



TRANSIT DISTRICT MEMBERS:

*City of Carmel-by-the-Sea • City of Del Rey Oaks • City of Gonzales • City of Greenfield
City of King • City of Marina • City of Monterey • City of Pacific Grove • City of Salinas
City of Sand City • City of Seaside • City of Soledad • County of Monterey*

**Board of Directors Regular Meeting
April 13, 2015**

Monterey Bay Unified Air Pollution Control District
Board Room, 3rd Floor
24580 Silver Cloud Ct., Monterey
and

Kauai Coast Resort at the Beach Boy, 520 Aleka Loop, Kappa, HI 96746
Phone: 808-822-3441

10:00 a.m.

TRANSPORTATION: Ride Line 8 from Monterey Transit Plaza (Munras Gate) at 9:15 a.m. or Sand City Station at 9:30 a.m. Request a taxi voucher from MST Customer Service at the board meeting for your return trip (good for a \$17 one-way trip).

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 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.

3. CLOSED SESSION

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

- 3-1. Conference with Labor Negotiators, Gov. Code § 54957.6. Amalgamated Transit Union (ATU), Monterey-Salinas Transit Employee Association (MSTEAs) and MST. (No enclosure) (D. Laredo, K. Halcon)

- 3-2. Conference with Legal Counsel – Anticipated Litigation, Gov. Code § 54956.9(b). (No enclosure) (D. Laredo and C. Sedoryk)

4. RETURN TO OPEN SESSION

- 4-1. Report on Closed Session and possible action.

5. CONSENT AGENDA

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

- 5-1. Adopt Resolution 2015-32 recognizing David Hobbs, Coach Operator, as Employee of the Month for April 2015. (Robert Weber) (pg. 5)
- 5-2. Minutes of the regular meeting of March 2, 2015. (Deanna Smith) (pg. 7)
- 5-3. Financial Report – February 2015. (Angela Dawson) (pg. 13)
- 5-4. Disposal of property left aboard buses. (Sonia Bannister) (pg. 19)
- 5-5. Approve staff appointments. (Carl Sedoryk) (pg. 21)
- 5-6. Receive and approve updated Drug and Alcohol Policy. (Kelly Halcon) (pg. 25)
- 5-7. Adopt Resolution 2015-33 recognizing Frank Soliz, Inventory Clerk, for his 17 Years of Service. (Sandra Amorim) (pg. 57)
- 5-8. Receive and appoint new members to the Mobility Advisory Committee. (Tom Hicks) (pg. 59)
- 5-9. Approve Resolution 2015-34 authorizing the filing of a grant application with the California Governor's Office of Emergency Services. (Michelle Overmeyer) (pg. 61)
- 5-10. Authorize a contract for Design & Engineering services for the TDA fuel island. (Michael Hernandez) (pg. 65)

End of Consent Agenda

6. SPECIAL PRESENTATIONS

- 6-1. April Employee of the Month – David Hobbs. (Robert Weber)
- 6-2. Frank Soliz – Retirement. (Sandra Amorim)

7. COMMITTEE REPORTS

No action required unless specifically noted.

- 7-1. Minutes of the Finance Committee – March 2, 2015.
(Deanna Smith) (pg. 67)
- 7-2. Minutes of the Ad Hoc Measure Q Nominating Committee – March 31, 2015. (Deanna Smith) (pg. 69)

8. MAJOR PROCUREMENTS

9. PUBLIC HEARINGS

- 9-1. Conduct public hearing and adopt FY 2015 Program of Projects.
(Hunter Harvath) (pg. 71)

10. UNFINISHED BUSINESS

11. NEW BUSINESS

- 11-1. Receive and approve members for the Measure Q Oversight Committee.
(Carl Sedoryk) (pg. 77)
- 11-2. Review possible service modifications due to objections raised by ATU to the U.S. Department of Labor's processing of Section 13(c) certification and authorize public hearings. (Hunter Harvath) (pg. 81)
- 11-3. Review, provide direction, and take action regarding reductions in labor force (RIF) affecting ATU, MSTEA, and/or unrepresented employees; delegate to GM/CEO Sedoryk authority to meet & confer on the RIF, issue layoff notices, and develop long-term strategies to minimize disruption of federal funding. (Carl Sedoryk) (pg. 87)

12. REPORTS & INFORMATION ITEMS

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

- 12-1. General Manager/CEO Report – February 2015. (pg. 93)
- 12-2. Washington D. C. Lobbyist Report – March 2015. (pg. 117)
- 12-3. State Legislative Advocacy Update – March 2015. (pg. 119)
- 12-4. Staff Trip Reports. (pg. 125)
- 12-5. Correspondence. (pg. 127)
- 12-6. Staff Announcements.

13. COMMENTS BY BOARD MEMBERS

- 13-1. Reports on meetings attended by board members at MST expense (AB1234).
- 13-2. Board member Comments and Announcements.
- 13-3. Board member Referrals for future agendas.

14. ATTACHMENTS

- 14-1. Detailed monthly Performance Statistics and Disbursement Journal, February 2015. *(This item is located online within the GM Report at: <http://www.mst.org/about-mst/board-of-directors/board-meetings/>)*

15. ADJOURN

NEXT MEETING DATE: May 11, 2015

Monterey Bay Unified Air Pollution Control District Board Room, 3rd Floor

NEXT AGENDA DEADLINE: April 28, 2015

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 Administration office at 1 Ryan Ranch Road, Monterey, CA during normal business hours.

Upon request, MST will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least three working days prior to the meeting. Requests should be sent to Deanna Smith, MST, 1 Ryan Ranch Road, Monterey, CA 93940 or dsmith@mst.org.

**DAVID HOBBS
APRIL 2015
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, David Hobbs began his career with Monterey-Salinas Transit District as a Coach Operator in March of 2000; and

WHEREAS, David Hobbs was the distinguished graduate of his Coach Operator training class and has received numerous safe driving and attendance awards during his career; and

WHEREAS, David Hobbs avoided a potentially catastrophic accident by taking evasive maneuvers on March 7, 2015. When faced with a wrong-way-driver in his lane, his experience, training, and skills kicked in as he guided the coach over the center median instead of going toward the shoulder of the road. David's actions that night clearly prevented injuries to his passengers, himself, and the other driver; and

THEREFORE, BE IT RESOLVED that the Board of Directors of Monterey-Salinas Transit District recognizes David Hobbs as Employee of the Month for April 2015; and

BE IT FURTHER RESOLVED that David Hobbs is to be congratulated for his excellent work at Monterey-Salinas Transit District.

THE BOARD OF DIRECTORS OF MONTEREY-SALINAS TRANSIT DISTRICT PASSED AND ADOPTED RESOLUTION 2015-32 this 13th day of April, 2015.

Libby Downey
Chairperson

Carl G. Sedoryk
Secretary

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MST BOARD OF DIRECTORS

Monterey Bay Unified Air Pollution Control District
24580 Silver Cloud Ct., Monterey

Minutes

March 2, 2015

1. CALL TO ORDER

1-1. Roll call.

1-2. Pledge of Allegiance.

Chair Downey called the meeting to order at 10:02 a.m. and Director Santibañez led the pledge of allegiance.

1-3. Review Highlights of the agenda.

Mr. Sedoryk reviewed the highlights of the agenda.

Present:	Fernando Armenta	County of Monterey (9:10am)
	Tony Barrera	City of Salinas
	Victoria Beach	City of Carmel-by-the-Sea
	Robert Bonincontri	City of Gonzales
	Kristin Clark	City of Del Rey Oaks
	Libby Downey	City of Monterey
	Mike LeBarre	City of King
	Dan Miller	City of Pacific Grove
	Frank O'Connell	City of Marina
	David Pacheco	City of Seaside
	David Pendergrass	City of Sand City
	Leah Santibañez	City of Greenfield
	Patricia Stephens	City of Soledad

Absent: None

Staff:	Carl Sedoryk	General Manager/CEO
	Hunter Harvath	Asst. General Manager/Finance & Administration
	Michael Hernandez	Asst. General Manager/COO
	Kelly Halcon	Director of Human Resources & Risk Management
	Mark Eccles	Director of Information Technology
	Robert Weber	Director of Transportation Services
	Lisa Rheinheimer	Director of Planning and Development
	Andrea Williams	General Accounting & Budget Manager
	Tom Hicks	CTSA Manager

Zoé Shoats	Marketing Manager
Deanna Smith	Executive Assistant/Clerk to the Board
Dave Laredo	De Lay & Laredo
Miriam Gutierrez	MST Customer Service Representative

Public: Ken Walker	ATU
Mary Ann Jackson	MVT
MacGregor Eddy	Salinas Californian
Ginn	MST Rider

Apology is made for any misspelling of a name.

2. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Ginn thanked MST staff and Director Beach for installing an MST bench for seniors in Carmel. She handed out a detail of MST's Line 2 showing that it takes nearly an hour to get from the Pacific Grove Safeway to the Community Hospital of Monterey Peninsula (CHOMP) and requested better service to the hospital.

3. CONSENT AGENDA

- 3-1. Adopt Resolution 2015-29 recognizing Ruben Cano, Jr., coach operator, as Employee of the Month for March 2015.
- 3-2. Minutes of the regular meeting of February 2, 2015.
- 3-3. Financial report – January 2015.
- 3-4. Disposal of property left aboard buses.
- 3-5. Approve remodel contract for 201 Pearl Street.
- 3-6. Authorize construction contract with WAVE, Inc.
- 3-7. Adopt proclamation establishing Stand up for Transportation Day.
- 3-8. 2014 Community Stakeholder Survey Results.
- 3-9. Approve Resolution 2015-30 authorizing execution of documents for the Low Carbon Transit Operations Program.
- 3-10. Adopt updated Employee Handbook Policy 509-Smoking.

Director Armenta pulled item 3-7 and questioned why the General Manager/CEO, Carl Sedoryk, is signing proclamations with the title "Secretary." Mr. Sedoryk explained that his title for board representation purposes is Secretary. Director Armenta feels it should be signed as General Manager/CEO.

Public Comment – none.

Director Barrera made a motion to approve the Consent Agenda to include Director Armenta's comment. The motion was seconded by Director Armenta and passed unanimously.

4. SPECIAL PRESENTATIONS

4-1. March Employee of the Month – Ruben Cano, Jr.

Robert Weber recognized Ruben Cano as Employee of the Month for his excellent service to MST and the entire community.

4-2. Anthony Lewis – 30 Years of Service.

Mr. Lewis was not present.

5. COMMITTEE REPORTS

No action required unless specifically noted.

5-1. Minutes of the Facilities Committee – February 2, 2015.

5-2. Minutes of the Mobility Advisory Committee – November 19, 2014.

Public Comment – none.

6. MAJOR PROCUREMENTS

7. PUBLIC HEARINGS

8. UNFINISHED BUSINESS

9. NEW BUSINESS

9-1. Approve proposed guidelines for board discussion/public comment on action items.

Director Armenta expressed concern that the proposed guidelines limited federal and state constitutional rights. MST General Counsel, Dave Laredo, confirmed that the guidelines were within all legal guidelines.

Public Comment – none.

Director Barrera made a motion to approve the proposed guidelines for board discussion and public comment on action items and was seconded by Director Armenta. The motion passed unanimously.

9-2. Receive and approve Resolution 2015-31 establishing the Measure Q Oversight Committee.

Public Comment – none.

Director LeBarre made a motion to approve Resolution 2015-31 establishing the Measure Q Oversight Committee and was seconded by Director Armenta. The motion passed unanimously.

Mr. Sedoryk stated that MST would be bringing a RFP for consulting services to the board for approval at a future meeting. The consultants would help advise MST on how best to plan services with Measure Q funds.

Director Armenta stated that individuals who helped with the Measure Q campaign were recognized at a recent TAMC meeting.

- 9-3. Receive and approve the proposed Bylaws of the Measure Q Oversight Committee.

Public Comment

MacGregor Eddy asked if Measure Q revenue would be used to pay for the consultants and whether the committee would have the authority to amend the bylaws.

Mr. Sedoryk stated that Measure Q revenue would be used to pay for the consultants. The committee will have the authority to recommend changes to the bylaws; however, the board must approve all recommended changes.

Director LeBarre made a motion to approve the proposed Measure Q Oversight Committee bylaws and was seconded by Director Pacheco. The motion passed unanimously.

- 9-4. Appoint Ad Hoc nominating committee for the Measure Q Oversight Committee.

Public Comment – none.

Director Armenta made a motion to authorize the chairperson to appoint members to an Ad Hoc nominating committee to review and recommend applicants for appointment to the Measure Q Oversight Committee and was seconded by Director Clark. The motion passed unanimously.

Director LeBarre offered to serve on the committee. Director Downey will make appointments at a later time.

- 9-5. Approve MOA with City of Monterey for MST Trolley.

Chairperson Downey asked if the City of Monterey had been in contact with MST staff regarding implementing more trolley service. She asked MST staff to follow up with the city regarding this request.

Public Comment – none.

Director O’Connell made a motion to authorize staff to execute a new 10-year MOA with the City of Monterey for the “mid-life” servicing of trolleys and continuing trolley services. The motion was seconded by Director LeBarre and passed unanimously.

9-6. Approve FY 2015 mid-year budget revision.

Mr. Harvath presented the mid-year operating budget revision, stating the Finance Committee had met and recommended approval of mid-year budget revisions.

Public Comment – none.

Director Armenta made a motion to approve the FY 2015 mid-year operating budget revision, including revised staffing levels, and was seconded by Director Stephens. The motion passed unanimously.

10. REPORTS & INFORMATION ITEMS

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

- 10-1. General Manager/CEO Report – January 2015.
- 10-2. Washington D. C. Lobbyist Report – February 2015.
- 10-3. State Legislative Advocacy Update – February 2015.
- 10-4. Staff Trip Reports.
- 10-5. Correspondence.
- 10-6. Staff Announcements.

Mr. Sedoryk announced that he has been selected to speak to the Senate Bank and Finance Committee on behalf of small urban public transit providers.

Public Comment – none.

11. COMMENTS BY BOARD MEMBERS

- 11-1. Reports on meetings attended by board members at MST expense (AB1234).
- 11-2. Board member Comments and Announcements.

Director Barrera thanked MST staff for their work and representation.

Director LeBarre stated that the Pinnacles National Monument has been responsible for creating a rise in tourism in the south county area. He requested consideration of more weekend service to the park and possible a donation of used vehicles to be used to accommodate tourists.

Director Armenta thanked MST for their support of the Alisal Dream Academy.

Director Beach applauded MST for its flexibility and innovation. She would like to discuss with staff possible bus rebranding to identify certain lines with local attractions, such as parks and popular events.

11-3. Board member Referrals for future agendas.

Chairperson Downey appointed Directors Pacheco, LeBarre, and Armenta to serve on the Ad Hoc Measure Q Nominating Committee.

12. ATTACHMENTS

12-1. Detailed monthly Performance Statistics and Disbursement Journal, January 2015. *(This item is located online within the GM Report at: <http://www.mst.org/about-mst/board-of-directors/board-meetings/>)*

13. CLOSED SESSION

Chairperson Downey moved to Closed Session at 10:55 a.m.

13-1. Conference with property negotiators. (Parcel # APN 259-011-067, 003-171-024, 002-248-009-010, 032-171-005, 022-291-010, 026-351-036-000, L.2.1, 1.2.4.3, L.2.4.2, L.2.2.1, L.2.2.2, L.2.3, L.2.4.1). (C. Sedoryk)

14. RETURN TO OPEN SESSION

14-1. Report on Closed Session and possible action.

Dave Laredo stated that no reportable action was taken during Closed Session

15. ADJOURN

Chairperson Downey adjourned the meeting at 11:20 a.m., observing a moment of silence in honor of Diana Seay, who served on MST's Mobility Advisory and ADAPTR committees for over 13 years.

Prepared by: 
Deanna Smith, Deputy Secretary

To: Board of Directors
From: Angela Dawson
Subject: Financial Reports – February 2015

RECOMMENDATION:

1. Accept report of February 2015 cash flow presented in Attachment #1
2. Approve February 2015 disbursements listed in Attachment #2
3. Accept report of February 2015 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, 2015	\$6,935,716.64
Revenues	8,138,233.59
Disbursements	<u><3,230,513.01></u>
Ending balance February 28, 2015	<u>\$11,843,437.22</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.

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

Prepared by:


Angela Dawson

Reviewed by:


Hunter Harvath

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(REVENUES & DISBURSEMENTS)

CASH FLOW

Beginning balance February 1, 2015

6,935,716.64

Revenues

Passenger Revenue	363,743.67
DOD Revenue	143,995.00
LTF / STA / 5307	2,944,248.71
Grants	4,665,907.00
TAMC Loan/Rabo LOC advance	-
Non Transit Revenue	20,339.21

Total Revenues

8,138,233.59

Disbursements

Operations (See Attachment #2)	1,155,735.47
Capital	2,074,777.54

Total Disbursements

(3,230,513.01)

Ending balance February 28, 2015

11,843,437.22

COMPOSITION OF ENDING BALANCE

Checking - First National Bank	-
Checking - Rabo Bank	(508,480.06)
Checking(s) - Wells Fargo Bank	22,376.28
Local Agency Investment Fund (LAIF)	42,667.77
Money Market - Homeland Security	2,701,063.11
Money Market - Rabo MM	2,155,662.38
Money Market - PTMISEA	5,641,723.66
Money Market - Rabo Prop. 1 B	1,770,696.94
Bank of America - Escrow	8,977.14
Petty cash fund, STC Coin Machine, and 2 change funds	8,750.00
Total	<u><u>11,843,437.22</u></u>

PAYROLL ACCOUNT

February 6 Payroll & Related Expenses	504,708.81	
February 20 Payroll & Related Expenses	500,142.71	
Pers & 457	176,698.44	
Garnishments	4,845.48	
Payroll adj	-	
	<u>1,186,395.44</u>	1,186,395.44

GENERAL ACCOUNT

Disbursements on Attached Summary	1,989,999.85	
Paydown loan	-	
Workers Comp. Disbursements	45,517.46	
Interest expense	-	
Bank Service Charge/Armored Car	8,600.26	
RBC-Fuel Hedge Margin Calls	-	
Transfer from WFB	-	
	<u>2,044,117.57</u>	2,044,117.57

Total Disbursements	<u>3,230,513.01</u>
Less Capital Disbursements & Transfers	<u>(2,074,777.54)</u>
Operating Disbursements	<u><u>1,155,735.47</u></u>

DISBURSEMENTS SUMMARY:
GENERAL ACCOUNT DISBURSEMENTS FOR February 1, 2015 - February 28, 2015

VENDOR / DESCRIPTION	CHECKS	AMOUNT
Accounts Payable 02/03/15	37345 - 37354	1,050.00
Accounts Payable 02/04/15	37355	400.00
Accounts Payable 02/05/15	37356	222,336.42
Accounts Payable 02/11/15	37357 - 37358	3,873.26
Accounts Payable 02/13/15	37359 - 37468	914,514.56
Accounts Payable 02/27/15	37469 - 37572	847,825.61
TOTAL		<u>1,989,999.85</u>

CHECKS \$100,000 AND OVER

VENDOR / DESCRIPTION	BOARD APPROVED	CHECK NUMBER	CHECK DATE	AMOUNT
City of Salinas	CA030717-Salinas Train Station	37356	02/05/15	222,336.42
MV Transportation	Recurring Expense	37468	02/13/15	439,807.06
MV Transportation	Recurring Expense	37526	02/27/15	523,541.69

TREASURY TRANSACTIONS
FOR FEBRUARY 2015

LAIF ACCOUNT

<u>Date</u>	<u>Account</u>	<u>Bank</u>	<u>Deposit</u>	<u>Withdrawal</u>	<u>Balance</u>
Balance Forward at 02/01/15					42,667.77
Transfer to checking for payroll					-
Local Agency Investment Fund:					
Interest earned	-	0.000%			-
LAIF Treasury Balance at 02/28/15					42,667.77

RABOBANK MM ACCOUNT

<u>Date</u>	<u>Account</u>	<u>Bank</u>	<u>Deposit</u>	<u>Withdrawal</u>	<u>Balance</u>
Balance Forward at 02/01/15					385,366.80
02/03/15		LTF	976,465.14		1,361,831.94
02/06/15		To P/R		150,000.00	1,211,831.94
02/16/15		To A/P		700,000.00	511,831.94
02/17/15		STA	640,937.00		1,152,768.94
02/17/15		CA030717-Salinas Train	236,830.82		1,389,599.76
02/17/15		CA030823-WAVE	39,033.94		1,428,633.70
02/19/15		To P/R		600,000.00	828,633.70
02/27/15		LTF	1,326,846.57		2,155,480.27
02/27/15		Interest @ 0.25%	182.11		2,155,662.38
RABO MM Balance at 02/28/15					2,155,662.38

To: Board of Directors
From: Sonia Bannister, Customer Service Supervisor
Subject: Disposal of unclaimed property left on bus

Goodwill

2 aprons	3 jackets	1 watch
1 binder	1 lunch bag	1 computer mouse
10 books	1 pair shoes	4 cell phones
4 pairs of eyeglasses	4 pairs of sunglasses	1 earphones
1 eyeglass case	1 tote	1 bike light
2 pairs of gloves	1 toy	1 phone charger
1 hat	4 wallets	10 bikes

To be disposed

5 set keys	2 prescription medications
1 prescription eyeglasses	1 emblem
6 ID's	1 cell phone
2 expired passes	1 cell phone holder
3 notebooks	1 tool
2 folders	1 sweatshirt
1 cap	1 backpack

To be retained

\$1.84 forwarded to accounting for deposit

MST makes an attempt to contact the owners of Lost and Found items. If the items are unclaimed after 30 days, they are added to the above list. None of the items listed above match those lost by Mr. Fink.

PREPARED BY:


Sonia Bannister

REVIEWED BY:


Carl Sedoryk

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To: Board of Directors
From: C. Sedoryk, General Manager/CEO
Subject: Approve staff appointments

RECOMMENDATION:

Receive and approve staff appointments to the AMBAG board of directors.

FISCAL IMPACT:

None.

POLICY IMPLICATIONS:

According to the MST Bylaws, Article VI., Officers, "The Chair may appoint committees from time to time for any purpose he or she deems proper for the conduct of Board business."

DISCUSSION:

The following MST Board and Staff Appointment Roster has been updated to reflect staff's recommendation to appoint Lisa Rheinheimer as the primary MST representative, and Hunter Harvath as the alternate MST representative, to the AMBAG board of directors.

ATTACHMENT: Updated committee appointments for FY 2015

Prepared by:


Deanna Smith, Deputy Secretary

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MST District Officers and Appointments Fiscal Years 2015-2016

Officers elected by the Board:

Chair	Libby Downey
Vice-Chair	Tony Barrera

Non-elected officers and appointments:

Secretary to the Board	Carl G. Sedoryk
Deputy Secretary to the Board	Deanna Smith
Treasurer	Carl G. Sedoryk
Deputy Treasurer	Hunter Harvath
General Counsel	David C. Laredo
Representative to TAMC	Carl G. Sedoryk
Alternate to TAMC	Lisa Rheinheimer
Alternate to TAMC	Hunter Harvath
Representative to FORA	Lisa Rheinheimer
Alternate to FORA	Hunter Harvath
Representative to California Transit Insurance Pool (CalTIP)	Carl G. Sedoryk
Alternates to CalTIP	Ben Newman
	Hunter Harvath

Representative to AMBAG	Lisa Rheinheimer
Alternate to AMBAG	Hunter Harvath

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To: Board of Directors
From: K. Halcon, Director of Human Resources/Risk Management
Subject: Revised Drug and Alcohol Policy

RECOMMENDATION:

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

FISCAL IMPACT:

None.

POLICY IMPLICATIONS:

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

DISCUSSION:

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

Your Board approved an amended Drug and Alcohol Policy in October 2010 to comply with new HHS requirements for drug testing. The current recommended changes are not necessarily changes in the regulations but, rather, fully clarify and define current procedures and protocols. The FTA has already reviewed, recommended, and approved the attached policy changes.

Staff is recommending approval of new changes to the existing Drug and Alcohol policy to comply with the recommended FTA changes.

Attachment: Revised Anti-Drug Abuse and Alcohol Misuse Program Policy

Prepared by 
Kelly Halcon

Reviewed by 
Carl G. Sedoryk

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ATTACHMENT 1



Monterey-Salinas Transit District

ZERO TOLERANCE

DRUG AND ALCOHOL POLICY FOR EMPLOYEES IN SAFETY-SENSITIVE JOB FUNCTIONS

Summary: This is a zero tolerance policy and is applicable to all MST employees who are incumbents in safety-sensitive positions, to all applicants or employees who may apply for or who may transfer to a safety-sensitive position and to contractors who perform safety-sensitive job functions.

ZERO TOLERANCE

**DRUG AND ALCOHOL POLICY
FOR EMPLOYEES IN
SAFETY-SENSITIVE JOB FUNCTIONS**

Revised: September 2012

Monterey-Salinas Transit

ZERO TOLERANCE DRUG AND ALCOHOL POLICY FOR EMPLOYEES IN SAFETY-SENSITIVE JOB FUNCTIONS

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Monterey-Salinas Transit

ZERO TOLERANCE DRUG AND ALCOHOL POLICY FOR EMPLOYEES IN SAFETY-SENSITIVE JOB FUNCTIONS

I. PURPOSE

To provide the safest possible transportation for the public and a safe work environment for MST employees through the requirement of a work place free of prohibited drugs and alcohol.

II. SCOPE

This policy applies to all MST employees who are incumbents in safety-sensitive positions, to all applicants or employees who may apply for or who may transfer to a safety-sensitive position and to contractors who perform safety-sensitive job functions.

The job classifications that have been determined to be safety-sensitive are noted in Appendix A and are maintained by the Human Resources Department.

III. POLICY

This policy establishes procedures and processes for the administration of MST's Drug and Alcohol Program in accordance with the Department of Transportation (DOT) and the Federal Transit Administration (FTA) requirements. Based on these requirements, MST requires all employees performing safety-sensitive job functions to submit to testing for the presence of specifically designated drugs and alcohol.

MST's Board of Directors has adopted a *Zero Tolerance* policy regarding drug use and alcohol misuse. All employees must be free of the designated drugs and alcohol when performing a safety-sensitive function.

Opportunities for Rehabilitation

In promoting a drug and alcohol free workplace, this policy includes a rehabilitation program that allows safety-sensitive employees to voluntarily come forward to request rehabilitation and is as follows:

Under MST's sole authority, Any safety-sensitive employee who has a drug and/or alcohol problem and has not been selected for reasonable suspicion (cause), random or post-accident testing or/and not refused a drug or post-accident test may voluntarily refer her/himself to the Director/Manager of Human Resources or the Safety Officer, who will refer the individual to MST's Substance Abuse Professional (SAP)counseling professional for individual evaluation and treatment. Voluntary self referral commits the safety sensitive employee to a therapeutic process. Confidentiality of the employee will be protected. The SAP-MST approved counseling professional will evaluate the safety-sensitive employee and make specific recommendations regarding the appropriate treatment. When a safety sensitive employee enters voluntary treatment, she/he may be eligible for sick time, FMLA, time off and benefits as outlined by law and within any bargaining agreement. Safety Sensitive employees may be permitted to take accumulated vacation time or may be eligible for unpaid time off to participate in any prescribed rehabilitation program. Safety sensitive employees are strongly encouraged to voluntarily seek professional substance abuse assistance before any abuse or dependence affects job

performance. All tests conducted under this provision will be conducted under the sole authority of MST using NON-DOT testing forms.

