description	Yes	No	Yes	No
POV Vehicle hits MST Vehicle	0	0	0	2
MST Preventable Accidents	3	1	1	1
TOTAL	3	1	1	3



Customer Service Update

Service Report Type	MST	Other Provider*	# of valid reports	% of reports received**	Feb-22	
ADA/RM Request	1	0	1	2.3%	0	0.0%
Agency Policy				0.0%	0	0.0%
Bus Stop Amenities	2	0	1	4.7%	0	2.4%
Carried By	0	0		0.0%	0	0.0%
Discriminatory behavior by employee	0	0		0.0%	0	0.0%
Early Departure	0	0		0.0%	1	0.0%
Employee Other	1	1	1	4.7%	4	26.8%
Facilities Vandalism	1	0		2.3%	0	0.0%
Fare / Transfer Dispute	0	0		0.0%	1	2.4%
Full Bus / Left Behind	0	0		0.0%	1	7.3%
Harassment by Employee	0	0		0.0%	0	0.0%
Improper Driving	0	1		2.3%	2	12.2%
Improper Employee Conduct	2	1	1	7.0%	1	7.3%
Inaccurate Public Information	1	0	1	2.3%	0	0.0%
Late Arrival	1	7	1*	18.6%	1	7.3%
Late Departure	0	0		0.0%	0	4.9%
No Show	0	0		0.0%	1	9.8%
Off Route	0	0		0.0%	0	0.0%
Overcrowding	0	0		0.0%	0	0.0%
Passed By	2	1	1	7.0%	6	7.3%
Passenger Conduct	0	0		0.0%	0	0.0%
Passenger Injury	1	0		2.3%	1	0.0%
Reasonable Modification	0	0		0.0%	0	0.0%
Request To Add Service	5	0	3	11.6%	4	2.4%
Request To Reduce Service	0	0		0.0%	0	0.0%
Routing	0	0		0.0%	0	0.0%
Service Animal	0	0		0.0%	0	0.0%
Service Other	6	7	2/1*	30.2%	1	9.8%
Service Schedule	0	0		0.0%	0	0.0%
Taxi	0	1		2.3%	0	0.0%
Title VI Complaint	0	0		0.0%	0	0.0%
Unsafe Conditions	0	1	1*	2.3%	0	0.0%
Vehicle Maintenance	0	0		0.0%	0	0.0%
Sub total reports	23	20				
Grand Total MST and *Other Provider		43		100.0%	24	100.0%

Employee Compliment – 0

Service Compliment – 0

*Operated by MV Transportation or taxi provider

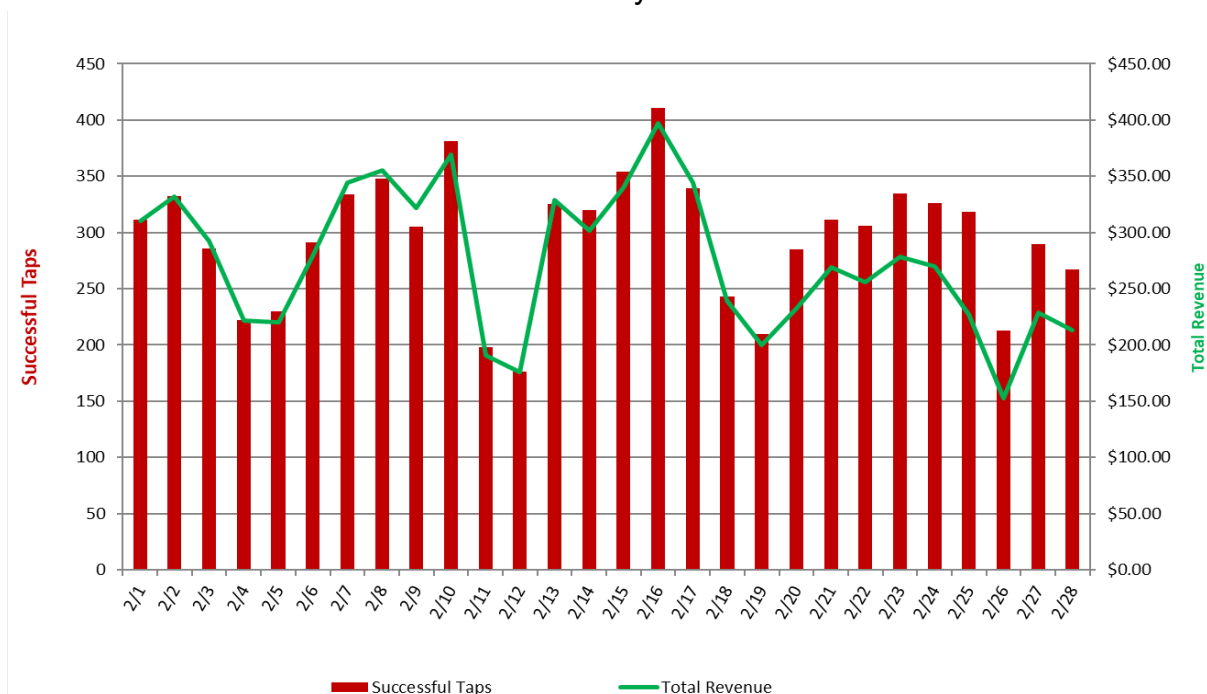
**Numbers may not add up exactly due to rounding

Contactless Tap to Pay:

During the month of February, MST received a total of 8,267 taps. With the BBN launch, a new fare structure was introduced removing the need for passengers to tap off when exiting the bus.

Since launching the demonstration project on May 11, 2021, there have been a total of 155,913 successful taps. Total revenue collected to the end of February from passengers using contactless payment was \$222,055.

Contactless Tap to Pay Report February 2023



Finance Update

General Accounting/Accounts Payable

During the month of February, staff processed timely and accurate payments to vendors, recorded appropriate revenues, and prepared monthly financial reporting and analysis. Staff is working on preparing the fiscal year 2024-2025 budget draft that will be presented to the MST Board Committee in May. MST's external auditors, Eide Bailly LLP, anticipate the completion of MST's Annual Comprehensive Financial Report for FY 2022 no later than March 31, 2023.

Payroll

Payroll continued to provide hours and earnings reports upon request to MST departments. Routine changes and adjustments to payroll records were maintained along with double checking of all filing for federal, state, and retirement reports and

payments on a timely basis

Grants

During the month of February, staff drafted, followed up on, responded to, and submitted pending applications, requests for reimbursement, and program reporting under the following programs:

- Federal 5307 Traditional
- Federal 5310 Competitive
- Federal 5311 & 5311(f) Programs
- Federal 5339 Formula
- Federal COVID relief funding (CARES, CRRSAA, ARPA)
- Low Carbon Transit Operations Program
- Transit and Intercity Rail Capital Program (TIRCP)
- MST Capital Improvement Program
- CA SB1 State of Good Repair
- CA SB1 Local Partnership Program
- Federal 5309 Capital Investments Grants
- Caltrans Sustainable Transportation Planning Grants
- Clean CA Local Grant Program
- Congressionally Designated Spending

In addition to attending webinars for future grant opportunities, staff also participated in several meetings regarding current and future projects, bus procurements, and other capital projects. Update meetings with internal staff were ongoing to address status changes to various active or pending grants and requests for reimbursements. Staff also worked internally to provide information for MST's annual National Transit Database submission, financial audit, DBE tracking, and triennial review.

Grants Summary	
Active Grant Funding	\$90,723,468
Grant Funds Pending Award	\$4,482,471

Procurements and Purchasing

Procurement efforts for the month included reviewing invoices, tracking supply requisition forms, and placing supply orders for each MST facility. Business cards and workstation name plates were ordered for a number of new employees as well as existing employees that have had recent changes in their titles. Several quotes were gathered from printers to produce a set of parking permits for MST's property on Gigling Road and 8th Avenue. ASAP Signs provided the best price and have begun producing the permits. A Request for Quotations was issued for an on-call consultant to put together bus stop designs for MST's South County circulators. The RFQ was sent out to an approved list of qualified consultants put together through the City of Gonzalez's own Request for Qualifications in which MST had a piggyback option. Final quotes are due by 5:00 p.m. on Tuesday, March 7. As approved at the February Board of Directors Meeting, MST has entered into a contract with Remix Technologies, extending the

agreement between MST and Remix for transit planning software services through February 14, 2026.

Information Technology Update

Governance:

- **I.T. Steering Committee:** The I.T. Steering Committee met on February 21st. At that time the committee was updated on the 2-year projected time of I.T. projects, as well as discussed potential technology training opportunities. The next meeting is scheduled for March 21st.

Operations Technology:

- **Contactless Fare System:** Planning and discussion on the transition from SC Soft contactless card readers (PADs) to PADs from KUBA systems is continuing on schedule, with the expectation of more frequent meetings beginning in March ahead of an expected delivery of the initial KUBA PADs in April. The implementation goal remains for a the June 2023 timeframe.
- **Email and communications accounts for all MST Staff:** I.T. has been in the process of examining the feasibility of providing a basic email and communications account to all MST staff. This project has advanced to the final design and testing stage, with an implementation goal of 2nd quarter of CY2023.

Cybersecurity:

- **Audit and Review of MST Systems:** I.T. has engaged in preliminary discussions to conduct a 3rd party cybersecurity review with the goal of performing this review and evaluation any recommendations in the 2nd to 3rd quarter of CY2023.

Identity management: In conjunction with the project to provide expanded email and communications capability to all staff at MST, I.T. has also been in the process of designing and expanding a tiered identity management system, with goal of providing a simpler and more secure way of sharing and collaborating information within the organization. This project is in the final design and testing stage, with an implementation goal of 2nd quarter of CY2023.

Marketing Update

MST RealTime Usage:

2022	Text	RealTime Phone	App Sessions	App Users
February	3,539	484	102,577	2,237
March	3,460	664	117,212	2,529
April	3,869	567	116,347	2,579
May	4,311	766	112,898	2,736
June	4,025	844	97,975	2,536
July	4,037	847	105,717	2,603

August	4,761	871	143,536	3,350
September	5,841	689	161,032	3,341
October	7,947	778	135,989	3,022
November	6,047	771	136,873	3,084
December	6,375	1,030	112,856	2,990
January	4,889	906	157,511	3,190
February	4,746	632	145,138	3,121

Transit App: For the month of February, there were a total of 360 downloads for the Transit App. The top three most popular routes that users tapped from the home screen were:

1. Line Jazz B– 13,896 taps
2. Line Jazz A– 10,609 taps
3. Line 20 – 8,079 taps

Published news stories include the following:

None for the month of February

Press releases sent include:

“MST Bus Service on Presidents’ Day” (2/14/2023)

Projects:

The following activities were undertaken during the month:

- Visa Contactless Card 50% off Campaign
- Tabling at the Kinder Festival in Greenfield
- Transit Employee Appreciation Day
- Senior Transit Day
- Quantum Wheelchair Securement System Rack Card & Education video production

External Collaboratives/Meetings/Committees:

