

Board of Directors Regular Meeting

Monday, November 17, 2008

MST Conference Room
One Ryan Ranch Road, Monterey

10:00 a.m.

TRANSPORTATION: Ride the Peninsula DART to MST Office

1. CALL TO ORDER

1-1. Roll call.

1-2. Pledge of Allegiance.

2. CONSENT AGENDA

2-1. Review highlights of Agenda. (Carl Sedoryk)

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

2-2. Adopt Resolution 2009-08 recognizing Fred Simkins, Coach Operator, as Employee of the Month for November 2008. (p. 1)

2-3. Disposal of property left aboard buses. (Danny Avina) (p. 3)

2-4. Minutes of the regular meeting of October 13, 2008. (Sonia Bannister) (p. 5)

2-5. Financial Report – October 2008. (Hunter Harvath) (p. 9)

2-6. Adopt Resolution 2009-09 Appreciation for John Laird. (Hunter Harvath) (p. 29)

2-7. Adopt Resolution 2009-10 Appreciation for Lisa Senkir. (Hunter Harvath) (p. 31)

2-8. Adopt Final Drug & Alcohol Policy revision. (Lyn Owens) (p. 33)

End of Consent Agenda

3. SPECIAL PRESENTATIONS

- 3-1. November Employee of the Month – Fred Simkins, Coach Operator.
(Michael Hernandez)
- 3-2. 20 Year Service Award – Sonia Bannister, Office Administrator &
Marketing/Sales Specialist. (Carl Sedoryk)
- 3-3. Present Resolution 2009-09 Appreciation to John Laird. (Hunter Harvath)

4. 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.

5. COMMITTEE REPORTS

No action required unless specifically noted.

- 5-1. MST RIDES Advisory Committee Minutes – September 15, 2008. (Bill Morris)
(p. 37)
- 5-2. Finance Committee Minutes – October 13, 2008. (Hunter Harvath) (p. 41)

6. BIDS/PROPOSALS

7. PUBLIC HEARINGS

- 7-1. Conduct public hearing on proposed fare increase and/or service change to
fixed route and MST RIDES. (Hunter Harvath) (p. 43)

8. UNFINISHED BUSINESS

- 8-1. Receive presentation on MST Trolley 2008 season. (No Enclosure)
(Hunter Harvath)

9. NEW BUSINESS

10. REPORTS & INFORMATION ITEMS

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

- 10-1. General Manager/CEO Report. (p. 67)

- 10-2. TAMC Highlights – October 22, 2008. (p. 89)
- 10-3. Washington D. C. Lobbyist report – October 28, 2008. (p. 93)
- 10-4. Sacramento Lobbyist report – November 1, 2008. (p. 95)
- 10-5. Letter from Monterey Jazz Festival. (p. 97)
- 10-6. Board referrals. (p. 99)
- 10-7. Staff trip reports. (p. 101)

11. COMMENTS BY BOARD MEMBERS

- 11-1. Reports on meetings attended by Board members at MST expense (AB1234).

12. ANNOUNCEMENTS

13. CLOSED SESSION

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

- 13-1. General Manager/CEO Performance, (§54954.2). (Lyn Owens)

14. RETURN TO OPEN SESSION

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

15. ADJOURN

NEXT MEETING DATE: December 8, 2008 in MST Conference Room.

NEXT AGENDA DEADLINE: November 26, 2008

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 5 days before the meeting. Requests should be sent to Sonia Bannister, MST, One Ryan Ranch Road, Monterey, CA 93940 or srbannister@mst.org

**FRED SIMKINS
NOVEMBER 2008
EMPLOYEE OF THE MONTH**

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

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

WHEREAS, Fred Simkins began his career with Monterey-Salinas Transit in March of 2003 as a Coach Operator; and

WHEREAS, Fred Simkins recently received a Safety Award for five consecutive years of Safe Driving and an annual award for Perfect Attendance; and

WHEREAS, Fred Simkins continues to provide support that is essential to MST's Training Department as a skilled Line Instructor.

THEREFORE BE IT RESOLVED that the Board of Directors of Monterey-Salinas Transit recognizes Fred Simkins as Employee of the Month for November 2008; and

BE IT FURTHER RESOLVED that Fred Simkins is to be congratulated for his excellent work at Monterey-Salinas Transit.

THE BOARD OF DIRECTORS OF MONTEREY-SALINAS TRANSIT PASSED AND ADOPTED RESOLUTION 2009-08 this 17th day of November 2008 by the following vote:

AYES: Armenta, Clark, Downey, Ford, Mancini, Stilwell

NOES: None

ABSENT: Sanchez, Sharp



Fernando Armenta
Chairman



Carl G. Sedoryk
Secretary

To: Board of Directors
From: Danny Avina, Marketing and Customer Service Manager
Subject: Disposal of unclaimed property left on bus

Goodwill

1 backpack	3 shirts
2 coin purses	1 toy
2 eyeglasses	1 wallet
2 hats	6 cell phones
2 jackets	1 plate
1 lunch bag	4 bikes
2 pants	
1 purse	

To be disposed

4 sets of keys	1 bag of clothes
1 coin purse	1 pair of sunglasses
1 photo	
3 binders	
5 credit cards	
1 crossword book	
1 watch	

\$22 turned into 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.

PREPARED BY: _____ REVIEWED BY: _____
Danny Avina Carl Sedoryk

BOARD OF DIRECTORS
REGULAR MEETING
MONTEREY-SALINAS TRANSIT
October 13, 2008

1. CALL TO ORDER

Chair Armenta called the meeting to order at 10:00 a.m. in the MST Conference Room.

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

Absent: None

Staff:	Carl Sedoryk	General Manager/CEO
	Hunter Harvath	Asst. General Manager/Finance & Administration
	Michael Hernandez	Asst. General Manager/Chief Operating Officer
	Tom Hicks	CTSA Manager
	Bill Morris	Contract Transportation Manager
	Lyn Owens	Director of Human Resources
	Kelly Halcon	Human Resources Manager
	Sonia Bannister	Office Administrator/Marketing & Sales Specialist
	Danny Avina	Marketing/Customer Service Manager
	Lou Doll	Safety & Training Officer
	Michael Gallant	Planning Manager

Others:	Dave Laredo	DeLay & Laredo
	Heidi Quinn	DeLay & Laredo
	Zoe Smallwood	Marketing Analyst
	Lance Atencio	MV Transportation

Apology is made for any misspelling of a name.

2-1. – 2-10. CONSENT AGENDA

The consent agenda items consisted of the following:

- 2-2. Adopt Resolution 2009-06 recognizing Zoe Smallwood, Marketing Analyst, as Employee of the Month for October 2008.
- 2-3. Disposal of property left aboard buses.

- 2-4. Minutes of the regular meeting of September 8, 2008.
- 2-5. Financial Report – September 2008.
- 2-6. Maximus Inc. software maintenance agreement.
- 2-7. Adopt Resolution 2009-07 recognizing Tom Greer for 21 years of service.
- 2-8. Reject liability claim.
- 2-9. Approve purchase of security system for Monterey Division.
- 2-10. Schedule public hearings for possible fare increases, MST RIDES fare increases, and other possible service adjustments.

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

3. SPECIAL PRESENTATIONS

Danny Avina, Marketing/Customer Service Manager, introduced Zoe Smallwood, Marketing Analyst, as Employee of the Month for October 2008. Zoe has been instrumental in the opening of the new Bus Stop Shop located in Downtown Monterey in September. She has worked together with the Facilities staff to implement a new MST logo signage at TDA and the new Downtown Monterey location. Zoe also helped organize special service to events such as the Monterey County Fair and the Monterey Jazz Fest.

4. PUBLIC COMMENTS

Lyn Owens, Director of Human Resources introduced Kelly Halcon as the new Human Resource Manager.

5. COMMITTEE REPORTS

The Board accepted and filed the MST RIDES Advisory Committee Minutes – August 18, 2008 and the Human Resource Committee Minutes – September 8, 2008.

6. BIDS/PROPOSALS

None.

7. PUBLIC HEARINGS

None.

8-1. UPDATE ON STATE BUDGET IMPACTS

The Board received an update on the FY 2009 MST Operating and Capital budgets.

8-2. UPDATE ON FRANK J. LICHTANSKI FACILITY

The Board received an update on the design status for the Frank J. Lichtanski, Monterey Bay Operations Center.

9-1. MV TRANSPORTATION, INC. CONTRACTED SERVICES

Mr. Weber, Director of Transportation Services, reported that on May 10, 2004, the MST Board awarded an exclusive five-year service agreement to MV Transportation, Inc. (MCTI) for the provision of services for the MST RIDES ADA Paratransit program, selected fixed route, Trolley, and DART services. The agreement went into effect on July 18, 2004 and is due to expire on July 17, 2009. There is an option to extend this contract by mutual agreement for up to two, (2) two-year periods beyond the initial five-year agreement.

Inclusive of the MST RIDES program, MVTI provides approximately 37% of all MST services under this agreement.

Director Stilwell left at 11:00 a.m.

Director Downey authorized staff to enter into formal negotiations with MV Transportation, Inc. to: a) explore measures that would provide immediate financial relief to MVTI due to the unforeseen increase in the cost of fuel and other related expenses; and b) exercise the first 2-year option to extend the service agreement with MVTI from July 18, 2009 – July 17, 2011. Director Sharp seconded and the motion carried unanimously.

9-2. AB2766 AIR DISTRICT GRANTS

The Monterey Bay Unified Air Pollution Control District (Air District) conducts an annual grant process authorized by Assembly Bill 2766 which directs a portion of the state's vehicle licensing fee to emissions reducing projects proposed by local public agencies.

These grants would fund the following projects: 09-14 Purchase Equipment to Produce Biofuel from Mustard Seed – To fully implement its sustainable biodiesel program; 09-15 Conversion to Biodiesel for MST Diesel Fleet; 09-16 Chicago Climate Exchange Membership; and 09-18 CSUMB Transit Pass Demo – Year 2.

Director Downey moved to approve the execution of FY 2009 Monterey Bay Unified Air Pollution Control District AB2766 grants. Director Sharp seconded and the motion carried unanimously.

10-1. – 10-7. REPORTS & INFORMATION ITEMS

The reports consisted of the General Manager/CEO Report; TAMC Highlights – September 24, 2008; Washington DC Lobbyist Report – October 1, 2008; Sacramento Lobbyist report – October 1, 2008; Update on MST investments; Board Referrals, and Staff trip reports.

11. COMMENTS BY BOARD MEMBERS

Director Downey asked about the possibility of extending The WAVE service past the summer season.

Director Mancini commented that there are more tourists riding bikes along the recreational trail.

Director Sanchez presented that Public Awareness Campaign from the City of Salinas.

12. ANNOUNCEMENTS

BioEasi press conference – October 21, 2008 at 2:30 p.m.

13. CLOSED SESSION

The Board adjourned to Closed Session to meet with legal counsel regarding General Manager/CEO performance.

14. RETURN TO OPEN SESSION

Upon returning to open Session, General Counsel Laredo announced that no reportable action was taken by the Board.

15. ADJOURNMENT

There being no further business, Chair Armenta adjourned the meeting at 11:45 a.m.

Prepared by: _____
Sonia A.R. Bannister

To: Board of Directors
From: H. Harvath, Assistant General Manager for Finance & Administration
Subject: Financial Report – October 2008

RECOMMENDATION:

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

FISCAL IMPACT:

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

Beginning balance September 27, 2008	\$ 8,505,889.80
Revenues	3,461,860.15
Disbursements	<u>< 2,513,750.53 ></u>
Ending balance October 24, 2008	<u>\$ 9,453,999.42</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.

Prepared by: _____ Reviewed by: _____
Hunter Harvath Carl Sedoryk

Attachment #3

TREASURY TRANSACTIONS
FOR OCTOBER 2008

<u>Date</u>	<u>Account</u>	<u>Confirm #</u>	<u>Bank</u>	<u>Deposit</u>	<u>Withdrawal</u>	<u>Balance</u>
Balance Forward at 09/26/08						\$ 8,452,522
Sep 30	LAIF	1189368	FNB	2,873,000		11,325,522
Oct 6	LAIF	1189932	WF		837,000	10,488,522
Oct 8	LAIF	1190301	WF		340,000	10,148,522
Oct 20	LAIF	1196518	WF		66,000	10,082,522
Oct 22	LAIF	1196883	WF		720,000	9,362,522
Local Agency Investment Fund: (Earned 2.774% for Sept. 2008)						\$ 9,362,522
Treasury Balance at 10/24/08:						\$ 9,362,522

RESOLUTION OF APPRECIATION TO
THE HONORABLE JOHN LAIRD
ASSEMBLY MEMBER,
27TH STATE ASSEMBLY DISTRICT

WHEREAS, Assembly Member John Laird has represented the 27th Assembly District with distinction since 2002, serving as the Chair of the Assembly Budget Committee, Vice Chair of the Assembly-Senate Joint Legislative Budget Committee, Member of the Assembly-Senate Joint Budget Conference Committee, and Member of the Select Committee on Rail Transportation; and

WHEREAS, in 2006, Assembly Member Laird helped deliver the first on-time budget since 2000, which restored funding for transportation; and

WHEREAS, as a direct result these efforts Monterey-Salinas Transit received \$10.0 Million dollars of State Transportation Improvement Program Funds in 2006 and 2008 that were used to complete the construction of the Marina Transit Exchange, and to purchase 15 new buses.

