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LANE TRANSIT DISTRICT REGULAR BOARD MEETING

Wednesday, November 17, 2004
5:30 p.m.

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

A G E N D A

	<u>Page No.</u>
I. CALL TO ORDER	
II. ROLL CALL	
Lauritsen _____ Wylie _____ Ban _____ Gant _____	
Gaydos _____ Hocken _____ Kleger _____	
<u>The following agenda items will begin at 5:30 p.m.</u>	
III. PRELIMINARY REMARKS BY BOARD PRESIDENT	
IV. ANNOUNCEMENTS AND ADDITIONS TO AGENDA	04
V. BOARD CALENDARS (5 minutes)	05
VI. WORK SESSION	
A. Franklin Corridor EmX Status Budget Report (60 minutes)	06
<u>The following agenda items will begin at 6:30 p.m.</u>	
VII. EMPLOYEE OF THE MONTH – December 2004	07
VIII. AUDIENCE PARTICIPATION	
◆ Each speaker is limited to three (3) minutes.	

IX.	ITEMS FOR ACTION AT THIS MEETING	
A.	Consent Calendar (1 minute)	08
	1. Minutes of October 11, 2004, Special Board Meeting (Page 09)	
	2. Minutes of October 20, 2004, Regular Board Meeting (Page 11)	
	3. LTD DBE Program and Policy (Page 20)	
B.	Drug & Alcohol Program Policy Revisions (5 minutes)	23
C.	Metropolitan Policy Committee Adoption of the 2004 Regional Transportation Plan Update (5 minutes)	48
D.	General Manager Compensation (20 minutes)	49
X.	ITEMS FOR INFORMATION AT THIS MEETING	
A.	Current Activities	
	1. Board Member Reports (respond if questions)	50
	(a) <u>Meetings Held or Attended</u>	
	• One-on-one meetings with local elected officials	
	(b) <u>No Meetings/No Report</u>	
	(1) Metropolitan Policy Committee	
	(2) Region 2050 Policy Advisory Board	
	(3) MPO Summit	
	(4) Salaried Employees Retirement Plan/ATU Pension Plan Trustees Meetings	
	(5) BRT Steering Committee	
	(6) Statewide Livability Forum	
	2. General Manager's Report (respond if questions)	53
	3. Monthly Financial Report—October 2004 (5 minutes)	55
	4. Pioneer Parkway Corridor Bus Rapid Transit Goals and Performance Objectives (respond if questions)	68
	5. Health Care Comparison Data (respond if questions)	70
	6. Correspondence (respond if questions)	72
B.	Monthly Department Reports (respond if questions)	75
C.	Monthly Performance and Labor Trends Reports (respond if questions)	86

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D. News Articles about BRT throughout the World (respond if questions)	100
XI. EXECUTIVE (NON-PUBLIC) SESSION PURSUANT TO ORS 192.660(2)(d), LABOR NEGOTIATIONS	109
XII. ITEMS FOR ACTION/INFORMATION AT A FUTURE MEETING	110
A. LTD Retirement/Pension Plan Review	
B. Pioneer Parkway Corridor BRT Goal & Performance Objectives	
C. Progressive Corridor Enhancement	
D. Comprehensive Annual Financial Report	
E. Federal Management Oversight Review Report	
F. Executive Sessions on Labor Negotiations	
G. FY 2005-06 Pricing Plan	
H. FY 2004-06 Annual Route Review and Service Recommendations	
I. Information on LTD Purchasing Policy	
J. Annual Strategic Planning Work Session	
K. 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).

AGENDA ITEM SUMMARY

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DATE OF MEETING: November 17, 2004

ITEM TITLE: OCTOBER FINANCIAL STATEMENTS

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

ACTION REQUESTED: None

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

Passenger fares remain slightly ahead of budget for the first four months of the new year, and also ahead of the same period last year. Ridership for the rolling twelve-month period, which ended October 31, is up 2.8 percent, a slight erosion from the 2.9 percent reported last month, but still positive. Last year at this time, the trend was down. Group pass revenue continues to be strong, although it lags year-to-date budget slightly due to timing variance and not overall expected annual performance.

Year-to-date special service receipts represent service to the Oregon Country Fair, the Lane County Fair, and five home football games. Year-to-date revenue is slightly better than anticipated by the current-year budget.

Payroll tax revenues are up 12 percent versus last year due to the recovery of the large tax refund. After adjusting for the refund recovery, receipts are up 6 percent over last year. There are several major construction projects with large payrolls associated with the major projects in the Eugene-Springfield area that could account for this growth, but it is also possible that timing variances or disbursement errors could be factors. It is also possible that the taxpayer who filed amended returns, as reported to the Board in October, is making installment payments against the almost \$887,000 in back taxes owed, but still disputed, as well as filing correct current returns. The Oregon Department of Revenue was unable to provide any clarifying information as of November 11, the date this report was prepared. The additional revenue, if retained, is needed to offset expenses that are expected to exceed annual budget, as noted later in this report.

Self-employment receipts coincide with State tax payment deadlines, none of which occurred in October. However, revenue was received in October 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. The next state-in lieu disbursement is expected in early January.

Interest rates are improving. The Local Government Investment Pool (LGIP) rate has increased to 1.91 percent as of October 31, 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 6.2 percent through October, about the same as in the previous month, and 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 four months of this year as compared with last, but overall spending is within budget for the year-to-date. Transfers to Capital resumed in the current year after a hiatus of several years, and were included in the total materials and services activity.

Fuel prices are still high. The price easing observed recently at regular gas pumps has not been reflected in the low-sulfur diesel market. The current-year budget assumed \$1.13 per gallon. The average four-month price through October 31 rose to \$1.5001, up from 1.4057 percent reported for the three-month average. The price of low-sulfur diesel on October 26 was \$1.7473. The negative variance for fuel year-to-date is now \$95,392, and could reach \$285,000 by year-end. Should the overage materialize, it may be necessary to transfer appropriations from contingency before fiscal year-end. Such a transfer would require Board approval.

Overall, the General Fund deficiency of revenues over expenditures is approximately \$460,000 more negative than for the corresponding period in the last fiscal year. However, almost all of this amount (\$415,400) represents the resumption of transfers to the Capital Fund to match federal grant funds. Despite concerns about personnel services expenditures and fuel costs, and due in part to optimistic payroll tax results to date, the General Fund is stable through the first four months of the fiscal year.

As previously reported, the Commuter Solutions Fund shows deficit spending through the first four 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 were expected to be approved by the end of September, but were 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 generally as anticipated through October. 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 Exit Conference for the Financial Management Oversight Review (FMO) was held by teleconference on November 2. Staff previously had been notified that there were no material findings, and that the draft report would list four "reportables." The written draft report is due to the Federal Transit Administration Region 10 office within thirty days of the Exit Conference, after which it will be provided to LTD. LTD staff will then have the opportunity to respond to the four items in writing, and the responses will become part of the final report. When LTD receives the draft written report, staff will include it as an agenda item for the next regular Board meeting or work session. The reviewers shared very positive comments about LTD's internal controls, systems, staff, and facilities at the November 2 meeting.

Fieldwork for the audit of the 2003-2004 fiscal year has concluded. The required audit of LTD's National Transit Database data was done on November 10. Major projects, the FMO, and a finance staff person's family leave all contributed to a production delay for the Comprehensive Annual Financial Report (CAFR) resulting in a rescheduling of the report presentation to the December Board meeting. LTD has six months from the end of the previous fiscal year to present audited statements, so the postponement will not have negative consequences. A representative of the audit firm *Grove, Mueller & Swank* will attend the December meeting to present audit findings and answer any questions that Board members may have.

ATTACHMENTS:

Attached are the following financial reports for October 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

PUBLIC TRANSPORTATION BALLOT INITIATIVES – 2004

(CURRENT AS OF 11/05/04)

STATE	CITY	SUBJECT	DATE/COMMENT
AK	Anchorage	Proposition 11 asks voters whether Anchorage should issue up to \$1.57 million in general obligation bonds to pay for public transportation improvements.	ON BALLOT 04/06/04 DEFEATED 52% TO 48%
AZ	Phoenix	Maricopa County officials have a scheduled a 1/2 cent sales tax extension and a \$16 billion regional transportation plan on the May ballot. Phoenix's light rail system would also be funded with these two initiatives. The state legislature has pushed this vote back to November. Maricopa 2020 website: www.maricopa2020.com	ON BALLOT 11/02/04 APPROVED 57% TO 43%
AR	Jonesboro	The North East Arkansas Transit Authority board unanimously approved a motion to request that the Craighead County Quorum Court place a referendum on November's general election ballot to create and support through funding a Jonesboro-Craighead County transit system for a 3-year trial period.	DELAYED UNTIL 2005
CA	Bay Area	Under SB 916 of 2003, residents of seven Bay Area counties would vote in March 2004 to raise bridge tolls by \$1 to spend an estimated \$125 million a year for transit, planning and roads. The Bay Area's priorities include a \$50 million fourth hole in the Caldecott Tunnel, \$36 million to expand ferry service and \$50 million for a new five-lane span for the Benicia-Martinez bridge. Funds would also strengthen Bay Area Rapid Transit underground tunnels, renovate the TransBay Terminal in San Francisco and study Bay Area access to a proposed high-speed rail system in California. The measure needs majority approval of voters in seven counties with state-owned toll bridges to pass. That includes Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara and Solano counties. Yes on Measure 2 website: www.measure2.org	ON BALLOT 3/2/2004 APPROVED 56% TO 44% How Bay Area voted on Measure 2 County: YES NO Alameda 54% to 46% Contra Costa 51% to 49% Marin 64% to 36% San Francisco 69% to 31% San Mateo 55% to 45% Santa Clara 59% to 41% Solano 41% to 59%
CA	Bay Area	Voters in San Francisco, Alameda and Contra Costa counties will vote in November on a \$980 million bond issue to pay for earthquake safety modifications to BART. The same measure lost by 2.2 percentage points in 2002.	ON BALLOT 11/02/04 APPROVED 70% TO 30%
CA	Statewide	Initiative No. SB 1856 would authorize \$10 billion in bonds for a high-speed rail system between L.A. and San Francisco. It would also tackle other public transportation needs. The bipartisan measure passed in the legislature and was referred to the voters for approval.	DELAYED UNTIL 11/06
CA	East Bay Area	On August 4, the AC Transit Board of Directors voted to place Measure BB on the November 2, 2004 ballot. Should voters approve Measure BB by a two-thirds margin, AC Transit will use funds for the operation and maintenance of its service. Measure BB increases an existing parcel tax by \$2 per month and extends the tax for 10 years, until 2015. The existing independent citizens oversight committee will ensure that all Measure BB funds are spent only in cities and counties identified below and for the purposes approved by voters.	ON BALLOT 11/02/04 APPROVED 72% TO 28%
CA	Contra Costa County	Contra Costa County Transportation Authority is pushing for a renewal of Measure J, the countywide half-cent sales tax, set to expire in 2009. The measure has funded highway and transit projects since 1989. The new	ON BALLOT 11/02/04 APPROVED 70%