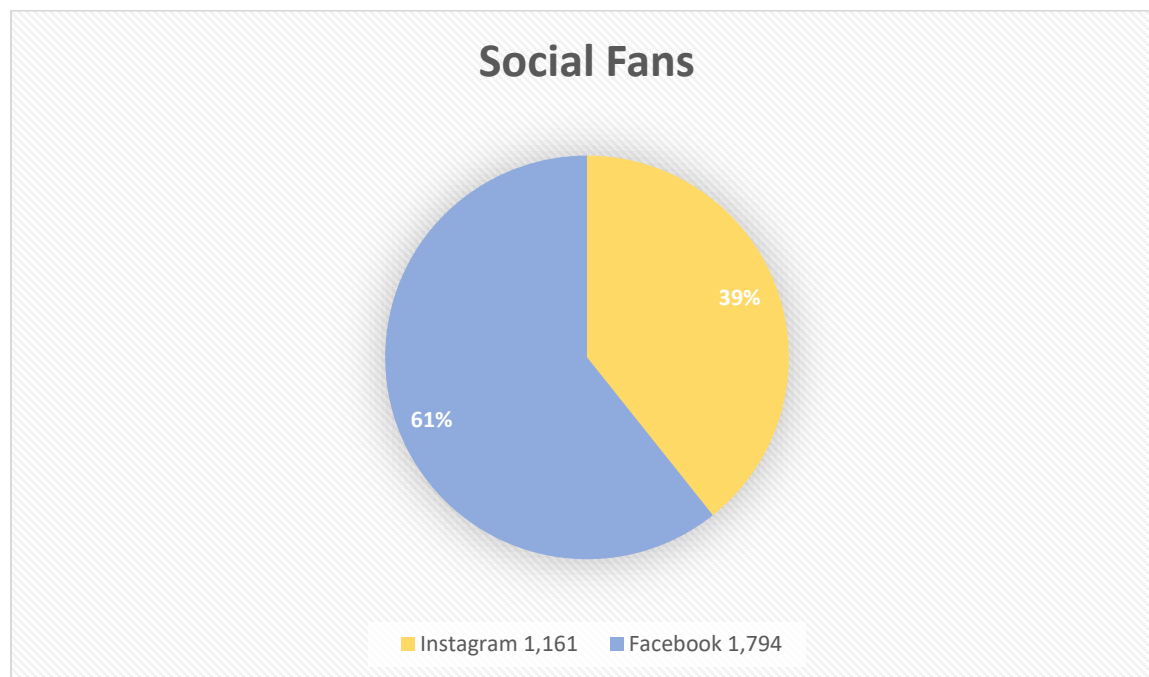
- Cal-ITP Contactless Operations and Customer Service Meetings
- SURF! Outreach and TOD-Related Meetings
- Training: MST- HVS Call Center Training
- Alliance on Aging Meeting
- Customer Service Team Meeting
- Marketing, Outreach, and Customer Service Bi-weekly Team Meeting
- Transit Employee Appreciation Day Planning Meeting
- Senior Transit Day Planning Meeting
- Workshop: Community-Based Social Marketing
- Training: Quantum Wheelchair Securement System
- Conference: APTA Marketing & Communications

Social Media:

Posts and stories created during the month of February:

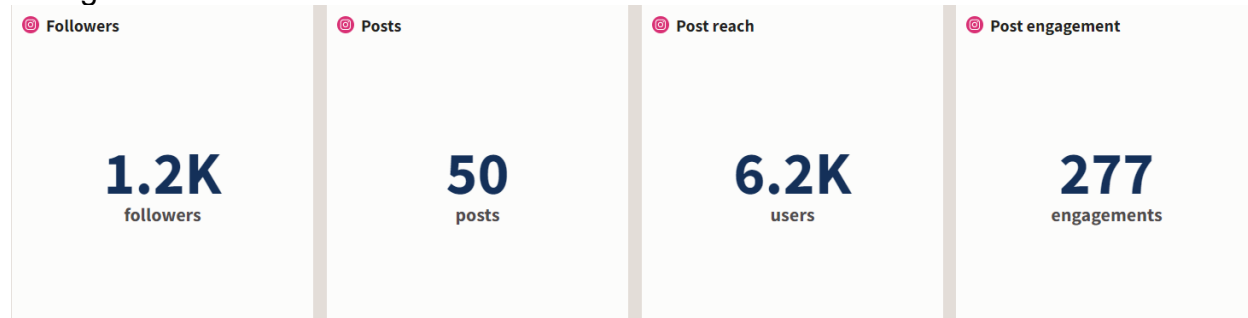
- Recruitment
- Rosa Parks Birthday
- Trip Planning/Transit App Tutorial
- TOD Survey Message
- Valentine's Day Post with Former Driver
- Meals on Wheels
- Quantum Training Video

Social Media Performance:

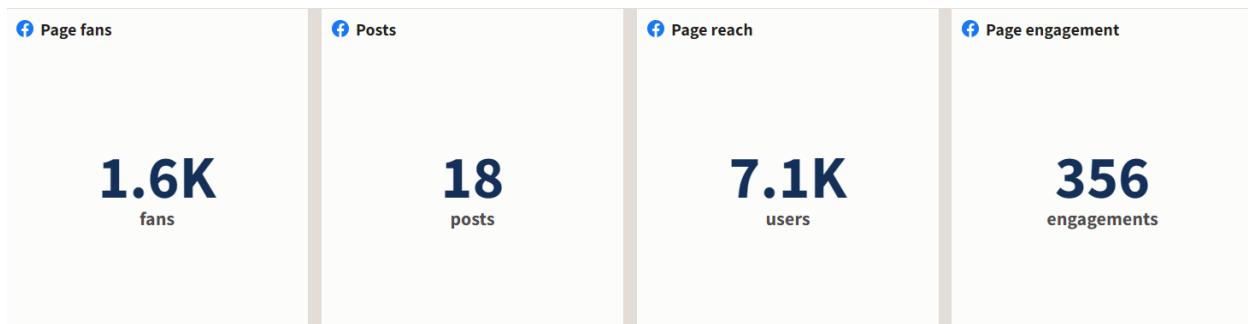


Overview by Social Media Platform:

Instagram



Facebook



Planning Update

Service Planning and Standard Reporting

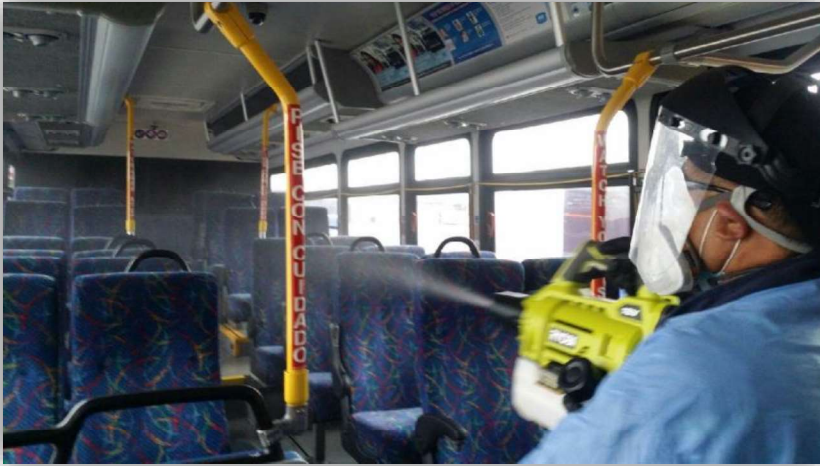
Throughout the month, planning staff was finalizing work for the March service change to make minor adjustments to the Better Bus Network. Customer service reports were responded to. With the release of census data, staff updated the National Transit Database annual report. Work on the FTA triennial review was also completed. Hosted MST Community Planning Meetings for SB922 requirements.

Transit-Oriented Development Planning Study

Work continued work on the Transit-oriented Development (TOD) planning study in support of the SURF! Busway and Bus Rapid Transit project. Staff worked with the consultant to review the draft Existing Conditions Report and presented preliminary results to the technical advisory committee. The project team also met with staff from cities of Seaside, Sand City, Marina, as well as CSUMB.

Regional Planning

Throughout the month, staff continued participating in meetings with various local agencies, including the Transportation Agency for Monterey County and Association of Monterey Bay Area Governments.



MST COVID-19 AFTER ACTION REPORT



*"Connecting Communities,
Creating Opportunities,
Being Kind to Our Planet"*



Acknowledgments

We are especially indebted to the Monterey-Salinas Transit District (MST) Board of Directors for their encouragement and leadership during this pandemic. With their support, MST continued to provide transit services and a variety of new and existing mobility options to the communities we serve. Throughout the pandemic, MST fulfilled its obligations to community members – going above and beyond in some instances to provide relief, protection, and human services when needed. The lessons learned described in this After-Action Report (AAR) will be considered for future inclusion in MST’s crisis and emergency planning efforts.

MST’s collaboration with local community organizations and entities throughout the pandemic has contributed to many opportunities to serve the residents of Monterey County. The success of MST’s efforts would not have been possible without the support and contributions of MST’s coach operators, maintenance mechanics and technicians, facilities technicians, utility workers, communications specialists, operations supervisors, maintenance superintendents, maintenance supervisors, and supporting managers, directors, and officers who contributed throughout this trying time.

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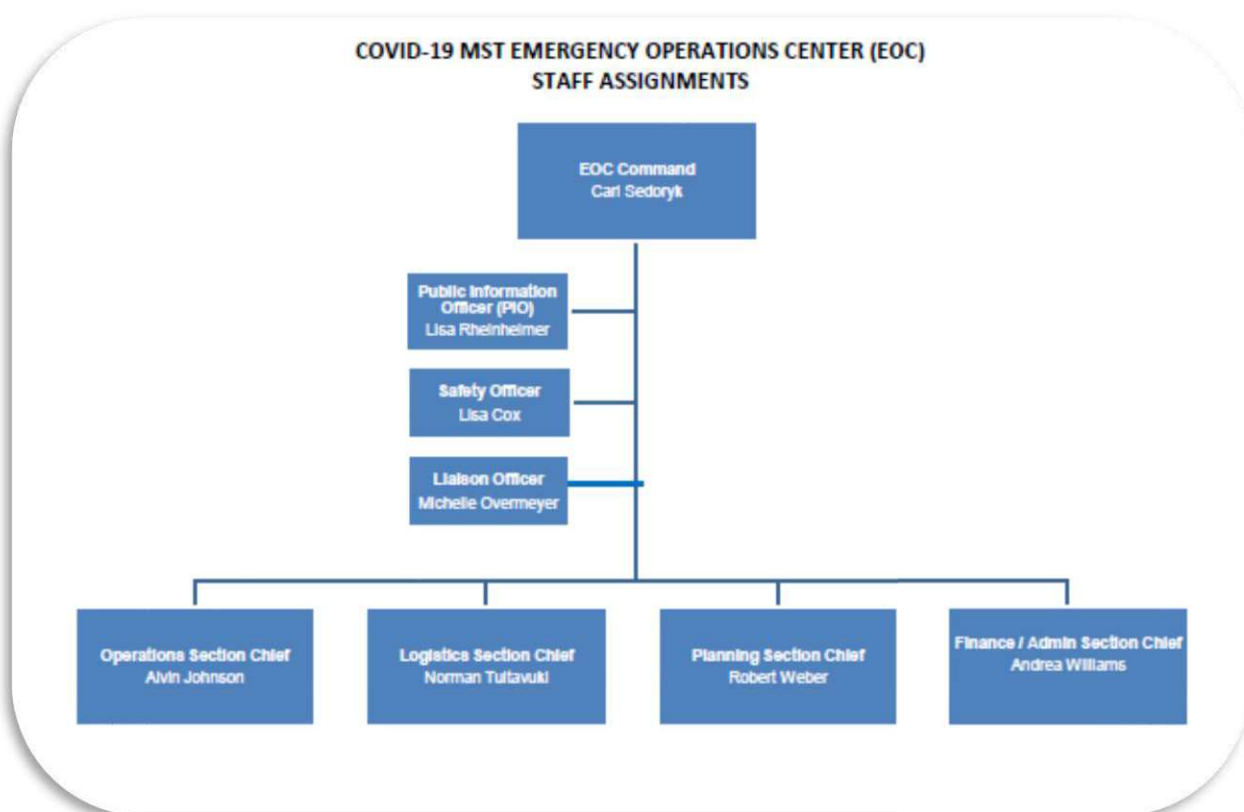
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SECTION 1.0: Incident Summary:

The news and media first reported the origins of COVID-19 in China in December 2019 with the first case in the United States reported the following year, in 2020. Due to the magnitude and duration of the response, this AAR is not all-inclusive but strives to document key phases of the pandemic and the actions taken by MST. The COVID-19 pandemic has profoundly impacted the world, including the public transit industry. The ultimate purpose of this report is to document MST's response efforts to the pandemic and to identify areas for improvement.

