



Minnesota Regional Transit
Board: Records.

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.



REGIONAL TRANSIT BOARD
Mears Park Centre, 230 East 5th Street
St. Paul, Minnesota 55101
612/229-2700

Meeting of the
REGIONAL TRANSIT BOARD
Mears Park Centre Chambers
Monday, August 2, 1993
4 p.m.

AGENDA

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES:
 - a. Committee of the Whole Meeting, July 12, 1993
 - b. Regional Transit Board/ Metropolitan Transit Commission Joint Meeting, July 23, 1993
4. CHAIR'S REPORT
5. MEMBERS' REPORTS
6. EXECUTIVE DIRECTOR'S REPORT
7. REPORT OF THE COMMITTEE OF THE WHOLE
Val Higgins Chair, Policy Committee
 - a. Regional Transit Board Alcohol and Substance Abuse Policy Amendment
 - b. Special Events Policy
 - c. Federal Transit Administration Grant Application for TRAVLINK Project, Resolution No. 93-07
 - d. Metro Mobility Provider Selection
8. OTHER BUSINESS
9. PUBLIC COMMENT *— Metro Mo funding approval*

John H. Riley
Chairman

mff
July 27, 1993



REGIONAL TRANSIT BOARD
Mears Park Centre, 230 East 5th Street
St. Paul, Minnesota 55101
612/229-2700

**Minutes of the Meeting of the
REGIONAL TRANSIT BOARD
August 2, 1993**

MEMBERS PRESENT: John H. Riley, Chair; Michael Beard; Morgan Grant; Val Higgins; James Hovland; Ruby Hunt; Dennis Schulstad

MEMBERS EXCUSED: Sharon Feess and Ruth Franklin

OTHERS PRESENT: Esther Newcome, Metropolitan Council; Sara Brodt Lenz, Ebenezer Society; Arnie Entzel, Amalgamated Transit Union; Judy Hollander, Dale Ulrich, Len Simich, Suzanne Hanson, Howard Blin, Ed Kouneski, Mary Fitzgerald, RTB staff

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 4:00 p.m. and roll was taken.

APPROVAL OF AGENDA

Higgins moved and Beard seconded approval of the agenda; the motion carried unanimously.

APPROVAL OF MINUTES

Hunt moved and Beard seconded approval of the minutes of the Committee of the Whole of July 12, 1993. The motion was unanimously approved.

Hovland moved and Beard seconded approval of the minutes of the joint meeting of the Regional Transit Board and Metropolitan Transit Commission on July 23, 1993. The motion was unanimously approved.

CHAIR'S REPORT

Riley said currently the main focus is on making sure that the Metro Mobility changeover is progressing as planned for conversion on October 1. He has also been holding think tank meetings on Transportation Demand Management with people involved in various transportation modes in order to take advantage of their insights and experience to develop better programs.

MEMBERS' REPORTS

Grant said the newspaper reported that the Metropolitan Council is holding a public hearing on September 2 for their Transit Planning Guide. He asked if copies of that draft will be available to board members. Riley said staff will request copies from the council staff.

Riley explained that Sharon Feess could not be present because of medical problems and Ruth Franklin is traveling.

REPORT OF THE COMMITTEE OF THE WHOLE

Policy Committee Chair Higgins reviewed the recommendations approved at the July 26, 1993 meeting.

Regional Transit Board Alcohol and Substance Abuse Policy Amendment

Higgins said the board has no choice but to approve these regulations because they are imposed by the federal government. Hunt referred to Riley's remarks at the committee meeting about the 50-percent requirement on random testing and asked if it would be worthwhile to pursue a change in that regulation. Riley said it might be worth pursuing because with a random testing system people are more likely to believe they will actually be selected for a test. Most experts believe 12 percent is a more reasonable number. Hunt said Vice President Gore has indicated that it is a major policy of the Clinton Administration to lift unnecessary mandates and appears to be the lead person in that area so the timing might be appropriate. Riley said he was involved with this issue when he was director of the Federal Railroad Administration and would be happy to raise the issue again. Based on his experience with the charter bus industry, Higgins said, random testing is keeping things under control. Some people don't even apply for jobs when they find out there is a testing program. In this instance, he has no qualms about infringing on anyone's rights. Riley said no one has a right to drive under the influence of drugs and place lives at risk. This program is making a difference. Higgins moved and Grant seconded:

That the Regional Transit Board:

1. Approve the amended Regional Transit Board Alcohol and Substance Abuse Policy for Metropolitan Transit Service Providers, dated August 1, 1993; and
2. Direct Regional Transit Board transit providers to amend their substance abuse plans to be consistent with this board action by August 1, 1993.

