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LANE TRANSIT DISTRICT REGULAR BOARD MEETING

Wednesday, October 20, 2004
5:30 p.m.

LTD BOARD ROOM
3500 E. 17th Avenue, Eugene
(off Glenwood Blvd in Glenwood)

A G E N D A

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I. CALL TO ORDER	
II. ROLL CALL	
Kleger _____ Lauritsen _____ Wylie _____ Ban _____	
Gant _____ Gaydos _____ Hocken _____	
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◆ Each speaker is limited to three (3) minutes.	

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	(b) <u>No Meetings/No Report</u>	
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- C. Executive Sessions on Labor Negotiations
 - D. Incremental Corridor Development
 - E. Information on LTD Purchasing Policy
 - F. Annual Strategic Planning Work Session
 - G. BRT Updates
- XIII. ADJOURNMENT

Alternative formats of printed material and or a sign language interpreter will be made available with 48 hours' notice. The facility used for this meeting is wheelchair accessible. For more information, please call 682-6100 (voice) or 1-800-735-2900 (TTY, through Oregon Relay, for persons with hearing impairments).

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AGENDA ITEM SUMMARY

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DATE OF MEETING: October 20, 2004

ITEM TITLE: SEPTEMBER FINANCIAL STATEMENTS

PREPARED BY: Diane Hellekson, Director of Finance & Information Technology

ACTION REQUESTED: None

BACKGROUND: Financial results for the first three months of the FY 2004-05 fiscal year are summarized in the attached reports.

Passenger fares remain slightly ahead of budget for the first three months of the new year, and also ahead of the same period last year. Ridership for the rolling twelve-month period, which ended September 30, is up 2.9 percent, continuing the trend of recent months of gradual but steady improvement. Last year at this time, the trend was down. Group pass revenue continues to be strong.

Year-to-date special service receipts represent service to the Oregon Country Fair, the Lane County Fair, and two home football games. The total is down slightly, because there were three home football games in the same period last year.

Payroll tax revenues are up 7.8 percent versus last year. There are several major construction projects with large payrolls associated with the major projects in the Eugene-Springfield area, but it seems unlikely that all of the increase can be attributed to them. Among the projects are two temporary bridges, two new elementary schools, and several private sector projects. The year-to-year growth does not include recovery of the disputed tax refund on September 15. It is possible that there are timing anomalies in the tax receipt distributions. If so, it will be apparent when we receive the majority of first quarter receipts during early November.

On October 8, a representative of the Oregon Department of Revenue (DOR) notified LTD staff that, based on the amended tax returns the taxpayer was asked to prepare back to January 1, 2000, DOR has billed the taxpayer for an additional \$886,623.28 in back taxes and interest. It is not yet known if or when the taxpayer might pay the amount billed. The additional amount almost certainly will be appealed either as an extension of the existing court case or as a separate appeal. Additional information will be provided to the Board as it becomes available.

Should LTD lose the case on appeal, all of the additional revenue plus interest will have to be returned to the taxpayer. The current year budget anticipated the additional revenue, and the Long-Range Financial Plan assumes that LTD retains it. The additional payments, if received and retained, would be approximately \$129,000 more than was anticipated by the FY 2004-05 adopted budget.

Self-employment receipts coincide with State tax payment deadlines, none of which occurred in September. However, revenue was received in September for prior-year amounts owed. Tax payments are reported on a cash basis in monthly reports to simplify the information. For audit purposes, the amounts are accrued back to the previous year. State-in-lieu funds are ahead of the previous year's first quarter by 3.1 percent.

Interest rates, and therefore, returns, continue to be disappointing. The Local Government Investment Pool rate has increased to an average of 1.674 percent in September; the highest in at least two years. The FY 2004-05 budget assumed continued weak investment returns, so this revenue source has a positive year-to-date variance.

Total personnel services expenditures, the largest category of operating expense, show a net growth of 6.3 percent through September, down from the previous month, but still in excess of the target growth rate of 4 percent. All of the growth can be attributed to wages and benefits paid to employees represented by Amalgamated Transit Union 757 (ATU). In the absence of a new contract, most of the provisions of the contract that expired June 30, 2004, still apply to contract employees.

Materials and services results vary widely from department to department. Total materials and services are significantly higher for the first three months of this year as compared to last, but overall spending is within budget for the year-to-date indicating that the timing of expenses is different in the current fiscal year. Fuel prices again are volatile. The current-year budget assumed \$1.13 per gallon. The average three-month price through September 30 was \$1.4057, which was relatively flat versus the two-month average. However, the price of low sulfur diesel was at \$1.7087 on October 4. If fuel prices do not come down over the balance of the fiscal year, this line item could be over budget by as much as \$239,000. Fuel prices are monitored carefully. Should the overage materialize, it may be necessary to transfer appropriations from contingency before fiscal year end. Such a transfer would require Board approval.

As noted during the budget hearings last April and in the September report, the Commuter Solutions Fund is new to LTD's financial organization in FY 2004-05. Previously, Commuter Solutions activity was reported as part of the General Fund. Since all but \$5,000 of the revenue that supports this

activity comes from state and federal grants dedicated to Commuter Solutions programs, it was appropriate to create a separate fund to better track activity and performance, as has always been done for Accessible Services Fund programs. The Commuter Solutions Fund shows deficit spending through the first three months of the new fiscal year because there is a grant application pending with the Federal Transit Administration that has not completed processing. Reimbursement for grant funds due and the ability to draw down Commuter Solutions grant funds for the remainder of the current year was expected to be approved by the end of September, but was held up by the Department of Labor (DOL) investigation of a challenge to the grant by ATU. ATU subsequently withdrew the challenge, but the DOL investigation proceeded, anyway, and has been satisfactorily completed. However, because the new Federal fiscal year started on October 1, the grant cannot be processed until LTD completes the annual certifications and assurances process, which can take two months or more.

Accessible Services Fund expenses are as anticipated through September. Capital Fund activity also was as expected. The Capital Fund shows deficit spending year-to-date due to a grant through the Oregon Department of Transportation supporting the RideSource facility project that has not yet been billed, and an additional amount supporting the Springfield Station project for which LTD will apply in the new Federal fiscal year.

The site work for the Financial Management Oversight (FMO) Review began on October 5, 2004. The FMO is a very detailed, comprehensive review of all aspects of financial activity, risk, and control. A written report will be provided at its conclusion and will be shared with the Board at a future meeting.

Fieldwork for the audit of the 2003-2004 fiscal years began the week of September 13. The remainder of the work, including the required audit of LTD's National Transit Database data, is scheduled in October. The Comprehensive Annual Financial Report (CAFR), including auditors' statements, will be distributed before the November Board meeting. A representative of the audit firm *Grove, Mueller & Swank* will attend the November meeting to present audit findings and answer any questions that Board members may have.

ATTACHMENTS:

Attached are the following financial reports for September for Board review:

1. Operating Financial Report - comparison to prior year
2. Comparative Balance Sheets
 - a. General Fund
 - b. Commuter Solutions Fund

- c. Accessible Services Fund
- d. Capital Projects Fund

3. Income Statements

- a. General Fund
- b. Commuter Solutions Fund
- c. Accessible Services Fund
- d. Capital Projects Fund

PROPOSED MOTION: None

Special Mobility Services: RideSource Activity and Productivity Information

September-04	Current Month	Prior Year's Month	% Change	Current YTD	Previous YTD	% Change	Current 12 Month	Prior 12 Month	% Change
RideSource Ridership	10,513	9,425	11.5%	30,939	29,502	4.9%	122,563	117,022	4.7%
RideSource(All Modes)	7,072	6,710	5.4%	21,421	20,159	6.3%	83,857	81,108	3.4%
Shopper	648	522	24.1%	1,994	1,544	29.1%	7,295	5,897	23.7%
Escort Volunteers-Metro	1,115	866	28.8%	3,031	2,862	5.9%	11,484	10,963	4.8%
Escort Volunteers-Rural	1,678	1,327	26.5%	4,493	4,937	-9.0%	19,927	19,054	4.6%
RideSource Cost per Ride	\$ 15.52	\$ 15.76	-1.5%	\$ 15.10	\$ 14.75	2.3%	\$ 15.06	\$ 14.64	2.9%
RideSource(All Modes)	\$ 22.26	\$ 21.42	3.9%	\$ 21.07	\$ 20.73	1.6%	\$ 21.24	\$ 20.38	4.2%
RideSource Shopper	\$ 7.70	\$ 8.96	-14.1%	\$ 7.70	\$ 8.96	-14.1%	\$ 7.70	\$ 8.96	-14.1%
RideSource Escort	\$ 2.05	\$ 2.20	-7.1%	\$ 2.08	\$ 2.22	-6.1%	\$ 2.05	\$ 1.99	3.2%
Ride Reservations	8,091	7,503	7.8%	24,411	22,719	7.4%	97,372	91,618	6.3%
Cancelled Number	753	617	22.0%	2,209	1,868	18.3%	10,208	7,831	30.4%
Cancelled % of Total	9.31%	8.22%		9.05%	8.22%		10.48%	8.55%	
No-Show Number	82	78	5.1%	260	230	13.0%	1,099	907	21.2%
No-Show % of Total	1.01%	1.04%		1.07%	1.01%		1.13%	0.99%	
Ride Refusals Number	2	4	-50.0%	5	11	-54.5%	21	57	-63.2%
Ride Refusals % of Total	0.02%	0.05%		0.02%	0.05%		0.02%	0.06%	
Service Hours	3,372	3,011	12.0%	10,170	9,185	10.7%	40,244	37,514	7.3%
Agency Staff	3,140	2,864	9.6%	9,400	8,653	8.6%	37,482	34,894	7.4%
Agency SMS Volunteer	232	147	57.8%	770	532	44.7%	2,762	2,620	5.4%
Avg. Trips/Service Hr.	2.29	2.40	-4.6%	2.30	2.36	-2.5%	2.26	2.32	-2.6%
RideSource System Miles	49,821	43,080	15.6%	149,280	134,799	10.7%	574,157	553,487	3.7%
Avg. Miles/Trip	6.45	5.96	8.3%	6.38	6.21	2.6%	6.30	6.36	-1.0%
Miles/Vehicle Hour	14.77	14.31	3.3%	14.68	14.68	0.0%	14.27	14.75	-3.3%

Special Mobility Services: RideSource Activity and Productivity Information

<u>September-04</u>	<u>Current Month</u>	<u>Prior Year's Month</u>	<u>% Change</u>	<u>Current YTD</u>	<u>Previous YTD</u>	<u>% Change</u>	<u>Current 12 Month</u>	<u>Prior 12 Month</u>	<u>% Change</u>
On-Time Performance %	90.8%	92.4%	-1.7%	90.5%	92.8%	-2.5%	91.9%	93.6%	-1.8%
Sample	6,333	6,140		18,775	18,627		75,097	75,229	
On-Time	5,750	5,673		16,984	17,286		69,039	70,414	

- RideSource (All Modes) includes rides done by taxi and SMS volunteers.
- Escort Volunteers-Metro includes in-district volunteer rides and SMS volunteer escort rides.
- Escort Volunteers-Rural is out of district volunteer rides.

- RideSource cost per Ride (All Modes) does not include volunteer mileage reimbursement.
- Shopper cost per ride is from the most recent quarterly cost model.
- Escort cost per ride is mileage reimbursement to all volunteers.

- RideSource System Miles includes miles by volunteers in agency vehicles.

- On-Time Performance reflects a 100% sample of all rides with scheduled pickup times, plus will-call rides. The standard is +/- 10 minutes for scheduled pickups and within 30 minutes of will-call request.

AGENDA ITEM SUMMARY

DATE OF MEETING: October 20, 2004

ITEM TITLE: LTD DRUG AND ALCOHOL PROGRAM POLICY

PREPARED BY: Mary Neidig, Director of Human Resources and Risk Management

ACTION REQUESTED: Adoption of revised LTD Drug and Alcohol Program Policy

BACKGROUND: Recent changes in the Department of Transportation's regulations for drug and alcohol programs have created a need to revise LTD's current policy. It is required by regulation that the Board of Directors adopts the policy. The current policy was adopted by the Board of Directors in 2001, prior to the changes in regulations.

RESULTS OF RECOMMENDED ACTION: LTD will communicate and implement the changes in policy as described in the proposed policy.

ATTACHMENT: Revised LTD Drug and Alcohol Program Policy

PROPOSED MOTION: I move the following resolution:

LTD Resolution No. 2004-032: It is hereby resolved that the LTD Board of Directors approves and adopts the recommended revised LTD Drug and Alcohol Program Policy as proposed and discussed at the October 20, 2004, Board meeting.

AGENDA ITEM SUMMARY

DATE OF MEETING: October 20, 2004

ITEM TITLE: ANNOUNCEMENTS AND ADDITIONS TO AGENDA

PREPARED BY: Jo Sullivan, Administrative Services Manager/Clerk of the Board

ACTION REQUESTED: None

BACKGROUND: This agenda item provides a formal opportunity for Board members to make announcements or to suggest topics for current or future Board meetings.

ATTACHMENT: None

PROPOSED MOTION: None

AGENDA ITEM SUMMARY

DATE OF MEETING: October 20, 2004

ITEM TITLE: BOARD MEMBER REPORTS

PREPARED BY: Jo Sullivan, Administrative Services Manager/Clerk of the Board

ACTION REQUESTED: None

BACKGROUND: Board members have been appointed to the Metropolitan Policy Committee (MPC), and on occasion are appointed to other local or regional committees. Board members also will present testimony at public hearings on specific issues as the need arises. After meetings, public hearings, or other activities attended by individual Board members on behalf of LTD, time will be scheduled on the next Board meeting agenda for an oral report by the Board member. The following activities have occurred since the last Board meeting:

MEETINGS HELD

1. **Metropolitan Policy Committee:** MPC meetings are held on the second Thursday of each month. Board members Gerry Gaydos and Susan Ban are LTD's MPC representatives. Ms. Ban attended the October 14, 2004, MPC meeting, which included the following MPO agenda items:
 - a. Preliminary Draft Regional Transportation Plan Public Review. MPC approved the release of *Preliminary Draft Regional Transportation Plan* for Public Review, and opened the public comment period through December 9, 2004. A revised draft will be considered by MPC at their November meeting, with adoption of the final draft currently scheduled for December 9, 2004.
 - b. Statewide Freight Route Analysis Project. MPC Discussed issues and opportunities associated with proposed State freight route designations, and provided comments to ODOT staff, and Oregon Transportation Commissioner Randy Pape.
 - c. MTIP Administrative Amendments. MPC approved administrative amendments for ODOT and LTD. LTD's amendments were to correct inconsistencies with the recently adopted STIP regarding year of expenditure, for grants administration purposes. The LTD amendments are for the following projects: (1) River Road Station Improvements – Moved from FY04 – FY05; (2) BRT Phase One (Franklin Corridor) – Move from FY04 – FY05; (3) Springfield Station – Move from FY04- FY05; (4) BRT Pioneer Parkway (planning) - Move from FY06 – FY05.

- d. Commuter Solutions' Diamond Express Service Award of Excellence. LTD shared the news of the recent award from the Association for Commuter Transportation for the Diamond Express Service between Oakridge and Eugene.
- e. Status on Citizen Advisory Committee Recruitment. Staff provided an update on the recruitment process for the MPO Citizen Advisory Committee. The recruitment period began on September 9, 2004 and closes on October 31st, 2004. Ads have been running in local papers, emailed to key organizations, and displayed on LTD buses.
- f. Second Oregon MPO Summit Status. The Second MPO Summit was held on October 15, 2004. Board Member Susan Ban, and staff members Mark Pangborn, Linda Lynch, and Lisa Gardner attended the Summit. The agenda for the Summit included discussion of a One-Year Action Plan, the option of forming a Statewide MPO Association, and State level agenda issues.
- g. Follow-up and MPO Calendar. A copy of the MPC calendar for October – December was included in the MPC agenda packet. No additional discussion was held.

Due to the regular scheduled meeting falling on Veterans Day, a special MPC meeting date has been scheduled for November 18, 2004, although that date may be rescheduled to accommodate scheduling conflicts for Lane County.

- 2. **State Budget Briefing:** Gerry Gaydos attended a briefing on the state budget by the Governor's chief of staff, Theresa McHugh, on September 23 in Salem. He can provide a brief report on October 20.
- 3. **Region 2050 Policy Advisory Board:** Susan Ban is the Board's representative on the Region 2050 Policy Advisory Board (Policy Board). The Policy Board met on September 29, 2004. Ms. Ban can provide a brief report on October 20. The next meeting will be held on October 27, 2004.
- 4. **MPO Summit:** The second MPO summit was held on October 15, 2004. Board member Susan Ban and LTD staff Mark Pangborn, Linda Lynch, and Lisa Gardner attended the Summit. Because the Summit occurred after the mail out deadline for the Board packet, Ms. Ban will provide a summary at the October 14, 2004, Board meeting.

NO MEETINGS/NO REPORT

- 1. **LTD Salaried Retirement Plan and ATU Pension Plan Trusts:** The next meeting is scheduled for November 18, 2004.
- 2. **BRT Steering Committee:** Board members Gerry Gaydos, Pat Hocken, and Hillary Wylie are participating on LTD's BRT Steering Committee with members of local units of government and community

representatives. The Committee meets quarterly. The next meeting is scheduled for December 7, 2004.

3. **Statewide Livability Forum**: Board member Virginia Lauritsen is participating on a statewide committee called the Livability Forum, as one of 12 participants from the Eugene/Springfield area. The committee has been meeting once every six months. There is no report this month.

PROPOSED MOTION: None

AGENDA ITEM SUMMARY

DATE OF MEETING: September 15, 2004

ITEM TITLE: CORRESPONDENCE

PREPARED BY: Ken Hamm, General Manager

ACTION REQUESTED: None

ATTACHMENTS: The attached correspondence is included for the Board's information:

- ◆ August 19, 2004, letter from LTD guest Virginia R. Currens, regarding over-80 pass program

At the September 15, 2004, meeting, staff will respond to any questions the Board members may have about this correspondence.

PROPOSED MOTION: None

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

REGULAR MEETING

Wednesday, September 15, 2004

Pursuant to notice given to *The Register-Guard* for publication on September 9, 2004, and distributed to persons on the mailing list of the District, the Board of Directors of the Lane Transit District held its regular monthly meeting on Wednesday, September 15, 2004, beginning at 5:30 p.m., in the LTD Board Room at 3500 East 17th Avenue, Eugene.

Present: Gerry Gaydos, President, presiding
Susan Ban, Vice President
David Gant, Secretary
Virginia Lauritsen
Dave Kleger, Treasurer
Hillary Wylie
Ken Hamm, General Manager
Jo Sullivan, Clerk of the Board
Lynn Taylor, Minutes Recorder

Absent: Pat Hocken

CALL TO ORDER – Mr. Gaydos called the meeting to order.

ROLL CALL - General Manager Ken Hamm called the roll.

PRELIMINARY REMARKS BY BOARD PRESIDENT – There were none.

ANNOUNCEMENTS AND ADDITIONS TO AGENDA – There were none.

BOARD CALENDARS – There were no changes or additions to the calendars.

WORK SESSION

A. Origin and Destination Study Presentation – Service Planning and Marketing Manager Andy Vobora introduced Selena Barlow of Transit Marketing, LLC, to discuss the results of an in-depth study of current guests and travel patterns.

Ms. Barlow highlighted information contained in the *2004 Origin/Destination Study Research Report* that was distributed to Board members. She reviewed the survey methodology and indicated that the analysis was based on approximately 5,400 questionnaires. She used a slide presentation to illustrate data in the following categories:

- Demographics of riders
- Purpose, frequency, and intensity of use

- Transfers
- Transit dependence
- Changes in ridership compared with 1999 data
- Reasons riders use a bus
- Satisfaction and service ratings
- Service improvement priorities

Ms. Barlow concluded her remarks with the observation that the highest-rated service improvement priorities were later-evening service and more frequent weekend service, which reflected a nationwide trend influenced by a 24/7 economy and expanded job options during evening and weekend hours.

Mr. Vobora presented some summary conclusions from the report. He said that LTD had a very large segment of riders who used the system intensively and that was an important factor in system design and how services were provided, as well as the fact that many riders used the bus to commute to work or seek employment. He noted that over 40 percent of riders had access to a vehicle and rode the bus by choice, not because they were transit-dependent. He commented that it was unfortunate that LTD had to implement reductions in evening and weekend services in view of the service improvement priorities identified by riders. He said that closer examination of the transfer rate would be conducted at a later date. He illustrated on a map the destinations and originations of riders to demonstrate that more direct cross-town service was not necessarily responsive to riders' needs.

In response to a question from Mr. Hamm, Mr. Vobora said that a market-area study surveyed non-riders about issues such as barriers to riding transit. Frequently cited were direct routes, speed of trip, and frequency of service. Ms. Barlow said that more direct service was rated a lower priority by riders than evening and weekend services.

Ms. Wylie asked if buses were being cleaned as frequently as they were in the past. Mr. Hamm said that cleaning activities had not changed significantly during the past several years. Mr. Kleger, commenting as a transit user, observed that riders were becoming more careless about trash.

Ms. Wylie remarked that the data comparing new rider statistics for January and May likely was influenced significantly by weather conditions in those months. She said that the elimination of cost savings in the monthly pass program had resulted in the reductions in use. Mr. Vobora added that riders who could not afford a monthly pass possibly were shifting to cash fares and day passes and that rider responses to that question on the survey were not always consistent. Assistant General Manager Mark Pangborn said the survey asked whether a rider purchased a day pass or paid cash and that confused some riders who checked the cash category because they had paid cash for the day pass, somewhat skewing the data.

Ms. Lauritsen asked if it was possible to reconcile the survey results with LTD's records. Mr. Vobora said that LTD did not collect the data except during surveys and could not make a direct comparison.

B. Incremental Corridor Development – Director of Development Services Stefano Viggiano described four possible levels of incremental corridor development leading up to full EmX treatment:

1. Apply transit signal priority (TSP) systemwide – This project is included in the current capital improvements program. It would require approval from the local jurisdiction that controlled the signal. Staff believed that TSP should be implemented systemwide where possible. The largest cost for TSP is equipping the buses with Opticom emitters.

Mr. Hamm commented that other transit systems had experienced a substantial positive impact for regular transit service when TSP was implemented.

2. Implement a base level of improvements to all planned bus rapid transit (BRT) corridors. This level would include simple BRT improvements in addition to TSP. Improvements would include wider stop spacing, passenger shelters at every stop, and real-time passenger information at key stops. Queue-jumpers could be added where it was inexpensive to do so. The estimated cost was \$300,000 per mile.
3. Level 3 includes all BRT features except exclusive transit lanes. Elements include wider station spacing, improved stops, level boarding, fare collection, queue-jumpers, and special vehicles. The estimated cost was \$2 million per mile.
4. Level 4 would construct the corridor to the full EmX level by adding exclusive right-of-way. The estimated cost was an additional \$3-4 million per mile.

Mr. Viggiano said that LTD already was working on signal priority and could begin to implement Level 1 while working on development of corridors. He said the key issue was how to fund the improvements and how they fit into the priorities for capital expenditures. He said that the staff could explore those issues and return with an analysis for the Board to consider.

Mr. Kleger asked if there were costs that would not be recovered as the system moved to the next level. Mr. Viggiano said that the shelters to be placed at stops under Level 2 would not be located at EmX stations, but could be moved and used elsewhere in the system. He said that staff could develop some estimates of lost investments. He did not anticipate any loss in the move from Level 3 to Level 4.

Ms. Ban expressed her appreciation for the information on options to frame the Board's discussions of moving toward BRT. She said that the levels further emphasized the fact that it was all one system and part of an incremental build to EmX while demonstrating a more effective transit tool. Mr. Viggiano said an important aspect of incremental development for the community was LTD's commitment to reaching Level 4 in the planned BRT corridors.