WHEREAS, Assembly Member Laird fought hard to keep funds for transportation in the 2008-09 state budget, and succeeded in preventing the borrowing of Proposition 42 transportation funds; and

WHEREAS, Monterey-Salinas Transit recognizes the dedication, commitment and hard-fought effort on the part of Assembly Member John Laird on behalf of the Monterey Bay communities to protect transportation and other funding allocations at a level that benefits all constituents he represents;

NOW, THEREFORE, BE IT DECLARED, THAT Monterey-Salinas Transit appreciates the efforts of Assembly Member John Laird and his staff to keep dedicated transportation dollars flowing to critical transit projects in California and appreciates his cooperative efforts to improve public transit in Monterey County by the following vote:

AYES: Armenta, Clark, Downey, Ford, Mancini, Stilwell

NOES: None

ABSENT: Sanchez, Sharp



Fernando Armenta
Chairman



Carl Sedoryk
Secretary

APPRECIATION FOR SERVICES RENDERED BY LISA SENKIR

WHEREAS, Lisa Senkir has served on the Board of Directors of Monterey-Salinas Transit from February 2007 to October 2008; and

WHEREAS, Lisa Senkir has served on the Marketing Committee; and

WHEREAS, Lisa Senkir was active in coordinating bus service with HSBC; and

WHEREAS, Lisa Senkir was a staunch advocate of public transportation; and

WHEREAS, Lisa Senkir has made a substantial and lasting contribution to the improvement of public transportation throughout Monterey County.

THEREFORE BE IT RESOLVED that the Board of Directors wishes her its sincerest thanks and best wishes as she leaves the MST Board of Directors.

THE BOARD OF DIRECTORS OF MONTEREY-SALINAS TRANSIT
PASSED AND ADOPTED RESOLUTION 2009-10 this 17th day of November 2008 by
the following vote:

AYES: Armenta, Clark, Downey, Ford, Mancini, Stilwell

NOES: None

ABSENT: Sanchez, Sharp



Fernando Armenta
Chairman



Carl G. Sedoryk
Secretary

To: Board of Directors
From: L. Owens, Director of Human Resources-Risk Management
Subject: Final Drug and Alcohol Policy

RECOMMENDATION:

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

FISCAL IMPACT:

None.

POLICY IMPLICATIONS:

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

DISCUSSION:

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

Your Board approved an amended Drug and Alcohol Policy in November of 2007 and again in February 2008. Since that time, Monterey-Salinas Transit has participated in an audit conducted by consultants hired by the Federal Transit Administration. In accordance with the FTA findings, MST updated the language of the policy to exclude the Federal Motor Carriers requirements and replace with approved FTA language. Should any member of the Board or public wish to receive the full text of this document; it is available from the Human Resources Department at any time.

PREPARED BY: _____
Lyn Owens

REVIEWED BY: _____
Carl G. Sedoryk

ATTACHMENT #1 (Summary of policy changes)

Attachment #1

Summary of Drug and Alcohol Policy changes in compliance with the Federal Transit Administration guidelines.

In response to a recent FTA audit of Monterey-Salinas Transit's Drug Abuse and Alcohol Misuse Policy, the following changes were identified as necessary to become compliant with FTA guidelines.

- All references to Federal Motor Carriers Act are removed.
- "objective" was removed; replace with "references" which explains FTA & DOT rule and regulations pertaining to Drug & Alcohol.
- Appendix V was revised from "Drug and Alcohol test(s) required" to reflect "Definitions of terms", which have been reduced to identify most common used words or phrases such as Accident, MRO, Specimen thus eliminating words not commonly used such as Department of health and human services, contractor, DOT Regulations
- Appendix IV title has been revised from Qualifications For Employment And Prohibited Behavior to Circumstances which warrants testing which explains the reasons for which an employee would be sent for a random drug test "pre duty use of alcohol" summary (ies) has been added which explains the hours in which any employee may not drink prior to reporting to work which including on call employees.
- Appendix V. "Drug and Alcohol test(s) required" has been revised to VII. "Specific Testing Requirements" which explains random testing, post accident, reasonable suspicion, return to duty and follow up testing and pre employment testing. Voluntary Rehabilitation summary has been added in this appendix which explains; employees have one voluntary rehabilitation opportunity without being subject to disciplinary action under certain circumstances and further explains the circumstances. New Hire follow up testing has also been added to this appendix which explains the procedure if a new hire employee had a prior positive test result with a previous employer.
- Appendix VI. "Specimen Collection Procedures" has been revised to reflect Appendix IX. "testing protocols" which explains the types of collections as well as the process of collection.
- Appendix VII."Testing Methodology" has been revised to Appendix X. "Disciplinary Consequences of Prohibited Drug Use and Misuse of Alcohol" which explains the disciplinary procedures for Drugs and Alcohol positives for new and current employees. The drug free workplace act has been included in this appendix which explains Federal Regulation 49 CFR 29 requires that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on MST property.
- Appendix XI. Action to be taken upon receipt of positive test result or refusal to test has been added which specifies what action(s) 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.
- Appendix XII. Confidentiality and release of information has been added which explains DOT part §40.321, §40.323 and §655.73 regarding the release of individual test results or medical information which is to be limited to those persons who are on a need-to-know basis and identifies who those individuals are.
- Appendix XIII. Title "Record Keeping" has been revised to reflect "Records Management" and explains rule part §40.333 and §655.71 regarding record management. A records retention schedule has also been added.

- Appendix XIV. Drug and Alcohol Program Manager has been removed.
- XV. Appendices that include:
 - A. Employee Specimen Collection Procedure
 - B. Employee Notification
 - C. Collection Sites
 - D. Waiver and Agreement With Respect to Drug Testing

Have been changed to the following 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

- Waiver and Agreement with respect to Drug and Alcohol Testing has been removed.

Monterey-Salinas Transit

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 8, 2008

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.

IV. REFERENCES

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

- DOT regulations in 49 CFR Part 40; "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 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 and a licensed or certified employee assistance professional, a licensed family or marriage counselor, or a certified alcohol and drug 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 Additions 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 vehicle is a vehicle used for mass transport 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 of 90 days or more where the employee 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 4 hours prior to performing safety-sensitive functions. No supervisor having actual knowledge that a covered employee has used alcohol within 4 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.

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 of marijuana, cocaine, amphetamines, opiates and phencyclidine is prohibited at all times and employees may be tested for these substances at any time.

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

Employment or Pre-Placement Testing: The purpose of 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.

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 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 part 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 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 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 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/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 and/or Safety Training Officer in the Administrator'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 company 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 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 transit accidents. Post accident testing is mandatory where there is a loss of life and for some non-fatal accidents. 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 transit 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 any vehicle involved receives “disabling damage”.

All covered employees operating or on-duty in the mass transit 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 the decision-making process used to reach the decision not to test.

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 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 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. Voluntary Rehabilitation

However, MST will allow an employee one voluntary rehabilitation opportunity without being subject to disciplinary action under the following circumstances:

- The employee has **not** been selected for or notified of mandatory drug and/or alcohol testing and has voluntarily admitted current drug and/or alcohol use.
- The employee has **not** failed or refused to take a drug or alcohol test.
- The employee will utilize the current Substance Abuse Professional (SAP) through MST's Employee Assistance Program for evaluation and referral.
- The employee is compliant with the treatment recommendations.
- The employee agrees to the conditions as required in the Labor Agreement between MST and the Transport Workers Union of America Local 260.
- The employee agrees to submit to follow-up testing as required by the SAP.

Prior to the employee's return to work after voluntary rehabilitation, a drug and/or alcohol test will be required by MST. All testing for voluntary treatment will be done under MST's auspices and only non-DOT drug/alcohol testing forms will be utilized.

B. 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 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.

C. 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, urine drug testing will consist of testing for marijuana, cocaine, opiates, phencyclidine and amphetamines. 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 Addendum D.

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.

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
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A confirmed Breath Alcohol Content (BAC) of 0.02 or greater but less than 0.04
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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. 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
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Employee:	Immediate Termination.
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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
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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:

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 company 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);
- Refuses to submit to a directly observed collection;
- 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;
- 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 (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;
- 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.

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. The covered employee will be immediately removed from the safety sensitive position. The appropriate disciplinary action will be implemented as outlined by this policy.

When a positive alcohol result of 0.02 or greater has been confirmed using an EBT, the covered employee will not be permitted to return to service. The appropriate disciplinary action will be implemented as outlined in policy Section X. 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 appropriate disciplinary action will be implemented as outlined in 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 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

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	002
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) – (October 1, 2008)

Jack H. Tarr, MD
Workforce Integrity Network
P O Box 50575
Knoxville, TN 37950
Ph: 865-558-9461 Fax: 865-558-9458

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) 325-2273

Hours of operation:

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

Community Hospital Laboratory

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

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

Salinas Locations:

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

Pinnacle HealthCare

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

Hours of operation:

8:00 a.m.- 8:00 P.M. hours, Monday-Friday
Saturday, Sunday - 9:00 a.m. – 5:00 p.m.

WorkWell Health Services

680 East Romie Lane
Salinas, CA 93901
(831) 422-3701

Hours of operation:

8:00 a.m.- 6:00 P.M. hours, Monday-Friday
Saturday - 9:00 a.m. – 5:00 p.m.

MST Drug & Alcohol Program Administration

Safety/Training Officer /
Human Resources Administrator
Monterey-Salinas Transit
One Ryan Ranch Rd.
Monterey CA 93940-5703
(831)758-3563
(831) 393-8161

Director of Human Resources-Risk Management
Monterey-Salinas Transit
One Ryan Ranch Rd.
Monterey CA 93940-5703
(831) 393-8131

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 following laboratory testing cut-off limits are federally mandated for the minimum quantity of drug detected in the initial test and the confirmation test:

Type of Drug or Metabolite	Initial Test Level (Immunoassay Testing method)	Confirmation Test Level (Gas Chromatography/Mass Spectrometry –GC/MS Testing method))
1. Marijuana Metabolites a. THC	50 ng/ml	15 ng/ml
2. Cocaine Metabolites (Benzoylecgonine)	300 ng/ml	150 ng/ml
3. Phencyclidine (PCP)	25 ng/ml	25 ng/ml
4. Amphetamines a. Amphetamine b. Methamphetamine	1000 ng/ml	500 ng/ml 500 ng/ml (Specimen must also contain amphetamine at a concentration \geq 200 ng/ml)
5. Opiate Metabolites a. Codeine b. Morphine c. 6 acetylmorphine	2000 ng/ml	2000 ng/ml 2000 ng/ml 10 ng/ml (Test for 6-AM conducted only when specimen contains morphine at a concentration \geq 2000 ng/ml)

Reference: 49 CFR Part 40.87

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 Wellness Program staff and the MRO within 24 hours however, it is expected that each collection site will notify Wellness Program staff immediately and will send the custody and control form with the documentation within the 24 hour period.
3. Wellness Program staff will consult with the MRO, and a licensed physician acceptable to the MRO will be selected. The employee must be referred to the selected physician and evaluated by the physician within five (5) days of the occurrence. Wellness Program staff 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 Wellness Program personnel 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 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 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, Human Resources staff 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.

Approved:

MST RIDES Advisory Committee
September 15, 2008
Minutes

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

Excused: Margie Rossi: REAP
Brandy Abend: Salinas Valley Dialysis

1. Call to order

Committee Chair Alma Almanza called the meeting to order at 1:21 p.m.

2. Introductions

Attendees introduced themselves and explained their affiliations.

3. Approval Of the Minutes

The minutes were approved as amended.

4. Public Comment

None.

5. Committee Member Reports

None.

6. New Business

The Committee received a tour of the Mobility Management Center/Bus Stop Shop. They also recommended that MST Staff Cristy Sugabo, receive an employee recognition award for her efforts in the smooth transition of former MediCal recipient clients to the MST RIDES program. The Committee will present an award to her at the next meeting.

7. Comments by Committee Members

Committee member Alma Almanza stated that vehicles # 5040 and # 5041 still had loose screws at the front left passenger sides of the roof panels. She also informed staff that one of the 5200 vehicles only had one screw holding a handrail bracket. MV Staff will follow up on repairs. Alma additionally expressed concern regarding the shortage of available vehicles. MST Staff, William Morris, said that he has been in contact with the dealer, trying to speed up their delivery of the 8 new vehicles. Alma also asked about South County clients having to travel all the way to Monterey now to get picture Identification Cards. MST Staff, Tom Hicks said that cameras had been ordered for the Salinas and Marina facilities, and that he would check on their arrival dates.