		Measure C would raise \$1.6 billion in transportation funding through 2029 and update the "Growth Management Program" initiated by the first Measure C. CCTA Measure C website	TO 29%
CA	Sacramento County	Sacramento County Transportation Authority officials have proposed extending Measure A, the existing half-cent transportation sales tax, which is set to expire in 2009. If approved, the extension would raise \$4.7 billion for road and transit improvements	ON BALLOT 11/02/04 APPROVED 75% TO 25%
CA	San Mateo County	The San Mateo County Transportation Authority has adopted an expenditure plan for the reauthorization of Measure A, a half-cent transportation sales tax, which will net approximately \$1.5 billion over 25 years. Transit projects will receive 30%. A local group, Citizens for Better Transit, has opposed the expenditure plan considered adding a competing ballot initiative.	ON BALLOT 11/02/04 APPROVED 75% TO 25%
CA	Solano County	The Solano County Transportation Improvement Authority is advancing its plans for a separate, countywide tax that would raise an estimated \$1.43 billion during the next 30 years. A daunting, two-thirds approval, however, would be required to pass the tax measure. www.solanotraffic.org	ON BALLOT 11/02/04 DEFEATED 64% TO 36%
CA	Sonoma County	This November, Sonoma County voters will be asked to approve a sales tax hike that could raise \$470 million over 20 years to relieve the traffic congestion on Highway 101 and local streets. The spending plan for Measure M, the Traffic Relief Act for Sonoma County, also funds bike and pedestrian projects and continues work on a North Bay passenger rail line.	ON BALLOT 11/02/04 APPROVED 66.7% TO 33.3%
CA	Sonoma and Marin Counties	The Sonoma-Marin Area Rail Transit board is considering adding a quarter-cent sales tax on the November ballot to fund commuter rail	DELAYED UNTIL 2006
CA	Santa Cruz County	The widening of Highway 1 and the construction of a 31-mile rail trail along the old Union-Pacific Rail line are now linked together on a November transportation ballot initiative. Residents of Santa Cruz County will be asked to pay a half-cent sales tax to raise \$530 million for the new projects as well as a passenger train station in Pajaro and a tourist trolley to run between Aptos and Capitola.	ON BALLOT 11/02/04 DEFEATED 43% TO 57%
CA	San Bernadino County	A plan to spend \$6 billion in local transportation money over the next 30 years was approved by the county's transportation agency, SANBAG, paving the way for a November ballot. According to the plan, nearly \$362 million would be allocated for a MetroLink extension to Redlands and a Gold Line extension to Montclair. Other improvements include \$180 million for bus and rapid transit. Measure I Central	ON BALLOT 11/02/04 APPROVED 79% TO 21%
CA	Marin County	Marin's Congestion Management Agency has called for a Marin-specific half-cent sales tax increase that would generate an estimated \$275 million over 20 years. Funds would be dedicated to expanding the local bus system, improving road maintenance and widening Highway 101 through the heart of the county. Marin County Sales Tax Expenditure Plan website	ON BALLOT 11/02/04 APPROVED 71% TO 29%
CA	Ventura County	Ventura County supervisors voted 4 to 1 to place a 1/2 cent sales tax increase measure on the November ballot to pay for road and transit improvements. Ventura County is the largest county in the state without its own transportation tax. 1/2 Cent Sales Tax Information	ON BALLOT 11/02/04 DEFEATED 40% TO 60%
CA	San Diego	San Diego's regional planning agency, SANDAG, has produced a \$9.5 billion draft Expenditure plan for the TransNet program, a half-cent sales tax extension that funds transit and highway projects throughout the region, set to expire in 2008. The extension would provide funding through 2028. TransNet website	ON BALLOT 11/2/04 TOO CLOSE TO CALL YET 66.68% TO 33.32%
CO	Denver	The Regional Transportation District is moving forward with their \$4.7 billion FasTracks transit expansion plan which calls for construction of new light-rail or commuter-rail lines from central Denver to Lakewood/Golden, Arvada, Boulder/Longmont, north Adams County and Denver International Airport, as well as along I-225 in Aurora. Fastracks Yes website: www.fastracks.org	ON BALLOT 11/02/04 APPROVED 57% TO 43%
CO	Garfield	Garfield County commissioners agreed to put a question on the November	ON BALLOT

	County	ballot asking voters outside [Aspen] city limits to decide if Garfield County should join the Roaring Fork Transit Authority.	11/02/04 DEFEATED
CO	El Paso County	County commissioners have proposed and approved a plan to form The Rural Transportation Authority which would serve Colorado Springs, Manitou Springs, Green Mountain Falls and unincorporated El Paso County if approved by voters. It would be funded with a 1-cent sales tax increase, with 55 cents of the tax expiring after 10 years. Fifty-five percent of the funding is set to go for road construction, 35 percent toward maintenance and 10 percent to transit. Roadway and maintenance money will be apportioned to the cities and county based on population.	ON BALLOT 11/02/04 APPROVED 55% TO 45%
CO	Aspen	Facing a 50% service cut, and for the second time in four years, the Roaring Fork Transit Authority plans to approach voters to bail it out of a financial jam. RFTA's board of directors voted 6-1 to seek a sales tax increase from the towns and counties throughout the Roaring Fork Valley, the size of the increase yet to be determined, although the total amount collected cannot exceed one cent in any jurisdiction.	ON BALLOT 11/02/04 APPROVED 77% TO 22%
FL	Statewide	A repeal provision to develop and operate a high-speed ground transportation system in the state.	ON BALLOT 11/02/04 APPROVED 64% TO 36% NO HSR IN FLORIDA!!!!
FL	Miami Beach	Miami Beach voters will be able to weigh in on a nonbinding question to determine whether BayLink, the light-rail trolley system that would move people around South Beach and connect to downtown Miami, should be built.	ON BALLOT 11/02/04 APPROVED
KY	Lexington	LexTran's new general manager, Terry Garcia Cruz, wants to put a 6 mill property tax on the November ballot, which would be the agency's first dedicated funding source, and would allow for necessary service expansions.	ON BALLOT 11/02/04 APPROVED 54% TO 46%
IN	Indianapolis	A 1% food and beverage tax to fund transit projects has been proposed by IndyGo. Monitor development.	DELAYED UNTIL 2005
MI	Van Buren County	The Van Buren Public Transit system, at risk of complete service elimination, has operated without a dedicated funding source. The county board has recommended a county levy of up to a quarter-mill for the November 2 election. If passed, the levy would raise an estimated \$513,853 per year	DELAYED UNTIL 2005
MI	Port Huron	Residents in Fort Gratiot, Port Huron and Port Huron Township will vote on renewing a four-year property tax that funds bus services run by Blue Water Area Transit.	ON BALLOT 5/4/04 APPROVED 69% TO 31%
MI	Saginaw	The City of Saginaw has approved the proposed ballot language for the renewal of 3 mills for the Saginaw Transit Authority Regional Services (STARS)	ON BALLOT 3/2/04 DEFEATED BY 200 VOTES
MI	Flint	The MTA (Flint) is proposing a new tax, 0.3 mills would pay to support existing services, and 0.1 mills would finance additional service, including additional vehicles on the road and expansion of night hours on fixed routes. The tax would raise \$3.8 million in new money.	ON BALLOT 8/3/04 APPROVED 54% TO 46%
MI	Lansing	The Capital Area Transportation Authority is calling for a .0322 millage increase, a total of 2.22 mills on property for five years. If approved, the millage would bring approximately \$12.1 million annually.	ON BALLOT 8/3/04 APPROVED 60% TO 40%
MI	Ludington and Scotville	The Ludington Mass Transit Millage renewal request is for 0.75 mills for Ludington residents and 1.3 mills for Scotville residents. The renewal is for 5 years. The November ballot will include a two-county transportation proposal for all residents of Mason and Oceana counties. All residents would pay 0.6 mills for the service. If that proposal passes in November, it will over-ride this Primary ballot request.	ON BALLOT 8/3/04 APPROVED 71% TO 29%

MI	Marquette County	The Marquette County Transit Authority is calling for an additional .2 mill on an existing .4 mill (total .6 mill) ad valorem property tax. If approved, the tax would yield approximately \$836,000 annually.	ON BALLOT 8/3/04 APPROVED 65% TO 35%
MI	Lake County	To provide funding for the Yates Dial-A-Ride program that serves all of Lake County, the proposal calls for a .4 mill over 5 years, and would raise \$165,000 annually	ON BALLOT 8/3/04 APPROVED 56% TO 44%
MI	Midland County	This millage renewal calls for .15 mill over a period of 5 years for the provision of county-wide public transportation services, and is expected to raise approximately \$512,443 annually.	ON BALLOT 8/3/04 APPROVED 70% TO 30%
MI	Shiawassee County	The Shiawassee Area Transportation Agency is calling for a first-time millage in the amount of .225 mills over a 2 year period. If approved, the millage would generate approximately \$56,000 a year.	ON BALLOT 8/3/04 APPROVED 62% TO 38%
MI	Charlevoix County	This proposal will permit the County of Charlevoix to restore the .25 mill, previously approved by the electors for the purpose of providing funds for the operation of the County Transit System. The millage is for a period of 4 years and would raise \$396,755 annually.	ON BALLOT 8/3/04 APPROVED 65% TO 35%
MI	Gogebic County	This millage renewal proposal would fund Gogebic County Transit for 4 years at a rate of .33 mills. If approved, it would raise approximately \$122,010 annually.	ON BALLOT 8/3/04 APPROVED 77% TO 23%
MI	Tuscola County	This millage renewal proposal would fund public bus transportation services in Almer Township and Indianfields Township for 4 years. At a rate of 1 mill, the approved proposal would raise approximately \$190,000 for both townships.	ON BALLOT 8/3/04 APPROVED 61% TO 39%
MI	Manistee County	This proposal would fund Dial-A-Ride services in Manistee County for 6 years with a .33 millage. Estimated annual revenue, if approved, would be \$276,794.	ON BALLOT 8/3/04 DEFEATED 45% TO 55%
MI	Kalamazoo	City commissioners have approved placing a 1-mill property tax renewal for Metro Transit on the Nov. 2 general election ballot. If approved, the levy will raise a projected \$1.56 million. The owner of a home with a market value of \$100,000 and taxable value of \$50,000 would pay \$50 in property taxes.	ON BALLOT 11/02/04 APPROVED 67% TO 32%
MO	Branson	Voters in Branson will be able to decide in August whether to extend a 1/2% retail sales tax that is set to expire in November 2005. The tax will fund roads and public transportation.	ON BALLOT 8/04 APPROVED 81% TO 19%
MT	Flathead County	County commissioners in October voted unanimously to put a \$1 million tax levy request on the June 2004 primary election ballot. The tax would bring approximately \$106,000 annually for Eagle Transit, which when matched with federal dollars, would total about \$212,000 annually.	ON BALLOT 6/8/04 APPROVED 62% TO 38%
OH	Hamilton	In early December the Hamilton City Council voted to place a 0.5-mill property tax on the March 2 ballot for continued transit services. The levy would generate about \$449,000 a year for the city's general fund, but council members have said the funds would be used solely for transit operations.	ON BALLOT 3/2/04 DEFEATED 69% TO 31%
OR	Bend	Interim City Manager Ron Garzini has proposed establishing an independent transit district funded in part with a new property tax of roughly 29 cents per \$1000 assessed value. The proposal has gained approval from Deschutes County Commissioners and will go to Bend voters.	ON BALLOT 11/02/04 DEFEATED 41% TO 53%
SC	Charleston	After the Supreme Court overruled the 2002 transit tax that voters approved due to ballot language errors, the county wide 1/2¢ sales tax to fund transit, greenspace, and roads is again on the ballot	ON BALLOT 11/02/04 APPROVED 59% TO 41%
TX	Austin	Capital Metro is asking voters in November to consider a commuter rail starter line, utilizing an existing railroad track that it owns. The proposal would call for diesel-powered trains to run from Leander to downtown Austin, at a cost of less than \$100 million.	ON BALLOT 11/02/04 APPROVED 62% TO 37%
TX	Balcones Heights	Balcones Heights residents will cast ballots to decide whether to stay with VIA Metropolitan Transit, and they will also decide whether to create an economic development corporation with the estimated \$540,000 in sales tax funds that	ON BALLOT 9/11/04 APPROVED 82% TO 18%

		now go to VIA	
TX	San Antonio	VIA Metropolitan Transit is asking voters in November to raise the transportation sales tax 3/8cent to increase services.	ON BALLOT 11/02/04 APPROVED 58% TO 41%
TX	Richland Hills	In December 2002, the City Council voted to hold a special election to decide whether the city should remain with the Fort Worth Transportation Authority, aka the "T." Keep the "T" Website	ON BALLOT 2/7/04 APPROVED 67% TO 33%
VA	Arlington County	Arlington County has a proposal to issue \$18.5 million in bonds to finance, together with other available funds, the cost of construction , acquisition, and rehabilitation of Metro facilities by the Washington Metropolitan Area Transit Authority	ON BALLOT 11/02/04 APPROVED 81% TO 19%
VA	Fairfax County	The Fairfax County Board of Supervisors on June 21 agreed to let residents vote Nov. 2 on more than \$300 million worth of bonds for transportation, human services, parks and libraries. The board proposed issuing \$165 million worth of bonds for transportation projects. Two-thirds of those moneys – \$110 million – would go to the Washington Metropolitan Area Transit Authority for infrastructure renewal, improved system access and system expansion.	ON BALLOT 11/02/04 APPROVED 76% TO 24%
WA	Vancouver	Voters will decide whether to double a 0.3 percent transit sales tax to stave off deep cuts in Clark County's bus system. C-Tran's board of directors voted unanimously to put a ballot measure before voters that would increase frequency and duration of bus service in Clark County and continue commuter routes to Portland that would otherwise be cut.	ON BALLOT 11/02/04 DEFEATED 46% TO 54%
WA	Spokane	After voters turned down a 3mil tax to fund transit in 2002, Spokane Transit Authority is facing a 45% service reduction. Board members decided in February to place a 3mill tax on an upcoming ballot May 18.	ON BALLOT 5/18/04 APPROVED 69% TO 31%
WA	Everett	City officials are discussing whether to ask voters to approve a sales tax increase for financially strapped Everett Transit. The agency cut service 14 percent last year, and the City Council last week reviewed a public-transit plan that forecasts further reductions in 2005.	APPROVED 56% TO 44%
WA	Seattle	I-83, to kill the Seattle Monorail project, just made it onto the November ballot after a state Court of Appeals overturned an earlier ruling.	ON BALLOT 11/02/04 DEFEATED 37% TO 63% MONORAIL WILL BE BUILT!!!!
WA	King County	The Metropolitan King County Council has placed two advisory measures on the Nov. 2 ballot. One asks voters if they support developing a package of congestion-relief and safety projects and placing it on the ballot in November 2005. The other asks how they'd like to pay for it.	ON BALLOT 11/02/04 APPROVED 67% TO 32%
WV	Parkersburg	The Mid-Ohio Valley Transit Authority is seeking a renewal levy as it works to expand its routes. The agency is asking for \$1.595 million a year over five years, an increase from the \$1.25 million, two-year levy now in effect.	ON BALLOT 11/02/04 APPROVED 65% TO 35%

AGENDA ITEM SUMMARY

DATE OF MEETING: November 17, 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.