While Undergoing Treatment

Under the sole authority of MST, Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from their safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program is completed. The employee will be placed on a leave status for a maximum of 60 days to allow for the completion of the treatment/rehabilitation program. Extended periods will be granted by the Director of Human Recourses. The employee is required to call the Director of HR or the Safety Officer every 30 days to report status during treatment. The employee will be required to pass a drug and/or alcohol test (non-~~FTADOT~~) before performing any safety-sensitive function.

Cost of Rehabilitation

Under the sole authority of MST, All associated costs for treatment are the sole responsibility of the employee.

Return to Work after Treatment

Under the sole authority of MST, All employees who successfully complete prescribed treatment and are allowed to return to work will be subject to unannounced NON-DOT follow-up testing, conducted on NON-DOT forms, as prescribed by the SAPMST approved counseling professional.

IV. REFERENCES

This policy is written in conjunction with the following rules and regulations:

- DOT regulations in 49 CFR Part 40 as amended; "Procedures for Transportation Workplace Drug and Alcohol Testing Programs"
- FTA regulations in 49 CFR Part 655; "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations"
- 49 CFR Part 29, Drug-Free Workplace Act of 1988.
- FTA Drug and Alcohol Regulation Updates.

V. DEFINITIONS

Accident means an occurrence associated with the operation of a vehicle, if as a result:

- An individual dies; or
- One or more individuals suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
- An occurrence in which the ~~mass transit~~public transportation vehicle involved is a bus, electric bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle

“Adulterated Specimen” means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

A **“Cancelled Test”** is a drug or alcohol test that has an identified problem that cannot be or has not been corrected. A cancelled test is neither positive nor negative.

“Contractor” means a person or organization that provides a safety-sensitive service for a recipient, sub-recipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.

All Contractors fall under MST’s authority to oversee compliance under federal guidelines.

A **“Covered Employee”** means a person, including an applicant or transferee, who is applying for a position to perform safety-sensitive functions. A volunteer is considered a covered employee if required to hold a commercial driver’s license to operate a vehicle, or performs a safety-sensitive function and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.

A **“Dilute Specimen”** has creatinine and specific gravity values that are lower than expected for human urine.

“Disabling Damage” is defined as “damage, which precludes the departure of any vehicle from the scene of an accident in its usual manner in daylight after simple repair”. This includes damage to vehicles that could be driven but would sustain further damage if driven. This does not include damage readily fixed on the scene, such as tire disablement, headlight/tail light damage or damage to the turn signals, windshield wipers, ~~mirrors~~ or horn.

An **“Evidential Breath Testing (EBT) device”** is a device approved by NHTSA for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA’s Conforming Products List (CPL) for “Evidential Breath Measurement Devices” and identified on the CPL as conforming with the model specifications available from NHTSA’s Traffic Safety Program.

An **“Invalid Drug Test”** refers to the result of a drug test from a urine specimen that contains an unidentified adulterant or an unidentified interfering substance; has abnormal physical characteristics; or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.

“Medical Review Officer” (MRO) is a licensed physician responsible for receiving laboratory results generated by an employer’s drug testing laboratory and who has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual’s confirmed positive tests result together with his or her medical history and any other relevant biomedical information. (See Addendum B)

“On-Call duty is defined as being scheduled for specific after duty hours for which the employee must report to duty when called.

A **“Safety-Sensitive Function”** means any of the following duties when performed by employees of recipients, sub-recipients, operators or contractors based on specific job criteria:

- Operating a revenue service vehicle, including when not in revenue service;
- Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Drivers License;
- Controlling dispatch or movement of a revenue service vehicle;
- Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service;
- Carrying a firearm for security purposes.

The **“Substance Abuse Professional (SAP)”** is a licensed physician (MD or DO), a licensed or certified psychologist, licensed or certified social worker, and a licensed or certified employee assistance professional, a licensed family or marriage counselor or therapist, or a certified alcohol and drug licensed/certified drug and alcohol abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board of Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC) that has knowledge of and clinical experience in the diagnosis and treatment of substance abuse-related disorders. The role of the SAP is to evaluate whether an employee with a verified positive test or who has refused a test is in need of assistance in resolving problems associated with prohibited drug use or alcohol misuse. The SAP also evaluates what level of assistance is needed and if an employee has complied with treatment recommendations, and recommends when the employee is ready for return to duty testing and for follow up testing. The SAP recommends the required number of follow up drug/alcohol tests after the employee returns to duty.

A **“Substituted Specimen”** has a creatinine and specific gravity value that is so diminished or so divergent that it is not consistent with normal human urine.

“Vehicle” means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus or vessel.

A mass transit public transportation vehicle is a vehicle used for mass transport public transportation or for ancillary services.

A **“Verified Test”** is a drug test result or a validity testing result from a Department of Health and Human Services (HHS) certified laboratory that has undergone review and final determination by the MRO.

VI. CIRCUMSTANCES WHICH WARRANT TESTING

According to the FTA regulations, all employees performing safety-sensitive functions are required as a condition of employment to submit to drug testing (urine specimen required) and alcohol testing (breath testing required) under the following circumstances:

1. Employment drug testing after the offer of employment; prior to the transfer of any employee from a non-safety sensitive position to a safety-sensitive position; or following an absence period of 90 days or more where the employee did not perform safety-sensitive functions and was also removed from the random testing pool;
2. When there is a "reasonable suspicion" of an employee's drug/alcohol use;
3. When an employee is involved in a fatal or non-fatal accident as defined by FTA criteria;
4. When an employee is selected for random testing;
5. Following the successful completion of a SAP determined rehabilitation program for return-to-duty testing;
6. When an employee is subject to follow-up testing as specified by a SAP.

Pre-duty use of alcohol: All covered employees are prohibited from using alcohol within 48 hours prior to performing safety-sensitive functions. Under the sole authority of MST, No supervisor having actual knowledge that a covered employee has used alcohol within 8 hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions. A supervisor trained in making reasonable suspicion testing determinations will evaluate the employee to determine if evidence exists to conduct reasonable suspicion alcohol testing. The supervisor(s) will document the reasons for testing, which are outlined in Section VIII of this policy.

Under the sole authority of MST, An unscheduled and an on-call employee who is called to report back to duty may acknowledge the use of alcohol and the inability to perform safety-sensitive functions without disciplinary repercussion.

If the employee acknowledges the use of alcohol, but claims ability to perform a safety-sensitive function, an alcohol test must be performed with a breath alcohol test result of less than 0.02 before the employee is permitted to begin work.

On-call employees: The consumption of alcohol is prohibited for covered employees during their specified on-call hours. See definition for "on-call" in this policy.

On-duty use of alcohol: All covered employees are prohibited from consuming alcohol, including medications with alcoholic content, while performing safety-sensitive functions. No supervisor with actual knowledge that a covered employee is using alcohol will permit the employee to perform or continue to perform safety sensitive functions.

Covered employees with an alcohol concentration 0.02 or greater are prohibited from reporting for duty to perform a safety-sensitive function or remaining on duty while performing a safety-sensitive function.

Drug Consumption: ~~The consumption~~ Analytical urine drug testing will be conducted as required by 49 CFR Part 40 for the presence of marijuana, cocaine, amphetamines, opiates (heroin 6-AM, codeine, and morphine), phencyclidine and amphetamines (amphetamine and methamphetamine, MDMA, MDA, MDEA) and their metabolites. These substances is-are prohibited at all times and employees may be tested for these substances at any time while on duty.

VII. SPECIFIC TESTING REQUIREMENTS

Each employee tested under Federal requirements will be notified of the purpose for the testing and under whose authority the test is being conducted.

Federal drug and alcohol testing must be conducted completely separately from non-federal testing. Further, Federal testing will take priority over the non-federal collection process.

DOT Federal Drug Testing Custody and Control forms and DOT Alcohol Testing forms will be used for FTA mandated testing as described in this policy. Any testing conducted solely under MST's authority will be conducted using non-DOT drug and alcohol testing forms.

No other tests conducted under the FTA drug and alcohol testing requirements in 49 CFR Part 655 will be performed on urine or breath specimens except those specified by DOT regulations in 49 CFR Part 40.

A verified positive DOT drug test result cannot be negated by an employee presenting negative results collected under other circumstances.

VIII. TYPES OF TESTING REQUIRED

Pre-Employment or Pre-Placement Testing: The purpose of pre-employment and pre-placement testing is to identify current drug use problems of applicants or employees who may seek to apply and/or transfer from a non-safety sensitive position to a safety sensitive position. As part of the employment process, Human Resources will follow the investigative process as outlined in 49 CFR 40.25.

Applicants, and employees intending to transfer into a safety-sensitive position, are required (even if ultimately not hired) to provide MST with signed written releases requesting FTA drug and alcohol records from all previous, DOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. MST is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a DOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide MST proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. Human Resources will investigate drug and alcohol testing records of all applicants for safety-sensitive positions and employees intending to transfer to safety sensitive positions from an applicant's previous DOT employers over the past two years per departmental procedures in accordance with 49 CFR Part 40.25.

When a transferee or applicant has previously failed or refused a DOT drug and/or alcohol test, the individual must present to MST proof of having successfully completed a referral, evaluation and treatment plan under a substance abuse professional in accordance with the requirements in 49 CFR Part 40, Subpart O.

Each applicant/transferee must undergo drug testing after a contingent offer of employment or transfer. Transferees and applicants may not perform safety sensitive functions until employment drug testing is administered with verified negative results. An employee may not transfer to a safety sensitive position from a non-safety sensitive position until employment drug testing is administered with verified negative results.

In the event a drug test is considered a "cancelled test"~~—or results are "invalid"~~, the transferee or applicant must retake the drug test with verified negative results before being permitted to start a safety sensitive position.

Applicants who have not been placed in a safety sensitive position within 90 consecutive calendar days of their initial employment drug test, and were not included within the random testing pool during that time, will be required to re-take the drug test and have verified negative results before starting a safety sensitive position.

Employment testing will also be performed whenever a covered employee has not performed a safety-sensitive function for 90 consecutive calendar days, regardless of the reason, and has not been in the random selection pool during that time period. The employee may resume safety-sensitive duties after MST receives verified negative drug test results.

Random Testing: The purpose of random testing is to serve as a strong deterrent to prevent employees from beginning or continuing drug use or alcohol misuse and to assist in protecting the safety of the public, co-workers and the employee.

All covered employees are required to participate in the random testing program for drugs and alcohol. MST will test employees performing safety sensitive functions in accordance with FTA required minimum testing percentages. (See Addendum C of this Policy.)

Random testing is required by FTA to be conducted during all time periods when safety-sensitive functions are performed and shall be unannounced and unpredictable. MST's random testing will be conducted concurrent with safety sensitive duties being performed, seven days a week, and holidays.

A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use any time while on duty.

MST utilizes, through its third party administrator (TPA), a drug and alcohol software Random Number Generator program that is in compliance with FTA regulations. This software program maintains all drug and alcohol selection test records and notifies the appropriate MST personnel in a secured e-mail system on the first of each month.

Random selection is performed monthly. At the end of each month, the Human Resources Administrator/Generalist or their designate supplies the current list of safety sensitive employees who are classified as "active" (working with pay) to the TPA. All employees who are on Workers' Compensation, Short & Long Term Disability, Leave of Absence or extended time off of more than 30 days are removed from the selection process therefore removing those names from the pool list. The Random Number Generator program performs an automated selection from the "active" pool for the selection period from the first of the next month to the end of that month.—

The notification process is managed by the HR department. The employees selected are then spread out throughout the Agency's hours of operation. The Human Resources Administrator/Generalist correlates the safety sensitive employee's work schedule with the date and time the notification will commence. Notification is handled by the Communications Center and appropriate Transit Supervisors. Employees selected for random testing are identified by employee name, company identification number and responsibility safety sensitive code.

To assure that the random program is protected from unofficial entry, only authorized personnel have access to selected monthly random personnel. The integrity and confidentiality of the program is maintained through password protection and limited program access. All passwords

for the drug and alcohol program are assigned and maintained solely by the Director of Human Resources-Risk Management, Human Resources Administrator/Generalist and the Safety/Training Officer. Access to any drug and alcohol record can only be viewed by the staff members listed above. If any of the authorized personnel listed above are in the random pool list they will be eliminated from the initial TPA notification until such time as the names are verified by the Human Resources Administrator/Generalist/Director of HR and their name(s) are not selected for that month.

As required by FTA regulation, the random testing process occurs throughout the workday and throughout the selection period.

If the employee is available for testing during their work shift, the safety sensitive employee will be informed that s/he has been selected for random testing with minimal notice given prior to testing. The employee will be informed of what type of testing is to be performed, will immediately cease performing the safety-sensitive function and will be required to immediately to report to the collection site.

Every effort will be made to test all individuals that have been selected within each random selection period. Logistical difficulties, operational requirements, or complicating personnel issues that make the testing process more difficult are not acceptable reasons to prevent testing. When an employee is not available for random testing during the selection period, the supervisor will provide written documentation to the Human Resources Administrator/Generalist and/or Safety Training Officer in the Administrator/Generalist's absence with the reason testing was not performed.

Reasonable Suspicion Testing: The purpose of reasonable suspicion testing is to provide a method to identify drug and/or alcohol affected employees who may pose a danger to themselves and others in their performance of safety sensitive functions.

Reasonable suspicion testing will be performed when a supervisor(s), or other District official(s), who has been trained in detecting the signs and symptoms of drug use or alcohol misuse, believes that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. FTA regulations require that all supervisors undergo a minimum of 60 minutes of training on the signs and symptoms of drug use and an additional 60 minutes of training on the signs and symptoms of alcohol misuse before being qualified to make reasonable suspicion determinations.

The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

The covered employee will be informed of the reason for testing and, under the sole authority of MST, will be transported for testing immediately after the supervisor completes valid documentation.

Alcohol testing must be based on observations and documented as noted above and testing shall be performed only if the observations were made while the covered employee was performing safety sensitive functions, just before the employee was to perform safety sensitive functions or just after the employee had ceased performing such functions.

If **alcohol testing** is not performed within 2 hours following the determination to test, a written statement will be made on the reasonable suspicion document explaining why the testing could not be performed. This documentation will be sent to and maintained by the Wellness Program

staff. If a test is not administered within 8 hours following the determination to test, the supervisor will cease attempts to administer the test. A statement will be added to the reasonable suspicion document explaining why testing could not be conducted within 8 hours.

Post Accident Testing: The FTA regulations require drug and alcohol testing in the case of certain ~~mass public transit~~ accidents. Post accident testing is mandatory where there is a loss of life and for some non-fatal accidents, as indicated below. In the event of a non-fatal accident, according to the FTA, the burden rests with MST to prove that an employee did not contribute to the accident and therefore can be dismissed from testing.

In the event of a fatality, all surviving covered employees operating ~~or on duty in the mass~~the public transit transportation vehicle at the time of the incident will be subject to FTA drug and alcohol testing.

In addition, all other covered employees whose performance may have contributed to the accident, as determined by MST using the best information available at the time of the decision, are subject to FTA drug and alcohol testing.

In the event of a non-fatal accident (collision), FTA drug and alcohol testing is required when:

- one or more individuals suffer bodily injury and immediately receives medical treatment away from the scene of the accident;
- ~~when a bus, paratransit vehicle or~~when any vehicle involved receives "disabling damage".

All covered employees operating ~~or on duty in the mass~~the public transit transportation vehicle will be subject to FTA drug and alcohol testing unless their performance can be completely discounted by MST as a contributing factor based on the best information available at the time of the decision. In addition, all other covered employees whose performance may have contributed to the accident, as determined by MST using the best information available at the time of the decision, are subject to FTA drug and alcohol testing.

The decision to not administer a post-accident drug and alcohol test under FTA requirements shall be based on the investigating person's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including use of ~~the a~~ Decision Checklist for Post-Accident Drug and Alcohol Testing Form. The Form will be kept with the accident information,

The FTA specifically requires that post accident testing be administered as soon as practicable following an accident. Every attempt should be made to complete **alcohol testing** within two (2) hours of the accident. When it is not possible to perform testing within the two (2) hour limit, the supervisor is required to document the reasons. Every effort should be made to continue to attempt to perform alcohol testing. When it is not possible to obtain a breath specimen within eight (8) hours, the supervisor will cease attempting and update the two (2) hour report. Alcohol use is prohibited by any covered employee required to take a post accident alcohol test for 8 hours or until alcohol testing is performed, whichever occurs first after the accident.

The **drug testing** time limit is a maximum of 32 hours post accident. The supervisor will provide written documentation whenever testing cannot be performed within the specified time limit and cease further attempts at testing.

A covered employee who is subject to post accident testing shall remain readily available for testing. If he or she leaves the scene of the accident without notifying the investigator in charge

or is not readily available for testing, it will may be considered that the employee has refused to submit to testing.

The requirements to perform drug and alcohol testing should in no way require the delay of necessary medical attention or interfere with a law enforcement investigation.

MST may use the post accident test results of a blood, urine, or breath test for the use of prohibited drugs or alcohol misuse, conducted by Federal, State, or local officials having independent authority for the test, provided that the test conforms to the applicable Federal, State, or local testing requirements, and that the test results are obtained by MST. Such test results may be used only when MST is unable to perform a post-accident test within the required period noted in 49 CFR Part 655.44(a) and (b).

Return to Duty and Follow up Testing: MST has a zero tolerance policy resulting in the termination of employment for any employee who has refused to test, has had a verified positive drug test result, has had a breath alcohol concentration (BAC) of 0.04 or greater or has been involved in any other activity that violates DOT/FTA regulations including refusal to submit to testing.

A . New Hire "Following the Employee" Testing

According to 49 CFR Part 40 Subpart O, new hires that have had positive drug and/or alcohol tests at a previous DOT regulated employer and have successfully completed the return-to-work process as required will continue the return-to-duty and follow-up testing plan as prescribed by the Substance Abuse Professional. This will assure that the requirements of the SAP's follow-up plan "follows the employee" to subsequent employers or through breaks in service as noted in §40.307(e).

The previous employer's SAP must present MST's designated Human Resources staff member with any pertinent information regarding the employee's rehabilitation compliance and release to return to duty, including a follow-up testing plan outlining the number and frequency of unannounced testing. Federal regulations mandate at least six (6) follow-up tests in the first twelve (12) months following the employee's return to safety sensitive duties. However, more testing may be required based on the SAP's assessment. Follow-up testing can be continued for up to sixty- (60) months after return to work. The SAP, following the employee's successful completion of the mandatory testing requirements the first year, may terminate follow-up testing. Follow-up testing is in addition to the other required drug and alcohol testing as described in this policy.

B. . Follow-up Testing Requirements

Follow-up testing must be performed as recommended in the SAP's testing plan. If testing is not performed as outlined, the subjected employee will not be permitted to perform safety-sensitive functions.

A follow-up test that has been determined by the Medical Review Officer as "cancelled" is not considered a completed follow-up test and must be recollected. Under MST's Zero Tolerance policy, any employee in the follow-up testing program who subsequently tests positive for either drug or alcohol will be subject to immediate discharge.

IX. TESTING PROTOCOLS

Alcohol Testing: Breath alcohol testing will be conducted on safety sensitive employees per the procedure outlined in 49 CFR Part 40. In order to protect the integrity of the breath testing

process, MST will utilize collection sites that have Evidential Breath Testing Devices (EBT's) that meet National Highway Traffic Safety Administration (NHTSA) approval. The testing equipment must provide triplicate printed results, assign unique and sequential test numbers, and print the manufacturer's name for the device, the device's serial number and the time of the test.

MST will only utilize certified Breath Alcohol Technicians (BAT) to perform alcohol testing. The BAT will be trained to proficiency in the operation of the EBT and in the alcohol testing procedures in 49 CFR Part 40, Subpart J. To protect the security of the testing site and process, the breath alcohol testing location must afford privacy, not permit unauthorized persons access, and EBT must be stored in a secure location. The BAT will protect the testing process by testing only one employee at a time, complete the entire alcohol test procedure before starting another process on another employee and not leave the testing site until the procedure is completed as described in 49 CFR Part 40, Subpart K.

FTA requirements provide authorization for testing for alcohol and taking action on the findings, regardless of whether the alcohol ingested was from beverage alcohol or in a medicinal or other preparation.

The alcohol testing procedure is outlined in Addendum F.

Drug Testing: Following FTA regulations as amended in Part 40, urine drug testing will consist of testing for marijuana, cocaine, opiates (heroin 6-AM, codeine, and morphine), phencyclidine and amphetamines (amphetamine and methamphetamine, MDMA, MDA, MDEA). Testing procedures will consist of specimen collection, laboratory testing, Medical Review Officer review and SAP referral, if needed.

MST is committed to insuring both the accuracy of testing procedures and the confidentiality of test results. Accordingly, MST will employ only laboratories certified by the Department of Health and Human Services (DHHS) that utilize state-of-the-art technology, follow accepted chain of custody procedures, and strictly preserve confidentiality of all test results. MST has contracted with a certified laboratory to perform drug testing and a secondary laboratory to perform split sample testing. (See Addendum B) The contracted laboratory testing service will meet all the requirements as noted in 49 CFR Part 40, Subpart F.

MST reserves the right to select other collection sites as warranted for Drug & Alcohol testing as long as those sites meet DOT 49 CFR Part 40 specimen collection requirements. Collection site personnel will meet the training and qualification standards for drug specimen collection as specified in 49 CFR Part 40 Subpart C. MST will review and authorize any change in contractor's collection sites.

Collections will be performed in accordance with 49 CFR part 40 Subpart D and E. (See Addendum E.) In order to protect the security and integrity of the urine collection, each site will provide a privacy enclosure for urination, a toilet, a suitable clean writing surface and a water source outside the private enclosure for hand washing. Access to each collection area will be restricted during specimen collection and either secured or visually inspected before specimen collection. A blue dye will be used in each toilet and all other water sources will be inoperable or secured. These procedures will be monitored by designated Human Resources personnel on a routine basis to assure integrity of the testing process.

The drug collection process is outlined in Addendum E. Laboratory cutoff values are noted in Part 40 as amended.

Medical Review Officer: In accordance with FTA regulations, when a drug test results in a confirmed positive, adulterated, substituted, or invalid drug test, the employee will be contacted by the Medical Review Officer (MRO). The Medical Review Officer will interpret the employee's confirmed positive test by the following method:

- Review the individual's medical history;
- Afford the employee an opportunity to discuss the test result;
- Decide whether there is legitimate medical explanation for the result;
- Inform the employee that s/he has 72 hours in which to request a test of the split sample; (This time period is inclusive of all weekends and holidays.)
- Inform the employee how to contact the MRO by providing telephone numbers or other information that will allow this request;
- Inform the employee that if the request is made within this 72 hour timeframe MST will ensure that the testing will occur;
- Inform the employee that the cost of the testing is not required to be paid by the employee but MST may request and expect reimbursement;
- Inform the employee that additional testing of the specimen (e.g. DNA testing) is not authorized

Medical Review Officer services are provided by contract with a certified physician who meets the qualifications and follows the protocols as defined by 49 CFR Part 40 Subpart G, and H. (See Addendum B.)

Observed Collection Procedure: Direct observed collection will be performed immediately with no advanced warning under DOT requirements when:

1. The collector identifies a donor's attempt to alter or tamper with their specimen;
2. A specimen test result is reported as invalid because there is no adequate medical explanation for the result;
3. When a positive, adulterated or substituted test result is reported as a cancelled test because testing on the split specimen could not be performed;
4. The temperature of the specimen falls out of the range of 90 - 100° F.

The collection site will immediately notify MSTs DER of the occurrence and perform a second collection by direct observation. Every observed collection will be conducted by a person of the same sex as the donor. An observed collection will be performed immediately upon detection, and all specimens collected will be sent for analysis. The reason to perform direct observation collection will be provided to the employee by the collector.

Beginning November 1, 2008 (barring any delays) direct observation will be required for **all** return to duty or follow-up tests.

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Dilute Specimen Procedure: The following procedure will be followed regarding specimens that are reported as "dilute":

- When MST is notified by the MRO that a positive drug test is dilute, the test will be treated as a verified positive test. The employee will not be directed to provide another test under a direct observation. If a MST employee receives a negative, dilute test result with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, the MRO will direct MST to do a second collection immediately by OBSERVED collection. The employee will be directed to report for re-testing immediately. The result of the second collection will be the test result of record. If the

second collection is also negative and dilute, unless directed by the MRO to perform another observed collection, the test result will stand as negative, dilute.

- If a MST employee receives a negative, dilute test result with a creatinine concentration greater than 5 mg/ml, and the MRO has not directed MST to perform an observed collection, the result will be treated as a verified negative test. The employee will not be directed to provide another test.
- If a MST employee declines to take a second test as requested, the employee has refused testing.

X. DISCIPLINARY CONSEQUENCES OF PROHIBITED DRUG USE AND MISUSE OF ALCOHOL

Under FTA regulations, unless otherwise stated, discipline for policy violations shall be determined by the employer.

MST requires all employees to be free of prohibited drugs and alcohol when performing a safety sensitive function. FTA requires that any safety-sensitive employee that receives a verified positive drug test; has a breath alcohol concentration of 0.02 or greater; or refuses to submit to testing must be immediately removed from performing all safety sensitive functions. Any safety-sensitive employee that receives a verified positive drug test result; has a breath alcohol concentration of 0.04 or greater; or refuses to submit to testing must be provided a listing of a locally available Substance Abuse Professional (SAP) trained and qualified in accordance with the requirements in 49 CFR Part 40.

For Positive Alcohol Test Results: When an employee receives confirmatory alcohol test results within the prohibited time frames, the following disciplinary action will occur:

A confirmed Breath Alcohol Content (BAC)
of 0.04 or greater:

Immediate Termination

A confirmed Breath Alcohol Content (BAC)
of 0.02 or greater but less than 0.04

The employee will be immediately removed from his/her safety-sensitive duties. The employee will remain off duty until their next scheduled duty period, but not less than 8 hours following the administration of the test. Under MST authority, prior to returning to duty, the employee will be retested for alcohol, using non-DOT testing forms. The breath alcohol concentration must be less than 0.02 before the employee may return to duty.

Disciplinary Consequences for a Positive Test for Prohibited Drugs: Prohibited drugs are marijuana, cocaine, opiates, phencyclidine and amphetamines. Based on MST's Zero Tolerance Policy, the following disciplinary action applies:

Job Applicants

Not Hired

Employee:

Immediate Termination.