1.1 Summary of Response and Recovery:

In response to the pandemic's possible spread into California, MST staff initiated and activated the Emergency Operations Center (EOC) on February 26, 2020, and immediately began planning and preparing MST's response and recovery plans. Following the Incident Command System (ICS) model for responding to disasters and emergencies, MST's EOC was staffed accordingly.



On March 4, 2020, Governor Newsom issued a state of emergency in response to the growing threat of the COVID-19 pandemic. MST's EOC staff identified and initiated a variety of tactics to protect employees, their families, and everyone we contact from the spread of the virus; to

serve our community partners in their efforts to respond and recover; and to innovate new practices and technologies to better plan, prepare, prevent, and mitigate against future crises while responding to our current situation.

MST's recovery plan provided an integrated perspective across the emergency response phases of Prevention, Protection, Mitigation, Response, and Recovery to achieve unity of effort and make the most effective use of limited resources. MST's recovery efforts were based on a "whole community" approach that includes efforts to restore the infrastructure, services, economy, and tax base that supports MST and the communities that MST serves.

The recovery plan recognizes and seeks opportunities to collaborate with a variety of partners, including economic development professionals, business leaders, affordable housing advocates, faith-based organizations, and functional and access needs populations, and each has a significant part to play in recovery. This type of recovery framework and approach allowed MST to improve collaboration efforts, take advantage of available resources, and seize opportunities to increase local resiliency, sustainability, accessibility, and social equity.

The MST COVID-19 EOC was disbanded on February 28, 2023, in conjunction with Governor Newsom's end of the declared state of emergency.

SECTION 2.0: Actions Taken

2.1 Policies

COVID Workplace Policy

On February 8, 2021, MST's Board of Directors formally adopted MST's COVID Workplace Policy (CWP). The CWP includes the actions MST took to mitigate the spread of the coronavirus, COVID-19. The CWP is essential to the success of keeping MST's employees, customers, and the communities it serves safe; and is following Occupational Safety and Health Administration (OSHA) and Centers for Disease Control and Prevention (CDC) guidelines. The Board-adopted CWP is attached herewith as Appendix A.

On February 8, 2021, MST's Board of Directors approved MST's COVID-19 Vaccination Plan which is designed to take a proactive approach to stop the spread of the COVID-19 virus. The Plan is also designed to educate MST's workforce by guiding them to remain safe and healthy throughout the pandemic. A copy of the Board-approved Plan is attached herewith as Appendix B.

Vaccination Requirement

On September 13, 2021, MST's Board of Directors formally adopted MST's Mandatory COVID Vaccination Workplace Policy that required employees to provide proof of vaccination to remain employed by MST. MST's Civil Rights Office, led by MST's Equal Employment Opportunity (EEO) Officer carefully reviewed and considered accommodation requests received. The EEO Officer approved or denied accommodation requests following strict adherence to applicable rules and regulations. The Board-adopted Vaccination Policy is attached herewith as Appendix C.

MST Board Meeting Attendance Modifications

Like many public-facing agencies and per state and federal guidelines, MST revised its policy regarding Board Meeting attendance. The policy allowed Directors to attend MST Board Meetings virtually instead of in person. The policy required all in-person attendees to wear a face mask or face covering. Seat spacing within the MST Board of Directors meetings was increased between meeting attendees to provide increased social distancing.

Remote Work from Home (WFH)

In March 2020, MST created and implemented a remote work-from-home policy for non-essential personnel, mostly those employees who did not work in MST's Operations Department. MST offered these employees the option to work remotely from home throughout the pandemic.

MST had to quickly procure laptops and software to facilitate this policy. MST required the affected employees to review, acknowledge, and sign documentation outlining MST's WFH program. The program contained specific security requirements all WFH employees must

adhere to. The WFH program helped MST reduce the number of employees physically reporting to each facility, thereby reducing the possibility of infected employees spreading the illness to others.

Masks and Social Distancing on MST's Transit System

One of the earliest policies MST adopted required all who traveled on MST buses or at an MST facility (including bus stops) to wear a face mask or face covering. Additionally, MST implemented social distancing on MST buses, vehicles, and facilities. MST expanded these policies to include all MST employees who are on duty and at MST employee facilities.



Requiring face coverings while at work was in alignment with the CDC which also enacted similar guidance across the nation requiring *“the wearing of masks by people on public transportation conveyances or the premises of transportation hubs to prevent the spread of the virus that causes COVID-19”* (see link <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>).

Passenger Seating Modifications

MST modified seating arrangements inside its revenue vehicles. To reduce the possibility of spreading the virus, MST temporarily reduced the seating capacity in its buses. Additionally, MST relocated the passenger “limit lines” in its revenue vehicles to increase the space between passengers and the coach operator.

2.2 Procedures and Protocols:

Revised Cleaning Efforts

At the start of the pandemic, MST immediately began researching, analyzing, and following industry “best practices” and using CDC-recommended chemicals for cleaning and disinfecting for combating the COVID-19 virus. MST worked with industry peers and its external business entities to acquire and implement the use of these chemicals inside vehicles and interiors of MST facilities.

MST purchased electro-static sprayers to apply chemicals effectively and efficiently on surfaces inside buses, MST facilities, and other appropriate locations that require regularly scheduled cleaning and disinfecting. MST revised its existing Standard Operating Procedures (SOP) and will continue regularly reviewing and monitoring industry best practices for continual improvement.

2.3 Protective Measures

COVID-19 Tracing Unit

In response to the COVID-19 pandemic and to improve employee safety against the pandemic, MST created a COVID-19 Tracing Unit (Unit) that fell under the EOC. The Unit completed online certificated training through the John Hopkins University program that provided specific training for contact tracing, and other topics that included:

- ✓ The natural history of SARS-CoV-2, the infectious period, and evidence of how the virus is transmitted;
- ✓ Case investigation, contact tracing, common barriers, and issues, and strategies to overcome;
- ✓ Definition of an infectious contact, the timeline for public health intervention through contact tracing;
- ✓ Ethical considerations around contact tracing, isolation, and quarantine.

The Unit traced and contacted all employees who were infected (directly and indirectly) by the virus and implemented “best practices” procedures to protect against the pandemic. The Unit carefully reviewed and analyzed all reported cases and implemented the appropriate responses per specific guidance and training. Members of the Unit rotated their time on duty within the Unit to allow time for resting and recovering throughout the pandemic.

To streamline the Unit’s contact tracing processes – MST implemented a telephonic-based reporting system for employees. The COVID-19 “Hotline” remained accessible for employees 24 hours per day, 7 days per week. MST directed employees to call the Hotline to report infections and contacts. A member of the Unit received messages and provided follow-up responses with guidance and directions to mitigate and protect against the spreading of the virus.

MST deactivated the Unit in October 2022 but continues to monitor and adhere to specific guidance from local, state, and federal authorities. MST established internal protocols requiring employees to contact their supervisor if they presented with COVID-19-like symptoms or believed they were a close contact. MST continues to monitor employee absences and health status. While the Unit has been deactivated, MST continues encouraging employees to remain at home when ill, or when suspected of coming into contact with the virus or a person who may be infected with the virus.

Contactless Fare Payment Devices

MST procured and installed contactless fare payment devices that enable customers to avoid physically handling and paying their fares with cash or coins. MST no longer requires customers to interact solely with the traditional farebox when they board a bus – customers can tap their credit cards or smart devices (cellular phones, smart watches, etc.) to pay their fare. MST installed these devices at the doors of every MST commercial vehicle. Introducing this innovative technology into MST's suite of customer amenities helped reduce physical interactions, thereby reducing the possibility of transmitting the virus.



From a customer perspective, this payment option is like the familiar payment process using a credit/debit or e-wallet at many major grocery and retail stores to purchase goods and services.

Take-Home Test Kits

MST's Logistics Section procured thousands of take-home test kits and made them available to employees on an as-needed basis. Additionally, when appropriate, MST provided take-home test kits to its community members and other local entities. Test kits remain stocked at all MST Customer Service Centers (Salinas, Marina, and Monterey) and MST's Operations and Maintenance facilities. Employees can retrieve any amount of test kits from any of these locations.



Additionally, MST actively monitors the life cycle of take-home test kits to ensure inventory levels are adequate and test kits remain available for employees. To avoid discarding unused take-home test kits, approximately 60 days before expiration, MST donates a portion of take-home test kits to local agencies and human services.

Personal Protective Equipment (PPE)

At the onset of the pandemic, MST's Logistic Section began increasing the amount of PPE stored and available on-hand. This effort included increasing the number of masks, gloves, sanitizer, cleaning chemicals, and other pandemic-specific supplies. MST streamlined distribution and improved access to PPE by installing vending machines in each of its operating divisions (Monterey, Salinas, and King City). MST strategically placed the PPE vending machines within each operating division – employees use their MST credentials to retrieve PPE.

MST procured and installed PPE Vehicle Kits in every MST commercial vehicle. The PPE kits are deployed, when necessary, at the employees' discretion. Each PPE Kit contains N-95 masks, G-16 eye protection, hand sanitizer, and disposable gloves.



MST supported its third-party transportation provider, MV Transportation, Inc. (MVT) by supplying PPE for its employees. Additionally, MST approved a contract amendment that enabled MVT to seek reimbursement from MST for PPE and other pandemic-related costs.

MST installed protective barriers in the drivers' compartments of all buses to add another layer of protection for coach operators. Installation of the protective driver barriers began near the start of the pandemic and over several months. The supply chain and demand for protective barriers resulted in long lead times and longer than hoped-for installation; however, MST has completed the installation of protective barriers inside all MST coaches, trolleys, and cutaways.

Thermal Scanning Station (TSS)

MST installed Thermal Scanning Stations (TSS) near the entrance to every facility accessed by employees. The stations measure an employee's temperature by scanning their wrist before entering fully past specific entrances. As an employee enters a facility, they must scan their wrist and receive an "acceptable" temperature measurement before moving forward into the facility. The TSS visually and audibly verifies and confirms an "acceptable" temperature. "Unacceptable" temperatures activate the TSS to visually and audibly advise the employee their temperature is outside of the "acceptable" threshold and provide notification to MST's EOC.



MST has advised employees who receive "unacceptable" readings to immediately leave MST property and return home to notify MST and receive specific guidance and instruction.

Air Treatment Devices

MST installed new air treatment devices in its vehicles and facilities to improve air quality and combat the virus.

The CCT12V-1 electronic air cleaners were acquired from Climate Comfort Technologies (CCT) through an MST vendor. The device improves indoor air quality in buses by distributing elevated positive and negative ions through the onboard air handling system. The increased ions help to inhibit bacterial and fungal/mold growth and help to increase efficacy on various pathogens including viruses such as the COVID-19 virus.

MERV-7 Filters

MST transitioned its onboard air handling systems in its buses to MERV-7 filters – an upgraded filter that increases the ability to filter and capture respiratory droplets and particles exhaled during talking, singing, breathing, and coughing. MST has installed these filters in all its commercial vehicles. MST updated its regular preventive maintenance inspection intervals to include inspecting, servicing, and replacing these filters when appropriate.

Free Fares

On March 18, 2020, for the health and safety of MST employees and customers, MST suspended the collection of fares and required rear door boarding to reduce physical interaction between MST employees and customers. During the “free fare” period, MST continued installing protective equipment and implementing processes and procedures to reduce the spread of the virus. On August 1, 2020, MST reinstated fare collection system-wide along with other central coast transit operators Santa Cruz Metro, San Luis Obispo RTA, and Santa Clara VTA.