At the October 20, 2004, Board meeting, the Board asked to have the policy shared with the Amalgamated Transit Union, Division 757. The policy has now been given to the ATU Leadership.

Deleted: reviewed by

Deleted: _____

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 November 17, 2004, Board meeting.

AGENDA ITEM SUMMARY

DATE OF MEETING: November 17, 2004

ITEM TITLE: GENERAL MANAGER COMPENSATION

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

ACTION REQUESTED: Action on Recommendation

BACKGROUND: At the October 20 Board of Director's meeting, the Board met in executive session to review the general manager's performance. Evaluation documents were shared and discussed. The Board directed Mary Neidig to return to this meeting with salary and compensation comparisons. A document summarizing this information will be handed out at the Board meeting. The Board last approved a salary increase for the general manager in April 2003, for FY 2003-04.

RESULTS OF RECOMMENDED ACTION: A change in the general manager's compensation for FY 2005-06 would be included in the budget for the coming fiscal year.

ATTACHMENT: Comparison data to be handed out at meeting

PROPOSED MOTION: LTD Resolution No. 2004-036: It is hereby resolved that the LTD Board of Directors approves the following adjustment in the general manager's compensation: _____.

AGENDA ITEM SUMMARY

DATE OF MEETING: November 17, 2004

ITEM TITLE: HEALTH CARE COMPARISON DATA

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

ACTION REQUESTED: None

BACKGROUND: At the October 11 Board of Directors Work Session, Mary Neidig provided a presentation on health care benefits at LTD. It included a comparison of health plans among local public employers. Springfield Utility Board was one of the local employers. Board Member Ginny Lauritsen requested that Eugene Water and Electric Board be added as an additional local comparison. The attached chart does this.

ATTACHMENT: Employee Benefits Overview

PROPOSED MOTION: None

AGENDA ITEM SUMMARY

DATE OF MEETING: November 17, 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

From: Lynne Morsen [lmorsen@apta.com]
Sent: Wednesday, November 10, 2004 12:54 PM

TO: APTA BOARD SUPPORT SUBCOMMITTEE

FR: HUELON HARRISON, CHAIR, TRANSIT BOARD MEMBERS COMMITTEE AND CHAIRMAN, DALLAS AREA RAPID TRANSIT (DART)

RE: YOUR BOARD MEMBERS JOINING THE TRANSIT BOARD MEMBERS COMMITTEE

Would you please pass this email and letter from the TBMC Membership Subcommittee Chair Pam O'Conner on to each of your board members, with your General Manager's approval? Four boards have joined the Transit Board Members Committee en masse and we invite your board to do the same. Thank you.

As a board member, you understand the vital role public transportation plays in our communities - contributing to economic development; serving diverse communities including the minority, disabled and elderly; saving energy and reducing pollution; and helping to alleviate traffic congestion.

As the policy makers for our nation's public transportation agencies, we need to be a force in setting the policy and direction of the American Public Transportation Association (APTA). That is why I am writing you. I am inviting you to become a member of APTA's Transit Board Members Committee. The Transit Board Members Committee is a forum for professional development, educational resources and peer-to-peer exchanges.

It is easy to join - and there is no financial obligation to participate. All that is required is support for the strong future of public transportation. There is no lengthy application to fill out.

To join, simply email staff advisor Lynne Morsen at lmorsen@apta.com and provide your contact information (name, title at the transit system, phone & fax numbers, and email address) and that's it! You can also fax your letter of interest to Ms. Morsen at (202) 496-4323 or mail your letter to American Public Transportation Association, 1666 K St. N.W., Suite 1100, Washington, D.C. 20006. We would like board members from each of APTA's 380 transit boards represented,

The Transit Board Members committee meets three times a year: at the APTA Annual Meeting (next September 25, 2005 in Dallas); during the APTA Legislative Conference (March 6, 2005) in Washington, DC; and during the Annual Transit Board Members Seminar (July 31-August 3, 2005 in Memphis).

There has been no better time to join the Transit Board Members Committee, and the sooner you sign up, the sooner you can enjoy the benefits and opportunities that come with membership. As the saying goes..."Just Do it!"

I hope that you will seriously consider becoming a member of the Transit Board Members Committee. Our organization is strong because of the different talents and convictions of our members and their overall commitment to excellence. While I believe that you will benefit from membership in the Transit Board Members Committee, I know that the Transit Board Members Committee will also benefit by having you as a member. Let us work together as our nations public transit policy makers. If you have any further questions about the Transit Board Members Committee, please feel free to contact APTA's Lynne Morsen at (202) 496-4853.

Thank You,

Pam O'Connor, Board Member, Los Angeles County Metropolitan Transportation Authority

Lynne Morsen

Senior Program Manager, Program Management & Educational Services

Staff Advisor - General Managers Seminar, Transit Board Members Seminar, Bus & Paratransit Conference, Rail Transit Conference, Commuter Rail/Rail Transit Conference, Access Committee, BOSS Program, Transit Board Members Committee

American Public Transportation Association

Tel 202.496.4853 Fax 202.496.4323

email lmorsen@apta.com

All opinions expressed are personal and do not necessarily reflect official APTA policy.

Q:\Reference\Board Packet\2004\11\Regular Mtg\APTA Board Committee.htm

AGENDA ITEM SUMMARY

DATE OF MEETING: November 17, 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. Board members can take this opportunity to report briefly on any one-on-one meetings they have held with local officials.

NO MEETINGS/NO REPORT

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. The regularly scheduled November 11, 2004, MPC meeting was rescheduled to November 18, 2004, to accommodate the Veterans' Day Holiday. As of this Board packet printing, items tentatively scheduled for consideration at the November 18th meeting include the following:
 - a. Draft Regional Transportation Plan Public Review. A preliminary draft Regional Transportation Plan (RTP) was released to the public by MPC at their October meeting. A revised Draft will be made available at the November meeting. LCOG staff will provide MPC with an update on the feedback received at the open house held November 4, 2004. A public hearing will be held at the November meeting, and the second open house is scheduled for December 1, 2004, from 5:30 p.m. to 7:30 p.m. at the Springfield Library Meeting Room. MPC is scheduled to take action on the adoption of the RTP at the December 9, 2004, meeting.
 - b. FY 05-07 Metropolitan Transportation Improvement Program. MPC will release the draft MTIP for public review. The November 4, 2004, open house included information on the draft MTIP. The MTIP

update includes projects with programmed funds, such as federal earmarks, but does not include allocation of local discretionary funds. That allocation process is anticipated following the reauthorization of the federal transportation bill.

- c. **Air Quality Conformity Determination.** MPC will release a Draft Air Quality Conformity Determination (AQCD) for the Draft RTP and Draft MTIP. Information on the draft AQCD was available at the November 4 open house, and will be available at the December 1st open house.
- d. **Status on Citizen Advisory Committee Recruitment.** The MPC Subcommittee on Public Involvement met on November 1 to review the applications for the Citizens Advisory Committee (CAC). Seventeen applications were received for an anticipated CAC group size of 10 – 15 citizens. Subcommittee members evaluated applications based on an evaluation matrix delineating interest area, background, and specific public committee experience. Based on the matrix results, the subcommittee has recommended extending the application deadline in an effort to fill gaps in the range of diversity of the committee.
- e. **Second Oregon MPO Summit Status.** Meeting notes from the Second MPO Summit on October 15, 2004, will be distributed to MPC.
- f. **Freight Routes.** There will be an agenda item on the Oregon Department of Transportation Freight Route designation process.

Due to the regularly 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. **Region 2050 Policy Advisory Board:** Susan Ban is the Board's representative on the Region 2050 Policy Advisory Board (Policy Board). The October 27, 2004, Policy Board meeting was canceled. The next scheduled meeting of the 2050 Policy Board is Monday November 29, 2004. Senior Strategic Planner Lisa Gardner and LCOG Transportation Program Manager Tom Schwetz will make a presentation at the November 29th meeting on transit assumptions for the 2050 modeling scenarios.
3. **MPO Summit:** The next MPO Summit meeting date has not been scheduled, but is anticipated to be scheduled in March, following the MPO area's D.C. federal lobbying trips.
4. **LTD Salaried Retirement Plan and ATU Pension Plan Trusts:** The next meeting is scheduled for January 20, 2005.
5. **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.

6. **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: November 17, 2004

ITEM TITLE: CORRESPONDENCE

PREPARED BY: Ken Hamm, General Manager

ACTION REQUESTED: None

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

- ◆ October 10, 2004, e-mail message from Lynne Morsen of APTA regarding the APTA Board Support Subcommittee

At the November 17, 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

SPECIAL BOARD MEETING

MONDAY, OCTOBER 11, 2004

Pursuant to notice given to *The Register-Guard* for publication on October 8, 2004, and distributed to persons on the mailing list of the District, the Board of Directors of the Lane Transit District held a special meeting on Monday, October 11, 2004, beginning at 5:30 p.m., in the Lane Transit District Board Room, 3500 East 17th Avenue, Eugene.

Present: Susan Ban, Vice President
David Gant, Secretary
Gerry Gaydos, President, presiding
Dave Kleger, Treasurer
Ken Hamm, General Manager (present via telephonic connection)
Mark Pangborn, Assistant General Manager
Jo Sullivan, Clerk of the Board/Minutes Recorder

Absent: Pat Hocken
Virginia Lauritsen
Hillary Wylie

CALL TO ORDER – Mr. Gaydos called the meeting to order at 5:40 p.m.

ROLL CALL – Mr. Pangborn called the roll.

PRELIMINARY REMARKS BY BOARD PRESIDENT – Mr. Gaydos noted that Mr. Hamm was present by telephone and would be heard via speakerphone.

ANNOUNCEMENTS AND ADDITIONS TO AGENDA – Mr. Pangborn noted that the Springfield Station would be dedicated at 8:30 a.m. on Thursday, October 21, following a breakfast meeting with the Springfield Chamber membership at 7:30 a.m. Staff would be contacting the Board members to confirm their attendance.

EXECUTIVE SESSION

MOTION Mr. Kleger moved, seconded by Mr. Gant, 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.

VOTE The motion was approved as follows:
AYES: Ban, Gant, Gaydos, Kleger (4)
NAYS: None
ABSTENTIONS: None
EXCUSED: Hocken, Lauritsen, Wylie (3)

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The executive session began at 5:45 p.m. Members of the District's negotiating team were present for this discussion with the Board.

Upon a motion by Ms. Ban and seconding by Mr. Kleger, the Board returned to open session at 7:27 p.m.

ADJOURNMENT – There was no further discussion, and the meeting was adjourned at 7:27 p.m.

Board Secretary

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

REGULAR MEETING

Wednesday, October 20, 2004

Pursuant to notice given to *The Register-Guard* for publication on October 14, 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, October 20, 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
Dave Kleger, Treasurer
Virginia Lauritsen
Hillary Wylie
Pat Hocken
Ken Hamm, General Manager
Jo Sullivan, Clerk of the Board
Lynn Taylor, Minutes Recorder

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 no remarks by the Board President.