Disciplinary Consequences For Prescription Drugs: Per FTA regulation, amphetamines and opiates are prohibited at all times. A valid prescription for these medications will not exempt the employee from the disciplinary consequences as noted below. Employees are

reminded that if medications with opiates or amphetamines are prescribed by their physician, they should not perform safety sensitive duties until the medication is no longer detectable in their systems. Therefore, when an employee tests positive for these specific drugs, the following disciplinary action applies:

Job Applicants:

Not hired

Employees:

Immediate Termination

Although FTA regulations do not mandate employees that perform safety-sensitive functions to report prescription medication use, it is imperative that employees recognize that prescription medications and certain over-the-counter medications may affect their ability to perform their job duties. It is the responsibility of each covered employee to inform their physician about the type of job duties that they perform and to be aware of the effect drugs may have on the performance of their job.

Disciplinary Consequences For A Commercial Driver's License Suspension Due To A DUI Conviction:

Under the sole authority of MST, Any safety-sensitive employee who has been arrested for DWI/DUI will be suspended for a maximum period of 30 days and will not be permitted to operate any MST vehicle, under any circumstances, until there is a disposition by the courts. If the employee has not settled the charge by the end of 30 days, they will be separated from employment with MST.

In the event a safety sensitive employee is convicted of a DWI/DUI, whether such a conviction stems from the operation of a MST vehicle or a privately owned vehicle, the consequence will be separation from of employment with MST.

Other Disciplinary Consequences:

The Drug Free Workplace Act, Federal Regulation 49 CFR Part 29 requires that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on MST property. Furthermore, it is a violation of District rules as well as State and local laws. Any employee violating provisions of the Drug Free Workplace Act will be subject to immediate discharge and criminal prosecution.

Pursuant to the Drug Free Workplace Act, any employee convicted of a drug violation occurring in the MST workplace is required to report the conviction in writing to his/her supervisor and the Safety Training Officer no later than five (5) calendar days following his/her conviction. MST will notify the FTA within ten days of receiving notification from the employee. Failure by the employee to report any such conviction will result in termination of employment with MST. Compliance to the Drug Free Workplace Act of 1988 is required of all recipients of Federal funding and is a condition of employment for all MST employees to abide by its terms.

Behaviors that constitute a test refusal: As noted in 49 CFR Part 40 Subpart I, any of the following behaviors constitute a refusal to submit to drug and/or alcohol testing:

- Verbal or written refusal by any employee to submit to urine and/or breath test
- Refusal to sign the certification in Step 2 of the DOT Alcohol Testing Form (ATF);
- In the case of a directly observed or monitored collection in a drug test, Refuses to submit permit the direct observation or monitoring the specimen to a directly observed collection;

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- Failure to follow the observer's instructions during an observed collection, including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- Admit to the collector or MRO that you adulterated or substituted the specimen;
- Refusal by an employee to submit to a second test when requested by MST, the MRO, or the collector;
- Failure of the employee to remain at the testing site until collection is complete;
- Any employee who has an MRO-verified adulterated or substituted drug test result;
- Failure to undergo a medical examination or evaluation for either shy bladder and/or shy lung, as directed by the MRO or MST;
- Any employee who fails to provide sufficient quantities of breath or urine without valid medical explanation ~~by an Authority designated physician acceptable to the MRO;~~
- Refusal to provide urine specimen by an employee who normally voids by utilization of self-catheterization, but declines to do so; Failure to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations;
- ~~Any employee whose conduct prevents the completion of required drug and/or alcohol test;~~
- Failure of any employee to ~~comply with the directions of the collector~~ cooperate with any part of the testing process (e.g., refusing to empty pockets, refusing to leave outer garments, purses, briefcases in a secured location prior to obtaining a specimen);
- Any employee who does not report to the collection site ~~in the allotted time~~ immediately;
- Any employee subject to post-accident testing who fails to remain readily available for such testing, including notifying the employer or the employer representative of his or her location if he or she leaves the scene of the accident prior to submission to such test.

Form:
0.5", E
Indent

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Form:
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All of these actions constitutes a refusal and have the same consequences as a positive test. The employee will be immediately terminated under MST's policy.

It is MST's policy that any employee who attempts to tamper with or alter a specimen or obstruct the collection procedure will be immediately terminated.

XI. ACTION TO BE TAKEN UPON RECEIPT OF POSITIVE TEST RESULTS OR REFUSAL TO TEST

Specific action will be required when a covered employee has a verified positive drug test and/or a confirmed alcohol test result of 0.02 or greater.

When positive drug results are received from the MRO, the designated Human Resources staff member will immediately notify the appropriate authorized supervisor and manager. The covered employee will be immediately removed from the safety sensitive position and referred to the SAP. Under the sole authority of MST, ~~the~~ the appropriate disciplinary action will be implemented as outlined by this policy.

When a positive alcohol result of 0.042 or greater has been confirmed using an EBT, the covered employee will not be permitted to return to service and will be referred to the SAP. Under the sole authority of MST, ~~the~~ the appropriate disciplinary action will be implemented as

outlined in this policy-Section X. It is the policy of MST that ~~the~~ covered employee will not be permitted to drive their own vehicle and an alternate means of transportation will be utilized.

If a covered employee refuses to submit to drug or alcohol testing, the employee will be immediately removed from their safety sensitive position and referred to the SAP. Under the sole authority of MST, ~~and~~ appropriate disciplinary action will be implemented as outlined in this policy-Section X.

XII. CONFIDENTIALITY AND RELEASE OF INFORMATION

According to §40.321, §40.323 and §655.73, the release of individual test results or medical information is to be limited to those persons who are on a need-to-know basis. Designated Human Resources staff is prohibited from releasing test results or medical information about an employee to third parties without the employee's specific written consent.

A "third party" is any person or organization to whom other subparts of this regulation do not explicitly authorize or require the transmission of information in the course of the drug or alcohol testing process.

"Specific written consent" means a statement signed by the employee that he/she agrees to the release of information to a particular, explicitly identified person or organization at a particular time. "Blanket releases" in which an employee agrees to release a category of information (e.g., all test results to all news media) are prohibited under this part.

All positive results will be reported to the designated Human Resources staff member(s), including the DER. The designated staff member(s), upon notification of positive results for drug and/or alcohol or refusals to test, will notify the authorized facility supervisor only. The authorized supervisor will proceed with the necessary disciplinary action as described in this policy according to current practices.

Drug and alcohol test information will be released without the employee's consent in certain legal proceedings as follows:

- A lawsuit such as a wrongful discharge, grievance or arbitration concerning disciplinary action taken by the employer or an administrative proceeding such as an unemployment compensation hearing brought by, or on behalf of, an employee and resulting from a positive DOT drug or alcohol test or a refusal to test.
- Criminal or civil action resulting from an employee's performance of safety-sensitive duties when a court determines that drug and/or alcohol test information is relevant to the case. The employee will be notified immediately by MST of the information released.

Drug and alcohol information will be released to the employee only by written consent. The employee will send all written requests to the Human Resources Administrator/Generalist and/or designated authorized personnel noted in Addendum B.

Drug and alcohol information will be released without written request from the employee when information is requested by any DOT agency representatives, the National Transportation Safety Board and any Federal, state or local safety agency with regulatory authority over MST.

XIII. RECORDS MANAGEMENT

According to §40.333 and §655.71 the following minimum record retention schedule shall be maintained by MST's Wellness Program staff.

All records associated with the Drug and Alcohol Program will be secured in a locked cabinet within a locked file room in the Human Resources Department. Access to these documents will be limited to the designated Human Resources staff member(s). Information will be provided to specific persons within MST, such as Internal Audit personnel, Legal personnel, Labor Relations personnel and Worker's Compensation personnel, for proceedings requiring release of record information. Request for records from an outside source such as news media or outside legal counsel will require adherence to the confidentiality of records portion of this policy.

RECORDS RETENTION SCHEDULE

RECORD	RETENTION PERIOD
<ul style="list-style-type: none"> Alcohol test results of 0.02 or greater Verified Positive drug test results Documentation of refusals to take drug or alcohol test SAP reports of employee evaluation & referrals Follow-up tests & schedules Documentation of employee disputes Evidential Breath Device Calibration documentation Annual MIS reports 	5 year retention
RECORD	RETENTION PERIOD
<ul style="list-style-type: none"> Information obtained from previous employers under §40.25 concerning drug and alcohol test results of employees 	3 year retention
<ul style="list-style-type: none"> Collection log books Random selection records Documentation supporting reasonable suspicion testing Documentation generated for decisions on post accident testing MRO documents verifying a medical explanation for shy lung or shy bladder Employee training materials on drug & alcohol including a copy of the policy Training logs with names, dates & times Supervisor training for reasonable suspicion Credentialing documentation from service agents 	2 year retention
<ul style="list-style-type: none"> Records of negative drug & alcohol tests 	One year retention

ATTACHMENTS

Addendum A	Safety Sensitive job classifications
Addendum B	MRO, SAP, Laboratory, Collection sites and Program staff
Addendum C	Annual Random Testing Rates
Addendum D	Laboratory Testing Limits
Addendum E	Drug Testing Procedure
Addendum F	Alcohol Testing Procedure

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ADDENDUM A

SAFETY SENSITIVE JOB CLASSIFICATIONS

The following job classifications have been reviewed by Compensation and Human Resources personnel within the Human Resources Department. Personnel performing the job functions within these identified job classifications have been determined to meet the FTA criteria and are classified as safety-sensitive.

The numeric code for each type of safety-sensitive function has been assigned as follows:

- Operates a revenue service vehicle whether in or out of service 001
- Maintains a revenue service vehicle or maintains equipment used in revenue service 002
- Controls dispatch or movement of a revenue service vehicle 003
- Operates a non-revenue vehicle requiring a CDL 004

Title	SS code
Coach Operator	001
Operations Supervisor	004
Sr. Operations Supervisor	004
Communication Systems Manager	003
Communication Systems Specialists	003
Director of Transportation Services	003
Risk and Security Manager	001
Assistant General Manager/COO	001
Contract Transportation Manager	001
Fleet Manager	001
Maintenance Supervisors	001
Master Mechanic	001
Mechanic Advanced	001
Mechanic – Revenue Equipment	001
Mechanic Entry	001
Mechanic Assistant	001
Facilities Maintenance Technician	004
Sr. Utilities Person	004
Utility Service Persons	001
Facilities Supervisor	004
Special Projects/Facilities Manager	004
Safety/Training Officer	001
IT Technician	002
Operations/Maintenance Analyst	004
Utility Service/Custodian	004
Total Positions Covered	25

ADDENDUM B

SERVICE VENDORS & PROGRAM STAFF

Medical Review Officer (MRO) –

Dr. Nahin
i3Screen
PO Box 17269
Denver, CO 80217
(877) 585-7366

Substance Abuse Professional (SAP)

Richard Kiskis
1071 Pajaro
Salinas, CA
(831) 449-9002

Laboratory Drug Testing

MedTox Laboratories, Inc.
402 West County Road D
St. Paul, MN 55112

Collection Site

Monterey Locations:

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

Monterey Bay Urgent Care

245 Washington Street
Monterey, CA 93940
(831) 372-2273

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

Community Hospital Laboratory

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

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

Salinas Locations:

For Pre-Employment/Post-Offer, Reasonable Suspicion, Random and Post Accident Alcohol and Drug Testing as determined by the D&A Administrator:

WorkWell Medical Group

831 South Main Street
Salinas, CA 93901
(831) 920-4168

Hours of operation:

8:00 a.m.- 6:00 P.M. hours, Monday-Friday

Saturday - 9:00 A.M. – 5:00 P.M.

Sunday – 9:00 A.M. – 5:00 P.M.

MST Drug & Alcohol Program Administration

Safety/Training Officer, *DPAM*

Monterey-Salinas Transit

One Ryan Ranch Rd.

Monterey CA 93940-5703

(831)758-3563

Human Recourses Generalist, *DER*

Monterey-Salinas Transit

One Ryan Ranch Rd.

Monterey CA 93940-5703

(831)393-8161

Director of Human Resources-Risk Management – Oversight

Monterey-Salinas Transit

One Ryan Ranch Rd.

Monterey CA 93940-5703

(831) 393-8114

Employer Assistance Program

WorkLifeMaters – *Integrated Behavioral Health (IBH)* 24 hours a day, 7 days a week

(800)386-7055

www.ibhworklife.com

ADDENDUM C

ANNUAL RANDOM TESTING RATES

The annual random testing rates are posted in the Federal Register each year (usually December) the testing rates effective for all DOT regulated entities for the next year. The rates listed below are the current random drug and alcohol testing rates and will be updated when the rates are changed.

- At least 25% of the total number of safety sensitive employees will be drug tested.
- At least 10% of the total number of safety sensitive employees will be alcohol tested.

ADDENDUM D

LABORATORY TESTING CUTOFF LEVELS

Laboratory Testing Cut-off Limits for the Minimum Quantity of Drug Detected

The cutoff levels adhere to the Part 40 as amended.

ADDENDUM E

DRUG TESTING PROCEDURES

Urine Specimen Collection Process

Urine specimen collection will adhere strictly with 49 CFR part 40 Subparts C, D, and E. Outlined below is the collection procedure however; any technical interpretation will be based on the actual regulation.

1. The testing process will begin upon entry to the collection site without undue delay. For pre-employment testing, the testing process is not considered to have begun until the individual has been provided with a specimen collection cup by the collector.
2. If an alcohol test is also required in conjunction with the drug test, alcohol testing will be performed prior to the drug screen collection.
3. Employee identification will be verified by a photo ID using either a valid Driver's license or MST Identification card. If the employee does not have identification, the collection site will contact the DER to verify the identity of the employee. It is MST's policy that the collection site takes a photo for identification purposes. If the employee's identity cannot be verified, a specimen collection cannot be conducted.
4. The collection process will be explained to the employee.
5. The employee will be requested to remove outer clothing such as coat, sweater, jacket, hat or coveralls. All clothing and personal items such as a briefcase, cell phone, purse or other items will be placed in a secure location. Although the employee will not be required to remove all clothing, he/she will be directed to display the contents of pockets to ensure that no items are present which could be used to adulterate or tamper with their specimen.
6. Prior to collection of the specimen, Step 1 of the custody and control form will be completed by the collector.
7. The employee will then be instructed to wash and dry his or her hands.
8. The employee will be provided a specimen container and directed to a secured restroom to provide a specimen.
9. The minimum specimen amount is 45 ml. If there is insufficient volume, the specimen collected must be discarded. At no time is it permitted to combine urine collected from separate voids to create a sufficient specimen. The employee has up to three (3) hours to provide a single specimen of at least 45 ml and may drink up to 40 ounces of water throughout the waiting period in order to provide a specimen. The employee will be notified when the three (3) hour period begins and when it will end. The three (3) hour period begins with the first unsuccessful attempt to provide a specimen. It is not considered a refusal if the employee chooses not to drink the 40 ounces of water. Failure to provide a specimen within the allotted time period will result in evaluation under the "shy bladder" procedure. The employee will be immediately placed on administrative leave until the shy bladder evaluation is complete.
10. The temperature of the specimen will be obtained within 4 minutes after the specimen collection and the acceptable temperature range must be between 90° to 100° F.
11. The collector will pour the sample into two collection bottles, one bottle will contain at least 30 ml and the second bottle (the split) will contain at least 15 ml. This process will be performed in front of the employee.

12. In the presence of the employee, the collector will seal each bottle and then affix tamper-evident labels over each bottle. The collector will date each tamper-evident label and the employee will initial the bottle labels. With the sealed bottles in view of the employee, the employee will be instructed to wash and dry their hands.
13. The Custody and Control Form will be completed with the appropriate signatures, employee printed name, signature, birth date and current date.
14. The appropriate portion of the custody and control form along with the primary sample and the split sample will be placed in a single shipping container and placed in secure storage until laboratory pick up.

"Shy Bladder" evaluation will be performed when an employee is unable to provide at least 45 ml of urine within three (3) hours and being provided no more than 40 ounces of water. The procedure that will be utilized will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart I, specifically §40.193 and §40.195. Outlined below is the process that will be utilized however, any technical interpretation will be based on the actual regulation.

1. All specimens of insufficient quantity that have been collected will be discarded unless the specimen was out of temperature range or it showed evidence of adulteration or tampering.
2. The collection procedure will be discontinued after 3 hours and documented on the custody and control form. The collector must notify the DER and the MRO within 24 hours however, it is expected that each collection site will notify the DER immediately and will send the custody and control form with the documentation within the 24 hour period.
3. MST DER will consult with the MRO, and a licensed physician acceptable to the Third Party Administrator will be selected. The employee must be referred to the selected physician and evaluated by the physician within five (5) days of the occurrence. DER will contact the employee with the selected physician's name, location and date of the evaluation.
4. The employee will be placed on administrative leave pending medical results.
5. The MRO shall confer with the evaluating physician and will provide the DER with a written determination as soon as it is made.
6. If it has been determined that a medical condition exists, the test will be considered "cancelled" and the employee resumes working.
7. If it has been determined that no medical condition exists, the test will be considered a "refusal to test". The employee will be terminated and referred to the SAP.

ADDENDUM F

ALCOHOL TESTING PROCEDURES

Breath Alcohol Collection Process

Breath alcohol testing will adhere strictly with 49 CFR Part 40 Subparts J, K, L, M and N. Outlined below is the testing procedure, however, any technical interpretation will be based on the actual regulation.

1. The testing process will begin upon entry to the collection site without undue delay.
2. Alcohol testing takes precedence over drug testing and will be performed before the drug screen collection.
3. Employee identification will be verified by a photo ID using either a valid California Driver's license or MST Identification card. If the employee does not have identification, the collection site will contact the DER or other authorized Human Resources staff member to verify the identity of the employee. It is MST policy that the collection site takes a photo for identification purposes. If the employee's identity cannot be verified, a specimen collection cannot be conducted.
4. After testing procedures are explained to the employee, the BAT (Breath Alcohol Technician) will complete Step 1 of the Alcohol Testing Form (ATF) and the employee will complete Step 2 and sign the certification. A refusal by the employee to sign Step 2 of the ATF is a refusal to test.
5. The employee will select or the BAT will select a individually wrapped disposable mouthpiece. The BAT will insert the mouthpiece into the testing device.
6. The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
7. If the employee does not provide a sufficient amount of breath, the employee will be instructed to attempt again to provide a sufficient amount of breath. If the employee fails after this attempt, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in the employee being directed to undergo a medical evaluation for "Shy Lung". The employee will be immediately placed on administrative leave until the shy lung evaluation is complete.
8. After successful completion of the testing, the employee will be shown the results.
9. When the results of the test are a breath alcohol concentration of less than 0.02, the test will be considered negative. The BAT will sign and date Step 3 on the Alcohol Testing Form and transmit the information to the designated Human Resources staff member in a confidential manner.
10. When the results of the test are a breath alcohol concentration 0.02 or greater, a confirmation test must be performed. The confirmation test must be conducted after a waiting period of at least 15 minutes, but not more than 30 minutes, after the completion of the initial test.
11. During the waiting period for confirmation testing, the employee will be instructed by the BAT not to eat, drink, smoke or place anything in his or her mouth or belch. The BAT will inform the employee that the test will be conducted at the end of the waiting period even if the employee disregards instructions. The BAT will observe the employee at all times and will document any disregard of instructions in the "remarks" area of the Alcohol Testing Form.
12. Before confirmation testing, the BAT shall conduct an air blank test on the EBT. The reading should not be greater than 0.00.

13. The employee shall be shown the results of the confirmation test and the BAT will inform the transporting supervisor of the results. Based on the results, the supervisor will take appropriate action based on the criteria outlined in this policy.
14. The BAT will immediately notify the DER first, then the DPAM and if unable to contact, then a designated Human Resources staff member of results greater or equal to 0.02 BAC and send hard copy confidentially by U.S. Mail or courier.
15. In order to confirm that telephoned results are valid when received from the collection site, Medical Services personnel will call the collection site after receiving concentration results over 0.02 to confirm the results and verify the identification of the person reporting the results.

"Shy lung" evaluation will occur when an employee attempts and is unable to provide an adequate amount of breath after following the procedure outlined above. The evaluation procedure will strictly adhere to the requirements as defined in 49 CFR Part 40 Subpart N specifically §40.265. Outlined below is the process that will be utilized however, any technical interpretation will be based on the actual regulation.

1. If the employee fails after two attempts, the BAT may provide a third opportunity and may use manual testing if the BAT believes that results can be obtained. Failure after the third attempt will result in medical evaluation for "Shy Lung". When the employee has failed to provide adequate breath, the BAT will discontinue the test and note the fact on the "Remarks" line of the Alcohol Testing Form and immediately notify Wellness Program personnel.
2. If the employee refuses to make the attempt, the BAT will discontinue the test, note the fact on the "remarks" line of the ATF and immediately notify the designated Human Resources staff member. This is a refusal to test.
3. After notification from the BAT, the DER or other authorized Human Resources staff member will direct the employee to obtain, within 5 five days, an evaluation from a MST-authorized physician to determine if there is a medical reason for not being able to provide an adequate amount of breath.
4. If the examining physician determines that a medical condition exists, the employee will resume working.
5. If the examining physician determines that no medical condition exists, it will be considered a "refusal to test". The employee will be terminated and referred to the SAP.

Maria Orezeo Libby Downey
Chairman

Date

Carl Sedoryk
General Manager / CEO

Date

Louis J. Doll
Drug and Alcohol Program Manager

Date

Kelly Halcon, Director of HR/Risk

Date

FRANK SOLIZ 17 YEARS OF SERVICE

WHEREAS, Frank Soliz began his career with Monterey-Salinas Transit District in September of 1998 as a Coach Operator and in 2002 accepted the position of Maintenance Clerk.

WHEREAS, during his brief time in Operations, Frank Soliz was recognized for his safe driving, was selected to participate in the Line Instruction program, and has been repeatedly recognized for his exemplary attendance and job safety record; and

WHEREAS, Frank Soliz was recognized in 2006 for his outstanding support during the installation and implementation of the Maximus Project and again in 2007 for his outstanding efforts to maintain and support MST's fleet; and

WHEREAS, Frank Soliz was Employee of Month in March of 2013 for his superb customer service, helpful nature, can-do attitude, and high standards of performance; and

WHEREAS, Frank Soliz has been an asset to the Operations and Maintenance Department throughout his career and has been a wonderful example to those who worked with him; and

WHEREAS, after 17 years of service with MST, Frank Soliz retired on March 27, 2015.

THEREFORE, BE IT RESOLVED that the Board of Directors of Monterey-Salinas Transit recognizes and congratulates Frank Soliz for his outstanding service to MST; and

BE IT FURTHER RESOLVED the Board of Directors expresses its sincere gratitude to Frank Soliz and wishes him continued success and a satisfying retirement.

THE BOARD OF DIRECTORS OF MONTEREY-SALINAS TRANSIT
PASSED AND ADOPTED RESOLUTION 2015-33 this 13th day of April, 2015.

Libby Downey
Chairperson

Carl G. Sedoryk
Secretary

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To: Board of Directors
From: Tom Hicks, Consolidated Transportation Services Agency Manager
Subject: Mobility Advisory Committee (aka CTSA Advisory Committee)

RECOMMENDATION:

Appoint new members to your Mobility Advisory Committee.

FISCAL IMPACT:

None

POLICY IMPLICATIONS:

Your Board appoints members to the MST Mobility Advisory Committee.

DISCUSSION:

The Mobility Advisory Committee (MAC) is a standing committee of the MST Board of Directors. It makes recommendations to MST staff and the Board regarding the transit needs of seniors, veterans, persons with disabilities, low income, youth and isolated populations. The Committee acts as a liaison between MST and these communities and assures their members have input into the MST service planning process.

There are currently two vacancies on the MAC, and its current members recommend you appoint Maria Magana to fill one vacancy. Maria works for the Central Coast Center for Independent Living (CCCIL) and desires to fill the position vacated by her predecessor at CCCIL. Therefore, pursuant to the MAC by-laws (3.4: Vacancies/Removal), the MAC submits for your approval the nomination of Maria Magana

Attachment: Current MAC member roster

PREPARED BY: 
Tom Hicks

REVIEWED BY: 
Carl G. Sedoryk

ATTACHMENT 1

N	MEMBER	ALTERNATE	ORGANIZATION	ADVOCACY
1	Kate Spacher	Kasuko Wessendorf	Interim, Inc.	Adult Mental Health Services
2	Sam Travino	Kathleen Murry-Phillips	Area Agency on Aging	Seniors
3	Rena Weaver	Jacque Johnson	Blind and Visually Impaired Center	Blind and Visually Impaired
4	Ronn Rlgg		United Way – 211 Program	I & R – Emergency Services
5	Teresa Sullivan	Robert Garcia	Alliance on Aging	Seniors
6	Maureen McEachen		Visiting Nurses Association	Nonprofit Health Care Provider
7	Melissa McKenzie		Carmel Foundation	Senior Services
8	Nancy Budd-Garvin		Independent Transportation Network	Nonprofit Senior Transportation Provider
9	Laurie Crosby		CSUMB Services to Students with Disabilities Office and Consumer	Transportation for Student With Disabilities and Consumers
10	Todd Muck	Virginia Murillo	TAMC	Transportation Authority
11	George Dixon		MC Military and Veterans Officer	Military and Veterans
12	William Bare		Veterans Transition Center	Veterans
13	John Hart		Veteran and Consumer	Veterans and Consumers
<u>14</u>	<u>Maria Magana (candidate)</u>		<u>Central Coast Center for Independent Living</u>	<u>People With Disabilities</u>
15	Vacant			

To: Board of Directors

From: Michelle Overmeyer, Grants and Compliance Analyst

Subject: Resolution 2015-34 CTSGP-CTAF Application Authority

RECOMMENDATION:

Approve Resolution 2015-34 authorizing the filing of a grant application with the California Governor's Office of Emergency Services (formerly California Emergency Management Agency [Cal EMA] and also formerly the Governor's Office of Homeland Security).

FISCAL IMPACT:

\$402,615 in Proposition 1B Transit Security Grant Program funds to pay for MST's safety and security capital projects.

POLICY IMPLICATIONS:

Your Board must authorize the filing of the grant application in order to secure the funding from the California Governor's Office of Emergency Services (Cal OES).

DISCUSSION:

In November of 2006, the voters of the State of California approved a series of bond measures that are now providing capital funds for several categories of projects, including public transit projects. Since the program began, the administering agency has changed from the Governor's Office of Homeland Security to California Emergency Management Agency to its current title, California Governor's Office of Emergency Services. The grant program is now called California Transit Security Grant Program-California Transit Assistance Fund (CTSGP-CTAF). The program has provided funding assistance to MST for capital purchases of onboard and facility surveillance cameras, access card readers at doorways, a new gate at CJW, and components of MST's current upgrade of the Intelligent Transportation Systems (ITS). In all, MST has received over \$2.4 Million in Homeland Security bond funds since the program began.

This fiscal year, MST is again eligible for these transit security bond funds in the amount of \$402,615. To receive these funds, the attached resolution must be approved by your Board to authorize the filing of a grant application with the California Governor's Office of Emergency Services. MST would use these bond funds for security measures such as surveillance cameras, security equipment, walls, and gates.