Committee member George Redmon asked if Supervisors oversee drivers doing pre-trip inspections, because some drivers had stated that it takes 30 minutes to conduct an inspection, but they were only allowed 12 minutes. MST and MV Staff explained that 12 minute pre-trip inspections are common and that all drivers are taught how to do them properly in the allotted time.

8. Unfinished Business

None.

9. Staff Reports and Information Items

Tom Hicks, MST Staff, discussed the opening of 3MC (Monterey Mobility Management Center) and its' upcoming functions. Travel training and a taxi voucher program will soon start with a Senior Facility in Carmel Valley. 72 MST RIDES clients have expressed interests in travel training, and MST will begin their training after the Seniors.

Andy Cook, TAMC Staff, stated that they will be presenting the proposal for the Regional Taxi Authority to the Board of Supervisors, at the next meeting. TAMC will also be starting the annual Unmet Needs process public hearings beginning October 2008.

10. Announcements:

The next Social Service Transportation Advisory Council (SSTAC) meeting will be at TAMC on October 16, 2008. An Unmet Transit Needs public hearing will be opened at the meeting. The next RAC meeting will be at TAMC on October 20, 2008.

11. Adjourn

The Committee adjourned at 2:11 p.m.

SUBMITTED BY: _____
William Morris

Finance Committee Minutes

October 13, 2008

Present: Director Fernando Armenta, County of Monterey
Director Kristin Clark, City of Del Rey Oaks
Director Karen Sharp, City of Carmel-by-the-Sea
Carl Sedoryk, General Manager/CEO
Mike Hernandez, Assistant General Manager/COO
Hunter Harvath, Assistant General Manager – Finance & Administration
David Laredo, MST General Counsel

Called to order 9:02 a.m.

Director Armenta chaired the meeting.

No Public Comment on matters on the agenda.

Federal, state and local funding issues

Mr. Sedoryk detailed current funding issues at the federal level, including a federal economic stimulus package, the extension of the biodiesel tax credit, and the continuing resolution that was passed in the absence of a FY 2009 federal budget. At the state level, the budget agreement between the governor and the legislature included a cut of \$2.9 million to MST. A special session is most likely going to be called to address an additional hole in the state budget that has appeared recently. If this occurs, additional state funds that flow to MST are in danger of further cuts. Mr. Harvath indicated that one of the measures that could be taken would be to suspend Proposition 42, which would also impact local streets and roads funding. Director Clark asked if the state could take away Measure Z funds if it is approved on the November 4th ballot. Mr. Sedoryk replied that these local sales tax funds could not be taken away by the state. Mr. Hernandez added that the biodiesel tax credit goes to the producer of the fuel and is passed on to the customer through a pricing structure that should make biodiesel competitive with the ultra low-sulfur diesel.

Status of MST's FY 2009 Budget

Mr. Sedoryk explained that MST's FY 2009 budget was created before the \$2.9 million in state funding cuts were finalized. Additionally, the fiscal impact of the unanticipated increase in RIDES customers and trips due to the dialysis transportation cuts by Central Coast Alliance for Health in May 2008, are adversely affecting the budget on MST's paratransit operations. MST will be issuing budget revisions shortly after the New Year to reflect this loss in funding as well as any additional funds that may result during the special session of the legislature scheduled for November 2008.

Discuss fiscal impacts of potential fare increases and/or service cuts.

Mr. Sedoryk detailed the fiscal impacts of potential fare increases and service cuts for the committee members. Director Sharp asked how much RIDES customers pay. Mr. Sedoryk responded that they pay \$2.50 per zone. Staff will be recommending increasing that fare to \$3.00 per zone to match that of Santa Cruz County and to help cover the fiscal impact of the huge increase in demand for RIDES. Director Sharp asked if MST's program of offering fixed-route boardings for free to RIDES customers is working as an incentive and inquired about abuse of the RIDES program. Mr. Sedoryk responded that it was moving some trips from RIDES to fixed route, and that MST completed two years ago a comprehensive recertification process to ensure that only those individuals who were truly qualified for RIDES service under the ADA were included in the eligibility list. Director Armenta agreed that when the service was under the county's responsibility that RIDES clients may not have been screened as effectively as they are now that MST is the provider of paratransit services.

Director Clark asked why the \$20 subsidy was so high. Mr. Sedoryk explained about how expensive it is to provide this kind of service as compared to traditional fixed-route buses. He mentioned that MST uses both minivans and sedans to provide MST RIDES and explained how MST staff have been working with local dialysis clinics to ensure that to the extent possible their clients are going to the closest clinic in order to help operate RIDES as economically as possible. He also indicated that while Central Coast Alliance for Health was helping offset the costs of the additional dialysis patients through the end of the year, after January 1, 2009, MST would have to cover the full cost of subsidizing these new trips.

Director Armenta inquired if transfers had a timed expiration. Mr. Sedoryk responded yes. Director Sharp asked about what MST is doing regarding Measure Z. General Counsel David Laredo responded that MST cannot advocate for Measure Z using public funds, but that MV Transportation, MST's contract service provider, is working with the campaign using corporate funds that are not generated through its contract with MST. Director Armenta added that he is working with the labor councils to develop and distribute Spanish language materials. Director Clark asked about MV's contract with regards to fuel costs. Director Armenta confirmed that the MV contract expires in July of 2009, and Mr. Sedoryk added that we'll be renegotiating with them in the coming weeks and months.

Meeting was adjourned at 9:48 AM.

Prepared by: _____
Hunter Harvath

To: Board of Directors

From: H. Harvath, Assistant General Manager – Finance & Administration

Subject: Public hearings for possible fare increases, MST RIDES fare increases and other possible service adjustments

RECOMMENDATION:

Hold a public hearing for possible fare increases, MST RIDES fare increases and other possible service adjustments

FISCAL IMPACT:

None.

POLICY IMPLICATIONS:

Your Board holds hearings to receive public input on major changes to routes and fares.

DISCUSSION:

With the adoption of the California FY 2009 Budget in September, over \$1.7 billion of funds designated for transit purposes were shifted to other General Fund programs resulting in a \$2.9M loss of expected revenue to MST. The MST revenues that were shifted were State Transit Assistance funds, which are used, in part, to pay for MST's RIDES Paratransit program. Compounding this issue is that MST is experiencing a dramatic growth in usage of the MST RIDES program due to changes in local Medi-Cal policies that have resulted in a surge of dialysis related trips on the MST RIDES service. At the same time, Congress has declined to pass a new federal transportation budget for the federal fiscal year that began October 1, 2008 and has passed a continuing resolution that calls for freezing federal public transportation at last year's level.

On Monday, October 27, 2008, the Sacramento Bee reported that the Governor was calling the legislature back into special session on Wednesday, November 5th – the day after election day – to address a new \$3 billion to \$10 billion hole that has appeared in the state's FY 2009 budget in recent weeks. In that regard, some or all of MST's remaining \$2 million in State Transit Assistance, which funds the MST RIDES program, may be vulnerable to further cuts during this special session.

Given these recent fiscal setbacks and the uncertainty of the state's budget situation, other measures may need to be considered to raise revenues and/or reduce costs to ensure MST budgets remain balanced into the future. Last month, your Board

authorized staff to begin holding public hearings. To date, two public hearings have been held in the community – one in Seaside on October 28th and a second in Salinas on October 30th. A third public hearing is being held at the November 17th meeting of your Board. If fare increases and/or service cuts to RIDES and MST fixed-route services become necessary, additional public hearings will be scheduled throughout the community during November and early December, with fare and service changes scheduled for implementation in January 2009.

Attachment 1 contains a chart showing a proposed 12.5% fare increase, which would yield an estimated \$1 million in additional fare revenue over the course of a year.

Attachment 2 contains a series of service reductions and route eliminations offered by staff to seek input from the public and consideration by your Board. While all of the proposed service reductions and route eliminations presented in Attachment 2 could not happen simultaneously, the maximum amount of money that could be saved is estimated to be approximately \$1.5 million. Attachment 3 is a copy of the Power Point presentation that has been given at the public hearings.

Attachment 1: MST Proposed Fare Increases

Attachment 2: MST Proposed Service Reductions

Attachment 3: Public Hearing Power Point Presentation

PREPARED BY: _____ REVIEWED BY: _____
Hunter Harvath Carl G. Sedoryk

PUBLIC HEARING MINUTES
Boys & Girls Club, Community Room
October 28, 2008

1. CALL TO ORDER

Vice-Chair Mancini called the public hearing to order at 6:00 p.m. in the Boys & Girls Club Community Room.

Present:	Thomas Mancini	City of Seaside
	Carl Sedoryk	General Manager/CEO
	Hunter Harvath	Asst. General Manager/Finance & Administration
	Michael Hernandez	Asst. General Manager/Chief Operating Officer
	Sonia Bannister	Office Administrator/Marketing & Sales Specialist
	Miriam Gutierrez	Customer Service Representative
	Mark Eccles	Dir. Information Technology
Others:	Dean Knox	Coach Operator
	Margarita Silva	Coach Operator
	Mark Tufono	Seaside resident
	George Boyer	Marina resident

Apology is made for any misspelling of a name.

2. PUBLIC HEARING

Mr. Harvath, Assistant General Manager/Finance & Administration, reported that in response to severe reductions in state funding and local transportation funding uncertainties, MST is proposing to increase fares for both its fixed-route and MST RIDES paratransit services as follows. These changes, if adopted by the Monterey-Salinas Transit Board would go into effect in January 2009.

**Proposed Service Reductions & Route Eliminations
Effective January 2009**

Route	Service Reduction or Route Elimination	Affected Days
Peninsula DART	Route Elimination	Daily
Line 1x Asilomar/Lovers Point Express	Route Elimination	Daily
Line 7 Monterey-Carmel via CHOMP	Route Elimination	Weekdays
Line 9 Fremont-Hilby	Service Reduction	Saturdays
Line 10 Fremont-Ord Grove	Service Reduction	Saturdays
Line 11 Edgewater-Carmel	Route Elimination	Daily
Line 20 Monterey-Salinas	Service Reduction	Saturdays
Line 27 Watsonville-Marina	Route Elimination	Weekdays
Line 28 Watsonville-Salinas	Service Reduction	Daily

Line 29 Watsonville-Salinas	Service Reduction	Daily
Line 41 East Alisal-Northridge	Service Reduction	Sundays
Line 42 East Alisal-Westridge	Service Reduction	Sundays
Line 43 Memorial Hospital	Service Reduction	Saturdays
Line 49 Northridge	Route Elimination	Daily

Proposed Fare Increases
Effective January 2009

	Current		Proposed
MST Fixed Route Bus			
Base Fare (per zone)	\$2.00		\$2.25
Discount Fare	\$1.00		\$1.10
		No	
Transfer	\$0.25	Change	\$0.25
Discount Transfer	\$0.10		\$0.10
DayPasses			
Single Zone	\$4.50		\$5.00
Single Zone Discount	\$2.25		\$2.50
All Zone	\$9.00		\$10.00
All Zone Discount	\$4.50		\$5.00
Monthly Passes			
Single Zone	\$62.00		\$70.00
Single Zone Discount	\$31.00		\$35.00
All Zone	\$124.00		\$140.00
All Zone Discount	\$62.00		\$70.00
Book of 20 Tickets			
Regular	\$40.00		\$45.00
Discount	\$20.00		\$22.50
MST RIDES Paratransit			
Base Fare (Per Zone)	\$2.50		\$3.00
Book of 10 Tickets	\$25.00		\$30.00

Vice-Chair Mancini opened the public hearing at 6:15 p.m. to receive public comments on the proposed changes.

Mark Tufono, Seaside resident, uses line 16. He commented that MST is a great transit system within the state of California. He asked if Measure Z were to pass, would the old discontinued services be reinstated. He also inquired about the idea of MST purchasing hybrid buses and free bus service to anyone boarding within the CSUMB campus.

Mr. Harvath replied that staff would receive input from the public as to which routes they would like to see reinstated and that the Board would decide, if any, which ones would be brought back. The free ride program from within the CSUMB campus is a one-year demonstration project which is 80% funded by CSUMB.

With regards to future bus purchases, Mr. Sedoryk, General Manager/CEO, commented that the next bus purchased scheduled for 2012 would likely be hybrid electric vehicles.

Dean Knox, Marina resident and MST Coach Operator, commented that the line 49 buses currently run full. Reducing service on lines 49 and 1X would affect people in getting to/from work. He also noted that the line 20 is running standing room only on most trips.

Mr. Harvath responded that if Measure Z passes, the first improvement would be to increase the frequency of service on line 20.

Vice-Chair Mancini expressed his concern about having to reduce and/or possibly eliminating service.

George Boyer, Marina resident, supports Measure Z. He uses lines 9, 10, and 16. He commented that he continually sees the DART and MST RIDES buses running empty. He inquired about the possibility of these services being eliminated.

Mr. Harvath responded by saying that the Peninsula DART is on the list for possible elimination. However, MST is federally mandated to operate MST RIDES, which provides service to the disabled community. Ridership on MST RIDES has doubled within the past year.