ANNOUNCEMENTS AND ADDITIONS TO AGENDA – Mr. Hamm introduced Lloyd Chapman, Board Chair of the Salem Area Mass Transit District, who was visiting several transit systems.

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

WORK SESSION

A. Regional Transportation Plan Update – Senior Strategic Planner Lisa Gardner and Tom Schwetz, Lane Council of Governments (LCOG) transportation program manager, reviewed the process and schedule for updating the Regional Transportation Plan (RTP).

Ms. Gardner explained that TransPlan included both the RTP and the Transportation System Plan (TSP) for the region. She said the RTP was a federal plan and the TSP was a local plan for transportation system improvements required by the State. She said the RTP would lapse on December 12, 2004, and the region was undertaking a minor update as defined by federal requirements: update of the financially constrained project list, correct outdated or inaccurate items, and separate the RTP from the TSP so that the TransPlan could continue to serve as the

region's local plan. She said that if the update was not done by December 12, the federal plan would lapse with potential impact on the flow of federal funding into the region.

Ms. Gardner said that a preliminary draft of the RTP update had been released for public comment on October 14, 2004, by the Metropolitan Policy Committee (MPC), which would take action to adopt the update on December 12, 2004, following an aggressive public outreach campaign.

Ms. Gardner reviewed changes related to transit and bus rapid transit (BRT) in the plan, which included an updated project list and updated language for BRT-planned implementation. She said the previous version of the plan showed 61 miles of exclusive BRT right-of-way; the update was modeled to show 25 miles of exclusive right-of-way and the incremental development scenario for BRT implementation. She asked for direction from the Board on whether staff should be discussing BRT incremental development with other agencies and whether the Board should be talking to other policy-makers.

Director of Development Services Stefano Viggiano reminded the Board of the four levels of incremental BRT development, with the fourth level being a full BRT with exclusive right-of-way. He said the RTP update assumed that the corridors that would not have the full level of BRT development would be at development level three, which included all BRT elements except the exclusive right-of-way.

Ms. Gardner said that changes in Eugene's and Springfield's approaches to nodal development also were factors, with both cities taking a more careful approach to implementing nodal development based on more realistic assumptions, and there was a parallel between nodal development and BRT.

Ms. Ban commented that a more extensive update of the plan would commence in January 2005 and asked if that update would have to conform to State requirements. Mr. Schwetz replied that the minor update also included expansion of the plan boundaries to include Coburg and other rural areas, which affected modeling and performance measures, as well as extending the planning horizon to 2025. He said that questions were being raised about whether some aspects of the update constituted a land use action under State statutes. He said that those issues likely would arise during the next update and would have to be addressed by the local jurisdictions.

Ms. Hocken said the Board should consider what direction it might wish to give to its representatives on the MPC when adoption of the RTP update was considered. Mr. Schwetz said that the proposed changes were not significant and were unlikely to generate a great deal of public interest.

Mr. Viggiano said the new aspect of the update that could be of interest was the concept of BRT incremental development, which differed from assumptions in the original TransPlan. He said it was a direction that had not been extensively discussed with LTD's partners yet and the Board might wish to give some direction on that issue.

Ms. Gardner and Mr. Schwetz pointed out that incremental BRT development was not inconsistent with model assumptions or the cities' position on delayed nodal development.

Mr. Kleger observed that the update appeared to be a reformatting of what already existed to fit federal standards. Mr. Schwetz noted that in the process of updating the financial constraint picture, both the cost and revenue sides, the Oregon Department of Transportation (ODOT) decided to change accounting procedures and how project costs were determined. Ms. Gardner said that figures also had changed because of inflation and assumptions about the number of BRT corridors, and that could generate questions.

Ms. Hocken asked if changes to BRT assumptions and less aggressive nodal development would impact the ability to meet adopted TransPlan performance measures. Mr. Schwetz said that could be a concern and would be addressed during the next plan update. He said the first performance measure tracking year was 2005 and Metropolitan Planning Organizations (MPOs) across the state were requesting more time to accomplish their goals.

Mr. Kleger asked when the time would be appropriate to push for formal recognition in the Transportation Planning Rule of the effect of the economy on the flow of funds and ability of governments to accomplish implementation. Mr. Schwetz said that was part of the current conversation, but there were no proposals for a formal change to the rule, although the Land Conservation and Development Commission (LCDC) appeared to recognize the problems with local funding and that there could be a role for the commission in seeking resources to assist local jurisdictions.

Mr. Gaydos expressed concern about the issue of performance measures and that once the minor update was completed, it was the Board's responsibility to have discussions with local jurisdictions about BRT assumptions. Mr. Viggiano suggested that the Board initiate those conversations soon and not wait until 2005.

Ms. Gardner suggested that work sessions to examine possible policy revisions could be held in the spring in advance of the next plan update. Mr. Gaydos concurred.

Ms. Hocken asked if the MPC had been informed about the difference in BRT modeling. Ms. Gardner said that no substantive discussion had yet occurred, but the issue would be discussed during the public workshops on the plan update. She said the MPC had established a Citizen Involvement Committee (CIC) and was recruiting members. She asked Board members to forward any nominations or interest inquiries to her or directly to LCOG's office.

Mr. Gant pointed out the substantial increase in estimated cost for BRT corridors, which went from \$95 million to \$179 million, and asked when the first cost estimate was developed. Ms. Gardner said the first estimate was based on 1997 dollars. Mr. Viggiano said the assumptions used for the higher figure were that the construction cost for the full corridor was \$5 million per mile based on experience with the Franklin Corridor and estimates for the Pioneer Parkway Corridor.

Mr. Gant said it was essential to explain the increase clearly.

B. Reduced Fare and Not-for-Profit Agency Programs – Service Planning and Marketing Manager Andy Vobora reviewed the history of fare program changes. He told the Board that not-for-profit agencies had met with LTD staff to discuss the not-for-profit discount fare program, how it was designed, and how needs were met and had grown over time. He stated that the discussions were helpful to LTD staff in terms of understanding how agencies worked together to

meet the needs of clients who often were served by multiple programs and agencies. Mr. Vobora further stated that the agencies were aware that the fare program represented a limited resource and were supportive of changes to protect it from abusive practices. He said that staff were recommending a small reduction in the amount of fare instruments agencies could purchase each month. He explained that the program would be monitored and people would be recertified into the program and educated about the process. He observed that even if the discount and reduced fare programs were eliminated, that would not translate into more money in fareboxes because many people could not pay fares. He said that the programs met a critical need in the community and should be retained.

Ms. Hocken asked if the figure of \$300 per month was per agency or per program within the agency, as it was not clear as written. Mr. Vobora replied that the figure would apply to each program within an agency.

Accessible Services Manager Terry Parker acknowledged that there was some confusion between the Reduced Fare program, which was federally mandated, and the Supplemental Security Income (SSI) program created by LTD to address the needs of people with hidden disabilities. She said that since passage of the Americans with Disabilities Act (ADA), the definitions of disability became more confusing. She indicated that the goal was to clarify and streamline the programs and deal with questions of equity. She highlighted the changes:

- Combined the programs into one
- “Neutralized” the identity of the program by renaming it EZ Access
- Reworked the disability list and updated it to list accommodations needed to use the system, including physical, mental, or emotional barriers to access (focusing on what it is that people need rather than on their specific disability)
- Preserved confidentiality by having LTD staff, rather than “certifying agencies” or medical professionals, review applications and conduct in-person interviews
- Specified standards of disability used by the Veterans Administration for veterans and receipt of a veteran’s pension
- Leveraged eligibility determinations for services based on disability that already were being made by local agencies and government programs

Ms. Lauritsen said that qualifying for a veteran’s pension was difficult and asked how those who did not qualify, but needed accommodation, would be assisted. Ms. Parker said that eligibility also could be determined through the definitions used by other agencies in the community. Those who did not have a connection with any agency could complete the application.

Mr. Gant cautioned that the policy changes should be reviewed by legal counsel for compliance with the Health Insurance Portability and Accountability Act (HIPAA).

Mr. Kleger asked if the in-person reviews of eligibility would affect operational costs. Ms. Parker said that interviews would be done only for those applicants with no proof of disability. She said there had been some discussion of adding the interviews to the Transit Host program and while there were costs to conduct in-person interviews, they were outweighed by the benefits in terms of the quality of decision-making.

Ms. Hocken asked if persons aged 62 and older would be required to have an identification card. Ms. Parker said that they were not currently required to carry an ID card, and that approach could continue.

Ms. Hocken pointed out a reference in the program application to designated hours and asked if the program would be restricted to certain hours. Ms. Parker said that the language was not new and would allow LTD to designate hours at a future point if necessary, but currently the program was not restricted to specific time periods.

Mr. Gaydos expressed the Board's appreciation to staff for their work on the programs.

EMPLOYEE OF THE MONTH – Transit Operations Manager Mark Johnson introduced Bus Operator Tony Semien, the November 2004 Employee of the Month. He listed Mr. Semien's many accomplishments and said the nomination was made by two guests who observed his compassion for a physically impaired guest. Mr. Gaydos presented the awards. Mr. Semien thanked the Board for the award and said that people were important and he wanted to be able to give a good account of himself when called upon.

AUDIENCE PARTICIPATION – There was no one wishing to speak.

ITEMS FOR ACTION AT THIS MEETING

MOTION **A. Consent Calendar** – Mr. Kleger noted that he, not Ms. Lauritsen, should be listed as Board Treasurer in the September 15, 2004, meeting minutes. Mr. Kleger moved adoption of LTD Board Resolution No. 2004-031: "It is hereby resolved that the Consent Calendar for October 20, 2004, is approved as corrected." Ms. Ban provided the second. The Consent Calendar consisted of the minutes of the September 15, 2004, regular Board meeting.

VOTE The Consent Calendar was approved as follows:
AYES: Ban, Gant, Gaydos, Hocken, Kleger, Wylie, Lauritsen (7)
NAYS: None
ABSENTIONS: None
EXCUSED: None

B. Drug and Alcohol Policy Update – Director of Human Resources and Risk Management Mary Neidig introduced David Collier of the Human Resources Department, who was primarily responsible for managing the drug and alcohol program.

Ms. Neidig reported that changes to the drug and alcohol program policies were made in response to recommendations in a recent Federal Transit Administration (FTA) audit, as well as changes in FTA regulations. She asked Mr. Collier to provide an overview of the program and changes.

Mr. Collier used a slide presentation to provide an overview of the program, the policy changes being proposed, and why those changes were necessary. He said the objective of the program was to provide and maintain a safe and healthy work environment. He reviewed key elements of the program and highlighted changes, details of which were provided in the agenda packet. He

noted that the program averaged approximately 130 tests per year and there had been 5 positive results over the past 8 years.

In response to a question from Mr. Kleger, Mr. Collier said that there were no changes to the policy other than those made in response to federal requirements.

Ms. Hocken asked if the policy changes had been reviewed by union leadership. Ms. Neidig replied that union leaders participated in the FTA audit discussions, although they had not seen the final draft. She said that the only policy changes were required technical changes and the auditors had commended the drug and alcohol policy.

Ms. Hocken asked that the union review the proposed language before it was adopted by the Board.

Mr. Gant asked if the policy had been submitted to legal counsel for review and if any transit districts required different testing standards for drivers than for other safety-oriented positions. Ms. Neidig said that legal counsel may have reviewed the changes. She said there was no requirement that operators have additional testing procedures.

Mr. Gant said he understood that the policy satisfied the minimum federal requirements, but transit districts could impose higher standards. Ms. Neidig said that issue of whether it was appropriate to go beyond regulatory requirements had been discussed with the FTA auditors and with LTD's liability insurance carrier. She said the auditors' guidance was clear that districts needed to adhere specifically to the requirements. The FTA's policy position was that it would support only the federal requirements and the employer had to accept the liability for anything beyond that in terms of confidentiality or privacy; the FTA recommended that districts not go beyond the testing requirements set forth in the regulations.

Mr. Gant said his concern regarding liability related to legal action by a rider, not a driver. Mr. Johnson commented that some districts had stricter requirements around post-accident testing, but random testing of safety-sensitive positions generally adhered to federal guidelines.

Mr. Hamm remarked that the unions were heavily involved in developing industry standards related to testing and if the district exceeded those standards it likely would result in challenges from the union.