Attachment: Resolution 2015-34

PREPARED BY  REVIEWED BY 
Michelle Overmeyer Carl G. Sedoryk

ATTACHMENT 1

FY 14/15 CALIFORNIA TRANSIT SECURITY GRANT PROGRAM-CALIFORNIA TRANSIT ASSISTANCE FUND (CTSGP-CTAF) GRANT #6761-0002

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 authorizes the issuance of general obligation bonds for specified purposes, including, but not limited to, funding made available for capital projects that provide increased protection against security and safety threats, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems; and

WHEREAS, the California Governor's Office of Emergency Services (Cal OES) administers such funds deposited in the Transit System Safety, Security, and Disaster Response Account under the California Transit Security Grant Program (CTSGP); and

WHEREAS, Monterey-Salinas Transit (MST) is eligible to receive CTSGP funds; and

WHEREAS, MST will apply for FY14/15 CTSGP funds in an amount up to \$402,615 to purchase equipment and build structures which enhance the safety, security, and emergency response capability of MST's facilities and infrastructure; and

WHEREAS, MST recognizes that it is responsible for compliance with all Cal OES CTSGP grant assurances, and state and federal laws, including, but not limited to, laws governing the use of bond funds; and

WHEREAS, Cal OES requires MST to complete and submit a Governing Board Resolution for the purposes of identifying agent(s) authorized to act on behalf of MST to execute actions necessary to obtain CTSGP funds from Cal OES and ensure continued compliance with Cal OES CTSGP assurances, and state and federal laws.

THEREFORE, BE IT RESOLVED by the Board of Directors of MST that the General Manager/CEO or his designee is hereby authorized to execute for and on behalf of MST, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining financial assistance provided by the California Governor's Office of Emergency Services under CTSGP.

THE BOARD OF DIRECTORS OF MONTEREY-SALINAS TRANSIT
PASSED AND ADOPTED RESOLUTION 2015-34 this 13TH day of April, 2015.

Libby Downey
Chairperson

Carl G. Sedoryk
Secretary

Certification

I, Libby Downey, duly appointed and Chairman of the Board of Directors of Monterey-Salinas Transit do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Directors of Monterey-Salinas Transit on the 13th day of April, 2015.

Libby Downey
Chairman – MST Board of Directors

Signature

April 13, 2015
Date

To: Board of Directors

From: Michael Hernandez, Assistant General Manager/COO

Subject: Authorize Fuel Island Design & Engineering Contract modification

RECOMMENDATION:

Authorize a contract modification with AECOM for design and engineering services for the modification, upgrade, and expansion of MST's existing fuel island.

FISCAL IMPACT:

Not to exceed \$89,958. This work will be funded with State of California Proposition Prop 1B funds.

POLICY IMPLICATIONS:

Your Board approves expenditures over \$25,000.

DISCUSSION:

In November 2013 your Board authorized a contract with AECOM in the amount of \$1,900,000 for final design, architectural/engineering, environmental, permitting and related pre-construction services to expand and rehabilitate the Thomas D. Albert (TDA) facility located at One Ryan Ranch Road.

AECOM's scope of work for the TDA renovation and expansion project includes the redesign of existing facilities for Operations Department staff and increases the number of maintenance bus bays from three to nine. It also includes the replacement of the bus wash and increases fleet parking capacity. To the extent possible, some of the design features for this remodel project were incorporated from AECOM's original design for the Whispering Oaks facility in the former Fort Ord, which was ultimately rescinded by the County Board of Supervisors in February 2012.

MST did not include fuel island modifications or expansion in the TDA remodel project as some of the constraints for bus yard parking and impacts on fueling capacity issues were not evident in the earlier design stages. Additionally, the fueling facility designed for Whispering Oaks was a separate large building and was not similar in scope or design with the work required at TDA, as such staff opted to submit this work for competitive bid.

The major portions of the fuel island upgrade project include the expansion of the existing fuel canopy, the addition of new dispensers and a new fueling lane, the relocation of fare collection equipment, and installation of one new above ground fuel tank.

MST issued a Request for Proposal for the fuel island upgrade/expansion project in February to approximately 25 companies. AECOM was the only firm to submit a quote. The design and engineering costs submitted by AECOM are within industry standards at 18% of the estimated construction cost of \$500,000. This is also the same percentage for design/engineering fees AECOM used for the TDA renovation and expansion project.

With your Board's authorization staff will request a best and final offer from AECOM, with a final price not to exceed \$89,958 for design and engineering fees for the fuel island upgrade and expansion project.

PREPARED BY: Michael Hernandez REVIEWED BY: Carl Sedoryk
Michael Hernandez Carl Sedoryk

MST Finance Committee

Monterey Bay Unified Air Pollution Control District
Board Room, 3rd Floor, 24580 Silver Cloud Ct., Monterey

Minutes

March 2, 2015

Present: Directors: O'Connell (Chair), Stephens, Santibañez, Armenta (9:10am)

Absent: None

Staff: Carl Sedoryk, General Manager/CEO; Mike Hernandez; Asst. GM/COO; Hunter Harvath, Asst. GM of Finance and Administration; Andrea Williams, General Accounting & Budget Manager; Dave Laredo, General Counsel; Deanna Smith, Clerk to the Board

Public: None

1. Call to Order.

Director O'Connell called the meeting to order at 9:00 a.m. and roll call was taken.

2. Public Comment on Matters Not on the Agenda.

None.

3. FY 2015 Mid-Year Budget Revision.

Mr. Harvath passed out a detail of the proposed mid-year revisions to the FY Fixed and RIDES operating budgets and staffing levels, providing an explanation of changes to both projected revenues and expenses.

Public Comment – none.

Director Stephens made a motion to recommend board approval of the proposed revisions and was seconded by Director Armenta. The motion passed unanimously.

4. Update on MST Cash Flow.

Mr. Harvath informed the board that the federal government is late to reimburse MST for expenses already incurred. There have been no federal reimbursements to

date this fiscal year and staff does not expect reimbursement until September of 2015. MST is currently conducting “internal” borrowing” from its capital funds (as permitted by its auditors) to address the cash flow issue.

5. Staff and Committee Member Comments, Questions, or Referrals.

Mr. Sedoryk announced that he has been chosen to speak as part of a panel to the Senate Bank and Finance Committee on behalf of small urban/rural transit providers.

6. Adjourn.

There being no further business, Chairperson O’Connell adjourned the meeting at 9:43 a.m.

Prepared by:



Deanna Smith, Deputy Secretary

Ad Hoc Measure Q Nominating Committee

Minutes

March 31, 2015

3:00 p.m.

Present: Director(s): Pacheco, LeBarre

Absent: Director(s): Armenta

Staff: Carl Sedoryk, General Manager/CEO; Deanna Smith, Executive Assistant

Public: None

1. Call to Order.

Director Pacheco called the meeting to order at 3:00 p.m.

2. Public Comments on matters not on the agenda.

No public comment.

3. Review applications for Measure Q Oversight Committee and make recommendations for board approval.

Mr. Sedoryk provided a summary of applications received as of March 30, 2015. Applications were received for all committee designations except the Mobility Advisory Committee (MAC). While two members of the MAC received unanimous approval by their fellow members to serve on the Measure Q Oversight Committee, their applications are pending receipt by MST.

All applications were reviewed by the committee, and the following individuals were nominated for approval by the MST board, with MAC members being nominated for approval pending receipt of their applications by the April 13, 2015, board meeting:

Salinas Urbanized Area:	Juan Pablo Lopez
Seaside-Marina-Monterey Urbanized Area:	Sid Williams
Non-urbanized Area:	Susan Kleber
County of Monterey Unincorporated:	Kathy Merritt

Taxpayer's Association:

Harry Mucha

Mobility Advisory Committee (pending):

John Hart and Kasuko Wessendorf

4. Adjourn.

There being no further business, Director Pacheco adjourned the meeting at 3:45 p.m.

Prepared by:


Deanna Smith, Deputy Secretary

To: Board of Directors
From: Hunter Harvath, Assistant General Manager- Finance & Administration
Subject: Conduct public hearing and adopt FY 2015 Program of Projects

RECOMMENDATION:

1. Conduct public hearing for FY 2015 Program of Projects
2. Adopt the FY 2015 Program of Projects
3. Authorize the filing of the appropriate grant applications with the Federal Transit Administration and Caltrans

FISCAL IMPACT:

None.

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 via the Association of Monterey Bay Area Governments (AMBAG). 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 AMBAG for inclusion in the Metropolitan Transportation Improvement Program (MTIP).

It is appropriate for your Board to conduct a public hearing to receive comments on the POP and then consider its adoption. Hearing notices were published in the *Herald* and the *Californian* on Thursday, February 12th and in *El Sol* on Saturday, February 14th. A copy of the notices are attached.

ATTACHMENT: Public Hearing Notices

PREPARED BY: 
Hunter Harvath

REVIEWED BY: 
Carl G. Sedoryk

Proof of Publication

(2015.5 C.C.P.)

Salinas Newspapers, Inc.
123 W. Alisal St.
Salinas, CA 93901
831-754-4138/Fax: 831-754-7156

ATTACHMENT #

State Of California ss:
County of Monterey

Advertiser: MONTEREY SALINAS TRANSIT
1 RYAN RANCH RD
MONTEREY , CA 93940

Deanna Smith

RE: PUBLIC HEARING NOTICE Monterey-Salin
Sec 5307 Fed Funded Proj

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I hereby certify that the attached advertisement appeared in said newspaper on the following dates:

Newspaper: Salinas Californian

2/12/2015

I acknowledge that I am a principal clerk of the printer of said paper, which is published in the City of Salinas, County of Monterey, State of California. The Salinas Californian is printed and published daily, except Sunday and has been adjudged a newspaper of general circulation by the Superior Court of the County of Monterey, State of California. El Sol is printed and published weekly on Saturday and has been adjudged a newspaper of general circulation by the Superior Court of Monterey, State of California.

I certify (or declare) under penalty of perjury that the foregoing is true and correct. Executed on this 12 day of Feb., 2015 at Salinas, California.

C. Clark

Declarant

Our Order # 0000298531
Net Order Cost \$ 272.25

MST MONTEREY-SALINAS TRANSIT PUBLIC HEARING NOTICE	
Monterey-Salinas Transit (MST) will hold a public hearing on MST's proposed program of Section 5307 federally funded projects on April 13, 2015 at 10:00 a.m. at its monthly board of directors meeting at 24580 Silver Cloud Court, Monterey.	
Sources of funding are Section 5307 of the Moving Ahead for Progress in the 21st Century Act (MAP-21). The proposed program of federally funded 5307 projects is shown below and depicts the level of federal funding planned for Fiscal Year 2015.	
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, One Ryan Ranch Road, Monterey, CA 93940. The Program of Projects may be examined at MST at 1 Ryan Ranch Road, Monterey. The deadline to receive written comments is April 10, 2015.	
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 Final Program of Section 5307 Federally Funded Projects	
<u>Project</u>	<u>FY 2015</u>
Fixed-Route Bus Planning & Operations	\$6,800,000
TOTAL	\$6,800,000
Prepared by: /s/ Deanna Smith, Deputy Secretary Feb. 12, 2015 (298531)	

Proof of Publication

(2015.5 C.C.P.)

Salinas Newspapers, Inc.
123 W. Alisal St.
Salinas, CA 93901
831-754-4138/Fax: 831-754-7156

State Of California ss:
County of Monterey

Advertiser: MONTEREY SALINAS TRANSIT
1 RYAN RANCH RD
MONTEREY, CA 93940

Deanna Smith

RE: Información de Audiencia Pública Mon
El Sol Spanish notice

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I hereby certify that the attached advertisement appeared in said newspaper on the following dates:

Newspaper: El Sol-Salinas

2/14/2015

I acknowledge that I am a principal clerk of the printer of said paper, which is published in the City of Salinas, County of Monterey, State of California. The Salinas Californian is printed and published daily, except Sunday and has been adjudged a newspaper of general circulation by the Superior Court of the County of Monterey, State of California. El Sol is printed and published weekly on Saturday and has been adjudged a newspaper of general circulation by the Superior Court of Monterey, State of California.

I certify (or declare) under penalty of perjury that the foregoing is true and correct. Executed on this 14 day of Feb., 2015 at Salinas, California.

C. Clark

Declarant

Our Order # 0000298533
Net Order Cost \$ 272.25

MST MONTEREY-SALINAS TRANSIT	
Información de Audiencia Pública	
Monterey-Salinas Transit (MST) tendrá una audiencia pública acerca de los programas propuestos en la sección 5307 por los proyectos financiados federalmente el día 13 de Abril del 2015 a las 10:00 a.m. en la junta mensual de la mesa directiva localizada en 24580 Silver Cloud Court en Monterey.	
La financiación proviene de la sección 5307 de la acción Avanzando y Progresando Hacia el Siglo 21 (MAP-21). Los programas propuestos financiados por fondos federales 5307, los proyectos se enseñan abajo y representan el nivel de los fondos federales planeados para El Año Fiscal del 2015.	
Personas y negocios interesados o encargados privados que deseen opinar pero no pueden atender a la audiencia pública pueden mandar su opinión por escrito a: Carol Sedorik, General Manager/CEO, Monterey-Salinas Transit, One Ryan Ranch Road, Monterey. El 10 de Abril del 2015 es la fecha límite para mandar sus comentarios por escrito.	
Si no hay comentarios sobre El Programa de Proyectos después de solicitar comentarios del público, entonces esta publicación servirá la última sobre El Programa de Proyectos.	
Monterey-Salinas Transit Programa Final Para la Sección 5307 de Proyectos Financiados Federalmente	
Proyecto	AF 2015
Planificación de Rutas y Operaciones	\$6,800,000
TOTAL	\$6,800,000
Prepared by: /s/ Deanna Smith, Deputy Secretary Feb. 14, 2015 (298533)	



**MONTEREY
HERALD**

Published by The Monterey Herald
P.O. Box 271 • Monterey, California 93942
(831) 726.4382

MONTEREY SALINAS TRANSIT
Account No. 3578968
ATTN: ACCOUNTS PAYABLE
1 RYAN RANCH ROAD
MONTEREY, CA 93940

Legal No. 0005410394
Public Hearing Notice

Ordered by: dsmith@mst.org

PROOF OF PUBLICATION

STATE OF CALIFORNIA
County of Monterey

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of The Monterey Herald, a newspaper of general circulation, printed and published daily and Sunday in the City of Monterey, County of Monterey, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Monterey, State of California; that the notice, of which the annexed is a printed copy (set in type not smaller than 6 point), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

02/12/15

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed on 02/12/2015 at Monterey, California.

Danielle Handaker

Signature

This space is reserved for the County Clerk's Filing Stamp

MST **PUBLIC HEARING NOTICE**

Monterey-Salinas Transit (MST) will hold a public hearing on MST's proposed program of Section 5307 federally funded projects on April 13, 2015 at 10:00 a.m. at its monthly board of directors meeting at 24580 Silver Cloud Court, Monterey. Sources of funding are Section 5307 of the Moving Ahead for Progress in the 21st Century Act (MAP-21). The proposed program of federally funded 5307 projects is shown below and depicts the level of federal funding planned for Fiscal Year 2015.

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, One Ryan Ranch Road, Monterey, CA 93940. The Program of Projects may be examined at MST at 1 Ryan Ranch Road, Monterey. The deadline to receive written comments is April 10, 2015.

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
**Final Program of
Section 5307
Federally Funded**

Project: FY2015
Fixed-Route Bus
Planning &
Operations
\$6,800,000

TOTAL
\$6,800,000
Prepared by:
Deanna Smith,
Deputy Secretary
Publish: Feb. 12, 2015.

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To: Board of Directors
From: C. Sedoryk, General Manager/CEO
Subject: Appoint members to Measure Q Oversight Committee

RECOMMENDATION:

Receive nominations to the Measure Q Oversight Committee and approve appointments.

FISCAL IMPACT:

None.

POLICY IMPLICATIONS:

Ordinance 2015-01 requires your board to approve all nominations to the Measure Q Oversight Committee.

DISCUSSION:

At the March 2, 2015, meeting of your board, Chairperson Downey appointed Directors Armenta, LeBarre, and Pacheco to an Ad Hoc Nominating Committee with the purpose of reviewing all applications for membership on the Measure Q Oversight Committee.

According to Ordinance 2015-01 and 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.

The committee met on March 31, 2015, to review all applications received as of the March 30, 2015, deadline. A table of all applicants by committee designation is included as an attachment to this memo.

The following individuals were nominated for approval by the MST board. The committee recommends approving MAC members pending receipt of their applications:

Salinas Urbanized Area:	Juan Pablo Lopez
Seaside-Marina-Monterey Urbanized Area:	Sid Williams
Non-urbanized Area:	Susan Kleber
County of Monterey Unincorporated:	Kathy Merritt
Taxpayer's Association:	Harry Mucha
Mobility Advisory Committee (pending):	John Hart and Kasuko Wessendorf

Prepared by 

ATTACHMENT 1

Measure Q Oversight Committee applicants by committee designation:

Designation/Address	Name
Salinas Urbanized (1)	
Salinas, CA 93901	Mark Lasnik
Salinas, CA 93901	Larry Angle
Nominated: Salinas, CA 93906	Juan Pablo Lopez
Seaside-Marina-Monterey Urbanized (1) (Carmel, Del Rey Oaks, Marina, Monterey, Pacific Grove, Sand City, Seaside)	
Carmel-by-the-Sea, CA 93921	Cindy Onufer
Marina, CA 93933	Margaret-Anne Coppernoll
Marina, CA 93933	Jan Shriner
Nominated: Marina, CA 93933	Sid Williams
Marina, CA 93933	Fred Williamson
Marina, CA 93933	Wendy Root Askew
Pacific Grove, CA 93950	Janet Wilson
Seaside, CA 93955	Thomas Mancini
Non-urbanized (1) (south county)	
Gonzales, CA 93926	Joe Sanchez
Gonzales, A 93926	Rosalie Sanchez
Nominated: King City, CA 93930	Susan Kleber
County of Monterey (1) (unincorporated)	
Nominated: King City, CA 93930	Kathy Merritt
Taxpayer Interest (1) (bona fide non-profit)	
Nominated: Monterey, CA 93940	Harry Mucha
MAC (2)	
Nominated pending receipt of application	John Hart
Nominated pending receipt of application	Kasuko Wessendorf

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To: Board of Directors

From: Hunter Harvath, Asst. General Manager of Finance & Administration

Subject: Review possible service modifications and authorize public hearings

RECOMMENDATION:

1. Review possible service modifications due to objections raised by ATU to the U.S. Department of Labor's processing of Section 13(c) certification.
2. Authorize MST staff to hold public hearings to inform and solicit input from the public of possible service reductions and modifications due to objections raised by ATU to the U.S. Department of Labor's processing of Section 13(c) certification.

FISCAL IMPACT:

As much as \$6.8 million in federally-funded MST transit service and agency expenditures.

POLICY IMPLICATIONS:

In accordance with Federal Transit Administration regulations and MST Administrative Procedure 2006-500, public hearings are required to solicit input regarding substantial reductions in transit service. Major changes are defined as those that result in a 10% or greater decrease in vehicle service hours or passengers on any single line. In addition, your Board retains the authority to approve service reductions that are considered "major changes" under Administration Procedure 2006-500.

DISCUSSION:

In its March 25, 2015, letter to the US Department of Labor, the Amalgamated Transit Union (ATU), which represents MST's bus drivers, mechanics, utility service employees, facilities technicians and inventory staff members, has objected to the processing and certification of the agency's Federal Transit Administration (FTA) Section 5307 Operating Assistance grant. The ATU's objection is in response to

ongoing concerns with the adoption of the 2013 Public Employees Pension Reform Act (AB 340) by the California state legislature and Governor Jerry Brown. (Please see the “Discussion” section under Agenda Item 11-3 for greater details on the pension reform issue, a timeline of events, and potential impacts to transit agencies in California, including MST.)


The effect of this objection letter puts in immediate jeopardy \$4.5 million -- and potentially an additional \$2.3 million -- in federal operating assistance for the current fiscal year (FY 2015). MST uses this \$6.8 million to pay for salaries for ATU employees as well as administrative staff not covered under the union contract and for essential expenditures to keep buses in service every day, such as fuel. In the event the federal government agrees to the ATU’s objections to MST’s grant application and withholds federal operating funds from MST for FY 2015, the agency would be forced to implement emergency measures to reduce its bus service to a level that can be supported only by passenger fares and state grant assistance. Of particular concern is that this imminent potential loss of \$6.8 million out of the agency’s annual operating budget is occurring $\frac{3}{4}$ of the way through FY 2015 (July 1, 2014 through June 30, 2015). While this \$6.8 million potential loss of federal funds represents approximately 20% of MST’s annual operating budget, virtually the entire loss has to be absorbed in less than 3 months. In that regard, staff has developed a menu of drastic service reductions in order to maintain cash flow and end the fiscal year with its budget in balance.

Many of MST’s bus routes are funded through special contracts or grant funds that are dedicated to particular services. These routes would not be affected by the loss of federal funds and serve destinations such as the Presidio of Monterey, Naval Postgraduate School, Fort Hunter Liggett, the Monterey Bay Aquarium (via the Monterey Trolley), California State University-Monterey Bay, Hartnell College, San Jose Diridon Train Station, San Jose Airport, and the One-Stop Career Center in Salinas. Other routes that are eligible for funding under Measure Q (the 1/8% sales tax for transportation services for seniors, veterans and persons with disabilities) would also not be affected by the loss of federal funds. These routes include MST’s “senior shuttles” – Lines 91, 92, 94 and 95 – serving key residential, medical and shopping locations on the Monterey Peninsula and in Salinas. It is anticipated that the remainder of MST’s non-contract/grant/Measure Q funded services would have to be reduced to a level resembling MST’s operations on major holidays.

At this time, staff is currently developing this emergency service reduction plan, the draft of which will be presented to your Board at its April 13, 2015, meeting for review and comment from directors and members of the public. With your Board's authorization, staff will subsequently conduct three evening public hearings – one in Monterey, one in Salinas and one in South County (Soledad) – to solicit additional public input on the draft emergency service reduction plan (attachments 1 & 2). Taking that input into account, staff will return to your Board at its May 11, 2015, meeting to present a final draft emergency service reduction plan for input and potential approval. If the pension reform issue is not resolved by then, staff would be prepared to implement this emergency service reduction plan as early as Saturday, May 16, 2015.

Attachment 1: Notice of Public Hearings Display Ad (English)

Attachment 2: Notice of Public Hearings Display Ad (Spanish)

PREPARED BY: 
Hunter Harvath

REVIEWED BY: 
Carl G. Sedoryk

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MONTEREY-SALINAS TRANSIT

Notice of Public Hearings

MST will hold public hearings to solicit input from the public on a draft emergency service reduction plan, which outlines significant cuts to many bus routes throughout the service area should federal operating funds not be made available in a timely manner. MST's bus services specifically targeted to seniors, veterans and persons with disabilities (e.g., MST RIDES) would not be subject to reductions, as they will be funded by Measure Q local sales tax revenues. Public hearing dates are as follows:

Salinas

Monday, April 20, 2015
5:30 p.m.
City Hall – Rotunda
200 Lincoln Ave.

Soledad

Thursday, April 30, 2015
5:30 p.m.
City Council Chambers
248 Main St.

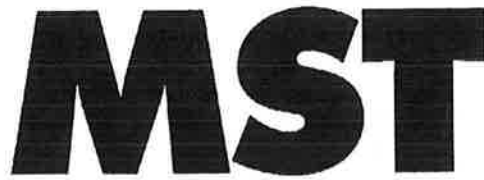
Monterey

Wednesday, April 22, 2015
5:30 p.m.
MST Bus Stop Shop
150 Del Monte Ave.

Monterey

Monday, May 11, 2015
10:00 a.m.
MBUAPCD Board Room
24580 Silver Cloud Ct.

Interested persons wishing to comment, but who are unable to attend the public hearings, may submit written comments to: Hunter Harvath, Assistant General Manager for Finance & Administration, One Ryan Ranch Road, Monterey, CA 93940, via e-mail at mst@mst.org, or via fax at (831) 899-3954. The deadline to receive written comments for this series of public hearings is Wednesday, April 29, 2015. If a resolution to federal funding delays cannot be reached in the coming weeks, MST would have to implement these service reductions as early as May 16, 2015.



MONTEREY-SALINAS TRANSIT

Aviso de Audiencia Publica

MST tendrá audiencias públicas para crear un borrador con ideas para un plan de emergencia en reducción de servicio que recalcará cortes significativos en muchas rutas dentro de toda el área de servicio en caso de que los fondos federales para operar estas rutas no estén listos a un tiempo conveniente. El servicio de MST especialmente dedicado a veteranos, personas de la tercera edad y discapacitados no será sujeto a reducciones, porque serán financiados por los impuestos de la Mediad Q. Las fechas de las audiencias públicas son las siguientes:

Salinas

Lunes, 20 de Abril del 2015
a las 5:30 p.m.
City Hall – Rotunda
200 Lincoln Ave.

Soledad

Jueves, 30 de Abril del 2015
a las 5:30 p.m.
City Council Chambers
248 Main St.

Monterey

Miercoles, 22 de Abril del 2015
a las 5:30 p.m.
MST Bus Stop Shop
150 Del Monte Ave.

Monterey

Lunes, 11 de Mayo del 2015
a las 10:00 a.m.
MBUAPCD
24580 Silver Cloud Ct.

Personas interesadas en hacer comentarios pero no pueden asistir a las audiencias públicas pueden mandar sus comentarios por escrito a: Hunter Harvath, Assistant General Manager for Finance & Administration, One Ryan Ranch Road, Monterey, CA 93940, por e-mail al mst@mst.org, o por fax al (831) 899-3954. La fecha límite para recibir sus comentarios por escrito es el miércoles 29 de Abril del 2015. Si una resolución para el retraso de los fondos federales no se pueda alcanzar en las siguientes semanas, MST tendrá que implementar la reducción de servicio tan pronto como el 16 de Mayo del 2015.

To: Board of Directors

From: Carl Sedoryk, General Manager/CEO

Subject: Review, provide direction, and take action regarding reductions in labor force (RIF) affecting ATU, MSTEA and/or unrepresented employees; delegate to GM/CEO Sedoryk authority to meet & confer on the RIF, issue layoff notices, and develop long-term strategies to minimize disruption of federal funding.

RECOMMENDATION:

1. Direct the General Manager/CEO and his delegates to meet and confer with ATU and MSTEA officials regarding any necessary reductions in workforce.
2. Authorize General Manager/CEO to take action regarding reductions in labor force (RIF) affecting ATU, MSTEA and/or unrepresented employees.
3. Direct the General Manager to research long term options to avoid future objections to MST's federal funding from DOL and ATU.

FISCAL IMPACT:

Approximately \$6.8 million in FY 2015 federal operating funds and up to \$18 million in federal operating and capital funding through FY 2016.

POLICY IMPLICATIONS:

Your Board approves service levels provided to the communities served by MST and also approves overall staffing levels and fiscal resources required to provide such service levels.

DISCUSSION:

During a typical fiscal year (July 1 to June 30), MST utilizes passenger fares, state sales tax revenues, and fuel tax revenues to fund operations between July 1 and December 31 and then utilizes federal fuel tax revenues to supplement operating funds

between January 1 and June 30. As MST will not receive revenue from a local source of funding until mid-July of 2015, the timely receipt of federal funds near the calendar year-end is critical for cash flow purposes. Further, it is important to note that federal law requires the U.S. Department of Labor (DOL) to certify that it has no objections to a grantee receiving federal transit funds before the Federal Transit Administration (FTA) can release funds to a grantee.