Hand-Sanitizer Stations

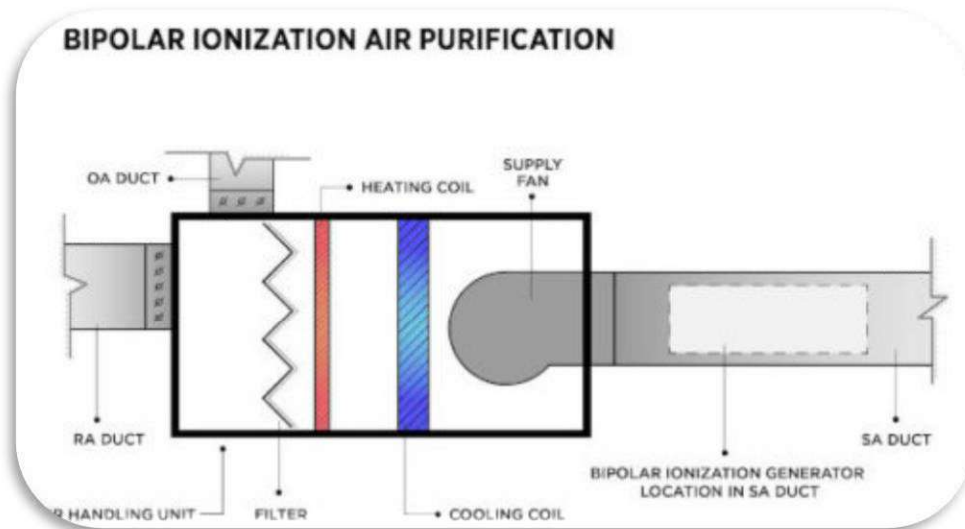
To protect MST employees, passengers, and the community against COVID-19, MST procured and installed hand sanitizing dispensers at the doors of its buses. MST's Utility Service Personnel (USP) inspect these stations nightly as part of the service and wash procedures for next-day service. USPs ensure the stations are functioning properly and are topped off with hand sanitizer before vehicles pull out for next-day service.



Bipolar Ionization Technology:

MST upgraded the HVAC systems in all its facilities to bipolar ionization technology. The technology utilizes specialized tubes that take oxygen molecules from the air and convert them

into charged atoms that then cluster around microparticles, surrounding and deactivating harmful substances like airborne mold, bacteria, allergens, and viruses. These charged atoms also attach to expelled breath droplets and dust particles that can transport viruses, enlarging and catching them in filters. This process provides continuous disinfection.



SECTION 3.0: LESSONS LEARNED

3.1 Training

Updated Training:

MST has revised and included the following training topics in a bi-annual certification course for all Utility Service Persons (USP):

- Proper donning and doffing of personal protective equipment (PPE)
- Proper storage and care of PPE
- Proper use and application of chemicals
- Proper use of tools and equipment
- Proper use of Foggers and Misters

Mandatory and On-going Incident Command System (ICS) Training

The Incident Command System (ICS) is a proven method for the *command*, *control*, and *coordination* of a response to any incident, including a pandemic. During MST's initial response to the COVID-19 crisis, MST learned that key management and other important personnel had not received prior ICS training. This lack of preparation became problematic as some of these individuals were expected to staff critical positions within MST's Emergency Operations Center (EOC), which relies heavily on the use of ICS controls during emergency operations. MST must strengthen its ICS training and certification program for all Supervisor and Manager level personnel.

MST shall make ICS training mandatory for designated management-level personnel within the agency. At a minimum, staff shall be required to complete a certification in FEMA's IC-100c. This course describes the history, features, principles, and organizational structure of the Incident Command System. It also explains the relationship between ICS and the National Incident Management System (NIMS).

MST's Transit Supervisors shall continue to be required to certify in FEMA's IS-200c. This training offers a higher level of certification designed to meet the all-hazard, all-agency NIMS ICS requirement for operational personnel.

3.2 Logistics and Supply Chain Management

90-Day PPE Supply

Early in the COVID-19 crisis, MST experienced a shortage of PPE. As a preparedness strategy, MST attempted to establish contractual relationships with vendors to ensure and guarantee a minimum 90-day supply of PPE. While this strategy was not achieved – MST developed relationships with its vendors to improve vendor performance and reduce procurement times. Some of the strategies introduced through this relationship included installing PPE vending

machines and automatic PPE stocking through real-time inventory data collected from the vending machines. The vending machines are equipped with internet-enabled devices that report inventory levels in real time to our PPE vendor. Our PPE vendor receives these reports and then restocks and replenishes the PPE vending machines. This real-time function ensures PPE is always adequately stocked.

Leveraging Local, State, and Federal Supply Chains

The global strain on the supply chain for PPE and other goods forced MST to innovate. Through local, state, and federal entities, MST identified several supply chains that were previously unknown. The following are examples of some of these resources and the supplies provided:

ENTITY	RESOURCE(S) PROVIDED
City of Monterey Fire Department	COVID-19 Vaccines and Boosters
Monterey County	Face Masks, Gloves, Sanitizer
Federal Transit Administration	Face Masks, COVID-19 Home Test Kits
Monterey County Citizens	Donated Hand-Made Cloth Face Masks
American Public Transportation Association (APTA)	Suggested Supply Chain Innovations, List of Suppliers, and other COVID-19 Resources
California Transit Association (CTA)	Suggested Supply Chain Innovations, List of Suppliers, and other COVID-19 Resources

3.3 Planning for Future Disasters

Annual Review and Updates of MST Emergency Response and Related Documents:

MST staff shall review its Emergency Response plans and related documents annually to capture lessons learned and to revise plans where appropriate. At a minimum, the annual review and update shall include the following plans and documents:

- ✓ MST COVID-19 Recovery Plan
- ✓ COVID-19 Protocols
 - Employee Death Response
 - Positive Case Contact Tracing
 - Post Exposure to Employee Screening
- ✓ Continuity of Operations Plan (COOP)
- ✓ MST Contractors' Agreements (for applicable modification)
- ✓ Pandemic Attachment
- ✓ Contingency Fleet Plan
- ✓ Central Coast Mutual Aid (Memorandum of Understanding)

Disaster Response Plan Testing (Tabletop Exercises, Live Drills):

MST staff shall conduct at least one tabletop exercise annually to evaluate its Continuity of Operations (COOP) and emergency response plans. MST staff shall conduct after-action reviews following the completion of each exercise and will incorporate lessons learned into future disaster planning updates.

3.4 Financials

Federal Emergency Management Agency (FEMA) Public Assistance Program

Per section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the “Stafford Act”), eligible emergency protective measures taken by MST to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of FEMA’s Public Assistance program. FEMA provides a 75 percent federal cost share.

State, territorial, tribal, and local government entities, and certain private non-profit organizations, such as MST are eligible to apply for Public Assistance (PA).

Eligible Assistance for Costs Incurred by MST

Under the COVID-19 Emergency Declaration, FEMA may assist with specific emergency protective measures MST completed. The following MST actions were undertaken and might be reimbursement eligible:

- ✓ Emergency Operation Center costs.
- ✓ Training specific to the declared event.
- ✓ Disinfection of eligible public facilities.
- ✓ Technical assistance to state, tribal, territorial, or local governments on emergency management and control of immediate threats to public health and safety.
- ✓ Emergency medical transport.
- ✓ Purchase and distribution of food, water, ice, medicine, and other consumable supplies, including personal protective equipment and hazardous material suits movement of supplies and persons.
- ✓ Communications of general health and safety information to the public.
- ✓ Reimbursement for state, tribe, territory, and/or local government force account overtime costs.

The FEMA reimbursement process is lengthy – it requires patience, consistent follow-up, and attention to detail. MST staff coordinating the process carefully tracked and documented all eligible expenditures. Staff communicated with FEMA on numerous occasions throughout the reimbursement process. Assigning one specific employee to execute the FEMA reimbursement process is recommended. Other recommendations include using an electronic document storage system for tracking FEMA reimbursement-eligible expenditures. The storage system should provide adequate security measures and the ability to access documents from an internet-enabled device.

3.5 Communications (Internal and External)

Internal Communications:

Communications from MST's General Manager/Chief Operating Officer (GM/CEO)

In March 2020, MST's GM/CEO began regularly publishing internal memorandums to all MST employees describing the actions MST had taken to protect employees against the COVID-19 virus. In addition to the specific actions taken, the GM/CEO offered support, encouragement, and gratitude through these memorandums. These memorandums proved to be an effective tool for communicating with MST employees.

Monthly Employee Townhall Meetings

To improve internal employee communications, MST's GM/CEO began conducting monthly virtual "Townhall" meetings. These virtual meetings enabled MST's Executive Leadership Team (ELT) to speak directly to employees and answer employee questions in real-time.

External Communications:

MST Website and Social Media

MST's Marketing Department leveraged its existing social media presence to provide external communications to customers and community members. MST posted service alerts, rules promulgated because of the pandemic, and links to other media outlets to help keep customers and community members educated. This existing communication channel continues to prove effective for quickly distributing information.

Communications at Customer Service Centers

MST continued posting and publishing "paper" media at its customer-facing facilities in Monterey, Marina, and Salinas. Posters, flyers, memorandums, and other forms of paper media proved to be an effective form of external communication – inspecting these communications, removing, and replacing outdated or damaged materials ensured current information was provided.



Additionally, MST used its customer-facing facilities to coordinate outreach efforts, including vaccination opportunities for the public.

Coordination with County and Surrounding Jurisdictions

MST staff participated in daily, weekly, and monthly coordination meetings with Monterey County EOC, California Transit Association, and other affinity groups throughout the pandemic. These ongoing touchpoints enabled MST to share information and reevaluate its strategies as new ideas emerged in the industry.

3.6 Conclusion

Closing Statement

The COVID-19 pandemic presented unprecedented challenges for MST and other public transit operators across California and the world. Despite the difficulties, MST remained committed to ensuring the safety of our customers, employees, and our communities while continuing to provide essential transportation services to the community. MST participated in several “non-transit” opportunities to serve our communities – we picked up and delivered food to our vulnerable and aging community members, provided internet connections through our Wi-Fi-enabled buses to communities with little or no internet, and donated PPE and COVID-19 test kits throughout our region. Through rapid adaptation and response to the evolving situation, MST was able to implement measures such as increased cleaning and sanitation, enhanced communications with employees and customers, social distancing protocols, and other effective measures. These measures helped MST minimize the spread of COVID-19 while keeping our transit system safe and operational.

This pandemic has brought to light vulnerabilities in our operations and highlighted the need for continued focus and regular review of our emergency response plans. In addition, MST will continue to review technology and infrastructure that further strengthens our plans and ability to respond.

We extend our deepest gratitude to our employees, customers, community partners, and our Board of Directors for their unwavering dedication, cooperation, and support during this challenging time. Together, we will continue to navigate this pandemic and emerge stronger and more prepared for the future.

APPENDIX:

A: COVID Workplace Policy – Adopted February 8, 2021

Agenda # **6-2**
February 8, 2021 Meeting

To: Board of Directors
From: Kelly Halcon, Director of Human Resources/Risk Management
Subject: MST COVID Workplace Policy

RECOMMENDATION:

Adopt MST's COVID Workplace Policy to promote the safety of our employees and passengers and to help stop the spread of COVID-19.

FISCAL IMPACT:

None.

POLICY IMPLICATIONS:

Your Board adopts policies for employees and non-employees. Adoption of a COVID Workplace Policy is required by Cal/OSHA rules. This new Workplace Policy will be posted in every MST facility and sent out as a payroll inserts to our employees.

DISCUSSION:

MST has created a COVID Workplace Policy in compliance with the new Cal/OSHA requirements for all employers as adopted on November 30, 2020. MST has already addressed and implemented the requirements of the new Cal/OSHA rules and with this Policy incorporates the protocols and guidance previously issued to employees. When the spread of COVID became a concern within the workplace in March of 2020, MST developed and implemented many protocols to provide guidance to our workforce on how to stay safe and to help stop the spread of COVID-19.

However, the pandemic guidance from the CDC, the State, and our local Health Department has changed numerous times. The changing guidance did not make it favorable to develop and adopt a COVID policy without stable requirements. The attached COVID Workplace Policy was developed by incorporating and listing current protocols and information MST posted to our workforce since March of 2020. The attached Policy has been reviewed by MST management, meet and conferred with by our unions, and reviewed by MST's legal team.

