

BUTTE COUNTY ASSOCIATION
OF GOVERNMENTS



BOARD OF DIRECTORS MEETING
JANUARY 24, 2019

Acronyms for Butte County Association of Governments

ACRONYM	MEANING
AB	Assembly Bill
ACOE	Army Corps of Engineers
AFR	Accident Frequency Ratio
APS	Alternative Planning Strategy
AQMD	Air Quality Management District
ARB	Air Resource Board
AVL	Automatic Vehicle Location
BCAG	Butte County Association of Governments
CALCOG	California Association Council of Governments
CARB	California Air Resource Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation & Air Quality
CON	Construction
CTC	California Transportation Commission
CTIPS	California Transportation Improvement Program System
DFG	California Department of Fish and Game
DOT	Department of Transportation
EIR	Environmental Impact Report
EMFAC	Emissions Factors
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
FY	Fiscal Year
GARVEE	Grant Anticipation Revenue Vehicle Program
GhG	Greenhouse Gas Emissions
GIC	Geographical Information Center
GIS	Geographic Information Systems
GPS	Global Positional Satellite
HCP	Habitat Conservation Plan
IIP	Interregional Improvement Program
IPG	Intermodal Planning Group
ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
JPA	Joint Powers Agreement
LAFCO	Local Agency Formation Commission
LTF	Local Transportation Fund
MPO	Metropolitan Planning Organization
NAAQS	National Air Quality Standards
NCCP	Natural Community Conservation Plan
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service (Also NOAA Fisheries)

ACRONYM	MEANING
NOAA	National Oceanic and Atmospheric Administration Fisheries (Also NMFS)
OWP	Overall Work Program
PA&ED	Project Approval & Environmental Document
PDT	Project Development Team
PEER	Permit Engineering Evaluation Report
PL	Federal Planning Funds
PPH	Passengers Per Revenue Hour
PLH	Public Lands Highway
PPM	Planning Programming & Monitoring
PPNO	Project Programming Number
PS&E	Plans, Specifications & Estimates
PSR	Project Study Report
PTMISEA	Public Transportation Modernization Improvement and Service Enhancement Account
PUC	Public Utilities Code
R/W	Right of Way
RFP	Request for Proposals
RHNA	Regional Housing Needs Allocation
RHNP	Regional Housing Needs Plan
RIP	Regional Improvement Program
RTAC	Regional Target Advisory Committee
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agency
SACOG	Sacramento Area Council of Governments
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users
SCEA	Sustainable Community Environmental Assessment
SCS	Sustainable Community Strategy
SDP	Strategic Deployment Plan
SHOPP	State Highway Operation Protection Program
SSTAC	Social Services Transportation Advisory Council
STA	State Transit Assistance
STIP	State Transportation Improvement Program
TAC	Transportation Advisory Committee
TAOC	Transit Administrative Oversight Committee
TCRP	Transportation Congestion Relief Program
TDA	Transportation Development Act
TE	Transportation Enhancements
TIP	Transportation Improvement Program
TPP	Transit Priority Project
TSGP	Transit Security Grant Program
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
UTN	Unmet Transit Needs
WE	Work Element



BCAG BOARD OF DIRECTORS MEETING

January 24, 2019
9:00 a.m.



BCAG Board Room

326 Huss Drive, Suite 100
Chico, CA 95928

BCAG BOARD MEETING LIVE STREAM

www.youtube.com/channel/UCHidik5N5lu0dU8NwhK3hIw

1. Pledge of Allegiance
2. Roll Call – Welcome New Board Members
3. Election of Chair and Vice Chair for the 2019 Calendar Year

Members of the public may comment on any item on the agenda at the time the item is taken up by the Board of Directors. We ask that members of the public come forward to be recognized by the Chair, state your name and address for the record, and keep remarks brief.

CONSENT AGENDA

4. Approval of Minutes from the December 13, 2018 BCAG Board of Directors Meeting (Attachment) – **Victoria**
5. Approval of Federal Transit Administration (FTA) Drug and Alcohol Policies & Procedures and Resolution 2019-19-11 (Attachment) - Andy
6. Approval and Adoption of Transdev Equal Employment Opportunity (EEO) Program and Resolution 2018/19-12 – (Attachment) - Andy
7. Approval of Amendment #2 to the 2018/19 Overall Work Program & Budget (Attachment) – **Julie**

ITEMS REMOVED FROM CONSENT AGENDA – *If Any*

ITEMS FOR ACTION

8. Approval of MAP-21 Safety Performance Measure (PM1) Targets (Attachment) – **Brian**

ITEMS FOR INFORMATION

9. Butte Regional Conservation Plan (BRCP) Update (Attachment) – **Chris**

ITEMS FROM THE FLOOR

10. Members of the public may present items to the BCAG Board of Directors but no action will be taken other than placement on a future agenda.

ADJOURNMENT

11. The next meeting of the BCAG Board of Directors has been scheduled for Thursday, February 28, 2019, at the BCAG Board Room.

Copies of staff reports or other written documentation relating to items of the business referred to on the agenda are on file at the office of the Butte County Association of Governments (BCAG). Persons with questions concerning agenda items may call BCAG at (530) 809-4616.

Any handouts presented by speakers are to be distributed to the Board by the Clerk of the Board.

BUTTE COUNTY ASSOCIATION
OF GOVERNMENTS



BOARD OF DIRECTORS MEETING
ITEM #4



**DRAFT MEETING MINUTES
OF THE BUTTE COUNTY
ASSOCIATION OF GOVERNMENTS
December 13, 2018**

The following minutes are a summary of actions taken by the Board of Directors. A digital recording of the actual meeting is available at BCAG's office located at 326 Huss Drive, Suite 150, Chico, CA.

Board Member Connelly called the meeting to order at 9:11 a.m. at the BCAG Board Room, 326 Huss Drive, Suite 100, Chico CA.

MEMBERS PRESENT

Bill Connelly	Supervisor	District 1
Steve Lambert	Supervisor	District 4
Maureen Kirk	Supervisor	District 3
Jody Jones	Mayor	Town of Paradise
Linda Dahlmeier	Mayor	City of Oroville
Nathan Wilkinson	Councilmember	City of Biggs

MEMBERS ABSENT

Larry Wahl	Supervisor	District 2
Doug Teeter	Supervisor	District 5
Andrew Coolidge	Councilmember	City of Chico
Ray Borges	Councilmember	City of Gridley

STAFF PRESENT

Jon Clark	Executive Director
Andy Newsum	Deputy Director
Ivan Garcia	Transportation Programming Specialist
Brian Lasagna	Regional Analyst
Jim Peplow	Senior Planner
Julie Quinn	Chief Fiscal Officer
Cheryl Massae	Human Resources Manager
Victoria Proctor	Administrative Assistant

OTHERS PRESENT

Lance Atencio, Transdev
Linda Furr, League of Women Voters of Butte County
Stephen Feher, Sustainable Community Development
Bill Smith, Transdev
John Caskey, Transdev
Alexis Keith, Transdev
Bob Weininger, Homeowner along Route 70

BCAG Board of Directors Meeting – Item #4

January 24, 2019

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Nima Kabirinassab, Caltrans

John Hudson, Transdev

Mike Johnson, Transdev

Rodney Davis, Transdev

Martin Ocegueda, Transdev

Tim Thao, Transdev

Ben Parkinson, Transdev

Bradley Wright, Transdev

Tannis Walburn, Transdev

- 1. Pledge of Allegiance**
- 2. Roll Call**

CONSENT AGENDA

- 3.** Approval of Minutes from the September 27, 2018 BCAG Board of Directors Meeting
- 4.** Authorization for Executive Committee to work with Executive Director on 2018 Annual Personnel Evaluation
- 5.** Approval of 2016 Regional Transportation Plan (RTP) & Sustainable Communities Strategy (SCS) Amendment #6
- 6.** Approval of 2019-2021 Title VI Program

Item 5 was requested to be pulled from Consent Agenda by Board Member Kirk, motion seconded by Board Member Lambert and unanimously approved.

There was a public comment letter submitted by Stephen Feher and he addressed the board from the podium regarding the contents of the letter. He believes that the use of the term “sustainable” is inaccurate and that in the wake of the Camp Fire, Paradise and the surrounding communities should be re-imagined to be examples of true sustainability to the rest of the world.

Board Member Jones commented that this forum was not the best one for such a discussion and invited Mr. Feher to attend the Paradise Town Hall meetings scheduled for the new year that will be discussing this issue further. Mr. Feher agreed and indicated that he wishes to be a more active participant in the rebuilding of Paradise and the surrounding area.

On motion by Board Member Dahlmeier and seconded by Board Member Connelly the Consent Agenda was unanimously approved.

ITEMS FOR ACTION

There were no items for action.

ITEMS FOR INFORMATION

7: Request for Proposals (RFP) for Butte Regional Transit Operations Contract

Staff informed the board that a solicitation through a Request for Proposals (RFP) has been made available to all service providers interested in providing the B-Line administration, operations and maintenance services for the contract cycle beginning July 2019.

There was general discussion between staff and the board members regarding the request for proposals and cycle length.

8: Butte Regional Transit Service Modification as a result of the Camp Fire

Staff informed the board of the necessary changes that took place to the fixed and paratransit bus routes as a result of the Camp Fire. Staff detailed that all routes to the affected areas were immediately halted during the fire, and that as of now there is still only limited service to the Magalia area that has begun to be repopulated.

Staff also detailed how as a result of the Camp Fire, the decision was made to provide free fixed route service across B-Line's entire network through the end of November 2018. This was in reaction to evacuees being placed all over Butte County, as well as poor air quality that remained in place for weeks after the fire started.

Board Member Kirk inquired on ridership during that time, and how those numbers compared to a similar timeframe. Staff informed the board that the numbers were quite high given that schools weren't in session during this time and student ridership makes up a large portion of the riders on the fixed route.

There was general discussion between staff and the board members regarding the issue.

9: Butte Regional Transit 1st Quarter Report 2018/19

Staff informed the board of the 1st Quarter Report for the 2018/19 fiscal year. Staff reminded the board that there were problems with the fareboxes in the last 4th Quarter Report, and presented the board with a revised 4th quarter operations table. Staff informed the board that while some numbers have been going down, they are following a nationwide trend of decreased fixed route ridership.

Staff detailed that in most areas we are performing as expected or exceeding requirements, but in the Urban Fixed Route we are below where we should be, and ridership has taken a sharper downturn than the national trends.

There was general discussion between staff and the board members regarding the report.

10: Recognition of Transdev Staff for Camp Fire Evacuation Efforts

Staff asked the board to recognize the members of the Transdev staff that were an integral part of the Camp Fire evacuation efforts. The board agreed and staff invited Transdev General Manager Lance Atencio to take the podium to speak to the impact the Transdev team made during the evacuation efforts. He also spoke of the impact the fire had directly on the Transdev staff. Twenty Transdev staff members were displaced by the fire, and fifteen lost their homes, including three out of the five Transdev managers.

Since a number of Transdev staff were present at the meeting, Board Member Jones requested that Mr. Atencio have them stand and name them. He complied, and that was followed by a standing ovation from the board and staff.

There was general discussion between staff, the board members, and Mr. Atencio regarding the heroic and selfless actions of the Transdev team during the Camp Fire.

11: Recognition to Outgoing BCAG Board Members

Staff presented outgoing Board Members Dahlmeier and Kirk with honorary plaques detailing their hard work as members of the board. Staff read the plaques aloud and then presented them to each outgoing board member. Staff noted that plaques were also made for Board Members Wahl, Borges, and Coolidge, however since they were not present, the plaques were not presented.

There was general discussion between staff and the board members regarding the plaques and statements from both Board Member Dahlmeier and Board Member Kirk in thanks for their time on the board.

12: 2019 Calendar Year BCAG Board Meeting Schedule

Staff presented the board with the meeting schedule for the 2019 calendar year.

There was general discussion between staff and the board members regarding specifics of the new calendar.

ITEMS FROM THE FLOOR

Bob Weinzinger addressed the board about the widening of State Route 70, on behalf of other homeowners in the area. He requested to be put in touch with the lead agency regarding the widening. Staff informed that they had already begun that process of putting him in touch with the appropriate agency, but that it has been taking a while and staff will follow up after the meeting.

Mr. Weinzinger also detailed that he has not always been getting the BCAG Board Meeting Agendas in time to plan a trip into town to attend the meetings. Staff offered to coordinate a different delivery service of the agendas each month for Mr. Weinzinger so that he will have more time to prepare any statements.

ADJOURNMENT

With no further items to discuss, the BCAG Board meeting adjourned at 9:59 AM.