3. ADJOURNMENT

Seeing no one else wishing to comment, Vice-Chair Mancini adjourned the public hearing at 6:45 p.m.

Prepared by: _____
Sonia A.R. Bannister

PUBLIC HEARING MINUTES
Salinas Community Center
October 30, 2008

1. CALL TO ORDER

Chair Armenta called the public hearing to order at 6:00 p.m. in the Salinas Community Center Gabilan Room.

Present:	Fernando Armenta	County of Monterey
	Carl Sedoryk	General Manager/CEO
	Hunter Harvath	Asst. General Manager/Finance & Administration
	Michael Hernandez	Asst. General Manager/Chief Operating Officer
	Sonia Bannister	Office Administrator/Marketing & Sales Specialist
	Miriam Gutierrez	Customer Service Representative

Others:	Dean Knox	Coach Operator
	Margarita Silva	Coach Operator
	Mark Tufono	Seaside resident
	George Boyer	Marina resident

Apology is made for any misspelling of a name.

2. PUBLIC HEARING

Mr. Harvath, Assistant General Manager/Finance & Administration, reported that in response to severe reductions in state funding and local transportation funding uncertainties, MST is proposing to increase fares for both its fixed-route and MST RIDES paratransit services as follows. These changes, if adopted by the Monterey-Salinas Transit Board would go into effect in January 2009.

Proposed Service Reductions & Route Eliminations
Effective January 2009

Route	Service Reduction or Route Elimination	Affected Days
Peninsula DART	Route Elimination	Daily
Line 1x Asilomar/Lovers Point Express	Route Elimination	Daily
Line 7 Monterey-Carmel via CHOMP	Route Elimination	Weekdays
Line 9 Fremont-Hilby	Service Reduction	Saturdays
Line 10 Fremont-Ord Grove	Service Reduction	Saturdays
Line 11 Edgewater-Carmel	Route Elimination	Daily
Line 20 Monterey-Salinas	Service Reduction	Saturdays
Line 27 Watsonville-Marina	Route Elimination	Weekdays
Line 28 Watsonville-Salinas	Service Reduction	Daily
Line 29 Watsonville-Salinas	Service Reduction	Daily

Line 41 East Alisal-Northridge	Service Reduction	Sundays
Line 42 East Alisal-Westridge	Service Reduction	Sundays
Line 43 Memorial Hospital	Service Reduction	Saturdays
Line 49 Northridge	Route Elimination	Daily

Proposed Fare Increases
Effective January 2009

	Current		Proposed
MST Fixed Route Bus			
Base Fare (per zone)	\$2.00		\$2.25
Discount Fare	\$1.00		\$1.10
		No	
Transfer	\$0.25	Change	\$0.25
Discount Transfer	\$0.10		\$0.10
DayPasses			
Single Zone	\$4.50		\$5.00
Single Zone Discount	\$2.25		\$2.50
All Zone	\$9.00		\$10.00
All Zone Discount	\$4.50		\$5.00
Monthly Passes			
Single Zone	\$62.00		\$70.00
Single Zone Discount	\$31.00		\$35.00
All Zone	\$124.00		\$140.00
All Zone Discount	\$62.00		\$70.00
Book of 20 Tickets			
Regular	\$40.00		\$45.00
Discount	\$20.00		\$22.50
MST RIDES Paratransit			
Base Fare (Per Zone)	\$2.50		\$3.00
Book of 10 Tickets	\$25.00		\$30.00

It was suggested to provide cover for the passengers at the Monterey Transit Plaza.

There was a brief discussion about fraud with the transfers. Proposition 1B would be used to upgrade the transfer system.

There was a suggestion to increase the base fare. Why is a single zone discount less than double the base fare? Would smart cards eliminate the need for zone checks?

This person rides line 1X on the early morning trip to get to work. He suggested continuing line 1X for the first two trips then have it turn into another line. Rotate the bus line to cover multiple routes. He submitted a petition to keep line 1X intact. He also suggested extending lines 1 & 2 to cover portions of line 1X.

Female passenger, Pacific Grove resident, parked her truck and instead chooses to take the bus. Taking the bus takes a whole hour for her to do her errands. Line 1X is the only bus that goes to where she need to go. Keep line 1X. People rely on this line to get around. Most passengers on line 1X are elderly, and disabled. They do not have a choice in taking the bus. Do not eliminate a route that goes to a particular place. She noted that if the elderly/disabled passengers that currently use line 1X divert to using the MST RIDES, than MST would stand to lose more money subsidizing the RIDES program. Make the buses more user-friendly.

It was also suggested to reinstate the porstcard program to help with the funding shortfall in Sacramento.

A question was asked if it was possible to divert lines with their own dedicated funding to another route?

It was suggested to look at cutting line 46. Someone asked how do they get more service on the street? MST needs more money in order to do that.

It was also suggested to sell the Riders Guides for \$2 each.

3. ADJOURNMENT

Seeing no one else wishing to comment, Chairman Armenta adjourned the public hearing at 7:30 p.m.

Prepared by: _____

Sonia A.R. Bannister

To: Board of Directors

From: C. Sedoryk, General Manager/CEO

Subject: Monthly Report

Attached are the most recent monthly statistics and the reports from the Administration and Operations/Maintenance Departments. Overall ridership continues to rise on both fixed route and MST RIDES programs. Unfortunately, state funds continue to be at risk of being diverted to other programs to balance the state budget.

During September I travelled to Washington D.C. to finalize the American Public Transportation Association federal authorization principles. The principles will guide our national trade association in its negotiations with Congress during the authorization of the next six-year Transportation Bill. While in Washington DC, I took the opportunity to meet with Federal Transit Administration staff to finalize our application for the Fremont/Lighthouse corridor Bus Rapid Transit program. I also met with the staff of Sam Farr to discuss fiscal year 2009 appropriations and potential earmarks for MST. Finally I met with staff of Congressman Peter DeFazio of Oregon to discuss the negative impacts of recent Federal Transit Administration charter bus rules.

MST staff was very involved in planning for the state association conference to be held in Monterey November 5 – 7th, 2008.

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

PREPARED BY: 
Carl G. Sedoryk

October 31, 2008

To: M. Hernandez, Assistant General Manager/COO

From: R. Weber, Director of Transportation Services

Subject: **Transportation Department Monthly Report – September 2008**

FIXED ROUTE BUS OPERATIONS:

System Wide Service: (Fixed Route & DART Services)

Preliminary boarding statistics indicate that ridership increased by 5.54% in September 2008, (425,085), as compared to September 2007, (402,787).

Productivity decreased slightly from 23.2 passengers per hour (September 2007), to 22.9 PPH in September of this year.

Seasonal Service:

In September, MST deployed the new Trolley Service in Salinas serving Hartnell College and downtown Salinas. The new service is available weekdays from 1:00 AM – 3:00 PM from September 2nd through May 22nd. *Preliminary boarding statistics for this service are unavailable at this time.*

Supplemental Service:

September 20-21: MST provided supplemental service on lines 9 and 10 for the 2008 Monterey Jazz Festival. *Preliminary boarding statistics for this event are unavailable at this time.*

September 27-28: MST provided supplemental service on lines 37, 38, & 39 in support of the 2008 Corona AMA Superbike races at Laguna Seca. *Preliminary boarding statistics for this event are unavailable at this time.*

September 27-28: MST provided supplemental service on lines 48 & 56 in support of the 2008 California International Airshow in Salinas. *Preliminary boarding statistics for this event are unavailable at this time.*

System Wide Statistics:

- Ridership: 425,085
- Vehicle Revenue Hours: 18,593
- Vehicle Revenue Miles: 294,251
- System Productivity: 22.9 Passengers Per Vehicle Revenue Hour
- Scheduled One-Way Trips: 27,012

On-Time Compliance: Of 93,173 total time-point crossings sampled for the month of September, the TransitMaster™ system recorded 17,314 delayed arrivals to MST's published time-points system-wide. This denotes that **81.42%** of all scheduled arrivals at published time-points were on time. (See *MST Fixed-Route Bus ~ On Time Compliance Chart FY 2009.*)

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

Trips With 10 or More Standees: There were 80 reported trips with 10 or more standees for the month of September. (See *Operations Summary report for further information*)

Cancelled Trips: There were a total of 4 cancelled trips for the month of September for both directly operated and contracted services.

Reason	MST	MV Transportation	% Of All Missed
Accident	1		25%
Boarding Delay	1	0	25%
Traffic	1	0	25%
Mechanical	1	0	25%
Totals	4	0	

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 September 2007 and 2008:

Occurrence Type	September-07	September-08
Accident: MST Involved	3	6
Medical Emergency	1	2
Object Thrown @ Coach	2	1
Passenger Conflict	3	5
Passenger Fall	3	2
Passenger Injury	2	0
Other	5	2
Unreported Damage	1	1
Total Occurrences	20	19

CONTRACTED SERVICES:

MST RIDES ADA Paratransit Program:

MST RIDES Program:

- Preliminary boarding statistics for the MST RIDES program reflect that for the month of September there were 10,203 passenger boardings. This represents a 55.42 % increase in passenger trips from September of 2007. Fiscal year-to-date passenger boardings for this service have increased by 55.58% over the same period last year.
- For the month of September, 82.42 % of all scheduled trips for the MST RIDES Program arrived on time, decreasing from 88.13 % in September of 2007.

- Productivity Increased from 1.89 passengers per hour in September of 2007, to 2.0 passengers per hour for September of 2008.
- For the month of September, 91 applications were reviewed, resulting in 82 approvals and 9 denials. Of the approvals, 61 were new clients, and 21 were recertifications.
- 14 clients were deactivated in September.
- There are 3195 total active clients as of October 30, 2008.
- For the month of September, 547 MST RIDES potential passenger boardings were diverted to MST fixed-route services, at a net savings of approximately \$ 10,393.00

Other:

- September 18th, RIDES vehicle 5201 involved in minor, non-injury preventable accident.
- September 29th, RIDES vehicle 5401 involved in minor, non-injury preventable accident.

COMMUNICATIONS CENTER:

In September, the Communications Center summoned public safety agencies on *nine* (9) separate occasions to MST's transit vehicles and facilities:

Agency Type	Incident Type	Number Of Responses
Police	Passenger Incident	7
Emergency Medical Services	Medical Emergency	2

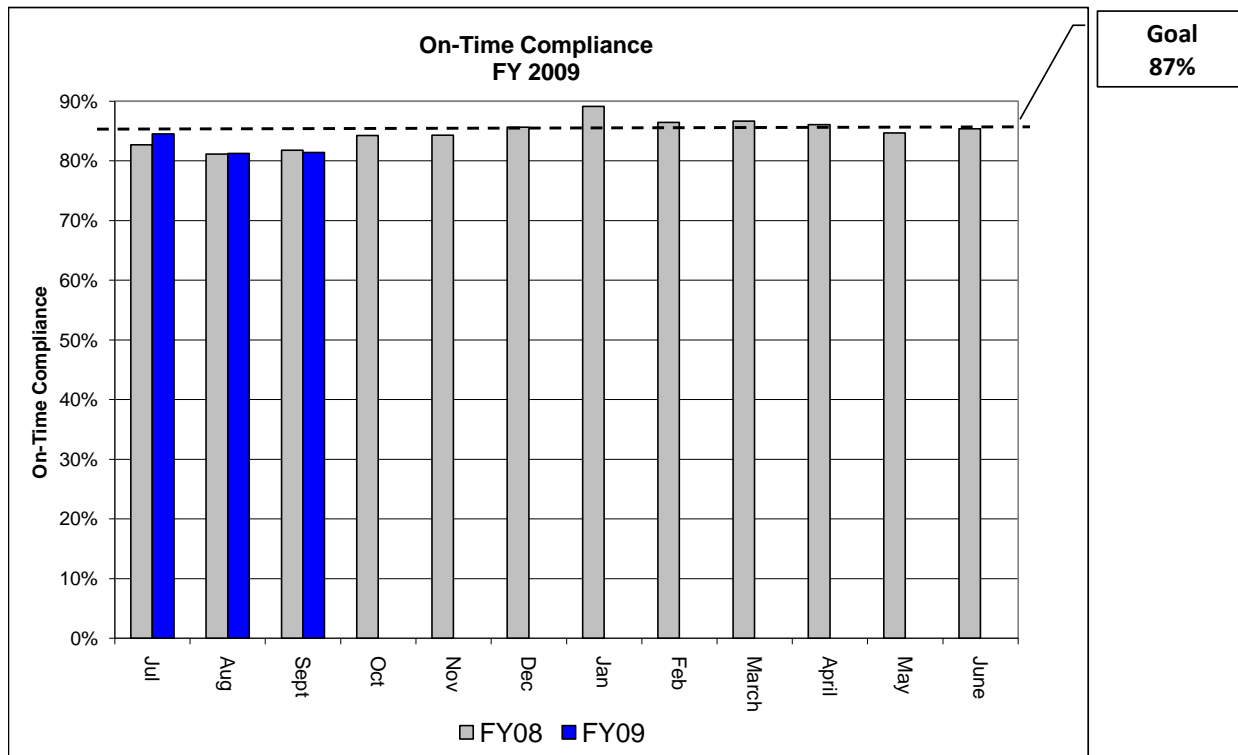
Robert Weber

ATTACHMENTS: MST Fixed-Route Bus ~~ On Time Compliance FY 2009.