The following is a timeline of significant events related to objections made by the Amalgamated Transit Union (ATU) to the DOL's proposed certifications for the receipt of federal operating assistance both in 2012 and in the current year. Also attached for your review is correspondence between MST, ATU, and the DOL regarding this issue.

Timeline of Significant Events Related to ATU/DOL Objections to PEPRA:

September 2012 – Governor Brown enrolls Public Employees Pension Reform Act (PEPRA) into law to take effect January 1, 2013.

October 29, 2012 – MST submits application for federal operating funds.

November 16, 2012 – ATU sends objection letter to DOL.

November 30, 2012 – DOL issues response supporting ATU objection.

November 30-December 17, 2012 – Numerous meetings between MST staff, ATU, DOL, and State of California are held to negotiate and mediate a resolution.

December 17, 2012 – MST Board authorizes implementation of emergency service reductions and reduction in force.

December 21, 2012 – DOL issues grant certification.

December 28, 2012 – FTA notifies MST that grant has been awarded.

August 14, 2013 – MST submits grant of \$176,524 for mobility management projects including senior taxi vouchers and other programs for elderly and disabled.

September 6, 2013 – ATU files an objection to the DOL citing PEPRA.

September 27, 2013 – Governor Brown signs AB 1222 which temporarily exempts transit workers from PEPRAs pending the outcome of a judicial review of DOL actions.

September 30, 2013 – DOL denies certification of MST Grant for mobility management services for elderly and disabled community members citing that PEPRAs makes it legally impermissible for DOL to certify this grant. DOL sends a similar notice to Sacramento Regional Transit District denying certification of a \$14M capital grant.

October 4, 2013 – *State of California, et al. v. US Department of Labor et al., U.S. District Court, Eastern District of California, Sacramento Division, Case No. 2:13-CV-02069-KLM-DAD*, was filed on October 4, challenging U.S. DOL's denial of certification of California transit grants to Sacramento Regional Transit District and MST based on the alleged impacts of PEPRAs.

August 8, 2014 – The Highway and Transportation Funding Act of 2014 is signed by the President and authorizes appropriations for transit funding from October 1, 2014, through May 31, 2015.

September 28, 2014 – Governor Brown signs AB 1783, extending the exemption of transit workers from PEPRAs until a federal court decision is made, or January 1, 2016, whichever is sooner.

December 16, 2014 – President Obama signed the Consolidated and Further Continuing Appropriations Act of 2015, providing transit funding through May 31, 2015.

December 30, 2014 – Federal District Court Judge Mueller rules in favor of the State of California finding, "DOL's failure to consider the realities of the process of public sector bargaining renders its decision arbitrary and capricious," and, "by finding as-yet-not-hired employees covered by a collective bargaining unit, DOL arrogated to itself the authority to define a bargaining unit, an authority it does not have," and, "in rejecting certification based on its evaluation of PEPRAs's impact on new employees, DOL misinterpreted the law and did not consider all relevant factors."

February 9, 2015 – FTA announces grant fund availability through May 31, 2015.

February 25, 2015 – California Public Employees’ Retirement System (CALPERS) issues a circular letter stating, “The recent decision in the *State of California v. United States Department of Labor* ends the exemption of PEPRA for transit workers resulting from AB 1222.” The circular further states, “The court concluded that the DOL erred in determining that PEPRA prevented certification...the court’s decision triggers the end of the exemption...All new members hired on or after December 30, 2014, will be subject to PEPRA retirement benefits.”

February 27, 2015 – The Secretary of Labor files a notice of “intent to appeal” the federal district court decision to the Ninth Circuit Court of Appeals.

March 3, 2015 – Grant application CA-90-Z233-00 is submitted to reimburse MST for operating expenses incurred since July 1, 2014, through May 31, 2015.

March 25, 2015 – ATU representatives in Washington, D.C., formally object to the DOL’s certification of MST’s grant contending, “The DOL can no longer rely upon an exemption of transit workers from PEPRA to address the limitations imposed by PEPRA on MST’s ability comply with Section 13(c) obligations.”

March 27, 2015 – DOL sends a letter to MST and approximately a dozen other public transit operators in California stating that the Department has determined that it is necessary to obtain the position of each transit operator by April 15, 2015, “on whether the exemption of transit employees from PEPRA set forth in AB 1222 and extended by AB 1783 remains in full force and effect following the District Court’s December 30, 2014, decision and remand order.” The letter states that DOL, “Considers the exemption to still be in effect because the Court’s decision did not determine that the Department ‘erred in determining that [49 U.S.C. § 5333(b)] precludes certification’ but, rather, ‘remanded the matter to the Department to take into consideration factors that the Court found necessary for the Department’s determination of the issues.’”

Due to delays with Congress and the President authorizing and funding a full-year transit program, MST is currently owed \$4.5 million for reimbursement of eligible expenses including coach operator wages, fuel, supplies, and other critical operating needs from July 1, 2014, to the present. Another \$2.0 million will be owed to MST for the remainder of the year once Congress and the President extends the authorization of federal transit funds beyond May 31, 2015. Without immediate access to these funds,

MST will find it increasingly difficult to meet its financial obligations to its employees, vendors, and contractors and will have to consider reductions to its transit services and workforce in order remain financially solvent.

Meanwhile, MST staff intends to work with the California Transit Association, DOL, ATU and other interested parties to develop a near-term resolution to the perceived conflicts between PEPR and federal transit law. In the event that a resolution to this issue is not forthcoming, staff is working on the development of a service plan that removes federal funding from the operating budget and will share this plan with your Board at the meeting of April 13, 2015.

Staff seeks authorization: 1) directing the General Manager/CEO and his delegates to meet and confer with ATU and MSTEA officials regarding any necessary reductions in workforce; 2) delegating authority to the General Manager/CEO to take action regarding reductions in labor force (RIF) affecting ATU, MSTEA and/or unrepresented employees; and 3) directing the General Manager to research long term options to avoid future objections to MST's federal funding from DOL and ATU objections.

Prepared by 

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To: Board of Directors

From: C. Sedoryk, General Manager/CEO

Subject: Monthly Report – February 2015

Attached is a summary of monthly performance statistics for the Transportation, Maintenance, and Administration departments for February 2015 (Attachments 1-4).

On February 3-5 I travelled to Washington, D.C., to meet with key legislative staff members regarding the status of the transportation authorization bill, commuter benefits supporting military communities, and potential conflicts between the U.S. Department of Labor and State of California regarding pension benefits (attachment 5).

I travelled to Phoenix, A.Z., on February 6-10 to attend the American Public Transit Association Transit CEO's Seminar and the meeting of the Association's Executive Committee. Along with several hundred of my peer CEO's, I had productive discussions and learning opportunities on a wide variety of topics including labor relations, federal regulations, funding authorization and appropriations, and system safety and security. At the conference, I provided a presentation on the Monterey Measure Q sales tax measure.

Attachment #1 – Dashboard Performance Statistics

Attachment #2 – Operations Dept. Report – February 2015

Attachment #3 – Facilities & Maintenance Dept. Report – February 2015

Attachment #4 – Administration Dept. Report – February 2015

Attachment #5 – Washington, D.C. Itinerary

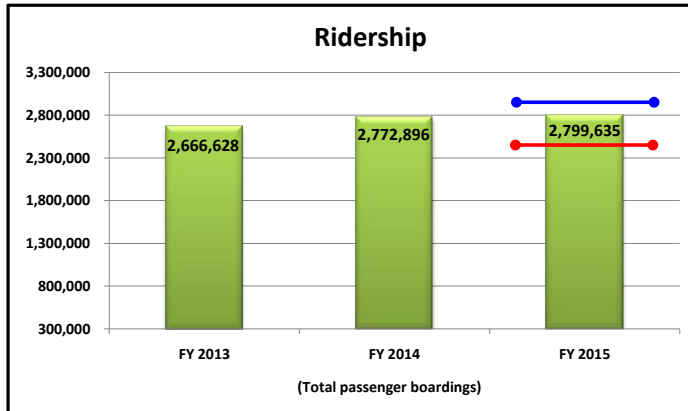
A complete detail of Monthly Performance Statistics can be viewed within the GM Report at <http://www.mst.org/about-mst/board-of-directors/board-meetings/>

PREPARED BY: 

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MST Fixed Route YTD Dashboard Performance Comparative Statistics Months of July - February Fiscal Years 2013-2015

ATTACHMENT 1

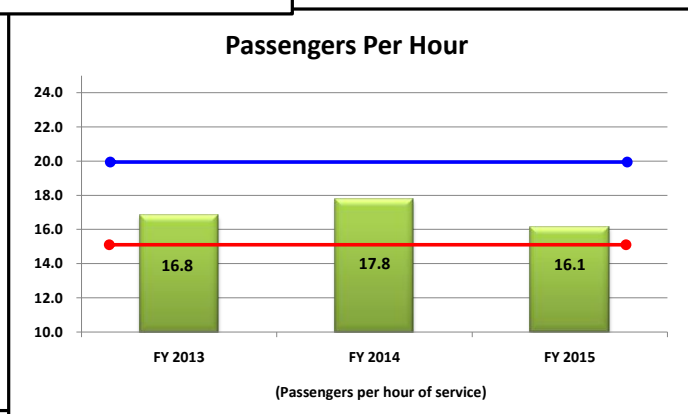


Goal = 2,828,354 passengers

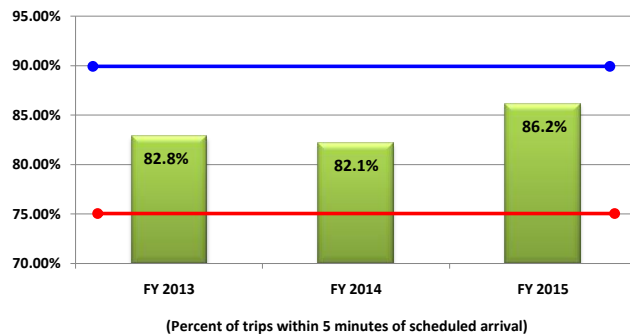
Minimum = 2,495,606 passengers

Goal = 20 passengers p/h

Minimum = 15 passengers p/h



On Time Performance

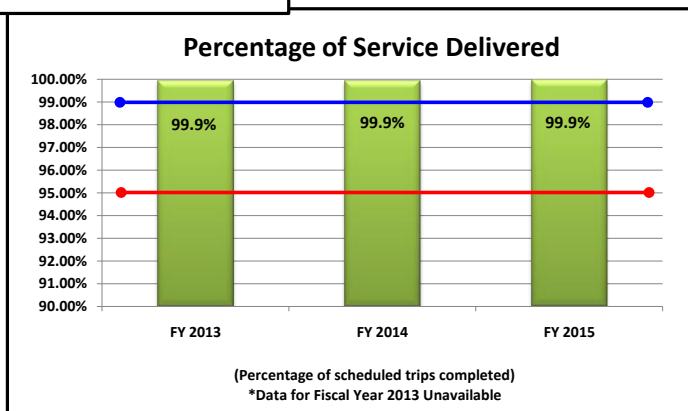


Goal = 90% on time

Minimum = 75% on time

Goal = 99% completed

Minimum = 95% completed

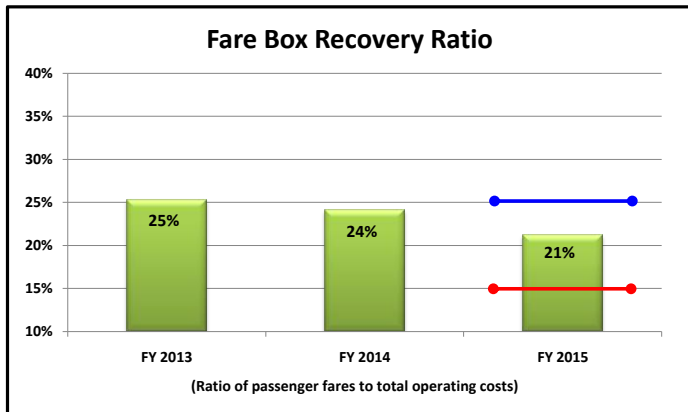


MST Fixed Route

YTD Dashboard Performance Comparative Statistics

Months of July - February

Fiscal Years 2013-2015

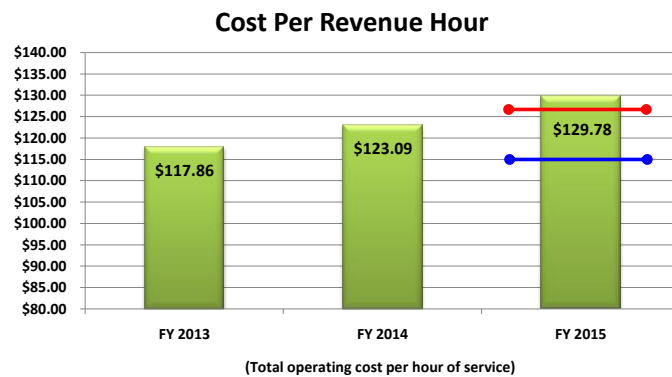


Goal = 25%

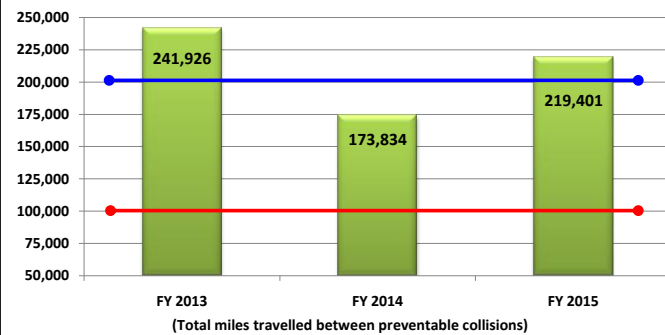
Minimum = 15%

Maximum = \$127.35 per RH

Goal = \$115.78 per RH



Miles Between Preventable Collisions



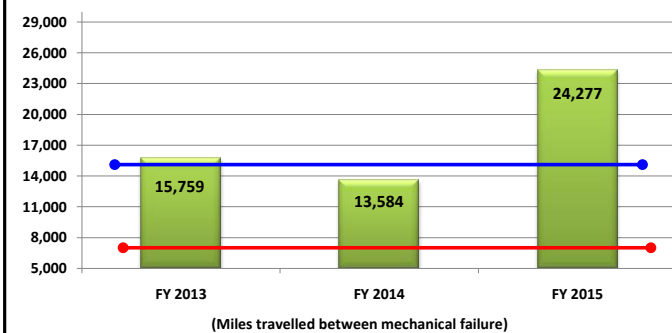
Goal = 200K Miles

Minimum = 100K Miles

Goal = 15K Miles

Minimum = 7K Miles

Miles Between Road Calls

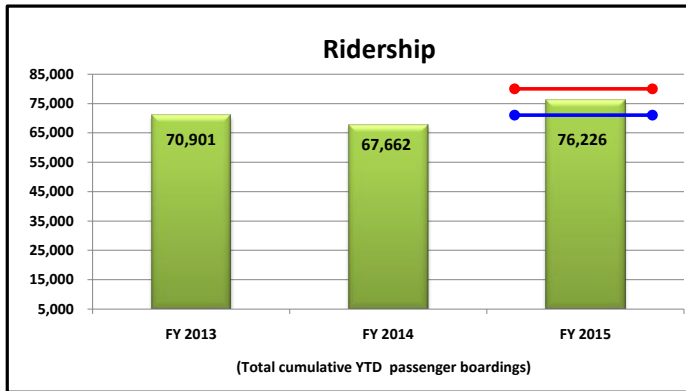


MST RIDES

YTD Dashboard Performance Comparative Statistics

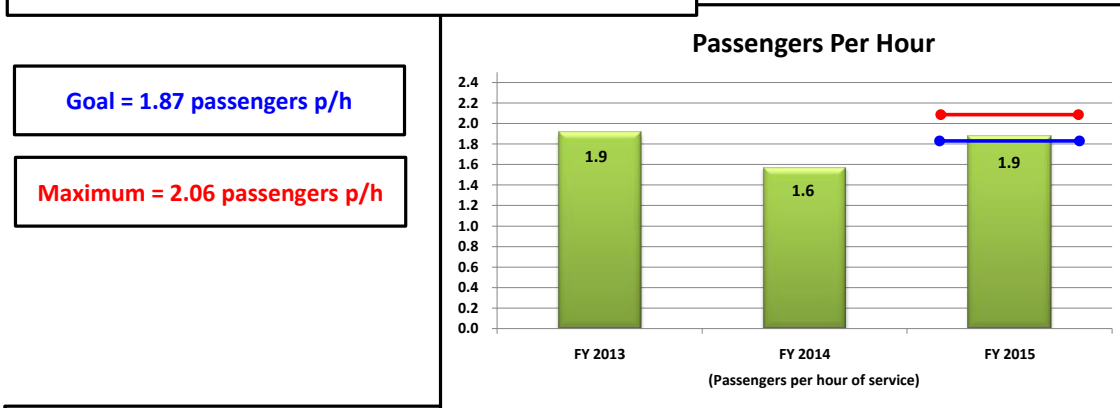
Months of July - February

Fiscal Years 2013-2015



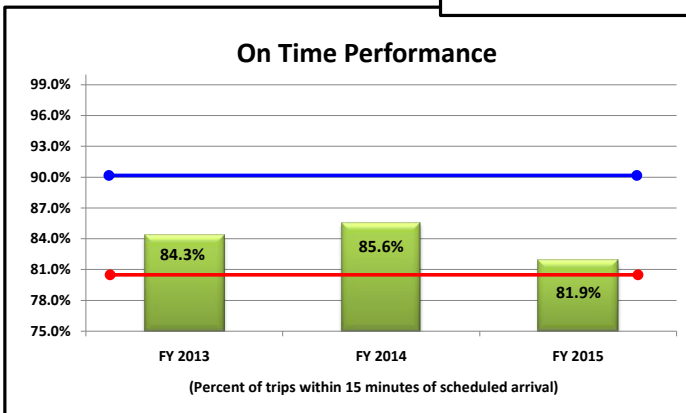
Goal = 72,390 passengers

Maximum = 79,629 passengers



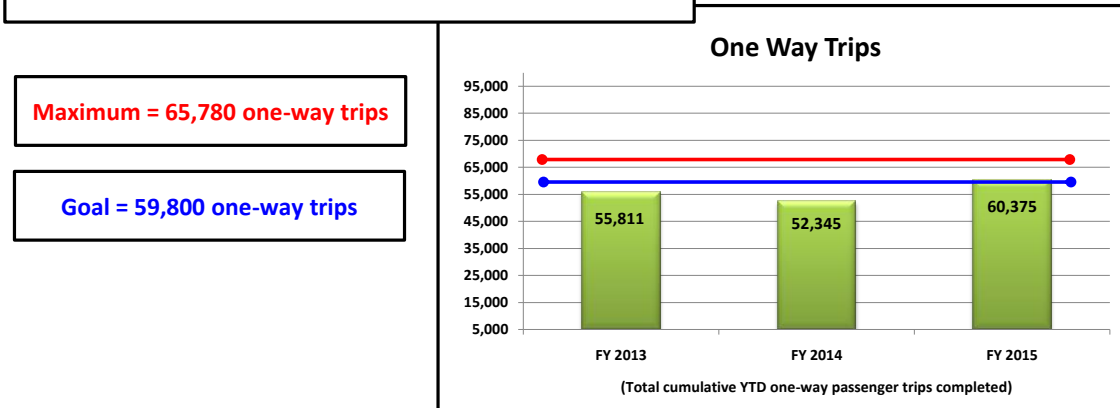
Goal = 1.87 passengers p/h

Maximum = 2.06 passengers p/h



Goal = 90% on time

Minimum = 80% on time



Maximum = 65,780 one-way trips

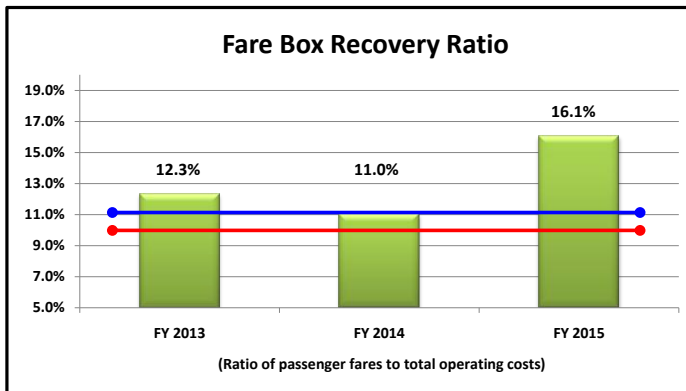
Goal = 59,800 one-way trips

MST RIDES

YTD Dashboard Performance Comparative Statistics

Months of July - February

Fiscal Years 2013-2015

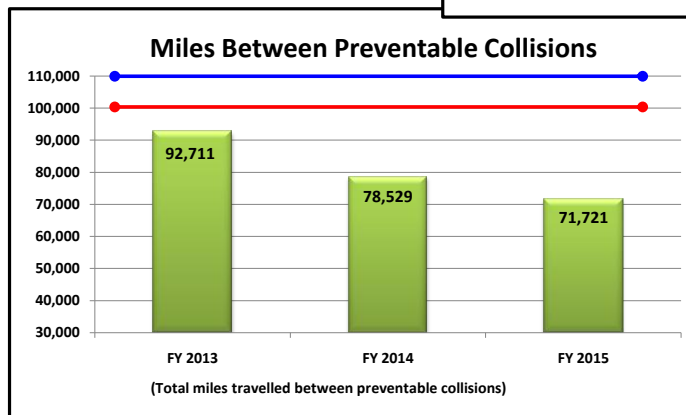
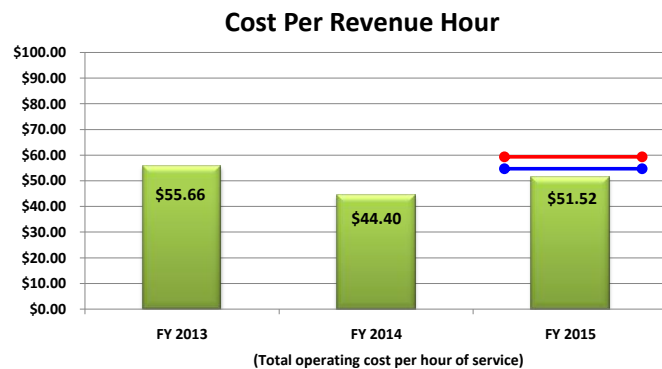


Goal = 11%

Minimum = 10%

Goal = \$54.24

Maximum = \$59.66

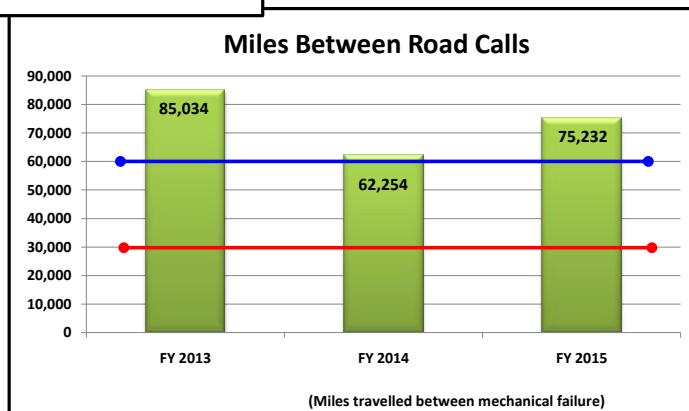


Goal = 110K Miles

Minimum = 100K Miles

Goal = 60,000 miles

Minimum = 30,000 miles

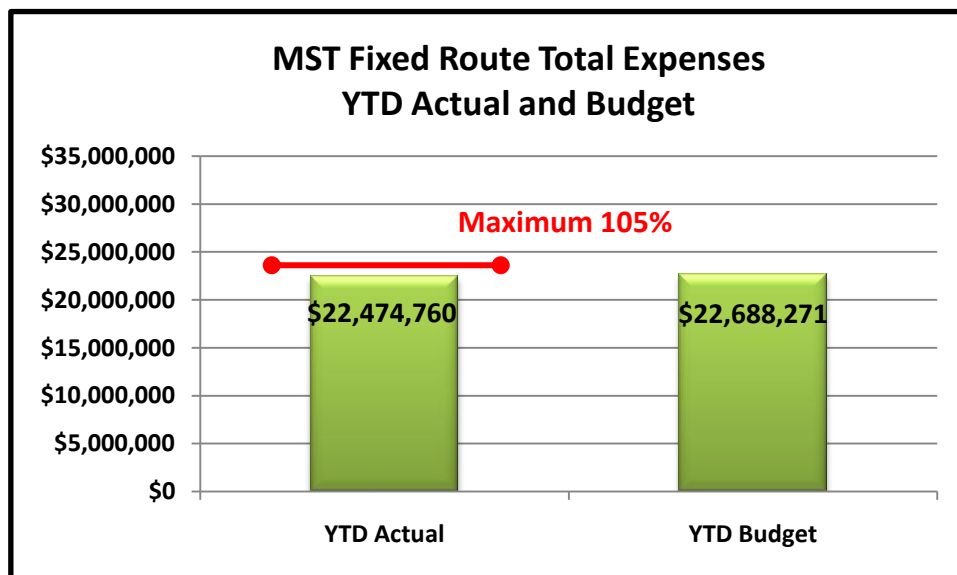
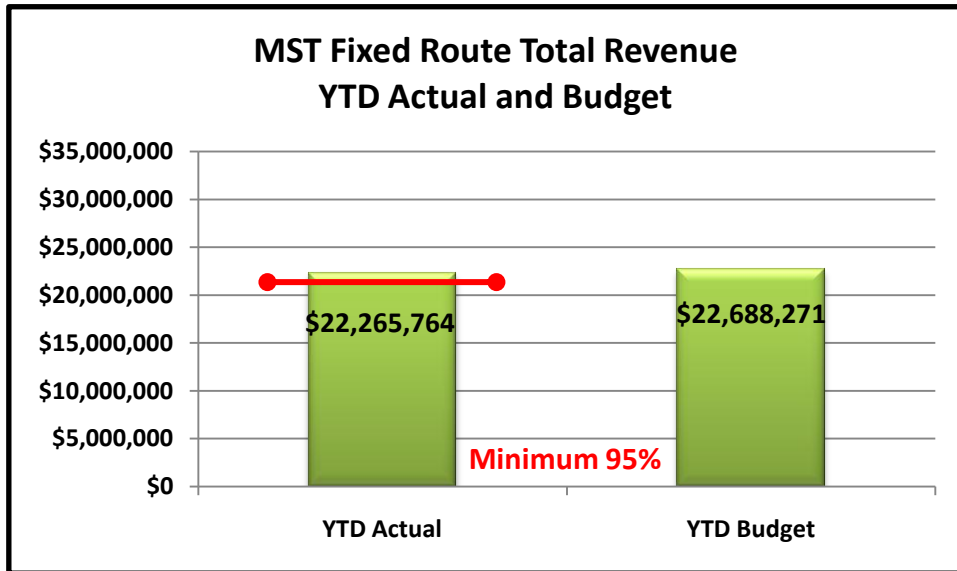


MST Fixed Route

Financial Performance Comparative Statistics

July through February

Fiscal Year 2015

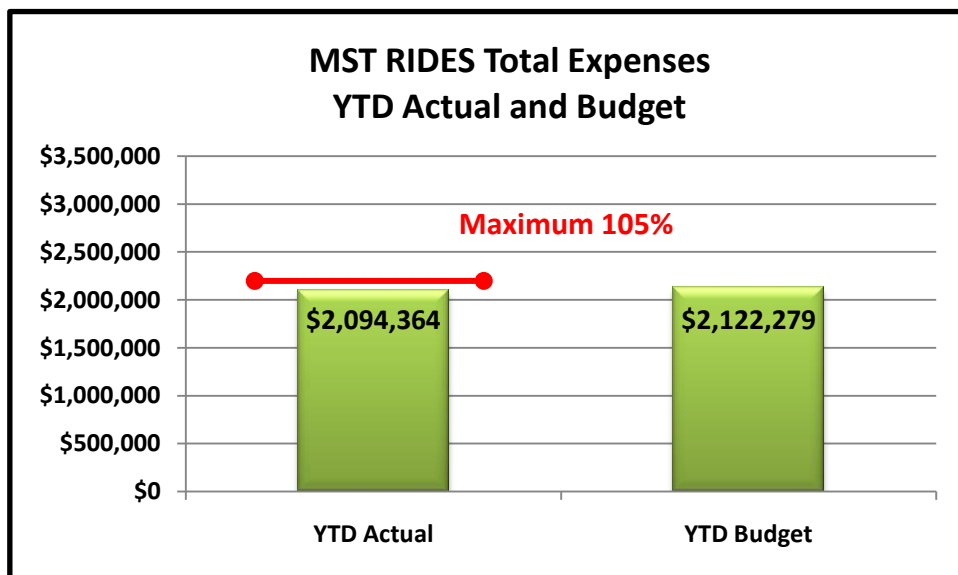
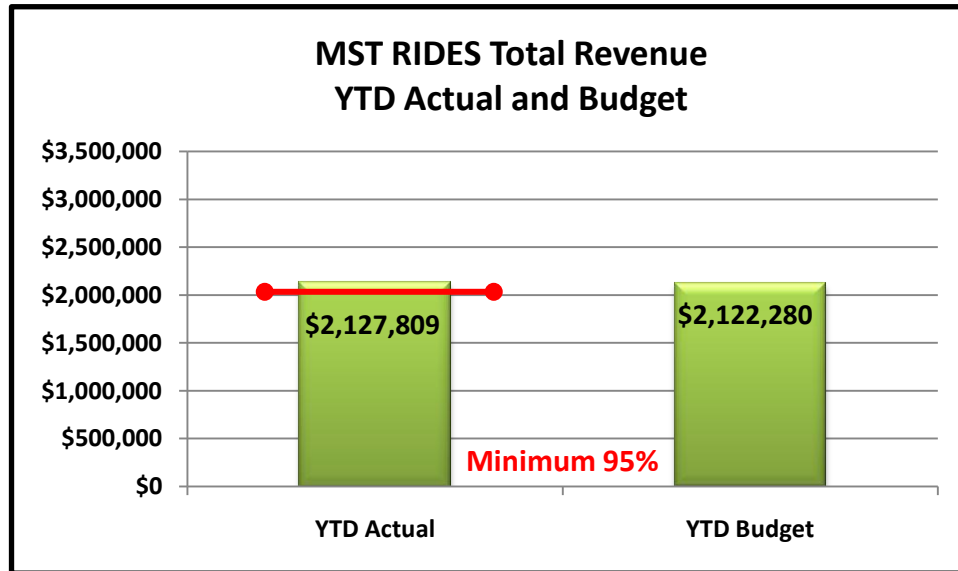


MST RIDES

Financial Performance Comparative Statistics

July through February

Fiscal Year 2015



ATTACHMENT 2

April 1, 2015

To: Mike Hernandez, Assistant General Manager / C.O.O.