Mr. Kleger said that levels 1 and 2 were at risk of losing gains as traffic worsened. He was reluctant to spend significant amounts of money for something that would deteriorate; however, there were areas where it would be extremely difficult to obtain exclusive right-of-way until its actual usefulness was proved. He said he was not opposed to any of the strategies as long as they were regarded as incremental steps to BRT. He hoped that would be emphasized in any public information campaign. He suggested that the relative costs of levels also could help the public understand incremental development.

Mr. Hamm commented that the staff had discussed whether, if all of the funding strategies came together as planned, LTD would be building a BRT corridor every six years as part of the federal transportation reauthorization. He said that incremental development allowed LTD to build the system at a faster pace.

Mr. Gant commended the staff for the options, which he said represented growth based on need.

Mr. Gaydos emphasized the importance of clearly expressing LTD's intent regarding incremental development to the community. He said he was not clear how the commitment to allow communities to choose their corridors would fit with an incremental development approach and it was necessary to consult with jurisdictions, particularly at Level 3 implementation.

Mr. Gant remarked that it would be easier to work with jurisdictions and businesses if development occurred incrementally.

Ms. Ban pointed out that Level 2 focused more on improving system efficiency and was not as directly associated with BRT development and would therefore not be perceived as a change in direction.

Mr. Hamm gave the Breeze as an example of a service design that evolved from its original concept after dialogue with the community. He concurred with Mr. Gaydos' comments about the importance of communicating any changes to the communities LTD served.

EMPLOYEE OF THE MONTH – Transit Operations Manager Mark Johnson introduced Guest Service Representative Gail Beasley, the October 2004 Employee of the Month. He commended her efforts on behalf of LTD guests. Ms. Beasley thanked LTD for the award, expressed her appreciation for the honor and for her job, and commended her co-workers.

AUDIENCE PARTICIPATION – There was no one wishing to speak.

ITEMS FOR ACTION AT THIS MEETING

MOTION **A. Consent Calendar** – Ms. Ban moved adoption of LTD Board Resolution No. 2004-029: "It is hereby resolved that the Consent Calendar for September 15, 2004, is approved as presented." Mr. Gant provided the second. The Consent Calendar consisted of the minutes of the August 11, 2004, special Board meeting.

VOTE The Consent Calendar was approved as follows:
AYES: Ban, Gant, Gaydos, Kleger, Wylie, Lauritsen (6)
NAYS: None
ABSENTIONS: None
EXCUSED: Hocken

B. General Manager Performance Evaluation Process – Director of Human Resources and Risk Management Mary Neidig referred to the recommended process for the LTD General Manager performance review contained in the agenda packet and provided a brief history of the issue. She said that in 2003 the Board's Human Resources Committee had recommended an evaluation process that involved an internal questionnaire during even-numbered years and an

external questionnaire during odd-number years, and that the Board had approved the process and the questionnaire to be used. She referred to the 2004 questionnaire to be given to Board members and Leadership Council members and said that it was the same tool used in 2002, in order to obtain consistent evaluation results. She said that if the Board approved the process, the evaluation form would be distributed immediately and the results would be available to the Board at its next meeting.

Mr. Hamm asked if the Board was interested in having him conduct a self-assessment. The Board agreed that a self-assessment would be useful.

MOTION Mr. Kleger moved adoption of LTD Board Resolution No. 2004-030: "It is hereby resolved that the LTD Board of Directors approves the recommended evaluation process and tool, with the addition of a general manager's self-evaluation, for the Fall 2004 general manager performance evaluation, as proposed with the addition and discussed at the September 15, 2004, Board meeting. Mr. Gant provided the second.

VOTE The motion was approved as follows:
AYES: Ban, Gant, Gaydos, Kleger, Wylie, Lauritsen (6)
NAYS: None
ABSENTIONS: None
EXCUSED: Hocken

C. Smoking on Plaza at Eugene Station – Mr. Johnson referred to the Board's discussion at the August 11, 2004, Board meeting about smoking in the plaza that was prompted by complaints from guests who were waiting in Bay H. He reviewed the history of the smoking policy at the station, which initially permitted smoking in some infrequently used bays, then banned smoking from all platform areas and allowed it only in the plaza area and on the public sidewalks that were on the perimeter of the station. He said that staff had monitored the situation following the complaint to determine if smokers were encroaching into restricted areas. He indicated that prohibiting smoking in the plaza area could be done but was not likely to solve the problem, only relocate it to the adjacent sidewalks. He noted that the Eugene Public Library recently had begun to enforce a no smoking policy in front of the building and consequently some smokers had moved to the station plaza.

According to Mr. Johnson, there was no solution that would protect guests from any contact with smoking. Therefore, staff recommended that no action be taken by the Board. He said that enforcement would be used to assure that smokers were not encroaching into non-smoking areas. He said that the covered bike parking area by the library likely would be a more attractive location during the winter and enforcement in the plaza area could be increased in the spring.

Ms. Ban suggested that signs encouraging smokers to be sensitive to others could be posted in the area. There was a general discussion of ways to draw smokers away from problem areas.

Ms. Ban commented that there was evidence that smoking helped minimize the interference of voices for people who had schizophrenia and were on medication.

Mr. Gant remarked that smoking had a negative impact on people with asthma. He asked what distance it was from the platform to the sidewalk by Bay H. Mr. Johnson estimated the distance at approximately 30 feet. He suggested that the Board revisit the issue next summer.

Mr. Gaydos determined that it was the consensus of the Board to accept the staff recommendation, and that the situation would be monitored by staff and possibly reconsidered by the Board at a later date.

D. Public Relations Outreach – Mr. Vobora drew the Board's attention to a copy of an informational mailer and reply card that were sent to more than 13,000 businesses and self-employed taxpayers the week of Labor Day. He said to date only one response had been received. He reviewed the information included in the agenda packet regarding other public outreach activities and strategies and requested feedback from the Board.

Mr. Hamm remarked that the Chambers of Commerce had asked about implementation of the payroll tax rate increase and staff had indicated that the Board had not yet made a decision to implement and was interested in receiving comments from the business community.

Ms. Ban said that the assumption of an increase in LTD's eight-year plan complicated the issue because it appeared that the decision had been made, but the Board had been clear that if there was not public business support, it was still a question to be deliberated.

Mr. Gaydos urged staff to continue to consult with and obtain feedback from the Chambers of Commerce in the district and use specialty business organizations, such as the Home Builders Association or Commercial Realtors Association, to contact small businesses. He also suggested that the use of specific dates for plans like increasing bus service be avoided.

ITEMS FOR INFORMATION AT THIS MEETING

A. Current Activities

Board Member Reports – There were no questions or comments.

BRT Steering Committee – September 7, 2004, meeting

Metropolitan Policy Committee – September 9, 2004, meeting

Salaried Employees Retirement Plan/ATU Pension Plan Trustees Meetings – August 19, 2004, meeting

General Manager's Report – There were no questions regarding the general manager's report.

Monthly Financial Report – Director of Finance & Information Technology Diane Hellekson stated that the report contained data for both July and August, although the comments referred to the August data. She said the new fiscal year was off to a good start and consistent with the plan. She highlighted a discrepancy with personnel services expenditures and explained that the net growth of 9.8 percent was due to several factors that were detailed in the report. She anticipated that the target of 4 percent for the year would be met, although it would be later in the year. She indicated that fuel costs were higher than budget assumptions and that expenditure was being monitored closely.

Ms. Hellekson reported that most of the refund from the payroll tax court case dispute had been received but there was some risk that LTD might not win on appeal and it would be 18 months until

that result was known. If LTD did not prevail the money would have to be repaid with interest. She announced that LTD had been selected by the Federal Transit Administration for a Financial Management Oversight Review (FMO). She said the FMO was a detailed, comprehensive audit of all aspects of financial activity, risk, and control that was intended to evaluate risk. She said the site work would begin on October 5, 2004, and last two weeks.

Mr. Gaydos asked how LTD would assure that funds could be repaid if it lost the appeal. Ms. Hellekson said that \$3 million was maintained in reserves at all times.

Ms. Wylie asked if the increases in payroll tax revenues and passenger fares would cover the increased cost of fuel. Ms. Hellekson replied that it was too early in the fiscal year to know and projections would be done in November when tax revenues for the current year were received.

EmX Bus Rapid Transit Update – Mr. Pangborn said that the Springfield Station originally was scheduled to open on September 19, 2004, to coincide with implementation of fall service. He said staff had determined that it was unrealistic to try to accomplish that because of the complex series and sequence of events that needed to occur. He said that a drop-in open house would be held on September 18 to preview the new station to the public and operations would continue out of the old station until the corridor was completed in mid-October 2004.

Ms. Lauritsen asked if the project was over budget. Mr. Pangborn said that the project was on budget and all of the major stakeholders and the customer base had been informed about the delay in opening the new station.

Mr. Hamm said that staff were coordinating with Senator Gordon Smith and Congressman Peter DeFazio to schedule a ribbon-cutting and dedication ceremony in late October or November.

Mr. Kleger noted that two local television stations had done excellent stories on the Springfield Station and its connection to revitalization in downtown Springfield.

Correspondence – There were no questions.

B. Monthly Department Reports – There were no questions.

C. Monthly Performance and Labor Trends Reports – There were no questions.

D. News Articles about BRT throughout the Nation – Mr. Pangborn noted that LTD subscribed to a national clipping service and Board members could let staff know if there were particular areas of interest they would like information about.

EXECUTIVE (NON-PUBLIC) SESSION PURSUANT TO ORS 192.660(2)(d), LABOR NEGOTIATIONS

MOTION A. Executive Session – Ms. Ban moved that the Board meet in executive session pursuant to ORS 192.660(2)(d), to conduct deliberations with persons designated by the governing body to carry on labor negotiations. Mr. Gant provided the second.

VOTE The motion was approved as follows:
AYES: Ban, Gant, Gaydos, Kleger, Wylie, Lauritsen (6)
NAYS: None
ABSENTIONS: None
EXCUSED: Hocken

MOTION Ms. Ban moved that the Board also meet in executive session pursuant to ORS 192.660(2)(h), to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Mr. Gant provided the second.

VOTE The motion was approved as follows:
AYES: Ban, Gant, Gaydos, Kleger, Wylie, Lauritsen (6)
NAYS: None
ABSENTIONS: None
EXCUSED: Hocken

The Board entered into executive session at 7:35 p.m. The District's negotiating team and District Counsel were present for these discussions with the Board.

Return to Regular Session: The executive session ended at 9:05 p.m. and the Board returned to open session.

Mr. Kleger noted that he had been asked to participate in the Eugene Celebration parade on behalf of the Amtrak Station.

ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

Board Secretary

AGENDA ITEM SUMMARY

DATE OF MEETING: October 20, 2004

ITEM TITLE: NEWS ARTICLES ABOUT BRT PROJECTS THROUGHOUT THE WORLD

PREPARED BY: Mark Pangborn, BRT Project Manager

ACTION REQUESTED: None, information only

BACKGROUND: As begun in August 2004, each month's Board packet will include articles about bus rapid transit (BRT) initiatives throughout the nation. Staff have begun collecting articles about what other transit properties are doing concerning BRT as a way to keep abreast of how BRT is evolving. We are interested in establishing communications with other properties designing similar kinds of BRT systems.

These articles are included in the packet for information purposes only. Both staff and the Board have heard comments from the community about BRT being too new to attempt here in Eugene or applying only to larger communities. As these articles illustrate, BRT is being explored throughout the nation in communities both small and large. Staff hope that these articles will provide additional insight to the Board on acceptance of BRT as a new and viable alternative to standard fixed-route service or rail-based service.

ATTACHMENT: See news articles

PROPOSED MOTION: None

AGENDA ITEM SUMMARY

DATE OF MEETING: October 20, 2004

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ITEM TITLE: EmX BUS RAPID TRANSIT (BRT) UPDATE

PREPARED BY: Graham Carey, BRT Project Engineer, Development Services

ACTION REQUESTED: None. Information only.

BACKGROUND: EmX Franklin Corridor: Construction of the Springfield segment of EmX Franklin Corridor is complete except for landscaping that will commence in November. The work included a new transit way on the south side of South "A" Street, widening of the road on the north side, new sidewalks, curbs, pedestrian crossings, signals, and landscape. The signal at Pioneer Parkway West was activated on the morning of October 11, 2004. A few days later on October 14, the new signal at Pioneer Parkway East was turned on. Once the signals were activated and the roadwork completed, the Oregon Department of Transportation (ODOT) approved a use permit for the intersections, which allowed the opening of the new Springfield Station. Staff prepared the community for an opening of the station on October 17, 2004.

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Deleted: Wildish are currently completing construction on the northern side of South A Street. Staff anticipate that ODOT will allow the "turn on" of the reinstalled traffic signal at the intersection of South A Street and Pioneer Parkway West on October 11, 2004 and the new traffic signal at the intersection of South A Street and Pioneer Parkway East on October 14, 2004. This will facilitate the opening of Springfield Station on October 17, 2003.

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Deleted: UFS continues to work directly with each of the two remaining properties in downtown Springfield to finalize the property acquisitions. Staff will be updating the Board regularly on the progress of all property acquisitions within the four-mile EmX route.

Issues with QWEST regarding the undergrounding of utilities on the north side of Franklin between Onyx and Riverfront Parkway are still unresolved. EWEB has informed LTD that EWEB's portion of the undergrounding has been rescheduled to commence in early 2005.

The permit from ODOT to proceed with the Eugene section has not been issued.

Property acquisition in the Eugene section is now underway. A written agreement between the University of Oregon (UO) and LTD specifying purchasing arrangements is in the draft stage. LTD and the UO are still negotiating the price of some of the property. Franklin Blvd. LLC and Dutch Bros each have signed final papers for small acquisitions for ADA-required ramps. In addition to the University of Oregon, staff currently are working with Oregon Community Credit Union, Northwest Christian College, PeaceHealth, Durall Investments, Woolley3, and Connor/Woolley properties. The Orchard Trust and Kryn (Springfield properties) lawsuits are proceeding.

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EmX Vehicle: Following the visit of New Flyer by LTD and Cleveland staff, staff are working through a list of outstanding issues regarding the design of the prototype vehicle. The project is on schedule to deliver LTD's vehicles in August, 2006. It is still very early in the process and many changes could affect this schedule.

Pioneer Parkway Corridor: Staffs from LTD, the City of Springfield, Springfield Utility Board, and Lane County have been working to finalize an Intergovernmental Agreement for the property acquisition and construction of the BRT facility on MLK. This agreement currently is being reviewed by the District's attorneys. In preparation for construction of MLK Jr. Parkway in the spring of 2005, County staff currently are negotiating the purchase of the additional right-of-way.

ATTACHMENTS: None

PROPOSED MOTION: None

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AGENDA ITEM SUMMARY

DATE OF MEETING: October 20, 2004

ITEM TITLE: BOARD CALENDARS

PREPARED BY: Jo Sullivan, Administrative Services Manager/Clerk of the Board

ACTION REQUESTED: Discussion of Board member participation at LTD and community events and activities

BACKGROUND: At the Board's November 2003 strategic planning work session, the Board asked to have time early on each month's agenda to discuss a schedule of coming meetings, events, and activities. Board members are asked to coordinate the enclosed calendars with their personal calendars and then bring the LTD calendars to the Board meeting for discussion.

At the October 20 meeting, Board members and staff will work together to schedule Board member and staff attendance at specific events, meetings, and activities.

ATTACHMENT: Board calendars are included as a separate document for Board members only.

PROPOSED MOTION: None

AGENDA ITEM SUMMARY

DATE OF MEETING: November 17, 2004

ITEM TITLE: CONSENT CALENDAR

PREPARED BY: Jo Sullivan, Administrative Services Manager/Clerk of the Board

ACTION REQUESTED: Approval of Consent Calendar Items

BACKGROUND: Issues that can be explained clearly in the written materials for each meeting, and that are not expected to draw public testimony or controversy, are included in the Consent Calendar for approval as a group. Board members can remove any items from the Consent Calendar for discussion before the Consent Calendar is approved each month.

The Consent Calendar for November 17, 2004:

1. Approval of minutes: October 11, 2004, special Board meeting
2. Approval of minutes: October 20, 2004, regular Board meeting
3. LTD Disadvantaged Business Enterprise (DBE) Program and Policy

ATTACHMENTS:

1. Minutes of the October 11, 2004, special Board meeting
2. Minutes of the October 20, 2004, regular Board meeting
3. LTD Disadvantaged Business Enterprise (DBE) Program and Policy

PROPOSED MOTION: I move that the Board adopt the following resolution:

LTD Resolution No. 2004-0__: It is hereby resolved that the Consent Calendar for November 17, 2004, is approved as presented.



Lane Transit District
P. O. Box 7070
Eugene, Oregon 97401

(541) 682-6100
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MONTHLY DEPARTMENT REPORTS

October 20, 2004

GOVERNMENT RELATIONS

Linda Lynch, Government Relations Manager

Three bills have been passed by the Congress that address funding for transportation programs. In the first measure, Congress has declared failure on reauthorization of TEA-21, adopting an eight-month extension to carry transportation authorities until May 31, 2005. While there remains some hope that the bill could be completed in this session of Congress, that hope is very slim and exists primarily in the mind of a single committee chair, Rep. Don Young (R-AK).

The House and Senate passed, and the President signed into law on September 30, a Continuing Resolution (CR) that funds federal government programs – including the federal transit program – at Fiscal Year 2004 levels through November 20. This means that a post-election, lame-duck session of Congress definitely will take place, likely beginning on November 15.

The third measure reveals the dispute that has been engaging authorizers and appropriators in the Congress. The House has passed its version of the FY 2005 Transportation-Treasury appropriations bill (H.R. 5025) without specific funding for transit, highways, or Amtrak, due to a jurisdictional dispute between the appropriators and authorizers. Key appropriations staff have stated that this will be fixed in conference, where the House conferees will base their request on the amounts for transportation approved by the House Appropriations Committee. The Senate has not yet completed its work on transportation appropriations, and no matter when it does, final passage will not be before the November elections.

What does this mean for Lane Transit District? First, it is highly unlikely that there will be any funds earmarked in an appropriations bill for the District for FY 05, as not many projects will be named nationally. Reauthorization now moves to the next Congress, with new members of Congress, some new committee chairs (including the Highways and Transit Subcommittee of House Transportation and Infrastructure, a key committee in this process), and the possibility that all work to date will be undone. The latter is unlikely, but the threshold questions remain about the level of funding and about how much states can

expect in return for their federal gas tax dollars. Beyond that, a crystal ball or a certain amount of reckless speculation would be needed to predict how LTD will fare in a new version of the reauthorization bill.

Staff have been investigating what statutory changes may be needed in 2005 in order to implement bus rapid transit in 2006. It appears that no state laws bar implementation, but rule changes and local ordinance changes may be needed. For example, the administrative rule implementing the Yield to Bus state law needs to be amended so that a bus may merge either to the left or to the right into traffic, depending on whether there are median stations. BRT may need local restrictions on crossing or entering BRT exclusive rights-of-way.

DEVELOPMENT SERVICES

Stefano Viggiano, Director of Development Services

ACCESSIBLE SERVICES

Terry Parker, Accessible Services Manager

Accessible Services Manager Terry Parker and Operations Training Supervisor John Dahl have been selected to participate in this year's Leadership Eugene-Springfield class sponsored by the local Chambers of Commerce.

A new 26-passenger Diamond Express vehicle will arrive this month.

LTD received notification from ODOT Public Transit of the following grant awards:

1. One small bus to be leased to the City of Eugene Parks & Recreation Department. The lease will include an agreement to transition RideSource trips over to service by Hilyard Center staff. The City is providing the local match required for the purchase.
2. Eight to ten new LTD bus shelters to be placed in locations frequented by older guests and those with disabilities. This is a \$94,000 project over two years.
3. Maintenance equipment for the new RideSource facility at \$46,050.
4. There is \$37,000 available to locate one new bus shelter each for Cottage Grove and Oakridge, maintenance for Florence bus shelters, and marketing resources (\$5,000) for South Lane Wheels to promote their general public dial-a-ride service.
5. LTD has been awarded \$24,200 to develop a model and implementation plan for a Lane County Transportation Brokerage that will include Medicaid and other transportation services for the elderly and people with disabilities.

SERVICE PLANNING AND MARKETING*Andy Vobora, Service Planning and Marketing Manager*

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Service Planning

- Monitoring of service following the fall bid implementation has shown a few trouble spots. Staff will evaluate these for tripper service following the first two weeks of UO/LCC service. Whoever believes LTD buses are empty should come ride with us. Here is quote from service planner Ruth Linoz regarding a River Road route: "Starting tomorrow, an extra weekday #51 Eugene Station bus will start at 7:17 a.m. at Wilkes and River Road to help on the inbound trip. This trip carried 119 people today, so it is highly productive if it could get downtown on time. This trip is primarily slowed down as it delivers over 50 students going to North Eugene High School and serves most bus stops on the inbound."
- Several discussions about how to address the continuing problem of running times has led the group to propose a comprehensive review of the system. Putting out fires has resulted in greater complexity in service and we continue to fall behind. Discussions with BRT staff about how a restructuring of routes might work into the incremental BRT planning are ongoing. Additional data is being gathered from the Origin & Destination Study to analyze route pairings that may be transformed into single cross-town corridor routes.
- UO arena discussions continue. The UO may submit for a pre-application hearing in the next month. The desired modal split for transit will result in the need to carry around 4,500 people per game. This level of service will place a significant load on LTD and may require buses from another source. BRT staff have been brought into the discussions because it is likely that modifications will need to be made to the BRT lane adjacent to the arena.
- UO football ridership is down this year. It is difficult to know if the fare increase had an effect on this or if people are finding ways to park near the stadium. Service has gone well overall; however, there have been two lengthy delays getting buses back to the stadium post-game. Staff discussed why this was occurring, with the hope that it could be corrected for the October 2 game. Ridership is averaging approximately 10,150 riders, while the 2003 average was 10,400 for the season.

Marketing/Graphics

- A few glitches in bus stop and station information were discovered and corrected.
- Planning for an accessibility celebration is underway. LTD partnered with LIPA to host a two-day event on October 13 and 14 at the Eugene Station. The target market was to be people who use mobility devices.
- Planning for the Eugene Chamber Business Expo is underway. Booth designs have been created and elements are being produced.
- The Springfield Station dedication event is being planned for October 21.
- Responses to the direct mail piece continue to trickle in. There is no total yet, but the number so far is fewer than 100. A list of organizations is being compiled for LTD presentations this fall and winter.

FACILITIES SERVICES

Charlie Simmons, Facilities Services Manager

- **RideSource:** The RideSource project is in the fifth month of construction. The site work and the building exterior are about 85 percent complete. Construction is on schedule, with substantial completion anticipated for February 2005.
- **Springfield Station:** Substantial completion of the construction contract was dated September 17. Hyland Construction is finishing the items on the punch list and will be off the site as of October 15, 2004. Service is scheduled to begin at the Station on Sunday, October 24, 2004.
- **Shelter Project:** Fourteen replacement shelters have been installed this year under the new fabricating contract. An additional 12-15 shelters are scheduled to be placed by yearend. The majority of the work has been on River Road, but after December the focus of the project will move to Springfield.