Attest:

Jon Clark, Executive Director

Victoria Proctor, Board Clerk

Butte County Association of Governments

BUTTE COUNTY ASSOCIATION
OF GOVERNMENTS



BOARD OF DIRECTORS MEETING
ITEM #5



BCAG BOARD OF DIRECTORS

Item #5 Consent

January 24, 2019

RESOLUTION 2018/19-11 ADOPTING THE FEDERAL TRANSIT ADMINSTRATIONS RANDOM DRUG TESTING RATE FROM 25 PERCENT TO 50 PERCENT FOR ENTITIES RECEIVING FEDERAL ASSISTANCE

PREPARED BY: Andy Newsum, Deputy Director

ISSUE: Effective January 1, 2019, the United States Department of Transportation, Federal Transit Administration (FTA), and the Caltrans Division of Rail and Mass Transportation (DRMT) are requiring an increase in the random drug testing rate from 25 percent to 50 percent for FTA 5307, 5309, 5311, and 5339 grantees, subrecipients and safety sensitive contractors.

DISCUSSION: The requested action involves adoption of the random minimum rate increase for Butte County Association of Governments (BCAG) as an FTA 5307, 5309, 5311, and 5339 subrecipient and as the administering entity for the Butte Regional Transit/B-Line.

Transdev, as the current contracted operator of Butte Regional Transit bus services, has previously updated its Zero Tolerance Drug & Alcohol Policy to reflect the required Federal, State, and local requirements for a drug and alcohol policy addendum that was effective January 2, 2018. Transdev's current policy is now updated by appending the included letter from FTA to reflect the current change to the minimum drug testing rate. Transdev's Policy is provided for reference.

Transdev currently has in excess of 100 safety-sensitive employees to whom this policy will apply. Transdev is solely responsible for the monitoring and reporting of safety-sensitive employees under the contract with BCAG.

BCAG has no directly employed safety-sensitive employees. However, Butte Regional Transit's "**Contractor Drug and Alcohol Monitoring Policies and Procedures**" are amended to include this change. Transdev's Zero Tolerance Drug and Alcohol Policy for Employees in Safety-Sensitive Job Functions is amended by reference to BCAG's policies and are therefore compliant with this Board Item.

ATTACHMENTS:

- Butte Regional Transit B-Line Contractor Drug and Alcohol Monitoring Policy and Procedures (rev. 12/18)
- BCAG/BRT Drug and Alcohol Policy Addendum Effective January 2018
- FTA Letter from Acting Administrator regarding random drug testing rate increase effective January 1, 2019
- BCAG Resolution No. 2018/19-11

STAFF RECOMMENDATION: Staff is requesting the Board of Directors approve Resolution No. 2018/19-11; approving and adopting FTA's minimum rate of drug testing increase from 25 percent to 50 percent and incorporating this requirement into Transdev's Zero Tolerance Drug and Alcohol Policy for Employees in Safety-Sensitive Job Functions of the Butte Regional Transit/B-Line Bus Service.

Key Staff: Andy Newsum, Deputy Director
 Cheryl Massae, Human Resources Manager
 Jon Clark, Executive Director



**BUTTE COUNTY ASSOCIATION OF GOVERNMENTS
RESOLUTION NO 2018/19-11**



RESOLUTION ADOPTING THE FEDERAL TRANSIT ADMINSTRATIONS RANDOM DRUG TESTING RATE FROM 25 PERCENT TO 50 PERCENT FOR ENTITIES RECEIVING FEDERAL ASSISTANCE

WHEREAS, the Butte County Association of Governments (BCAG) is the Metropolitan Planning Organization (MPO), Regional Transportation Planning Agency (RTPA), and Owner and Operator of Butte Regional Transit the B-Line; and

WHEREAS, BCAG is responsible for managing the day-to-day Operations and Maintenance of Butte Regional Transit; and

WHEREAS, BCAG is the authorized administrator of the Butte Regional Transit program; and

WHEREAS, given that Butte Regional Transit utilizes Federal & State funding, the Federal Transit Administration (FTA) requires BCAG to adopt and maintain a current substance abuse policy; and

WHEREAS, the FTA has updated its Policy on Drug & Alcohol Testing subsequent to prior Policy adoption by BCAG; and

WHEREAS, BCAG's contracted service operator, Transdev, is responsible for adherence to all required substance abuse policies, testing, reporting, and monitoring. Transdev FTA Drug & Alcohol Policy is amended to reflect the most current FTA requirements for drug rate testing increases; and

WHEREAS, failure to adopt the drug testing rate increase in Transdev's Zero Tolerance Drug and Alcohol Policy for Employees in Safety-Sensitive Job Functions policy could result in a negative finding in BCAG's future FTA and/or TDA Triennial Performance Audits and jeopardize Federal & State transportation funding for the operation of the Butte Regional Transit bus services.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the **Butte County Association of Governments (BCAG) Board of Directors** that Transdev's Zero Tolerance Drug and Alcohol Policy for Employees in Safety-Sensitive Job Functions is hereby amended, approved and accepted.

PASSED AND ADOPTED by the Butte County Association of Governments on the 24th day of January 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Bill Connelly Chair of the Butte County Association of Governments (BCAG) Board of Directors, do hereby certify that the above is a true and correct copy of the resolution passed and approved by the BCAG Board of Directors on this 24th day of January 2019.

APPROVED:

BILL CONNELLY, CHAIR
BUTTE COUNTY ASSOCIATION OF GOVERNMENTS

ATTEST:

JON A. CLARK, EXECUTIVE DIRECTOR
BUTTE COUNTY ASSOCIATION OF GOVERNMENTS

B-Line

Butte Regional Transit

Contractor Drug and Alcohol Monitoring Policies & Procedures

(January 2019)

Prepared By:

Butte County Association of Governments (BCAG)

326 Huss Drive, Suite 150

Chico, CA 95928

530.809.4616 Phone

530.879.2444 Fax

www.bcag.org



**BUTTE REGIONAL TRANSIT B-LINE
CONTRACTOR DRUG AND ALCOHOL MONITORING
POLICY & PROCEDURES (rev. 12/18)**

All contract service providers that perform safety-sensitive functions as defined by Federal Transit Administration (FTA) rules for the Butte County Association of Governments (BCAG) must understand and comply with the FTA's Drug and Alcohol Testing Regulations (49 CFR Part 655), and the U.S. Department of Transportation (DOT) Procedures for Transportation Workplace Drug and Alcohol Testing Programs (49 CFR Part 40), including all amendments and modification thereto,

For purposes of this compliance program, **safety-sensitive employees** are defined as follows:

Those employees whose job functions are, or whose job descriptions include the performance of functions, related to the safe operation of mass transportation service.

The following are categories of safety-sensitive functions:

1. Operating a revenue service vehicle, including when not in revenue service (i.e., mechanic, driver, dispatcher, etc);
2. Operating a non-revenue service vehicle when required to be operated by a holder of a. Commercial Driver's License (CDL);
3. Controlling dispatch or movement of a revenue service vehicle or equipment used in revenue service;
4. Maintaining (including repairs, overhaul, and rebuilding) revenue service vehicle or equipment used in revenue service; and
5. Carrying a firearm for security purposes.

Any supervisor who performs or whose job description includes the performance of any function listed above is also considered a safety-sensitive employee.

PROCEDURES

1. BCAG shall ensure that all bids and Requests for Proposals (RFPs) for services that include the performance of safety-sensitive functions, as defined above, shall include a provision requiring compliance with mandated DOT/FTA drug and alcohol testing regulations. BCAG reserves the right to audit the proposer's drug and alcohol testing program prior to awarding the contract.
2. Prior to start of work, the successful bidder shall demonstrate current compliance and complete the attached schedules, provide the required documentation, and certify to BCAG that contractor is in compliance with the DOT/FTA regulations. Compliance can be achieved through an in-house program or through a consortium.
3. Using the report format prescribed by the FTA, each contractor shall send a quarterly drug and alcohol testing report to BCAG with a cover memo summarizing the results for the B-Line operation. The quarterly report must be submitted no later than the 15th of the month

**BUTTE REGIONAL TRANSIT B-LINE
CONTRACTOR DRUG AND ALCOHOL MONITORING
POLICY & PROCEDURES (rev. 12/18)**

following the close of each quarter. Continued payment of contractor invoices by BCAG is contingent upon contractor submission of the required quarterly reports on a timely basis and compliance with FTA-mandated rules.

4. On an annual basis, and no later than February 15 of each year, each covered contractor shall submit to **BCAG**:
 - A. Annual drug and alcohol testing data using the FTA's Drug and Alcohol Testing MIS Data Collection Form with a cover memo summarizing the results for the B-Line operation. The report shall cover testing conducted during the previous calendar year.
 - B. Certification of its compliance using the "Substance Abuse Certifications" in the "Annual List of Certification and Assurances for Federal Transit Administration Grants and Cooperative Agreements" which is published annually in the Federal Register. A copy of the signed certification shall be sent to BCAG.
 - C. Completed Schedules A through D with required attachments.

The quarterly and annual reporting documentation shall be addressed as follows:

Butte County Association of Governments
326 Huss Drive, Suite 150
Chico, CA 95928
Attention: Andy Newsum, Deputy Director or Current Transit Manager

5. Designated staff from BCAG shall be responsible for the ongoing monitoring of contractor compliance with DOT/FTA regulations, including ensuring that the quarterly and annual reports, schedules, attachments and certification as described above are submitted on time. BCAG may audit contractor compliance. Such audits may include site visits.
6. The contractor's Vice President of Operations shall be responsible for coordinating contractor responses to any audit findings and ensuring that corrective actions are taken on a timely basis.

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CONTRACTOR DRUG AND ALCOHOL MONITORING
POLICY & PROCEDURES (rev. 12/18)**

SCHEDULE A: POLICY VERIFICATION

Person designated by the employer to answer questions about the drug and alcohol misuse program:
Name: _____ Phone: _____

Ref #	Complies with FTA's 49 CFR 655	Reference Policy Page Number	FTA Requirement – Does the policy:
1a	Yes No		Contain the approval of "final authority" for the agency?
1b	Yes No		Contain the name, location and phone number of contact person?
2	Yes No		State that all safety-sensitive employees are covered by the drug and alcohol testing program, including those that: <ol style="list-style-type: none"> 1. Operate revenue service vehicles, including when not in revenue service (i.e., mechanic, driver, dispatcher, etc); 2. Operate non-revenue service vehicles when required to be operated by a holder of a Commercial Driver's License (CDL); 3. Control dispatch or movement of revenue service vehicles or equipment used in revenue service; 4. Maintain revenue service vehicles or equipment used in revenue service (including repairs, overhaul, and rebuilding); and 5. Carry a firearm for security purposes?
3	Yes No		Specifically prohibit the behaviors, including when the FTA regulations prohibit the use of alcohol and drugs (i.e., marijuana, cocaine, opiates, phencyclidine, amphetamines)?
4	Yes No		Require covered employees submit to drug and alcohol testing administered in accordance with FTA regulations?
5	Yes No		Explain when and under what circumstances employees will be tested for drugs and alcohol and include the following: <ol style="list-style-type: none"> 1. Pre-employment; 2. Random; 3. Reasonable suspicion; 4. Return to duty; and 5. Follow-up testing?
6	Yes No		Describe the behavior and circumstances that constitute refusal to take a drug and/or alcohol test and state that refusals constitute a verified positive test result?
7	Yes No		Describe the consequences for a covered employee who has a verified positive result?
8	Yes No		Include a second chance provision?
9	Yes No		If the answer to #8 is yes, is a description of the evaluation and treatment processes included?
10	Yes No		Explain the consequences for covered employees found to have an alcohol concentration of 0.02 or greater but less than 0.04?
11	Yes No		Include elements of an anti-drug or alcohol misuse program that are in addition to those required by FTA?
12	Yes No		If the answer to #11 is yes, are such elements clearly described as being based on the employer's authority independent of FTA authority?

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SCHEDULE B: LABORATORY REQUIREMENTS			
Ref #	Complies with FTA's 49 CFR 655	Attached	FTA Requirement / Place attachments behind Schedule B.
13		Yes No	The contractor is required to utilize drug testing laboratories certified by the DHHS. (Note: The use of these laboratories is verified by reviewing the Drug Testing Custody and Control Form and/or contracts between the contractor and the laboratories.)
13a		Yes No	Drug Testing Custody and Control Form and/or contracts between the contractor and the laboratories.
13b		Yes No	Federal Register's notice listing all currently certified laboratories (see below).
13c		Yes No	Confirmation that laboratories in use are on register.
<p>Notes:</p> <p>13b: This is published in the Federal Register during the first week of each month and is updated to include laboratories that subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted. A link to a list of certified labs is available at the following website: http://workplace.samhsa.gov/frames/frame_drugtest.htm</p> <p>13c: Locate laboratories used and highlight on Federal Register's notice listing all currently certified laboratories.</p>			

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 CONTRACTOR DRUG AND ALCOHOL MONITORING
 POLICY & PROCEDURES (rev. 12/18)**

SCHEDULE C: TESTING FACILITIES AND PROFESSIONALS

Collection Site:

Name:

Address:

Phone:

Date Last Inspected (attach completed checklist):

Medical Review Officer (MRO):

Name:

Address:

Phone:

Attach copy of current license behind Schedule C.

Substance Abuse Professional (SAP):

Name:

Address:

Phone:

Attach copy of current license behind Schedule C.