From: Robert Weber, Director - Transportation Services

Cc: MST Board of Directors

Subject: **Transportation Department Monthly Report – February 2015**

FIXED ROUTE BUS OPERATIONS:

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

Preliminary boarding statistics indicate that ridership increased by 4.7% in February 2015, (322,284), as compared to February 2014, (307,897). Fiscal year to date, passenger boardings have increased by 0.96%.

Productivity remained decreased from 16.9 passengers per hour (February 2014) and 15.7 PPH in February of this year.

Supplemental / Special Services:

MST provided special service from King City, Soledad, and Greenfield to the Monterey Bay Aquarium for its “Free to Learn” program on; 02/07/15, 02/16/15, 02/21/15.& 02/22/15. The service transported 618 passengers.

02/20/15: MST provided special service from the Sally Griffin Senior Center Pacific Grove to Sherwood Hall transporting 36 passengers.

02/25/15: MST provided school tripper service from the Alvarez / Alisal High Schools to / from the Salinas Transit Center. 38 passengers were transported during this event.

System Wide Statistics:

- Ridership: 322,284
- Vehicle Revenue Hours: 20,467
- Vehicle Revenue Miles: 331,457
- System Productivity: 15.7 Passengers Per Vehicle Revenue Hour
- One-Way Trips Provided: 28,798

Time Point Adherence: Of 117,443 total time-point crossings sampled for the month of February, the TransitMaster™ system recorded 15,333 delayed arrivals to MST's published time-points system-wide. This denotes that **86.94%** of all scheduled arrivals at published time-points were on time. (See *MST Fixed-Route Bus ~ On Time Compliance Chart FY 2015.*)

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 to the total number of reported time-point crossings.

Cancelled Trips: As listed below, there were a total of twenty one (21) cancelled trips for the month of February for both directly operated and contracted services:

Total Trips Provided: 28,798			
Category	MST	MV	%
Staffing Shortage	3	0	14.29%
Mechanical	6	6	57.14%
Traffic	3	0	14.29%
Other ¹	1	2	14.29%
Totals	13	8	100.00%

¹ Insufficient information provided – cause(s) still under review

Documented Occurrences: MST Coach Operators are required to complete an occurrence report for any unusual incident that occurs during their work day. The information provided within these reports is used to identify trends, which often drive changes in policy or standard operating procedures. The following is a comparative summary of reported incidents for the month(s) of February 2014 and 2015:

Occurrence Type	February-14	February-15
Collision: MST Involved	5	9
Employee Injury	1	0
Medical Emergency	1	3
Object Hits Coach	1	0
Passenger Conflict	3	8
Passenger Fall	6	5
Passenger Injury	1	1
Other	2	2
Near Miss	1	0
Fuel / fluid Spill	0	3
Unreported Damage	1	1
Total Occurrences	22	32

CONTRACTED SERVICES:

MST RIDES ADA / ST Paratransit Program:

Preliminary boarding statistics for the MST RIDES program reflect that for the month of February there were 8,774 passenger boardings. This denotes a 3.98% increase in passenger boardings from February of 2014, (8,438). Fiscal YTD boardings have increased by 12.64%.

- Productivity for February of this year was at 1.90 passengers per hour, which has increased from February of 2014, (1.70).
- For the month of February, 85.95 % of all scheduled trips for the MST RIDES Program arrived on time, decreasing from 88.17 % in February of 2014.

COMMUNICATIONS CENTER:

In February, MST's Communications Center summoned public safety agencies on *twenty two* (22) separate occasions to MST's transit vehicles and facilities:

Agency Type	Incident Type	Number Of Responses
Police	Passenger Incident / Other	14
EMS	Passenger Illness	7
Fire Department	Trash Can Fire	1

Robert Weber

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ATTACHMENT 3

March 26, 2015

To: Carl G. Sedoryk, General Manager/CEO

From: Michael Hernandez, Assistant General Manager/COO

Subject: Monthly Maintenance/Facilities Report for February 2015

This monthly report summarizes the activities of the Maintenance and Facilities Departments as well as fuel prices during the past month.

FY15 Fuel Budget:	Average Fuel Price February 2015:	Average Fuel Price: FY2015
Diesel: \$3.60	\$2.33	\$2.73
Gasoline: \$3.90	\$1.95	\$2.79

Fleet Status:	Operating Cost Per Mile:	* Miles Between Major Mechanical Road Calls:
February 2015:	\$.91	11,674
FY2015 - YTD:	\$1.06	24,277
FY2014:	\$1.20	13,548 YTD Comparison

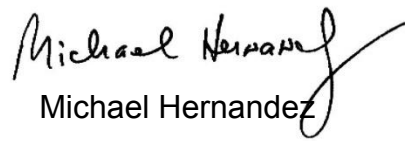
* **Minimum:** 7,000 Miles; **Goal:** 15,000 Miles

Department Activities/Comments:

There were 24 road calls during the month of February. Twenty-three road calls were categorized as “major mechanical” with one incident attributed to minor mechanical or non-mechanical issues. In February the highest major road call categories were due to exhaust issues (7) and coolant issues (4).

During January and February road calls increased significantly as compared to the previous five months (August – December). The majority of road calls during these two months were directly related to exhaust issues, followed by various coolant related issues. Road calls were also higher than usual due to several oil/hydraulic fluid leaks. Most emission filter issues impact MST’s oldest fleet, which will continue to experience a higher rate of failure than the newer fleet due to their condition and age. As the older fleet is retired emission failures will decrease.

Major component expenses for the month included two turbo chargers; bike racks for the new MCI coaches and of rim replacements for various fleets. During the past month the fuel tank system at CJW required repairs.


Michael Hernandez

ATTACHMENT 4

Date: April 13, 2015

To: C. Sedoryk, General Manager/CEO

From: Hunter Harvath, Assistant General Manager – Finance & Administration; Andrea Williams, General Accounting & Budget Manager; Mark Eccles, Director of Information Technology; Kelly Halcon, Director of Human Resources/Risk Management; Zoe Shoats, Marketing Manager; Sonia Bannister, Customer Service Supervisor.

Subject: **Administration Department** Monthly Report – February 2015

The following significant events occurred in Administration work groups for the month of February 2015:

Human Resources

A total employment level for February 2015 is summarized as follows:

Positions	Budget FY15	Actual	Difference
Coach Operators / Trainees	133	144	11
C/O on Long Term Leave *	3	0	-3
Coach Operators Limited Duty	1	0	-1
Operations Staff	28	29	1
Maintenance & Facilities	44	40	-4
Administration (Interns 2 PT)	25	25	0
Total	234	238	4

*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.

<i>January Worker's Compensation Costs</i>	
<i>Indemnity (paid to employees)</i>	\$17,909.40
<i>Other (includes Legal)</i>	\$13,752.49
<i>Medical includes Case Mgmt, UR, Rx & PT</i>	\$16,214.26
<i>TPA Administration Fee</i>	\$5,000.00
<i>Excess Insurance</i>	\$7,341.08
<i>Total Expenses</i>	<i>\$60,217.23</i>
<i>Reserves</i>	<i>\$1,393,667.96</i>
<i>Excess Reserved</i>	<i>(\$501,104.96)</i>
<i># Ending Open Claims</i>	44

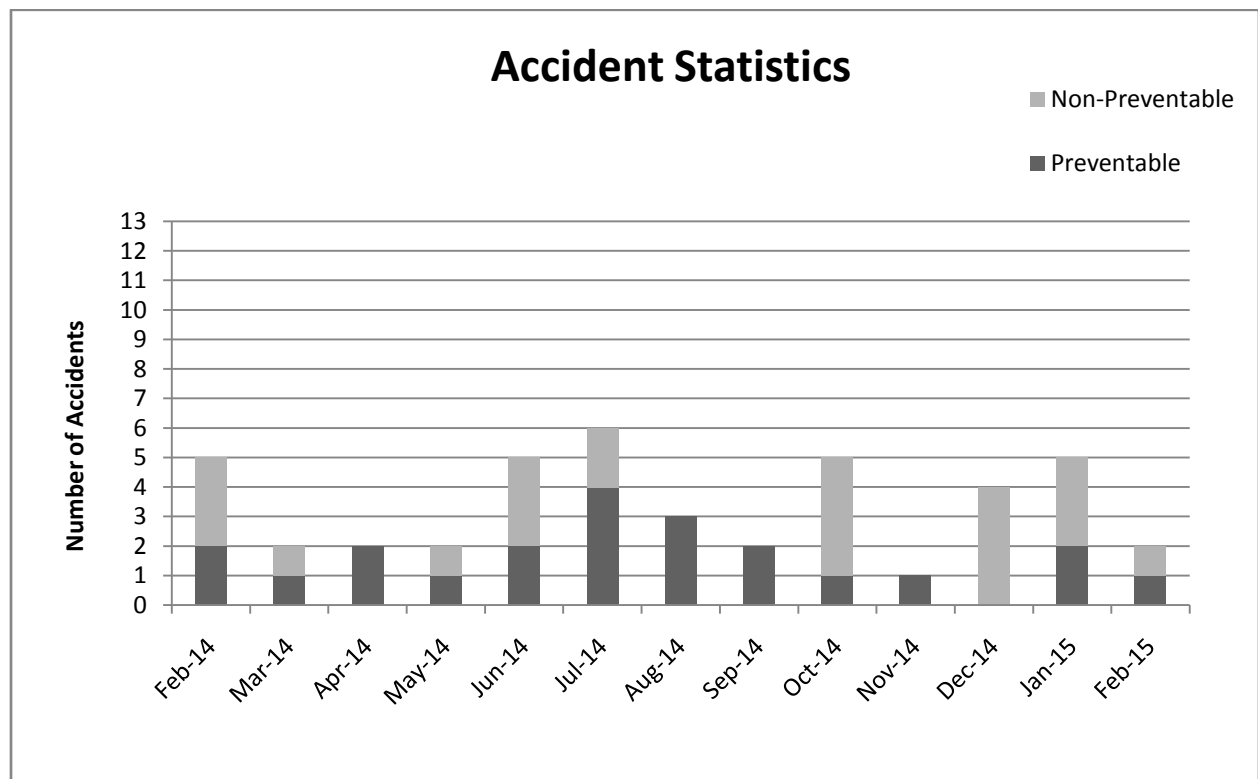
Training

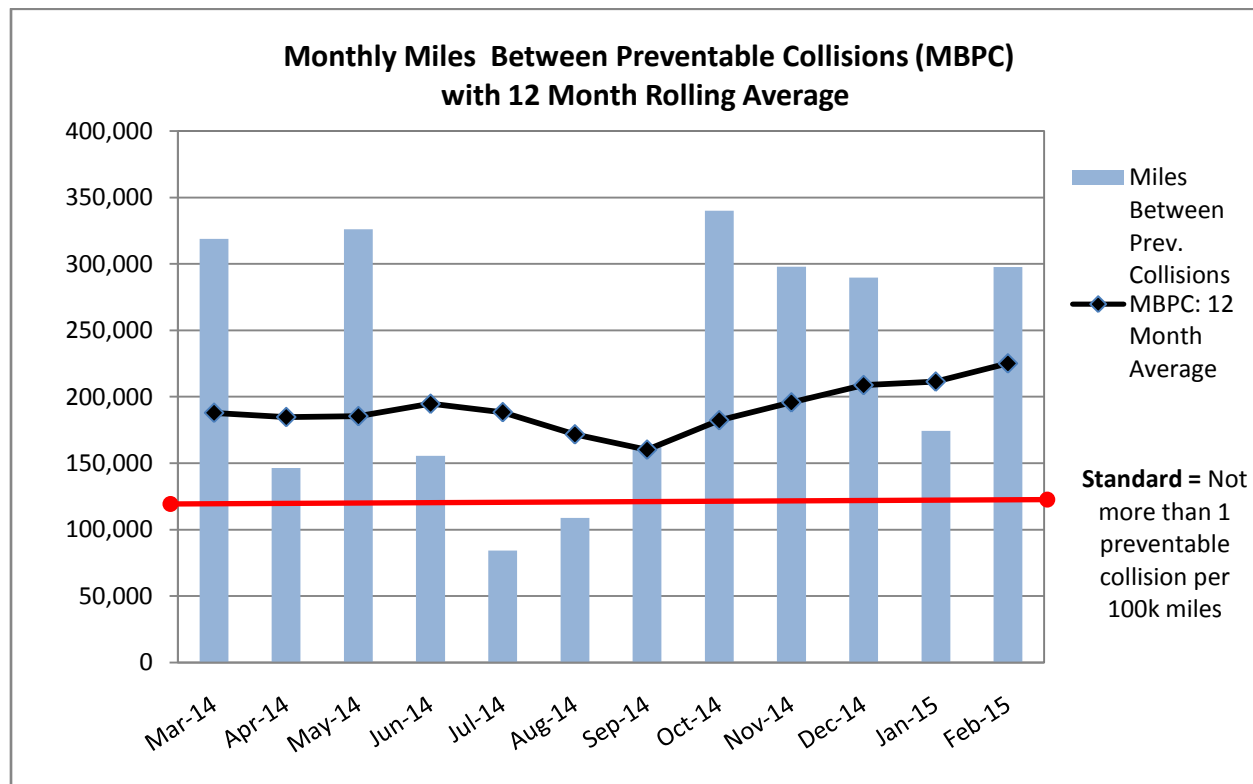
Description	Attendees
Annual VTT Training	0
Line Instructor Training	0

Risk Management Update

Description	February 2015 Preventable		February 2014 Preventable	
	Yes	No	Yes	No
Vehicle hits bus	0	1	0	3
Bus hit stationary object	1	0	2	0
TOTAL	1	1	2	3

During the month of February, there was 1 preventable collision that occurred during a routine right turn. The operator did not leave enough clearance between the bus and a parked car. The damage was minimal.





There were no claim recoveries during this period and no claims paid.

Customer Service Update

Service Report Type	MST	*Other Provider	# of valid reports	% of reports received	February '14	% of reports received
Improper Driving	6	2	1/2 *	14.8%	2	7.7%
Fare / Transfer Dispute	2	0		3.7%	1	3.8%
Passed By	0	3	2*	5.6%	3	11.5%
Improper Employee Conduct	4	3	2*	13.0%	2	7.7%
Bus Stop Amenities	2	0		3.7%	0	0.0%
Late Arrival	1	0		1.9%	1	3.8%
No Show	1	3	3*	7.4%	1	3.8%
Request to add service	1	0		1.9%	0	0.0%
ADA Compliance	0	1		1.9%	1	3.8%
Service Other	4	5	3*	16.7%	5	19.2%
Unsafe conditions	0	1	1*	1.9%	0	0.0%
Early Departure	2	1	1*	5.6%	2	7.7%
Passenger Injury	1	0		1.9%	2	7.7%
Routing	0	0		0.0%	1	3.8%
Employee Other	1	5	4*	11.1%	3	11.5%

Late Departure	0	0		0.0%	1	3.8%
Inaccurate public information	1	1		3.7%	1	3.8%
Left behind	3	0	1	5.6%	0	0.0%
Total Complaints	29	25		100.0%	26	100.0%
Employee Compliment		2			1	
Service Compliment	2	1			0	

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. Throughout the month, staff finalized the FY15 Budget revision to present to the Board for approval.

Payroll

Payroll completed year-end submissions of W-2s to the Social Security Administration. Payroll continued to provide hours and earnings reports upon request to MST departments. Routine changes and adjustments to payroll records were maintained along with filing of all federal, state, and retirement reports and payments on a timely basis.

Grants

The semi-annual reports were submitted to the Public Transportation Modernization, Improvement, and Service Enhancement (PTMISEA) program at Caltrans. Staff attended a grant workshop in Oakland for one of the Cap and Trade programs. The grant application was submitted to State Department of Housing and Community Development for the Affordable Housing and Sustainable Communities grant program. Coordination with TAMC staff was initiated for a number of grant applications due in the spring.

Purchasing

During the month of February, staff worked on a variety of RFP's for Fuel Island Design, Physical Examinations, Drug and Alcohol testing, and Workers Compensation, and an RFP for Monitoring of Measure Q expenditures. Parts staff was also busy with maintaining parts inventory and the in-processing of seven (7) new Gillig buses.

IT Update

Staff configured the hardware and software for the Trapeze Group TransitMaster system. Staff monitored the Trapeze Enterprise Asset Management (EAM) vehicle maintenance system and evaluated the back-end computer server for the upcoming EAM system upgrade. Staff continued to support the users of the Serenic Navision accounting/payroll system. Staff monitored the functionality of the Customer Service database.

Staff liaised with the County of Monterey Information Technology department regarding the new radio hardware to be installed to extend data/radio coverage to include San Jose, Paso Robles, and other outlying areas of service. Staff continued working on the configuration of the virtual computer system.

Staff continued to support other MST staff members as needed, proactively ensuring all were supported fully with their IT needs.

Marketing and Sales Update

Published news stories include: "Transit Labs hosts congressional roundtable on small city transit funding" (transitlabs.com 2/2/15); "40 best and worst commuter cities in California announced by Obrella (PRWeb, 2/3/15); "Jeff Mitchell: Fresh start for libraries and parks?" (The Californian, 2/9/15); "TAMC honors transportation excellence" (Monterey County Business Council's Friday Facts, 2/13/15); "Houlemard, FORA chief, gets raise on split vote" (Monterey County Herald, 2/14/15); "Two bike commuters share their stories" (The Californian, 2/15/15); "CSUMB Police Log: Bicyclist hits MST bus" (The Californian, 2/17/15); "Monterey gets wireless electric trolley this spring" (Monterey County Herald, 2/19/15); "County's first wireless trolley on the way to Monterey" (KSBW, 2/20/15); "Monterey taxi drivers: Uber is unfair competition" (KSBW, 2/20/15); "Uber is shaking up taxi system on Monterey Peninsula" (KSBW, 2/20/15); "More trains will be rolling toward Salinas" (The Californian, 2/23/15); "CSUMB Police Log: Backpacks found at bus stop" (The Californian, 2/26/15); "Monterey to get wireless electric trolley" (Monterey County Business Council's Friday Facts, 2/27/15); "TAMC eyes sales tax to raise \$20 million annually" (Monterey County Herald, 2/27/15); "Salinas-owned vehicle vandalized overnight" (The Californian, 2/27/15).

Press releases sent include: "MST bus service on Presidents' Day" (2/11/15).

Marketing activities: Took incoming board member's portraits and posted to MST lobby wall and website; created documents and timeline for Measure Q oversight committee application process; mailed 2014 annual report; received tour/presentation from Monterey Bay Aquarium staff about their customer service and branding programs; created and posted JAZZ car card with route map inside JAZZ-branded buses; met with representative from KAZU to discuss future underwriting; attended Monterey County Vintners and Growers Association annual luncheon; continued organizing event with TAMC for National Stand Up For Transportation Day; continued signage project for new 201 Pearl Street office; made updates to Rider's Guide and Grapevine Express brochure for March 28 service change; continued work to improve customer service agency-wide with new customer service training module; managed MST website content, Facebook page, and Twitter account.

Planning

During the month of February, staff continued to monitor the revenues and expenses for the military partnerships after implementation of the July 19th Presidio

reductions that were required because Congress allowed the expanded federal transit benefit to be reduced by nearly 50% effective December 2013. Revenues received from the federal transit benefit have stabilized during the last five months, so that revenues match expenses.

Planning and scheduling staff continued weekly meetings to plan service changes to be implemented in late March 2015.

Staff began participating in TAMC's Wayfinding Planning Advisory Committee, continued as a participant in the Salinas Downtown Vibrancy planning process, as well as attended meetings with various local agencies, including Monterey County Convention & Visitors Bureau, Monterey County Vintners and Growers Association, Salinas Valley Chamber of Commerce, Transportation Agency for Monterey County, Association of Monterey Bay Area Governments, the Monterey County Hospitality Association, and FORA. During February, MST staff also attended the FORA Regional Urban Design Guidelines charrette.

ATTACHMENT 5

Thomas Walters & Associates, Inc.
25 Massachusetts Avenue, N.W., Suite 570
Washington, D.C. 20001
(202) 737-7523

MONTEREY-SALINAS TRANSIT Washington, D.C. Itinerary

Carl Sedoryk, General Manager/CEO
Hunter Harvath, Deputy CEO

February 4-5, 2015

TUESDAY, FEBRUARY 3, 2015

3:53 p.m. Carl Sedoryk arrives Dulles Airport on United Flight #1234. They are staying at the Liaison Capitol Hill, 415 New Jersey Avenue, N.W., Washington, D.C. 20001 (202) 638-1616

WEDNESDAY, FEBRUARY 4, 2015

8:15 a.m. **Organization Meeting**
Liaison Capitol Hill Lobby

8:45 a.m. **Bret Manley, Legislative Director to Congressman Jeff Denham (R-CA)**
1730 Longworth House Office Building
Contact: Bret Manley – 225-4540
Subject: MAP-21 Reauthorization and Commuter Fringe Benefits

9:15 a.m. **Reed Linsk, Legislative Director to Congressman Duncan Hunter (R-CA)**
2429 Rayburn House Office Building
Contact: Reed Linsk – 225-5672
Subject: MAP-21 Issues and Innovative Commuter Service to Military Bases in California

10:00 a.m. **Auke Mahar-Piersma, Professional Staff to Ranking Member Eleanor Holmes Norton (D-DC)**
House Transportation and Infrastructure Subcommittee on Highways and Trust B-375 Rayburn House Office Building
Contact: Auke Mahar-Piersma – 225-9989
Subject: MAP-21 Issues and Innovative Commuter Service to Military Bases in California

- 10:30 a.m.** **Caitlin Shannon, Deputy Chief of Staff to Congressman Devin Nunes (D-CA)**
 1013 Longworth House Office Building
 Contact: Caitlin Shannon - (202) 225-2523
Subject: Innovative Commuter Service to Military Bases in California
(note: 15 minutes max)
- 12:00 p.m.** **Lunch –Debbie Merrill, Legislative Director and Tom Tucker, Executive Assistant to Congressman Sam Farr (D-CA)**
- 2:00 p.m.** **Colin Cunliff, Transportation Fellow to Senator Dianne Feinstein (D-CA)**
 SH-331 Hart Senate Office Building
 Contact: Colin Cunliff – 224-3841
Subject: MAP-21 Reauthorization and Commuter Fringe Benefits
- 2:30 p.m.** **Tyler Rushforth, Counsel to Ranking Minority Member Barbara Boxer (D-CA)**
 Senate Committee on Environment and Public Works
 SH-508 Hart Senate Office Building
 Contact: Tyler Rushforth – 224-6176
Subject: MAP-21 Issues and Transit Initiatives they are pursuing on Monterey County
- 3:00 p.m.** **Kyle Chapman, Professional Staff to Senator Barbara Boxer (D-CA)**
 SH-112 Hart Senate Office Building
 Contact: Kyle Chapman - 224 – 3553
Subject: MAP-21 Reauthorization and Commuter Fringe Benefits
- STOP-BY** **Trevor Smith, Professional Staff to Congressman Kevin McCarthy (R-CA)**
Sam Van Kopp, Professional Staff to Congressman Kevin McCarthy (R-CA)
 2421 Rayburn House Office Building
 Contact: Trevor Smith – 225-2915
Subject: Innovative Commuter Service to Military Bases in California

THURSDAY, FEBRUARY 5, 2015

- 10:00am** **California Transit Association Lobby visit**
Auke Mahar-Piersma, Professional Staff to Ranking Member Eleanor Holmes Norton (D-DC)
 House Transportation and Infrastructure Subcommittee on Highways and Trust

10:30am **California Transit Association Lobby visit**
Caryn Lund, Professional Staff Member
House Transportation and Infrastructure Subcommittee on Highways and
Trust

Noon-1:00p.m. **California Transit Association Federal Lobby Day**
Rayburn House Office Building

2:00pm **Shannon Hines and Homer Carlisle**
Senate Committee on Banking, Housing, and Urban Affairs
SD-534 Dirksen Senate Office Building

3:30 p.m. Carl leaves for Dulles Airport to depart at 5:40 p.m. on UA Flight #1445 to
CA.