Staff recommends the Board adopt MST's COVID Workplace Policy. By adopting this policy, the Board helps MST become compliant with the newest Cal/OSHA COVID workplace regulations.

ATTACHMENT(S):

COVID Workplace Policy

PREPARED BY:  APPROVED BY: 
Kelly Halcon Carl Sedoryk

COVID Workplace Policy

Adopted:

OBJECTIVE: Workplace health and safety is both an individual and shared responsibility of all personnel working at Monterey-Salinas Transit District. The following policy is essential to the success in keeping MST's employees and passengers safe in accordance with Occupational Safety and Health Administration (OSHA) and Centers for Disease Control and Prevention (CDC) guidelines.

POLICY STATEMENT

This company policy includes the measures MST is actively taking to mitigate the spread of Coronavirus. Monterey-Salinas Transit District is committed to providing a healthy and safe workplace for all employees and the passengers we serve. It is important that we all respond responsibly and transparently to these health precautions.

I. COVID Terms and Definitions

Asymptomatic A person who does not show any signs or symptoms of a disease. People with asymptomatic infection feel well. Because they feel well, they don't know they're infected, and they often continue their regular activities, which can easily transmit the virus to others.

Case A person having a particular disease, disorder, or condition. A variety of criteria may be used to identify cases—for example, a physician diagnosis or a diagnostic test.

Confidentiality The obligation not to disclose information; the right of a person to withhold information from others. Information in medical records is generally confidential.

Contact A well person who has been exposed to a case or a case's environment such that they had an opportunity to acquire the infection.

Coronaviruses (COVID) A large group of viruses. COVID-19 Short for coronavirus disease 2019.

High-risk subpopulation A segment of the population that has characteristics that increase the risk of infection or severe disease.

Incubation period The interval between the time of invasion by an infectious agent and appearance of the first sign or symptom of the disease in question. For SARS-CoV-2, the incubation period is on average 4–5 days but may be as long as 14 days.

Infectious period Period of time during which a case is able to transmit a disease to others. The infectious period starts 2 days before someone develops symptoms.

Isolation Condition in which a case is separated from others. Isolation occurs under conditions (for example, having a private bedroom and bathroom) that will prevent or limit the transmission of an

infectious agent to those who are susceptible. Cases should be isolated for the entirety of their infectious period.

Quarantine Condition in which a contact's activities are restricted. The contact is separated from others to prevent onward disease transmission to those who are susceptible. Contacts should be quarantined for the duration of their incubation period

Respiratory droplets These are particles of respiratory secretions that are exhaled and typically consist of water-like fluid. If someone is infected with SARS-CoV-2, their respiratory droplets will contain SARS-CoV-2 virus, and these are infectious. Respiratory droplet particles cannot float in the air; they will drop to the ground by gravity. Therefore, after a person exhales them, they fall within 3–4 feet. From a technical standpoint, these particles are defined as >5 microns in diameter.

SARS Short for severe acute respiratory syndrome. This coronavirus emerged in Guangdong, China, in 2002. SARS-CoV-2 The virus that causes the illness we call COVID-19.

Signs of illness A health effect that can be observed externally, such as temperature, sweating, oxygen saturation, or heart rate. Signs are also abnormal findings on a physical examination that are observed or measured by a clinician (a physician or nurse). Some signs mean that the disease is becoming more severe or progressing.

II. Implementation of workplace controls

MST has adopted engineering, administrative, safe work practices, and personal protective equipment (PPE) processes and protocols to keep the MST employees and passengers safe and to help stop the spread of COVID.

A. Engineering Controls

Engineering controls involve isolating employees from work-related hazards. Below is a listing of steps MST has taken to make the working environment safe.

- Installed high-efficiency particulate air (HEPA) filters at all facilities and high-efficiency air filters on all buses.
- Implemented protocols to keep bus windows open aboard the buses to increase air circulation while in service.
- Installed physical barriers in the driver compartment of the buses. Customer service locations have physical barrier windows. The administrative office will remain closed to the public and vendors.
- Removed furniture within breakrooms to encourage social distancing. Opened conference rooms to be lunchrooms. Closed quiet rooms that are tiny and do not have windows with the ability to open.

B. Administrative Controls

Actions MST has taken, and MST has asked our employees to take in order to keep each other, passengers and our families safe.

- Encouraged employees to stay home if they are sick or exhibiting symptoms of COVID-19.
- Provide a protocol for supervisors to send sick employees home.

- Discontinued non-essential travel for MST staff. This includes all training that would require an employee to leave the state, travel by airplane or cannot be done so virtually.
- Any employee who travels out of state is required to report their travel plans to the Human Resources department. The employee will be required to self-quarantine at home for no less than 14 days from the day they returned to their home.
- Any employee who takes a leave of absence, has workplace injury or takes personal time that is longer than 5 days cannot return to work without going through the return to work questionnaire administered by the Human Resources Department in accordance with CDC guidelines.
- Developed a process for employees and/or supervisors to report a possible contact.
- Developed and implemented a COVID tracing unit. This unit is to assist the County Health department in their tracing efforts. Within the unit, the certified tracers have developed a process for tracing contacts, checking in with sick employees and when to return employees back to work.
- Developed and implemented a return to work procedure following CDC protocols for any employee who has been deemed a “case” of a “contact”.
- Developed and implemented a COVID leave program in accordance with the Family First Rights Act and the Department of Labor.
- Implemented a protocol that not more than 50% of the administrative staff are in the administrative building at any given.
- Allowed those positions who have to the ability to telecommute to do so. Those employees working from home have been given an MST owned laptop and training on how to utilize the virtual private network (VPN) to access their desktop computer.
- Those employees who are required to wear PPE have been given the proper training on how to put on and take off the PPE in accordance with CDC guidance.
- All supervisors and managers have been provided with the appropriate training on COVID leaves of absence, confidentiality, HIPPA regulations and the process to send home sick employees and the reporting process for sick employees.
- Facilities and Utility Service have been given training on the proper cleaning techniques to sanitize MST buses and facilities.
- MST evaluated routes and schedules to reduce staff in breakrooms and within multiple buses to ensure social distancing and enable contact tracing.
- Engaged light duty, security guards and customer service workforce to help ensure social distancing at STC and MTX.
- Established a working group with the executive leadership at Monterey County Health Department to collaborate on on-going health and safety measures.

C. Safe Work Practices

Safe work practices are controls MST has put in place to include procedures for safe and proper work used to reduce the duration, frequency, or intensity of exposure to a hazard.

- MST has posted various posters, memos, and videos on the proper usage of PPE.
- MST posted a memo on the when and where employees are required to wear a facial covering while working at MST facilities and aboard the buses.
- MST has provided hand sanitizer and hand sanitizer stations around MST facilities for employee usage.
- MST has installed vending machines for dispensing of PPE equipment for our employees who are required to wear PPE.
- MST has developed protocol and implemented deep cleaning for areas where we have had a “contact” working in a facility, bus, or non-revenue vehicle.
- MST has limited one driver per MST vehicle to ensure “social distancing”.
- Postings on proper hand washing techniques has been posted in all bathrooms or sink areas within MST facilities.
- MST employees have been given sanitizing wipes, germicide, and towels to help with sanitizing common areas.
- Encouraged and gave each employee thermometers to use to self-administer temp checks before coming to work.
- Provide training and guidance to drivers on social distancing and capacity limitations aboard the buses.
- Developed internally training videos on various COVID related topics for the MST workforce.
- MST installed permanent barriers aboard buses to encourage social distancing between the drivers and passengers while collecting fares.
- Published and utilized MST social media accounts to educate the public on proper safety techniques such as: facial coverings, washing their hands and social distancing.
- Installed Temperature Check stations at all MST’s Operating Facilities. Developed protocols on how the temp check stations would be utilized and what to do if an individual is flagged for having a temperature.

D. Personal Protective Equipment (PPE)

MST is committed to providing the proper training and PPE to those employees who have frequent contact with the public and or areas where the public frequents. While correctly using PPE can help prevent some exposures, it should not take the place of other preventive strategies mentioned above.

- Utility and Facilities employees have been given goggles and hazmat suits to use while cleaning the buses, non-revenue vehicles, or facilities.
- Drivers have been issued: gloves, facial coverings, N95 masks and goggles for their use aboard the bus. The drivers have been trained in the proper use of gloves, goggles and N95 mask. Drivers are required to wear PPE while securing wheelchair passengers or passengers in mobility devices.

III. Reference Materials

MST will continue to monitor, and update protocols as needed to align with guidance or regulations provided by CDC, OSHA, federal, state, or local authorities. Below is a sampling of memos provided to MST staff on COVID guidance since March 2020:

- No Touching Memo- July 28, 2020
- PPE Mask and Google Advisory memo- June 30, 2020
- Updated Guidance on Social Circles memo-June 29, 2020
- Updated Shelter in Place and defining Social Circles memo- June 18, 2020
- Update on improved ventilation on buses memo- June 4, 2020
- Hand Sanitizer on Buses Notice Memo- June 1, 2020
- N95 Mask guidance memo- May 13, 2020
- Requirement to wear facial coverings in common areas memo-May 4, 2020
- Defining facial coverings memo- May 1, 2020
- How to properly remove gloves memo/poster-April 10, 2020
- Guidance on capacity aboard buses memo-April 9, 2020
- Guidance on hand sanitizer memo-April 9, 2020
- An update on cleaning protocols within MST facilities memo-April 8, 2020
- Guidance on the use of germ swipe memo- April 7, 2020
- Guidance on personal travel memo-April 7, 2020
- Guidance on breakroom safety and social distancing-March 30, 2020
- Guidance on responding to and reporting sick employees' protocol-March 27, 2020
- Request for COVID leave process- April 14, 2020
- Guidance on when and how to send home sick employees from work- March 13, 2020
- Protocol on Non-Essential Travel- March 13, 2020

B: COVID-19 Vaccination Plan – Approved February 8, 2021

Agenda # **6-3**
February 8, 2021 Meeting

To: Board of Directors
From: K. Halcon, Director of Human Resources and Risk Management
Subject: Monterey-Salinas Transit's Vaccination Plan

RECOMMENDATION:

Approve Monterey-Salinas Transit's COVID-19 Vaccination Plan.

FISCAL IMPACT:

No fiscal impact is associated with MST's vaccination plan.

POLICY IMPLICATIONS:

Your Board approves plans that have potential policy implications.

DISCUSSION:

Monterey-Salinas Transit District continues to take a proactive approach to help stop the spread of COVID-19 and to educate our workforce on how to remain safe and healthy. As part of that continued education, MST's COVID-19 Emergency Operations Center (EOC) Commander established a COVID Vaccination Unit to draft a plan to internally address vaccinations and how to establish a point of contact for MST to coordinate vaccination roll out with the Monterey County Health Department.

The MST COVID Vaccination Unit drafted a vaccination plan using information from resources provided by the State of California and the Monterey County Health Department. Attached is a draft COVID-19 Vaccination Plan that addresses the tiers established by the State of California and adopted by the Monterey County Health Department. MST has drafted our own internal tiers for our workforce based on potential risk exposure factors to COVID-19. The Plan includes helpful links and examples of educational posters for our workforce regarding the benefits of vaccinations. MST management is currently working directly with our Union representatives to discuss vaccinations and creative ways to encourage our workforce to get vaccinated if they can do so.

Staff recommends the MST Board approve MST's COVID-19 Vaccination Plan.