Breath Alcohol Technician (BAT):

Name:

Address:

Attach copy of current license behind Schedule C.

Breath Alcohol Technician (BAT):

Name:

Address:

Attach copy of current license behind Schedule C.

Screen Test Technicians (STT):

Name:

Address:

Attach copy of current license behind Schedule C.

Screen Test Technicians (STT):

Name:

Address:

Attach copy of current license behind Schedule C.


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SCHEDULE D: MISCELLANEOUS			
Ref #	Complies with FTA's 49 CFR 655	Attached	FTA Requirement / Place attachments behind Schedule D.
14	Yes No	Yes No	Attach a detailed description of the random selection process, including: <ul style="list-style-type: none"> • Who selects numbers • How often selections are made (daily, weekly, monthly, quarterly) • How soon after selections are made the tests are performed • Who notifies employee of test requirement • During what part of the employees' shift tests are conducted (beginning, middle, end, combination) • What type of employee identification is being used for random testing • Number of safety-sensitive employees • Required number of tests needed to be performed to meet the regulatory requirement for both drug testing (50%) and alcohol testing (10%) • List of all agencies or departments that are included in your random testing pool. For each agency indicate the name, title, and phone number of the person who oversees it
15	Yes No	Yes No	Employee and Supervisor training documentation
16	Yes No	Yes No	Annual Drug and Alcohol Testing MIS Data Collection Form
17	Yes No	Yes No	Contractor's Certification

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CONTRACTOR DRUG AND ALCOHOL MONITORING
POLICY & PROCEDURES (rev. 12/18)**

**Certification Regarding Alcohol Misuse and
Prohibited Drug Use**

- 1) As required by FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," at 49 CFR part 655, subpart I, the undersigned certifies that it has established and implemented an alcohol misuse and anti-drug program and has complied with or will comply with all applicable requirements of FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655.
- 2) The undersigned shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Department of Transportation, Federal Transit Administration, Master Agreement (FTA MA (9)), between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. The undersigned's failure to so comply shall constitute a material breach of contract.

Signature 
Name LANCE ATENCIO
Date 12/18/2018
Company Name TRANSDÉV
Title General Manager

**BUTTE REGIONAL TRANSIT B-LINE
CONTRACTOR DRUG AND ALCOHOL MONITORING
POLICY & PROCEDURES (rev. 12/18)**

Incorporated Attachments:

- **Letter from Acting Administrator K. Jane Williams (10-17-18)**
- **Resolution NO 2018/2019/02 Adopting Transdev Zero Tolerance**
- **BCAG Drug and Alcohol Policy Addendum, Effective: January 1, 2018**
- **Transdev Zero Tolerance Policy 12-13-18**



U.S. Department
of Transportation

**Federal Transit
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

October 17, 2018

Dear Colleague:

As mandated by its drug and alcohol regulation, the Federal Transit Administration (FTA) will, effective January 1, 2019, increase the minimum rate of random drug testing from 25 percent to 50 percent of covered employees for employers subject to FTA's drug and alcohol regulation. This increased random drug testing rate results from a recent uptick in the proportion of violations identified through random drug testing.

The 50 percent random drug testing rate will apply to entities receiving Federal assistance under 49 U.S.C. 5307, 5309, 5311 or 5339, including grantees, subrecipients, and safety-sensitive contractors. The required minimum rate for random alcohol testing is unaffected and will remain at 10 percent for calendar year 2019.

The FTA is required by statute, at 49 U.S.C. 5331(b)(1), to issue regulations establishing a program that requires public transportation operators that receive financial assistance under certain FTA programs to conduct, among other types of testing, random testing of public transportation employees responsible for safety-sensitive functions for the use of a controlled substance in violation of law or a Federal regulation.

The FTA's implementing regulation for random testing, at 49 C.F.R. 655.45, sets a default that the minimum annual percentage rate for random drug testing must be 50 percent of covered employees. The regulation allows FTA discretion to lower the minimum random drug testing rate from 50 percent to 25 percent where data for the two preceding consecutive calendar years indicate that the reported positive violation rate is less than 1.0 percent. In 2007, this condition was met and FTA exercised its discretion to reduce the random drug testing rate to 25 percent. The rate has remained at 25 percent since then, but FTA's regulation further mandates that, if the reported positive violation rate relapses back to 1.0 percent or greater, FTA must increase the random drug testing rate back to the default of 50 percent. Per recently validated data reported by the industry for calendar year 2017, the random drug testing violation rate is now 1.06 percent. Accordingly, FTA is required to increase the minimum annual rate for random drug testing to 50 percent. This change will be effective January 1, 2019.

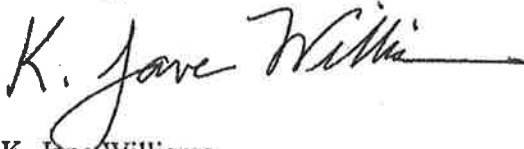
The continued safety of public transportation customers and workers remains FTA's focus. The FTA is committed to working with you to provide technical assistance in implementing the forthcoming increase in FTA's random drug testing requirement. If you need additional

Dear Colleague

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information or assistance, please feel free to contact Henrika Buchanan, Acting Associate Administrator for FTA's Office of Transit Safety and Oversight, at (202) 366-5010 or Henrika.Buchanan@dot.gov.

Sincerely,

A handwritten signature in black ink that reads "K. Jane Williams" with a horizontal line extending to the right.

K. Jane Williams
Acting Administrator

cc: Patrice Kelly, Director, Office of Drug and Alcohol Policy and Compliance



**BUTTE COUNTY ASSOCIATION OF GOVERNMENTS
RESOLUTION NO 2018/2019-02**



RESOLUTION APPROVING AND ADOPTING TRANSDEV'S ZERO TOLERANCE DRUG AND ALCOHOL POLICY FOR EMPLOYEES IN SAFETY-SENSITIVE JOB FUNCTIONS OF THE BUTTE REGIONAL TRANSIT/B-LINE BUS SERVICE

WHEREAS, the Butte County Association of Governments (BCAG) is the Metropolitan Planning Organization (MPO), Regional Transportation Planning Agency (RTPA), and Owner and Operator of Butte Regional Transit the B-Line; and

WHEREAS, BCAG is responsible for managing the day-to-day Operations and Maintenance of Butte Regional Transit; and

WHEREAS, BCAG is the authorized administrator of the Butte Regional Transit program; and

WHEREAS, given that Butte Regional Transit utilizes Federal & State funding, the Federal Transit Administration (FTA) requires BCAG to adopt and maintain a current substance abuse policy; and

WHEREAS, the FTA has updated its Policy on Drug & Alcohol Testing subsequent to prior Policy adoption by BCAG; and

WHEREAS, BCAG's contracted service operator, Transdev, is responsible for adherence to all required substance abuse policies, reporting, and monitoring. Transdev has updated its FTA Drug & Alcohol Policy to reflect the most current FTA requirements; and

WHEREAS, failure to adopt the proposed Transdev Zero Tolerance Drug and Alcohol Policy For Employees In Safety-Sensitive Job Functions policy could result in a negative finding in BCAG's future FTA and/or TDA Triennial Performance Audits and jeopardize Federal & State transportation funding for the operation of the Butte Regional Transit bus services.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Butte County Association of Governments (BCAG) Board of Directors that Transdev's Zero Tolerance Drug and Alcohol Policy For Employees In Safety-Sensitive Job Functions is hereby approved and accepted.

PASSED AND ADOPTED by the Butte County Association of Governments on the 23rd day of August 2018 by the following vote:

AYES: Connelly, Lambert, Teeter, Wilkinson, Coolidge, Lotter

NOES: None

ABSENT: Kirk, Jones, Dahlmeier

ABSTAIN: None

I, Bill Connelly Chair of the Butte County Association of Governments (BCAG) Board of Directors, do hereby certify that the above is a true and correct copy of the resolution passed and approved by the BCAG Board of Directors on this 23rd day of August 2018.

APPROVED: Bill Connelly
BILL CONNELLY, CHAIR
BUTTE COUNTY ASSOCIATION OF GOVERNMENTS

ATTEST: Jon A. Clark
JON A. CLARK, EXECUTIVE DIRECTOR
BUTTE COUNTY ASSOCIATION OF GOVERNMENTS

DRUG AND ALCOHOL POLICY ADDENDUM

EFFECTIVE: JANUARY 1, 2018

The United States Department of Transportation (USDOT) – Office of Drug and Alcohol Policy and Compliance (ODAPC) has issued an update to USDOT’s drug and alcohol testing regulation (49 CFR Part 40). The new regulation has been revised and the changes (summarized below) will become effective on January 1, 2018. Therefore, the Butte County Association of Government/Butte Regional Transit drug and alcohol testing policy is amended as follows:

1. CHANGES TO THE DRUG TESTING PANEL

- a. Four new opioids added to the drug testing panel –
 - i. The USDOT drug test remains a “5-panel” drug test; however, the list of opioids for which are tested will expand from three to seven opioids.
 - ii. The “opioid” category will continue to test for codeine, morphine, and heroin; however, the “opioid” testing panel will now be expanded to include four (4) new semi-synthetic opioids:
 1. (1) Hydrocodone, (2) Hydromorphone, (3) Oxycodone, and (4) Oxymorphone.
 2. Common brand names for these semi-synthetic opioids include, but may not be limited to: OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, Exalgo®.
- b. ‘MDA’ will be tested as an initial test analyte
- c. ‘MDEA’ will no longer be tested for under the “amphetamines” category.

2. BLIND SPECIMEN TESTING

- a. The USDOT no longer requires blind specimens to be submitted to laboratories.

3. ADDITIONS TO THE LIST OF “FATAL FLAWS”

- a. The following three circumstances have been added to the list of “fatal flaws”:
 - i. No CCF received by the laboratory with the urine specimen.
 - ii. In cases where a specimen has been collected, there was no specimen submitted with the CCF to the laboratory.
 - iii. Two separate collections are performed using one CCF.

4. MRO VERIFICATION OF PRESCRIPTIONS

- a. When a tested employee is taking a prescribed medication, after verifying the prescription and immediately notifying the employer of a verified negative result, the MRO must then (after notifying the employee) wait five (5) business days to be contacted by the employee's prescribing physician before notifying the employer of a medical qualification issue or significant safety risk.
 - i. Specifically, in cases where an MRO verifies a prescription is consistent with the Controlled Substances Act, but that the MRO has still made a determination that the prescription may disqualify the employee under other USDOT medical qualification requirements, or that the prescription poses a significant safety-risk, the MRO must advise the employee that they will have five (5) business days from the date the MRO reports the verified negative result to the employer for the employee to have their prescribing physician contact the MRO. The prescribing physician will need to contact the MRO to assist the MRO in determining if the medication can be changed to one that does not make the employee medically unqualified or does not pose a significant safety risk. If in the MRO's reasonable medical judgment, a medical qualification issue or a significant safety risk still remains after the MRO communicates with the employee's prescribing physician, or after five (5) business days, whichever is shorter, the MRO must communicate this issue to the employer consistent with 49 CFR Part 40.327.

5. DEFINITIONS

- a. The term "***DOT, the Department, DOT Agency***"
 - i. Modified to encompass all DOT agencies, including, but not limited to, FAA, FRA, FMCSA, FTA, PHMSA, NHTSA, Office of the Secretary (OST), and any designee of a DOT agency.
 - ii. For the purposes of testing under 49 CFR Part 40, the USCG (in the Department of Homeland Security) is considered to be a DOT agency for drug testing purposes.
- b. The term "***Opiate***" is replaced with the term "***Opioid***" in all points of reference.

- c. The definition of “**Alcohol Screening Device (ASD)**” is modified to include reference to the list of approved devices as listed on ODAPC’s website.
- d. The definition of “**Evidential Breath Testing Device (EBT)**” is modified to include reference to the list of approved devices as listed on ODAPC’s website.
- e. The definition of “**Substance Abuse Professional (SAP)**” will be modified to include reference to ODAPC’s website. The fully revised definition includes:
 - i. A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

NOTE: The revisions listed in this addendum include only those revisions to 49 CFR Part 40 which may be referenced in our drug & alcohol testing policy. A list of all the revisions made to 49 CFR Part 40 can be found at <https://www.transportation.gov/odapc>.

Addendum Authorization Date: August 23, 2018

Authorized Official (Printed Name): Jon A. Clark, Executive Director, BCAG

Authorized Official (Signature): _____



Employee (Printed Name): _____

Employee (Signature): _____

Employee Receipt Date: _____



Chico - 396

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

Summary: This is a zero-tolerance policy covering this transit system and is applicable to all Transdev North America, Inc., employees who are incumbents in safety-sensitive positions, to all applicants or employees who may apply for or who may transfer to a safety-sensitive position and to contractors who perform safety-sensitive job functions. This program was initially installed by this corporation January 1, 1995.

The Drug and Alcohol Program Manager/Designated Employer Representative for this location is Bradley Wright.

Date this revision of the Transdev North America, Inc., Drug and Alcohol Policy was installed at this location December 13, 2018.