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Monterey-Salinas Transit
Washington, D.C. Office

April 3, 2015

TO: Carl Sedoryk

FROM: Thomas P. Walters

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

PERPA

We alerted Congressman Farr's staff and staff for Senators Boxer and Feinstein that the Amalgamated Transit Union has filed an objection with the Department of Labor regarding MST's FY 2015 grant with FTA. During the APTA legislative Conference in Washington, DC, we arranged and attended meetings for you to brief the policy staff for House Majority Whip Scalise (R-LA) and the staff on the House Transportation and Infrastructure Committee and the House Committee on Education and the Workforce. Education and the Workforce Committee staff agreed to contact the Department of Labor regarding this issue, and we assisted MST with follow-up actions to facilitate that contact.

FY 2016 Budget

The House and Senate recessed for two weeks on March 27 after both approved their respective versions of the FY 2016 Budget Resolution. The Budget Resolution sets the broad parameters for Federal spending, both in terms of the current year appropriations process and as a blueprint for long-term spending. Both versions would balance the budget within 10 years, largely at the expense of entitlement programs such as Medicaid, Medicare, and the Supplemental Nutrition Assistance Program. A joint conference committee will now be tasked with reconciling the House and Senate proposals, with a target date of April 15. Meanwhile, the various Appropriations Subcommittees are continuing to hold hearings in anticipation of drafting the FY 2016 spending bills later in the spring.

Surface Transportation Legislation Reauthorization

Since the latest extension of the Moving Ahead for Progress in the 21st Century (MAP-21) Act will expire May 31, Congress is focused on moving a reauthorization package before the summer. The House and Senate committees of jurisdiction have been holding hearings on reauthorization issues, including receiving testimony from various State and local government stakeholder groups.

The shortfall in Highway Trust Fund receipts remains the most significant obstacle to reauthorization. The most recent estimates are that approximately \$90 billion in additional tax revenue is needed to fund a six-year baseline surface transportation reauthorization bill. Although there are many difficult programmatic and policy issues that must still be decided, staff on the authorizing committees have confirmed to us that they are prepared to draft a reauthorization bill if the financing issues can be resolved.

The Highway Trust Fund is expected to run out of money sometime this summer. House Ways and Means Committee Chairman Ryan recently stated his intention to move an additional short-term fix for the HTF, which makes it very likely that MAP-21 will be extended as well.

Tax Extenders Legislation

Congressman King (R-NY) has agreed to be the 114th Congress sponsor for H.R. 990, the *Commuter Parity Act of 2015*, and Congressman Farr agreed to join as a co-sponsor. H.R. 990 would raise the amount of pretax dollars that public transportation users can use to pay for their commuting costs to \$235 per month from the current \$130. This would achieve parity for transit users compared to parking, and provide a higher level of funding for MST's Military Commuter Service.

While we continue to advocate for stand-alone tax legislation to continue the authority, the program has traditionally been dealt with by Congress together with other temporary provisions collectively known as "tax-extendors." The Senate Finance Committee has started to look at tax extender proposals, but the legislative process on these provisions will proceed slowly because of the larger focus on the need/potential for overall tax reform.

Lobbying Strategies & Opportunities

We have continued to work with you on the development and implementation of MST's Federal Agenda for 2015. We arranged and attended meetings in Washington, DC, for you to lobby MST's Federal Agenda in March to coincide with the APTA legislative conference. We also met with MST Board members to discuss the Legislative Conference and advocacy on pending legislative issues. Additional actions related to appropriations and MAP-21 reauthorization will be suggested when we see the draft bills released later this year.

TPW:dwg

To: Board of Directors

From: C. Sedoryk, General Manager/CEO

Subject: State Legislative Update – March 2015

APTA's adopted 2015 State Legislative Program identifies legislation for Association sponsorship related to bus axle weights, decriminalization of violations by minors and priority seating enforcement, and maintaining the operations exemption under the Transportation Development Act. Please see below for more details on the Association's sponsored bills:

1. **AB 1250 (Bloom) – Bus Axle Weights:** Current law generally prohibits a publicly owned or operated transit system from procuring a transit bus whose gross weight on any single axle exceeds 20,500 pounds. Current law, until January 1, 2016, exempts from this prohibition a transit system that is procuring a new bus that is of the same or lesser weight than the bus it is replacing, or if it is incorporating a new fleet class into its inventory and its governing board makes certain findings. This bill is the vehicle that may ultimately contain the solution to the bus axle weight limits. **Status:** This bill was introduced on February 27.

MST Staff recommendation: Support

2. **SB 413 (Wieckowski) – Transit Violations:** This bill would amend the Public Utilities Code and the Penal Code to allow transit agencies to use an administrative process to cite and process minors in violation of specified prohibited acts (e.g. fare evasion, smoking where prohibited, unauthorized sale of goods) occurring on transit properties. Additionally, this proposal would make it a violation for failing to yield seating reserved for elderly & disabled individuals, and clarify what constitutes a noise violation on a transit property. **Status:** This bill was introduced on February 25.

MST Staff recommendation: Support

3. **SB 508 (Beall) – TDA Requirements:** This bill would delete the requirement for transit operators to maintain higher farebox requirements based on the 1978-1979 FY. The bill would rationalize the "pass/fail" nature of the STA program efficiency criteria (and thus address the pending sunset of the exemption from the criteria that operators had enjoyed since 2010 relative to qualifying funds for operational purposes). **Status:** This bill was introduced on February 26.

MST Staff recommendation: Support

4. **ACA 4 (Frazier) – Lower-Vote Threshold:** This bill would lower voter approval requirements from two-thirds to 55 percent for the imposition of special taxes used to provide funding for transportation purposes.
Status: This bill was introduced on February 27.

MST Staff recommendation: Support

5. **AB 464 (Mullin) - Local Sales Tax Limit Increase:** This bill would increase, from 2 percent to 3 percent, the statewide cap on sales tax at the local level. Currently, the statewide sales tax may not exceed 9.5 percent when combined with any local sales tax. This would increase the overall limit to 10.5 percent.
Status: This bill was introduced on February 23.

MST Staff recommendation: Support

Bill	Author	Party	Topic	Position	Status
<u>AB 61</u>	<u>Allen, Travis</u>	R	Shuttle services: loading and unloading of passengers.	Watch	Referred to Com. on TRANS.
<u>AB 318</u>	<u>Chau</u>	D	Lost money and goods: restoration to owner.	Support	In committee: Set, first hearing. Hearing canceled at the request of author.
<u>AB 464</u>	<u>Mullin</u>	D	Transactions and use taxes: maximum combined rate.	Support	Referred to Com. on REV. & TAX.
<u>AB 869</u>	<u>Cooper</u>	D	Public transportation agencies: fare evasion and prohibited conduct.	Watch	Referred to Com. on TRANS.
<u>AB 1250</u>	<u>Bloom</u>	D	Vehicles: buses: gross axle weight.	Support	Re-referred to Com. on TRANS.
<u>ACA 4</u>	<u>Frazier</u>	D	Local government transportation projects: special taxes: voter approval.	Support	Read first time.
<u>SB 9</u>	<u>Beall</u>	D	Greenhouse Gas Reduction Fund: Transit and Intercity Rail Capital Program.	Watch	Action From SECOND READING: Read second time and amended. Re-referred to T. & H.
<u>SB 413</u>	<u>Wieckowski</u>	D	Public transit: prohibited conduct.	Support	Referred to Com. on T. & H.
<u>SB 508</u>	<u>Beall</u>	D	Transit operations: financial requirements.	Support	Referred to Com. on T. & H.

Total Measures: 9

Prepared by: 

To: Board of Directors

From: C. Sedoryk, General Manager/CEO

Subject: Federal Legislative Update Action Items in 2015

The main focus of APTA's 2015 Federal Legislative Program is the successful reauthorization of the Moving Ahead for Progress in the 21st Century Act (MAP-21). Specific items of interest to MST include restoration of bus and bus facilities funding; permanent restoration of parity between the transit and parking benefit; and continued funding for programs that support bus rapid transit and electric vehicle technologies.

In authorizing a new version of MAP-21, MST urges Congress and the President to:

- Maintain a strong federal leadership role in providing a national surface transportation system. We oppose efforts to significantly reduce or eliminate the federal role in funding surface transportation.
- Increase funding to the Highway Trust Fund so that the fund remains solvent and will fully support transit and other transportation programs. Enact an authorization bill of at least six years in duration to provide a predictable and stable source of long-term capital and operating funding in order to address a variety of transit needs.
- Fund a 2015 to 2020 federal transit program of not less than \$100.3 billion over six years.
- Restore the bus and bus facilities program to the past proportion of the total federal transit program, with a minimum of \$984 million over a period of not more than two years.
- Provide full funding for State of Good Repair and core capacity for all modes to modernize and maintain transit system needs at authorized levels.
- For transit agencies in urbanized areas (UZA's) of more than 200,000, continue the local option of using funding for preventative maintenance and capital contracting and, for public transit operators with less than 100 buses in peak revenue service or in UZA's of under 200,000, allow using the funding for operations or capital purposes.

- Continue and expand the Small Transit Intensive Cities Program (STIC), and provide that the value of achieving qualifying performance measures be increased by the same percentage as the increase in the overall formula program each year of the authorization.
- Eliminate the High Density/Growing States Program and redirect of those funds (~\$526 million) into a formula which fairly compensates density in California.
- Make Job Access and Reverse Commute (JARC) projects eligible in the Section 5310 program, as well as the 5307 and 5311 programs, with program funding in the base year of \$390 million.
- Ensure that the New Starts program not be disadvantaged by funding other programs as a result of sequestration or other adjustments to General Fund spending.

Additionally MST will continue to advocate for changes to existing federal policies related to bus axle weights, PEPR/13(c), and Buy America. With regard to each of these, staff recommends solutions to federal policymakers, as follows:

Bus Axle Weights: Acknowledging the importance of maintaining consistent transit service, as well as meeting federal requirements related to ADA and clean air. Rather than creating piecemeal state solutions, a federal solution would be preferred. Building on what was included in MAP-21, the federal government should apply a complete exemption for transit buses from federal axle weight limitations for all roads, including state and local. This exemption should apply nationwide, including for “covered states.” In the alternative, more realistic transit bus weight standards and/ or measurement and enforcement mechanisms should be developed and applied by the federal government. In any case, states would likely follow suit.

PEPR/13(c): As a result of delays and potential loss of funding, the Association is advocating for a thorough review by Congress of the relevance and local financial impacts of 49 U.S.C. Section 5333(b) (commonly referred to as “Section 13(c)”) of the Federal Transit Act of 1964. As other states across the nation grapple with the long-term financial viability of public employee pensions, it is possible that 13(c) objections filed by transit worker unions will become more commonplace as common-sense pension reform measures are adopted. Furthermore, disputes remain as to the original intent of Congress with regard to the 13(c) provisions versus how the U.S. DOL is currently applying and implementing them with public transit agencies.

Buy America: The criteria for granting waivers are different for FTA and FHWA funding. It has also become clear that there will be no “public interest” waivers by this administration for transit projects, and several prior existing transit public interest waivers have been repealed in the past few years. In order to expedite project delivery, there should be one simplified Buy America compliance path for all surface transportation projects funded by the U.S. Department of Transportation.

Authorization Bill Update: The administration bill proposed March 30, 2015, would bolster the gas-tax reliant Highway Trust Fund by imposing a 14 percent tax on an estimated \$2 billion that U.S. corporations have stashed offshore to avoid higher corporate tax rates. There is bipartisan support on Capitol Hill for luring that money home with a one-time tax break, and Rep. John Delaney (D-Md.) has proposed a more robust approach to repatriation that could provide transportation cash for far longer.

The administration bill would bump annual funding by almost \$25 billion to an average of nearly \$74 billion over six years. The biggest increase would come in transit funding, a 79 percent jump over current spending that would be invested in shoring up maintenance and improvements to existing systems and for expansion of light-rail, streetcar and rapid bus systems. The administration bill also would increase highway funds by about 29 percent above current levels, with a policy emphasis on repairing deteriorating existing roads and bridges before investing in new construction. Some of the increased funding would go to federal regulators who police automotive, truck and bus safety.

In March, both the House and the Senate voted to approve their final versions of Fiscal Year 2016 budget resolutions. Both versions include cuts in discretionary spending for transportation, \$1 billion in the House and \$3 billion in the Senate. They also include "reserve fund" language allowing increases in the spending allocations for the transportation committees if the Highway Trust Fund is made solvent for the life of the authorization bill and if the bill is not scored as increasing federal deficits. Prior to Congress adjourning for its Easter-Passover break, House Ways and Means Committee Chairman Paul Ryan (R-WI) said that he is working with House Transportation and Infrastructure Committee Chairman Bill Shuster (R-PA) on a short-term extension of the Highway Trust Fund (HTF) to allow more time to work on business-only tax reform to facilitate a longer-term highway/transit bill.

Transit investment has been controversial in Congress, as members from areas that have minimal transit systems favor using the Highway Trust Fund primarily or solely for roads and bridges. A move to uncouple transit funding from the last surface transportation bill ran into a roadblock in the House from a bipartisan coalition of members who serve urban and suburban districts where transit is considered vital. While both the House and Senate are working on their own transportation bills, neither seems likely to significantly boost federal spending beyond the current level of about \$50 billion a year.

Prepared by: 

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April 2, 2015

To: Carl Sedoryk

From: Hunter Harvath, AICP – Assistant General Manager – Finance & Administration

Subject: TRIP REPORT – February 2015

From February 3rd to 5th, I traveled to Washington, DC to participate in the California Transit Association's second annual Federal Transit Priorities Day at the US Capitol. While in Washington for the CTA event, I also met with several staff members of key legislators who have oversight over public transit related issues and funding to advocate for MST's projects and priorities. Among the individuals I met with during my visit were:

- Bret Manley – Legislative Director to Congressman Jeff Denham
- Reed Linsk – Legislative Director to Congressman Duncan Hunter
- Karyn Lund & Auke Mahar-Piersma, House Transportation & Infrastructure Subcommittee on Highways and Transit
- Debbie Merrill & Tom Tucker – Staff members to Congressman Sam Farr
- Colin Cunliff – Transportation Fellow to Senator Dianne Feinstein
- Tyler Rushforth – Counsel to Senator Barbara Boxer
- Trevor Smith – Professional Staff to Congressman Kevin McCarthy
- Shannon Hines & Homer Carlisle – Senate Banking, Housing and Urban Affairs Committee

Hunter Harvath

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55-B Plaza Circle, Salinas, CA 93901-2902 • Tel: (831) 775-0903 • Website: www.tamcmonterey.org

AGENDA # 12-5

February 12, 2015

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

Subject: Triennial Transit Performance Audits

Dear Mr. Sedoryk:

The Transportation Agency has accepted Triennial Transit Performance Audits of Monterey-Salinas Transit (MST) and the Transportation Agency, which were prepared by Pacific Municipal Consultants pursuant to the Transportation Development Act. Our Agency is required to conduct these audits of each agency's efficiency, effectiveness and compliance with Transportation Development Act requirements for the three year period ending June 30, 2013.

The auditor distributed a copy of the MST audit to you in December 2014. The audit is also on the Transportation Agency website (www.tamcmonterey.org/information/audits). The recommendations made by the auditor based on the audit findings are listed below:

1. Update performance targets for the mileage between road calls, based on past fleet mix of diesel and compressed natural gas.
2. Work with TAMC on submitting appropriate documentation for TDA claims.
3. Work with TAMC on further integrating the SSTAC and MAC to ensure broad access on soliciting unmet needs.

The Transportation Agency expects to implement auditor recommendations to improve administration management related to TDA in 2015-2016 by producing Transportation Development Act Guidelines that will outline the TDA claims process. We expect to adopt and implement these guidelines in April of this year.

Our Agency is responsible for ensuring that the transit operators implement the recommendations provided in the audits. Therefore, we request that you provide a description of how MST is implementing the audit recommendations by **March 12, 2015**.

Our staff is available to assist you with implementing the audit recommendations. If you have any questions, please contact Virginia Murillo of my staff at (831) 775-4415.

Sincerely,


Debra L. Hale
Executive Director

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STATE BOARD OF EQUALIZATION

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JOHN CHIANG
State Controller

CYNTHIA BRIDGES
Executive Director

March 26, 2015

Carl Sedoryk, General Manager/CEO
Monterey-Salinas MST Transit District
1 Ryan Ranch Road
Monterey, CA 93940

Re: Transactions & Use Tax

Dear Mr. Sedoryk:

This will acknowledge receipt of five copies of the two standard agreements and five copies of the supporting documents between the Monterey-Salinas MST Transit District and the State Board of Equalization (BOE) for preparation and administration of the transactions and use tax ordinance that will become operative on April 1, 2015.

These agreements have been executed on behalf of the BOE and they have been forwarded to the Department of General Services for final review and approval on behalf of the State. Upon completion of the approval process, one fully executed copy of each document will be returned to the District for your records.

If you have any questions regarding the above, please contact Ms. Donna Puchalski of the BOE's Local Revenue Allocation Unit at (916) 324-1371.

Sincerely,

Brian Manuel, Administrator
Return Analysis and Allocation Section

BM:dlp

COMMITTEES
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BUDGET & FISCAL REVIEW
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California State Senate



WILLIAM W. MONNING
SENATOR, SEVENTEENTH DISTRICT

CAPITOL OFFICE
STATE CAPITOL ROOM 4066
SACRAMENTO CA 95814
TEL 916 651-4017

MONTEREY DISTRICT OFFICE
99 PACIFIC STREET SUITE 575-F
MONTEREY CA 93940
TEL 831 657-6315

SAN LUIS OBISPO DISTRICT OFFICE
1026 PALM STREET SUITE 201
SAN LUIS OBISPO CA 93401
TEL 805 549-3784

SANTA CRUZ DISTRICT OFFICE
701 OCEAN STREET SUITE 318-A
SANTA CRUZ CA 95060
TEL 831 425-0401

GILROY DISTRICT OFFICE
7800 ARROYO CIRCLE SUITE A
GILROY CA 95020
TEL 408 847-6101

March 17, 2015

*Dear Hunter, Members of
The MST Board, and
MST staff and drivers,*

*I want to thank you
each and all for your
tremendous support for
the recent ground breaking
and dedication ceremony
of the California Central
Coast Veterans Cemetery.*

*The support of MST
and the great service
of all the drivers and
support staff greatly ->*

enhanced the smooth running of the day's events.

With the participation of MST, all of the MST team registered its important respect for our region's veterans and their families who have waited patiently for this important and definitive advance.

Again, thank you for your support last Friday and for your service to our community everyday!

Warm regards,
Rita Manning



FORT ORD REUSE AUTHORITY

920 2nd Avenue, Suite A, Marina, CA 93933

Phone: (831) 883-3672 | Fax: (831) 883-3675 | www.fora.org

March 26, 2015

Lisa Rheinheimer, Director of Planning and Development
Monterey-Salinas Transit
One Ryan Ranch Road
Monterey, CA 93940

RE: California Central Coast Veterans Cemetery Groundbreaking Ceremony

Dear Ms. Rheinheimer,

On behalf of all of us at the Fort Ord Reuse Authority, we want to extend our sincere thanks and appreciation for your hard work and determined efforts to provide the transportation to the California Central Coast Veterans Cemetery (CCCVC) groundbreaking event and community celebration. The coordination of transporting that many people in such a tight time frame was a challenge, but it looked seamless to the rest of us. You and your team's effort allowed over one hundred people to move from FORA to the groundbreaking site to Stilwell Community Center with ease.

After twenty-three years of determined effort, the CCCVC finally broke ground on March 13, 2015. That milestone groundbreaking event and subsequent community celebration were the result of federal, state and local agencies, community, veteran and fundraising groups and many others coming together to do the right thing. While the achievements have been significant, we will still face challenges over the coming years. However, with the commitment and hard work of many – we will succeed!

Please pass on our gratitude to your staff - especially Charlie and your drivers who transported us all safely and efficiently. We appreciate MST's commitment to the CCCVC and to the region's veterans. We heard many compliments during the event and continue to hear how excited and appreciative this community was to be included.

Sincerely,

Michael A. Houlemard, Jr.
Executive Officer



April 1, 2015

Carl Sedoryk
Monterey-Salinas Transit
1 Ryan Ranch Rd.
Monterey, CA 93940

Dear Carl:

Congratulations!

Each year, the California Association for Coordinated Transportation (CalACT) recognizes members who contribute significantly to the achievement of CalACT's goals and objectives. This year, you and your agency were nominated for a CalACT Award and have been selected to receive one of these awards. This award is a reflection of the respect you have in the CalACT community.

Your agency will be receiving the 2015 Outstanding Transportation Agency at the awards luncheon.

A special awards luncheon will be held on Tuesday, April 14th, 2014 at 12:00 p.m. during the CalACT Spring Conference & EXPO. The Awards luncheon is being held at Tenaya Lodge in Fish Camp, California. If you would like to attend the luncheon, or wish to bring additional guests to the awards ceremony please contact Tenley at 916-920-8018 or email tenley@calact.org to RSVP for the lunch. Your attendance is strongly encouraged, as you will have the opportunity to briefly address the audience. Please feel free to inform agency staff and local press about the award.

We look forward to seeing you at Tenaya Lodge in beautiful Yosemite National Park.

Sincerely,

Steve Chung
Chair, Membership Committee

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CASE STUDY

Go Small or Go Home

Advocacy Tools at Work: How public outreach, information gathering and coalition building enabled Monterey-Salinas Transit to pass a rural county's first sales tax for transit

BY CARL G. SEDORYK
General Manager/Chief Executive
Officer
Monterey-Salinas Transit

Last fall, Monterey Salinas Transit (MST) conducted a highly targeted, small-scale campaign to secure approval for a tax initiative to protect and enhance public transit services for some of its most vulnerable riders—an effort that resulted in large-scale benefits. Here's our story.

Since 1979, California law has required a two-thirds "supermajority" to pass a local tax for public transit.

As a joint-powers agency, MST lacked statutory authority to hold an election to raise taxes for its own programs and instead relied on other local transportation agency ballot measures.

In 1989, 1998, 2006 and 2008, attempts to raise local sales taxes in Monterey County for road, rail, bus and other alternative transportation projects failed after receiving only a 62.5 percent approval rating, which constituted only a "simple majority."

Anecdotal information after the 2008 measure failed revealed that there were a significant number of voters who did not support these measures because not enough funding was being allocated to MST. In response, MST immediately began a process to change its governance structure so that it could run a sales tax measure independently of any other agency. In 2010, MST accomplished this goal and successfully changed its governance to a "transit district," which, under state law, would allow it to run its own sales tax measure.

During the Great Recession, MST—like many public transit agencies—experienced a number of setbacks, including the illegal state diversions of transit funds to other programs, decreasing state sales tax/fuel tax revenues and decreasing (and increasingly unpredictable) revenues from federal fuel taxes, which resulted in service reductions and fare increases.

Under SAFETEA-LU, MST had been very successful in developing a wide variety of mobility management programs, including senior shuttles, travel training and discounted taxi vouchers for seniors and persons with disabilities. Meanwhile, ADA paratransit trips continued to grow with 40 percent of all such trips in the county dedicated to dialysis-related treatments.

In 2013, MST provided more than 500,000 rides to veterans, seniors and people with disabilities. In other words, every 2.5 minutes a senior, veteran or a person with a disability boards an MST bus. For many of these indi-

viduals, MST is their sole means of transportation.

However, MAP-21 eliminated two federal programs critical to providing this service—FTA's Job Access and Reverse Commute (JARC) program (established to address the unique transportation challenges faced by low-income persons seeking to get and keep jobs) and its New Freedom program (a formula grant program to help people with disabilities fully participate in the workforce, among other features). MST was faced with the discontinuation of services funded by these programs.



Carl G. Sedoryk

Making the Case

To determine what programs a supermajority of voters would support and at what rate of increased taxation, MST hired experienced pollsters and consultants. To demonstrate to the community that this measure was going to be different than previous efforts MST hired consultants who had not previously worked on any of the past failed measures in Monterey County, but who had worked on successful supermajority ballot measures in other areas of the state.

Polling clearly indicated that public transportation programs that supported general capital investments in bus and bus facilities, low-income services and home-to-work services would not receive the required two-thirds majority. However, programs specifically dedicated to veterans, seniors and persons with disabilities would receive more than two-thirds support if the sales tax was limited to only one-eighth of one percent. This broad base of community support was encouraging.

The polls also revealed that voters were responsive to paying local taxes that were locally controlled and not subject to diversions or withholding by the state or federal government. Consequently, MST immediately began a public information and outreach campaign to inform the community of the importance of public transit to vulnerable members of the community and threatened loss of funds to these programs.

Building the Coalition

For more than a decade, MST staff actively participated in a variety of countywide business associations, on non-profit boards and with social service agencies to establish close personal relationships with leaders in the community.

For over two decades Monterey County has struggled with land-use and water-rights issues related to the planned development of 28,000 acres of the former Ft. Ord. A variety of interest groups with differing visions and shifting allegiances with regard to the preservation

of open space, commercial development, low-income and veterans housing and veterans' cemeteries on the former base resulted in groups vying against one another to promote projects that support their narrow interests' specific vision and to stop those projects with opposing visions through threatened or actual lawsuits and ballot initiative campaigns.

Not even MST was immune from this local dysfunction with threatened lawsuits and a ballot measure introduced to halt the construction of an MST maintenance facility on the site of the former Army base landfill. Yet whether an interest group was proposing a commercial development, open space hiking trails, a veterans' cemetery or affordable housing, they all agreed that having public transit serve the project was a critical factor for success.

MST was able to leverage this mutual agreement to approach each of these groups and demonstrate how their support would enable essential transportation programs to continue for some of the most vulnerable individuals in our community and by doing so their group would be seen as being a force for positive change within the community.

By limiting the measure's scope and percentage, even active anti-tax crusaders provided support. The leaders of these disparate organizations set aside their prior differences and joined forces with advocates for seniors, veterans and persons with disabilities and formed the Monterey County Mobility Coalition to place a sales tax measure on the November ballot. The initiative became known as Measure Q.