Ms. Ban asked if drug and alcohol policy training was provided to all supervisors. Ms. Neidig said that annual training was provided to all supervisors by an outside contractor who specialized in reasonable suspicion and identifying abuse issues.

The Board agreed with Mr. Gaydos' suggestion that action on the policy be postponed until the November 2004 meeting in order for the language to be reviewed by the union.

ITEMS FOR INFORMATION AT THIS MEETING**A. Current Activities****Board Member Reports –**

Metropolitan Policy Committee – October 14, 2004 – No questions or comments.

State Budget Briefing – September 23, 2004 – No questions or comments.

Region 2050 Policy Advisory Board – September 29, 2004 – Ms. Ban said the Region 2050 planning, which compared three growth scenarios for the area on a 50-year timeframe, was moving forward. She said that each month the board reviewed specific data; education and wastewater management were reviewed at the last meeting. She indicated that the transportation study was underway and when completed would be of great interest in terms of intercity connectivity, density, and congestion under each scenario and the implications for transit.

MPO Summit – October 15, 2004 – Ms. Ban reported that the goal of the summit was to bring MPOs together in a consortium or association around some common interests and issues, particularly legislation related to the infusion of transportation funds into the State budget. She said there was some agreement about approaches to the State and legislators and priorities to put forward. The next summit was scheduled for February 2005 in Salem. Ms. Gardner added that the meeting represented the next step toward concrete strategies for formalizing the group and obtaining benefits in terms of lobbying at the state and federal levels.

General Manager's Report – Mr. Hamm reminded Board members that the Springfield Station dedication was scheduled for October 21, 2004, in conjunction with the Springfield Chamber of Commerce Membership Breakfast, and in the evening the Business-to-Business Exposition would take place. He said the 7th Annual UO/Springfield Chamber Tailgate Auction would occur on November 19, 2004, and asked Board members to let staff know if they were interested in participating.

Ms. Ban said she was pleased to announce the Commuter Solutions Diamond Express service award at the MPC meeting.

Springfield Station Dedication – Mr. Gaydos presented a dedication plaque to Facility Services Manager Charlie Simmons for his outstanding efforts on the Springfield Station project. Mr. Simmons thanked the Board and acknowledged the efforts of all members of the LTD staff and the Springfield community and expressed his appreciation for their contributions to the success of the project.

Mr. Hamm distributed dedication plaques to Board members and thanked them for the role they played in bringing the project to completion.

Ms. Hocken acknowledged in particular the efforts of Board members Hillary Wylie and Dave Kleger. She also commended Charlie Simmons for his work on the Eugene Downtown Station.

Monthly Financial Report – Director of Finance & Information Technology Diane Hellekson reported that the revenue picture was unusual in that payroll tax receipts showed and unexplained "uptick" in September. She said the specific amount of the potential payroll tax

recovery from the contested taxpayer refund was almost \$1.4 million. She said that there was some concern about the growth in personnel services expenditures, particularly related to contract employees. She indicated the rate increase was almost double what had been established as a target for the current year and more information would be provided in the November 2004 report. She said that fuel costs continued to be a major concern and the shortfall in that line item could require a transfer from contingency funds that the Board would have to approve.

Ms. Hellekson said there would be two reports before the Board in November: the Comprehensive Annual Financial Report and the draft report from the Financial Management Oversight Review (FMO). She said that there were a number of favorable comments made by the reviewers during the FMO process, although the formal report merely would indicate no material deficiencies.

Mr. Hamm said that an exemplary FMO report indicated to those making funding decisions at the congressional level and at the FTA level that the District was able to steward the resources it received. He said that it was a compliment to the staff at large and particularly to Ms. Hellekson and would pay dividends in the future.

EmX Bus Rapid Transit Update – Mr. Viggiano stated that in August 2004 the Board had authorized staff to move forward with construction of transit lanes on the Martin Luther King Parkway concurrent with construction of the rest of the road. He reminded the Board that it was not certain when the authorization was made if federal funds could be used because of timing relative to the environmental work. He said that staff had explored other options for funding the project and had determined that the northbound lane, which was a shared transit/right-turn lane, would be eligible for Road Fund money. He said that staff were suggesting that LTD request \$40,000 in Road Fund money from the Lane County Board of Commissioners for that portion of the corridor. He said that the County had agreed to allow LTD to make a special request for those funds. He asked that the Board chair submit a letter to the County Commissioners requesting the \$40,000 and that other Board members make contact with commissioners to explain the request and solicit support.

MOTION Mr. Kleger moved to authorize the president of the Board to write a letter to the Lane County Board of Commissioners requesting Road Fund monies for the right-turn lane on Martin Luther King Jr. Parkway. Ms. Hocken provided the second.

VOTE The motion was approved as follows:
 AYES: Ban, Gaydos, Hocken, Kleger, Wylie, Lauritsen (6)
 NAYS: Gant (1)
 ABSECTIONS: None
 EXCUSED: None

Monthly Department Reports – There were no questions.

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

News Articles about BRT throughout the Nation – There were no questions.

EXECUTIVE (NON-PUBLIC) SESSION PURSUANT TO ORS 192.660(2)(d), LABOR NEGOTIATIONS and PURSUANT TO ORS 192.660(d)(i), GENERAL MANAGER PERFORMANCE EVALUATION

MOTION **Executive Session** – Ms. Hocken moved 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. Ms. Ban provided the second.

VOTE The motion was approved as follows:
AYES: Ban, Gant, Gaydos, Hocken, Kleger, Wylie, Lauritsen (7)
NAYS: None
ABSENTIONS: None
EXCUSED: None

The executive session began at 7:25 p.m. Mary Neidig, Mark Johnson, and Diane Hellekson, members of the District negotiating team, were present for the discussion on negotiations.

Return to Regular Session: Following a motion by Mr. Kleger and second by Ms. Hocken, the Board returned to open session at 8:16 p.m.

Statement of General Manager's Performance: The Board wished to make a public statement regarding the general manager's performance for the past year. On behalf of the Board, Ms. Ban stated that the Board of Directors had reviewed the Board's and leadership team's responses on the performance evaluation form and had a thorough conversation with Mr. Hamm, with all Board members participating. The Board was in general agreement that Mr. Hamm had done a remarkable job in a very difficult year. There was clear acknowledgement that the challenges of the past year were exceptional, both internally and external to LTD, including everything from the economy to personnel challenges, to the union contract, and more. The Board agreed that Mr. Hamm had done a remarkable job of leading a very strong team and leading a team of leadership staff who were working in synch with each other and were very high performing. Ms. Ban stated that Mr. Hamm had reviewed the comments and made some recommendations for the coming year. The Board would be receiving a report on continuing goals from the last year, with a new prioritization and focus for the coming year. She added that a lot of that would involve the Board being more deliberate and invested in its own partnership with Mr. Hamm to carry the organization forward.

ADJOURNMENT

There was no further discussion, and the meeting was adjourned at 8:18 p.m.

Board Secretary

AGENDA ITEM SUMMARY

DATE OF MEETING: November 17, 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 world. 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.

Also included this time are a *Springfield News* article about the Smart Ways to School program and a nationwide list of ballot measures and their results.

ATTACHMENTS: See news articles

PROPOSED MOTION: None

AGENDA ITEM SUMMARY

DATE OF MEETING: November 17, 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 November 17 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. 2004-033: It is hereby resolved that the Consent Calendar for November 17, 2004, is approved as presented.

DISADVANTAGED BUSINESS ENTERPRISE
GOALS & OVERVIEW FISCAL YEAR 2004-2005

Overall DBE Goal: Lane Transit District's overall goal for FY 2004-2005 is 5.16 percent (5.16%) of FTA-funded contracting activities, exclusive of FTA funds to be used for the purchase of transit vehicles.

The estimated total of FTA-funded contracting activities is:

Construction	\$ 12,500,000
Professional Services	\$ 2,897,593
Materials, Equipment	<u>\$ 2,055,040</u>
Total	\$ 17,452,933

LTD has used a two-step process to establish the overall goal for DBE participation:

Step 1. Base figures for DBE availability were developed using the Census Bureau's County Business Pattern database and the Oregon Office of Minority, Women, and Emerging Small Business Directory, with DBEs for Lane County selected.

As of December 2001 (the most current census figures available), the number of businesses in Lane County on the attached list of NAICS (North American Industry Classification System) codes is 484. There are 25 DBE businesses in the same SIC code categories, as shown in the attached listing of DBE businesses.

The percentage based on the above figures is 5.16 percent. External data has been used to develop this goal. The District expects to develop internal data sources during the next year and expects to refine this methodology prior to setting goals for the next fiscal year.

Step 2. Historically, the goal achieved has ranged between 4 percent and 14 percent, with a 10 percent average. The goal achieved is related directly to the number of construction projects and opportunities for professional services. These historical figures are all related to contracts that have utilized a contract goal. LTD typically does not get any DBE participation on contracts that are federally funded without assigning a goal to the contract. Occasionally the goal is not met.

From the above data, a goal has been set at 5.16 percent. The District will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. It is estimated that, in meeting the stated overall goal, 5.16 percent will be obtained from race-neutral participation. The District uses the following race-neutral measures to increase DBE participation:

- Review of types and numbers of contracts projected that will use FTA funds, configuring large contracts into smaller contracts when feasible. Identify components of work that represent subcontracting opportunities and identify the availability of DBE sub-contractors.
- Provide technical assistance in orienting small-business-to-public-contract procedures.
- Make available for use by prime contractors a directory of DBEs that has been compiled by the Oregon Office of Minority, Women, and Emerging Small Business.
- Notify community organizations, general contractors groups, and those agencies knowledgeable about dispersing contract availability to DBEs.

LANE TRANSIT DISTRICT

RESOLUTION NO. 2004-034

**A RESOLUTION REVISING DBE POLICIES AND
DBE AFFIRMATIVE ACTION PROGRAM**

THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS RESOLVES AS FOLLOWS:

WHEREAS, the LTD Board of Directors established by resolution an Affirmative Action Program and Disadvantaged Business Enterprise (DBE) Policy and adopted the same on the 20th day of October 1981; and

WHEREAS, LTD is required by 49 CFR Part 26 (formerly administered under 49 CFR Part 23), as amended, to maintain a policy statement giving DBE firms the maximum opportunity to participate in the performance of contracts financed in whole or part by the Department of Transportation (DOT) or other federal agencies; and

WHEREAS, LTD adopts new DBE policies and program on an annual basis; and

WHEREAS, said policies and program require amendment to comply with updated regulations; and

WHEREAS, the attached policies and program previously were amended to FY 2003-2004 DBE Policies and DBE Affirmative Action Program;

NOW, THEREFORE, BE IT RESOLVED that the FY 2004-2005 DBE Policies and DBE Program, copies of which are attached to and hereby made a part of the Resolution, are adopted.

November 17, 2004
Date

Board President



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

(541) 682-6100
Fax: (541) 682-6111

CONSENT CALENDAR ITEM

FISCAL YEAR 2004-2005 DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Prepared by Jeanette Bailor, Purchasing Manager
November 17, 2004

On October 20, 1981, the LTD Board of Directors established by resolution an affirmative action program for disadvantaged business enterprise participation in Department of Transportation or other federal agency financial assistance projects. Since that time, the Board has adopted revised Disadvantaged Business Enterprise (DBE) Policies and DBE Affirmative Action Programs on an annual basis. DBEs are defined as women- and minority-owned business enterprises.

LTD's Board of Directors is being asked to approve the revised FY 2004-2005 goal and program.

Program Components:

- (1) Resolution Revising DBE Policies and DBE Affirmative Action Program
- (2) Fiscal Year 2004-2005 Overview and Goals
- (3) Fiscal Year 2004-2005 Policy Program and Appendices

Attachments: Attached are the Goals and Overview of the revised FY 2004-2005 DBE Policies and Programs. The entire document is being distributed to the Board under separate cover and can be reviewed upon request by any member of the public. Also attached is LTD Resolution No. **2004-034**, A Resolution Revising DBE Policies and DBE Affirmative Action Program.

Staff Recommendation: Staff recommend that the Board adopt the attached Resolution Revising DBE Policies and DBE Affirmative Action Program as part of the Consent Calendar for November 17, 2004.

Consequences of Recommended Action: The revised DBE Policy and Program will be submitted to the Federal Transit Administration (FTA) for approval.