Revision # 1: January 2007
Revision # 2: June 2007
Revision # 3: September 2008
Revision # 4: May 2010
Revision # 5: March 2012
Revision # 6: September 2014
Revision # 7: April 2015
Revision # 8: January 2016
Revision # 9: January 2018
Revision # 10: December 2018



I. INTRODUCTION

TRANSDEV is dedicated to providing safe, dependable transportation services to our passengers. We are also dedicated to providing a safe, drug and alcohol-free workplace for our employees.

Drug and alcohol testing is mandated by the Federal Transit Administration (FTA) and the U.S. Department of Transportation (DOT) in 49 CFR Part 40, and Part 655, as amended.

This program became effective on January 1, 1995.

II. POLICY ADOPTION

The TRANSDEV Board of Directors has adopted this policy.

Note: Additional requirements and/or disciplinary actions established under Transdev's own authority are entered in *ITALICS*.

III. EMPLOYEE CATEGORIES SUBJECT TO TESTING

Employees subject to the provisions of the anti-drug and alcohol misuse prevention program are all safety-sensitive classifications. Safety sensitive function means any of the following duties, when performed by employees of TRANSDEV or its contractors or sub-contractors:

1. Operating a revenue service vehicle, including when not in service;
2. Operating a non-revenue service vehicle, when required to be operated by a CDL holder;
3. Controlling dispatch or movement of a revenue service vehicle;
4. Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service;
5. Carrying a firearm for security purposes.
6. Volunteers (this location does not use volunteers)

A list of the job titles specifically considered to be safety sensitive is contained in Appendix A.

Supervisors are subject to the provisions **only** if they perform or may be called upon to perform a safety-sensitive function.



Participation in the drug and alcohol testing program and submission to drug and alcohol testing administered in accordance with part 655 is a requirement of each safety sensitive employee, and therefore, is a condition of employment.

IV. PROHIBITED BEHAVIOR

The DOT prohibited drugs – marijuana, cocaine, opioids, amphetamines / methamphetamines, PCP and MDMA (Ecstasy) are always illegal and employees are prohibited from consuming any of them at any time.

The “opioids” category will continue to test for codeine, morphine, and heroin; however, the “opioid” testing panel will be expanded to include four (4) semi-synthetic opioids:

1. (1) Hydrocodone, (2) Hydromorphone, (3) Oxycodone, and (4) Oxymorphone.
2. Common brand names for these semi-synthetic opioids include, but may not be limited to: OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, Exalgo®.

In addition, the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace is prohibited at any time. Use of prescription drugs which may impair job performance or mental or motor function by an employee or any other person to whom this Policy applies while on company premises or in the course of conducting company business, including while subject to being on-call in a paid status, at lunch or on breaks, is strictly prohibited. Employees covered by this policy can be tested for prohibited drugs anytime while on duty.

Safety sensitive employees may not use alcohol from any source while on duty, within four (4) hours prior to performing safety-sensitive duty, while subject to being on-call in a paid status, or within eight (8) hours following an accident requiring an alcohol test, unless the test was completed within eight hours. *The possession or use of alcohol on company premises or while in the course of conducting company business is strictly prohibited.*

Transdev North America, Inc. strongly encourages employees to abstain from alcohol consumption for at least 8 hours prior to performing safety sensitive duties.

Alcohol tests may only be conducted just before, during, or just after an employee’s performance of a safety-sensitive function. Covered employees are prohibited from performing or continuing to perform a safety-sensitive function while having an alcohol concentration of 0.04 or greater.



V. NOTICE OF CONVICTIONS

It is the policy of TRANSDEV that employees notify the company within 5 days of any criminal drug statute conviction for a felony or misdemeanor violation occurring in the workplace. Within 30 days, TRANSDEV will make a determination of action based upon the incident. Employees convicted of drug offenses will be subject to discipline up to and including termination.

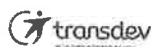
VI. EMPLOYEE SELF-REFERRAL INTO A SUBSTANCE ABUSE TREATMENT PROGRAM

It is Transdev's policy that a safety sensitive employee may refer himself or herself, prior to being notified of or otherwise subject to an upcoming substance abuse test, into a substance abuse program, by reporting his or her substance abuse problem to the Employee Assistance Program (EAP), Substance Abuse Counselor, their immediate supervisor, or department manager. The Substance Abuse Program Administrator will make a referral to a substance abuse counselor and place the employee on unpaid Administrative Suspension. Once notice has been received from the substance abuse counselor that the employee is ready to return to duty and has been compliant with the prescribed treatment plan, the employee will be required to take a Non-DOT Return to Duty test and be subject to Non-DOT Follow-Up testing as directed by the substance abuse counselor.

In the instance of a self-referral, the employee will be subject to non-USDOT return-to-duty and follow-up testing modeled using the process described in 49 CFR Part 40. However, all non-USDOT return-to-duty and non-USDOT follow-up tests and all paperwork associated does not constitute a violation of the Federal regulations and will be conducted under the sole authority of Transdev on non-USDOT testing forms.

VII. CIRCUMSTANCES FOR TESTING

Any testing in addition to the FTA-required test(s) will be conducted under Company authority using non-Federal forms. The non-DOT test will be secondary and will require a urine void or breath sample that is totally separate from the FTA test. Policy mandates that employees selected for drug and /or alcohol testing be provided a notification form which documents the referral to testing. The form should specify the type of test required, the date and time the employee was notified, time the employee arrived at the collection site and authority mandating the test. The completed form should be returned to Transdev upon completion of the test, and filed for reference. (Formatted notification forms



can be found in the Transdev North America, Inc., Safety Policies and Procedures Manual.

DOT tests must be completely separate from Non-DOT tests in all respects.

A. Pre-Employment

Following a conditional offer of employment, applicants for all safety-sensitive positions will undergo urine drug testing as a condition of employment. Applicants will be notified of the testing requirement during the application process.

A verified negative drug test result is required prior to performing any safety-sensitive functions and is a condition of employment. If the test is cancelled, the applicant must re-take the test and receive a verified negative test result prior to performing any safety-sensitive function. In the event that a pre-employment test is determined by the MRO to be a verified "negative dilute" result, the applicant is required by Transdev to re-test, and receive (the equivalent of) a verified negative test result before performing any safety sensitive function. Depending on the level of creatinine reported by the lab, the MRO may order a re-test to be conducted under direct observation. The results of the second test will be considered the test result of record. Contact your TPA or the corporate Drug and Alcohol Program Manager if there are questions.

Applicants will be asked whether he/she has ever been refused employment because of a positive DOT pre-employment drug or alcohol test. Applicants will be required to provide the name and complete contact information for all DOT covered employers for the previous two years. Applicants are required to provide a consent statement permitting the previous DOT covered employers to release drug and alcohol test results to TRANSDEV. Applicants who have previously failed a drug or alcohol test will not be considered for employment until he/she provides proof of having successfully completed a referral, evaluation and treatment plan as described in 49 CFR Part 655.62, subpart G.

Current employees transferring into safety-sensitive positions will not be allowed to perform safety sensitive duties until the employee undergoes a pre-employment drug test with a verified negative result. Additionally, any current employee returning to a safety sensitive position after not performing said safety-sensitive functions for a period of 90 days or more, regardless of the reason, and who has been out of the random pool during this time, must undergo a pre-employment drug test with a verified negative result before performing safety sensitive duties.



B. Reasonable Suspicion

A safety-sensitive employee shall be required to submit to a FTA reasonable suspicion drug and/or alcohol test when a supervisor or company official suspects the employee has used a prohibited drug or misused alcohol. The testing referral will be made by a trained supervisor or company official based upon specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or body odor of the employee. A reasonable suspicion test for drugs can be conducted anytime a covered employee is on duty. A reasonable suspicion alcohol test is authorized only if observations are made during, just preceding, or just after the performance of safety-sensitive functions.

It is Transdev's policy that in any Reasonable Suspicion circumstance, the supervisor will transport the employee to an appropriate collection site facility and await the completion of the collection procedure. The Supervisor will then transport the employee back to TRANSDEV premises, where a spouse, family member, or other individual will be contacted to transport the employee to his/her home. In the event no such individual is available, TRANSDEV will transport the employee to his/her home. If the employee refuses to agree to be transported and attempts to operate his/her own vehicle, TRANSDEV will make appropriate efforts to discourage the employee from doing so, up to and including contacting local law enforcement officials. Any employee, failing to cooperate with the procedures described above, will be subject to disciplinary action up to and including termination of employment.

It is the policy of TRANSDEV that any employee required to submit to a reasonable suspicion test may not perform safety sensitive duties pending the outcome of the drug and/or alcohol test. The employee will be placed on an Administrative Suspension pending the results of the drug tests. Employees placed on an Administrative Suspension must be in a position to be easily contacted by TRANSDEV once the results of the Substance Abuse Test are reported. Employees who cannot be easily contacted within a reasonable time period will be considered to have abandoned their job and are subject to termination.

If the employee tests negative, he or she may return to work in their position and will be reimbursed for any regularly assigned work lost.

C. Post-Accident (FTA)

All safety-sensitive employees will be required to undergo FTA post-accident drug and alcohol tests if they are involved in an accident with a Public Transportation vehicle (regardless of whether or not the vehicle is in revenue service) that results in a fatality. This includes all surviving safety-sensitive



employees that operated the vehicle and any other whose performance could have contributed to the accident.

In addition, if the public transportation vehicle is a bus, electric bus, van or automobile (in the capacity of a Commercial Motor Vehicle) the driver (whether employee or contractor) will be required to undergo FTA post-accident drug and alcohol tests if an accident results in bodily injury and an individual immediately receives medical treatment away from the scene of the accident, or one or more of the vehicles involved incur disabling damage and had to be towed away. In a non-fatality situation, testing may be waived if the operator can be completely discounted as a contributing factor to the accident, based upon the information available at the time of the decision. All other covered employees whose performance could have contributed to the accident will also be required to undergo FTA post-accident drug and alcohol tests.

If the vehicle is a van or automobile (not in the capacity of a Commercial Motor Vehicle-not transporting passengers in revenue service) the driver (whether employee or contractor) will be required to undergo a Non-DOT post-accident drug and alcohol tests if an accident results in injuries requiring immediate transportation to a medical treatment facility, or one or more of the vehicles involved incur disabling damage and had to be towed away. In a non-fatality situation, testing may be waived if the operator can be completely discounted as a contributing factor to the accident, based upon the information available at the time of the decision. All other covered employees whose performance could have contributed to the accident will also be required to undergo a Non-DOT post-accident drug and alcohol tests.

Post-accident alcohol tests will be conducted as soon as possible following the accident. If the post-accident alcohol test is not completed within two hours of the accident, the company will file a report as to the reason why. If the post-accident alcohol test is not completed within eight hours of the accident, the company will cease attempts to obtain a specimen and update the two-hour report as to why. Post-accident drug tests will be conducted as soon as possible, but no longer than 32 hours following the accident. If the company is unable to conduct the drug test within 32 hours, it will document the reason for the inability to test.

If TRANSDEV is unable to perform post-accident tests within the required period of compliance, TRANSDEV will use the test results administered by Federal, State or local law enforcement personnel under its own authority, provided the results are obtained by TRANSDEV in conformance with the law.

Any covered employee subject to post-accident testing who fails to remain readily available for such testing, including notifying the company of his or her location if he or she leaves the scene of the accident prior to submission to such



test, will be deemed by the company to have refused to submit to the post-accident testing.

Accident testing is stayed while the employee assists in resolution of the accident or receives medical attention following the accident.

Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any safety sensitive employee who leaves the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test.

It is Transdev's policy that an employee may be placed on an Administrative Suspension at the discretion of the Company pending the results of post-accident drug tests. Employees placed on an Administrative Suspension must be in a position to be easily contacted by TRANSDEV once the results of the Substance Abuse Test are reported. Employees who cannot be easily contacted within a reasonable time period will be considered to have abandoned their job and are subject to termination.

D. Random

Employees in safety sensitive positions will be subjected to random, unannounced and unpredictable testing for drugs and alcohol. TRANSDEV's Third Party Administrator (TPA) will select employees for random drug and alcohol tests that will meet the minimum requirements in accordance to the current FTA regulation. The selection of safety-sensitive employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee has an equal chance of selection each time selections are made. Management does not have any discretion as to who will be selected. The random tests will be unannounced and spread throughout the year, all days of the week, and all hours when safety sensitive functions are performed. Random drug tests may occur at any time the employee is on duty. Random alcohol tests may only occur just before, during, or just after the employee performs safety-sensitive work. Employees are required to proceed immediately to the collection site upon notification of their random selection.

Random Testing – End of Shift

Random testing may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or child care commitments will be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of a previously scheduled medical or child care



commitment, for the period immediately following an employee's shift, must be provided at least 72 hours before the end of the shift.