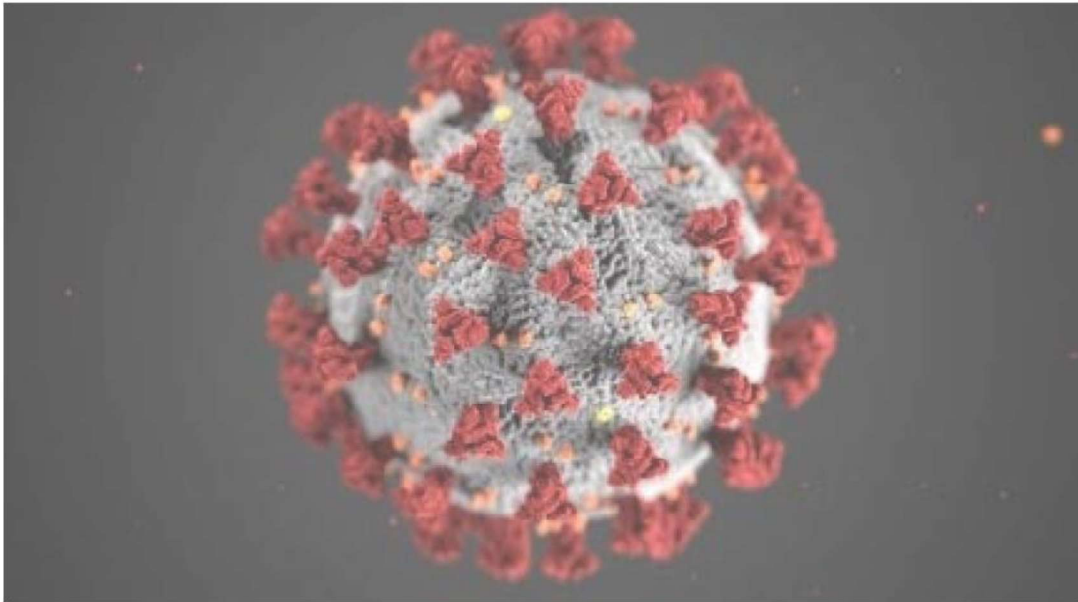
ATTACHMENT(S): MST COVID-19 Vaccination Plan

PREPARED BY:  REVIEWED BY: 
Kelly Halcon Carl G. Sedoryk

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MONTEREY-SALINAS TRANSIT COVID-19 Vaccination Plan

January 14, 2021

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COVID-19 VACCINATION PLAN

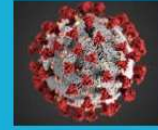
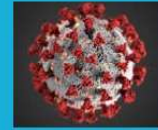


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COVID-19 VACCINATION PLAN



Executive Summary

Immunization that includes a safe and effective COVID-19 vaccine is a critical component of the United States' strategy to reduce COVID-19-related illnesses, hospitalizations, and deaths, and helps restore societal functioning. The goal of the U.S. government is to have enough COVID-19 vaccines for all people in the United States who wish to be vaccinated. As the state of California distributes vaccines amongst the counties, there may be a limited supply of COVID-19 vaccines, in which case vaccines will be distributed by the tiers listed in the vaccination plan of the State.

The purpose of this Plan is to develop and coordinate a COVID-19 vaccination plan for Monterey-Salinas Transit (MST). MST works closely with the Monterey County Health Department to support the roll out of vaccine distribution.

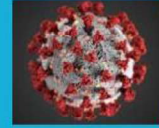
Currently, the County of Monterey has adopted the State of California's tiered distribution vaccination plan, with transportation employees included in Phase 1B, Tier 2 as "Critical infrastructure workers." MST's plan will establish workforce classifications and will prioritize these classifications to ensure that MST employees receive vaccinations based on their exposure to the public and hazardous blood-borne pathogens.

This plan was developed by the MST COVID Vaccination Unit. Members of the unit include representatives from a variety of departments based on their workplace expertise:

- Albert Garcia, MST Driver/ATU Local 1225 President
- Deanna Smith, MST Civil Rights Officer
- Ikuyo Yoneda-Lopez, MST Marketing/Customer Service Manager
- Kelly Halcon, MST Director of Human Resources and Risk Management

Information in this plan will be updated as new information becomes available.

COVID-19 VACCINATION PLAN



Section 1: Monterey-Salinas Transit Use of State Guidelines

COVID-19 vaccination is one of the most important tools to stop the spread of the COVID-19 virus and help end the pandemic. The State of California has developed a plan that prioritizes vaccines for equitable distribution to individuals who wish to receive the vaccine. The State's plan anticipates having enough vaccines to vaccinate most California residents in all 58 counties by July of 2021.

California's COVID-19 Vaccination Plan

Individuals and groups in Phase 1a include those individuals who have a higher risk for severe disease (due to age or other factors), are unable to work at home, or live or work in geographic areas that have been highly impacted.

Currently, individuals and groups in Phase 1b, Tier Two, include Transit Workers which are prioritized as "Critical infrastructure workers" and will include MST employees, per the Community Vaccine Advisory Committee (CVAC) of the California Department of Public Health, which provides guidance and recommendations to the Governor on vaccine allocations and distribution. For this plan, MST will utilize the vaccination schedule developed by the County of Monterey Health Department. However, this could tier schedule is subject to change. If that is the case, MST will follow the most up to date tier schedule.

COVID-19 Vaccine Schedule

**COUNTY OF MONTEREY
HEALTH DEPARTMENT**

*Together we can
end the pandemic.*

PHASE 1a Persons at risk of exposure to SARS-CoV-2 through their work in any role in direct health care or long-term care setting.

Vaccinating NOW
Tier 1

- ☒ Acute care, psychiatric and correctional facility hospitals.
- ☒ Skilled nursing facilities, assisted living facilities, and similar settings for older or medically vulnerable individuals.
- ☒ Residents in long-term care settings.
- ☒ Paramedics, EMTs and others providing emergency medical services.
- ☒ Dialysis centers.

Vaccinating NOW
Tier 2

- ☒ Intermediate care facilities for persons who need non-continuous nursing supervision and supportive care.
- ☒ Home health care and in-home supportive services.
- ☒ Community health workers, including promotoras.
- ☒ Public health field staff.
- ☒ Primary care clinics, including federally qualified health centers, rural health centers, correctional facility clinics, and urgent care clinics.

Vaccinating NOW
Tier 3

- ☒ Specialty clinics (i.e. optometry, cardiology, neurology, outpatient surgery, physical therapy, etc.)
- ☒ Laboratory workers.
- ☒ Dental and other oral health clinics.
- ☒ Pharmacy staff not working in settings at higher tiers.
- ☒ Mortuary workers.

* Proposed strategies may change due to vaccine availability and ACIP, CDPH guidance.

PHASE 1b

1B Tier One:

- ☐ Persons aged 65 years and older.
- ☐ Frontline essential workers.

1B Tier Two:

- ☐ Critical infrastructure workers.
- ☐ Incarcerated.
- ☐ Homeless.

PHASE 1c

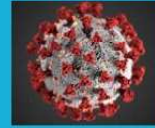
- ☐ Persons aged 50 to 64 years.
- ☐ Persons aged 16 to 49 years with high-risk medical condition
- ☐ Other essential workers

Adapted from Kern County Public Health Department

www.mtyhd.org/covid19 • 831-769-8700

1/15/2021

COVID-19 VACCINATION PLAN



California Department of Public Health (CDPH) will decide:

- Which vaccine(s) will be distributed within California.
- How many vaccines will be allocated to each county's local health department.
- A state-specific framework identifying who will be eligible for the vaccine and when (per Federal guidelines).
- Which data systems will be used across California to monitor vaccine distribution and inoculation rates.
- Ongoing data collection, monitoring, and oversight.

COVID-19 Vaccine Doses Shipped

As of January 18, 2021, a total of 1,454,626 vaccine doses have been administered statewide. As of January 16, 2021, a total of 3,226,775 vaccine doses, which includes the first and second dose, have been shipped to local health departments and health care systems within California.

Monterey County Health Care Systems/Facilities List:

- Salinas Valley Memorial Hospital (Salinas, CA)
- Community Hospital of Monterey Peninsula (Monterey, CA)
- Natividad County Hospital (Salinas, CA)
- Mee Memorial Hospital (King City, CA)

For up-to-date numbers on vaccine doses shipped and administered, visit this link (updated daily):

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/VaccineDoses.aspx>

For more information about COVID-19 vaccines, visit these links:

California Vaccination Page: <https://covid19.ca.gov/vaccines/#When-can-I-get-vaccinated>

Monterey County Vaccination Page: <https://www.co.monterey.ca.us/government/departments-a-h/health/diseases/2019-novel-coronavirus-covid-19/2019-novel-coronavirus-covid-19-vaccines>

Monterey County Interest Survey:

<https://forms.office.com/Pages/ResponsePage.aspx?id=qsBxyiig7EOMMAVrYO10FMw4msASlr5Ct5BLe66TX99URDFONldOWFVOMVY3QTAzMVJMM1BZRFVPNC4u&wdLOR=c5883B3E3-FCB3-4F80-A3E3-F1D640C0A32E>

COVID-19 VACCINATION PLAN



Section 2: MST's coordination with County Guidelines

MST continues to work closely with the Monterey County Health Department on vaccination planning and distribution program:

Monterey County Health Department

(831) 755-4500 <https://www.co.monterey.ca.us/government/departments-a-h/health/public-health>

POC: Elsa Jimenez, *Director of Health Services/Public Administrator/Public Guardian*

(831) 755-4526, Email: Jimenezem@co.monterey.ca.us

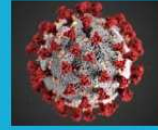
The Monterey County Health Department will:

- Coordinate local infrastructure for vaccine storage, distribution, and administration.
- Promote equitable distribution across the county throughout local jurisdictions.
- Develop a county-specific framework for who gets the vaccine and when they get it(per state guidelines).
- Conduct ongoing data reporting and monitoring.

Monterey County

The County of Monterey is currently developing their vaccination plan. The County of Monterey Health Department has hosted at least one virtual meeting, and another is planned within the next month to provide guidance on the vaccination plan to Monterey county residents.

COVID-19 VACCINATION PLAN



Section 3: MST Preparation Efforts

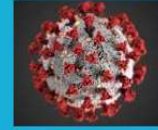
Members of the MST COVID Emergency Operations Center (EOC), along with the COVID Vaccination Unit, are actively working to prepare MST's workforce for the vaccination roll out as soon as Monterey County Health Department provides the schedule and other relevant logistical information for vaccinating the MST workforce.

MST has asked the Monterey County Health Department to prioritize MST employees to receive the vaccine in accordance with the Phase 1B plan. In addition, MST EOC has activated an External COVID Vaccination Unit to assist in providing transportation for Monterey County residents to county-wide vaccination sites established by the Monterey County Health Department. MST is able to provide our community with assistance in these efforts and has done so throughout the COVID pandemic. MST will continue to communicate the importance of making MST's front line workers a priority for vaccination.

The COVID Vaccination Unit will highly recommend and encourage MST's workforce to get vaccinated in accordance with Equal Employment Opportunity Commission / Americans with Disabilities Act (EEOC/ADA) guidelines and state/local guidelines. The Unit will develop a vaccination protocol for its employees once the County of Monterey has published their vaccination plan for employers and/or residents. At this time, MST will not require its workforce to get vaccinated for reasons including legal implications that are still being considered.

The COVID Vaccination Unit is currently working on vaccination campaign materials for our workforce as the time gets closer to get access to vaccinations. MST management continues to provide ongoing communication to its employees through various forms including memos, MST newsletters, social media, payroll inserts, and monthly virtual meetings regarding COVID-19 and the status of vaccinations.

COVID-19 VACCINATION PLAN



Section 4: MST Prioritization Table

Priority:

MST employees are assigned into one of the five priority groups: 1,2,3,4, and 5 (1 denotes highest priority) based on their risk level dealing with the public. All employees fall within the State's Phase 1B Tier 2.

1. Customer-facing frontline and mission critical employees.
2. Frontline employees who cannot always maintain social distance or could come in contact with blood-borne pathogens due to the nature of their work or Operational needs.
3. Essential workers who have been coming into the office to work and/or for Operation's needs.
4. Operations Support employees who have been coming into the office to work.
5. Operations Support employees who are working remotely from home.