**MST FIXED ROUTE
ON-TIME COMPLIANCE FY 2009**

Sept 2008
Data Sampled: 86.0%

MONTH	FY08 ON-TIME PERFORMANCE	FY09 TIME POINT COUNT	FY09 DELAYED ARRIVALS 5 + MINUTES	FY09 ON-TIME PERFORMANCE
Jul	82.66%	105,748	16,401	84.49%
Aug	81.15%	105,498	19,827	81.21%
Sept	81.75%	93,173	17,314	81.42%
Oct	84.26%			
Nov	84.29%			
Dec	85.61%			
Jan	89.11%			
Feb	86.44%			
March	86.64%			
April	86.05%			
May	84.69%			
June	85.37%			
Total	N/A	304,419	53,542	N/A
Monthly Average	81.85%	101,473	17,847	82.37%



Operations Summary Report

Fixed Route and DART Service

July - September 2008

Fixed Route & DART Monthly Operations Summary Report

September 2008

Service Delivered		Service Quality	
Ridership	425,085	On-time Time Points	75,859
Passengers / Vehicle Revenue Hour	22.83	Delayed Time Points	17,314
One-way Trips Scheduled	27,112	Percent On-time Boardings	81.73%
Cancelled Trips	4	Overcrowded Trips	86

Systemwide Service:

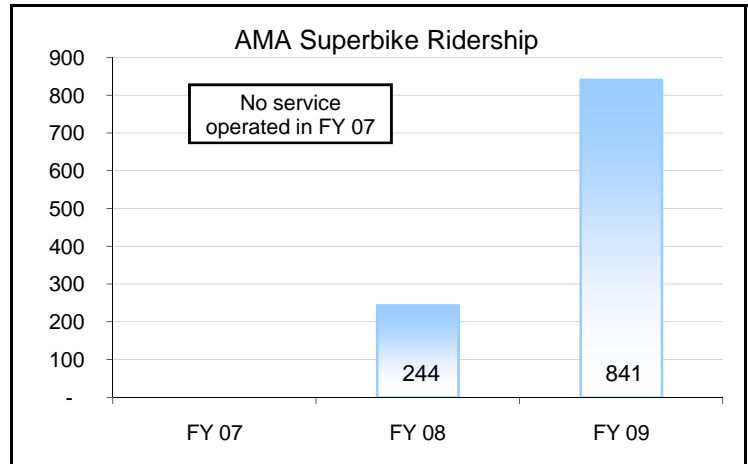
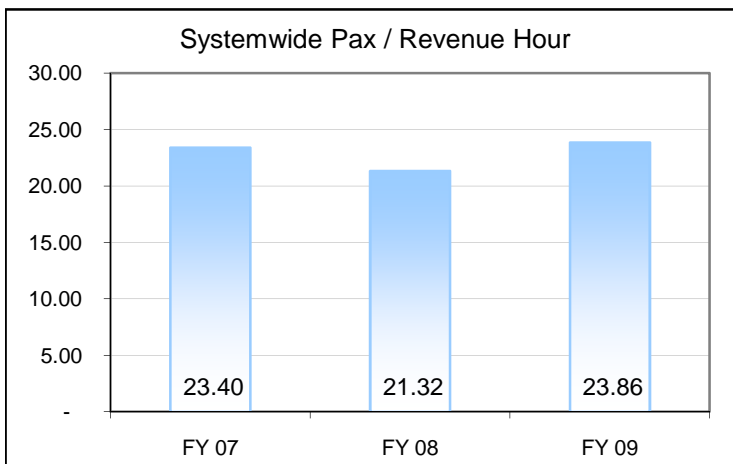
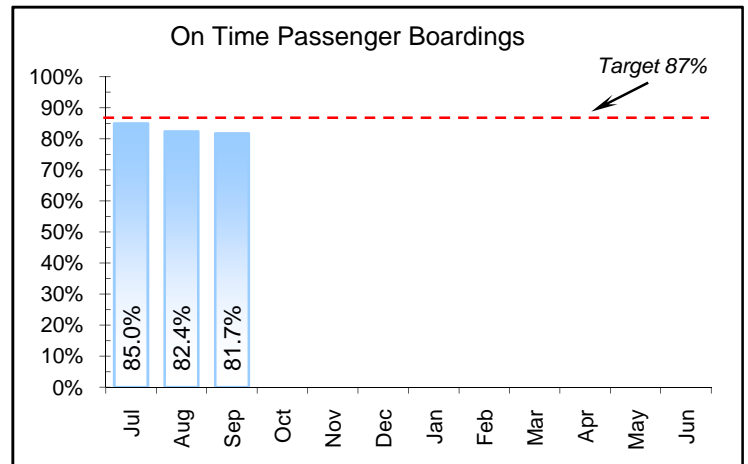
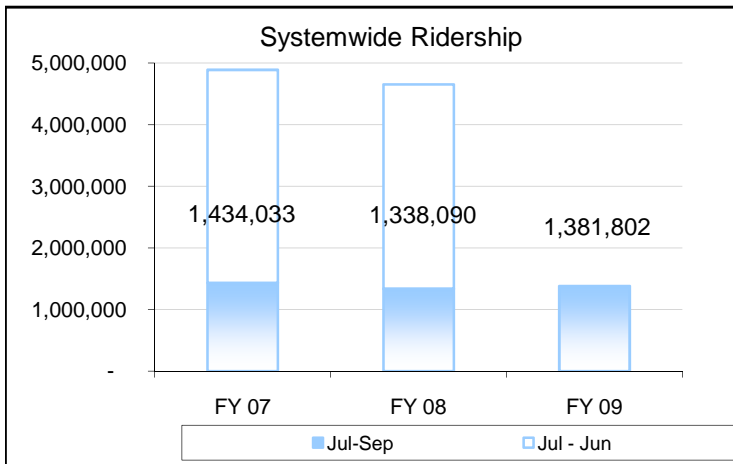
Systemwide ridership increased 5.5% this month with 425,085 boardings versus 402,787 boardings in September 2007, with vehicle revenue hours increasing by 7.2%. The net effect was a 1.6% decrease in productivity (measured in passenger boardings per vehicle revenue hour) from 23.19 last September to 22.83 this September.

Seasonal Service:

Service to Laguna Seca operated on September 27-28 for the AMA Superbike races, carrying a total of 841 passengers for the weekend, compared to 244 passengers last year.

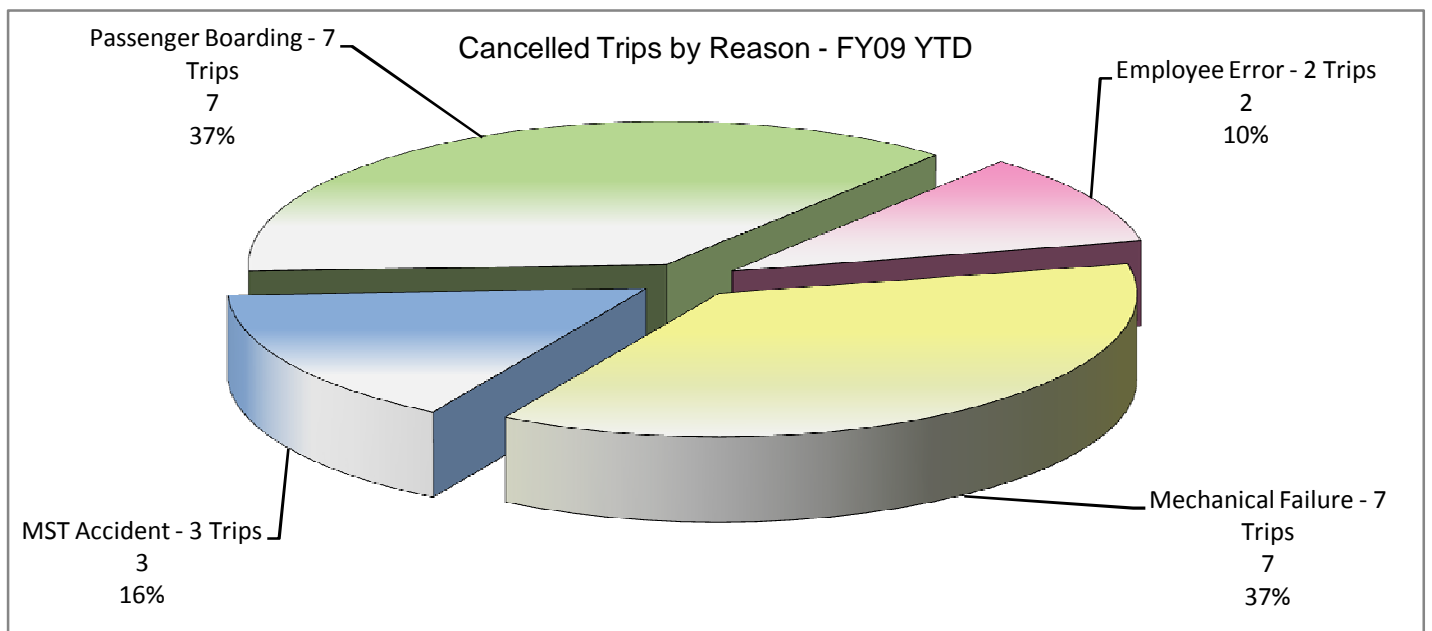
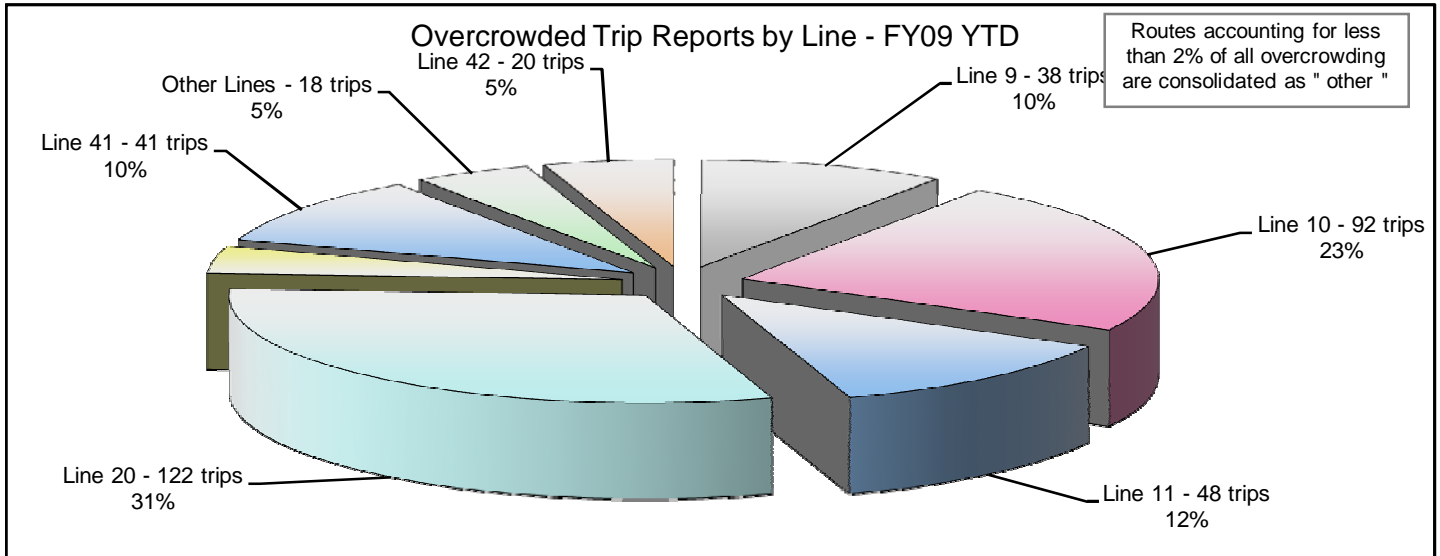
Supplemental Service :

The Salinas Airshow carried 1,567 riders this year, also on the weekend of September 27-28, compared to 2,570 riders last year. Supplemental service for the Monterey Jazz Festival carried 13,036 passengers on September 19 -21. This service did not operate last year.