E. Return to Duty and Follow-Up Testing

In general, TRANSDEV has a "zero tolerance" policy. However, in the event that an employee who has previously violated the policy is allowed to return to work for any reason, he or she will be required to complete the return-to-duty process. This includes evaluation by a SAP, successful completion of the rehabilitation, treatment or education program outlined by the SAP, and obtaining a verified negative return-to-duty drug test and/or alcohol test under 0.02.

In addition, upon return to work, the employee will be subject to follow-up testing for drugs and/or alcohol for a minimum period of 12 months to a maximum of five years. The minimum number of tests during the first 12 months is six. Although they are both unannounced, follow-up testing is apart and separate from random testing. The duration and frequency of testing will be designated by the SAP, but the actual follow-up testing dates will be decided by the employee's manager or supervisor. Effective August 25, 2008: Follow-up and Return-to-Duty drug tests must be conducted using direct observation procedures. (Authority: Final Ruling United States Court of Appeals *FOR THE DISTRICT OF COLUMBIA CIRCUIT* Argued March 26, 2009 Decided May 15, 2009, No. 08-1264)

Under TRANSDEV authority, the requirements for return-to-duty and follow-up testing will apply to any employee who completes a self-referred substance abuse program. (Return to Duty and Follow Up testing conducted under Transdev North America, Inc., authority will be conducted using a non-DOT chain of custody form Contact your Corporate Drug and Alcohol Program Manager if there are questions.)

F. Post Industrial Accident/Employee Injury (TRANSDEV Policy)

In addition to the FTA post-accident testing requirements, local operating policy may require post-accident drug and alcohol tests under the following circumstances:

Work-Related Injury/Illness

A post-injury Non-DOT drug and alcohol test is required following any work-related injury requiring medical treatment by a medical provider. In addition, any employee who is responsible for causing (or contributing to the cause of) an



occupational accident resulting in a work-related injury/illness to another employee must submit to a Non-Dot drug and alcohol test.

Employees subject to company-required post-industrial accident / injury testing must remain readily available for such testing or may be deemed to have refused to undergo testing.

An employee may be placed on an administrative suspension at the discretion of the Company pending the results of Non-DOT post-accident/injury drug and alcohol tests. Employees placed on an Administrative Suspension must be in a position to be easily contacted by TRANSDEV once the results of the Substance Abuse Test are reported. Employees, who cannot be easily contacted, within a reasonable time period, will be considered to have abandoned their job and are subject to termination.

This location conducts Non-Dot post-industrial accident / injury testing.

VIII. BEHAVIOR THAT CONSTITUTES A TEST REFUSAL

Behavior that constitutes a test refusal includes the following:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Transdev DER.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or Transdev DER. for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or Transdev's DER.
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.



- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

A refusal to test constitutes a violation of this policy and carries the same consequences as a positive test result. Any employee who refuses to submit to any drug or alcohol test will be removed from safety sensitive work, provided educational materials, and referred to a substance abuse professional. *It is Transdev's policy that refusal to submit to any drug or alcohol test will also result in termination of employment.*

IX. TESTING PROCEDURES

All drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended, which ensures the protection of the employee and the integrity of the testing process. A copy of this document is available for your review from either the corporate or the local Drug and Alcohol Program Administrator upon request. Following is a brief description of the drug and alcohol testing methodology.

A. Drug Testing Methodology

Testing for drugs will be conducted by urinalysis.

1. **Initial Test:** Initial testing will be performed on the primary sample using the EMIT Immunoassay technique. If the results are negative, no further testing will be required and a report will be provided to the Medical Review Officer (MRO). The MRO is responsible for evaluating, interpreting, and verifying laboratory test results and communicating them to TRANSDEV.
2. **Confirmation Test:** Will be conducted in accordance with part 40 as amended.



Specimen Dilutes: A dilute specimen is a specimen with creatinine and specific gravity values that are lower than expected for human urine. If the test is reported as a **dilute positive**, the test should be treated as a verified positive test result. If the test is reported as a **negative dilute**, Transdev North America, Inc. will direct the employee to take another test. The retest must not be conducted under direct observation, unless otherwise instructed by the MRO. Since federal regulations give discretion in this manner, Transdev North America, Inc., has established the policy that retests will be required for negative dilutes. The second test will be considered the test of record. All employees must be treated the same for this purpose and must be informed in advance of the policy. Questions should be directed to the MRO, Drug and Alcohol TPA or the Corporate Drug and Alcohol Program Manager.

Validity Testing: The laboratory will conduct validity testing to determine if the specimen has been adulterated, tampered with, or diluted. If the MRO reports a “negative-dilute” test result with creatinine levels greater than or equal to 2mg/dL but equal to or less than 5 mg/dL, the employee will be required to take a second test immediately under direct observation with no advance notice. If the MRO reports a “negative-dilute” test result with creatinine levels greater than 5 mg/dL, the employee will be required to take a second test immediately (not observed) with no advance notice.

Drug Testing Split Specimen: The urine specimen collected for FTA testing will be split and poured into two specimen bottles. This provides the employee or applicant with the option of having an analysis of the split sample performed at a second laboratory that meets the requirements of 49 CFR Part 40. The employee or applicant has 72 hours after being informed by the MRO of a verified positive, adulterated, or substituted test result to request a test of the split sample. In the case of invalid test results, no split specimen testing is authorized by DOT. All requests for split specimen analysis will be processed by the MRO.

It is Transdev's policy that employees awaiting the result of a split specimen test following a verified positive, adulterated, or substituted test result may not perform safety sensitive duties pending the outcome of the split specimen test. The employee will be placed on an Administrative Suspension pending the result of the split specimen test. Employees placed on an Administrative Suspension must be in a position to be easily contacted by TRANSDEV once the result of the split specimen test is reported. Employees who cannot be easily contacted within a reasonable time period will be considered to have abandoned their job and are subject to termination. Transdev will seek payment or reimbursement for the cost of the split specimen from the employee, should the employee request testing of the split sample.



B. Alcohol Testing Methodology

Testing for alcohol will be conducted by breath analysis. Alcohol tests will be performed by a breath alcohol technician (BAT) who is trained to proficiency in the operation of the Evidential Breath Testing device being used and in the alcohol testing procedures specified in the Federal regulations.

1. Initial Test: If the result of the initial test is an alcohol concentration of less than 0.02, no further testing is required and the test will be reported to TRANSDEV as a negative test.
2. Confirmation Test: If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed. The confirmation test will be conducted at least 15 minutes, but not more than 30 minutes, after the completion of the initial test. This delay prevents any accumulation of alcohol in the mouth from leading to an artificially high reading. The employee is strongly advised not to eat, drink, belch, or put any object or substance into his or her mouth while awaiting the confirmation test.
3. The confirmation test is deemed to be the final result.
4. The alcohol breath sample is to be taken BEFORE the drug specimen is collected, in such cases that warrant both a drug collection and a breath alcohol sample.

C. ATTRIBUTING TEST RESULTS TO THE CORRECT COVERED EMPLOYEE (DRUG AND ALCOHOL COLLECTIONS AND TESTING)

Procedures that ensure that the test results are attributed to the correct covered employee include utilizing a chain of custody to ensure that each specimen is monitored throughout the collection process during both drug and alcohol collection and testing procedures.

X. CONSEQUENCES OF DRUG USE AND THE MISUSE OF ALCOHOL

Any covered employee who has a verified positive drug test, an alcohol test result of 0.04 or above, or has refused to submit to a drug or alcohol test will be immediately removed from his or her safety sensitive position, provided educational materials, and referred to a Substance Abuse Professional (SAP). *It is Transdev's policy that positive drug or alcohol tests or refusal to test will also result in termination of employment.*



Any safety sensitive employee found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, a safety-sensitive function for at least 8 hours following administration of the breath alcohol test, or if the employee was re-tested, the result was less than 0.02.
Is Transdev's policy that testing positive for alcohol on a return-to-duty breath alcohol test will result in termination of employment.

A. LIFE CONSEQUENCES OF ALCOHOL MISUSE

The chronic consumption of alcohol (average of three servings per day of beer, whiskey, or wine) over time may result in the following life consequences:

Health: *decreased sexual functioning, dependency on alcohol, fatal liver disease, increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma, kidney disease, pancreatic dysfunctions, spontaneous abortion and neonatal mortality, ulcers, and birth defects.*

Work: *the effects of alcohol misuse on an individual's work include impairment in coordination and judgment, and increased likelihood of having an accident than that of a sober person.*

Personal Life: *the effects of alcohol misuse on an individual's personal life include increased exposure to committing homicides, vehicle accidents, family problems including separation and divorce, increased likelihood of committing suicide, and greater exposure to other forms of accidents.*

Signs and Symptoms: *dulled mental processes, lack of coordination, odor of alcohol on breath, possible constricted pupils, sleepy or drowsy condition, slowed reaction rate, and slurred speech.*

When an alcohol problem is suspected, the available methods of intervention include the availability of a crisis response/employee assistance service offered by Substance Abuse Professionals that address family problems as well as substance abuse.

B. EMPLOYEE EDUCATION, TRAINING AND ASSISTANCE PROGRAM

SUPERVISOR TRAINING

Any supervisory personnel responsible for determining whether an employee must be tested for substance abuse based on Reasonable Cause/Suspicion will be required to complete at least one (1) session (2 hours) of training on the specific contemporaneous physical, behavioral, and performance indicators of probable drug/alcohol use. One 60-minute session will be devoted to indicators of probable alcohol misuse and one 60-minute session will be devoted to indicators of probable drug use.



Positions to receive training under this plan are: All Managers, Supervisors, First Line Dispatchers and Foremen. Training will be provided by qualified personnel or processes designated by Transdev North America, Inc.

EMPLOYEE EDUCATION

Transdev will provide an education program for its employees, which will include the following:

- Display and distribution of informational material on substance abuse;
- Display and distribution of a community service hot-line telephone number for employee assistance; and
- Display and distribution of Transdev's Substance Abuse Plan regarding the use of prohibited drugs and/or alcohol.
- Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.
- Periodic updates and refresher training concerning substance abuse, life consequences and policy adherence.

XI. PRESCRIPTION AND OVER THE COUNTER MEDICATIONS

MRO VERIFICATION OF PRESCRIPTIONS

When a tested employee is taking a prescribed medication, after verifying the prescription and immediately notifying the employer of a verified negative result, the MRO must then (after notifying the employee) wait five (5) business days to be contacted by the employee's prescribing physician before notifying the employer of a medical qualification issue or significant safety risk.

Specifically, in cases where an MRO verifies a prescription is consistent with the Controlled Substances Act, but that the MRO has still made a determination that the prescription may disqualify the employee under other USDOT medical qualification requirements, or that the prescription poses a significant safety-risk, the MRO must advise the employee that they will have five (5) business days from the date the MRO reports the verified negative result to the employer for the employee to have their prescribing physician contact the MRO. The prescribing physician will need to contact the MRO to assist the MRO in determining if the medication can be changed to one that does not make the employee medically unqualified or does not pose a significant safety risk. If in the MRO's reasonable medical judgment, a medical qualification issue or a significant safety risk still remains after the MRO communicates with the employee's prescribing physician, or after five (5) business days, whichever is shorter, the MRO must communicate this issue to the employer consistent with 49 CFR Part 40.327.



It is Transdev's policy that all safety sensitive employees must notify the Company in writing when they are taking prescription or non-prescription medication that may interfere with their ability to perform work safely. Failure to do so will result in disciplinary action up to and including termination of employment.

There is only one approved method of notification. Employees must use the Prescription / Non-Prescription notification form to inform the company of any medications used; as defined by Prescription and Over-The-Counter sections below.

Employees are required to obtain a Prescription / Non-Prescription Medication Notification Form, signed by a licensed Physician, licensed Physician Assistant, licensed Pharmacist, or licensed Registered Nurse, for each prescription medication taken by the employee. This form must indicate if the medication(s) will impair the employee's ability to safely perform safety sensitive function and/or operate a motor vehicle. The employee will provide the form to the physician or prescribing individual. The employee is required to advise the physician or prescribing individual of the safety-sensitive nature of his or her job. The employee is also encouraged to ask for alternative treatments that do not have performance altering side effects.

Transdev's Drug and Alcohol policy in no way implies that taking approved prescription or non-prescription medication will completely eliminate side effects even if determined to be safe by his/her treating physician. It is the employee's responsibility to fully discuss any and medications with his/her treating physician to reduce possible medication side effect(s).

Employees must submit the Prescription / Non-Prescription Medication Notification Form to the Substance Abuse Program Administrator prior to the beginning of his or her shift, if the Substance Abuse Program Administrator is not available, forms must be turned in to the appropriate Department Manager, Supervisor, or Foreman on duty.

Over-the-Counter Medications should be taken with extreme caution.

- *Read all the warning labels before selecting a medication for use while performing safety sensitive functions.*
- *If the label has warnings such as "do not take this medication while operating a motor vehicle, may cause drowsiness, etc." select another medication.*
- *If unsure which medication is safe to take while performing your job, ask your pharmacist. If still unsure, contact your physician for a suitable alternative.*
 - *If no suitable alternative is available, have your Physician complete a Prescription / Non-Prescription Medication Notification Form and*



submit the form to the Substance Abuse Program Manager, supervisor or manager. This form must indicate if the medication(s) will impair the employee's ability to safely perform safety sensitive function and/or operate a motor vehicle.