COMMUTER SOLUTIONS

*Annette Speck, Administrative Secretary, for
Connie B. Williams, Program Manager*

- **Regional Emergency Ride Home Program (ERH):** The regional Emergency Ride Home (ERH) Program was launched on September 1, 2004. AccuTel, Inc., is the first business to sign up for the program.
- **New Group Pass Program:** Rush Enterprises, Inc., has signed up as a Group Pass participant. This program began October 1. Rush Enterprises, Inc., currently has 11 employees.
- **Employee Transportation Coordinator (ETC) luncheon:** LTD meets periodically with ETCs from the group pass contracts. This event was held on September 9th and was attended by 13 ETCs. A follow-up meeting to further discuss the Benefit Energy Tax Credit has been scheduled in October.
- **Regional Youth Bus Pass (RYBP) Program:** An application for the Business Energy Tax Credit (BETC) has been submitted for the Regional Youth Bus Pass (RYBP) program, which would center on the purchase of bus passes for the designated Smart Ways to School (SWTS) high schools and alternative high school programs for Bethel, Eugene 4J, and Springfield school districts. Businesses in the vicinity of the schools will be approached for cash donations to cover the costs of the bus passes, and they will be asked to donate their eligible tax credits as well. Through the application, Commuter Solutions desires to create an umbrella application for businesses willing to donate their tax credits. A second application for the BETC has been submitted for the RYBP program. The existing youth bus pass rate is \$17.50. LTD has agreed to offer the RYBP program at the same rate as businesses under their Group Pass program (i.e., \$3.37 per month; a difference of

\$14.13 per bus pass). The difference between the two rates would be eligible for a tax credit. LTD would “pass-through” the tax credit to a private firm and receive a portion of the benefit.

- **School Transportation Task Force:** The Task Force has been created and will hold its first meeting on October 27. The task force will consist of school administrators, board members, and transportation staff; LTD representatives; Smart Ways to School, Commuter Solutions, and Trans-Watch (consultant).
- **OTC Conference:** Lisa VanWinkle, Smart Ways to School project lead, co-presented with Chris Watchie of Trans-Watch on the school programs.
- **ACT Conference:** The “Diamond Express” won second place in the Creative Excellence National Award for Outstanding Service in the public/private sector division. Recipients of the Creative Excellence National Award are selected from organizations throughout the nation that implemented a project, promotion, or program that demonstrated creativity, originality, and generated a significant response.

METROPOLITAN PLANNING

Lisa Gardner, Senior Strategic Planner

- The City of Eugene has initiated the *Chambers Reconsidered* project, which is an outgrowth of previous nodal development work in what was previously referred to as the “Chambers Node.” The City has since changed the name to “mixed-use development.” The first public meeting was held on September 21, and the next meeting is scheduled for October 19. LTD staff will participate as part of the staff team for this project.
- TPC staff have been working on a “minor” update of the Regional Transportation Plan (RTP), previously known as TransPlan. The revised plan must be updated before the current plan lapses on December 12, 2004. A Board memo on this process is included in the October Board packet.

TRANSIT OPERATIONS

Mark Johnson, Director of Transit Operations

There is no Transit Operations report this month.

MAINTENANCE

Ron Berkshire, Director of Maintenance

There is no Maintenance report.

FINANCE AND INFORMATION TECHNOLOGY

Diane Hellekson, Director of Finance and Information Technology

FINANCE

Carol James, Accounting Manager

The draft of the FY 2003-2004 Comprehensive Annual Financial Report (CAFR) was substantially completed in September. Finance also prepared for and hosted the external independent auditors who completed field work in September. The National Transit Database (NTD) report was substantially completed. FTA requires this statistical report to be filed by the end of October each year.

Substantial preparation was done in September for the Financial Management Oversight (FMO) reviewers who began work onsite on October 5. In addition, two payrolls were processed: 94 checks totaling \$85,701.99, and 901 direct deposits totaling \$654,158.78. There were 269 accounts payable checks totaling \$1,717,505.83 processed, including \$361,753.20 to Essex General Contracting for the RideSource facility, and \$170,839.71 to John Hyland Construction for the Springfield Station. Twelve fare box deposits were processed, totaling \$158,133.68, which includes receipts from two home football games of approximately \$48,500.

PURCHASING

Jeanette Bailor, Purchasing Manager

Purchasing has been actively engaged in the FMO process. There are no major projects, products, or services out for bid at this time.

INFORMATION TECHNOLOGY

Steve Parrott, IT Manager

The IT staff continues its work on the APC/AVL project with an on-site visit from Siemens engineers to perform additional testing. The scheduled installation of software improvements was canceled because the revised software failed to address the intended issues. Siemens will regroup on this effort and the task will be rescheduled at a later date. LTD has represented its disappointment to the Siemens project manager concerning this latest failed attempt to remedy important outstanding issues.

IT staff are directing considerable energy in participation in the FTA Financial Management Oversight audit, which is currently in process. The IT segment of this audit covers several areas of the District's electronic information management and security policies, procedures, and practices.

HUMAN RESOURCES

Mary Neidig, Human Resources Director

PRIORITIES

The Human Resource Department's priorities continue to be labor contract negotiations and development of a new health care plan. Significant progress was made on both priorities during the past month.

LABOR CONTRACT NEGOTIATIONS CONTINUE

The LTD negotiations team met with the Amalgamated Transit Union negotiators on September 24. The ATU presented its response to LTD's health care proposal. Several very good questions were asked, including requests for data from our insurance carrier.

On October 14 we met again. LTD's negotiating team presented a full package, including wages and other economic benefits.

HEALTH CARE MODEL

After a Request for Proposals was issued, LTD selected a new Insurance Broker in mid-September. Wilson-Heirgood Associates (WHA), who currently holds a broker contract for LTD's liability insurances, was the successful proposer. WHA put LTD's new health care

plan out to bid with three carriers this month. Staff is also refining LTD's needs from a Third Party Administrator, and will be putting that contract out to bid soon.

We are proceeding with a new model for LTD's administrative employees. Details of the benefit design are being decided now, and we are still on track to begin the new plan on January 1.

SELECTION AND HIRING

A class of six new bus operators began their extensive training on October 18. LTD currently is not hiring to fill any other positions.

OTHER ACTIVITIES

The Amalgamated Transit Union filed a grievance regarding "the contracting out of service to Oakridge." The ATU argues that LTD operators should perform the work currently called Diamond Express. ATU has moved this grievance to arbitration. After production of documents, the ATU agreed to withdraw the grievance from arbitration.

The Human Resources staff met with the Financial Management Oversight review committee to discuss the role the HR staff plays in LTD's financial systems. Primary areas of review included payroll, employee records, and liability insurance.

Other ongoing projects the Human Resources Director is working on include the steering committee for the WorkTrends Conference in November, the Leadership Council Retreat planning group, and the United Way Day of Caring.

**Lane Transit District
Drug & Alcohol Program**

Effective Date: 09/20/1995

Revised Date: 02/16/2000

Revised Date: __/__/2004

OBJECTIVE

Lane Transit District is committed to providing and maintaining a safe and healthy work environment for its employees and a safe and dependable transportation system for the public. It is the intent of this policy to provide and maintain a drug- and alcohol-free workplace, in the interest of the health and safety of the District's employees and the public, and to maintain compliance with applicable federal and state regulations.

APPLICATION

This policy applies to all District employees and employees of the District's contractors who perform a safety-sensitive function for the District. All District positions and the functions performed by individual employees have been reviewed to determine the performance of a safety-sensitive function as defined in Appendix A. District positions that require that all employees in the position perform a safety-sensitive function are listed in Appendix B. In addition, individual employees who perform a safety-sensitive function even though others in their position do not, are also listed in Appendix B.

Under FTA authority, all employees who perform a safety-sensitive function are subject to pre-employment drug testing and reasonable suspicion, post-accident, random, return-to-duty, and follow up drug and alcohol testing.

Under District authority all other employees are subject to pre-employment drug testing and reasonable suspicion, return-to-duty, and follow-up drug and alcohol testing.

Compliance with this policy is a condition of employment. Under District authority, any violation of this policy may subject the employee to discipline, up to and including suspension and/or discharge.

POLICY

Prohibited Conduct

The District expects and requires all employees to report to work in an appropriate mental and physical condition to work safely and effectively. No employee shall report to work or engage in work while having the presence of alcohol, illegal drugs, or any other disabling or controlled substance in their system. A breath alcohol concentration level of 0.02 or greater or a verified positive result on a drug test will be considered to be evidence of the presence of alcohol or a prohibited drug in the employee's system.

In accordance with the Drug-Free Workplace Act of 1988, the District prohibits all employees from engaging in the possession, sale, transporting, distribution, manufacture or use of alcohol, illegal drugs or any other disabling or controlled substance at any time while on duty and/or on District premises, which include buses or other LTD owned or operated vehicle(s), or facilities. An employee who is off duty and is a passenger on a District owned mass transit vehicle may possess alcohol in sealed containers to the extent that is allowed by State law. Employees may possess or exchange alcohol within the employee parking lot of the Glenwood Facility for legitimate personal use off duty and off premises.

In accordance with Federal Transit Administration (FTA) regulation 49 CFR part 655, employees are prohibited from performing a safety-sensitive function with a breath alcohol concentration level of 0.02 or greater. In addition, employees must not consume alcohol while performing a safety-sensitive function and must not consume alcohol four hours prior to performing a safety-sensitive function and up to eight hours following an accident or until the employee undergoes a post-accident drug and/or alcohol test, whichever occurs first.

In accordance with FTA regulation 49 CFR part 655, the use and ingestion of prohibited drugs (marijuana, cocaine, opiates, amphetamines, or phencyclidine) by employees who perform a safety-sensitive function, is prohibited at all times.

FTA regulations require the District to test all District employees who perform a safety-sensitive function for prohibited drug use and alcohol misuse. In accordance with FTA regulations, participation in the District's drug and alcohol testing program is a condition of employment for all employees who perform a safety-sensitive function. An employee who performs a safety-sensitive function who refuses to submit to a drug or alcohol test will be in violation of this policy and under District authority may be subject to discipline, up to and including suspension and/or discharge.

Employee Assistance Program

All employees are encouraged to voluntarily seek assistance in dealing with emotional, physical, or mental health problems, including drug use and/or alcohol misuse, which may adversely affect their job performance. Confidential professional assistance, treatment planning, and rehabilitation services are available by directly contacting the District's employee assistance program (EAP) provider, Access Employee Assistance Program (344-6929 or 1-800-922-7009).

An employee who requests assistance from the District for a drug and/or alcohol problem, before the problem affects job performance, will not jeopardize their employment solely by requesting assistance to deal with a drug and/or alcohol problem. If an employee does not seek treatment for a drug and/or alcohol problem, and it is found that their performance is being affected, under District authority, the employee may be subject to discipline, up to and including suspension and/or discharge.

Prescription/Over-the Counter Drug Use

District employees may possess and use medically authorized prescription or over-the-counter drugs at work as long as the prescription or over-the-counter drugs do not have disabling effects or otherwise affect the covered employee's fitness for duty or job performance. Employees must report the use of prescription or over-the-counter drugs that could have a disabling effect or otherwise adversely affect the employee's fitness for duty or job performance to their immediate supervisor. It is the employee's responsibility to determine from the physician, pharmacist, or other health care professional whether or not the prescribed or over-the-counter drugs could adversely affect the employee's fitness for duty or job performance. The District may require employees to provide written medical authorization to work from a physician, upon the reporting of the use of prescription or over-the-counter drugs. Under District authority, an employee's failure to report the use of prescription or over-the-counter drugs which have disabling effects or otherwise affect the employee's fitness for duty while at work or failure to provide proper evidence of medical authorization to work may result in discipline, up to and including suspension and/or discharge.

Employee Responsibility

The District expects and requires the support of all employees in meeting its commitment to providing a drug- and alcohol-free work environment. An employee who observes or has knowledge of another employee in a condition which impairs their ability to perform their job duties or who poses a serious hazard to the safety and welfare of others, has an assertive responsibility to report the information to their immediate supervisor, the employee's supervisor, the Director of Human Resources and Risk Management or the Drug and Alcohol Program Administrator.

Workplace Drug Related Convictions

In accordance with the Drug Free Workplace Act of 1988, the District requires all District employees to report, in writing, to the District, any criminal conviction for a violation of a criminal drug statute occurring in the workplace no later than five days after the conviction. Within ten (10) calendar days of receiving notification of the conviction the District will provide written notification to its federal contracting agencies

Under its own authority, the District may subject employees convicted of workplace drug-related crimes to disciplinary action up to and including suspension and/or discharge. Disciplinary action will be imposed within 30 days of the District being notified of the conviction.

Employees convicted of workplace drug-related crimes may be required by the District to participate satisfactorily in a drug abuse assistance or rehabilitation program.

Right to Inspection

When the District has reasonable suspicion to believe an employee is in improper possession of drugs and/or alcohol on District property, the employee may be requested to permit an inspection of their person, personal property, clothing, or personal vehicle. The District will have at least one witness present when conducting an inspection of an employee or the employee's personal property, clothing, or personal vehicle. Under its own authority, the District may subject employees who refuse to submit to such an inspection to disciplinary action, up to and including suspension and/or discharge. The District reserves the right to search District property (i.e. desks, file cabinets, lockers) at any time.

Training

In accordance with FTA regulations, all employees who perform a safety-sensitive function will be required to attend a minimum of one hour of training regarding the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and the manifestations and behavioral cues that may indicate prohibited drug use. In addition, the District will require all employees who perform a safety-sensitive function to attend training regarding the District's Drug and Alcohol Policy and its testing program.

In accordance with FTA regulations, all supervisors who are responsible for determining when it is appropriate to administer reasonable suspicion drug and/or alcohol tests will be required to attend a minimum of two hours of training regarding the

physical, behavioral, and performance indicators of probable drug use and alcohol misuse.

Under its own authority, the District may require or permit all employees to attend training or educational programs regarding drug and/or alcohol abuse.

Testing

As mandated by Federal regulations and authorized by the FTA, applicants for employment in a safety-sensitive position, employees requesting transfer into a safety-sensitive position, and employees in a position that requires the performance of a safety-sensitive function are required to submit to drug and alcohol testing (pre-employment, reasonable suspicion, post-accident, random, return to duty, and follow-up testing) as a condition of employment with the District. The Department of Transportation (DOT) regulation 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," prescribes the testing methods that will be used.

Under District authority, all other employees may be required to submit to drug and alcohol testing (pre-employment, reasonable suspicion, and return to duty testing) as a condition of employment with the District. Testing methods comparable to the testing methods prescribed in the Department of Transportation (DOT) regulation 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," will be used.

All drug and alcohol testing that is authorized by the FTA regulations will be conducted in a manner which assures a high degree of accuracy and reliability by using the techniques, chain of custody procedures, and equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS) and the DOT. All drug and alcohol testing that is conducted under District authority will also be conducted in a manner which assures a high degree of accuracy and reliability by using techniques, chain of custody procedures, and equipment and laboratory facilities which are the same as or comparable to those approved by the U.S. Department of Health and Human Services (DHHS) and the DOT.

All drug and alcohol testing will be conducted in an environment that affords the maximum privacy practicable for the employee being tested. The District will strictly adhere to all standards of confidentiality, maintaining the confidentiality of the employee throughout the drug and/or alcohol testing process.

Except as otherwise stated by this policy, the District will be responsible for all costs directly associated with the drug and alcohol tests specified in this policy.

Types of Testing

Pre-employment:

As authorized by the FTA, all applicants who have been selected for employment in a safety-sensitive position must submit to a urine drug test and have a verified negative test result prior to being assigned to a safety-sensitive position. In addition, current employees who are being transferred or promoted into a safety-sensitive position from a non-safety-sensitive position must submit to a urine drug test and have a verified negative test result prior to being assigned to a safety-sensitive function. If the pre-employment drug test is cancelled, the applicant or employee will be required to submit to another urine drug test.

Under District authority, all applicants who have been selected for employment in a non-safety-sensitive position and employees who have been selected to be promoted into a position with an increased level of responsibility must submit to a urine drug test and have a verified negative test result prior to being hired or assigned to the position. If the pre-employment drug test is cancelled, the applicant or employee will be required to submit to another urine drug test.

Under District authority, failure to obtain a verified negative test result on a pre-employment drug test will disqualify an applicant for employment in or transfer to a safety-sensitive position. An applicant who has failed a pre-employment drug test will be advised of resources available to evaluate and resolve problems associated with drug abuse, including the names addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. Unless otherwise provided by law, an applicant who has failed a pre-employment drug test will be ineligible to submit another application for employment with the District for a period of 6 months.

Under FTA authority, applicants who have previously refused or tested non-negative for a DOT-required drug and/or alcohol test need to submit documentation supporting their completion of an SAP-approved treatment and return-to-duty/follow-up program.

An existing safety-sensitive employee who has not performed a safety-sensitive function for 90 consecutive calendar days is required by FTA regulations to submit to a pre-employment urine drug test and obtain a negative result prior to the reassignment of safety-sensitive duties.

Reasonable Suspicion:

As authorized by the FTA, employees who perform a safety-sensitive function will be required to submit to urine testing for drugs and/or alcohol breath testing when there is a reasonable suspicion to believe that the employee is under the influence of a prohibited drug or has misused alcohol. This testing must take place just before the employee is to perform safety-sensitive functions; while the employee is performing

safety-sensitive functions; or just after the employee has ceased performing safety-sensitive functions.

Under District authority, all other District employees will be required to submit to urine testing for drugs and/or alcohol breath testing when there is a reasonable suspicion to believe that the employee is under the influence of a prohibited drug or has misused alcohol.

The determination to require a reasonable suspicion drug and/or alcohol test will be made by a supervisor or manager trained to identify the signs and symptoms of drug use and alcohol misuse. The determination will be based on the supervisor's or managers specific observations concerning the appearance, behavior, speech, or body odor of the employee.

Whenever possible, the determination to require a reasonable suspicion drug and/or alcohol test should be made by the employee's supervisor or manager. If the employee's supervisor or manager is not immediately available, the determination to require a reasonable suspicion drug and/or alcohol test may be made by another supervisor or manager within the employee's department, a supervisor or manager in another department, or by the Drug and Alcohol Program Administrator.

When an employee has been notified that he/she will be required to submit to reasonable suspicion drug and/or alcohol testing, he/she must report immediately to the collection site designated by the District. The employee will be transported to and from the collection site by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

Post-accident:

As authorized by the FTA, drug and alcohol testing is required of all employees who perform a safety sensitive function who are involved in an accident, as defined by FTA regulations, where there is a loss of life. In other nonfatal accidents, drug and alcohol testing is required of employees who perform a safety sensitive function unless the employees' performance can be completely discounted as a causative or contributing factor.

FTA regulations define an accident as an occurrence associated with the operation of a vehicle in which:

- An individual dies, or
- An individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident, or

- One or more of the vehicles involved incurs disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or other vehicle

An occurrence associated with the operation of a vehicle means that the accident is directly related to the manner in which the driver applied the brake, accelerated, turned the steering wheel, or operated its lift. Disabling damage means damage that precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated, but would have been further damaged if so operated.

Following a fatal accident, each surviving safety-sensitive employee on duty in the mass transit vehicle at the time of the accident will be subject to drug and alcohol testing. All safety-sensitive employees not on the vehicle whose performance could have contributed to the accident, as determined by the District using the best information available at the time of the accident, also will be tested.

Following a nonfatal accident, each safety-sensitive employee on duty in the mass transit vehicle at the time of the accident will be subject to drug and/or alcohol testing unless the District determines, using the best available information at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. Employees not on the vehicle, whose performance could have contributed to the accident, as determined by the District using the best information available at the time of the accident, will be subject to drug and alcohol testing unless their behavior can be completely discounted as a contributing factor to the accident.

Post-accident drug and alcohol tests will be performed as soon as possible following an accident. Drug tests will be performed within 32 hours following the accident. Alcohol tests should be performed within two hours following the accident and will be performed within eight hours following the accident. If the employee to be tested was injured in the accident, the requirement to test for drugs and/or alcohol should not delay necessary medical attention, and testing may be administered simultaneously with the employee receiving necessary medical attention.

Any safety-sensitive employee involved in an accident must remain readily available for drug and/or alcohol testing for up to eight hours after the accident. The employee is responsible for notifying the District of his or her location if he or she leaves the scene of the accident prior to submitting to testing. Failure by the employee to remain readily available may be determined to be a refusal to submit to testing.

When an employee has been notified that they will be required to submit to post-accident drug and/or alcohol testing, they must report immediately to the collection site designated by the District. The employee will be transported to and from the collection

site by the District. The employee will not be permitted to use restroom facilities, consume beverages, or smoke until specimen collection is completed.

Post-accident drug and alcohol tests required by this policy are in addition to and/or separate from any tests conducted for law enforcement purposes. If the District is unable to perform the required FTA tests (i.e., the employee is unconscious, or detained by a law enforcement agency), the District may use the results of a blood or urine test for the use of prohibited drugs and/or the results of a blood or breath test for the misuse of alcohol, conducted by Federal, State, or local officials having independent authority for the test, to meet the testing requirements of the Federal regulations and this policy, provided such tests conform to the applicable Federal, State, or local testing requirements, and that the results of the tests are obtained by the District.

Random:

As authorized by the FTA, all employees who perform a safety sensitive function will be subject to random and unannounced drug and/or alcohol testing. Under District authority, employees in the following positions will also be subject to random and unannounced drug and/or alcohol testing: general manager, assistant general manager, director of human resources and risk management, and senior human resources analyst (drug and alcohol program administrator).

The FTA random selection rate requirement is to annually complete drug tests equivalent to 50% of the number of safety-sensitive employees and complete alcohol tests equivalent to 10% of the number of safety employees. The random selection test completion rates for drugs for non-safety sensitive employees will be equivalent to 50% of the number of employees who are in the non-safety-sensitive selection pool and for alcohol will be equivalent to 10% of the number of employees who are in the non-safety-sensitive selection pool. All employees subject to random selection will have an equal chance of being selected for testing and will remain in the random selection pool even after being tested. The selection method shall be made by scientifically valid methodology and shall be spread reasonably throughout the time safety-sensitive functions are performed. The selection pool for random drug and/or alcohol testing of employees who perform a safety-sensitive function will be separate from the selection pool for non-safety-sensitive employees subject to random drug and/or alcohol testing under District authority.

Employees who are subject to random testing will remain subject to random testing throughout their work shift. If an employee is initially notified that they have been selected for random testing prior to the end of their work shift, the test(s) must be completed, even when such completion has the incidental effect of causing the employee to stay overtime. When an employee has been notified that they have been selected for testing, they must report immediately to the collection site designated by the District. Transportation to and from the collection site will be provided by the District. The employee will not be permitted to use rest room facilities, consume

beverages, or smoke until specimen collection is completed. This testing must take place just before the employee is to perform safety-sensitive functions; while the employee is performing safety-sensitive functions; or just after the employee has ceased performing safety-sensitive functions.

Return to Duty:

As authorized by the FTA, all employees who perform a safety-sensitive function and who have previously had a verified positive drug test, an alcohol test result of 0.04 or greater, a refusal to test, or engaged in any activity that violates the FTA regulations, must submit to and receive a verified negative test result on a return-to-duty drug test and/or submit to a breath alcohol test with a result showing an alcohol concentration level of less than 0.02 prior to resuming performance of safety-sensitive duties. Return-to-duty testing will not be conducted until after the SAP determines that the employee has completed all education and treatment recommended by the SAP.

The District, under its own authority, may require employees returning to work from a leave of absence, illness, or layoff of a duration of more than 180 days, or from a voluntary drug and /or alcohol treatment program to undergo a physical evaluation, by a physician of the District's choice and to pass a return to duty drug test and/or submit to a breath alcohol test with a result showing an alcohol concentration level of less than 0.02, prior to returning to work.

Follow-up:

In accordance with FTA regulations, a safety-sensitive employee who has been permitted to return to duty, following a verified positive drug test, an alcohol test result of 0.04 or greater, or a refusal to submit to a test will be subject to unannounced follow-up drug and/or alcohol testing for a least 12 but not more than 60 months. The frequency and duration of the follow-up testing will be determined by the SAP, with a minimum of six tests during the first 12 months after the covered employee has returned to duty.