Groups:

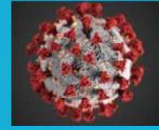
Group 1	MST Drivers and Operations Supervisors
Group 2	Facilities Department Employees and Utility Service Persons
Group 3	Mechanics and Maintenance Supervisors
Group 4	Communication Staff and Customer Service Representatives
Group 5	Administration

Summary:

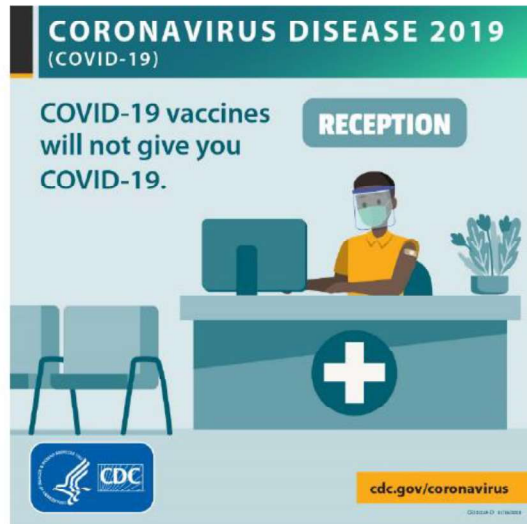
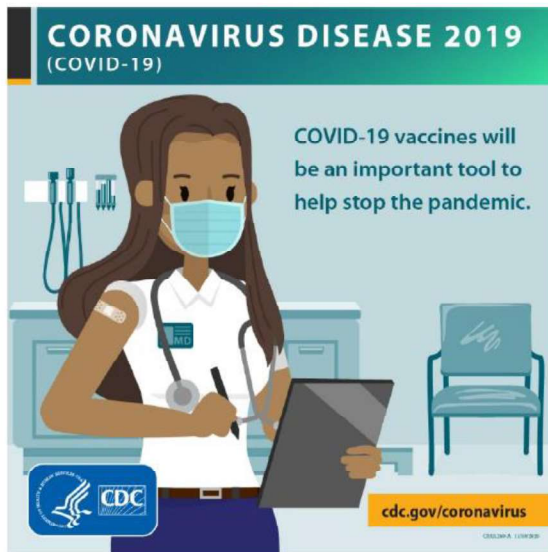
Group	Classification	Number of Employees in Classification
1	Drivers	131
1	Operations Supervisors	11
2	Facility Technicians	8
2	Utility Service Persons	10
3	Mechanics	25
3	Maintenance Supervisor	5
4	Communications Staff	7
4	Customer Service Staff	5
5	General Administration	50

The COVID Vaccination Unit will put together a list for every MST employee, their group prioritization, and contact information. The unit will also be surveying the MST workforce to ascertain who would be interested in receiving the vaccine.

COVID-19 VACCINATION PLAN



Section 5: COVID-19 Vaccination CDC Sample Posters

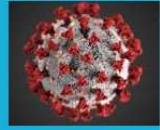


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COVID-19 VACCINATION PLAN



Section 6: Revision and Feedback

Revision control of the plan is maintained by the COVID Vaccination Unit. Please direct comments and questions regarding this plan to Kelly Halcon, Director of Human Resources and Risk, at (831) 264-5911 or khalcon@mst.org.

C: COVID Workplace Testing Policy – Adopted September 13, 2021

Agenda # **6-3**
September 13, 2021 Meeting

To: Board of Directors
From: K. Halcon, Director of Human Resources-Risk Management
Subject: **MST's COVID Workplace Testing Policy**

RECOMMENDATION:

Approve Monterey-Salinas Transit's COVID Workplace Testing Policy.

FISCAL IMPACT:

No fiscal impact is associated with recommending approval of the Policy.

POLICY IMPLICATIONS:

Your Board approves MST policies that can affect employment of MST employees.

DISCUSSION:

Monterey-Salinas Transit District continues to take a proactive approach to help stop the spread of COVID-19 and to educate our workforce on how to remain safe and healthy during this pandemic. As part of that continued education, MST's COVID Vaccination Unit worked with our private partners to coordinate vaccination opportunities for MST's workforce. Through MST's communication and educational efforts, we currently show that 80% of our workforce is vaccinated. However, only 73% of our frontline employees are vaccinated. Those employees who are not currently vaccinated have been enrolled in a COVID testing program.

With the increase in new variants and related COVID positive cases both within Monterey County and nationwide, MST is concerned for the on-going safety of our employees, their families, and the passengers we serve.

MST frontline employees predominantly live-in areas of the county with the greatest concentration of COVID-19 positivity rates. MST passengers primarily represent disadvantaged populations from low income, minority communities who often lack access to health care, including COVID-19 vaccinations, and who have experiences high rates of COVID infections. Many MST passengers have serious health conditions that make them particularly vulnerable to COVID infections.

MST also serves many senior citizens who depend on MST Fixed route, and MST RIDES mobility services. And while over 80% of senior citizens in Monterey County have received COVID vaccinations, this populations remains extremely

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vulnerable to serious side-effects due to Delta variant secondary infections. CDC data show that nearly three-fourths (74 percent) of people who have been hospitalized or have died from COVID-19 after being fully vaccinated have been adults 65 and older.

MST has provided every opportunity and incentive to encourage our employees to get vaccinated for the health and safety of their families, coworkers, and members of the public with whom they interact on a continuing and ongoing basis. In order to get more frontline employees protected, the next step is to mandate vaccinations throughout our workforce. Employees may request a reasonable accommodation from receiving a vaccination. Those who have religious or medical reasons/exemption from the mandate for acceptable religious or medical reasons. Those individuals who are granted a reasonable accommodation will be required to engage in weekly COVID testing.


The policy only applies to MST employees. Staff is working with MST contractors to ensure that any contractors who have regular and continuing contact with MST passengers, and direct employees are vaccinated. A separate policy for contractors may be brought to your board, if needed.

Staff have met and conferred with the elected representatives of both the Amalgamated Transit Union and Monterey Salinas Transit Employee Association. MST employees who refuse to abide by third policy shall be subject to progressive disciplinary actions up to, and including, termination of employment.

The Board Operations Performance Committee reviewed the Testing Policy at their meeting of August 16, 2021, and recommended approval by the MST Board.

ATTACHMENT(S):

COVID Workplace Testing Policy

PREPARED BY: 
Kelly Halcon

REVIEWED BY: 
Carl G. Sedoryk

COVID Workplace Testing Policy

Adopted:

OBJECTIVE:

Workplace health and safety is both an individual and shared responsibility of all personnel working at Monterey-Salinas Transit District (MST). The following policy is essential to the success in keeping MST's employees and passengers safe in accordance with Occupational Safety and Health Administration (OSHA) and Centers for Disease Control and Prevention (CDC) guidelines and to aid in stopping the spread of the COVID virus and future mutations of the virus.

POLICY STATEMENT:

To ensure the safety of all employees, their families and our community, Monterey-Salinas Transit District is enforcing measures designed to prevent the spread of COVID-19 and future mutations of the virus. This policy applies to all employees.

Employee vaccinations

Monterey-Salinas Transit District wants to continue to take a proactive approach in keeping the number of positive COVID cases low and to help stop in the spread of the COVID virus. MST has previously highly encouraged employees to get vaccinated by providing PTO hours and partnered with vaccination providers to help with vaccinating our employees at no cost. Those employees who were unvaccinated were engaged in a monthly COVID testing program.

With low vaccination rates in the United States, the increase of COVID positives, MST believes that our current approach may not be enough to protect our employees, their families, and the passengers that we serve. Effective immediately, MST will be mandating COVID vaccinations for all our current and future employees. Employees who are currently unvaccinated will be given a grace period of 60 days from the implementation of this policy to get vaccinated. They will be required to provide a copy of their vaccination card to the Risk and Security Manager or their designee. Those employees who are currently on a leave of absence upon the implementation this policy will be given notice of the new policy. They will be required to show proof of their vaccination prior to returning to work. All new hires will be required to provide proof of their vaccination upon their first day of work. This notice will be incorporated in new hire offers of employment.

Those employees who have religious and medical reasons for not getting vaccinated at this time, will have the 60 days to seek a reasonable accommodation with our Compliance department. The employees who qualify for a reasonable accommodation will be required to be COVID tested on a weekly basis.

Any employee who refuses to comply with this policy will be disciplined up to and including termination of their employment.

Testing for COVID-19

All employees, who have not been vaccinated, are required to undergo weekly tests for COVID-19. Employees, who have been vaccinated, are encouraged to join the COVID testing program but are not required to. Testing will be applied in a consistent, non-discriminatory manner, in accordance with all laws and regulations at the local, state, and federal level.

The COVID-19 tests shall be tests that have been approved by the FDA. MST will partner with outside testing labs to provide COVID-19 tests to employees at no cost to the employee. However, employees who would like to seek testing on their own, are encouraged to do so at a free testing site.

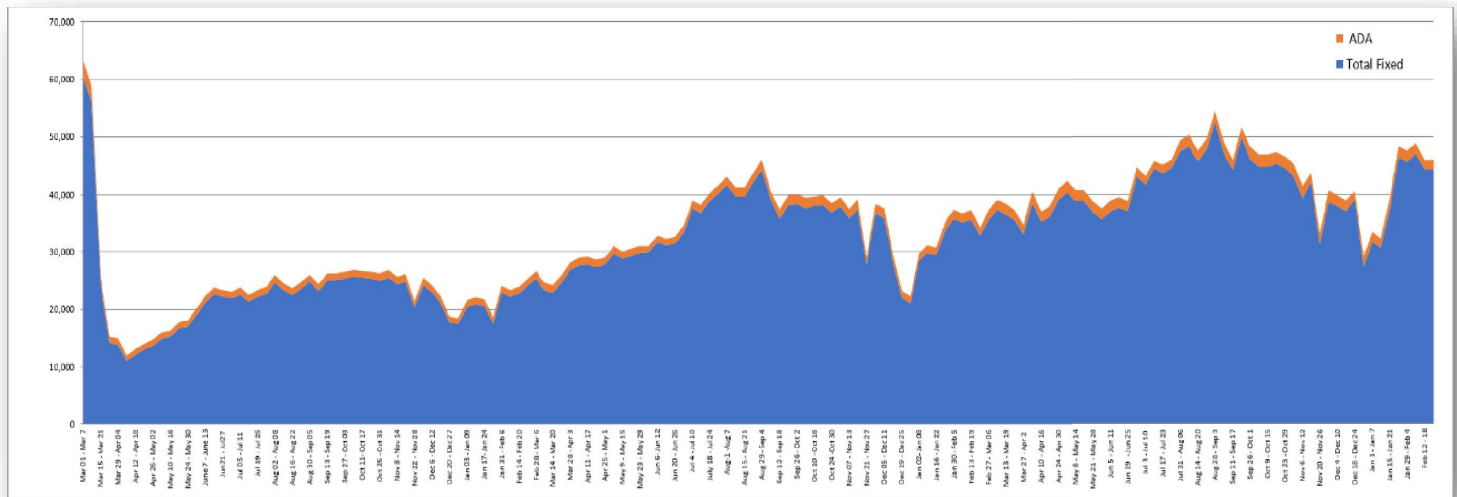
The testing period will be open on Monday of each week and all test results must be submitted to MST's Risk and Security Manager by the Friday of each week. Failure to comply with the testing program will lead to disciplinary action up to and including termination of employment.

[See attached testing protocol]

Paid time to Test for ATU employees

All non-vaccinated ATU employees will be required to adhere to the above testing policy and protocol. For those employees, who engage in testing on site, will be paid (15) fifteen minutes for testing. For those employees, who engage in testing off site at a place of their choosing will be paid (30) thirty minutes. To get paid, an employee will need to complete a UTW form and provide their test result and form to the MST's designated COVID tester for approval of pay. MST's designated tester will submit the approved UTW to payroll for payment.

D: COVID Ridership Report



Ridership during the COVID-19 pandemic dramatically decreased and continues to slowly recover. At the end of the declared emergency, MST's ridership reached 73% of pre-COVID levels which is comparable to ridership reported to the American Public Transportation Association (APTA) in communities of similar size to that of MST.

MST continues to explore and implement options to increase ridership.