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

(541) 682-6100
Fax (541) 682-6111

MONTHLY DEPARTMENT REPORTS

November 17, 2004

GOVERNMENT RELATIONS

Linda Lynch, Government Relations Manager

The District's contract state lobbyist, Doug Barber of the Ulum Group, has arranged briefings for state legislators prior to the convening of the 2005 legislative session. The District's priorities remain: funding for transportation services for the elderly and people with disabilities, and continuing to develop an appropriate level of funding for urban transit fleet replacement. A report on contact with District taxpayers also will be included, particularly because TriMet already has acted to implement the authorized increase in the payroll tax rate.

Lottery-backed bonds that provided funding for Westside light rail will be paid off within the next five years, and Lane County area legislators should be aware of efforts to capture those funds in the future for transit statewide.

Congress will convene in a lame-duck session November 16. It is unclear if anything more than continuing resolutions to fund the government agencies that do not yet have their 2005 appropriations will be done. There will be no work on any other substantive issue until the next Congress convenes in January.

Changes in House of Representatives membership will move Congressman DeFazio to the position of ranking Democrat on the Highways and Transit Subcommittee. This committee is charged with the reauthorization of TEA-21, and it is highly likely that a new bill will be written, particularly because TEA-21 has been extended until the end of May.

Representatives of the area's federal lobbying firm, Kirk Bailey and Tom Dawson, will be in Eugene and Springfield November 15 and 16 to meet with staff to assess ideas for next year's federal agenda, to share whatever intelligence there is to be had about administrative and congressional changes, and to visit federally funded projects. It is expected that local governments will continue to build a consolidated agenda to present to the Oregon delegation, traveling to Washington, D.C., the week of February 28, 2005.

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GENERAL ADMINISTRATION

Mark Pangborn, Assistant General Manager

FRANKLIN CORRIDOR EmX

Sue Viggiano, EmX Public Relations Representative

The first segment of EmX construction is complete! The construction area included South 'A' Street between Mill and 5th Streets, and Pioneer Parkway East and Pioneer Parkway West between South 'A' Street and Main Street. Wildish Construction widened South 'A' Street and added a bus-only lane as well as a bike lane. A new signal was added at Pioneer Parkway East to assist pedestrians and bus access to the station. Two other signals were relocated and fitted with longer signal arms. New sidewalks and planting areas improved the overall aesthetics and will be further enhanced once the planting of trees and shrubbery occur later this month.

Acquisition in this segment required partial pieces from seven properties. To date, five of the seven have been settled. The two outstanding, Kryl and Orchard Trust, have lawsuits pending.

Property owners were visited frequently and communication was ongoing throughout the project. Daily updates to the Metro Road Report as well as LTD's Web site were a quick way for the community to get current construction information. The communication tools used for this project alleviated concern from property owners and the community in general.

An ad was placed in the *Springfield News* during the week of November 1, thanking Springfield for putting up with construction dust and inconveniences.

DEVELOPMENT SERVICES

Stefano Viggiano, Director of Development Services

ACCESSIBLE SERVICES

Terry Parker, Accessible Services Manager

Terry Parker was selected as a National Transit Institute Fellow for 2006 and attended training at Rutgers the week of October 25. The four-hour class that she will present to transit agencies throughout the country over the next two years is entitled "Creating a Culture of Accessibility." In part, she will share LTD's story of successful service delivery for people with disabilities.

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Operator Fall Training will be completed in November. Terry and Susan Hekimoglu have presented a session on Accessible Services that includes a seven-minute video aimed at challenging stereotypic perceptions and labels used to refer to people with disabilities.

SERVICE PLANNING AND MARKETING

Andy Vobora, Service Planning and Marketing Manager

Service Planning

- Planners continue to address current bid issues involving running time. Two trippers are operating to address the most significant issues.
- Winter bid timelines have been refined and staff have met to draft the initial list of adjustments. Outreach to operators will occur over the next several weeks as the list of issues is refined. AVL/APC data continues to grow in importance as planners use data to analyze issues arising from operator reports and guest comments.
- UO football operations continue to go smoothly. Ridership continues to lag this year and ridership to the Washington game was the lowest in the past three years. LTD will evaluate the service from the operations side and meet with UO at season's end to evaluate other factors that may have had an effect on ridership.
- Basketball shuttle service tips off November 5. No changes to Park & Ride locations or service levels are planned. The UO is raising the fare to \$3 per round trip.
- The City of Eugene approved an LTD request to remove two parking spaces at the intersection of Kincaid Street and 12th Avenue. This space will be established as a departure area for route 81 LCC. Bus congestion at the Kincaid and 13th platform has become an issue this bid due to increased use of articulated buses.
- Springfield Station operations have created additional operating issues. This involves additional traffic signals entering the station and the signal timing leaving the station. Staff continue to review the issues and are working with the City and contractors to reduce delays.

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Marketing/Graphics

- Congratulations to Marketing Representative Cosette Rees, who headed up the planning committee for the Springfield Station dedication. The event was a tremendous success. Very good media coverage occurred the day of the event and again on the weekend as service began at the station.
- Bus graphics continue to be discussed. The latest rendition of the EmX vehicle has had the current graphic looked applied, and plans for painting the 30' Gillig buses used in Breeze service are underway. The District still has grant funds to paint the articulated buses, and the newest Gillig buses, so designs are being reviewed for painting these buses, as well. The goal would be to have a unified plan that reinforces LTD's brand and could be applied to all buses in the coming years.
- Outreach activities continue to be planned and scheduling of group presentations has begun. A meeting with the CID group (commercial real estate) occurred on November 11. Calls are out to many civic groups and scheduling will depend upon open dates in their meeting schedules. If Board members have specific groups they would like to address, please forward the group name and a contact name to Andy

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Vobora. Andy and Ken Hamm are discussing small group meetings for top payroll taxpayers. Meeting times, group size, and location are still being worked out.

- Thanks to Board members for participating in the Eugene Chamber Business Expo. The LTD booth was designed by staff and included a backdrop highlighting the toolbox of services. An excellent slideshow was produced by graphic designer Shawn Bird. The show included LTD TV commercials, EmX simulations, and photos of LTD programs and people.

FACILITIES SERVICES

Charlie Simmons, Facilities Services Manager

- RideSource:** Much of the site work, including excavation for multiple drainage swales, paving of the parking lots, and preparation for landscaping, is complete. Mechanical, electrical, and plumbing rough-ins also have been completed. Insulation and drywall work should begin before the end of the month. Construction is on schedule, with completion anticipated for February 2005.
- Springfield Station:** The Springfield Station opened October 24, 2004. The operations at the station are running smoothly. A signed lease agreement with Burrito Boy is now being reviewed by the Federal Transit Administration (FTA). LTD also has a verbal agreement with Full City Coffee and staff anticipate having a signed lease within the next couple of weeks. Design of the tenant space is underway, with assistance from Burrito Boy and Full City Coffee.
- Old Springfield Station:** Design work and permits for the removal of the old station are being discussed by LTD and the City of Springfield. Our intention is to have plans approved that include shelters on the east and west sides of Fifth Street south of B Street.

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- Shelter Project:** Weather and some manufacturing concerns have limited shelter installations this past month. Concerns have been addressed regarding the quality of the paint applied to the shelters. Weather permitting, installation of four new shelters should occur before the end of the month. Placing several new shelters along Main Street in Springfield is currently on the drawing board. This will be LTD's first concentrated effort to improve bus stop amenities in Springfield for some time. Staff will be working with City staff to expedite these installations.
- Facilities Maintenance:** Service contracts have been changed to provide services at the new Springfield Station. Facilities staff are working with Hyland Construction to resolve the remaining punch-list items. Preventive maintenance and corrective maintenance continue to fall behind due to workload and the medical leave of one employee.
- Amazon Station Improvements:** The Facilities staff is in the process of giving the Amazon Station a facelift. Built in 1985 for \$257,000, the station is starting to show its age. Improvements include a fresh coat of paint, upgraded light fixtures, new

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furniture (transplanted from the old Springfield Station), and information panels. The last of the improvements will be completed this winter and include the installation of LTD's latest commitment to public art. Eight of the station's large glass windscreens have been broken or vandalized. New glass panels etched with a fern motif designed to deter future vandalism will be installed. Other transit agencies around the country, including Portland and Seattle, have used this technique with positive results.

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COMMUTER SOLUTIONS

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

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- **Regional Emergency Ride Home:** RideShare Program Assistant/Interim Commuter Solutions Program Manager Marcia Maffei gave a presentation at the Eugene Business Commute Challenge 2004 celebration.
- **Rideshare Campaign:** The Rideshare Design Campaign Design Team held their second meeting on October 8.
- **TDM Advisory Committee:** The TDM Advisory Committee held their monthly meeting on October 27.
- **Oregon Business Tax Credit (BETC):** A BETC workshop was held at Lane Transit District. Conducting the workshop were Commuter Solutions staff and Rick Wallace of the Oregon Department of Energy. Attendees included the University of Oregon, PeaceHealth, Lane Community College, and Creative Minds Alternative School. Numerous inquires about the BETC and Commuter Solutions programs were received from businesses in our region as a result of the postcard invitation mailing.
- **Benefit Fairs:** A benefits fair was held on October 6 and 7, 2004, at PeaceHealth.

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▪ **SMART WAYS TO SCHOOL**

Lisa Van Winkle, Smart Ways to School Coordinator

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School Transportation Task Force on School-Related Transportation: ¶

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The first meeting of the School Transportation Task Force on School-Related Transportation, was held on October 27. Attendees reviewed the program goals, baseline research findings, and progress. They also discussed the high school youth bus pass program. School representatives agreed that the need for the program continues, and they reconfirmed their support. School representatives who attended are listed below. Other attendees included staff from Lane Transit District, Commuter Solutions, and Trans-Watch.

Eugene 4J

George Russell,
Superintendent
Edward Goodnough,
Transportation
Beth Gerot, Board Chair

Springfield

Steve Barrett, Deputy
Superintendent
Jim Horton,
Transportation

Bethel

Tim Keeley, Assistant
Superintendent
Iretta Fowler, Laidlaw

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Lisa attended a workshop in Marin County, California, on October 14-15 to learn how their program has been implemented and to receive guidance on establishing a program in this community. More than 25 attendees came from across the U.S., including Hawaii, Michigan, Texas, Virginia, Washington, D.C., Wyoming, and other parts of Oregon.

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Lisa met with Springfield and Eugene traffic engineers to gain their support for the program. As needed, they would meet with parents and staff of participating schools to discuss traffic safety issues. The engineers would help parents determine what solutions are feasible.

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Lisa joined the Lane County Medical Society "Childhood Obesity Coalition", which is a newly formed local coalition comprised of more than 30 local health professionals, school personnel, and representatives of local youth and social service programs. The voices of local physicians urging parents to have their children become more physically active could help boost participation in Smart Ways to School walk and bike groups.

METROPOLITAN PLANNING

Lisa Gardner, Senior Strategic Planner

- The City of Eugene held the second meeting for the Chambers Reconsidered project, which is re-initiating nodal development implementation in what previously was referred to as the Chambers Node, and now is being referred to as "mixed use development." At the October 19, 2004, meeting, citizens participated in a Visual Preference Survey. The next meeting is scheduled for November 16, 2004. Information about the Visual Preference Survey and the Mixed Use Development concept is available at the City of Eugene Planning and Development Web page: <http://www.ci.eugene.or.us/nodal/index.htm>.
- The Eugene-Springfield Metropolitan planning region is reviewing a draft Regional Transportation Plan Update, Metropolitan Transportation Improvement Program update, and Air Quality Conformity Determination for both plans. Information on these plans is included in the Board Report Summary of this packet.
- The Springfield Economic Development Agency published a Draft Glenwood Urban Renewal Plan in October 2004. The passage of Springfield Ballot Measure 20-92 authorizes this plan. LTD will provide comments to the Springfield Economic

Development Agency requesting stronger language supporting the implementation of BRT in Glenwood, and authorizing the use of urban renewal funds for future BRT development in Springfield. Following adoption by the Springfield Economic Development Agency, the plan will be forwarded for adoption by the Springfield City Council and the Lane County Board of Commissioners. Staff may request that the LTD Board provide testimony at these meetings.

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- The Region 2050 Policy Board will consider modeling assumptions for the 2050 transportation model at their November 29, 2004, meeting. Additional information is included in the Board Report Summary of this packet.