Under District authority, an employee who has been permitted to return to duty, following voluntary treatment for a drug and/or alcohol problem may be required to submit to follow-up drug and/or alcohol testing.

When an employee is notified to submit to a follow-up test, they must report immediately to the collection site designated by the District. Transportation to and from the collection site will be provided by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

Follow-up testing is separate from and in addition to all other testing that is conducted as part of the drug and alcohol testing program. If a follow-up test is cancelled, the employee is required to submit to an additional test.

Pre-duty Alcohol Use:

In accordance with FTA regulations, all safety sensitive employees are prohibited from using alcohol within 4 hours of performing a safety-sensitive function. A safety-sensitive employee who is requested to report for duty less than four hours prior to the requested report time must inform the District if they have consumed alcohol within four hours of the requested report time.

If an on-call safety-sensitive employee informs the District of their use of alcohol and claims they have the ability to safely perform their safety-sensitive function, the employee will be allowed to submit to a breath alcohol test. If the employee's breath alcohol concentration level measures less than 0.02, the employee will be allowed to perform his/her safety-sensitive function.

Blind Performance Testing:

In accordance with FTA regulations, the District will ensure that ongoing blind sample proficiency testing is conducted, using blind quality control specimens that are not distinguishable from covered employee specimens, as a quality assurance measure of the testing laboratory.

Drug Testing Procedures

In accordance with FTA regulations, drug and alcohol testing procedures for specimen collection, chain of custody of specimens, laboratory analysis procedures, and quality control requirements will be in accordance with the United States Department of Health and Human Services, Mandatory Guidelines for Federal Workplace Drug Testing Programs, Final Guidelines, and the provisions set forth in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs, Final Rule. A copy of 49 CFR Part 40 is available in the Human Resources and Risk Management Department.

Urine Drug testing will be conducted for:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine
- Amphetamines

Observed Collections:

In accordance with FTA regulations, with regards to a drug test conducted for a safety-sensitive employee, in the following circumstances, collection site personnel must observe a second urine collection immediately after the first collection:

- The employee has presented a urine sample that falls outside the normal temperature range (90.0 to 100.0),

The collector observes conduct or materials that clearly indicate an attempt to substitute or adulterate the sample.

In the following circumstances, the MRO will direct the District to require the employee to be subject to an immediate retest under direct observation:

- The laboratory was reported that the specimen was invalid and the MRO has determined that there was not an adequate medical explanation for the result,
- If a specimen has a creatine level of greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL,
- The MRO had to cancel a test when the primary specimen was verified as positive, adulterated, or substituted because the split was unavailable for testing.

If an employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under the FTA regulation as a return-to-duty or follow-up test, the District may authorize an observed collection.

In accordance with Federal regulations, the direct observation of specimen collection must be by a collection site person of the same gender as the employee being tested.

Return to Duty after Specimen Collection

Under District authority, a safety-sensitive employee who is required to submit to random or follow-up drug testing may be returned to duty immediately following specimen collection. If the employee is also subject to random or follow-up alcohol testing, the employee's return to duty will be dependent upon the outcome of the breath alcohol testing.

Under District authority, a safety-sensitive employee who is required to submit to a reasonable suspicion or post-accident drug test will not be permitted to return to duty and will be placed on a paid leave pending the receipt by the District of a verified negative test result.

Under District authority, a non-safety-sensitive employee who is required to submit to a reasonable suspicion drug test will not be permitted to return to duty and will be placed on a paid leave pending the receipt by the District of a verified test result.

The Role of the Medical Review Officer (MRO)

An MRO is required to verify positive test results and facilitate the split sample process. An MRO is defined by the FTA as a licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders. The MRO shall communicate all verified positive test results to the employee and to the District.

Drug Test Results

All drug test results will be reported by the testing laboratory to a qualified MRO designated by the District. The MRO will be responsible for verifying and validating drug test results. The MRO will review and interpret the employee's confirmed positive drug test result by reviewing the individual's medical history and affording the employee an opportunity to offer any clarifying information that would explain a positive test result. The MRO will report each verified test result to the District and will notify each employee who has a verified positive test result. The MRO may verify a test as positive without having communicated directly with the employee if: the employee expressly declines the opportunity to discuss the test; neither the MRO nor the District has been able to contact the employee within 14 days of the date on which the MRO receives the confirmed positive test result from the laboratory; or the District has contacted the employee and directed the employee to contact the MRO and more than five days have passed since the date the employee was contacted by the District.

Positive Drug Test Results

An employee who has a verified positive drug test result will be immediately removed from their safety-sensitive position, advised of resources available to evaluate and resolve problems associated with drug abuse, and be evaluated by a SAP. Under District authority the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge.

An employee who has a verified positive drug test result will have 72 hours, including holidays and weekends, from the time of notification by the MRO or the District, whichever occurs first, in which to request that the split specimen be analyzed at a different DHHS-approved laboratory. The employee will not be responsible for paying the cost of the split sample testing prior to the test being conducted. However, the District reserves the right to seek reimbursement from the employee. The request by an employee for an analysis of the split specimen will not delay the removal of the employee from their safety-sensitive position. If the result of the test of the split specimen fails to confirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the employee will be returned to duty and will be compensated for time or benefits lost as a result of being placed on an unpaid leave of absence.

Breath Alcohol Testing Procedures

All breath specimen collection must be collected through the use of an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA). The breath alcohol tests will be conducted by a trained breath alcohol technician (BAT) at a site that provides visual and aural privacy to the covered employee being tested to the greatest extent practicable. Prior to specimen collection, the employee and the BAT must complete, date, and sign a breath alcohol testing form indicating that the employee is present and providing a breath specimen.

The BAT will conduct an initial screening test, requiring the employee to blow forcefully into a disposable mouthpiece, attached to the EBT, for at least six seconds or until an adequate amount of breath has been obtained. Following the initial screening test, the BAT will show the employee the result displayed on the EBT or the printed result.

If the result of the initial screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be conducted. The confirmation test will be conducted at least 15 minutes, but not more than 20 minutes, after the completion of the initial screening test. The employee must remain in the presence of the BAT during the waiting period. The confirmation test will be conducted using the same procedures as the initial screening test. A new mouthpiece will be used. Before the confirmation test is administered, the BAT will conduct an air blank test on the EBT. If a BAT other than the one who conducted the screening test is to conduct the confirmation test, the new BAT and the employee will be required to sign and date a new breath alcohol testing form.

If the results of the initial screening test and the confirmation test are not identical, the confirmation test result will be deemed to be the final result.

Following the completion of a breath alcohol test, the BAT and the employee will be required to sign and date the breath alcohol testing form certifying that the results shown belong to the employee being tested. The BAT will be responsible for transmitting all test results to the District in a confidential manner.

If an employee attempts and fails to provide an adequate amount of breath, the BAT will note this on the alcohol testing form and notify the District. The employee will be required to submit to a medical evaluation, by a physician of the District's choice, concerning the employee's medical ability to provide an adequate amount of breath. If no valid medical reason is determined, then the employee's inability to provide an adequate amount of breath will be considered to be a refusal to submit to a test.

Breath Alcohol Test Results

If the results of the breath alcohol test are below 0.02, the employee may be returned to work immediately.

Under District authority a confirmed alcohol concentration of 0.02 or greater will be considered a positive breath alcohol test result and a violation of this policy.

As required by the FTA, if the results of the breath alcohol test are 0.02 or greater, but less than 0.04, the employee will not be permitted to return to duty until the start of his/her next regularly scheduled shift and not less than eight hours following the test. Under District authority, the employee may be subject to discipline, up to and including suspension and/or discharge.

As required by the FTA, if the results of the breath alcohol test are 0.04 or greater, the employee will be immediately removed from his/her safety-sensitive position, advised of the resources available to evaluate and resolve problems associated with alcohol misuse, and be evaluated by an SAP. Under District authority, the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge.

An employee with a breath alcohol concentration level of 0.02 or greater will be provided transportation to his/her residence. If the employee insists on driving, law enforcement will be notified.

Refusal to Submit to a Test

In accordance with FTA regulations an employee who is determined to have a test refusal will be immediately removed from their safety-sensitive position, advised of resources available to evaluate and resolve problems associated with drug abuse, and be evaluated by a SAP. Under District authority, the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge.

A determination of an employee's test refusal includes the following:

- Refusal to take the test
- Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation
- Failure to undergo a medical examination or evaluation as directed by the MRO.
- The MRO reports a verified adulterated or substituted test result.
- Not reporting to the collection site in the time allotted
- Failure to remain at the collection site until the collection process has been completed. An applicant or employee who leaves the collection site prior to the commencement of the collection process will not be deemed to have a test refusal.
- Failure to permit direct observation or monitoring of the provision of a specimen for a drug test, when a direct observation or monitoring is required.
- Failure or decline to take a second test when directed by the collector or the District.
- Not cooperating with the collection process (e.g. refuse to empty pockets when so directed or behaving in a confrontational manner that disrupts the collection process).
- Refusal to sign the certification at Step 2 of the Alcohol Testing Form.
- Leaving the scene of an accident without authorization before the tests have been conducted

Discipline

Compliance with the District's Drug and Alcohol Policy is a condition of employment for all employees. For employees who are represented by ATU 757, a violation of any part of the District's Drug and Alcohol Policy may result in discipline as provided in Article 24 of the labor Agreement. For all other employees, a violation of any part of the District's Drug and Alcohol Policy may result in discipline, up to and including suspension and/or discharge. Factors which the District may consider regarding the severity of disciplinary action include, but are not necessarily limited to, the covered

employee's conduct which prompted the application of this policy, the covered employee's work record, the degree of impairment, the potential for consequences arising from the covered employee's actions, and the drug and/or alcohol test results.

Employees who are discharged as a result of violating this Drug and Alcohol policy will be provided with a list of the resources available in evaluating and resolving problems associated with the use of illicit drugs and/or misuse of alcohol and will have access to the District's current EAP. Access to the EAP program will be limited to treatment directly related to the drug and/or alcohol problem, and is available for a time period not to exceed sixty days.

The Role of the Substance Abuse Professional (SAP)

A SAP is a professional who can determine what assistance, if any, an individual needs in resolving problems associated with prohibited drug use and/or alcohol misuse. The evaluation will consist of a clinical assessment, treatment recommendations, and referrals, as appropriate. The SAP will inform the District, in writing, of the clinical-assessment-based treatment recommendations, which must be complied with. In addition, the SAP will specify the duration and frequency of follow-up drug and/or alcohol tests. The SAP's evaluations, assessment, treatment recommendations, referrals and follow-up testing recommendations will be in accordance with 49 CFR Part 40.

Required Treatment

If the SAP determines that an employee has successfully demonstrated compliance with the education and treatment required by the SAP but not completed the full regimen of education and treatment (e.g. ongoing out-patient treatment) the employee may be eligible to return-to duty.

Work absences for the continued education and treatment required by the SAP may qualify for available sick leave benefits and/or personal medical leave, provided the employee is following the prescribed treatment program. If sick leave and personal medical leave have been exhausted, the employee may be placed on a medical leave of absence without pay.

If the District is notified by the SAP that the employee is not complying with the on-going education and treatment requirements, the employee will be immediately removed from his/her safety-sensitive position. Under District authority, the employee will be placed on an unpaid leave of absence and may be subject to discipline, up to and including suspension and/or discharge.

Working Conditions

The presence or treatment of a substance abuse problem does not excuse an employee from meeting performance, safety, or attendance standards or following other District instructions. In no circumstances may an employee invoke protection under this policy as a means to avoid disciplinary actions resulting from poor work performance or misconduct at work. A voluntary request for assistance will not shield an employee from disciplinary action resulting from on-the-job conduct or work performance. Employees remain responsible for their on-the-job conduct and work performance.

Return to Work Agreement

Under District authority, employees who test positive on a drug test, have a confirmed breath alcohol concentration level of 0.04 or greater, or who are referred to drug and/or alcohol treatment which requires them to be away from work, will be required to sign a return to work agreement prior to being permitted to return to duty. The agreement may include, but is not limited to the following requirements:

- A release to work statement from an approved treatment specialist
- A negative test for drugs and/or alcohol
- An agreement to follow-up testing
- A statement of expected work-related behaviors
- An agreement to follow specified aftercare requirements
- An expressed understanding that violation of the return to work agreement may result in discipline, up to and including suspension and/or discharge

The return to work agreement is not a guarantee of continued employment. Employees working under a return to work agreement must also follow all other District policies and procedures.

Confidentiality

The District will maintain all records regarding the drug and/or alcohol testing of employees in a secure manner so that the disclosure of information to unauthorized

persons does not occur. In Accordance with FTA regulations, drug and/or alcohol test results will be released only under the following circumstances:

- Upon written request, employees will be provided access and/or copies of any records relating to his/her test(s).
- Upon specific, written request of an employee, information and/or copies of records regarding an employee's test results will be released to a third party.
- When requested information related to a test result may be disclosed to a decision maker in a lawsuit, grievance, or other proceeding, initiated by or on behalf of the employee tested.
- Upon receipt of an order of a court of competent jurisdiction for criminal or civil action resulting from an employee's performance of safety-sensitive duties, test results will be released to the decision maker in the proceeding with the binding stipulation that the decision maker will make it available only to parties to the proceeding.
- Upon request of DOT agency representatives all drug and alcohol program records that are required by 49CFR Part 40 and DOT agency regulations will be provided to the agency representatives.

Program Administration

The District's Drug and Alcohol Testing Policy and program are administered by the designated Drug and Alcohol Program Administrator, listed in the appendix Additional information regarding this policy or the program is available by contacting the Drug and Alcohol Program Administrator, in the Human Resources Department at (541) 682-6182.

MAINTENANCE

The Director of Human Resources and Risk Management is responsible for monitoring the application and revision of this policy.

Adopted by the Board of Directors, September 20, 1995.

Revised: February 16, 2000

Revised: _____, 2004

APPENDIXES

Appendix A. Terms and definitions

Appendix B. Safety sensitive positions

APPENDIX A

Terms and Definitions

Alcohol As defined by the FTA, the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

As agreed upon by the District and the Amalgamated Transit Union, Local 757, alcohol means any alcoholic beverage containing more than one half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by a human being.

Alcohol Use The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Blind Sample A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from covered employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.

Breath Alcohol Technician (BAT) An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Chain of Custody Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition. These procedures require that an appropriate drug testing custody form be used at the time of collection to receipt by the laboratory and that upon receipt by the laboratory (an) appropriate chain of custody form(s) account(s) for the sample within the laboratory.

Controlled Substance As agreed upon by the District and the Amalgamated Transit Union, Local 757, controlled substance means any drug or its immediate precursor classified in Schedules I through V under the Federal Controlled Substances Act, 21 USC Sections 811 to 812, as modified under ORS 475.035. The use of the term "precursor" in this subsection does not control and is not controlled by the use of the term "precursor" in ORS 475.940, 475.950, and 475.955. In addition, manufactured drugs recognized by health and law enforcement agencies that are not included in Schedules I through V under the Federal Controlled Substances Act, 21 USC Sections 811 to 812, as modified under ORS 475.035 are considered to be controlled substances.

Medical Review Officer A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with his/her medical history and any other relevant biomedical information.

Over-The-Counter-Drugs/Medications Those drugs/medications which are legally available without a prescription.

Performing a Safety-Sensitive Function An employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Prescription Drugs/Medications Those drugs/medications which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

Safety-Sensitive Function Any of the following duties:

- 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 Driver's 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

Safety-sensitive Position A position or job category that requires the performance of a safety-sensitive function. A list of safety-sensitive positions at Lane Transit District, as defined by the Federal regulations, is attached to this policy.

Substance Abuse Professional A licensed physician (medical doctor or doctor of osteopathy); or a licensed or certified psychologist, social worker, employee assistance professional; or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse); with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

APPENDIX B

Safety-Sensitive Positions

Employees in the following positions are required to perform safety-sensitive functions as defined in the Federal Drug and Alcohol regulations:

Bus Operator
Director of Maintenance
Director of Transit Operations
Equipment Detail Technician
Eugene Station/Security Manager
Fleet Services Supervisor
General Service Worker
Journeyman Mechanic
Journeyman Tire Specialist
Scheduling Specialist
Transit Operations Supervisor
Transit Services Manager

Linoz, Ruth, Planning Associate
Mueller, William, Transit Planner
Rayack, Stephen, Human Resources Technician

AGENDA ITEM SUMMARY

DATE OF MEETING: October 20, 2004

ITEM TITLE: NOVEMBER 2004 EMPLOYEE OF THE MONTH

PREPARED BY: Jo Sullivan, Administrative Services Manager/Clerk of the Board

BACKGROUND: **November 2004 Employee of the Month:** Bus Operator Tony Semien was selected as the November 2004 Employee of the Month. Tony was hired by LTD in 1987. He has received awards for 13 years of safe driving and previously was selected as the June 2003 Employee of the Month. Tony was nominated for this award by two guests who observed his compassion when he helped a physically impaired guest. According to the nominations, Tony not only called the guest's telephone number for someone to pick him up, but also used water from his (Tony's) own water bottle to wash vomit off the guest's clothes, hands, and face. One guest noted how considerate Tony was, and said, "It was a mess, but Tony cleaned him up as best he could," and the other guest commented, "None of this was necessary, but certainly was an exemplary show of compassion."

When asked to comment on Tony's selection as Employee of the Month, Operations Field Supervisor Shawn Mercer said:

Whenever I think of Tony I'm always reminded of the singer James Brown, who is billed as "the hardest-working man in show business." Well, Tony is the hardest-working man on the extra board. He arrives on the job every day eager to work as full a shift as allowed by the extra board rules. Over the years he has also been one of those "go to" guys whom the Operations supervisors can count on in a pinch. Tony is also an excellent football game coordinator. For the past few years he has traded the opportunity to drive football fans to the game for the opportunity to safely and efficiently coordinate the movement of the shuttle buses through the crowds and hoopla at Autzen Stadium. Watching Tony work sometimes reminds me of a traffic cop directing cars in a busy metropolitan city.

Tony is always outgoing and friendly and never afraid to speak his mind. He sincerely cares about all people, and that caring is reflected in his relationships with our guests.

Our congratulations to Tony on his selection as the November 2004 Employee of the Month!

AWARD: Tony will attend the October 20, 2004, meeting to be introduced to the Board and receive his award.

AGENDA ITEM SUMMARY

DATE OF MEETING: October 20, 2004

ITEM TITLE: EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(d) and ORS 192.660(2)(i)

PREPARED BY: Gerry Gaydos, President, Board of Directors

ACTION REQUESTED: That the Board move into Executive (non-public) Session pursuant to ORS 192.660(2)(d), to conduct deliberations with persons designated by the governing body to carry on labor negotiations, and pursuant to ORS 192.660(2)(i), to review and evaluate, pursuant to standards, criteria, and policy directives adopted by the governing body, the employment-related performance of the chief executive officer (general manager) of LTD

ATTACHMENT: None (Combined performance evaluation ratings will be distributed to Board members under separate cover.)

PROPOSED MOTION: I move that the Board meet in Executive Session pursuant to ORS 192.660(2)(d), to conduct deliberations with persons designated to carry on labor negotiations, and pursuant to ORS 192.660(2)(i), to review and evaluate the employment-related performance of the LTD general manager.

AGENDA ITEM SUMMARY

- DATE OF MEETING:** October 20, 2004
- ITEM TITLE:** ITEMS FOR ACTION/INFORMATION AT A FUTURE MEETING
- PREPARED BY:** Jo Sullivan, Administrative Services Manager/Clerk of the Board
- ACTION REQUESTED:** None at this time
- BACKGROUND:** The action or information items listed below will be included on the agenda for future Board meetings:
- A. **LTD Retirement/Pension Plan Review:** A work session to review the LTD retirement and pension plans will be on the agenda for the November 8, 2004, work session or the November 17, 2004, regular meeting.
 - B. **EmX Franklin Corridor:** At either the November 8 or the November 17 meeting, staff will begin a discussion with the Board about the current plan and any preferred alternatives for the Franklin EmX Corridor.
 - C. **Executive Sessions on Labor Negotiations:** Executive (non-public) sessions to discuss labor negotiations will be scheduled as needed during the coming months.
 - D. **Incremental Corridor Development:** Information regarding incremental corridor development will be provided to the Board on an ongoing basis.
 - E. **Information on LTD Purchasing Policy:** An update on LTD's Purchasing Policy will be provided following Board member turnover in early 2005.
 - F. **Annual Strategic Planning Work Session:** The Board's annual two-day strategic planning retreat will not occur during the fall of 2004. Rather, it will be held following Board member turnover in early 2005.
 - G. **BRT Updates:** Various action and information items will be placed on Board meeting agendas during the design and implementation phases of the bus rapid transit project.



LTD General Manager's Report to the Board of Directors

October 20, 2004

Prepared by Ken Hamm, General Manager

FUTURE DATES TO REMEMBER

October 21, 2004	Springfield Station Dedication
October 21, 2004	Chamber of Commerce Business-to-Business Expo
November 8, 2004	LTD Board Work Session
November 17, 2004	LTD Regular Board Meeting
November 19, 2004	UO/Springfield Chamber Tailgate Auction
November 25-26	LTD Administrative Offices Closed for Thanksgiving Holiday
December 7, 2004	BRT Steering Committee
December 15, 2004	LTD Regular Board Meeting
December 24, 2004	LTD Administrative Offices Closed for Christmas Holiday

EXTERNAL ACTIVITIES

Joint Development

Charlie Simmons and I met with the proprietor of a local business chain at Springfield Station on September 19. The discussion was promising. Dialogue continues, as does the search for other proprietors.

Register-Guard

Susan Ban, Andy Vobora, and I met with *The Register-Guard* editorial board on September 19. The purpose of the meeting was to bring *The Register-Guard* up to date on key projects and the payroll tax effort.

Eugene City Manager

Dennis Taylor and I met for our monthly meeting. Discussions centered around two-way traffic on 10th and EmX, an EmX update, and strategy discussions for the incoming city councilors.

INTERNAL ACTIVITIES

Family Fun Day

On October 3rd LTD held a family fun day for employees at the Nines at River Ridge. Croquet, horseshoes, crafts, putt-putt golf, and the short-nines golf were the activity focuses. A picnic lunch was enjoyed by the crowd who turned out. Mother nature cooperated with lots of sunshine.

Vacation

This report is short because your GM took a two-week vacation.

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Effective Date: 09/20/1995

Revised Date: 02/16/2000

OBJECTIVE

Lane Transit District is committed to providing and maintaining a safe and healthy work environment for its employees and a safe and dependable transportation system for the public. It is the intent of this policy to provide and maintain a drug- and alcohol-free workplace, in the interest of the health and safety of the District's employees and the public, and to maintain compliance with applicable federal and state regulations.

APPLICATION

This policy applies to all District employees and employees of the District's contractors who perform a safety-sensitive function for the District. Compliance with this policy is a condition of employment. Under District authority, any violation of this policy may subject the employee to discipline, up to and including suspension and/or discharge.

POLICY

Prohibited Conduct

The District expects and requires all employees to report to work in an appropriate mental and physical condition to work safely and effectively. No employee shall report to work or engage in work while having the presence of alcohol, illegal drugs, or any other disabling or controlled substance in their system. A breath alcohol concentration level of 0.02 or greater, or a verified positive result on a drug test will be considered to be evidence of the presence of alcohol or a prohibited drug in the employee's system.

In accordance with the Drug-Free Workplace Act of 1988, the District prohibits all employees from engaging in the possession, sale, transporting, distribution, manufacture or use of alcohol, illegal drugs or any other disabling or controlled substance at any time while on duty and/or on District premises, which include buses, or other LTD owned or operated vehicle(s), or facilities. An employee who is off duty and is a passenger on a District owned mass transit vehicle may possess alcohol in sealed containers to the extent that is allowed by State law. Employees may possess or exchange alcohol within the employee parking lot of the Glenwood Facility for legitimate personal use off duty and off premises.