- *Ultimately, you are responsible for ensuring your safety and the safety of your co-workers and customers. Taking medication while performing your duties can impair your ability to meet this obligation.*

Falsification of the Prescription / Non-Prescription Medication Notification Form in any way is cause for immediate termination.

During normal business hours a determination can usually be made immediately as to whether an employee will be allowed to work. If an immediate determination cannot be made, a Medical Review Officer (MRO) will be notified and will make a determination as to an employee's ability to safely work.

Employees will not be allowed to clock in until the Substance Abuse Program Administrator or the MRO has made a determination. All normal rules and regulations applying to Miss Outs, No Call No Shows, and Unauthorized Absences shall apply. Employees shall be allowed to use available PTO, EPTO, and vacation until they are cleared to return to work. All normal rules and regulations regarding the scheduling of PTO, EPTO, and vacation may apply.

XII. RECORD KEEPING

DRUGS & ALCOHOL

Records will be maintained as detailed in 49 CFR part 40 and Part 655, as revised.

A. RECORDS MAINTAINED FOR ONE (1) YEAR:

1. Records of Verified Negative and canceled Drug Test Results:
2. Alcohol test results with a concentration of less than 0.02
3. Transdev's copy of custody and control form.

B. RECORDS MAINTAINED FOR TWO (2) YEARS:

1. Records Related to the Collection Process:
2. Education and Training Records:

C. RECORDS MAINTAINED FOR THREE (3) YEARS

Information from previous employers concerning drug and alcohol test results



D. RECORDS MAINTAINED FOR FIVE (5) YEARS:

1. Records of covered employee alcohol test results indicating an alcohol concentration of 0.02 or greater
2. Records of covered employee positive controlled substances test results
3. Documentation of refusals to take required alcohol and/or controlled substances tests
4. Records related to the administration of the alcohol and controlled substances testing programs
5. Covered Employee Referrals to Substance Abuse Professional for Return To Duty and Follow Up:
6. Annual MIS Reports.

E. REQUIREMENTS FOR RECORDS AND SPECIMEN STORAGE BY LAB, MRO, AND TRANSDEV TRANSPORTATION.

Records are maintained for program administration and test results of individuals for whom Transdev North America, Inc. has testing responsibility. Upon completion of the collection process, the specimen is to be placed in secure storage until dispatched to the laboratory. The MRO is to maintain all necessary records and send test result reports to Transdev Substance Abuse Program Administrator (DER), who maintains records in a secure location with controlled access. All negative test results will be maintained for a period of no less than one year. All positive test results will be maintained for a period of no less than five years.



XII. IDENTITY OF CONTACT PERSONS

A. Corporate Drug and Alcohol Program Manager

Louis P. Young Jr
Corporate Drug and Alcohol Program Manager
720 E. Butterfield Rd, Suite 300
Lombard, IL 60148
Telephone: (702) 208-8315
Fax: (630) 495-1377
Email: Louis.Young@transdev.com

B. Primary Drug and Alcohol Program Manager (DER) (Chico)

Name: Bradley Wright
Title: Safety and Training Manager
Address: 326 Huss Dr.
Chico, CA 95928
DER PHONE NUMBER: 530-342-6851 ext. 2172
DER PHONE NUMBER: 530-520-1135

C. Alternate Drug and Alcohol Program Manager (Chico)

Name: Tannis Walburn
Title: Manager of Human Resources
Address: 326 Huss Dr.
Chico, CA 95928
530-342-6851 ext. 2174

D. Substance Abuse Program Medical Review Officer

Company Name: EDPM
MRO: Dr. Paul Teynor
Address: 505 20th Street North, Suite 200
Birmingham, AL 35255
Phone: 205-326-3100
FAX: 205-380-2502



E. Corporate Drug and Alcohol Third Party Administrator

Name: SterlingBackcheck
Address: 6111 Oak Tree Blvd
Independence, OH 44131

Telephone: 216-685-7422 direct | 800-853-3228 toll free | 216-685-7470 fax

SterlingBackcheck Customer Service Directory:

Stacy Kail – Customer Service Representative
1-800-853-3228
Option 1 Extension 57412
stkail@sterlinginfosystems.com

Donna Piros – Random Administrator
1-800-853-3228 Option 1 Extension 57426
DID: 1-216-685-7426
dpiros@sterlinginfosystems.com

Liz Lastafka – Drug Screening Manager
1-800-853-3228 Option 1 Extension 57422
DID: 1-216-685-7422
llastafka@sterlinginfosystems.com

F. Testing Laboratory

Name: LabCorp
Address: 1904 Alexander Drive
RTP, North Carolina, 27709
Telephone: (800) 833-3984

G. Employee Assistance Program

Quantum Employee Assistance Program
14 Park Lake Road, Suite 2
Sparta, New Jersey 07871
Customer Service (Employee Assistance): 1-877-747-1200





Appendix A – Safety Sensitive Employees

The following positions are considered to be safety sensitive:

- Vehicle Operators
- Armed Security (Transdev Employees)
- Dispatchers
- Mechanics and other Maintenance Personnel

Appendix B - Definitions

Accident - an occurrence associated with the operation of a vehicle is as a result:

- 1) An individual dies; or
- 2) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
- 3) with respect to an occurrence in which the public transportation vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
- 4) With respect to an occurrence in which the public transportation vehicle involved is a rail car, trolley car, trolley bus or vessel, the public transportation vehicle is removed from operation.

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

Alcohol Use – The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication) containing alcohol.

Breath Alcohol Technician – A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

Cancelled Test – A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which 49 CFR Part 40 otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.

Collector – A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the Custody and Control form.



Dilute Specimen – A specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling Damage – Damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

- 1) Inclusion: Damage to a motor vehicle, where the vehicle could have been driven, but would have been further damaged if so driven.
- 2) Exclusions:
 - a. Damage that can be remedied temporarily at the scene of the accident without special parts or tools.
 - b. Tire disablement without other damage even if no spare tire is available.
 - c. Headlamp or tail light damage.
 - d. Damage to turn signals, horn, or windshield wipers, which make the vehicle inoperable.

DOT, the Department, DOT Agency – All DOT agencies, including, but not limited to, FAA, FRA, FMCSA, FTA, PHMSA, NHTSA, Office of the Secretary (OST), and any designee of a DOT agency. For the purposes of testing under 49 CFR Part 40, the USCG (in the Department of Homeland Security) is considered to be a DOT agency for drug testing purposes.

Evidential Breath Testing (EBT) Device – The NHTSA conforming products list (CPL) for evidential devices are the only devices you may use to conduct alcohol confirmation tests under 49 CFR Part 40.

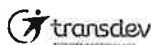
FTA – The Federal Transit Administration, an agency of the U.S. Department of Transportation.

HHS – The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Medical Review Officer (MRO) – A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Public Transportation Vehicle – a vehicle used to transport the public or one used for ancillary services.

Split Specimen – In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted specimen.



Substance Abuse Professional (SAP) – A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders; as amended in part 40.281.

Substituted Specimen – A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Verified Test – A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

Volunteer - A volunteer is a covered employee if: (1) The volunteer is required to hold a commercial driver's license to operate the vehicle; or (2) The volunteer performs a safety-sensitive function for an entity subject to this part and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity



BUTTE COUNTY ASSOCIATION
OF GOVERNMENTS



BOARD OF DIRECTORS MEETING
ITEM #6



BCAG BOARD OF DIRECTORS

Item #6 Consent

January 24, 2019

APPROVAL AND ADOPTION OF TRANSDEV EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM AND RESOLUTION 2018/19-12

PREPARED BY: Andy Newsum, Deputy Director

ISSUE: As required by the United States Department of Transportation, Federal Transit Administration (FTA) an EEO program must be approved for all for FTA 5307, 5309, 5311, and 5339 grantees, subrecipients and safety sensitive contractors with more than 100 employees.

DISCUSSION: Through Butte Regional Transit (BRT) and as the BRT contractor, Transdev has more than 100 employees and is a recipient of FTA funding. As a recipient, Transdev is required to adopt and maintain an EEO program, subject to updating and approval as required by changes or revision to FTA policy affecting EEO programs. As the administering agency and recipient of FTA funding BCAG/BRT is required to adopt and approve by Resolution, Transdev's policy.

ATTACHMENTS:

- Transdev Equal Employment Opportunity Program
- BCAG Resolution No. 2018/19-12

STAFF RECOMMENDATION: Staff is requesting the Board of Directors approve Resolution No. 2018/19-12; approving and adopting Transdev Equal Employment Opportunity Program.

Key Staff: Andy Newsum, Deputy Director
Cheryl Massae, Human Resources Manager
Jon Clark, Executive Director



**BUTTE COUNTY ASSOCIATION OF GOVERNMENTS
RESOLUTION NO 2018/19-12**



RESOLUTION ADOPTING TRANSDEV EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM

WHEREAS, the Butte County Association of Governments (BCAG) is the Metropolitan Planning Organization (MPO), Regional Transportation Planning Agency (RTPA), and Owner and Operator of Butte Regional Transit the B-Line; and

WHEREAS, BCAG is responsible for managing the day-to-day Operations and Maintenance of Butte Regional Transit; and

WHEREAS, BCAG is the authorized administrator of the Butte Regional Transit program; and

WHEREAS, Transdev is the third - party contractor for delivery of the Butte Regional Transit (BLine)

WHEREAS, given that Butte Regional Transit and all sub-recipients of Federal & State funding, the Federal Transit Administration (FTA) requires BCAG and/or sub-recipients to adopt and maintain a current Equal Employment Opportunity (EEO) Program and

WHEREAS, BCAG's contracted service operator, Transdev, is responsible for adherence to all required EEO policies, reporting, and monitoring. Transdev EEO Program is amended as necessary to reflect the most current FTA requirements for EEO Programs under all sub-recipient programs and

WHEREAS, failure to adopt Transdev's EEO Program could result in a negative finding in BCAG's future FTA and/or TDA Triennial Performance Audits and jeopardize Federal & State transportation funding for the operation of the Butte Regional Transit bus services.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Butte County Association of Governments (BCAG) Board of Directors that Transdev's EEO Program is hereby amended as necessary, approved and accepted.

PASSED AND ADOPTED by the Butte County Association of Governments on the 24th day of January 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Bill Connelly Chair of the Butte County Association of Governments (BCAG) Board of Directors, do hereby certify that the above is a true and correct copy of the resolution passed and approved by the BCAG Board of Directors on this 24th day of January 2019.

APPROVED:

BILL CONNELLY, CHAIR
BUTTE COUNTY ASSOCIATION OF GOVERNMENTS

ATTEST:

JON A. CLARK, EXECUTIVE DIRECTOR
BUTTE COUNTY ASSOCIATION OF GOVERNMENTS

BUTTE COUNTY ASSOCIATION
OF GOVERNMENTS



BOARD OF DIRECTORS MEETING
ITEM #7



BCAG BOARD OF DIRECTORS

Item #7 Consent

January 24, 2019

APPROVAL OF AMENDMENT # 2 FOR THE 2018/19 OVERALL WORK PROGRAM (OWP) & BUDGET AND OVERALL WORK PROGRAM AGREEMENT (OWPA)

PREPARED BY: Julie Quinn, Chief Fiscal Officer

ISSUE: Caltrans requires the full award of their program funding be included in the OWP budget. In order to comply, BCAG Chief Fiscal Officer is requesting the BCAG Board of Directors approve an amendment with an effective date of January 1, 2019, for the 2018/19 OWP & Budget.

DISCUSSION: Amendment #2 of the 2018/19 OWP & Budget adjusts the Work Elements (WE) to include revised funding for the 18-19 SB1 Sustainable Communities Formula Grants and add FHWA Planning (PL) and FTA 5303 funds to be within the range of allocation for the fiscal year.

Due to MPO PL carryover threshold requirements, the SB1 Sustainable Communities Formula Grant award was increased from \$180,569 to \$185,943. These funds, and their match, will increase the salary and indirect costs in WE 19-122 *Sustainable Transportation Planning* by \$6,070. The intent of this grant is to support and implement Regional Transportation Plan (RTP) - Sustainable Communities Strategies (SCS) and to ultimately achieve the State's greenhouse gas (GHG) reduction target of 40 and 80 percent below 1990 levels by 2030 and 2050, respectively.

This amendment increases budgeted PL by \$24,134 to \$764,546 and FTA 5303 by \$5,000 to \$80,013, both within the most recent estimated range of allocation. These funds, and their match, will support additional salary and indirect costs in the following work elements:

- WE 19-102 expenditures \$ 2,917; PL \$ 2,582
- WE 19-107 expenditures \$ 10,832; PL \$ 9,589
- WE 19-109 expenditures \$ 1,459; PL \$ 1,292
- WE 19-301 expenditures \$ 17,702; PL \$ 10,671; FTA 5303 \$5,000

Attached is a summary by work element of the adjustments to the 2018/19 OWP & Budget.