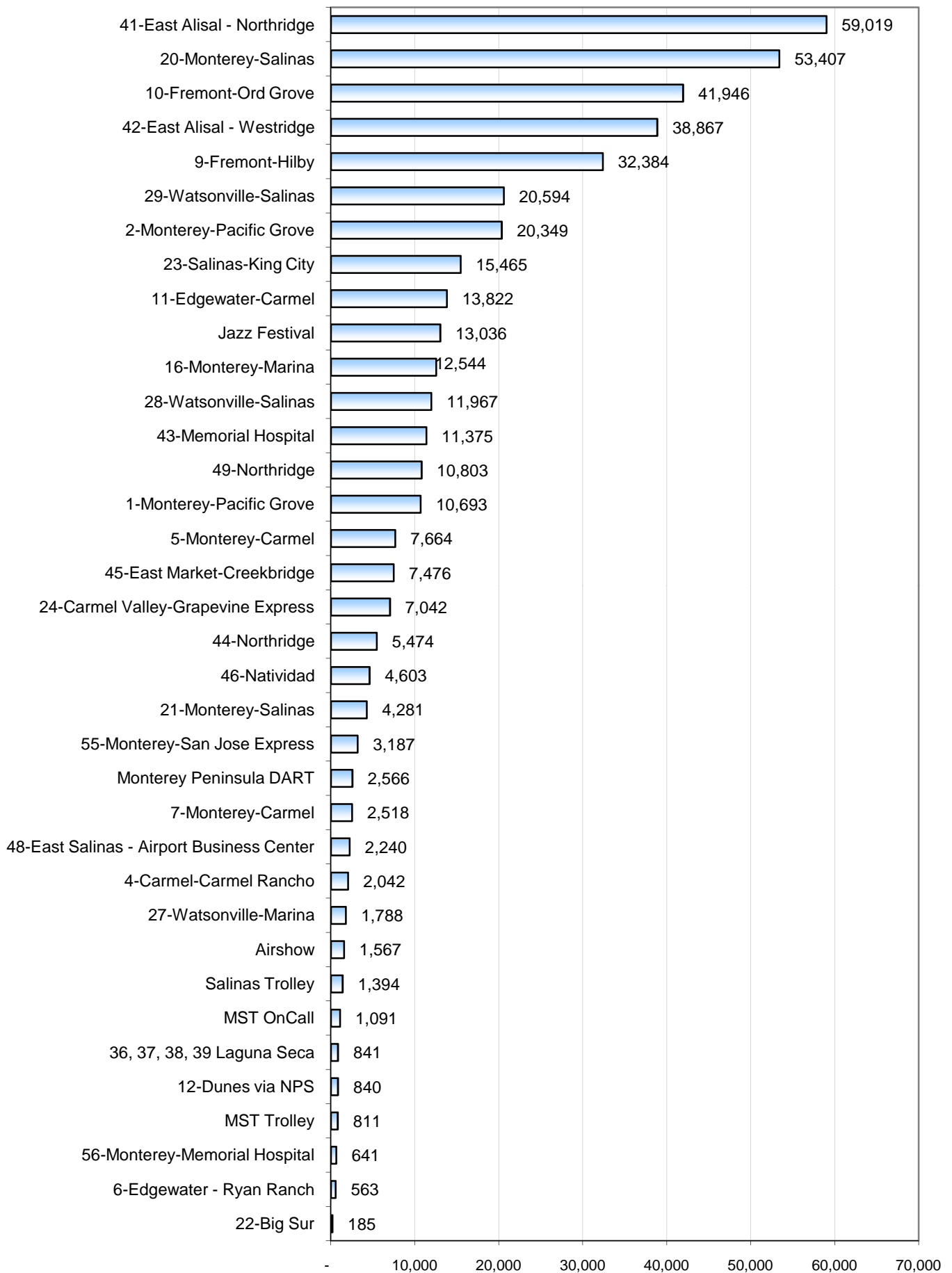
Fixed Route & DART Monthly Operations Summary Report

September 2008



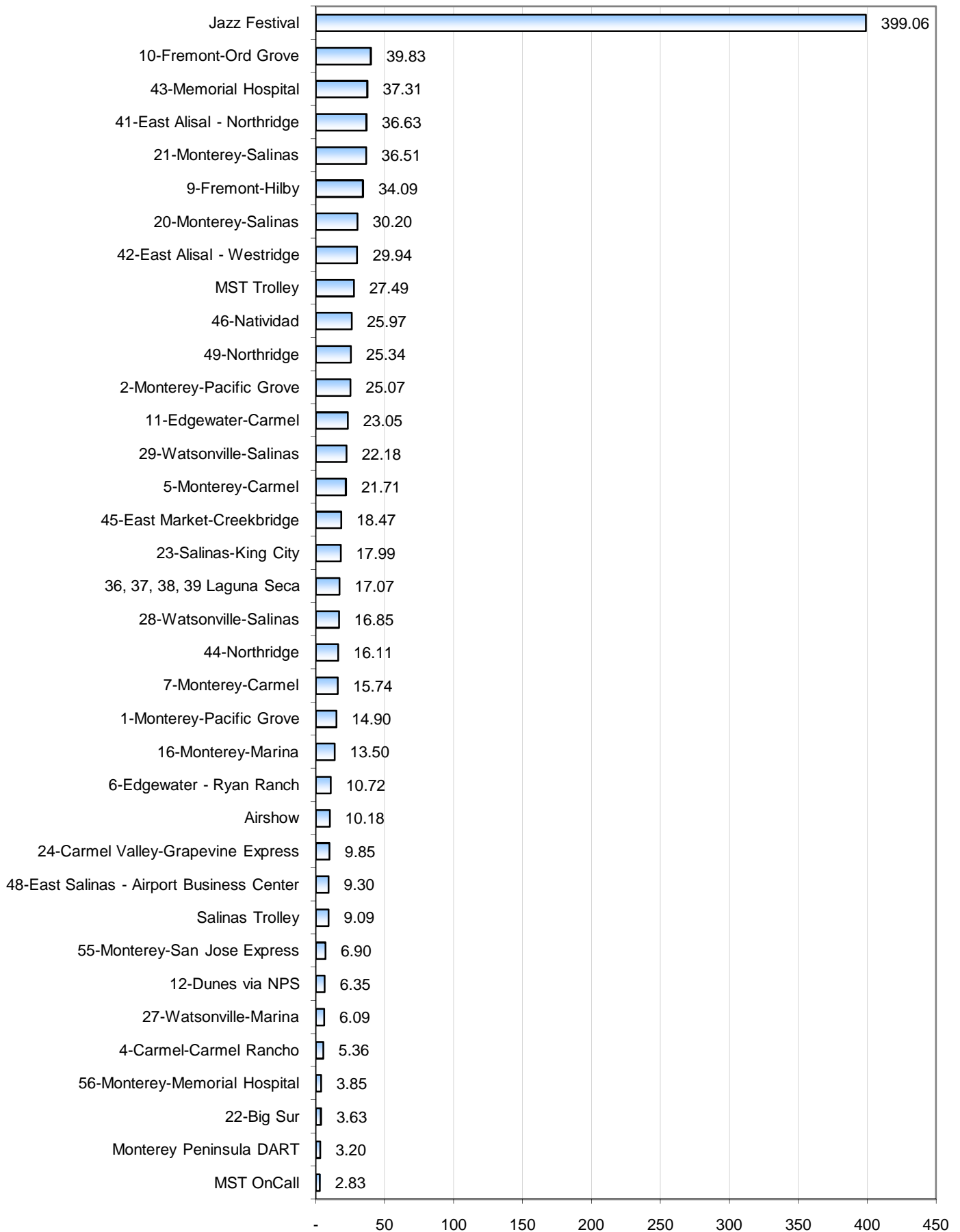
Ridership by Line - September 2008

Total Passengers



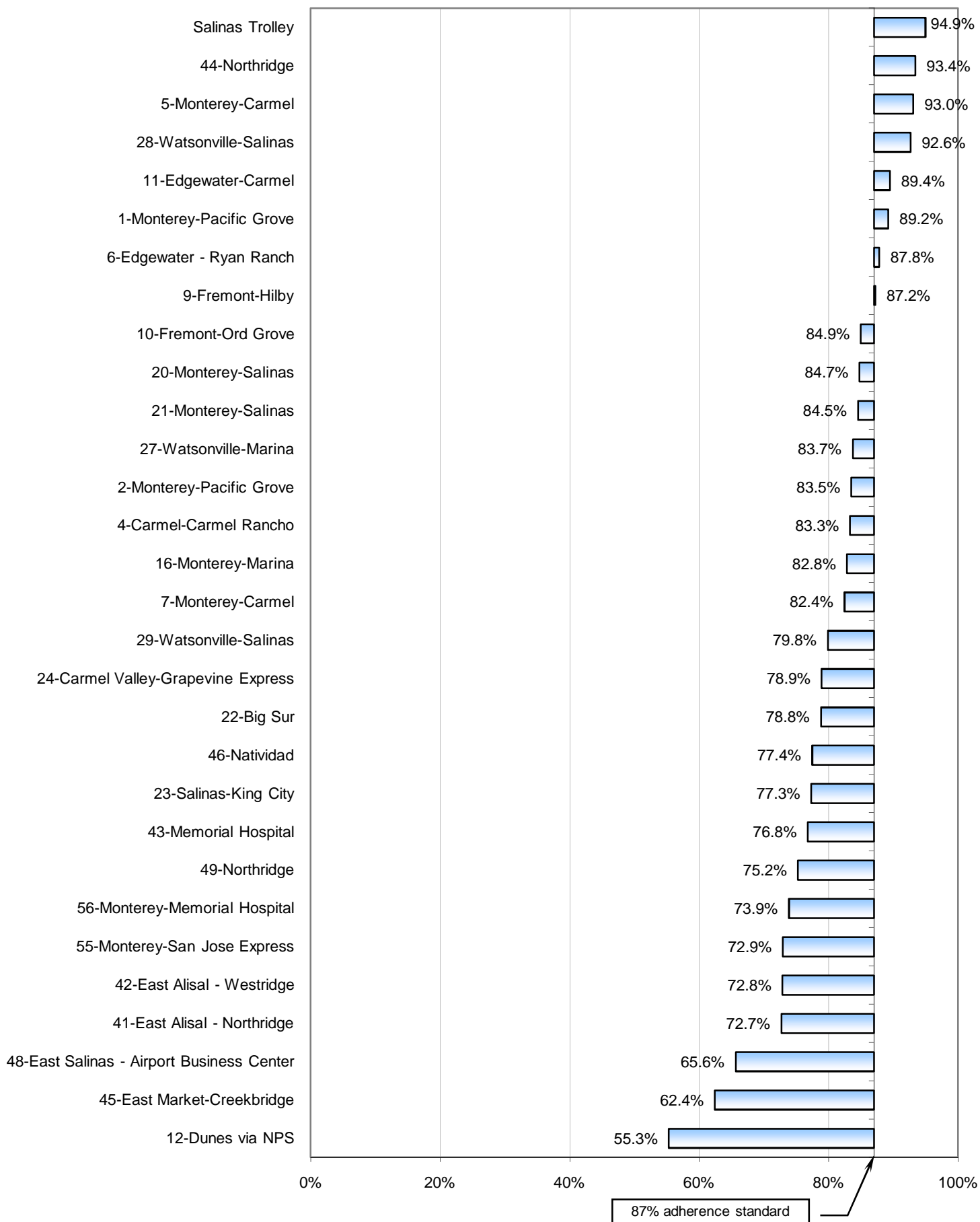
Productivity by Line - September 2008

Passengers Per Hour



Schedule Adherence by Line - September 2008

Percent On-time Timepoints



September 2008

Systemwide Ridership: 425,085
 Systemwide Revenue Hours: 18622:32
 Systemwide Revenue Miles: 294,476.2

Primary Routes

Line	Ridership	VRHrs	VRMi	Pax/Hr	% Riders	% Hrs
1-Monterey-Pacific Grove	10,693	717:36	7,194.3	14.90	2.5%	3.9%
9-Fremont-Hilby	32,384	949:55	9,629.6	34.09	7.6%	5.1%
10-Fremont-Ord Grove	41,946	1053:04	11,395.3	39.83	9.9%	5.7%
41-East Alisal - Northridge	59,019	1611:19	17,770.0	36.63	13.9%	8.7%
42-East Alisal - Westridge	38,867	1297:57	14,389.7	29.94	9.1%	7.0%
Total	182,909	5629:51	60,378.9	32.49	43.0%	30.2%

Local Routes

Line	Ridership	VRHrs	VRMi	Pax/Hr	% Riders	% Hrs
2-Monterey-Pacific Grove	20,349	811:39	11,439.1	25.07	4.8%	4.4%
Monterey Peninsula DART	2,566	802:57	7,812.0	3.20	0.6%	4.3%
4-Carmel-Carmel Rancho	2,042	380:57	3,881.8	5.36	0.5%	2.0%
5-Monterey-Carmel	7,664	352:58	4,291.3	21.71	1.8%	1.9%
6-Edgewater - Ryan Ranch	563	52:30	1,106.7	10.72	0.1%	0.3%
7-Monterey-Carmel	2,518	159:57	1,871.1	15.74	0.6%	0.9%
MST OnCall	1,091	386:00	3,203.0	2.83	0.3%	2.1%
11-Edgewater-Carmel	13,822	599:37	9,288.4	23.05	3.3%	3.2%
12-Dunes via NPS	840	132:18	2,904.3	6.35	0.2%	0.7%
16-Monterey-Marina	12,544	929:10	16,936.6	13.50	3.0%	5.0%
43-Memorial Hospital	11,375	304:55	3,674.4	37.31	2.7%	1.6%
44-Northridge	5,474	339:51	4,024.3	16.11	1.3%	1.8%
45-East Market-Creekbridge	7,476	404:40	6,022.9	18.47	1.8%	2.2%
46-Natividad	4,603	177:14	1,851.3	25.97	1.1%	1.0%
48-East Salinas - Airport Business Center	2,240	240:48	4,594.8	9.30	0.5%	1.3%
49-Northridge	10,803	426:20	3,001.4	25.34	2.5%	2.3%
Total	105,970	6501:51	85,903	16.30	24.9%	34.9%