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In accordance with Federal Transit Administration (FTA) regulation 49 CFR part 654, "Prevention of Alcohol Misuse in Transit Operations," employees are prohibited from performing a safety-sensitive function with a breath alcohol concentration level of 0.02 or greater. In addition, employees must not consume alcohol while performing a safety-sensitive function and must not consume alcohol four hours prior to performing a safety-sensitive function and up to eight hours following an accident or until the employee undergoes a post-accident drug and/or alcohol test, whichever occurs first.

In accordance with FTA regulation 49 CFR part 653, "Prevention of Prohibited Drug Use in Transit Operations," the use and ingestion of prohibited drugs (marijuana, cocaine, opiates, amphetamines, or phencyclidine) by employees who perform a safety-sensitive function, is prohibited at all times.

FTA regulations require the District to test all District employees who perform a safety-sensitive function for prohibited drug use and alcohol misuse. In accordance with FTA regulations, participation in the District's drug and alcohol testing program is a condition of employment for all employees who perform a safety-sensitive function. An employee who performs a safety-sensitive function who refuses to submit to a drug or alcohol test will be in violation of this policy and under District authority may be subject to discipline, up to and including suspension and/or discharge.

Employee Assistance Program

All employees are encouraged to voluntarily seek assistance in dealing with emotional, physical, or mental health problems, including drug use and/or alcohol misuse, that may adversely affect their job performance. Confidential professional assistance, treatment planning, and rehabilitation services are available by directly contacting the District's employee assistance program (EAP) provider, Access Employee Assistance Program (344-6929 or 1-800-922-7009).

An employee who requests assistance from the District for a drug and/or alcohol problem, before the problem affects job performance, will not jeopardize their employment solely by requesting assistance to deal with a drug and/or alcohol problem. If an employee does not seek treatment for a drug and/or alcohol problem, and it is found that their performance is being affected, under District authority, the employee may be subject to discipline, up to and including suspension and/or discharge.

Prescription/Over-the Counter Drug Use

District employees may possess and use medically authorized prescription or over-the-counter drugs at work as long as the prescription or over-the-counter drugs do not have disabling effects or otherwise affect the covered employee's fitness for duty or job performance. Employees must report the use of prescription or over-the-counter drugs that could have a disabling effect or otherwise adversely affect the employee's fitness for duty or job performance to their immediate supervisor. It is the employee's responsibility to determine from the physician, pharmacist, or other health care professional whether or not the prescribed or over-the-counter drugs could adversely affect the employee's fitness for duty or job performance. The District may require employees to provide written medical authorization to work from a physician, upon the reporting of the use of prescription or over-the-counter drugs. Under District

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authority, an employee's failure to report the use of prescription or over-the-counter drugs which have disabling effects or otherwise affect the employee's fitness for duty while at work or failure to provide proper evidence of medical authorization to work may result in discipline, up to and including suspension and/or discharge.

Employee Responsibility

The District expects and requires the support of all employees in meeting its commitment to providing a drug- and alcohol-free work environment. An employee who observes or has knowledge of another employee in a condition which impairs their ability to perform their job duties or who poses a serious hazard to the safety and welfare of others, has an assertive responsibility to report the information to their immediate supervisor, the employee's supervisor, the Human Resources Manager or the Drug and Alcohol Program Administrator.

Workplace Drug Related Convictions

In accordance with the Drug Free Workplace Act of 1988, the District requires all District employees to report, in writing, to the District, any criminal conviction for a violation of a criminal drug statute occurring in the workplace no later than five days after the conviction. Within ten (10) calendar days of receiving notification of the conviction the District will provide written notification to its federal contracting agencies

Under its own authority, the District may subject employees convicted of workplace drug-related crimes to disciplinary action up to and including suspension and/or discharge. Disciplinary action will be imposed within 30 days of the District being notified of the conviction.

Employees convicted of workplace drug-related crimes may be required by the District to participate satisfactorily in a drug abuse assistance or rehabilitation program.

Right to Inspection

When the District has reasonable suspicion to believe an employee is in improper possession of drugs and/or alcohol on District property, the employee may be requested to permit an inspection of their person, personal property, clothing, or personal vehicle. The District will have at least one witness present when conducting an inspection of an employee or the employee's personal property, clothing, or personal vehicle. Under its own authority, the District may subject employees who refuse to submit to such an inspection to disciplinary action, up to and including suspension and/or discharge. The District reserves the right to search District property (i.e. desks, file cabinets, lockers) at any time.

Training

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In accordance with FTA regulations, all employees who perform a safety-sensitive function will be required to attend a minimum of one hour of training regarding the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and the manifestations and behavioral cues that may indicate prohibited drug use. In addition, the District will require all employees who perform a safety-sensitive function to attend training regarding the District 's Drug and Alcohol Policy and its testing program.

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In accordance with FTA regulations, all supervisors who are responsible for determining when it is appropriate to administer reasonable suspicion drug and/or alcohol tests will be required to attend a minimum of two hours of training regarding the physical, behavioral, and performance indicators of probable drug use and alcohol misuse.

Under its own authority, the District may require or permit all employees to attend training or educational programs regarding drug and/or alcohol abuse.

Testing

As mandated by Federal regulations and authorized by the FTA, applicants for employment in a safety-sensitive position, employees requesting transfer into a safety-sensitive position, and employees in a position that requires the performance of a safety-sensitive function are required to submit to drug and alcohol testing (pre-employment, reasonable suspicion, post-accident, random, return to duty, and follow-up testing) as a condition of employment with the District. The Department of Transportation (DOT) regulation 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," prescribes the testing methods that will be used.

Under District authority, all other employees may be required to submit to drug and alcohol testing (pre-employment, reasonable suspicion, and return to duty testing) as a condition of employment with the District. Testing methods comparable to the testing methods prescribed in the Department of Transportation (DOT) regulation 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," will be used.

All drug and alcohol testing that is authorized by the FTA regulations will be conducted in a manner which assures a high degree of accuracy and reliability by using the techniques, chain of custody procedures, and equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS) and the DOT. All drug and alcohol testing that is conducted under District authority will also be conducted in a manner which assures a high degree of accuracy and reliability by using techniques, chain of custody procedures, and equipment and laboratory facilities which are the same as or comparable to those approved by the U.S. Department of Health and Human Services (DHHS) and the DOT.

All drug and alcohol testing will be conducted in an environment that affords the maximum privacy practicable for the employee being tested. The District will strictly adhere to all standards of confidentiality, maintaining the confidentiality of the employee throughout the drug and/or alcohol testing process.

Except as otherwise stated by this policy, the District will be responsible for all costs directly associated with the drug and alcohol tests specified in this policy.

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Types of Testing

Pre-employment:

As authorized by the FTA, all applicants who have been selected for employment in a safety-sensitive position must submit to and pass urine testing for drugs prior to being hired for a safety-sensitive position. In addition, current employees who are being transferred or promoted into a safety-sensitive position from a non-safety-sensitive position must submit to and pass urine testing for drugs prior to performing any safety-sensitive function.

Under District authority, all applicants who have been selected for employment in a non-safety-sensitive position and employees who have been selected to be promoted into a position with an increased level of responsibility must submit to and pass urine testing for drugs prior to being hired or assigned to the position.

~~Failure of a pre-employment drug test will disqualify an applicant for employment in or transfer to a safety-sensitive position. A verified positive result on a drug test or the inability to provide an adequate specimen for a pre-employment drug is considered to be a failure of the drug test. The applicant will not be eligible for a referral to the District's Medical Review Officer (MRO) for a medical evaluation to determine if the inability to provide an adequate specimen is for a valid medical reason. An applicant who has failed a pre-employment drug test will not be eligible for evaluation by the District's Substance Abuse Professional (SAP).~~ Unless otherwise provided by law, an applicant who has failed a pre-employment drug test will be ineligible to submit another application for employment with the District for a period of 6 months.

Reasonable Suspicion:

As authorized by the FTA, employees who perform a safety-sensitive function will be required to submit to urine testing for drugs and/or alcohol breath testing when there is a reasonable suspicion to believe that the employee is under the influence of a prohibited drug or has misused alcohol.

Under District authority, all other District employees will be required to submit to urine testing for drugs and/or alcohol breath testing when there is a reasonable suspicion to believe that the employee is under the influence of a prohibited drug or has misused alcohol.

The determination to require a reasonable suspicion drug and/or alcohol test will be made by a supervisor or manager trained to identify the signs and symptoms of drug use and alcohol misuse. The determination will be based on the supervisor's or manager's specific observations concerning the appearance, behavior, speech, or body odor of the employee and ~~concurrence by a second supervisor or manager trained to identify the signs and symptoms of drug use and alcohol misuse.~~

Whenever possible, the determination to require a reasonable suspicion drug and/or alcohol test should be made by the employee's supervisor or manager. If the employee's supervisor or manager is not immediately available, the determination to require a reasonable suspicion drug and/or alcohol test may

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be made by another supervisor or manager within the employee's department, a supervisor or manager in another department, or by the Drug and Alcohol Program Administrator.

When an employee has been notified that he/she will be required to submit to reasonable suspicion drug and/or alcohol testing, he/she must report immediately to the collection site designated by the District. The employee will be transported to and from the collection site by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

Post-accident:

As authorized by the FTA, drug and alcohol testing is required of all employees who perform a safety sensitive function who are involved in an accident, as defined by FTA regulations, where there is a loss of life. In other nonfatal accidents, drug and alcohol testing is required of employees who perform a safety sensitive function unless the employees' performance can be completely discounted as a causative or contributing factor.

FTA regulations define an accident as an occurrence associated with the operation of a vehicle in which:

- An individual dies, or
- An individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident, or
- One or more of the vehicles involved incurs disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or other vehicle

Following a fatal accident, each surviving safety-sensitive employee on duty in the mass transit vehicle at the time of the accident will be subject to drug and alcohol testing. All safety-sensitive employees not on the vehicle whose performance could have contributed to the accident, as determined by the District using the best information available at the time of the accident, will also be tested.

Following a nonfatal accident, each safety-sensitive employee on duty in the mass transit vehicle at the time of the accident will be subject to drug and/or alcohol testing unless the District determines, using the best available information at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. Employees not on the vehicle, whose performance could have contributed to the accident, as determined by the District using the best information available at the time of the accident, will be subject to drug and alcohol testing unless their behavior can be completely discounted as a contributing factor to the accident.

Post-accident drug and alcohol tests will be performed as soon as possible following an accident. Drug tests will be performed within 32 hours following the accident. Alcohol tests should be performed

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within 2 hours following the accident and will be performed within 8 hours following the accident. If the employee to be tested was injured in the accident, the requirement to test for drugs and/or alcohol

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should not delay necessary medical attention, and testing may be administered simultaneously with the employee receiving necessary medical attention.

Any safety-sensitive employee involved in an accident must remain readily available for drug and/or alcohol testing for up to eight hours after the accident. The employee is responsible for notifying the District of his or her location if he or she leaves the scene of the accident prior to submitting to testing. Failure by the employee to remain readily available may be determined to be a refusal to submit to testing.

When an employee has been notified that they will be required to submit to post-accident drug and/or alcohol testing, they must report immediately to the collection site designated by the District. The employee will be transported to and from the collection site by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

Post-accident drug and alcohol tests required by this policy are in addition to and/or separate from any tests conducted for law enforcement purposes. The District may use the results of a blood or urine test for the use of prohibited drugs and/or the results of a blood or breath test for the misuse of alcohol, conducted by Federal, State, or local officials having independent authority for the test, to meet the testing requirements of the Federal regulations and this policy, provided such tests conform to the applicable Federal, State, or local testing requirements, and that the results of the tests are obtained by the District.

Random:

As authorized by the FTA, all employees who perform a safety sensitive function will be subject to random and unannounced drug and/or alcohol testing. ~~District positions that require the performance of a safety sensitive function are listed in Appendix B of this policy. In addition, employees in other positions, not listed in Appendix B, who perform a safety sensitive function will be subject to random testing as authorized by the FTA.~~

Under District authority, employees in the following positions also will be subject to random and unannounced drug and/or alcohol testing: general manager, assistant general manager, ~~human resources manager, and human resources specialist~~ (drug and alcohol program administrator).

~~The random selection rate will be the rate determined by the FTA and published in the Federal Register. All employees subject to random selection will have an equal chance of being selected for testing and will remain in the random selection pool even after being tested.~~ The selection pool for random drug and/or alcohol testing of employees who perform a safety-sensitive function will be separate from the selection pool for employees subject to random drug and/or alcohol testing under District authority.

Employees who are subject to random testing will remain subject to random testing throughout their work shift. If an employee is initially notified that they have been selected for random testing prior to

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the end of their work shift, the test(s) must be completed, even when such completion has the incidental effect of causing the employee to stay overtime. When an employee has been notified that they have

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been selected for testing, they must report immediately to the collection site designated by the District. Transportation to and from the collection site will be provided by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

Return to Duty:

As authorized by the FTA, all employees who perform a safety-sensitive function and who have previously had a verified positive drug test, an alcohol test result of 0.04 or greater, have refused to submit to a test, or engaged in any activity that violates the FTA regulations, ~~must pass a return-to-duty drug test and/or submit to a breath alcohol test with a result showing an alcohol concentration level of less than 0.02 prior to being permitted to return to duty.~~

The District, under its own authority, may require employees returning to work from a leave of absence, illness, or layoff of a duration of more than 180 days, or from a voluntary drug and /or alcohol treatment program to undergo a physical evaluation, by a physician of the District's choice and to pass a return to duty drug test and/or submit to a breath alcohol test with a result showing an alcohol concentration level of less than 0.02, prior to returning to work.

Follow-up:

In accordance with FTA regulations, a safety-sensitive employee who has been permitted to return to duty, following a verified positive drug test, an alcohol test result of 0.04 or greater, or a refusal to submit to a test will be subject to unannounced follow-up drug and/or alcohol testing for a least 12 but not more than 60 months. The frequency and duration of the follow-up testing will be determined by the SAP, with a minimum of six tests during the first 12 months after the covered employee has returned to duty.

Under District authority, an employee who has been permitted to return to duty, following voluntary treatment for a drug and/or alcohol problem may be required to submit to follow-up drug and/or alcohol testing.

When an employee is notified to submit to a follow-up test, they must report immediately to the collection site designated by the District. Transportation to and from the collection site will be provided by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

~~Follow up testing is separate from and in addition to the regular random testing program.~~

~~On-Call employees:~~

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~~In accordance with FTA regulations, any safety sensitive employee who is requested to report for duty when he or she is not regularly scheduled to work is considered an on-call safety sensitive employee. An~~

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~~on-call safety sensitive employee who is requested to report for duty less than four hours prior to the requested report time must inform the District if they have consumed alcohol within four hours of the requested report time.~~

If an on-call safety-sensitive employee informs the District of their use of alcohol and claims they have the ability to safely perform their safety-sensitive function, the employee will be allowed to submit to a breath alcohol test. If the employee's breathe alcohol concentration level measures less than 0.02, the employee will be allowed to perform his/her safety-sensitive function.

~~An on-call safety sensitive employee who informs the District of their use of alcohol and fails the breath alcohol test will not be permitted to report for duty and will not be considered to be in violation of this policy. If an on-call safety sensitive employee does not inform the District of his/her use of alcohol and exhibits signs of alcohol misuse, they may be subject to reasonable suspicion testing. If the test indicates a breath alcohol concentration level of 0.02 or greater, the employee will be in violation of this policy.~~

~~A regularly scheduled employee or an employee who is given more than four hours notice of the requirement to report for duty must not consume alcohol four hours prior to performing a safety sensitive function. The option of claiming ability to perform a safety sensitive function and being tested to prove the ability does not apply.~~

Blind Performance Testing:

In accordance with FTA regulations, the District will conduct ongoing blind sample proficiency testing, using blind quality control specimens that are not distinguishable from covered employee specimens, as a quality assurance measure of the testing laboratory.

Drug Testing Procedures

In accordance with FTA regulations, drug testing will be conducted using laboratory testing of urine specimens for the following drugs:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine
- Amphetamines

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~~All urine specimens will be collected at a collection site, designated by the District, which meets the guidelines established by the Department of Transportation. The collection site personnel will be~~

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responsible for maintaining the integrity of the specimen collection and transfer process and for protecting the dignity and privacy of the employee providing the sample.

In accordance with FTA regulations, all drug tests for employees who perform a safety sensitive function will follow chain of custody procedures, using DOT urine custody and control forms, throughout the collection and analysis process to ensure that test results will be attributed to the correct employee. The DOT "Urine Custody and Control Form" documents the chain of custody and is legal evidence that the reported test results apply to the donor.

All drug tests conducted under District authority for all other employees will follow chain of custody procedures, using non-DOT urine custody and control forms, throughout the collection and analysis process to ensure that test results will be attributed to the correct employee. The non-DOT "Urine Custody and Control Form" documents the chain of custody and is legal evidence that the reported test results apply to the donor.

The employee will be required to urinate into a collection cup or specimen bottle, supplied by the collection site, providing at least 45 milliliters of urine.

The collection site personnel will be responsible for recording the temperature of the specimen and obtaining the body temperature of the donor employee if the temperature of the specimen is not between 90.5 and 99.8. In addition, the collection site technician will visually examine the specimen for any unusual color or sediment and note the results on the custody and control form.

Collection site personnel will also be responsible for separating the specimen, in the presence of the employee, into two specimen bottles. One bottle shall contain thirty (30) ml of urine and will be used as the primary specimen. The second bottle shall contain at least fifteen (15) ml of urine and shall be used as the split specimen.

Both bottles must be sealed and labeled in the presence of the donor employee. The labels must be printed with the same specimen identification number as the custody and control form. The donor employee will initial the labels verifying that the specimen is his/hers.

If the employee is unable to provide at least 45 ml of urine for a split specimen collection, the specimen shall be discarded. The collection site personnel shall direct the employee to drink up to 40 ounces of fluid, distributed reasonably through a period of up to three hours, or until the employee has provided a new urine specimen, whichever occurs first. If the employee refuses to drink fluids as directed or to provide a new urine specimen, the District will be notified that the employee has refused to submit to testing. If the employee is unable to provide an adequate specimen within three hours of the first unsuccessful attempt to provide a specimen, the testing will be discontinued and the District will be notified. The District will refer the employee to a physician approved by the District for a medical evaluation regarding the employee's ability to provide an adequate amount of urine. The physician will provide to the MRO a brief written report setting forth his/her conclusion and the basis for it. Upon receipt of this report, the MRO shall report to the District in writing his/her conclusion determining

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~~whether the employee's inability to provide a specimen is due to the employee's medical condition or constitutes a refusal to submit to a drug test.~~

Observed Collections:

In accordance with FTA regulations, with regards to a drug test conducted for a safety-sensitive employee, in the following circumstances, collection site personnel must observe a second urine collection immediately after the first collection:

- The employee has presented a urine sample that falls outside the normal temperature range (90.5 to 99.8), and
- ~~The employee declines to provide a measurement of oral body temperature, or~~
- ~~Oral body temperature varies by more than 1 C/1.8 F from the temperature of the specimen, or~~
- Collection site personnel observe conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample.

A supervisor of the collection site person or a representative of the District will review and concur in advance with any decision by a collection site person to obtain a specimen under direct observation. Collection site personnel will notify the District of the decision to conduct an observed collection.

In the following circumstances, with regards to drug test conducted for a safety-sensitive employee, as permitted by the Federal regulations, the District may authorize an observed collection:

- The most recent urine specimen provided by the employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below 0.2 g/l, or
- The employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under the FTA regulation as a return-to-duty or follow-up test.

In accordance with Federal regulations, the direct observation of specimen collection must be by a collection site person of the same gender as the employee being tested.

Return to Duty After Specimen Collection

Under District authority, a safety-sensitive employee who is required to submit to random or follow-up drug testing may be returned to duty immediately following specimen collection. If the employee is also

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subject to random or follow-up alcohol testing, the employee's return to duty will be dependent upon the outcome of the breath alcohol testing.

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Under District authority, a safety-sensitive employee who is required to submit to a reasonable suspicion or post-accident drug test will not be permitted to return to duty and will be placed on a paid leave pending the receipt by the District of a verified test result.

Under District authority, a non-safety-sensitive employee who is required to submit to a reasonable suspicion drug test will not be permitted to return to duty and will be placed on a paid leave pending the receipt by the District of a verified test result.

Drug Testing Laboratories

~~All drug testing will be completed in a laboratory certified by the Department of Health and Human Services (DHHS). Immunoassay screening will be used as the initial test for the testing of the primary specimen. If any prohibited drug registers above the cutoff level, as designated in the Federal regulations, a confirmation test using gas chromatography/mass spectrometry (GC/MS) will be conducted.~~

Drug Test Results

All drug test results will be reported by the testing laboratory to a qualified MRO designated by the District. The MRO will be responsible for verifying and validating drug test results. The MRO will review and interpret the employee's confirmed positive drug test result by reviewing the individual's medical history and affording the employee an opportunity to offer any clarifying information that would explain a positive test result. The MRO will report each verified test result to the District and will notify each employee who has a verified positive test result. The MRO may verify a test as positive without having communicated directly with the employee if: the employee expressly declines the opportunity to discuss the test; neither the MRO nor the District has been able to contact the employee within 14 days of the date on which the MRO receives the confirmed positive test result from the laboratory; or the District has contacted the employee and directed the employee to contact the MRO and more than five days have passed since the date the employee was contacted by the District.

Positive Drug Test Results

An employee who has a verified positive drug test result will be immediately removed from their safety-sensitive position, advised of resources available to evaluate and resolve problems associated with drug abuse, and be evaluated by a SAP. The employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and under District authority may be subject to discipline, up to and including suspension and/or discharge.

An employee who has a verified positive drug test result will have 72 hours, including holidays and weekends, from the time of notification by the MRO or the District, whichever occurs first, in which to request that the split specimen be analyzed at a different DHHS-approved laboratory. ~~The split specimen~~

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~~will be analyzed, using GC/MS technology, to determine the presence, or absence, of the drug(s) for which a positive result was obtained in the test of the primary sample, without regard to the cutoff levels~~

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~~specified in the Federal regulations for analysis of the primary sample. The employee will be responsible for paying the cost of the split sample testing.~~

~~If the result of the test of the split specimen fails to confirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO will cancel the test, and report the cancellation and the reasons for it to the District, the employee, and the DOT. The employee will be returned to duty and will be compensated for time or benefits lost as a result of being placed on an unpaid leave of absence.~~

~~The request by an employee for an analysis of the split specimen will not delay the removal of the employee from their safety-sensitive position.~~

Breath Alcohol Testing Procedures

All breath specimen collection must be collected through the use of an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA). The breath alcohol tests will be conducted by a trained breath alcohol technician (BAT) at a site that provides visual and aural privacy to the covered employee being tested to the greatest extent practicable. Prior to specimen collection, the employee and the BAT must complete, date, and sign a breath alcohol testing form indicating that the employee is present and providing a breath specimen.

The BAT will conduct an initial screening test, requiring the employee to blow forcefully into a disposable mouthpiece, attached to the EBT, for at least six seconds or until an adequate amount of breath has been obtained. Following the initial screening test, the BAT will show the employee the result displayed on the EBT or the printed result.

If the result of the initial screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be conducted. The confirmation test will be conducted at least 15 minutes, but not more than 20 minutes, after the completion of the initial screening test. The employee must remain in the presence of the BAT during the waiting period. The confirmation test will be conducted using the same procedures as the initial screening test. A new mouthpiece will be used. Before the confirmation test is administered, the BAT will conduct an air blank test on the EBT. If a BAT other than the one who conducted the screening test is to conduct the confirmation test, the new BAT and the employee will be required to sign and date a new breath alcohol testing form.