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BRT PLANNING

Graham Carey, BRT Project Engineer

- **Pioneer Parkway Corridor:** Staff have initiated bi-weekly agency coordination meetings with Springfield and ODOT staff, and have re-initiated bi-weekly meetings with Springfield only to address a range of corridor planning and design issues. Issues currently being addressed by this group include the operation of the Beltline/Gateway Road intersection and driveway access along Gateway and Harlow Roads.

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Springfield staff have released the design for the roundabout at the intersection of MLK Jr. Parkway and Hayden Bridge Way. LTD staff are working with Springfield to ensure that the design accommodates the BRT system. Property acquisitions through the constrained area of MLK Jr. Parkway are proceeding according to plan, with approximately 30 percent of the right-of-way secured.

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- **Progressive Corridor Enhancement:** The "Incremental Development" program to develop higher-frequency, higher-quality transit service along LTD's major corridors has been renamed as "Progressive Corridor Enhancement." Staff currently are collecting information on candidate corridors that could benefit from incremental improvements. Discussions were held with Eugene staff to identify opportunities for corridor improvements. Staff also are continuing discussions with Eugene Traffic Management staff to introduce signal priority on selected corridors.

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- **General:** A BRT Technical Advisory Committee meeting will be held on November 23, 2004. The agenda will include updates on the Franklin BRT Corridor, the Progressive Corridor Enhancement Program and the Pioneer Parkway BRT Corridor. The BRT Steering Committee will meet on December 7, 2004.

TRANSIT OPERATIONS

Mark Johnson, Director of Transit Operations

PARTNERSHIPS WITH OTHER AGENCIES

Operations staff participated in a two-day workshop to develop a job-specific tool to assist in hiring new supervisors. Three supervisors and two managers from LTD participated with several other supervisors and managers from agencies throughout the northwest to help develop this tool. Staff are excited about the product and hope to have it in place by the end of the year.

FOOTBALL SERVICE

Football service is winding down, with the last home game scheduled for November 13. The operations crew has done a great job of continuing to improve the service to and from Autzen Stadium. Ralph Dinnel, the supervisor in charge of the service delivery, and Marcie Pope, the lead transit coordinator, have done a great job, as has the entire LTD team. Now it is on to basketball season.

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 Financial Management Oversight Review (FMO) review delayed the completion of the FY 2003-2004 Comprehensive Annual Financial Report (CAFR). The required annual

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National Transit Database (NTD) and quarterly TEAM (federal grants) reporting was completed in a timely manner.

Three hundred seventy-nine (379) vendor checks were processed during the month, including two checks to Wildish Building Company totaling \$635,422 for work related to Franklin Corridor construction; \$276,729.50 to Siemens for work related to the AVL/APC project; \$214,130.21 to Essex General Construction, Inc., for work related to RideSource facility construction; and \$180,472.96 to John Hyland Construction, Inc., for the Springfield Station.

One hundred sixty-two (162) payroll checks and 1,347 payroll direct deposits totaling \$1,133,514.65 were made in October 2004. These numbers represent three payrolls for the month. Quarterly reporting related to payroll was completed in a timely manner.

Eleven cash fare deposits totaling \$137,563.96 were made in October 2004. These included cash fares for two football games.

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PURCHASING

Jeanette Bailor, Purchasing Manager

The Disadvantaged Business Enterprise policy and program statement has been completed and is submitted as a consent calendar item this month. Each year, staff determine what LTD's contracting opportunities will be for the next fiscal year, review the available firms and the census data, and calculate the annual goal for contracting opportunities with disadvantaged business enterprises. The program goal and policy are submitted to the Federal Transit Administration after Board approval.

The purchasing assistant is on a family leave of absence for the next twelve weeks. The work has been disbursed among several other Finance and Information Technology staff. Purchasing prepared for the leave with cross training and by preparing bid documents ahead of time. Staff have been very generous in their offers of help during this time.

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INFORMATION TECHNOLOGY

Steve Parrott, IT Manager

The IT staff participated in the recently completed FTA Financial Management Oversight Review (FMO). Preliminary feedback indicates that the auditors were satisfied with the IT staff's responses to questions and follow-up interviews. IT staff designed and installed a telephone conferencing system for the Glenwood facility Board Room. The system had its first successful use for the FTA FMO Exit Conference meeting on November 2, 2004.

The IT staff continues its work on the APC/AVL project. Unfortunately, it appears that the vendor, Siemens Automotive VDO, will not be able to fulfill the accuracy requirements for automated passenger counts set forth by LTD in its Request for Proposals to be 95 percent. This conclusion is drawn from several earnest attempts by Siemens and their suppliers to

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meet LTD's specifications. LTD is initiating negotiations with Siemens to arrive at some form of financial compensation for this circumstance. Siemens continues in its efforts to deliver other contract commitments in a timely manner. LTD is withholding a final contract payment pending negotiations and testing of final contract deliverables.

HUMAN RESOURCES

Mary Neidig, Human Resources Director

PRIORITIES

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

LABOR CONTRACT NEGOTIATIONS CONTINUE

The LTD negotiations team met with the Amalgamated Transportation Union negotiators on October 14. LTD's full package was presented, including economic offerings. Both parties thought that mediation would be helpful, and agreed to file a joint request to the Employment Relations Board for assignment to a mediator. This request was filed officially the next week, and a mediator assigned the day after. The discussion with the mediator has centered around setting dates for the first mediation, now scheduled for November 22.

HEALTH CARE MODEL

Quotes were solicited from several health insurance carriers, and three were received. After additional negotiations, a carrier was selected and the health care plans for administrative employees were finalized. The Human Resource Team met with the Pacific Source Representative, LTD's insurance broker and Manley Services to outline the plan parts and to prepare for questions that the administrative employees might ask during open enrollment.

SELECTION AND HIRING

A mechanic in the Maintenance Department resigned to relocate in California. The Human Resources Department has been working with Maintenance management to recruit and select a replacement. There currently are no other positions open.

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LEADERSHIP COUNCIL RETREAT

The Leadership Council met for two days in late October. Among other things, the Leadership Council made strategic decisions related to organization-wide training and recruitment. Much discussion centered around concerns for organization communication, employee involvement in decision making, and effective team processes.

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OTHER ACTIVITIES

The Human Resources Director was appointed to a two-year term on the Lane County Elected Official's Compensation Board. The Board met in October to make compensation recommendations for several elected officials.

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As a member of the Springfield Chamber Legislative Issues Committee, the Human Resources Director helped with the annual Candidate's Forum. Candidates for three local races attended, and many voter issues were addressed.

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Lane Transit District Admin. Employee Handbook

781 Drug & Alcohol Program Lane Transit District Admin. Employee Handbook

781 Drug & Alcohol Program

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

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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

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: November 17, 2004

ITEM TITLE: DECEMBER 2004 EMPLOYEE OF THE MONTH

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

BACKGROUND: **December 2004 Employee of the Month:** Bus Operator Kevin Kenworthy was selected as the December 2004 Employee of the Month. Kevin was hired by LTD in October 1987. He has received awards for 16 years of safe driving, 8 years of correct schedule operation, and excellence in providing service to persons with disabilities. Kevin was nominated for this award by two supervisors for going over and above the call of duty when he assisted a young mother in distress. The woman's young child had crawled under an information panel and out of reach of the mother at the Eugene Station. Kevin bought a dish of ice cream and used it to help coax the child from under the panel, then handed the child back to a very grateful mother.

When asked to comment on Kevin's selection as Employee of the Month, Operations Field Supervisor Bob Prine said:

Kevin is a quiet and easygoing guy. He has a great sense of humor and is well known for fabricating a story for the amusement of both his guests and fellow employees. He also is very conscientious of his guests. If there is anything that is making them uncomfortable, he is quick to deal with the situation. He is very observant and is quick to spot a situation developing. There have been many times that Kevin has alerted me to something that is going on and I have been able to respond and deal with the problem before it gets out of hand. Kevin is like an extra pair of eyes for any supervisor on duty and we all appreciate his help.

On a personal note, Kevin is well known for his firewood business. He is very generous, and on many occasions has donated wood to people with disabilities or who are financially distraught. It would be hard to find someone with as much compassion as Kevin.

Our congratulations to Kevin on his selection as the December 2004 Employee of the Month!

AWARD: Kevin will attend the November 17, 2004, meeting to be introduced to the Board and receive his award.

AGENDA ITEM SUMMARY

DATE OF MEETING: November 17, 2004

ITEM TITLE: EXECUTIVE (NON-PUBLIC) SESSION PURSUANT TO ORS 192.660(2)(d)

PREPARED BY: Ken Hamm, General Manager

ACTION REQUESTED: 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. Members of the District's negotiating team will be present for this discussion.

ATTACHMENT: None

PROPOSED MOTION: I move 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.

AGENDA ITEM SUMMARY

- DATE OF MEETING:** November 17, 2004
- ITEM TITLE:** WORK SESSION: FRANKLIN CORRIDOR EMX BUDGET STATUS REPORT
- PREPARED BY:** Mark Pangborn, Assistant General Manager
- ACTION REQUESTED:** Review and comment on Budget options for project
- BACKGROUND:**
- The purpose of this agenda item is to provide the most current status report on the Franklin Corridor EmX project. At earlier Board meetings, staff have indicated to the Board that the current cost estimate for the project exceeds the budget in the approved Capital Improvements Program (CIP). Before moving the project forward to final adoption, we must bring the project in-line with the budget. To do so, one either reduces the scale and therefore the cost of the project, or increases the budget to pay for the increased costs. Staff have prepared a number of options for the Board to consider. These include cost reduction options as well as alternatives for increasing the budget.
- The purpose of this presentation is to provide the Board with as many feasible alternatives as possible, to answer Board questions, and to determine if any additional information is needed in order for the Board to make a final decision on the project budget. The current plan is for the Board to make a final decision at the December 15th Board meeting. This allows time for additional analysis if needed.
- Given the complexity of the issue, staff were still compiling the numbers for the alternatives at the time the agenda materials were being prepared. Consequently, that information is not included in this document, but will be presented at the November 17th Board meeting.
- RESULTS OF RECOMMENDED ACTION:**
- Staff will prepare any additional information requested by Board. Staff also intend to provide this same information to the BRT Technical Advisory Committee and the BRT Steering Committee for their input. This review would occur between the November 17th and December 15th Board meetings so the Board would have additional input prior to making their final decision.
- ATTACHMENT:** None
- PROPOSED MOTION:** None

AGENDA ITEM SUMMARY

- DATE OF MEETING:** November 17, 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 December 13, 2004, work session or the December 15, 2004, regular meeting.
 - B. **Pioneer Parkway Corridor BRT Goal & Performance Objectives:** The Board will be asked to approve the Goal and Performance Objectives at the December 15, 2004, regular meeting.
 - C. **Progressive Corridor Enhancement:** At the December 15, 2004, regular meeting, a continued discussion of progressive corridor enhancement will be scheduled. Additional discussions and decisions regarding specific actions will occur at future meetings.
 - D. **Comprehensive Annual Financial Report (CAFR):** A presentation and acceptance of the District's annual audit will be scheduled for the December 15, 2004, regular Board meeting.
 - E. **Federal Management Oversight Review Report:** The final report on the recent Federal Management Oversight Review will be presented to the Board in December 2004.
 - F. **Executive Sessions on Labor Negotiations:** Executive (non-public) sessions to discuss labor negotiations will be scheduled as needed during the coming months.
 - G. **FY 2005-06 Pricing Plan:** Proposed changes to the LTD Pricing Plan will be discussed with the Board at the January 19, 2005, regular meeting. Public hearings will be scheduled for February and March 2005.
 - H. **FY 2005-06 Annual Route Review and Service Recommendations:** A preliminary discussion with the Board will be held at the January 19, 2005, meeting. Public hearings and approval of the

service recommendations will be scheduled for February or March 2005.

- I. **Information on LTD Purchasing Policy:** An update on LTD's Purchasing Policy will be provided following Board member turnover in early 2005.
- J. **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.
- K. **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.

**LANE TRANSIT DISTRICT
GENERAL MANAGER COMPENSATION ADMINISTRATION**

Salary History:

<u>Date</u>	<u>Increase</u>	<u>Salary</u>
02/27/00	Hire Salary	\$ 110,000
03/27/01	4% Increase	\$ 114,400
03/01/02	3% Increase *	\$ 117,832
07/01/02	0.75% Increase	\$ 118,716
04/21/03	2% Increase	\$ 121,090

* Additional 40 hours of CAL granted annually

Compensation Comparisons:

Attached is a summary of compensation comparisons of general manager-type roles in five similar-sized transit districts. Also included are comparisons for other local employers and Lane County employers. Lane Transit District participated in all three surveys.