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Thomas Walters & Associates, Inc.
Washington, DC

March 27, 2023

TO: Carl Sedoryk

FROM: Don Gilchrest

The following report summarizes actions taken on behalf of Monterey-Salinas Transit in March.

FY 2024 Budget

President Biden sent the details of his FY 2024 Budget Proposal to Congress on March 13, which signaled the start of the annual appropriations process. Although it is only the opening step in a long process, the President's budget helps set the parameters of the debate over funding levels for federal programs and is often used by Administrations to roll out policy or programmatic initiatives.

The Biden Budget proposes a total of \$6.9 trillion in spending next year. \$1.73 trillion of that is for discretionary programs. Defense discretionary programs would grow by 3.3 percent to \$886.4 billion and nondefense programs would grow by almost 8 percent to about \$840 billion.

The budget also proposes \$4.7 billion in new taxes over the next decade and proposes a 3.2 percent increase in mandatory spending for programs such as Medicare, Medicaid, and Social Security. Prominent themes in the budget proposal include an emphasis on extending the solvency of Medicare, building affordable housing, funding national paid family leave, subsidizing childcare, and continuing efforts to mitigate climate change.

The next key step in the federal budget process is adoption of House and Senate budget resolutions by April 15 to set the overall totals for the appropriations bills and to provide an initial allocation of the funding to several broad functional categories of the budget. Although this step is required by federal budget law, it is not enforceable and is often ignored by either the House or the Senate. For fiscal year 2024, the Senate is not expected to draft a budget resolution, while House Republicans have announced their intention to draft a budget resolution that sets a contrast to the Biden budget by focusing on reduced federal spending. Current House plans are to reduce nondefense discretionary spending by about 8 percent this year. These proposals will be opposed by the White House and a majority of Senators, and we will be working with other public transportation stakeholders to protect MST's funding priorities.

Transportation Appropriations

The Department of Transportation funding proposed by President Biden's FY 2024 Budget supports full implementation of the increased spending that was enacted in the 2021 Bipartisan Infrastructure Law and proposes additional appropriations in a few accounts to supplement the BIL funding. This includes increased funding for the Capital Investment Grants Program and the National Infrastructure Project Assistance program, but not for the RAISE multimodal grant program.

Importantly, the Biden Budget includes funding for MST's SURF! Busway and BRT Project through the Capital Investment Grants Program: \$14 million is proposed for FY 2024 and \$8.1 million is provided to the project from unallocated FY 2023 funds.

The combined funding proposed in the Biden Budget for transportation programs (annual appropriations + Bipartisan Infrastructure Law) includes these MST priorities:

	FY24 Biden Proposal	FY23 Enacted Level
Transit Formulas	\$13.99 billion	\$13.634 billion
Buses and Bus Facilities	\$2.15 billion	\$2.26 billion
Capital Investment Grants	\$4.45 billion	\$4.235 billion
RAISE Multimodal Grants	\$1.5 billion	\$2.3 billion

Project Funding

We worked with you and your staff to submit requests to the local Delegation regarding possible support through House Community Project Funding or Senate Congressionally Directed Spending in the FY 2024 appropriations bills. We reviewed the guidance we were given by Senator Feinstein, Senator Padilla, Representative Panetta, and Representative Lofgren regarding possible funding available through a limited number of programs under the jurisdiction of the Appropriations Committee. Then we helped develop the detailed project requests formatted to the specific requirements of each office in order to request support for retrofitting MST's facilities for future hydrogen fueling equipment. We have received positive feedback on the requests, but our Delegation members have stressed that they are not able to submit every request to the Appropriations Committees for consideration and that Committee approval of project requests is not guaranteed.

APTA Conference

We assisted MST staff with Capitol Hill meetings conducted in coordination with the American Public Transportation Association's 2023 Washington, DC, Conference in early March. Meetings were held with staff for Senator Feinstein, Senator Padilla, and Representative Panetta to discuss MST's 2023 Federal Platform and priority projects seeking federal funding.

March 22, 2023

TO: Board of Directors, Monterey-Salinas Transit District

FROM: Matt Robinson, Partner
Michael Pimentel, Legislative Advocate



RE: **STATE LEGISLATIVE UPDATE – April 2023**

Legislative Update

The Legislature is currently in the thick of policy and budget committee hearings, with hundreds of bills slated for action in the months ahead. In the coming weeks, many of the bills that were introduced as “spot bills” will be significantly amended. The Legislature will adjourn for Spring Recess on March 30, and reconvene on April 10. As we have previously reported, the Legislative Calendar, which sets the deadlines for the year, was released and can be viewed [here](#).

MST’s Sponsored Bill Set for Hearing

MST’s legislative proposal to increase its procurement threshold for simple acquisitions of services, supplies, materials, and equipment – [SB 304 \(Laird\)](#) – has been set for hearing in the Senate Transportation Committee on April 11. MST has been working with Senator Laird and Committee staff on a set of amendments to clarify what is meant by the addition of “services” to the bill.

Statewide Effort on Transit Operations Funding

The California Transit Association, in partnership with regional partners, continues to lead the statewide effort to secure transit operations funding in the Fiscal Year 2023-24 state budget. On March 3, Association staff provided the Association’s Executive Committee (on which MST CEO Carl Sedoryk sits) with a status update for the effort.

In February, the Association adopted a set of principles that will serve as the basis of the transit industry’s forthcoming budget request. The principles commit to a two-track process, focused on addressing our industry’s short- and long-term operations funding needs. Under the principles, any short-term transit operations funding the industry secures must be available to address budget shortfalls that would lead to service cuts and/or layoffs as well as to address ridership retention and growth strategies. Any long-term transit operations funding the industry secures must be flexible and available to address a broad range of service needs.

In the coming weeks, the Association will continue to review and vet potential funding solutions, with the goal of delivering to legislative leaders a defined budget request by the end of March.

Bills of Interest

SB 304 (Laird) MST Procurement Threshold (MST SPONSOR)

This bill would increase the threshold for procurements by Monterey-Salinas Transit (MST) for services, supplies, equipment, and materials in order to adhere to guidance issued by the Federal Transit Administration (FTA), reflect the threshold applied to other California transit agencies, and keep pace with the consumer price index (CPI).

AB 96 (Kalra) Autonomous Transit Vehicles

This bill would require a public transit agency to provide written notice to the exclusive employee representative of the workforce affected by autonomous transit vehicle technology of its determination to begin, or its substantive progress toward initiating, any procurement process or a plan to acquire or deploy the technology for public transit services that would eliminate job functions or jobs of the workforce 12 months before commencing the process, plan, or deployment. The bill would require a public transit agency, upon a written request of the exclusive employee representative, to provide specified information to the exclusive employee representative, including the potential gaps in skills that may result from the new service. The bill would require the public transit employer, following the written request for information by the exclusive employee representative, to engage in collective bargaining on subjects that include creating plans to train and prepare the affected workforce to fill new positions created by the technology.

AB 316 (Aguiar-Curry) Heavy Duty Autonomous Vehicles

This bill would require that an autonomous vehicle with a gross vehicle weight of 10,000 pounds or more be operated on public roads for testing purposes, transporting goods, or transporting passengers only with a human operator present in the autonomous vehicle at the time of operation.

AB 463 (Hart) Electricity: Prioritization of Service: Public Transit Vehicles (MST SUPPORT)

This bill would provide transit agencies with priority access to electricity when facing grid disruptions caused by natural or man-made disasters, rolling blackouts, utility company “Public Safety Power Shutoffs” (PSPS), and increasing demand on California’s electrical grid.

AB 610 (Holden) Youth Transit Pass Pilot Program: Free Youth Transit Passes

This bill would create the Youth Transit Pass Pilot Program for the purposes of awarding grants to transit agencies for the costs of creating, designing, developing, advertising, distributing, and implementing free youth transit passes to persons attending certain educational institutions, providing free transit service to holders of those passes, and administering and participating in the program. The bill would authorize a transit agency to submit a grant application in partnership with one or more educational institutions and would also authorize grant funds to be used to maintain, subsidize, or expand an existing fare free program.

AB 761 (Friedman) Transit Transformation Task Force

This bill would require the Secretary of the California State Transportation Agency, on or

before July 1, 2024, to establish and convene the Transit Transformation Task Force to include representatives from the department, the Controller's office, various local agencies, academic institutions, nongovernmental organizations, and other stakeholders. The bill would require the task force to develop a structured, coordinated process for early engagement of all parties to develop policies to grow transit ridership and improve the transit experience for all users of those services. The bill would require the secretary, in consultation with the task force, to prepare and submit a report of findings based on the task force's efforts to the appropriate policy and fiscal committees of the Legislature on or before January 1, 2025.

AB 817 (Pacheco) Brown Act (MST SUPPORT)

The Brown Act casts a wide net when it comes to defining legislative bodies to include any "commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory." This bill would provide flexibility for advisory bodies that can take no action, or establish policy on behalf of a local elected body by allowing them to continue to meet remotely without having to follow the specific quorum, location notification, and accessibility requirements required by the Brown Act.

ACA 1 (Aguiar-Curry) Lower-Vote Threshold (MST SUPPORT)

This measure would authorize a local government, including a special district, to impose, extend, or increase a sales and use tax or transactions and use tax imposed, or a parcel tax, for the purpose of funding the construction, rehabilitation, or replacement of public infrastructure, defined to include improvements to transit and streets and highways and projects for the protection of property from the impacts of sea level rise, as well as for affordable housing, if the proposition proposing that tax is approved by 55% of its voters.

AB 557 (Hart) Brown Act – Extension of Existing Authority (MST SUPPORT)

Beginning on January 1, 2024, this bill would extend the existing teleconferencing/remote-meeting authority that can be used when a declared state of emergency is in effect and would also extend the period for a legislative body to make the required findings related to the continuing state of emergency and social distancing from 30 days to 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet.

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To: Carl Sedoryk, CEO/GM
From: Norman K. Tuitavuki, COO
Subject: **TRIP REPORT:** Autonomous Vehicle (AV) & Public Transport Conference

SUMMARY:

The Autonomous Vehicle (AV) & Public Transport Conference was held on March 1-2, 2023, in San Francisco, California.

GOAL/PURPOSE:

The Autonomous Vehicle (AV) & Public Transport Conference was held in San Francisco, California on March 1-2, 2023. The Conference provided in-depth discussions on the recent developments and emerging trends in the AV industry with a focus on the effects AVs have on public transportation.

ATTENDEES:

Transit agencies from across the nation attended the conference along with industry exhibitors from around the world. Cities, counties, and other public entities also attended the conference.

AGENDA:

- Role of AVs in Shaping the Future of Public Transit
- AV Trials and Deployments in San Francisco
- Caltrans Connects
- Plan, Priorities, and Projects of Transit Agencies
- Transit Workforce Transformation
- AVs and Mobility on Demand
- Best Practices and Lessons Learned
- California's Policies and Programs
- AVs for Accessibility and Equity in Transit
- Insurance for AVs
- New Technologies and Future of AVs in Mass Transit

Submitted by: Norman K. Tuitavuki
Norman K. Tuitavuki

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To: Carl Sedoryk, General Manager/CEO
From: Jason Anderson, Drug and Alcohol Program Coordinator
Subject: Trip Report – Drug & Alcohol Program National Program

SUMMARY:

The Drug & Alcohol Program National Conference was held in San Diego, California March 14 – 17, 2023

GOAL/PURPOSE:

I attended the Drug & Alcohol Program Conference with the purpose of focusing on acquiring knowledge, learning trends and best practices from peers and industry experts.

ATTENDEES:

744 attendees from DOT-regulated agencies across the country.

AGENDA:

1. Beginner Drug & Alcohol Program Manager
2. A compliant FTA Drug & Alcohol policy
3. TPA oversight
4. Reviewing your collection sites
5. Well-run Post-accident program
6. MIS Reporting and Testing Trends
7. Record Retention Requirements and best Practices

Submitted by:



Jason Anderson, DPAC

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