If the results of the initial screening test and the confirmation test are not identical, the confirmation test result will be deemed to be the final result.

Following the completion of a breath alcohol test, the BAT and the employee will be required to sign and date the breath alcohol testing form certifying that the results shown belong to the employee being tested. The BAT will be responsible for transmitting all test results to the District in a confidential manner.

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If an employee attempts and fails to provide an adequate amount of breath, the BAT will note this on the alcohol testing form and notify the District. The employee will be required to submit to a medical

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evaluation, by a physician of the District's choice, concerning the employee's medical ability to provide an adequate amount of breath. If no valid medical reason is determined, then the employee's inability to provide an adequate amount of breath will be considered to be a refusal to submit to a test.

Breath Alcohol Test Results

If the results of the breath alcohol test are below 0.02, the employee may be returned to work immediately.

A confirmed alcohol concentration of 0.02 or greater will be considered a positive breath alcohol test result and a violation of this policy.

If the results of the breath alcohol test are 0.02 or greater, but less than 0.04, the employee will not be permitted to return to duty until the start of his/her next regularly scheduled shift and not less than eight hours following the test. The employee may be subject to discipline, up to and including suspension and/or discharge.

If the results of the breath alcohol test are 0.04 or greater, the employee will be immediately removed from his/her safety-sensitive position, advised of the resources available to evaluate and resolve problems associated with alcohol misuse, and be evaluated by an SAP. The employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge.

An employee with a breath alcohol concentration level of 0.02 or greater will be provided transportation to his/her residence. If the employee insists on driving, law enforcement will be notified.

Refusal to Submit to a Test

~~Any employee who refuses to submit to a drug or alcohol test must be evaluated by a SAP. An employee who refuses to submit to a drug or alcohol test will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge.~~ A determination of an employee's refusal to submit to a test includes the following:

- Refusal to take the test
- Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation
- ~~Tampering with or attempting to adulterate the specimen or collection procedure~~

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- Not reporting to the collection site in the time allotted
- Not cooperating with the collection process
- Leaving the scene of an accident without a valid reason before the tests have been conducted

Discipline

Compliance with the District's Drug and Alcohol Policy is a condition of employment for all employees. For employees who are represented by ATU 757, a violation of any part of the District's Drug and Alcohol Policy may result in discipline as provided in Article 24 of the labor Agreement. For all other employees, a violation of any part of the District's Drug and Alcohol Policy may result in discipline, up to and including suspension and/or discharge. Factors which the District may consider regarding the severity of disciplinary action include, but are not necessarily limited to, the covered employee's conduct which prompted the application of this policy, the covered employee's work record, the degree of impairment, the potential for consequences arising from the covered employee's actions, and the drug and/or alcohol test results.

Employees who are discharged as a result of violating this Drug and Alcohol policy will be provided with a list of the resources available in evaluating and resolving problems associated with the use of illicit drugs and/or misuse of alcohol and will have access to the District's current EAP. Access to the EAP program will be limited to treatment directly related to the drug and/or alcohol problem, and is available for a time period not to exceed sixty days.

Required Treatment

~~In the event that an employee is referred for treatment by an SAP, the employee may be required to satisfactorily complete an approved drug or alcohol treatment program and aftercare as a condition of continuing employment.~~

~~Work absences for treatment purposes may qualify for available sick leave benefits and/or personal medical leave, provided the employee is following the prescribed treatment program. If sick leave and personal medical leave have been exhausted, the employee may be placed on a medical leave of absence without pay. Employees working under an agreement that they satisfactorily complete an approved program of drug and/or alcohol dependency treatment will be required to submit to follow up drug and/or alcohol testing to verify continued abstinence from drugs and/or alcohol for at least 12 but not more than 60 months. The frequency and duration of the follow up testing will be recommended by the SAP, with a minimum of six tests during the first 12 months after the covered employee has returned to duty.~~

Working Conditions

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The presence or treatment of a substance abuse problem does not excuse an employee from meeting performance, safety, or attendance standards or following other District instructions. In no circumstances may an employee invoke protection under this policy as a means to avoid disciplinary actions resulting from poor work performance or misconduct at work. A voluntary request for assistance will not shield an employee from disciplinary action resulting from on-the-job conduct or work performance. Employees remain responsible for their on-the-job conduct and work performance.

Return to Work Agreement

Under District authority, employees who test positive on a drug test, have a confirmed breath alcohol concentration level of 0.04 or greater, or who are referred to drug and/or alcohol treatment which requires them to be away from work, will be required to sign a return to work agreement prior to being permitted to return to duty. The agreement may include, but is not limited to the following requirements:

- A release to work statement from an approved treatment specialist
- A negative test for drugs and/or alcohol
- An agreement to follow-up testing
- A statement of expected work-related behaviors
- An agreement to follow specified aftercare requirements
- An expressed understanding that violation of the return to work agreement may result in discipline, up to and including suspension and/or discharge

The return to work agreement is not a guarantee of continued employment. Employees working under a return to work agreement must also follow all other District policies and procedures.

Confidentiality

The District will maintain all records regarding the drug and/or alcohol testing of employees in a secure manner so that the disclosure of information to unauthorized persons does not occur. In Accordance with FTA regulations, drug and/or alcohol test results will be released only under the following circumstances:

- Upon written request, employees will be provided access and/or copies of any records relating to his/her test(s).

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- Upon specific, written request of an employee, information and/or copies of records regarding an employee's test results will be released to a third party.
- Information related to a test result may be disclosed to a decision maker in a lawsuit, grievance, or other proceeding, initiated by or on behalf of the employee tested.

Program Administration

The District's Drug and Alcohol Testing Policy and program are administered by the designated Drug and Alcohol Program Administrator. Additional information regarding this policy or the program is available by contacting the Drug and Alcohol Program Administrator, in the Human Resources Department at (541) 682-6182.

MAINTENANCE

The Human Resources Manager is responsible for monitoring the application and revision of this policy.

Adopted by the Board of Directors, September 20, 1995.

Revised, February 16, 2000

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APPENDIXES

Appendix A. Terms and definitions

Appendix B. Safety sensitive positions

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APPENDIX A

Terms and Definitions

Alcohol As defined by the FTA, the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

As agreed upon by the District and the Amalgamated Transit Union, Local 757, alcohol means any alcoholic beverage containing more than one half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by a human being.

Alcohol Use The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Blind Sample A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from covered employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.

Breath Alcohol Technician (BAT) An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Chain of Custody Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition. These procedures require that an appropriate drug testing custody form be used at the time of collection to receipt by the laboratory and that upon receipt by the laboratory (an) appropriate chain of custody form(s) account(s) for the sample within the laboratory.

Controlled Substance As agreed upon by the District and the Amalgamated Transit Union, Local 757, controlled substance means any drug or its immediate precursor classified in Schedules I through V under the Federal Controlled Substances Act, 21 USC Sections 811 to 812, as modified under ORS 475.035. The use of the term "precursor" in this subsection does not control and is not controlled by the use of the term "precursor" in ORS 475.940, 475.950, and 475.955. In addition, manufactured drugs recognized by health and law enforcement agencies that are not included in Schedules I through V under the Federal Controlled Substances Act, 21 USC Sections 811 to 812, as modified under ORS 475.035 are considered to be controlled substances.

Medical Review Officer A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with his/her medical history and any other relevant biomedical information.

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Over-The-Counter-Drugs/Medications Those drugs/medications which are legally available without a prescription.

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Performing a Safety-Sensitive Function An employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Prescription Drugs/Medications Those drugs/medications which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

Safety-Sensitive Function Any of the following duties:

- 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 Driver's 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

Safety-sensitive Positions A position or job category that requires the performance of a safety-sensitive function. A list of safety-sensitive positions at Lane Transit District, as defined by the Federal regulations, is attached to this policy.

Substance Abuse Professional A licensed physician (medical doctor or doctor of osteopathy); or a licensed or certified psychologist, social worker, employee assistance professional; or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse); with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

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APPENDIX B

Safety-Sensitive Positions

Employees in the following positions are required to perform safety-sensitive functions as defined in the Federal Drug and Alcohol regulations:

Bus Operator
Field Supervisor
Fleet Services Manager
Fleet Services Supervisor
General Service Worker
Inside Bus Cleaner
Journeyman Mechanic
Risk & Safety Specialist
System Supervisor
Tire Specialist
Transit Operations Manager
Transit Projects Administrator
Transit Services Administrator

Lane Transit District Drug & Alcohol Program

Effective Date: 09/20/1995
Revised Date: 02/16/2000
Revised Date: 10/20/2004

OBJECTIVE

Lane Transit District is committed to providing and maintaining a safe and healthy work environment for its employees and a safe and dependable transportation system for the public. It is the intent of this policy to provide and maintain a drug- and alcohol-free workplace, in the interest of the health and safety of the District's employees and the public, and to maintain compliance with applicable federal and state regulations.

APPLICATION

This policy applies to all District employees and employees of the District's contractors who perform a safety-sensitive function for the District. All District positions and the functions performed by individual employees have been reviewed to determine the performance of a safety-sensitive function as defined in Appendix A. District positions that require that all employees in the position perform a safety-sensitive function are listed in Appendix B. In addition, individual employees who perform a safety-sensitive function even though others in their position do not, are also listed in Appendix B.

Under FTA authority, all employees who perform a safety-sensitive function are subject to pre-employment drug testing and reasonable suspicion, post-accident, random, return-to-duty, and follow up drug and alcohol testing.

Under District authority all other employees are subject to pre-employment drug testing and reasonable suspicion, return-to-duty, and follow-up drug and alcohol testing.

Compliance with this policy is a condition of employment. Under District authority, any violation of this policy may subject the employee to discipline, up to and including suspension and/or discharge.

POLICY

Prohibited Conduct

The District expects and requires all employees to report to work in an appropriate mental and physical condition to work safely and effectively. No employee shall report to work or engage in work while having the presence of alcohol, illegal drugs, or any other disabling or controlled substance in their system. A breath alcohol concentration level of 0.02 or greater or a verified positive result on a drug test will be considered to be evidence of the presence of alcohol or a prohibited drug in the employee's system.

In accordance with the Drug-Free Workplace Act of 1988, the District prohibits all employees from engaging in the possession, sale, transporting, distribution, manufacture or use of alcohol, illegal drugs or any other disabling or controlled substance at any time while on duty and/or on District premises, which include buses or other LTD owned or operated vehicle(s), or facilities. An employee who is off duty and is a passenger on a District owned mass transit vehicle may possess alcohol in sealed containers to the extent that is allowed by State law. Employees may possess or exchange alcohol within the employee parking lot of the Glenwood Facility for legitimate personal use off duty and off premises.

In accordance with Federal Transit Administration (FTA) regulation 49 CFR part 655, employees are prohibited from performing a safety-sensitive function with a breath alcohol concentration level of 0.02 or greater. In addition, employees must not consume alcohol while performing a safety-sensitive function and must not consume alcohol four hours prior to performing a safety-sensitive function and up to eight hours following an accident or until the employee undergoes a post-accident drug and/or alcohol test, whichever occurs first.

In accordance with FTA regulation 49 CFR part 655, the use and ingestion of prohibited drugs (marijuana, cocaine, opiates, amphetamines, or phencyclidine) by employees who perform a safety-sensitive function, is prohibited at all times.

FTA regulations require the District to test all District employees who perform a safety-sensitive function for prohibited drug use and alcohol misuse. In accordance with FTA regulations, participation in the District's drug and alcohol testing program is a condition of employment for all employees who perform a safety-sensitive function. An employee who performs a safety-sensitive function who refuses to submit to a drug or alcohol test will be in violation of this policy and under District authority may be subject to discipline, up to and including suspension and/or discharge.

Employee Assistance Program

All employees are encouraged to voluntarily seek assistance in dealing with emotional, physical, or mental health problems, including drug use and/or alcohol misuse, which may adversely affect their job performance. Confidential professional assistance, treatment planning, and rehabilitation services are available by directly contacting the District's employee assistance program (EAP) provider, Access Employee Assistance Program (344-6929 or 1-800-922-7009).

An employee who requests assistance from the District for a drug and/or alcohol problem, before the problem affects job performance, will not jeopardize their employment solely by requesting assistance to deal with a drug and/or alcohol problem. If an employee does not seek treatment for a drug and/or alcohol problem, and it is found that their performance is being affected, under District authority, the employee may be subject to discipline, up to and including suspension and/or discharge.

Prescription/Over-the Counter Drug Use

District employees may possess and use medically authorized prescription or over-the-counter drugs at work as long as the prescription or over-the-counter drugs do not have disabling effects or otherwise affect the covered employee's fitness for duty or job performance. Employees must report the use of prescription or over-the-counter drugs that could have a disabling effect or otherwise adversely affect the employee's fitness for duty or job performance to their immediate supervisor. It is the employee's responsibility to determine from the physician, pharmacist, or other health care professional whether or not the prescribed or over-the-counter drugs could adversely affect the employee's fitness for duty or job performance. The District may require employees to provide written medical authorization to work from a physician, upon the reporting of the use of prescription or over-the-counter drugs. Under District authority, an employee's failure to report the use of prescription or over-the-counter drugs which have disabling effects or otherwise affect the employee's fitness for duty while at work or failure to provide proper evidence of medical authorization to work may result in discipline, up to and including suspension and/or discharge.

Employee Responsibility

The District expects and requires the support of all employees in meeting its commitment to providing a drug- and alcohol-free work environment. An employee who observes or has knowledge of another employee in a condition which impairs their ability to perform their job duties or who poses a serious hazard to the safety and welfare of others, has an assertive responsibility to report the information to their

immediate supervisor, the employee's supervisor, the Director of Human Resources and Risk Management or the Drug and Alcohol Program Administrator.

Workplace Drug Related Convictions

In accordance with the Drug Free Workplace Act of 1988, the District requires all District employees to report, in writing, to the District, any criminal conviction for a violation of a criminal drug statute occurring in the workplace no later than five days after the conviction. Within ten (10) calendar days of receiving notification of the conviction the District will provide written notification to its federal contracting agencies

Under its own authority, the District may subject employees convicted of workplace drug-related crimes to disciplinary action up to and including suspension and/or discharge. Disciplinary action will be imposed within 30 days of the District being notified of the conviction.

Employees convicted of workplace drug-related crimes may be required by the District to participate satisfactorily in a drug abuse assistance or rehabilitation program.

Right to Inspection

When the District has reasonable suspicion to believe an employee is in improper possession of drugs and/or alcohol on District property, the employee may be requested to permit an inspection of their person, personal property, clothing, or personal vehicle. The District will have at least one witness present when conducting an inspection of an employee or the employee's personal property, clothing, or personal vehicle. Under its own authority, the District may subject employees who refuse to submit to such an inspection to disciplinary action, up to and including suspension and/or discharge. The District reserves the right to search District property (i.e. desks, file cabinets, lockers) at any time.

Training

In accordance with FTA regulations, all employees who perform a safety-sensitive function will be required to attend a minimum of one hour of training regarding the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and the manifestations and behavioral cues that may indicate prohibited drug use. In addition, the District will require all employees who perform a safety-sensitive function to attend training regarding the District's Drug and Alcohol Policy and its testing program.

In accordance with FTA regulations, all supervisors who are responsible for determining when it is appropriate to administer reasonable suspicion drug and/or alcohol tests will be required to attend a minimum of two hours of training regarding the physical, behavioral, and performance indicators of probable drug use and alcohol misuse.

Under its own authority, the District may require or permit all employees to attend training or educational programs regarding drug and/or alcohol abuse.

Testing

As mandated by Federal regulations and authorized by the FTA, applicants for employment in a safety-sensitive position, employees requesting transfer into a safety-sensitive position, and employees in a position that requires the performance of a safety-sensitive function are required to submit to drug and alcohol testing (pre-employment, reasonable suspicion, post-accident, random, return to duty, and follow-up testing) as a condition of employment with the District. The Department of Transportation (DOT) regulation 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," prescribes the testing methods that will be used.

Under District authority, all other employees may be required to submit to drug and alcohol testing (pre-employment, reasonable suspicion, and return to duty testing) as a condition of employment with the District. Testing methods comparable to the testing methods prescribed in the Department of Transportation (DOT) regulation 49 CFR part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," will be used.

All drug and alcohol testing that is authorized by the FTA regulations will be conducted in a manner which assures a high degree of accuracy and reliability by using the techniques, chain of custody procedures, and equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS) and the DOT. All drug and alcohol testing that is conducted under District authority will also be conducted in a manner which assures a high degree of accuracy and reliability by using techniques, chain of custody procedures, and equipment and laboratory facilities which are the same as or comparable to those approved by the U.S. Department of Health and Human Services (DHHS) and the DOT.

All drug and alcohol testing will be conducted in an environment that affords the maximum privacy practicable for the employee being tested. The District will strictly adhere to all standards of confidentiality, maintaining the confidentiality of the employee throughout the drug and/or alcohol testing process.

Except as otherwise stated by this policy, the District will be responsible for all costs directly associated with the drug and alcohol tests specified in this policy.

Types of Testing

Pre-employment:

As authorized by the FTA, all applicants who have been selected for employment in a safety-sensitive position must submit to a urine drug test and have a verified negative test result prior to being assigned to a safety-sensitive position. In addition, current employees who are being transferred or promoted into a safety-sensitive position from a non-safety-sensitive position must submit to a urine drug test and have a verified negative test result prior to being assigned to a safety-sensitive function. If the pre-employment drug test is cancelled, the applicant or employee will be required to submit to another urine drug test.

Under District authority, all applicants who have been selected for employment in a non-safety-sensitive position and employees who have been selected to be promoted into a position with an increased level of responsibility must submit to a urine drug test and have a verified negative test result prior to being hired or assigned to the position. If the pre-employment drug test is cancelled, the applicant or employee will be required to submit to another urine drug test.

Under District authority, failure to obtain a verified negative test result on a pre-employment drug test will disqualify an applicant for employment in or transfer to a safety-sensitive position. An applicant who has failed a pre-employment drug test will be advised of resources available to evaluate and resolve problems associated with drug abuse, including the names addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. Unless otherwise provided by law, an applicant who has failed a pre-employment drug test will be ineligible to submit another application for employment with the District for a period of 6 months.

Under FTA authority, applicants who have previously refused or tested non-negative for a DOT-required drug and/or alcohol test need to submit documentation supporting their completion of an Substance Abuse Professional (SAP)-approved treatment and return-to-duty/follow-up program.

An existing safety-sensitive employee who has not performed a safety-sensitive function for 90 consecutive calendar days is required by FTA regulations to submit to a pre-employment urine drug test and obtain a negative result prior to the reassignment of safety-sensitive duties.

Reasonable Suspicion:

As authorized by the FTA, employees who perform a safety-sensitive function will be required to submit to urine testing for drugs and/or alcohol breath testing when there is a reasonable suspicion to believe that the employee is under the influence of a

prohibited drug or has misused alcohol. This testing must take place just before the employee is to perform safety-sensitive functions; while the employee is performing safety-sensitive functions; or just after the employee has ceased performing safety-sensitive functions.

Under District authority, all other District employees will be required to submit to urine testing for drugs and/or alcohol breath testing when there is a reasonable suspicion to believe that the employee is under the influence of a prohibited drug or has misused alcohol.

The determination to require a reasonable suspicion drug and/or alcohol test will be made by a supervisor or manager trained to identify the signs and symptoms of drug use and alcohol misuse. The determination will be based on the supervisor's or managers specific observations concerning the appearance, behavior, speech, or body odor of the employee.

Whenever possible, the determination to require a reasonable suspicion drug and/or alcohol test should be made by the employee's supervisor or manager. If the employee's supervisor or manager is not immediately available, the determination to require a reasonable suspicion drug and/or alcohol test may be made by another supervisor or manager within the employee's department, a supervisor or manager in another department, or by the Drug and Alcohol Program Administrator.

When an employee has been notified that he/she will be required to submit to reasonable suspicion drug and/or alcohol testing, he/she must report immediately to the collection site designated by the District. The employee will be transported to and from the collection site by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

Post-accident:

As authorized by the FTA, drug and alcohol testing is required of all employees who perform a safety sensitive function who are involved in an accident, as defined by FTA regulations, where there is a loss of life. In other nonfatal accidents, drug and alcohol testing is required of employees who perform a safety sensitive function unless the employees' performance can be completely discounted as a causative or contributing factor.

FTA regulations define an accident as an occurrence associated with the operation of a vehicle in which:

- An individual dies, or

- An individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident, or
- One or more of the vehicles involved incurs disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or other vehicle

An occurrence associated with the operation of a vehicle means that the accident is directly related to the manner in which the driver applied the brake, accelerated, turned the steering wheel, or operated its lift. Disabling damage means damage that precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated, but would have been further damaged if so operated.

Following a fatal accident, each surviving safety-sensitive employee on duty in the mass transit vehicle at the time of the accident will be subject to drug and alcohol testing. All safety-sensitive employees not on the vehicle whose performance could have contributed to the accident, as determined by the District using the best information available at the time of the accident, also will be tested.

Following a nonfatal accident, each safety-sensitive employee on duty in the mass transit vehicle at the time of the accident will be subject to drug and/or alcohol testing unless the District determines, using the best available information at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. Employees not on the vehicle, whose performance could have contributed to the accident, as determined by the District using the best information available at the time of the accident, will be subject to drug and alcohol testing unless their behavior can be completely discounted as a contributing factor to the accident.

Post-accident drug and alcohol tests will be performed as soon as possible following an accident. Drug tests will be performed within 32 hours following the accident. Alcohol tests should be performed within two hours following the accident and will be performed within eight hours following the accident. If the employee to be tested was injured in the accident, the requirement to test for drugs and/or alcohol should not delay necessary medical attention, and testing may be administered simultaneously with the employee receiving necessary medical attention.

Any safety-sensitive employee involved in an accident must remain readily available for drug and/or alcohol testing for up to eight hours after the accident. The employee is responsible for notifying the District of his or her location if he or she leaves the scene of the accident prior to submitting to testing. Failure by the employee to remain readily available may be determined to be a refusal to submit to testing.

When an employee has been notified that they will be required to submit to post-accident drug and/or alcohol testing, they must report immediately to the collection site designated by the District. The employee will be transported to and from the collection site by the District. The employee will not be permitted to use restroom facilities, consume beverages, or smoke until specimen collection is completed.

Post-accident drug and alcohol tests required by this policy are in addition to and/or separate from any tests conducted for law enforcement purposes. If the District is unable to perform the required FTA tests (i.e., the employee is unconscious, or detained by a law enforcement agency), the District may use the results of a blood or urine test for the use of prohibited drugs and/or the results of a blood or breath test for the misuse of alcohol, conducted by Federal, State, or local officials having independent authority for the test, to meet the testing requirements of the Federal regulations and this policy, provided such tests conform to the applicable Federal, State, or local testing requirements, and that the results of the tests are obtained by the District.

Random:

As authorized by the FTA, all employees who perform a safety sensitive function will be subject to random and unannounced drug and/or alcohol testing. Under District authority, employees in the following positions will also be subject to random and unannounced drug and/or alcohol testing: general manager, assistant general manager, director of human resources and risk management, and senior human resources analyst (drug and alcohol program administrator).