BCAG Board of Directors – Item #7

January 24, 2019

Page 2

STAFF RECOMMENDATION: Approve Amendment #2 of the 2018/19 Overall Work Program & Budget and the OWP Agreement with Caltrans.

Key Staff: Julie Quinn, Chief Fiscal Officer
Brian Lasagna, Regional Analyst
Jon Clark, Executive Director

**FISCAL YEAR 2018/19
SUMMARY OF OWP AMENDMENT 2 (OWPA AMENDMENT 2)**

19-102 REGIONAL TRANSPORTATION MODEL			
	PRIOR	AMENDED	NET CHANGE
FHWPL	78,229	80,811	2,582
LTF PLANNING	10,136	10,471	335
TOTAL REVENUE	88,365	91,282	2,917
SALARIES & BENEFITS	14,923	16,415	1,492
INDIRECT	14,242	15,667	1,425
CONSULTANTS/OTHER DIRECT	59,200	59,200	-
TOTAL EXPENDITURES	88,365	91,282	2,917

19-107 RTP/SCS			
	PRIOR	AMENDED	NET CHANGE
FHWPL	116,228	125,817	9,589
LTF MATCH	15,059	16,302	1,243
PPM	17,000	17,000	-
TOTAL REVENUE	148,287	159,119	10,832
SALARIES & BENEFITS	55,408	60,949	5,541
INDIRECT	52,879	58,170	5,291
CONSULTANT	40,000	40,000	-
TOTAL EXPENDITURES	148,287	159,119	10,832

19-109 US CENSUS			
	PRIOR	AMENDED	NET CHANGE
FHWPL	12,910	14,202	1,292
LTF PLANNING	1,673	1,840	167
TOTAL REVENUE	14,583	16,042	1,459
SALARIES & BENEFITS	7,462	8,208	746
INDIRECT	7,121	7,834	713
TOTAL EXPENDITURES	14,583	16,042	1,459

19-122 SB1 SUSTAINABLE TRANSPORTATION PLANNING (18-19)			
	PRIOR	AMENDED	NET CHANGE
SB1 PLANNING GRANT	180,569	185,943	5,374
PPM MATCH	23,395	24,091	696
TOTAL REVENUE	203,964	210,034	6,070
SALARIES & BENEFITS	27,612	27,612	3,106
INDIRECT	26,352	26,352	2,964
CONSULTANTS/OTHER DIRECT	150,000	150,000	-
TOTAL EXPENDITURES	203,964	203,964	6,070

19-301 TRANSIT COORDINATION & PLANNING			
	PRIOR	AMENDED	NET CHANGE
FHWPL	47,010	57,681	10,671
FTA 5303	31,340	36,340	5,000
LTF MATCH	10,152	12,183	2,031
TOTAL REVENUE	88,502	106,204	17,702
SALARIES & BENEFITS	45,284	54,341	9,057
INDIRECT	43,218	51,863	8,645
TOTAL EXPENDITURES	88,502	106,204	17,702

NET CHANGE IN REVENUE BUDGET:	PRIOR	AMENDED	NET CHANGE
FHWPL	740,412	764,546	24,134
FTA 5303	75,013	80,013	5,000
LTF PLANNING	466,693	470,469	3,776
PPM	104,146	104,842	696
SB1 PLANNING GRANT	286,700	292,074	5,374
NET BUDGET CHANGE			38,980
ORIGINAL TOTAL OWP			5,461,945
NEW TOTAL OWP			5,500,925

BUTTE COUNTY ASSOCIATION
OF GOVERNMENTS



BOARD OF DIRECTORS MEETING
ITEM #8



BCAG BOARD OF DIRECTORS

Item #8 Action

January 24, 2019

ACCEPT MAP-21 PERFORMANCE MEASURE – SAFETY (PM1)

PREPARED BY: Brian Lasagna, Regional Analyst

ISSUE: As the federally designated Metropolitan Planning Organization (MPO) for the Butte County region, BCAG is required to establish targets, track, and report the area’s performance measures mandated under the federal Moving Ahead for Progress in the 21st Century Act (MAP-21), in coordination with Caltrans and the local jurisdictions.

DISCUSSION: Federal transportation legislation (MAP-21) placed new and stronger emphasis on measuring and monitoring the performance of the transportation system and requires states and MPOs to implement a performance-based approach to planning and programming. Performance-based planning and programming includes using transportation performance measures, setting targets, reporting performance, and programming transportation investments directed toward the achievement of transportation system performance outcomes. The performance targets ensure states and MPOs invest resources in transportation projects that achieve national goals in safety, infrastructure condition, congestion, reliability, freight movement, environmental sustainability, and reduced project delivery delays.

On August 31, 2018, Caltrans established statewide safety performance targets for calendar year 2019 – see Table 1. MPOs have 6 months (February 27, 2019) following the states target setting date to: A) establish their own targets; or B) agree to plan and program projects so that they contribute toward the accomplishment of the state target. Performance and targets are to be reported and revised annually.

Table 1. Statewide Safety Performance Targets - Year 2019

Measure	Target
Number of Fatalities	-3%
Rate of Fatalities per 100M Vehicle Miles of Travel (VMT)	-3%
Number of Serious Injuries	-1.5%
Rate of Serious Injuries per 100M VMT	-1.5%
Number of Non-Motorized Fatalities	-3%
Number of Non-Motorized Serious Injuries	-1.5%

Note: Targets are based on a 5-year rolling average for all roadways.

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Caltrans and the Office of Traffic and Safety (OTS) have adopted “aspirational” statewide targets consistent with the California Strategic Highway Safety Plan (SHSP) and the state goal of reaching zero fatalities by the year 2050.

Included as Attachment #1 is a compilation of the Butte County datasets provided for each safety measure. Trends have been presented based on the rolling 5-year average for all years included in the dataset.

BCAG staff reviewed the data and targets with the BCAG Transportation Advisory Committee (TAC) at the December 2018 meeting. Based on the discussion and issues identified in the previous target setting period, data limitations and agency resources, staff is recommending that BCAG agree to plan and program projects so that they contribute toward the accomplishment of the state target for the 2019 performance year. This recommendation is supported by the TAC.

Included as Attachment #2 is a listing of those projects contained in BCAG’s recently adopted 2019 Federal Transportation Improvement Plan (FTIP) that work toward the state safety targets.

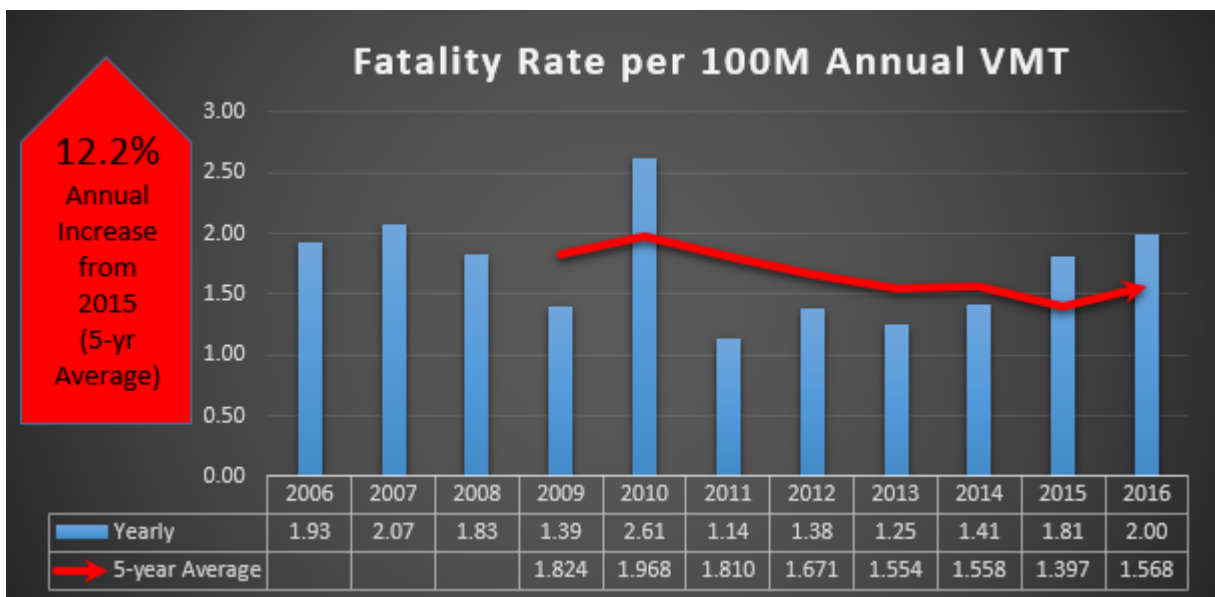
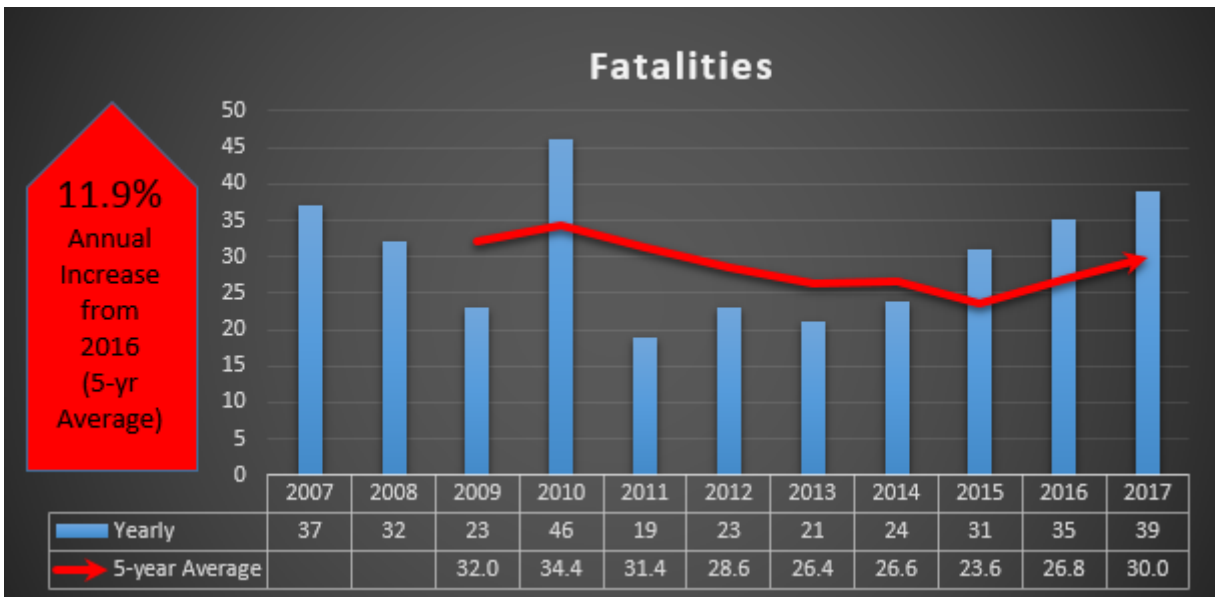
Safety performance and targets will be reviewed with the TAC and BCAG Board annually and reported to Caltrans.

STAFF RECOMMENDATION: BCAG staff is recommending that the BCAG Board of Director’s accept the state performance safety targets and the region and agree to plan and program projects so that they contribute toward the accomplishment of the state safety performance targets for the 2019 performance year.