**Local CEO Salary and Benefits Survey
Prepared by Willamalane Recreation District
(Detail Attached)**

<u>Agency</u>	<u>Base Salary</u>	<u>Retirement by Agency</u>	<u>Retirement by Manager</u>	<u>Annual Car Allowance</u>	<u>Total Compensation</u>
Eugene SD	\$109,867	6%	0%	\$4,500	\$136,967
SUB	\$145,498	0%	3%	\$4,200	\$158,809
Lane County	\$115,939	0%	6%	\$4,380	\$120,319
Springfield	\$135,344	0%	0%	\$0	\$135,344
<hr/>					
Average	\$126,662			\$3,270	\$137,860
LTD	\$121,090	6%	0%	\$3,600	\$124,690

**2004 LCHRA Pay and Benefits Survey
Area Pay Data Summaries – Exempt Jobs
(Detail Attached)**

General Manager

<u>Simple Average</u>	<u>Weighted Average</u>	<u>Average Start</u>	<u>25% of Range</u>	<u>Median of Range</u>	<u>75% of Range</u>
\$91,517	\$92,464	\$76,347	\$85,820	\$95,718	\$110,037

**2004 C-TRAN Pay and Benefits Survey
(Detail Attached)**

General Manager

District	Kitsap	Lane	Salem	Ben Franklin	Spokane	C-Tran
Employees	414	312	212	249	447	368
2004 Budget Operating	\$26 Mil	\$24 Mil	\$19 Mil	\$20 Mil	\$36 Mil	\$32 Mil
2004 Budget Capital	\$21 Mil	\$30 Mil	\$2 Mil	\$11 Mil	\$6 Mil	\$21 Mil
Salary	\$108,684	\$121,090	\$107,500	\$102,210	\$112,000	\$100,632
Vehicle Allowance	N/A	\$3,600	N/A	\$3,600	N/A	\$6,000



LTD General Manager's Report to the Board of Directors

November 17, 2004

Prepared by Ken Hamm, General Manager

FUTURE DATES TO REMEMBER

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 13, 2004	LTD Board Work Session (tentative)
December 15, 2004	LTD Regular Board Meeting
December 24, 2004	LTD Administrative Offices Closed for Christmas Holiday
December 31, 2004	LTD Administrative Offices Closed for New Year's Holiday
January 10, 2004	LTD Board Work Session (tentative)
January 19, 2004	LTD Regular Board Meeting

EXTERNAL ACTIVITIES

Obie Media

On October 18th I met with Brian Obie. Brian wanted to inform LTD about the change in ownership that appears to be going through, effective in January. Lamar Advertising out of New Orleans will own and operate Obie Media. I was introduced to their new VP/GM Brad Kleiner.

OTA Retreat

Linda Lynch and I participated in the Oregon Transit Association retreat on October 20. The agenda primarily focused on association and member initiatives in the 2005 legislature and on the OTA staff's role in this session.

Springfield Station Ceremony

Congressman DeFazio drove an articulated bus into the new Springfield Station for the ceremonial opening on October 21. The Springfield Chamber held a breakfast in the joint development space prior to the ceremony. The event was very well attended. Service from the new station began Sunday, October 24. LTD has one tenant, Burrito Boy, under contract for the retail space, and two others considering it.

Business to Business Expo

On October 21, LTD participated in the Eugene Chamber Business to Business Expo. An LTD booth had video and printed information on our toolbox of services. The booth was staffed in shifts by LTD employees and Board members.

Rob Bennett

I met with Rob Bennett on October 25th to discuss BRT and related issues. Other topics included AVS buses, payroll tax implementation strategies, and the Springfield Station.

United Way Drive

Lee Kennedy and Ed Baker met with me about LTD's annual United Way drive.

Yelp! Yelp! Yelp!

Yes, the Huskies left Eugene with their tails between their legs and my purple ego slightly bruised. Congratulations to the Ducks! I've hung my colors up for another year in hopes that Gibby's replacement can restore some of the old purple glory.

SUB Breakfast

I attended the Springfield Utility District's informational breakfast on November 3. An overview of their rates, financial status, and industry issues was given.

SEL

I attended the semi-monthly meeting of the public CEOs from Springfield, Eugene, and Lane County on November 12th in Springfield.

INTERNAL ACTIVITIES

Leadership Retreat

The Leadership Council held its annual retreat October 28th and 29th. Peter and Susan Glaser had been hired to conduct a survey of administrative employee attitudes and issues, and facilitated the first day. They shared areas of employee concern, provided a model for decision-making, and helped LC practice the model while addressing some of the employee issues. The second day LC focused on organizational development, organizational structure, and where to begin with the budget.

FMO Review

Diane Hellekson will share more about this process. The Federal Management Oversight Review is very structured, very time intensive, and very important. As expected, our financial systems and internal controls were given high marks by the review team.

Diversity

LTD, as one of the co-signers to the regional memorandum of understanding on diversity, continues to look at how we can improve our workplace. LTD's policies and practices are being reviewed, including recruiting, hiring, educating employees, handling guest issues, etc. The Board will be kept apprised of our efforts in this area and asked to approve policies that might arise out of our current work. LTD is an equal opportunity employer.



Employee Benefits Overview Managed Care Plan

Current Contracts	Lane Transit District Managed Care Plan # of employees: 260	EWEB # of employees: 150	SUB # of employees: 125	
Employer-paid monthly premium	\$992	\$1096	\$1,125	
Monthly employee contribution	0	\$180	Up to \$281	
Employee deductible	0	\$150 indiv. \$300 family	0	
Coverage after deductible	100% with co-pays	80%	100% after co-pay of \$20 to \$200	
Max out-of-pocket	\$500 indiv. \$1,000 family	\$3,000 indiv. \$6,000 family	\$1,000 indiv. \$2,000 family	
Prescription benefit	\$6 - \$10 - \$20	\$10 - 20% - 50%	\$10 - \$20 - \$25	
Notes				

AGENDA ITEM SUMMARY

DATE OF MEETING: November 17, 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 October 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: October 2004 Performance Report
Eugene/Springfield Metro Labor Trends

PROPOSED MOTION: None

AGENDA ITEM SUMMARY

DATE OF MEETING: November 17, 2004

ITEM TITLE: PIONEER PARKWAY CORRIDOR BUS RAPID TRANSIT GOAL AND PERFORMANCE OBJECTIVES

PREPARED BY: Lisa Gardner, Senior Strategic Planner

ACTION REQUESTED: Review Draft Bus Rapid Transit Goal and Performance Objectives

BACKGROUND: The Board previously adopted corridor-specific BRT Goals and Objectives (BRT Goals) for the Franklin BRT Corridor in 1999, and adopted a non-corridor-specific update of the Goals in June of 2002. As part of the Pioneer Parkway project definition and National Environmental Policy Act (NEPA) analysis and documentation process, it is appropriate to consider Pioneer Parkway corridor-specific BRT Goals. For this purpose, the BRT Goals are intended to provide a framework for evaluating the proposed project's capacity to satisfy the stated Goals and Objectives as measured by specifically defined performance objectives. The Federal Transit Administration will apply the stated Goals and performance objectives in their assessment and approval of the Pioneer Parkway Environmental Impact Statement.

The Draft BRT Goals will be distributed to the Technical Advisory Committee at its November 23, 2004, meeting, and will be considered by the BRT Steering Committee at its December meeting. The LTD Board will be asked to adopt the BRT Goals at its December 15, 2004, Board meeting.

ATTACHMENT: Draft Pioneer Parkway BRT Goal and Performance Objectives

PROPOSED MOTION: None



Lane Transit District
P. O. Box 7070
Eugene, Oregon 97401
(541) 682-6100
Fax: (541) 682-6111

Pioneer Parkway EmX Corridor Project Goal and Objectives

Project Goal

To provide a high-quality, cost-effective transit improvement in the Pioneer Parkway Corridor that will support the community's land use and transportation goals, improve the efficiency and operation of the transportation system, provide environmental benefits, and reflect community values

Objectives

1. Provide convenient, fast, reliable transit service in the corridor
2. Maximize the efficiency of transit service operations along the corridor
3. Support desired land use patterns and development in the corridor
4. Help accommodate future growth in travel demand in the corridor
5. Minimize adverse safety and operational impacts to pedestrians, bicyclists, and motorists using the corridor
6. Provide an environmentally sensitive design for the project

\$7 million grant expected to help fund transit system

Jeff DeLong RENO GAZETTE-JOURNAL

10/26/2004 10:42 pm

A top federal transportation official is expected to announce today a \$7 million grant to the Regional Transportation Commission to help fund the construction of two new transit centers and the development of a rapid transit system along Virginia Street.

Jennifer L. Dorn, administrator for the Federal Transit Administration, is scheduled to attend the briefing along with U.S. Rep. Jim Gibbons, representatives of U.S. Sen. Harry Reid, U.S. Sen. John Ensign and others, RTC officials said.

Funding announced today will help finance the roughly \$34 million construction of new transit centers in Reno and Sparks by 2008. Combined with the Bus Rapid Transit system proposed for Virginia Street, the centers will represent “a huge leap forward” in serving the public transportation needs of the Truckee Meadows, said Greg Krause, RTC executive director.

“These are probably the most important public transportation investments we will make in our community for years,” Krause said.

The new Reno transit center would be east of the CitiCenter facility at Fourth and Lake streets. It should include about 25 bus bays and a landscaped plaza with sidewalks and climate-controlled waiting areas at a cost of \$22 million.

The Sparks center, costing about \$12 million, would be at Victorian Avenue and 14th Street. It is expected to include 16 bus bays and offer rider services similar to the Reno station. Both centers could include retail businesses and child-care facilities.

Transportation officials today will review different designs for the projects. Design of each center is being developed through a series of community meetings and will reflect the characteristics of the two cities, Krause said.

“We are working to incorporate community input and ideas in the new transit centers’ development at every step of the process,” Krause said.

The \$7 million grant will also aid in development of a Bus Rapid Transit system along Virginia Street from the University of Nevada, Reno and downtown casinos south to Meadowood Mall.

Using rubber-tired, bullet-shaped vehicles that blend characteristics of light rail and conventional buses, the transit system would operate along dedicated traffic lanes.

The project, costing \$35 million to \$40 million, could halve the time it takes to travel along the busy Virginia Street corridor, officials said. The route is often congested, a problem expected to worsen as the area grows.

Similar to systems in Los Angeles, Miami, Honolulu and Boston, the rapid transit project could also spark redevelopment along much of Reno’s primary north-south arterial road, officials said.

AGENDA ITEM SUMMARY

- DATE OF MEETING:** November 17, 2004
- ITEM TITLE:** METROPOLITAN POLICY COMMITTEE (MPC) ADOPTION OF THE 2004 REGIONAL TRANSPORTATION PLAN UPDATE
- PREPARED BY:** Lisa Gardner, Senior Strategic Planner
- ACTION REQUESTED:** Recommend MPC Approval of 2004 Regional Transportation Plan Update
- BACKGROUND:**
- The Board held a work session at their October meeting on the 2004 Regional Transportation Plan Update. Since the October meeting, Board members Susan Ban and Gerry Gaydos have scheduled meetings with elected officials, including those who sit on MPC, to discuss the RTP transit assumptions, including Progressive Corridor Enhancement. LCOG Transportation Program Manager Tom Schwetz is meeting with all MPC members individually to provide additional information on plan performance and model output. Susan Ban and Gerry Gaydos met with Mr. Schwetz on November 10, 2004.
- Public involvement efforts for the RTP update include an open house held on November 4, 2004; a public comment period from October 14 to December 9, 2004; public hearings scheduled for November 18 and December 9, 2004; and a second open house scheduled for December 1, 2004. Public outreach has been solicited through newspaper ads, direct mailing, and Web site postings.
- The RTP Update must be approved by MPC at their December 9, 2004, meeting to avoid a federal plan lapse, which could jeopardize the availability of federal funds to the region. Staff recommend that the LTD Board take action to recommend MPC approval of the 2004 RTP Update.
- ATTACHMENTS:** None (Preliminary Draft Plan distributed in October)
- PROPOSED MOTION:** I move the following resolution:
- LTD Resolution No. 2004-035: Resolved, that the Lane Transit District Board of Directors hereby recommends approval of the 2004 Regional Transportation Plan Update by the Metropolitan Policy Committee at the December 9, 2004, MPC meeting.