The Winning Formula

Because the program did not fund large construction projects, campaign leaders knew that large-scale fundraising to underwrite campaign initiatives would be difficult. But with campaign funding support from community leaders, transit



A passenger boards an MST bus after participating in the agency's Travel Training program. MST staged a successful ballot initiative that focused, in part, on the agency's important role in supporting the mobility of older Americans.

suppliers, manufacturers, unions, local hoteliers, environmentalists and the National Alliance of Public Transportation Advocates (a national organization representing grassroots transit coalitions, rider organizations and advocates that support increasing investment in public transportation), the campaign was able to raise \$107,000.

Without any competitive, high-profile elections for national or statewide offices to ramp up voter turnout, campaign leaders correctly anticipated record low voter turnout throughout Monterey County. The campaign focused on direct mail and television ads that targeted high-propensity voters rather than increasing turnout, and supplemented these efforts with non-advocacy public service announcements produced by MST that reminded the community that many of their friends, neighbors, coworkers and fellow residents depend daily on transit services.

On Nov. 4, 2014, Monterey County voters approved Measure Q by a supermajority of 72.56 percent, thus ensuring that funding for transit services for veterans, seniors and persons with disabilities would continue—a significant victory for mobility management in the county.

Measure Q is estimated to provide \$100 million for transit services over the 15-year span of the tax. Funds will start being available to MST in July 2015.

Measure Q represents the first time any local sales tax has passed in Monterey County. We learned that even in a rural area with no history of supporting increased taxes you can win big if you listen to your pollsters, remain focused, stay on message and involve stakeholders early and often, all while making a modest request for funding projects that have broad-based appeal.

Photo courtesy of MST

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Will Federal Officials Fix the Trust Fund or Just Play Games?

What appears to be gaining traction at press time are ideas for "repatriation" of cash held by U.S.-based multinational corporations overseas to avoid U.S. taxes. This year's proposal would fill the Highway Trust Fund with \$70 billion.

BY CLIFF HENKE

By now, it is common knowledge both the Highway Trust Fund (HTF), and the Mass Transit Account within it — the latter established by the 1982 surface transportation bill that was signed by President Ronald Reagan — will run out of money this year, even if the law that governs these funds didn't expire on May 31. These are no longer "what ifs" being chewed over in policy circles.

Nor is the range of options of what to do about it. Some have argued for simply letting the trust fund run out, while others are proposing a range of "bailouts" and longer-term fixes. Still, others are pointing to a series of measures, such as new bond funding and other financing ideas, that go beyond a trust fund fix.

HOW WE GOT HERE

This has been a problem that members of Congress have known about for many years, and several blue-ribbon panels have been organized to address the challenge. Now, the reckoning has come. Put simply, both the Highway Trust Fund and Mass Transit Account are nearing insolvency — for the latter, that point legally comes when the account's balance goes below \$2 billion. However, members of Congress refuse to raise the HTF's revenues — mostly taxes on gasoline and

other fuels — sufficiently to pay for how much we want to spend on highway, public transportation and other surface transportation programs.

Each year since about 2006, Americans have driven less than the year before. A recent study by the **Pew Foundation** showed the trend really started in all but a handful of states in the 1990s, dispelling the notion that somehow the trend would reverse itself when the economy finally started getting better.

Even if their driving had not peaked, however, U.S. cars and trucks have been consuming less fuel, thanks to regulations and technology. That, of course, means less gas taxes paid and less HTF revenue. This long-term challenge will worsen even further when the fuel economy standard the Obama Administration negotiated with auto manufacturers kicks in, which will push fuel efficiency well above 50 miles per gallon for new cars and light trucks sold in the next decade.

At the same time, demand for new and repaired transportation infrastructure has grown. According to the **World Economic Forum**, the U.S. is now ranked 18th for the condition of its transportation network, which drags its overall competitiveness ranking downward fur-

ther each year. America now only spends a paltry 1.5% of its gross domestic product on infrastructure, a rate that is one-half of what it used to be several decades ago; the U.S. now ranks in the mid-30s in infrastructure spending as a share of its economy and its ranking continues to drop with the issuance of each report.

Hampered by concern about mounting federal debt and annual deficits, members of Congress and presidents of both parties have tried to address the issue with record nominal levels of funding in the various authorization bills that have been passed, but none of them since the Transportation Equity Act for the 21st Century that was passed in 1998 have come with new gas tax increases to pay for them. Even the 1990s-era tax increases began as deficit reduction, and then, were transferred to the HTF later when deficit reduction cooled as an issue.

At the same time, states and local jurisdictions through direct referenda began to accelerate spending on roads and public transportation faster than the federal government. More than 70% of such measures have passed each year, a trend that began in the 1990s and continues to this day, according to data compiled by the **Center for Transportation Excellence**. >>>

FEDERAL LEGISLATION

The Great Recession produced another bipartisan call for more surface transportation spending, but the consensus has ended as to how to pay for it on any sustainable basis. Several histories of the Obama Administration's response to the crisis with the Recovery Act of 2009 note that pushing the stimulus money through existing surface trans-

portation programs — which also meant a deficit-financed bailout of the HTF — was the only way to meet the Recovery Act's goals of "timely, targeted and temporary" spending. While that approach succeeded in pushing through the programs what former FTA Administrator Peter Rogoff called "an extra year of spending" in those fiscal years, has since worsened the hole in the HTF and in-

creased the "bailout need," even if funding is to remain constant, Rogoff and others explain.

CONSERVATIVE THOUGHTS

Some conservatives, such as former Nixon transportation official Ken Orski as well as Sen. Mike Lee (R-UT), have argued that the time has come for simply ending the HTF. While a fringe wants to end the federal programs altogether, a line of thinking that was defeated before in the mid-1990s, most in this camp simply want to have Congress pay for any spending on a year-to-year basis. After all, they argue, since the HTF is basically broken, the arguments for how the HTF's "contract authority," which allows state officials to contract with the private sector ahead of the grants' actually arriving, is breaking down anyway.

Other conservatives say this is nihilistic and not really even conservative. For example, Pete Weyrich and former Virginia Gov. Jim Gilmore, who now heads the Free Congress Foundation, say that such devolution of the federal highway and transit programs is not consistent with conservative principles of restraint and long-term planning based on realistic assumptions. Others, like current House Transportation and Infrastructure Committee chairman Bill Shuster, have said that ending any long-term federal commitment ignores the country's founding principles of federal leadership in building the nation and promoting and regulating commerce. He also likes to quote political philosopher Adam Smith, who argued for a governmental role in infrastructure with fees on the users as necessary to the health of capitalism.

IDEAS FOR SOLUTIONS AROUND

Even conservative Senators James Inhofe (R-OK), chair of the Environment and Public Works Committee, and Orrin Hatch (R-UT), chair of the Finance Committee, respectively in the Senate, are warming to the idea of a gas tax increase, with possibly an indexation provision raising it with inflation increases in future years. Although President Obama has not supported such an increase in the past, some have said >>>

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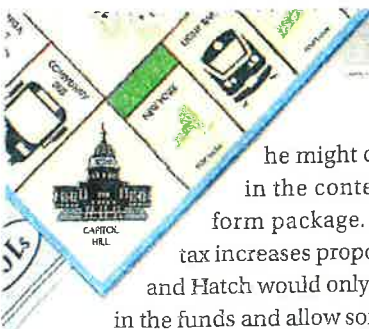
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he might do so if it were in the context of a tax reform package. However, the tax increases proposed by Inhofe and Hatch would only erase the hole in the funds and allow some short-term program spending increases, and no one except liberal Congressman Earl Blumenauer (D-OR) and Sen. Bernie Sanders (I-VT.) support tax increases to pay for

long-term trust solvency. Such proposals amount to well more than a dollar per gallon tax increase.

What appears to be gaining traction at press time are ideas for "repatriation" of cash held by U.S.-based multinational corporations overseas to avoid U.S. taxes. Congressman John Delany (D-MD) has proposed a scaled-down version of his infrastructure repatria-

tion bond fund idea that he introduced in the last Congress. This year's version would dedicate \$120 billion of an estimated \$170 billion that would come from a one-time repatriation tax rate of 8.25% to fill the Highway Trust Fund with \$70 billion, including the traditional 20% designated for the Mass Transit Account, for the next six years, but also put another \$50 billion to the creation of an American Infrastructure Fund, which would provide loans and other financing tools to states and cities for a gamut of infrastructure projects, from sewer improvements to broadband access. The rest of the \$170 billion repatriation would be used in corporate tax reform.

A similar idea was announced in the Senate at press time. The unlikely duo of U.S. Sens. Barbara Boxer (D-CA) and Rand Paul (R-KY) have introduced their own Highway Trust Fund solvency bill with repatriation of overseas corporate revenues, now. Their proposal calls for a repatriation rate of 6.5%.

"I hope this proposal will jumpstart negotiations on addressing the shortfall in the Highway Trust Fund, which is already creating uncertainty that is bad for businesses, bad for workers and bad for the economy," said Boxer during the idea's press announcement. She also pledged to work with Chairmen Inhofe and Hatch, with whom she had a productive relationship when they worked together to craft MAP-21.

Still other ideas abound for repatriation and infrastructure financing, including resurrection of the Recovery Act's successful Build America Bonds, a National Infrastructure Bank, expansion of existing or new state infrastructure banks with tax-preferred investment incentives as part of a tax reform package, or even the creation of a government-sponsored enterprise for transportation investment similar to the mortgage-backed enterprises Fannie Mae and Freddie Mac. None of those ideas, however, have gained much traction, particularly the last, in the wake of the financial crash of 2008, and certainly not nearly the traction recently gained by repatriation in the wake of tax reform. >>>



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EXPIRATION FOCUSES ATTENTION

Ironically, lawmakers seem to be gravitating toward the ideas floated by the Obama Administration in their recent budgets. The president has called for tax reform and using money from winding down the Middle East wars to pay for a HTF bailout and a national infrastructure bank. His FY 2016 budget, announced at press time, calls for a mandatory 14% repatriation fee to fund a variety of programs, including a six-year, \$478 billion surface transportation reauthorization proposal.

The real short-term challenge looms as we get nearer to the end of May, the expiration deadline. Most experts, including some members of Congress, privately expect to see a short-term extension while longer-term legislation is worked out. While no one will admit it, the deal will likely be very similar to the president's proposals.



Courtesy: The White House

President Obama's FY 2016 budget, announced at press time, calls for a mandatory 14% repatriation fee to fund a variety of programs, including a six-year, \$478 billion surface transportation reauthorization proposal.

Some have said that ever since his opposition party took over the House majority, the president is most successful when he allows others to craft the bill ultimately adopted. Surface transportation

funding looks increasingly likely to be one of those instances this year.

Cliff Henke is an assistant VP and senior analyst with Parsons Brinckerhoff. Any views expressed herein are solely his own.



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Dr. Martin Schiefelbusch MA MSc, Stuttgart

Paratransit: Neue Entwicklungen an der Peripherie des ÖPNV

Eindrücke von der Tagung *Shaping the new future of paratransit* [1]

Verkehrslösungen für Räume und Zeiten schwacher Nachfrage sind immer wieder Thema von Beiträgen dieser Zeitschrift [2] und seit langem Gegenstand von Forschungs- und Planungsprojekten. Dabei ist meist von *flexiblen* (manchmal auch *alternativen*) *Bedienformen* oder vom *bedarfs-gesteuerten ÖPNV* die Rede, da die meisten Konzepte auf eine mehr oder weniger nachfragegesteuerte Bedienung setzen, bei der zwar ein umfangreiches Fahrtenangebot bereitgehalten, aber nur der Teil davon tatsächlich erbracht wird, für den ein konkretes (angemeldetes) Bedürfnis besteht.

Der englische beziehungsweise amerikanische Begriff des Paratransit ist hierzulande dagegen weitgehend unbekannt. Er enthält die eben genannten Ansätze, geht jedoch inhaltlich darüber hinaus. Paratransit umfasst in seiner ursprünglichen Definition aus den späten 1970er Jahren [3] *gemeinsam genutzte Fahrdienste, überwiegend mit flexiblen oder dynamischen Elementen, die aus nachfragegesteuertem öffentlichen Verkehr, organisierter Mitfahrvermittlung, geteiltem Fahrzeugbesitz, Taxiverkehr und Varianten davon bestehen können*.

Diese Definition enthält somit auch einige Elemente, die inzwischen nicht nur als Lösung für den Umgang mit geringer Nachfrage gelten, sondern auch als notwendige Schritt-

te, um den ÖPNV in Richtung eines multimodalen Angebots weiterzuentwickeln (vgl. unten). So wären danach die sich zurzeit stark entwickelnden Carsharing-Angebote (flexibel wie stationsgebunden) ebenso Teil von Paratransit wie jede Form der Mitfahrvermittlung.

Anlässlich der ersten internationalen Fachtagung seit 1997 zum Thema Paratransit soll mit dem folgenden Beitrag ein Einblick in die aktuelle Diskussion zu diesem Bereich gegeben werden. Außerdem stellt der Aufsatz einige Instrumente (Angebots- und Organisationsformen) aus der US-amerikanischen Paratransit-Praxis vor, die möglicherweise Anregungen für die Entwicklung neuer Mobilitätsdienste in Europa leisten können.

Die Tagung

Die Fachtagung zur Zukunft des Paratransit [4] fand vom 29. bis 31. Oktober 2014 in Monterey/Kalifornien statt und wurde durch das Transportation Research Board der USA unterstützt. Die etwa 150 Teilnehmer kamen zu gut 80 Prozent aus Nordamerika, die übrigen vor allem aus (West)Europa. Hier waren die Niederlande, Belgien, Schweden, Dänemark und Großbritannien jeweils mit mehreren Personen und mindestens einem Vortrag vertreten. Institutionell stammten die meisten der Anwesenden von kommunalen



DER AUTOR

Dr. Martin Schiefelbusch (44) betreut nach längerer Tätigkeit am nexus Institut und der TU Berlin seit April 2014 das Kompetenzzentrum Innovative Angebotsformen im ÖPNV bei der Nahverkehrsgesellschaft Baden-Württemberg. Er studierte Geografie und Verkehrsplanung in Berlin und London und promovierte 2007 am Institut für Land- und Seeverkehr der TU Berlin. In der Mobilitätsforschung und -beratung befasst Schiefelbusch sich vor allem mit der Weiterentwicklung des öffentlichen Verkehrs und hat hier neben Arbeiten zur ländlichen Mobilität unter anderem Kundendienst und Fahrgastrechte, Verkehrspolitik und internationale Zusammenarbeit behandelt.

len und regionalen Verkehrsbehörden, Verkehrsunternehmen, Beratungsfirmen und Interessensverbänden. Entsprechend waren rein wissenschaftliche Beiträge selten; es dominierten Vorträge mit eher praxisorientiertem Charakter. Auch der örtliche Verkehrs-betrieb Monterey Salinas Transit (MST) gab einen Überblick über seine Aktivitäten (Abb. 1, Kasten S.63).

Das Thema Paratransit wurde in vielfältiger Form behandelt, wobei von den in der genannten Definition enthaltenen Elementen vor allem flexible öffentliche Verkehrsangebote und gruppenspezifische Sonderverkehre zur Sprache kamen. Carsharing und Mitfahrvermittlung spielten dagegen nur eine geringe Rolle. Entsprechend der Teilnehmerschaft nahmen die meisten Beiträge Bezug auf den nordamerikanischen Kontext. Aber auch die europäischen Beispiele waren insofern interessant als sie die sehr unterschiedlichen Konzepte auch innerhalb Europas zeigten. Vier Oberthemen lassen sich als sehr knappe Zusammenfassung identifizieren:

- Randbedingungen für den Paratransit in den USA,
- Mobilitätsmanagement mittels akteur-sübergreifender Koordination,
- Paratransit-Konzepte aus Europa und anderen Ländern,
- neue Technologien und Geschäftsmodelle als treibende Kräfte für neue Formen des Paratransits.



Abb. 1: MST-Midibus auf der touristischen Küstenlinie 24.



„einfacheren“ Fahrten zu entlasten. Die TNC selbst bieten dafür allerdings bisher noch keine ausreichende Verfügbarkeit und Qualität – die Fahrzeuge sind nicht barrierefrei, und Sicherheits- oder Ausbildungsstandards werden nicht garantiert. Es ist jedoch zu erwarten, dass die TNC versuchen werden, durch spezielle Angebote (etwa eine separate Vermittlung von Rollstuhltaxen oder Buchungsportale für Großkunden) auch solche Marktsegmente zu bedienen. Auch spezielle Community-Angebote (Senioren fahren Senioren) scheinen denkbar.

Schluss

In der Auseinandersetzung mit dem Thema Paratransit wird die soziale Bedeutung von Mobilitätsdiensten deutlich. Für den amerikanischen Kontext gilt dies (angesichts des weniger entwickelten „großen“ ÖPNV) in besonderem Maß. Paratransit-Dienste sind zwar eine teure Form öffentlichen Ver-

kehrs, sie leisten aber einen wesentlichen Beitrag dazu, dass Menschen auch bei eingeschränkter Mobilität in ihrem häuslichen Umfeld bleiben und ihren gewohnten Aktivitäten nachgehen können. Dies ist zum einen meist Wunsch der Betroffenen. Zum anderen ist ein solcher Dienst aber auch aus volkswirtschaftlicher Sicht durchaus interessant, da so erheblich höhere Kosten für eine mobile Versorgung oder Heimunterbringung vermieden werden können.

Hier zeigt die amerikanische Situation einerseits ein größeres Bewusstsein für die soziale Dimension dieser Dienste. Andererseits ist an der Vielfalt der Programme, Kostenträger, Anbieter und Kooperationsformen zu erkennen, dass eine übergreifende Zusammenarbeit dabei eine schwierige Aufgabe ist, bei der sicher noch manches besser gelöst werden kann.

Die Bedeutung von Paratransit wird im Zuge des demografischen Wandels wachsen – dies gilt auch für Amerika. Hier besteht zwar nicht

das aus Europa bekannte Problem absoluten Bevölkerungsrückgangs, die Alterung wird aber mindestens genauso wirksam werden. Die Versorgung der ausgedehnten, dünnbesiedelten Wohngebiete des Pkw-Zeitalters ist hier eher noch schwerer zu bewältigen als in Europa und vermutlich nur mit massivem Einsatz flexibler Verkehrsangebote machbar.

Dabei passt das Konzept des Paratransits auch zu den gesellschaftlichen Megatrends zunehmend dynamischer, variabler Verhaltensmuster und der Neubewertung des Alters als einer Zeit der aktiven Selbstverwirklichung. Diese Trends werden durch technische Entwicklungen (Stichwort Smartphone, verkehrsträgerübergreifende Mobilitäts-Apps) unterstützt. Selbst wenn (heutige) Senioren generationen diese Mittel noch weniger nutzen als jüngere Altersgruppen, so sind sie den meisten doch nicht ganz fremd. Auch die Nutzersicht spricht demnach dafür, Paratransit bewusst als Baustein moderner Mobilitätsangebote einzusetzen.

Mobilitäts- und Serviceleistungen: Monterey Salinas Transit

Der am Ort der Tagung tätige Verkehrsbetrieb Monterey Salinas Transit bedient mit 104 Fahrzeugen ein Gebiet von 725 km² mit 426 000 Einwohnern, davon 150 000 in Salinas und 28 000 in Monterey. Der Betrieb hat neben klassischem Linienverkehr (Stadt- und Regionallinien) und den zwingenden Leistungen im ADA-Paratransit folgende Aktivitäten im Bereich des Mobilitätsmanagements entwickelt:

- Aufbau einer Reihe teilöffentlicher oder geschlossener Linienverkehre zur Bedienung der Militärstandorte der Region (interne Verkehre, Pendlerlinien, Freizeitfahrten),
- „garantierte Heimfahrt“-Programm für Teilnehmer an Fahrgemeinschaften oder ÖPNV-Nutzer, die wegen plötzlicher Terminänderungen ihre eigentliche Heimkehrmöglichkeit nicht nutzen können,
- Jobticket-Angebote für Unternehmen,
- allgemein zugängliche Rufbusverkehre in zwei Gebieten,
- Orientierung weiterer Linien auf Verkehre zu und zwischen den Hochschulstandorten der Region,
- allgemeine und kundenspezifische Trainingsprogramme, um Kenntnisse der ÖPNV-Nutzung zu vermitteln (und die

Abhängigkeit vom ADA-Paratransit zu reduzieren),

- Begleitsdienst für Mobilitätseingeschränkte und Gruppen im Linienverkehr, die durch Freiwillige erbracht werden (Abb. 4),
- über die ADA-Verpflichtung hinausgehender Fahrdienst für Mobilitätseingeschränkte, der durch Taxiunternehmen erbracht wird und bevorzugt für Wege von/zur Bushaltestelle angeboten wird,
- dazu Beschaffung von neun rollstuhlge-rechten Taxen (Abb. 5), die an örtliche Taxiunternehmen vermietet werden,
- monatliche Sonderfahrten zu den wichtigsten Spezialkliniken in den angrenzenden Regionen (für alle Einwohner nutzbar).

Das Mobilitätsmanagement von MST bemüht sich außerdem um die Berücksichtigung der Anforderungen mobilitätseingeschränkter Personen bei der Gestaltung von Verkehrsanlagen.

Im Geschäftsjahr 2013 wurden 4,1 Mio Fahrgastfahrten erbracht (davon 105 000 im ADA-Paratransit) und die Betriebskosten zu knapp 24 Prozent aus Fahrgeldeinnahmen gedeckt. Da einige Bundesförderprogramme künftig entfallen, wurde auch hier ein lokales Referendum



Foto: Tom Hicks

Abb. 4: Hilfe beim Einsteigen in den Linienbus von MST.



Foto: MFTA New York

Abb. 5: Rollstuhltaxi mit seitlicher Rampe Modell MV-1.

initiiert, nach dessen Annahme künftig eine Umsatzsteuer von 0,125 Cent pro Dollar zweckgebunden für den ÖPNV erhoben wird.

Feds should back off, let state trim pension costs

Billions at stake in labor dispute

BY THE EDITORIAL BOARD

U.S. Labor Secretary Thomas Perez and his department shouldn't let their pro-labor ideology get in the way of California's effort to bring a little responsibility to pension costs. MOLLY RILEY ASSOCIATED PRESS FILE

Gov. Jerry Brown's administration has won an important victory in its modest effort to curb pension costs. Inexplicably, President Barack Obama's Labor Department still is trying to undermine Brown.

In 2012, Brown signed the [California Public Employees' Pension Reform Act](#) hoping to bring the staggering cost of funding retirement under fiscal control.

In 2013, U.S. labor officials reacted by claiming that the law undermines transit workers' collective bargaining rights, and by threatening to withhold \$2 billion in aid to keep California public transportation systems operating. [Brown and the Sacramento Regional Transit District sued](#).

District Judge Kimberly J. Mueller sided with Brown in December, as [The Sacramento Bee's Denny Walsh reported last week](#). That should have been the end of it.

But Labor Secretary Thomas E. Perez's lawyers last week filed a wrong-headed notice saying they intend to appeal to the 9th U.S. Circuit Court of Appeals. Worse, the Labor Department once again is withholding transit aid to the state. For Sacramento Regional Transit, that would mean \$28 million or more. Perez's action threatens every transit system in the state.

Enough already. U.S. Sens. Dianne Feinstein and Barbara Boxer, and others, among them Rep. Jeff Denham, R-Turlock, who sits on the House Transportation Committee, ought to intervene on the state's behalf.

Under the old rules, regional transit employees could retire as young as 55 after working for as few as 10 years. Overtime, bonuses, shift differentials, cashed-out sick leave and used vacation could be used to calculate pension payments.

The 2012 pension reform act says that new public employees including transit workers must contribute 50 percent toward their pensions, and it limited the types of compensation that could be counted toward pension.

The law further limits retirement costs by basing pensions on the average of employees' highest three years of pay, and eliminating the ability of employees to spike their pensions by purchasing so-called airtime.

The Amalgamated Transit Union filed an objection with the Labor Department in 2013, citing the impact of the pension overhaul on collective bargaining. Labor agreed in September 2013 and threatened to withhold federal transit aid, which amounts to 20 percent of the \$8.5 billion spent on transit in the state.

To blunt the impact of the Labor Department' position, the Legislature approved a bill in 2013 exempting until this year transit workers from the pension overhaul. The state also sued, arguing that by withholding the funds, the Labor Department was undermining California's fiscal and legislative sovereignty.

Mueller agreed, concluding in a 32-page decision that the pension overhaul didn't give one side more power over collective bargaining, but rather made across-the-board changes in public employee pension law.

Mueller sent the matter back to the department "for further proceedings consistent with this order." However, the Labor Department last week filed a notice saying it plans to appeal to the 9th U.S. Circuit Court of Appeals.

Under Obama, the Labor Department has a pro-labor bent. That's well and good. But Perez and the agency he heads need to display a little perspective. California's pension overhaul was modest and reasonable.

New employees still will receive sweeter retirement benefits than most nongovernment workers. The feds shouldn't let their pro-labor ideology get in the way of California's effort to bring a little responsibility to pension costs.

Read more here: <http://www.sacbee.com/opinion/editorials/article12723368.html#storylink=cpy>

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Another View: Leave transit workers' pensions alone

BY LARRY HANLEY

SPECIAL TO THE BEE

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Have you ever been beaten with a lead pipe or had bodily fluids thrown in your face at work? California bus drivers are assaulted like that on a regular basis. Have you ever been asked to safely steer a 40,000-pound vehicle through traffic? Transit workers do that every day.

It's not an easy job. Most buses are ergonomic nightmares that inflict back, neck and shoulder pain on operators. Drivers go for hours without bathroom breaks because their computerized schedules don't allow enough time. Since shifts either start around 5 a.m. or end around 7 p.m., sleeping disorders are common. Within a five-year period, 1 out of 4 city bus drivers will leave the job. Forty-five percent of drivers retire early due to a disability. Only 1 out of 9 reaches regular retirement age.

Gov. Jerry Brown, trying to address California's pension fund shortage, lumped all public workers together to ensure that new employees contribute more and receive less in retirement benefits. But California transit workers – whose pensions are well funded – should never have been included.

Federal law has protected the collective bargaining rights of these much-abused workers for more than 50 years. Now, the U.S. Department of Labor is enforcing the long-

standing statute that protects workers who are employed by transit systems that benefit from federal funds.

We should be praising the Obama administration and demanding that all workers receive such protection, not criticizing the action as did a recent Sacramento Bee editorial ([“Feds should back off, let state trim pension costs,”](#) March 6).

Gov. Brown violated federal law when he included transit workers in his plan to reduce the income of California’s public retirees. Now, the state wants to change the rules of the game. That’s like telling the Sacramento Kings that fouls will now be called by the opposing team, rather than the referees.

Of course, this is no game. California is forcing workers to retire in poverty and giving the savings to billionaires in the form of tax credits. Meanwhile, taxpayers take on the growing burden of providing public assistance to the victims of income inequality.

The transit systems that bus drivers operate and passengers rely on will get their federal funds no matter the result of the current litigation. For now, however, it is in everyone’s best interests to stand up for those who have routinely gone above and beyond the call in their years as public servants.

Larry Hanley is international president of the Amalgamated Transit Union.

Read more here: <http://www.sacbee.com/opinion/op-ed/soapbox/article13529933.html#storylink=cpy>