Key staff: Brian Lasagna, Regional Analyst
 Ivan Garcia, Transportation Programming Specialist

ATTACHMENT #1

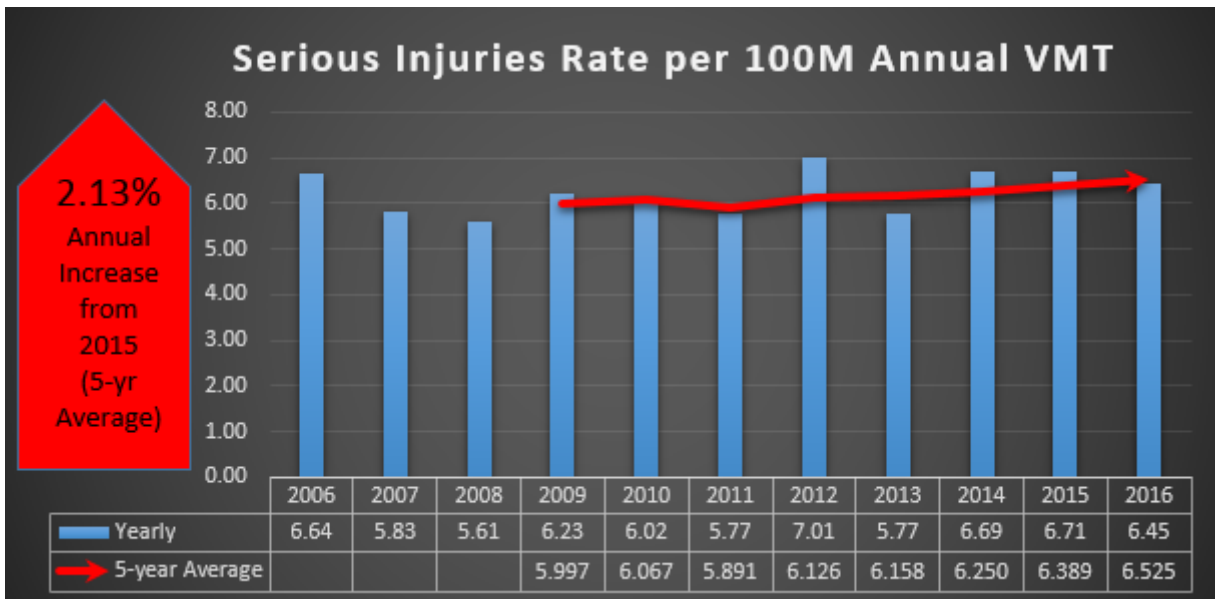
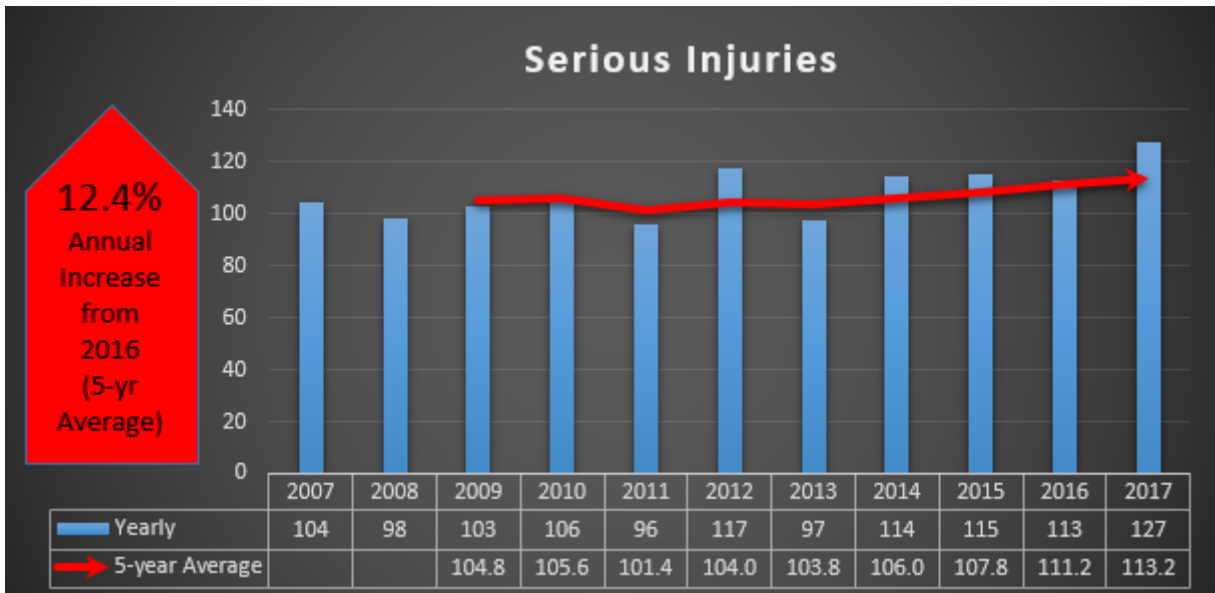
BCAG Regional Safety Performance Measure Trends

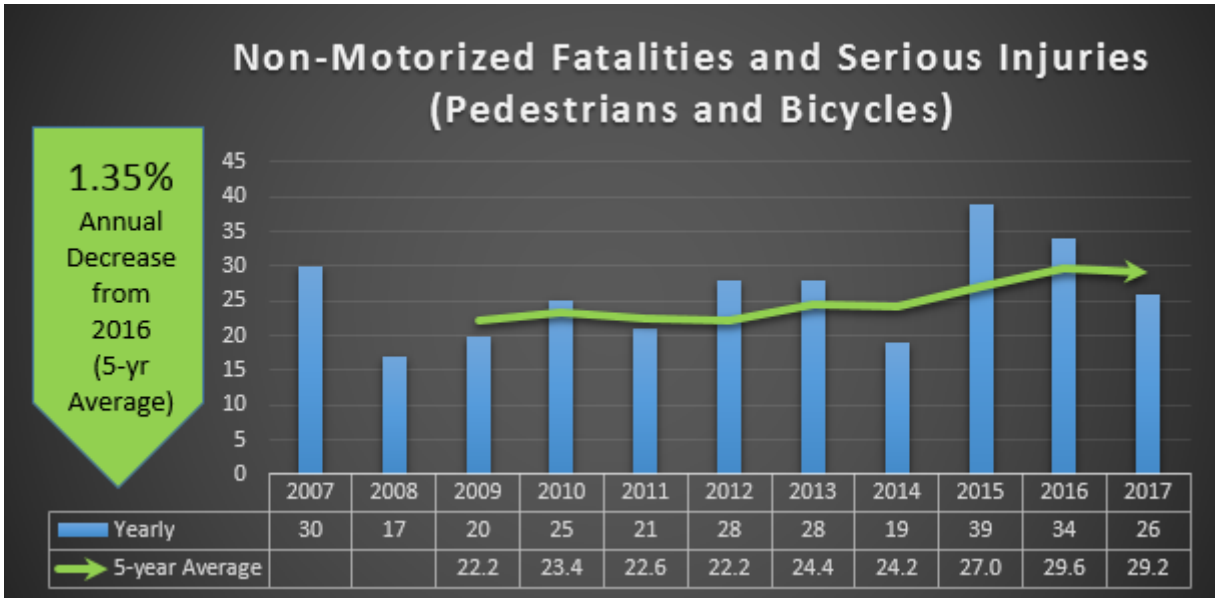


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ATTACHMENT #2

BCAG 2019 FTIP Projects Identified for PM1 (Safety)

AGENCY	Title	Local Funds	RIP-State	IIP-State	SHOPP	CMAQ	HSIP	ATP	TOTALS	Perf. Measure
Biggs	Biggs Safe Routes to School Project - Second Street	0	0	0	0	150	0	0	150	PM 1
Biggs	Safe Routes to Schools Program	1,340	0	0	0	0	0	0	1,340	PM 1
Caltrans	Grouped Projects for Emergency Repair - SHOPP Emergency Response Program	0	0	0	57,166	0	0	0	57,166	PM 1
Caltrans	Grouped Projects for Safety Improvements - SHOPP Collision Reduction Program	0	0	0	27,530	0	0	0	27,530	PM 1
Caltrans	SR 70 Passing Lanes (Segment 3)	0	10,900	10,900	40,668	0	0	0	62,468	PM 1
Caltrans	SR70 Passing Lanes (Segment 1)	0	5,400	5,400	31,870	0	0	0	42,670	PM 1
Caltrans	SR70 Passing Lanes (Segment 2)	0	6,600	6,600	35,880	0	0	0	49,080	PM 1
Chico	Esplanade Corridor Safety and Accessibility Improvement Project	70	0	0	0	0	0	7,270	7,340	PM 1
Chico	SR 99 Bikeway Phase 4 Improvements	282	0	0	0	0	0	0	282	PM 1
Chico	SR 99 Corridor Bikeway Phase 5 - 20th Street Crossing PE	500	0	0	0	1,436	0	0	1,936	PM 1
County	Autry Lane & Monte Vista Safe Routes to Schools Gap Closure Project	2,650	0	0	0	200	0	0	2,850	PM 1
County	Monte Vista & Lower Wyandotte Class II Bike Project	0	0	0	0	620	0	0	620	PM 1
County	Palermo/South Oroville SRTS Project, Phase 3	1,850	0	0	0	500	0	0	1,675	PM 1
Gridley	Central Gridley Pedestrian Connectivity and Equal Access Project	1,335	0	0	0	160	0	0	1,495	PM 1
Gridley	Gridley Bike & Pedestrian SR 99 Corridor Facility Project	200	0	0	0	160	0	0	200	PM 1
Oroville	SR 162 Pedestrian/Bicycle Disabled Mobility and Safety Improvements Project	0	0	0	0	0	0	3,411	3,411	PM 1
Paradise	Oliver Curve Class I Phase I	4,625	0	0	0	350	0	0	4,975	PM 1
Paradise	Paradise ATP Gateway Project	7,975	0	0	0	550	0	0	7,975	PM 1
Paradise	Pentz Road Trailway Phase II	9,270	0	0	0	700	0	0	9,270	PM 1
Various	Grouped Projects for Safety Improvements - HSIP Program	1,933	0	0	0	0	4,501	0	2,194	PM 1
	Totals	32,029	22,900	22,900	193,114	4,826	4,501	10,681	290,951	

BUTTE COUNTY ASSOCIATION
OF GOVERNMENTS



BOARD OF DIRECTORS MEETING
ITEM #9



BCAG BOARD OF DIRECTORS

Item #9 Information

January 24, 2019

BUTTE REGIONAL CONSERVATION PLAN (BRCP) UPDATE

PREPARED BY: Chris Devine, Planning Manager

ISSUE: BCAG is facilitating the development of the Butte Regional Conservation Plan (BRCP) on behalf of the Cities of Biggs, Chico, Gridley, and Oroville, the County of Butte, Caltrans District 3, Western Canal Water District, Richvale Irrigation District, Biggs West Gridley Water District, and Butte Water District (BRCP permit applicants).

DISCUSSION: Progress continues to be made on the development of the final BRCP and final EIS/EIR documents, with a goal of submitting the documents to state and federal wildlife agencies for approvals in late February (see tentative schedule below). BCAG staff has coordinated closely with the BRCP permit applicants and state and federal agencies in developing the final BRCP and EIS/EIR documents to ensure all entities are comfortable with the contents of the final documents. Outreach also continues with key stakeholder groups.

Tentative BRCP Schedule:

- January – Mid-February 2019: Final review of BRCP and EIS/EIR by BRCP permit applicants and wildlife agencies; continued coordination with key stakeholder groups;
- Late February 2019: Final BRCP and EIS/EIR submitted to state and federal wildlife agencies;
- March 2019: Public release of Final BRCP and EIS/EIR for 30-day NEPA review;
- April 2019: Close of 30-day NEPA review;
- April 27, 2019: USFWS completes NEPA decision documents: 1) Section 7 Biological Opinion; 2) ESA Findings and Recommendations, and NEPA Record of Decision; and 3) ESA Section 10 Permit (including Terms and Conditions). CDFW submits NCCP Findings;
- May, June, July 2019: BRCP permit applicants' boards and city councils meet for final approval of BRCP and EIS/EIR;
- July – September 2019: USFWS, NMFS, and CDFW issue permits.

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The Board may recall that due to Secretarial Order 3355 issued by the U.S. Department of the Interior on April 27, 2018, the BRCP and EIS/EIR must be completed and the final Record of Decision issued no later than April 27, 2019. While the development of the final BRCP and EIS/EIR remain on schedule, the effects of the Camp Fire and the federal government shutdown may present challenges in meeting this deadline.

Camp Fire

As the Board is aware, BCAG staff has coordinated closely with city and county planning and public works staff over the last two years to review changes being made to the BRCP in response to comments received during the 204-day public review period held in 2015/16. The Camp Fire has caused workloads for city and county staff to increase in order to directly respond to the challenges caused by this disaster.

BCAG staff will be meeting with city and county staff on January 25th to gauge their comfort level with continuing to move the BRCP forward according to the schedule indicated above. Because they focused much time and effort reviewing changes to the BRCP previously in 2017 and 2018, it is likely that the plan will continue on the current schedule.

Federal Government Shutdown

Because the final BRCP must be approved by U.S. Fish and Wildlife Service and National Marine Fisheries Service, if the federal government shutdown continues into February, it is possible that the BRCP project schedule could be delayed. These agencies have indicated their dedication to meeting the April 27th deadline, so BCAG staff are hopeful this won't affect the overall project schedule.

If adhering to the April 27, 2019 deadline does become untenable, it may be possible to file for a "timeliness waver" request to extend this deadline. If this were to occur, the justification would include complications and delays attributed to the above-mentioned Camp Fire and federal government shutdown.

Additional Updates

BCAG staff continues to meet with key stakeholder groups to review changes to the final BRCP. On December 10th, staff met with environmental group representatives including Butte Environmental Council, Aqua-Alliance, California Native Plant Society, Friends of Bidwell Park, and others to review key changes to the BRCP. On January 25th, BCAG staff will meet with representatives from the Chico Building Association, Butte County Farm Bureau, and Congressman LaMalfa's office to also review changes in the final BRCP. Additional changes to the plan resulting from these meetings will be reviewed by the BRCP permit applicants and wildlife agencies prior to submittal of the final documents for approvals.

BCAG staff will continue to keep the Board informed as the program moves forward.

STAFF RECOMMENDATION: This item is presented for information only.

Key Staff: Chris Devine, Planning Manager
Jon Clark, Executive Director