The FTA random selection rate requirement is to annually complete drug tests equivalent to 50% of the number of safety-sensitive employees and complete alcohol tests equivalent to 10% of the number of safety employees. The random selection test completion rates for drugs for non-safety sensitive employees will be equivalent to 50% of the number of employees who are in the non-safety-sensitive selection pool and for alcohol will be equivalent to 10% of the number of employees who are in the non-safety-sensitive selection pool. All employees subject to random selection will have an equal chance of being selected for testing and will remain in the random selection pool even after being tested. The selection method shall be made by scientifically valid methodology and shall be spread reasonably throughout the time safety-sensitive functions are performed. The selection pool for random drug and/or alcohol testing of employees who perform a safety-sensitive function will be separate from the selection pool for non-safety-sensitive employees subject to random drug and/or alcohol testing under District authority.

Employees who are subject to random testing will remain subject to random testing throughout their work shift. If an employee is initially notified that they have been

selected for random testing prior to the end of their work shift, the test(s) must be completed, even when such completion has the incidental effect of causing the employee to stay overtime. When an employee has been notified that they have been selected for testing, they must report immediately to the collection site designated by the District. Transportation to and from the collection site will be provided by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed. **This testing must take place just before the employee is to perform safety-sensitive functions; while the employee is performing safety-sensitive functions; or just after the employee has ceased performing safety-sensitive functions.**

Return to Duty:

As authorized by the FTA, all employees who perform a safety-sensitive function and who have previously had a verified positive drug test, an alcohol test result of 0.04 or greater, a refusal to test, or engaged in any activity that violates the FTA regulations, must submit to and receive a verified negative test result on a return-to-duty drug test and/or submit to a breath alcohol test with a result showing an alcohol concentration level of less than 0.02 prior to resuming performance of safety-sensitive duties. Return-to-duty testing will not be conducted until after the SAP determines that the employee has completed all education and treatment recommended by the SAP.

The District, under its own authority, may require employees returning to work from a leave of absence, illness, or layoff of a duration of more than 180 days, or from a voluntary drug and /or alcohol treatment program to undergo a physical evaluation, by a physician of the District's choice and to pass a return to duty drug test and/or submit to a breath alcohol test with a result showing an alcohol concentration level of less than 0.02, prior to returning to work.

Follow-up:

In accordance with FTA regulations, a safety-sensitive employee who has been permitted to return to duty, following a verified positive drug test, an alcohol test result of 0.04 or greater, or a refusal to submit to a test will be subject to unannounced follow-up drug and/or alcohol testing for a least 12 but not more than 60 months. The frequency and duration of the follow-up testing will be determined by the SAP, with a minimum of six tests during the first 12 months after the covered employee has returned to duty.

Under District authority, an employee who has been permitted to return to duty, following voluntary treatment for a drug and/or alcohol problem may be required to submit to follow-up drug and/or alcohol testing.

When an employee is notified to submit to a follow-up test, they must report immediately to the collection site designated by the District. Transportation to and from

the collection site will be provided by the District. The employee will not be permitted to use rest room facilities, consume beverages, or smoke until specimen collection is completed.

Follow-up testing is separate from and in addition to all other testing that is conducted as part of the drug and alcohol testing program. If a follow-up test is cancelled, the employee is required to submit to an additional test.

Pre-duty Alcohol Use:

In accordance with FTA regulations, all safety sensitive employees are prohibited from using alcohol within 4 hours of performing a safety-sensitive function. A safety-sensitive employee who is requested to report for duty less than four hours prior to the requested report time must inform the District if they have consumed alcohol within four hours of the requested report time.

If an on-call safety-sensitive employee informs the District of their use of alcohol and claims they have the ability to safely perform their safety-sensitive function, the employee will be allowed to submit to a breath alcohol test. If the employee's breath alcohol concentration level measures less than 0.02, the employee will be allowed to perform his/her safety-sensitive function.

Blind Performance Testing:

In accordance with FTA regulations, the District will ensure that ongoing blind sample proficiency testing is conducted, using blind quality control specimens that are not distinguishable from covered employee specimens, as a quality assurance measure of the testing laboratory.

Drug Testing Procedures

In accordance with FTA regulations, drug and alcohol testing procedures for specimen collection, chain of custody of specimens, laboratory analysis procedures, and quality control requirements will be in accordance with the United States Department of Health and Human Services, Mandatory Guidelines for Federal Workplace Drug Testing Programs, Final Guidelines, and the provisions set forth in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs, Final Rule. A copy of 49 CFR Part 40 is available in the Human Resources and Risk Management Department.

Urine Drug testing will be conducted for:

- Marijuana

- Cocaine
- Opiates
- Phencyclidine
- Amphetamines

Observed Collections:

In accordance with FTA regulations, with regards to a drug test conducted for a safety-sensitive employee, in the following circumstances, collection site personnel must observe a second urine collection immediately after the first collection:

- The employee has presented a urine sample that falls outside the normal temperature range (90.0 to 100.0),
- The collector observes conduct or materials that clearly indicate an attempt to substitute or adulterate the sample.

In the following circumstances, the MRO will direct the District to require the employee to be subject to an immediate retest under direct observation:

- The laboratory was reported that the specimen was invalid and the MRO has determined that there was not an adequate medical explanation for the result,
- If a specimen has a creatine level of greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL,
- The MRO had to cancel a test when the primary specimen was verified as positive, adulterated, or substituted because the split was unavailable for testing.

If an employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under the FTA regulation as a return-to-duty or follow-up test, the District may authorize an observed collection.

In accordance with Federal regulations, the direct observation of specimen collection must be by a collection site person of the same gender as the employee being tested.

Return to Duty after Specimen Collection

Under District authority, a safety-sensitive employee who is required to submit to random or follow-up drug testing may be returned to duty immediately following specimen collection. If the employee is also subject to random or follow-up alcohol testing, the employee's return to duty will be dependent upon the outcome of the breath alcohol testing.

Under District authority, a safety-sensitive employee who is required to submit to a reasonable suspicion or post-accident drug test will not be permitted to return to duty and will be placed on a paid leave pending the receipt by the District of a verified negative test result.

Under District authority, a non-safety-sensitive employee who is required to submit to a reasonable suspicion drug test will not be permitted to return to duty and will be placed on a paid leave pending the receipt by the District of a verified test result.

The Role of the Medical Review Officer (MRO)

An MRO is required to verify positive test results and facilitate the split sample process. An MRO is defined by the FTA as a licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders. The MRO shall communicate all verified positive test results to the employee and to the District.

Drug Test Results

All drug test results will be reported by the testing laboratory to a qualified MRO designated by the District. The MRO will be responsible for verifying and validating drug test results. The MRO will review and interpret the employee's confirmed positive drug test result by reviewing the individual's medical history and affording the employee an opportunity to offer any clarifying information that would explain a positive test result. The MRO will report each verified test result to the District and will notify each employee who has a verified positive test result. The MRO may verify a test as positive without having communicated directly with the employee if: the employee expressly declines the opportunity to discuss the test; neither the MRO nor the District has been able to contact the employee within 14 days of the date on which the MRO receives the confirmed positive test result from the laboratory; or the District has contacted the employee and directed the employee to contact the MRO and more than five days have passed since the date the employee was contacted by the District.

Positive Drug Test Results

An employee who has a verified positive drug test result will be immediately removed from their safety-sensitive position, advised of resources available to evaluate and resolve problems associated with drug abuse, and be evaluated by a SAP. Under District authority the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge.

An employee who has a verified positive drug test result will have 72 hours, including holidays and weekends, from the time of notification by the MRO or the District, whichever occurs first, in which to request that the split specimen be analyzed at a different DHHS-approved laboratory. The employee will not be responsible for paying the cost of the split sample testing prior to the test being conducted. However, the District reserves the right to seek reimbursement from the employee. The request by an employee for an analysis of the split specimen will not delay the removal of the employee from their safety-sensitive position. If the result of the test of the split specimen fails to confirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the employee will be returned to duty and will be compensated for time or benefits lost as a result of being placed on an unpaid leave of absence.

Breath Alcohol Testing Procedures

All breath specimen collection must be collected through the use of an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA). The breath alcohol tests will be conducted by a trained breath alcohol technician (BAT) at a site that provides visual and aural privacy to the covered employee being tested to the greatest extent practicable. Prior to specimen collection, the employee and the BAT must complete, date, and sign a breath alcohol testing form indicating that the employee is present and providing a breath specimen.

The BAT will conduct an initial screening test, requiring the employee to blow forcefully into a disposable mouthpiece, attached to the EBT, for at least six seconds or until an adequate amount of breath has been obtained. Following the initial screening test, the BAT will show the employee the result displayed on the EBT or the printed result.

If the result of the initial screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be conducted. The confirmation test will be conducted at least 15 minutes, but not more than 20 minutes, after the completion of the initial screening test. The employee must remain in the presence of the BAT during the waiting period. The confirmation test will be conducted using the same procedures as the initial screening test. A new mouthpiece will be used. Before the confirmation test is administered, the BAT will conduct an air blank test on the EBT. If a BAT other than

the one who conducted the screening test is to conduct the confirmation test, the new BAT and the employee will be required to sign and date a new breath alcohol testing form.

If the results of the initial screening test and the confirmation test are not identical, the confirmation test result will be deemed to be the final result.

Following the completion of a breath alcohol test, the BAT and the employee will be required to sign and date the breath alcohol testing form certifying that the results shown belong to the employee being tested. The BAT will be responsible for transmitting all test results to the District in a confidential manner.

If an employee attempts and fails to provide an adequate amount of breath, the BAT will note this on the alcohol testing form and notify the District. The employee will be required to submit to a medical evaluation, by a physician of the District's choice, concerning the employee's medical ability to provide an adequate amount of breath. If no valid medical reason is determined, then the employee's inability to provide an adequate amount of breath will be considered to be a refusal to submit to a test.

Breath Alcohol Test Results

If the results of the breath alcohol test are below 0.02, the employee may be returned to work immediately.

Under District authority a confirmed alcohol concentration of 0.02 or greater will be considered a positive breath alcohol test result and a violation of this policy.

As required by the FTA, if the results of the breath alcohol test are 0.02 or greater, but less than 0.04, the employee will not be permitted to return to duty until the start of his/her next regularly scheduled shift and not less than eight hours following the test. Under District authority, the employee may be subject to discipline, up to and including suspension and/or discharge.

As required by the FTA, if the results of the breath alcohol test are 0.04 or greater, the employee will be immediately removed from his/her safety-sensitive position, advised of the resources available to evaluate and resolve problems associated with alcohol misuse, and be evaluated by an SAP. Under District authority, the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge.

An employee with a breath alcohol concentration level of 0.02 or greater will be provided transportation to his/her residence. If the employee insists on driving, law enforcement will be notified.

Refusal to Submit to a Test

In accordance with FTA regulations an employee who is determined to have a test refusal will be immediately removed from their safety-sensitive position, advised of resources available to evaluate and resolve problems associated with drug abuse, and be evaluated by a SAP. Under District authority, the employee will be placed on an unpaid leave of absence pending the results of the evaluation by the SAP and may be subject to discipline, up to and including suspension and/or discharge.

A determination of an employee's test refusal includes the following:

- Refusal to take the test
- Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation
- Failure to undergo a medical examination or evaluation as directed by the MRO.
- The MRO reports a verified adulterated or substituted test result.
- Not reporting to the collection site in the time allotted
- Failure to remain at the collection site until the collection process has been completed. An applicant or employee who leaves the collection site prior to the commencement of the collection process will not be deemed to have a test refusal.
- Failure to permit direct observation or monitoring of the provision of a specimen for a drug test, when a direct observation or monitoring is required.
- Failure or decline to take a second test when directed by the collector or the District.
- Not cooperating with the collection process (e.g. refuse to empty pockets when so directed or behaving in a confrontational manner that disrupts the collection process).
- Refusal to sign the certification at Step 2 of the Alcohol Testing Form.
- Leaving the scene of an accident without authorization before the tests have been conducted

Discipline

Compliance with the District's Drug and Alcohol Policy is a condition of employment for all employees. For employees who are represented by ATU 757, a violation of any part of the District's Drug and Alcohol Policy may result in discipline as provided in Article 24 of the labor Agreement. For all other employees, a violation of any part of the District's Drug and Alcohol Policy may result in discipline, up to and including suspension and/or discharge. Factors which the District may consider regarding the

severity of disciplinary action include, but are not necessarily limited to, the covered employee's conduct which prompted the application of this policy, the covered employee's work record, the degree of impairment, the potential for consequences arising from the covered employee's actions, and the drug and/or alcohol test results.

Employees who are discharged as a result of violating this Drug and Alcohol policy will be provided with a list of the resources available in evaluating and resolving problems associated with the use of illicit drugs and/or misuse of alcohol and will have access to the District's current EAP. Access to the EAP program will be limited to treatment directly related to the drug and/or alcohol problem, and is available for a time period not to exceed sixty days.

The Role of the Substance Abuse Professional (SAP)

A SAP is a professional who can determine what assistance, if any, an individual needs in resolving problems associated with prohibited drug use and/or alcohol misuse. The evaluation will consist of a clinical assessment, treatment recommendations, and referrals, as appropriate. The SAP will inform the District, in writing, of the clinical-assessment-based treatment recommendations, which must be complied with. In addition, the SAP will specify the duration and frequency of follow-up drug and/or alcohol tests. The SAP's evaluations, assessment, treatment recommendations, referrals and follow-up testing recommendations will be in accordance with 49 CFR Part 40.

Required Treatment

If the SAP determines that an employee has successfully demonstrated compliance with the education and treatment required by the SAP but not completed the full regimen of education and treatment (e.g. ongoing out-patient treatment) the employee may be eligible to return-to duty.

Work absences for the continued education and treatment required by the SAP may qualify for available sick leave benefits and/or personal medical leave, provided the employee is following the prescribed treatment program. If sick leave and personal medical leave have been exhausted, the employee may be placed on a medical leave of absence without pay.

If the District is notified by the SAP that the employee is not complying with the on-going education and treatment requirements, the employee will be immediately removed from his/her safety-sensitive position. Under District authority, the employee will be placed on an unpaid leave of absence and may be subject to discipline, up to and including suspension and/or discharge.

Working Conditions

The presence or treatment of a substance abuse problem does not excuse an employee from meeting performance, safety, or attendance standards or following other District instructions. In no circumstances may an employee invoke protection under this policy as a means to avoid disciplinary actions resulting from poor work performance or misconduct at work. A voluntary request for assistance will not shield an employee from disciplinary action resulting from on-the-job conduct or work performance. Employees remain responsible for their on-the-job conduct and work performance.

Return to Work Agreement

Under District authority, employees who test positive on a drug test, have a confirmed breath alcohol concentration level of 0.04 or greater, or who are referred to drug and/or alcohol treatment which requires them to be away from work, will be required to sign a return to work agreement prior to being permitted to return to duty. The agreement may include, but is not limited to the following requirements:

- A release to work statement from an approved treatment specialist
- A negative test for drugs and/or alcohol
- An agreement to follow-up testing
- A statement of expected work-related behaviors
- An agreement to follow specified aftercare requirements
- An expressed understanding that violation of the return to work agreement may result in discipline, up to and including suspension and/or discharge

The return to work agreement is not a guarantee of continued employment. Employees working under a return to work agreement must also follow all other District policies and procedures.

Confidentiality

The District will maintain all records regarding the drug and/or alcohol testing of employees in a secure manner so that the disclosure of information to unauthorized

persons does not occur. In Accordance with FTA regulations, drug and/or alcohol test results will be released only under the following circumstances:

- Upon written request, employees will be provided access and/or copies of any records relating to his/her test(s).
- Upon specific, written request of an employee, information and/or copies of records regarding an employee's test results will be released to a third party.
- When requested information related to a test result may be disclosed to a decision maker in a lawsuit, grievance, or other proceeding, initiated by or on behalf of the employee tested.
- Upon receipt of an order of a court of competent jurisdiction for criminal or civil action resulting from an employee's performance of safety-sensitive duties, test results will be released to the decision maker in the proceeding with the binding stipulation that the decision maker will make it available only to parties to the proceeding.
- Upon request of DOT agency representatives all drug and alcohol program records that are required by 49CFR Part 40 and DOT agency regulations will be provided to the agency representatives.

Program Administration

The District's Drug and Alcohol Testing Policy and program are administered by the designated Drug and Alcohol Program Administrator, listed in the appendix Additional information regarding this policy or the program is available by contacting the Drug and Alcohol Program Administrator, in the Human Resources Department at (541) 682-6182.

MAINTENANCE

The Director of Human Resources and Risk Management is responsible for monitoring the application and revision of this policy.

Adopted by the Board of Directors, September 20, 1995.

Revised: February 16, 2000

Revised: _____, 2004

APPENDIXES

Appendix A. Terms and definitions

Appendix B. Safety sensitive positions

APPENDIX A

Terms and Definitions

Alcohol As defined by the FTA, the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

As agreed upon by the District and the Amalgamated Transit Union, Local 757, alcohol means any alcoholic beverage containing more than one half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by a human being.

Alcohol Use The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Blind Sample A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from covered employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.

Breath Alcohol Technician (BAT) An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Chain of Custody Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition. These procedures require that an appropriate drug testing custody form be used at the time of collection to receipt by the laboratory and that upon receipt by the laboratory (an) appropriate chain of custody form(s) account(s) for the sample within the laboratory.

Controlled Substance As agreed upon by the District and the Amalgamated Transit Union, Local 757, controlled substance means any drug or its immediate precursor classified in Schedules I through V under the Federal Controlled Substances Act, 21 USC Sections 811 to 812, as modified under ORS 475.035. The use of the term "precursor" in this subsection does not control and is not controlled by the use of the term "precursor" in ORS 475.940, 475.950, and 475.955. In addition, manufactured drugs recognized by health and law enforcement agencies that are not included in Schedules I through V under the Federal Controlled Substances Act, 21 USC Sections 811 to 812, as modified under ORS 475.035 are considered to be controlled substances.

Medical Review Officer A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with his/her medical history and any other relevant biomedical information.

Over-The-Counter-Drugs/Medications Those drugs/medications which are legally available without a prescription.

Performing a Safety-Sensitive Function An employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Prescription Drugs/Medications Those drugs/medications which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

Safety-Sensitive Function Any of the following duties:

- 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 Driver's 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

Safety-sensitive Position A position or job category that requires the performance of a safety-sensitive function. A list of safety-sensitive positions at Lane Transit District, as defined by the Federal regulations, is attached to this policy.

Substance Abuse Professional A licensed physician (medical doctor or doctor of osteopathy); or a licensed or certified psychologist, social worker, employee assistance professional; or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse); with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

APPENDIX B

Safety-Sensitive Positions

Employees in the following positions are required to perform safety-sensitive functions as defined in the Federal Drug and Alcohol regulations:

Bus Operator
Director of Maintenance
Director of Transit Operations
Equipment Detail Technician
Eugene Station/Security Manager
Fleet Services Supervisor
General Service Worker
Journeyman Mechanic
Journeyman Tire Specialist
Scheduling Specialist
Transit Operations Supervisor
Transit Services Manager

Linoz, Ruth, Planning Associate

Mueller, William, Transit Planner

Rayack, Stephen, Human Resources Technician

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Fare Discounts

Private, Not-for-Profit Agency Program

OBJECTIVE

Lane Transit District (LTD) offers private, not-for-profit agencies the opportunity to purchase LTD fare media at a 50-percent discount. This discount is granted in recognition of a community need for transportation services for individuals and families who are working with these agencies to seek employment, housing, and medical services. This program provides agencies with a means to distribute "critical need" transportation service to their respective clients at a reduced cost.

APPLICATION

This policy applies to any private, not-for-profit (as defined by IRS section 501(c)(3)) agency that wishes to purchase fare media from LTD.

ELIGIBILITY

Applications for eligibility are available through LTD Guest Services. Upon successful certification, agency staff may call LTD Guest Services to place a fare media order according to the order processing guidelines.

DISCOUNT

Agencies are eligible for a 50-percent discount toward the purchase of up to \$300 of fare media per month. *(Note: An annual discount cap of \$100,000 has been established for this program. Should this cap be reached, the LTD Board of Directors will evaluate raising the cap, or maintaining the cap and reducing the amount agencies/programs are eligible to purchase each month.)*

PURCHASE PROCESS

1. Agencies with multiple programs are required to coordinate orders and place a single agency order.
2. Agencies will designate a key contact(s) for correspondence and communication pertinent to the LTD Private, Not-for-Profit Agency Program.
3. Orders must be made directly with the LTD Guest Services Representative assigned to inventory distribution. *(LTD Guest Services Representative Chris (687-6752) currently handles inventory distribution).*
4. Orders may include a combination of tokens, sold in packages of 100, and monthly passes.
5. Orders for the coming month must be made by the 12th day of the current month.
6. Orders may be picked up at LTD Guest Services beginning on the 15th day of the month. Orders may be picked up Monday through Friday between 8 a.m. and 5 p.m.
7. Orders must be paid for when picked up. Agencies may pay by cash, agency check, money order, or credit card. *No agency vouchers or purchase orders will be accepted.*

PROGRAM MAINTENANCE

The Accessible Services Manager is responsible for monitoring and making recommendations for modifications to this policy. A semi-annual report of program use will be produced by the Accessible Services Manager and will be forwarded to the LTD General Manager for review.

AGENDA ITEM SUMMARY

DATE OF MEETING: October 20, 2004

ITEM TITLE: MONTHLY PERFORMANCE AND LABOR TRENDS REPORTS

PREPARED BY: Ken Hamm, General Manager

ACTION REQUESTED: None

BACKGROUND: In response to a request by the Board for regular reporting on the District's performance in several areas, monthly performance reports are provided for the Board's information. The September 2004 performance reports are included in the agenda packet.

As begun at the May 19, 2004, Board meeting, the monthly *Eugene/Springfield Metro Labor Trends* publication from the Oregon Employment Department is included for the Board's information.

Staff will be available at the meeting to respond to any questions the Board may have.

ATTACHMENTS: September 2004 Performance Report
Eugene/Springfield Metro Labor Trends

PROPOSED MOTION: None



EZ Access: Half-Fare Program Application

What is the EZ Access Half- Fare Program?

LTD's EZ Access program provides half-price discounted bus fares to people age 62 through 79 and to guests with disabilities. People who are 80 years old and older ride free as EZ Access Honored Guests.

Who qualifies for this program?

- Persons aged 62 and older.
- Persons who receive Supplemental Security Income (SSI), based on disability, or Social Security Disability (SSD) benefits qualify for as long as they continue to receive these benefits.
- Veterans who are disabled, who receive a determination of at least 50-percent permanent disability or a non-service connected pension as determined through the Veteran's Administration.
- People who meet the Federal Transit Administration's (FTA)¹ definition of disabled: "disabled persons means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary disability, are unable, without special facilities or special planning or design to utilize mass transportation and services as effectively as persons who are not so affected." See page 4 for special assistance categories.

What do I need to have to show that I qualify?

EZ Eligibility: These following proofs will qualify you for the program:

- Medicare card
- Official verification of age (valid driver's license, passport, State ID card)
- Letter of Authorization that you receive Supplemental Security Income (SSI) or Social Security Disability (SSD) benefits
- Letter of Authorization signifying eligibility for participation in programs established specifically for people with disabilities through Lane County Developmental Disabilities Services, Lane County Mental Health, Senior & Disabled Services, or Vocational Rehabilitation.
- Verification of eligibility for local Projects for Assistance in Transition from Homelessness (PATH) or Homeless Outreach Projects and Evaluation (HOPE).
- Verification that you receive benefits from the Veteran's Administration at 50-percent disability level or greater, or who receive a disability pension from the VA.

¹ FTA is a department of the United States Department of Transportation

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LTD EZ Access Application, Page 2 of 5

Disability Verification: If you do not have of proof of eligibility listed under EZ Eligibility, then you need to verify that your disability requires special facilities or special planning or design to utilize mass transportation by completing the section (page 4) of this application.

How do I apply?

Under EZ Eligibility, bring your proof of eligibility to the LTD Guest Services office at 1080 Willamette Street inside the Eugene Station and \$2.00 to get your LTD EZ Access ID Card. You will be asked to provide some general information so that LTD can contact you about any changes in the program.