Regional Routes

Line	Ridership	VRHrs	VRMi	Pax/Hr	% Riders	% Hrs
20-Monterey-Salinas	53,407	1768:38	35,178.3	30.20	12.6%	9.5%
21-Monterey-Salinas	4,281	117:15	2,202.9	36.51	1.0%	0.6%
23-Salinas-King City	15,465	859:27	26,533.2	17.99	3.6%	4.6%
24-Carmel Valley-Grapevine Express	7,042	714:48	14,654.1	9.85	1.7%	3.8%
27-Watsonville-Marina	1,788	293:39	7,908.6	6.09	0.4%	1.6%
28-Watsonville-Salinas	11,967	710:10	19,888.8	16.85	2.8%	3.8%
29-Watsonville-Salinas	20,594	928:30	15,925.4	22.18	4.8%	5.0%
55-Monterey-San Jose Express	3,187	462:06	14,445.0	6.90	0.7%	2.5%
56-Monterey-Memorial Hospital	641	166:35	5,722.0	3.85	0.2%	0.9%
Total	118,372	6021:08	142,458.3	19.66	27.8%	32.3%

Seasonal / Supplemental Service

Line	Ridership	VRHrs	VRMi	Pax/Hr	% Riders	% Hrs
22-Big Sur	185	51:00	1,314.0	3.63	0.0%	0.3%
36, 37, 38, 39 Laguna Seca	841	49:16	1,067.6	17.07	0.2%	0.3%
MST Trolley	811	29:30	225.0	27.49	0.2%	0.2%
Salinas Trolley	1,394	153:18	1,071.0	9.09	0.3%	0.8%
Airshow	1,567	153:58	633.4	10.18	0.4%	0.8%
Jazz Festival	13,036	32:40	1,424.6	399.06	3.1%	0.2%
Total	17,834	469:42	5,735.6	37.97	4.2%	2.5%

Date: September 30, 2008

To: C. Sedoryk, General Manager/CEO

From: Lyn Owens, Director Human Resources & Risk Management; Hunter Harvath, Assistant General Manager Finance & Administration; Mark Eccles, Director Information Technology

Subject: **Administration Department** Monthly Report September 2008

The following significant events occurred in Administration work groups for the month of September 2008:

Human Resources

Employment activity for the month of September 2008 is summarized as follows:

Department	Title	Transaction	Hire Date	Term Date
Transportation	Coach Operator	New Hire	09/02/08	
Transportation	Coach Operator	New Hire	09/02/08	
Transportation	Coach Operator	Resigned		09/05/08
Transportation	Coach Operator	Retired		09/08/08
Transportation	Coach Operator	Terminated		09/09/08
Maintenance	Seasonal Utility Service Person	New Hire		09/09/08
Admin	General Accounting Manager	Terminated		09/12/08
Admin	Human Resources Manager	Re-Hire	09/15/08	
Transportation	Coach Operator	Terminated		09/19/08
Admin	Part-Time IT Intern	New Hire	09/29/08	

A total employment level for September 2008 is summarized as follows:

Positions	Budget FY09	Actual	Difference
Coach Operators / Trainees	124	122	-2
C/O on Long Term Leave *	10	10	0
Coach Operators Limited Duty	1	0	-1
Operations Staff	24	24	0
Maintenance & Facilities	44	44	0
Administration (Interns 2 PT)	22.5	22.5	0
Total	225.5	222.5	-3

September Worker's Compensation Costs	
<i>Indemnity (paid to employees)</i>	\$5,033.66
<i>Legal</i>	\$315.00
<i>Medical (included Medical Case Mgmt)</i>	\$19,300.00
<i>Other (includes bill review)</i>	\$833.33
<i>TPA Administration Fee</i>	\$7,000.00
<i>Excess Insurance</i>	\$4,412.58
Total Expenses September 2008	\$36,894.57
Reserves	\$1,618,25.11
<i># Ending Open Claims</i>	50
<i># Ending Closed Claims</i>	0
<i># New Claims or Reopened</i>	2

- Note on increase in Reserve:** In selecting a new third party administrator, it is necessary for them to review each claim to determine if the claim is reported accurately. It was found that there were claims that should not have been identified as closed claims. Due to this error by the prior TPA, these claims are now being re-opened and the proper amount of reserves applied. There continues to be reviews that need to be conducted on old claims that are open on medical only. We will be making attempts to get these older claims closed with some small amount of buy out if possible.

Training

Description	Attendees
Maintenance Dept - Shop Safety & House Keeping	12
Introduction to Public Service	2
Annual Training	18
Maintenance Dept – Motor Vehicle Safety	3
Gillig Corporation – Phantom Training	17
Gillig Corporation – Air Brake Training	9

Risk Management Update

Description	September 2008 Preventable		September 2007 Preventable	
	Yes	No	Yes	No
Vehicle hits bus	0	1	0	1
Bus hits object	0	0	2	0
TOTAL	0	1	2	1

Liability Claims Paid/Recovered – Property and Personal Injury

Total claims paid \$509 for property damage. There were no recoveries for the month of September.

Customer Services Update

Customer Service received 72 customer comments during the month as follows:

Service Report Type	Sept '08	%	Sept '07	%
Employee Compliment	3	4.17%	6	9.84%
Service Compliment	0	0.00%	2	3.28%
Improper Driving	15	20.83%	14	22.95%
Improper Employee Conduct	12	16.67%	11	18.03%
No Show	7	9.72%	1	1.64%
Late Arrival	6	8.33%	2	3.28%
Passed By	5	6.94%	5	8.20%
Request To Add Service	4	5.56%	5	8.20%
Overcrowding	4	5.56%	0	0.00%
Early Departure	4	5.56%	0	0.00%
Bus Stop Amenities	3	4.17%	3	4.92%
Passenger Conduct	2	2.78%	4	6.56%
Fare / Transfer Dispute	2	2.78%	3	4.92%
Vehicle Maintenance	2	2.78%	0	0.00%
Passenger Injury	1	1.39%	1	1.64%
Routing	1	1.39%	1	1.64%
Agency Policy	1	1.39%	0	0.00%
Inaccurate Public Information	0	0.00%	1	1.64%
Service Schedule	0	0.00%	1	1.64%
Carried By	0	0.00%	1	1.64%
	72	100.00%	61	100.00%

“Improper Driving” and “Improper Employee Conduct” categories represent 37% of overall service reports in September '08. Similar to September '07 when the two categories combined for 41% of overall service reports. A review of “Improper Employee Conduct” reports showed that 7 of 12 incidents involved rude behavior by an MST coach operator. A review of the 15 “Improper Driving” reports showed that 3 involved an MST vehicle speeding, 3 involved motorists being cut off by an MST vehicle, and the remaining 9 were various driving complaints. “Overcrowding” was reported on lines 10, 23 (2), and 24.

Marketing and Sales Update

MST signed advertising contracts with the California State Public Utilities Commission, Comcast, Gem Faire, and Wachovia Bank worth a total of \$14,212. MST also sponsored advertising space for AMBAG's Rideshare Week worth \$310. Press releases sent include: "Free bus service to Airshow provided by Monterey-Salinas Transit" (9/24/08); "Free bus service to AMA Superbike races at Laguna Seca provided by Monterey-Salinas Transit (9/24/08); "MST posts memorable 'Ride the Bus' television ad online" (9/30/08)

Published news stories included: "Free trolley begins two-year test run in downtown Salinas" (Monterey County Herald, 9/2/08); "New trolley may be headed to Salinas" (KSBW-TV, 9/2/08); "A trolley ride anyone?" (KION-TV, 9/2/08); "Free trolleys travel to Hartnell" (Monterey County Herald, 9/3/08); "Trolley's a cool ride" (Salinas Californian, 9/3/08); "MST opens 'Bus Stop Shop' in downtown Monterey" (MCBC Friday Facts, 9/5/08); "New bus one-stop shop" (KION-TV, 9/8/08); "The new gold rush; The humble wild mustard could power farms and transit." (East Bay Express, 9/10/08); "Tax measures face uphill battle in tough economy" (KSBW-TV, 9/15/08); "City to try free MST trolley next summer" (Carmel Pine Cone, 9/19/08); "More riders taking MST buses as economy slows" (KSBW-TV, 9/24/08); "Free bus service to Airshow, Laguna Seca" (Salinas Californian, 9/25/08); "A regional taxi authority? (MCBC Friday Facts, 9/26/08); "Free bus service to AMA Superbike" (MCBC Friday Facts, 9/26/08); "Monterey Salinas Transit harvests mustard seeds for biodiesel conversion" (Metro News, September/October 2008)

Marketing activities: Salinas Trolley inauguration; designed and saw through completion new bus stop flags integrating specialty lines into one sign per stop; ordered "Bus Stop Not In Service" bags for ops sups; installed MST wall mural in Bus Stop Shop lobby; help coordinate Bus Stop Shop open house and ribbon cutting event; met with representatives to coordinate MST bus service to/from Monterey Jazz Festival; obtained city permit for sign at TDA entrance; worked with a freelance writer and sent MST's stories and photographs to "Transit California" Magazine for inclusion in November edition; cleaned office space, red marketing storage container and archives for "Fall Sweep"; met with representatives from Monterey County Fairgrounds to go over MST's service to the Fair post-event and schedule MST's booth and busmobile appearance at Kidfest; sat on SIGNS committee; managed vendor and group discount programs

Planning Update

During the month of September, staff made a presentation to the California Economic Development Conference here in Monterey regarding MST's mustard seed biofuel program and met with the owner of the biodiesel refinery in Gonzales to discuss next steps for the program. Staff monitored and made revisions to the new Line 12 Monterey-Marina via NPS route after the new service change went into effect. Staff participated in a webinar regarding California's climate change legislation and its potential impacts on public transit. Staff secured permission from the city of Monterey's

Architectural Review Commission to install OnStreet electronic passenger information signage at the West Parking Garage and participated in the opening ceremony of MST's new Bus Stop Shop, also in downtown Monterey. Staff continued to participate in the development of MST's Bus Rapid Transit program as well as the Frank J. Lichtanski Monterey Bay Operations and Maintenance Facility. Staff attended a Carmel City Council meeting to present a proposal for a summer trolley. Staff met with representatives of the city of Marina and Gannett Fleming to discuss the mixed-use phase 2 of the Marina Transit Exchange. Staff attended regular meetings of TAMC, AMBAG, MCHA, MCBC and other organizations.

Information Technology Update

Staff worked on the Continental Transitmaster system additional functionality. Staff continued to configure software and hardware for the Maximus Maintenance system. Staff continued to configure software for the ongoing implementation of the FAMIS Payroll system. Staff were developing timelines for the implementation of the FAMIS Human Resources Module. Staff continued to configure software for the ongoing implementation of the GIRO DDAM Timekeeping system. Staff updated software components of MST workstations. Staff continued developing functionality of the Payroll and Customer Service databases. Staff kept the MST web page updated and made the appropriate changes as required. Staff conferred with Google Transit for the configuration of the MST Bus Schedules to for the Trip Planning on the Google Transit site. Staff continued to support MST staff as needed, proactively ensuring MST staff were supported fully with their IT needs.

TRANSPORTATION AGENCY FOR MONTEREY COUNTY

www.tamcmonterey.org

HIGHLIGHTS

October 22, 2008 Meeting

LOCAL STREETS AND ROADS NEED REPAIR

There are numerous streets and roads in Monterey County in need of repair in Monterey County. The local street maintenance needs of Monterey County's cities exceed \$228 million over the next 25 years. County of Monterey estimates it will cost \$648 million to bring County roads up to good condition.

Pavements tend to deteriorate very slowly during the first few years after placement and very rapidly when they are aged. It is far more economical to preserve roads than to delay repairs and reconstruct roads. Money invested in maintenance while pavement is still in fair condition pays big dividends compared to deferring maintenance until pavement is in very poor condition. The Investment Plan for Transportation Sales Taxes in Monterey County would program 25% of the sales tax generated by Measure Z to local road and street maintenance. Over the 25-year life of Measure Z, this is estimated to be \$245 million.