Or,

- (1) Request or pick up an application from the LTD Guest Services office.
- (2) Complete and sign the application if you think that you qualify.
- (3) Arrange for an appointment with LTD Guest Services for an in-person review of your application.

Please note: If someone else is filling out the application on behalf of an applicant, both parties must be present for the review.

Temporary or Permanent Disability?

Temporary means any disability that is expected to last for a period not less than three months and not more than twelve months.

Permanent means any disability that is expected to last a lifetime, and that impairs an individual's ability to ride the bus.

How long does it take to process my application?

Review of completed applications will occur by appointment at LTD Guest Services. Once approved, applicants are eligible to purchase an EZ Access photo identification card. A \$2.00 fee is charged at the time the photo identification card is prepared.

Is there an Appeal Process?

There is a ten-day period, after receiving notice, to appeal an eligibility determination. Appeals may be oral or written and will be handled by the Lane Transit District's Guest Services Manager.

For more information, call LTD Guest Service at 687-5555 (voice) or 1-800-2900 (TTY – through Oregon Relay). Or, visit LTD's Guest Services office at 1080 Willamette Street, inside the LTD Eugene Station.

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LTD EZ Access Application, Page 3 of 5

INSTRUCTIONS

- STEP 1:** Applicant provides general information and proof of eligibility.
- STEP 2:** Applicants unable to verify eligibility under EZ Access must complete this application including the Verification of Disability section on page 4.
- STEP 3:** Applicant arranges for an in-person review with LTD Guest Services.

TO BE COMPLETED BY THE APPLICANT OR REPRESENTATIVE:

I, _____, apply for an EZ Access card and
 (Applicant Name-Please Print)
 agree to release to Lane Transit District the information requested below for the purposes of establishing my eligibility for this program. If this application is approved, I understand that my EZ Access card will entitle me to ride the regularly scheduled LTD fixed-route bus service for half fare during designated hours, and I further agree to use the card in accordance with the guidelines set by Lane Transit District for the EZ Access Program.

I understand that, although I have paid the \$2.00 fee for the use of the card, the card remains the property of Lane Transit District and may be retrieved upon expiration or for misuse.

If I move to a new address or information about my contact person changes, I must notify LTD within ten (10) days.

I hereby certify that all the statements made in this application are true representations of my eligibility to participate in LTD's EZ Access Program.

 (Signature of the Applicant or Applicant's Representative) (Date)

 (* Representative's Relationship to Applicant)

Please complete (print) in full:

Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____

VOLUNTARY CONTACT INFORMATION (optional)
 Emergency Contact Person: _____
 Relationship to Applicant: _____
 Emergency Phone Number: _____

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Verification of Disability: If unable to produce "proof of eligibility," indicate the special facilities or special planning or design needed to use *The Bus!*

Sign your completed application and bring it to the in-person interview.

- 1. Wheelchair Lift or Ramp: Condition requires use of wheelchair or three-wheel scooter for transportation. Ramp or lift is required in order to get on and off of *The Bus*.
- 2. Kneeling feature and/or Preferred Seating: Condition requires use of a cane, walker, or crutches for transportation. Because travel is difficult, slow or compromised special attention is needed when getting on and off of *The Bus*. The "kneeling" function of *The Bus* or use of seats closest to the bus entry is needed.
- 3. Individualized Attention and Service from Operator: Limited mobility (motor impairment) requires extra planning and/or assistance to use *The Bus*. Activities of daily living are restricted. (For example, condition requires that only stops within a short walking distance can be used due to limited amount of exertion that can be sustained). May be due to compromised respiratory or heart function, chronic pain, or nerve injury. Or use of *The Bus* is seriously inhibited due to psychiatric, mental, or emotional disorders, which impair ability to engage in community life. Requires bus operator attention or involvement in excess of that provided to the average rider.
- 4. Stop Announcements and/or Braille Signage: Due to visual impairments, a variety of accommodations, such as announced stops and Braille signage, are needed in order to use *The Bus* independently.
- 5. Transit Training: Condition requires specific training and planning to use *The Bus* that is more extensive than basic orientation. Requires skill building and practice to be able to negotiate the transit system independently, use a schedule, and learn routes. May require assistance from Operators to locate stops and/or provide cues or reminders. Cognitive and functional abilities necessitate individualized training plan or methods.
- 6. Transit Hosts: Condition requires an individualized training plan and assistance from LTD Transit Hosts in order to use *The Bus*.
- 7. Attendant Needed: Condition requires that an attendant accompany applicant when accessing *The Bus*.
- 8. Other: (Please specify)

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LTD EZ Access Application, Page 5 of 5

I certify that I, _____
(Print Name of Applicant)
can be defined as having a disability according to the Federal Transit Administration's definition of disabled. I have marked the appropriate section(s) on Page 4 and believe I should be certified as _____
(Temporarily*/Permanently) eligible for the LTD EZ Access: Half-Fare Program.

*Length of temporary disability is estimated to be _____
(Number of Months)

(Signature of Applicant or Representative) (Date)

LTD USE ONLY

Application Approved: _____ Application Denied: _____
[EZ Access Proof of Eligibility Presented \(check all that apply\)](#)

- Medicare card
- Driver's License, Passport, or State ID card / Other: _____
- SSI or SSD (please specify _____)
- Veterans Administration
- Lane County Developmental Disabilities PATH
- Lane County Mental Health HOPE
- Senior & Disabled Services
- Vocational Rehabilitation

If denied, specify reasons: _____

(Signature of LTD Reviewer) (Date)

(Printed Name)

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AGENDA ITEM SUMMARY

- DATE OF MEETING:** October 20, 2004
- ITEM TITLE:** WORK SESSION: REDUCED FARE AND NOT-FOR-PROFIT AGENCY PROGRAMS
- PREPARED BY:** Andy Vobora, Service Planning and Marketing Manager
Terry Parker, Accessible Services Manager
- ACTION REQUESTED:** Board feedback and direction on recommended program changes.
- BACKGROUND:** LTD offers reduced cost tokens or passes to local non-profit agencies that are distributed to low-income program participants, and currently LTD has two programs that provide half-price fares to guests with disabilities.
- The Not-for-Profit Agency Discount program provides an opportunity for agencies to purchase fare instruments at a 50-percent discount. Each agency or agency program currently is allowed to purchase up to \$375 in fare instruments each month. More than 100 agencies/programs participate in the program. The amount of agency discounted purchases totaled more the \$70,000 last fiscal year.
- The Reduced Fare program is federally mandated. Persons with Medicare cards and those who need special training or facilities to use *The Bus* qualify to pay a reduced fare to ride. Eligible individuals pay one-half the regular cost of the fare instrument of their choice. The program uses a definition of disabled provided by the Federal Transit Administration (FTA). This definition is not consistent with other federal agency program definitions of disabled and therefore has created some confusion amongst applicants. Additionally, the District created a separate program for persons who receive Supplemental Security Income (SSI) benefits. The SSI program is not mandated by FTA, but was created by LTD to address the needs of people with hidden disabilities. SSI participants are eligible to purchase a monthly pass at a 50-percent discount.
- During the 2004 pricing plan update and budgeting process, staff presented information and proposed changes on the Not-for-Profit Agency Discount, Reduced Fare, and SSI programs. A number of people who access the programs voiced their concerns, and the Board directed staff to take additional time to work with community representatives to craft solutions that would help address these issues. During the summer months, very productive discussions took place with stakeholders. Staff will present the resulting recommended changes at the October 20th Board Work Session.

RESULTS OF RECOMMENDED ACTION:

Not-for-Profit Agency Discount Program – A small reduction in the amount of discount provided will reduce slightly the number of fare instruments purchased by the agencies. It is likely that this will not translate into additional revenues considering that the population served by these programs does not have the resources to purchase fares at full rates. The program may continue to grow as additional not-for-profit agencies join the program. The District will realize administrative efficiency gains as purchasing processes are coordinated through lead agencies.

Reduced Fare Program – Proposed changes are intended to streamline the application process and to make it easier to understand program qualifications. (Refer to the attached *Draft EZ Access Application* for details). Those who qualify under the SSI criteria will be included in the regular program and will receive the same level of benefit.

Disabled veterans will qualify for the program if they are deemed by the Veterans Administration (VA) to be at the 50-percent service-related disability level or who receive a permanent disability pension from the VA. Specifying standards of disability used by the VA will make it easier to apply and likely will result in more disabled veterans taking advantage of the program.

In an effort to be inclusive of people with mental and emotional disabilities, more people may be determined eligible under the proposed program criteria. For example, there are 50 to 100 people who participate in two federally funded programs, PATH and HOPE, coordinated through White Bird Clinic, which serves homeless people who have mental disabilities.

Serious thought was given to how the definition of disability would be best reflected in the application process. This represents a significant shift by doing away with a list of medical diagnoses and developing a description of conditions that correlate to the specific accommodation that is needed to successfully use *The Bus!*, as per FTA's definition.

To promote consistency and equity it is being proposed to have staff review applications rather than accepting them from a variety of "certifying agencies" or medical professionals. This likely will result in additional staff time either by Guest Services staff or the Transit Training and Host Program staff.

ATTACHMENTS:

Not-for-Profit Agency Discount program policy
Draft EZ Access (Half-Fare) Program Application

PROPOSED MOTION:

None

AGENDA ITEM SUMMARY

- DATE OF MEETING:** October 20, 2004
- ITEM TITLE:** WORK SESSION: REGIONAL TRANSPORTATION PLAN (RTP) UPDATE
- PREPARED BY:** Lisa Gardner, Senior Strategic Planner
- ACTION REQUESTED:** None; information only
- BACKGROUND:** The Eugene-Springfield region's transportation plan, known as *TransPlan*, guides regional transportation system planning and development in the Eugene-Springfield metropolitan area. The plan was adopted in December 2001. It includes provisions for meeting the community's needs through the year 2021, while addressing transportation issues and making changes that can contribute to improvements in the region's quality of life and economic vitality. This plan has functioned as the area's Regional Transportation System Plan (RTP), a federal planning document, as well as the area's Transportation System Planning (TSP) document.
- With the transition to a Transportation Management Area (TMA), and the inclusion of the City of Coburg in the TMA area, it was recognized that the metropolitan area needs a distinct Regional Transportation System Plan, with local TSPs to be adopted by the individual jurisdictions, of Springfield, Eugene, Coburg, and Lane County. The federal regulations require the update of the RTP every three years. To meet the federal requirements and avoid having the RTP lapse on December 12, 2004, the region is undertaking a minor update of the RTP.
- Details regarding the definition of a minor update are included in the attached Metropolitan Policy Committee (MPC) Agenda Summary for the October 14, 2004, meeting. LTD staff will provide additional information at the October 20, 2004, Board Meeting.
- ATTACHMENTS:** October 14, 2004, MPC Agenda Summary
Preliminary Draft RTP Update (distributed to Board members only)
- PROPOSED MOTION:** None

AGENDA ITEM SUMMARY

DATE OF MEETING: October 20, 2004

ITEM TITLE: SPRINGFIELD STATION DEDICATION EVENT

PREPARED BY: Cosette Rees, Service Marketing Representative

ACTION REQUESTED: Information Only

BACKGROUND: On Thursday, October 21, LTD will hold a Dedication Ceremony for the new Springfield Station. The event will be held in conjunction with the Springfield Chamber of Commerce Membership Breakfast, which will spotlight downtown Springfield, and will be held in the unfinished retail space at the station. The breakfast event is from 7:30 to 8:30 a.m., followed by the dedication event from 8:30 to 9:00 a.m.

This is a wonderful opportunity to celebrate the completion of the station with the business community. Congressman Peter DeFazio will be the keynote speaker at both the breakfast and our dedication ceremony. Included in the program will be acknowledgements to those who have worked so hard over the years to make this project a reality.

ATTACHMENT: None

PROPOSED MOTION: None

Posted on: Thursday, September 23, 2004

Federal BRT money pulled

By <mailto:kblakeman@honoluluadvertiser.com> Karen Blakeman and [Johnny Brannon](#)
Advertiser Staff Writers

The Federal Transit Administration has refused to provide \$20 million promised toward Honolulu's Bus Rapid Transit system, after city officials broke rules by starting construction without FTA approval, the agency said in a letter to the city yesterday.

Hawai'i leaders say that doesn't mean the money is lost. Through the intercession of Sen. Dan Inouye, \$20 million in federal money is still forthcoming from other sources.

"I think they were caught between a rock and a hard place," Inouye's chief of staff, Jennifer Goto Sabas, said of the city officials. "They needed to go forward to get the city dollars, and they needed to wait to meet the federal requirements.

"The senator's goal through the whole process has been to make sure the funds he worked to get would not lapse. So he reprogrammed the \$20 million into a transportation funding bill."

The city was formally notified yesterday in a letter from Leslie T. Rogers, regional administrator of the U.S. Department of Transportation, Federal Transit Administration, that a tentative decision by the FTA to provide \$20 million in federal money for the first phase of the BRT had been rescinded.

"FTA staff has provided numerous and consistent notice of the consequences of the city's action to move the IOS (initial phase of the BRT) project forward without necessary FTA approvals," Rogers wrote. "In a teleconference call in December 2003, we communicated our concern about this matter and recommended delay in the award of your construction contracts. Our communication about this issue was frequent and consistent."

Initial construction of the BRT system from Waikiki to Iwilei was contracted late last year to prevent loss of \$30 million in city money that was scheduled to lapse, said city managing director Ben Lee. The city had appropriated the money to match the \$20 million from the FTA.

"We were not going to jeopardize that \$30 million, and so we started the improvements, and FTA knew that," Lee said. "If they take this position, that's fine."

He said Inouye had solved the problem by reappropriating the money, and the city had not suffered a loss.

The new appropriation is worded more broadly, and does not specify that the money be used for BRT. When Mayor Jeremy Harris leaves his post and a new administration takes over, the funding does not lock the next administration into continuing the BRT project. Any remaining money can be used for unrelated transportation needs.

Federal BRT Money Pulled, cont.

"We had honest discussions (with city officials) about what bus-related things we can achieve," Sabas said of Inouye's decision to rescue the \$20 million in federal funding. "The rest is for the next mayor."

City spokeswoman Carol Costa said the BRT section from Iwilei to Waikiki already under construction would be completed by the end of the year, and 10 hybrid buses to run the route would be bought by November. Expenses will be paid using the city money and as much as \$16.9 million of the federal money procured by Inouye.

Another \$3 million is slated for projects to reduce traffic congestion in Kapolei.

City Councilwoman Ann Kobayashi said she was concerned about the reception Honolulu was likely to get the next time it approaches FTA with a public transportation project.

"I'm worried about our credibility," she said. "Thank goodness we have good people in Congress who are going to help us get our funds, but we just can't keep spending the taxpayers' money without a plan. We have to be more responsible."

City Councilman Charles Djou called BRT "a public policy which seeks to make automobile traffic so terrible that you get out of your car and ride the bus. And I think that's just lousy public policy."

The city's two mayoral candidates both say a light-rail system would provide a better long-term solution to traffic congestion. Both said the city should finish the work it has started, but not expand BRT.

"We have a better option, which is light rail, and we should move ahead quickly," said Duke Bainum.

Mufi Hannemann said he's concerned that if federal money is awarded specifically for BRT, it would preclude assistance for an alternative plan.

"I think there's a blessing in disguise here, as a proponent of other modes of transit," he said. "Let's use this now as an opportunity to have a stronger case in the future for something people want to support, like light rail."

Reach Karen Blakeman at 535-2430 or

Foes want limits put on light rail

Bob Golfen

The Arizona Republic

Sept. 28, 2004 12:00 AM

Light rail is the lightning rod, the most contentious issue facing voters in the Proposition 400 regional transportation plan.

It is the focus of the hottest opposition, which is ready to sacrifice the 20-year tax package for freeways, highways and bus systems just to stop light-rail expansion.

"We're forced to defeat the whole plan because we couldn't separate out light rail," said Becky Fenger, an outspoken light-rail opponent.

Light rail also is the most misunderstood component of Proposition 400. Many voters believe erroneously that they will be deciding Nov. 2 whether to build the first 20-mile light-rail line.

But that first 20 miles of track, rail cars and facilities is going to happen, regardless of the November vote. The initial "starter" segment, which runs through central Phoenix and Tempe and just over the border into Mesa, is funded and approved by those cities. It's in the early stages of construction and due for completion in 2008.

"It's important for the voters to understand, even if we didn't have Prop. 400, and whether it wins or loses, light rail is going to be built," said Dick Pruitt, a leading proposition supporter and chairman of Yes on 400.

The decision is whether to expand the system with 27 miles of extensions in Phoenix, Glendale and farther into Mesa. In other words, voters will be asked to approve additions to a light-rail system that does not yet exist.

Part of larger plan

Light-rail expansion is a \$2.3 billion piece of Proposition 400's transit offerings. The plan also would spend \$2.7 billion for a regional bus system with more than 30 additional local routes with expanded operating hours, an additional 30 Rapid and express routes, and service extended to the outskirts of the metropolitan area, including more rural bus routes.

The 20 years of funding is budgeted to buy 2,100 buses, 1,000 Dial-a-Ride vans and 1,400 vanpool vans, plus 13 park-and-ride lots, bus pullout lanes, transit centers, maintenance centers and other transit facilities.

The overall plan is to create a cohesive, connected regional transit system designed to meet the needs of a crowded future, said Eric Anderson, transportation director of the Maricopa Association of Governments, the regional body that coordinated the proposition planning.

"Obviously, we're looking at our horizon year of the plan, 2025, when we have close to 6.5 million people in the region," Anderson said, noting MAG's population projections. "There's going to be more traffic congestion throughout the Valley. There are going to be more cars and people trying to get from here to there, and we need options for people to get around."

Some opponents protest the amount of money being spent on buses and streets, preferring that more go to freeways. Gilbert businessman Dave Thompson, who recently emerged as head of the No on 400 campaign, says the plan should spend 90 percent of its money on freeways instead of the current 57 percent. He'd do that by scaling way back on public transit spending.

Transit opponents also point to empty buses, saying that bus ridership will never have an impact on congestion.

"People will not get out of their cars, and that's a fact of life," Fenger said. "So you deal with that reality."

Foes Want Limits Put on Light Rail, cont.

Valley Metro, which operates the transit system, said increases in bus service during the past few years have boosted ridership, especially the new Rapid buses and express service that bring passengers downtown from outlying suburbs.

Overall boardings have increased more than 44 percent since 2000, Valley Metro's figures show. Rapid bus ridership has gone up 27 percent after one year of operation.

Supporters say the "intermodal" mix of transportation types will be crucial in the future. Light rail is an important piece of the transportation puzzle, Anderson said, because of its ability to move large numbers of people in a densely populated regional core, and it's worth the high cost to construct.

"As you move up into highly congested corridors, how you move the next increment of people gets more expensive," the planner said. "On Central (Avenue), we already have a tremendous number of buses operating. You'll have buses nose to tail at some point, and you still won't have enough capacity."

Light-rail audit

Would light rail be used by enough people to justify its price tag? Anderson said a performance audit of the 20-mile starter line in 2010 would determine if the rail system was working up to expectations, carrying enough people to justify the expenditures.

If Proposition 400 is passed and the starter line passes the audit, the extensions would be built. If not, there would be no extensions and planners would have to go back to the drawing board.

Opponents contend there is no way that light rail will be successful. The costs will spiral, Thompson said, and ridership will be disappointing.

But supporters such as Judith Tunell said light rail has shown its value in other cities and will be popular here. A transportation activist who has served on several citizens panels, including MAG's Vision 2020 planning board and the Mayor's Commission on Disability Issues in Phoenix, Tunell spoke confidently about light rail's future.

"We know from the experience in other regions that this system is going to be used dramatically by the public," Tunell said. "Other parts of the region are going to want to have this capacity to attach (extensions) to it, and this is what this funding is going to allow us to do."

TriMet hooks up with call systems for bus, MAX train schedules

Tuesday, September 21, 2004

You can now use your home phone or your cell phone to find out when the next TriMet bus or MAX train will arrive at your stop.

Maybe you have time to finish your coffee before you have to leave. On the other hand, if you're already at the stop, maybe you'll find out that you'll be stuck out in the rain longer than you thought.

The addition of the automated phone system makes TriMet one of the first transit agencies in the nation providing real-time information by phone.

Like the computer version, the phone Transit Tracker provides a countdown on when the train or bus you want will arrive.

The information is available in English and Spanish. Here's what you do to get it:

Dial 503-238-RIDE (7433)

Select English or Spanish

If you don't know your stop's ID number, follow the instructions to learn the number, or

Enter the stop ID number and find out when the next trains or buses will arrive.

Stop ID numbers are available on the Internet at www.trimet.org. Go to the Transit Tracker countdown pages. Stop ID numbers also appear on the Web site's Interactive System Map.

Another way to obtain them is to call a TriMet representative at 503-238-RIDE on weekdays between 7:30 a.m. and 5:30 p.m.

By the fall of 2005, TriMet says, stop ID numbers will be posted on the information signs at most stops and stations and on printed schedules.

TTC proposing dedicated lanes for buses to York University

New stadium bolsters case for better transit to handle crowds, councillor says

By JAMES RUSK

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Toronto council's planning and transportation committee yesterday approved the creation of dedicated bus lanes to speed the movement of TTC riders from the subway to York University.

"This is an interim solution" until the Spadina subway line is extended north from Downsview Station to York University, Councillor Bill Saundercook told the committee.

In an interview after the meeting, Mr. Saundercook added that there could soon be another reason to build the bus-only lanes from Downsview to the university:

York may be stepping into the vacuum created by the recent collapse of the plan to build a football stadium at the University of Toronto that would be used by the Toronto Argonauts.

If that happens, it "absolutely" makes the bus-only lanes an imperative, strengthening both the long-term case for a subway route to the university and the short-term need for the bus-only lanes. "That's a big crowd," Mr. Saundercook said.

Under the plan preferred by the Toronto Transit Commission, buses would travel on a dedicated bus lane alongside the Allen Road, then Dufferin Street to just north of Finch Avenue, where they would go west on a bus road to be built on a power line right of way.

The buses would then cross Keele Street on city streets, go north to the university on a new bus-only road and north on a new bus-only road on the university campus to Steeles Avenue, where it would link up with York Region Transit.

The TTC estimates that this system of bus-only lanes and roads would cost \$25-million to \$30-million to build, and would be used for 10 to 15 years until the subway is extended, said Gary Carr, TTC chief engineer for operations and planning.

But there is still a problem.

The TTC and the university have not agreed on the route the buses would take though the heart of the campus.

Ted Spence, York's senior policy adviser, told reporters that the university has serious reservations about each of the three proposed routes though York the TTC has proposed.

Two of the routes pass too closely to buildings and the third runs adjacent to the university's wooded area, he said.

TTC proposing dedicated lanes for buses to York University, cont.

University traffic consultants, who will meet with the TTC this morning, have proposed a compromise, which would have buses leave York on York Boulevard and travel down Keele Street to the new bus lanes.

"I think most everyone involved in this project would agree that the bus lanes are a short-term, interim solution, and that certainly some sections of them are needed immediately, because of a very real problem with the buses."

He said that, while it is hard to know how many riders a bus-only system would attract, the university estimates that each day, buses enter the campus about 1,100 times, about half of which go to Downsview.

He also estimated that 50 per cent of York's students use transit, with up to 10,000 a day taking the GoTransit bus along the Highway 407 route and more than 10,000 the express bus from Downsview.

Mr. Carr said that the TTC will work with York to find an acceptable route for the buses.

"We do want to do what's best for transit and work with them on their development plans, as they formulate them."

He said that the TTC hopes that the final design for the project will be finished by mid-2005.



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