STATE BUDGET TAKES TRANSIT FUNDS TO BALANCE BUDGET

The recently approved state budget is dealing local transit agencies a major blow, cutting funding by nearly two-thirds more than what was expected earlier this year.

\$1.7 billion worth of local transit projects and services were diverted statewide with the state budget cuts. Locally, Monterey-Salinas Transit will see a hit of about \$2.9 million from State Transit Assistance funding, which is used for capital costs and to fund MST RIDES program operations.

As a result of this 60% cut, MST will defer planned capital expenditures: purchasing buses, reducing debt payments for coaches already purchased, or filling vacant staff positions. Making matters worse, rising fuel costs are already forcing MST to look at increasing fares for the RIDES program and cutting service routes; MST will hold public hearings when it considers these proposals.

In terms of the budget's impacts to transportation, it's clear there is a need for a stable local funding source independent from the vagaries of the annual state budget process. "Self-help" counties that have local funding programs fare far better than those that don't in turbulent budget times. Counties who help themselves are able to leverage local dollars with state and federal dollars to deliver projects sooner and more predictably than those who rely only on state or federal funds.

Twenty percent of Monterey County's Investment Plan will be designated to providing high quality and convenient transit services for all Monterey County residents.

CARMEL HILL AND RIVER TRAIL PROJECT

The Transportation Agency for Monterey County agreed to move forward with a full Environmental Impact Report for the Carmel Hill and River Trail Project which will provide alternative transportation options, such as bicycling and walking for those traveling between the shopping centers, Carmel High School, residential and recreational areas near Highway 1. Initial construction will run within Hatton Canyon to just south of Rio Road and will include a new underpass to cross Carmel Valley Road. Construction of this segment of the Carmel Hill and River bike and walking trail is expected to begin in late 2009. Future segments of the Carmel Hill & River Trail will connect with other existing and planned future trail and conservation areas, including trails on the Monterey Peninsula to the north, planned new trails toward Carmel Valley to the east, new trails to the Carmel River and Lagoon areas to the west, and the Palo Corona conservation area to the south.

MONTEREY PENINSULA TAXI AUTHORITY STUDY DRAFT TO BE CIRCULATED

Residents and visitors to the Monterey Peninsula may soon find it easier to take a taxi from Carmel to Marina with the possible creation of a Monterey Peninsula Regional Taxi Authority. This past year the Transportation Agency has completed a study that has analyzed institutional options for taxi regulation in Monterey County. The purpose of the Taxi Authority would be to consolidate the taxi operator licensing and inspection functions in one location with standardized criteria with the ultimate goal of consistency, safety, and quality taxi service. The city police chiefs have requested that taxi licensing be streamlined into one regional authority in order to reduce confusion among taxi agencies, their staff, and customers.

The study recommends that Monterey-Salinas Transit (MST) be designated as the Regional Taxi Authority as it already performs many of the necessary functions, such as vehicle inspections and background checks. The study recommends that the Authority include: Establishment of a “one-stop shop” for vehicle permits, licenses, inspections and background checks, Formation of a regional taxi committee to oversee administration and taxi regulation and to provide a regional forum for discussing/resolving taxi-related issues; and Implementation of taxi accessibility requirements, scrip program expansion, and fare regulation.

The Agency will distribute the Draft Study, make informational presentations on the proposed Authority to the participating agencies (and interested jurisdictions) with the Board’s authorization, and expects to bring a final study back to the Board for adoption early in 2009. The Agency will be working to establish the Authority by the summer of 2009.

TRANSPORTATION AGENCY AWARDS LOCAL TRANSPORTATION FUNDS TO KING CITY

The Transportation Agency awarded over \$240,000 in Local Transportation Funds to King City for street maintenance projects and the City’s annual Congestion Management. Local Transportation Funds may be used for local streets and roads projects only after the Agency

Board has made a finding regarding unmet transit needs and funding is allocated to new unmet needs that are reasonable to meet. This finding was made in April, 2008.

TRANSPORTATION AGENCY BOARD MEETINGS TO BE SHOWN ON CHARTER CABLE

Beginning this month Transportation Agency Board meetings will be shown on the Monterey County Office of Education channel (Charter Cable Channel 8) broadcast to South Monterey County cities and unincorporated North Monterey County. Meetings will be shown on this channel every Sunday at 8:00 AM and every Friday at 10:00 PM. Board meetings are currently being shown on Comcast cable channel 28 on Fridays at 7:00 PM and on Mondays at 9:00 AM.

ANNUAL TRANSPORTATION EXCELLENCE AWARDS: CALL FOR NOMINATIONS

Is there an individual, group, business or program in Monterey County that has significantly contributed to the way we get around in 2008? Do they deserve to be recognized? Nominate this individual, group, business or program for a Transportation Excellence Award. The Transportation Agency would like to encourage and appreciate the efforts made by Monterey County residents, businesses and employees. Nomination forms can be found at: <http://www.tamcmonterey.org/programs/excelaward/index.html> and are due by December 5, 2008. The awards ceremony will take place before the regular January 28, 2009 Transportation Agency Board meeting. Examples of potential awards include but are not limited to:

- Transportation employees who excel at their jobs and go the extra mile to promote the most efficient use of the transportation system.
- Innovative activities that promote more efficient use of the local transportation network.
- Citizens or organizations that have made significant efforts to inform and educate the public about transportation issues.
- Successful efforts to improve transit services and encourage the use of alternatives to driving alone.

Monterey-Salinas Transit
Washington, D.C. Office

FAX DATE: October 28, 2008

TO: Carl Sedoryk

FROM: Thomas P. Walters

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

- Contacted Senator Boxer's staff regarding reauthorization process for SAFETEA-LU and potential MST projects for inclusion.
- Began advance planning for 111th Congress advocacy meetings for MST staff and Board Members, including potential meetings with committees, agencies and Congressional delegation.
- Discussed potential Lame Duck Session with Congressional staff and the possibility of funding for transit projects in economic stimulus legislation.
- Provided information on funding opportunities and the probable schedule for FY 2009 funding bills.
- Advised on lobbying strategies.
- Represented MST at APTA Washington Area Transit Industry Representatives Task Force meeting.
- Provided updates on legislation affecting MST programs and initiatives.

TPW:dwg

MEMO

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

Week of October 1, 2008

- Prepared Draft FPPC quarterly reports for review and approval
- Prepared final Legislative Matrix reflecting Governor's signing and veto action.
- Prepared summary report of transit-transportation related impacts in the State Budget
- Monitored gubernatorial appointments

Week of October 6, 2008

- Participated in conference call regarding speakers and moderator for the CTA Annual Conference Workshop during the California's Public and Community Transportation Conference and Expo in Monterey during November 4-7, 2008
- Worked on drafting of Annual End of the Year report of State activities
- Monitored gubernatorial appointments.

Week of October 13, 2008

- Worked on drafting of Annual End of the Year report of State activities
- Provided information regarding workshops and revised guidelines for Prop. 1C Transit Oriented Development and Infill Programs.
- Monitored gubernatorial appointments.

Week of October 20, 2008

- Attended Housing and Community Development Workshop for Prop. 1C Transit Oriented Development and Infill Program and provided summary/highlights of meetings
- Attended Assembly Select Committee on Growth Management hearing on SB 375 and provided summary/highlights report along with related hearing materials and handouts
- Participated on Governor's Conference Call on Economic Development strategies for State and provided a summary/highlights report
- Participated in regional 2009 State Legislative Priorities setting meeting with TAMC, Monterey County, FORA and MST.
- Worked on drafting of Annual End of the Year report of State activities
- Monitored gubernatorial appointments

Week of October 27, 2008

- Worked on drafting of Annual End of the Year report of State activities
- Monitored Assembly Transportation Committee hearing on diesel and alternative fuels for California.
- Worked with Assembly Member Anna Caballero in providing written comments of proposed revisions to Round II guidelines for Prop. 1C Transit Oriented Development and Infill Programs for the Assemblywoman to share with Housing and Community Development Director Lynn Jacobs.
- Finalized FPPC Quarterly Reports and filed electronically with the Secretary of State's Office.
- Monitored gubernatorial appointments

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



Monterey Jazz Festival

Monterey Jazz Festival presented by Verizon • Next Generation Festival • National High School Jazz Competition
Year-Round Jazz Education Programs • Golf 'n' Jazz Tournament • Jazz Legends Gala • Founded in 1958 as a Nonprofit Organization

James L. Lyons
Founder

Tim Jackson
General Manager

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October 8, 2008

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OCT 11 2008

MONTEREY-SALINAS TRANSIT

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

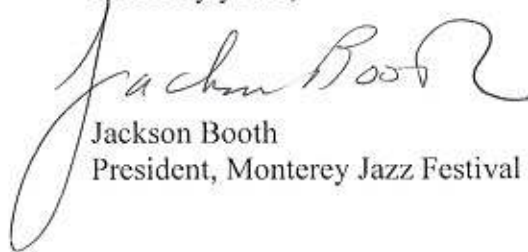
Dear Carl:

On behalf of the Monterey Jazz Festival, I would like extend our sincere thanks to Monterey Salinas Transit for being the real star of the Festival this year. The enthusiasm of the drivers and staff in taking on the daunting task of providing bus service for our patrons was outstanding. Many people have taken the time to let us know how much they enjoyed the ease and convenience of the bus service between MPC and the Fairgrounds.

We would also like to send special thanks to Zoe Underwood, Charles Armbruster, and Hunter Harvath for their time and efforts in organizing the logistics of the service. In addition, Nancy Amador is very deserving of our compliments. Nancy was on site at the beginning on Friday night and was there very late at the end on Sunday night. Nancy and her staff were very accepting of ways to improve the service when it was discovered that a few minor problems were occurring.

Once again, please accept our thanks to you and your staff for all your assistance and we look forward to continuing our partnership with Monterey Salinas Transit in the coming years.

Sincerely yours,



Jackson Booth
President, Monterey Jazz Festival

Monterey Salinas Transit Board of Directors

MEETING:	November 17, 2008	Agenda No.: 10-6
SUBJECT:	Receive Board Referrals Update	

	DATE	BY	TO *	ITEM	REPORT	STATUS
1	12/10/07	Downey	Harvath	Transit access to Presidio of Monterey	<p>This item was discussed at the Board meeting on January 14, 2008. City of Monterey to schedule meeting with DLI.</p> <p>MST staff met with City of Monterey and DLI staff.</p> <p>MST staff met on June 12th and on July 8th with Bob Guidy from the Presidio. Mr. Guidy will forward MST staff times of day classes begin and end so schedules accessing Presidio can be developed. Transit access into and/or through the Presidio is still under discussion.</p>	Ongoing
2	2/11/08	Ford	Harvath	Marina Library	<p>Director Ford asked to add a fixed route bus stop to serve the Marina Public Library.</p> <p>MST currently offers MST On-Call demand response service to the library as well as Line 16 Monterey-Marina service on Reservation Road adjacent to the library. Beginning September 2, 2008, MST's Line 27 Watsonville-Marina will serve the library directly on Seaside Court in both the northbound and southbound directions for a total of 14 times each weekday. Because Line 27 does not operate on weekends, residents will need to take MST On-call or Line 16 to the library on weekends.</p>	Ongoing
3	9/8/08	Downey	Harvath	Monterey Trolley Service	Director Downey asked for ridership information on the Trolley Service.	Survey results will be presented at November Board meeting
4	10/17/08	Stilwell	Harvath	PG Trolley Service	Director Stilwell asked staff to develop a plan and a cost estimate for Trolley Service in PG. The concept is to develop service starting at the Aquarium down Ocean View to Asilomar, the Lighthouse and to Downtown PG and back.	

Monterey Salinas Transit Board of Directors

MEETING:	November 17, 2008	Agenda No.: 10-6
SUBJECT:	Receive Board Referrals Update	

	DATE	BY	TO *	ITEM	REPORT	STATUS
5						
6						
7						

October 30, 2008

To: C. Sedoryk, General Manager/CEO

From: M. Hernandez, Assistant General Manager/COO

Subject: APTA Expo

I attended the APTA Expo and Maintenance Conference in San Diego, October 5-8. I also attended the Bus Technical Maintenance Committee meeting for details on the new ASE training standards/testing for transit. APTA staff provided an update on an upcoming report, available in early 2009 addressing "spare ratio" issues in the transit industry. Fleet spare ratios have been problematic for many properties, including MST, as the FTA sets the spare ratio limit at 20%.

The Expo was a great opportunity to see the latest in bus equipment. I met with vendors from several bus manufacturers, specifically NABI (North American Bus Industries) and worked out details of their upcoming bus demonstration at MST in conjunction with the CTA conference in early November. I was also able to meet with several of MST's vendors to follow-up on some unresolved issues, including a product demonstration for a new version of our maintenance management software system. The Expo provided an opportunity to meet many vendors under one roof over the three day period.

With the design process currently underway for the new FJL Monterey Bay Operations Center, the Expo also provided an opportunity to meet with vendors and become familiar with new equipment that will be installed in the maintenance building. Thank you for the opportunity to attend.

Michael Hernandez