The motion was unanimously approved.

Special Events Policy

Higgins moved and Hunt seconded:

That the Regional Transit Board adopt the Special Events Policy, dated July 16, 1993.

Riley said the committee had a good discussion of this last week. The Providers Advisory Committee and others put a great deal of effort into developing this

policy. Higgins again complimented the advisory committee on working through the differences. Beard said he asked one of the opt-out providers for an opinion during last week's meeting. Since then he has been in touch with others opt-out communities and they are pleased that something has been developed that everyone can support. He is very comfortable supporting this. Higgins said the providers requested that after we have some experience with the policy, we go back and amend it if any problems arise. Riley said the board always has the prerogative of voting to deviate from a particular policy. The motion was unanimously approved.

Federal Transit Administration (FTA) Grant application for TRAVLINK Project, Resolution no. 93-07

Higgins said the board authorized participation in this project last February and pledged funds. This resolution is to approve filing the actual application for federal funds. He moved and Beard seconded:

That the Regional Transit Board approve a resolution requesting FTA funding for the TRAVLINK project and authorize the executive director to submit a funding application to the Federal Transit Administration for \$400,000.

The motion and resolution were unanimously approved.

Metro Mobility Provider Selection

Higgins moved and Beard seconded:

That the Regional Transit Board approve the use of two operators for the dedicated vehicle portion of Metro Mobility service with the use of additional operators for supplemental "overflow" service.

Riley said RTB assumed from the beginning there would be three providers, an operator to handle the agencies' trips, and taxicab services for overflow. ATE analyzed all the data and found that with two providers, rather than three, using the same number of vehicles will generate \$2.1 million in savings over the course of the contract which can be put back into supplemental service. The Request for Proposal (RFP) leaves the question open. On the other side of the argument, this action gives either provider a great deal of leverage over RTB.

Dan Hibbert, Metro Mobility Service Center, introduced himself. He explained the reasons ATE recommended using two providers.

Higgins said that ordinarily a contractor is expected to provide the equipment that you pay for, but in this case RTB retains control of the vehicles. Hibbert said the providers will contract with ATE. This approach identifies the costs associated with each part of the operation. ATE ensured that the providers are also protected and receive a reasonable rate, which is very helpful in avoiding a contractor default. Riley said that is why the board decided it is better to acquire the fleet and make the carrier responsible only for providing the drivers.

Members asked for clarification of the economics of the recommendation and how factors were weighted in the criteria. Grant said he has reservations about the number of providers because of the leverage they will have. The \$250,000 that will be realized from the performance bond if the provider defaults sounds like a lot of money, but it is only five-percent of the annual budget. A default by one of the providers would create a lot of disruption for the riders. This is a huge gamble. Hibbert said he shares those concerns, but even if one provider withdrew, there would still be the other two and the overflow providers. In a short-term situation, he believes we can respond quite well. Riley said it is important to remember that in the event of default, the bonding company would pay RTB and then pursue the provider for reimbursement.

Higgins said staff had to make a strong effort to get service back on the street when a major provider withdrew from the system. The major problem was in replacing the vehicles. In this case RTB will have control of those vehicles and it will be easier to fill the gap. The drivers of the failed companies would be looking for jobs. The advantages outweigh the relatively small chance that someone will bail out. Riley said the carriers would still have enormous leverage, even if ATE contracts with three providers. Because service will improve, we will have a greater demand, and he would prefer to use the savings to provide those additional rides. There will be the equivalent of four providers and the fall back position should be incorporated into the contract itself. Grant said the ridership must be made to understand why this is being done.

Hovland said he is in favor of the proposal and has confidence in the expertise of staff and the oversight contractor. This is an opportunity to save \$2.1 million. The new equipment that is arriving is beautiful and this will be the first community in the nation to be in full compliance with the Americans with Disabilities Act.

OTHER BUSINESS

Funding for Metro Mobility Operations

Kouneski reviewed his memorandum dated August 1, 1993. Responding to Hunt's question, he said Mayflower Contract Services, Inc. is working with a local firm and taking steps to establish itself locally. Everyone except the general manager is locally hired.

Grant expressed reservations about the service coordinator's top management being non-local people. Higgins said he could not imagine a firm bidding on a contract unless they can run the operation with their own top people. Hovland asked Hibbert to furnish him with information on nationwide gross revenues for this type service.

Hunt asked if the companies conduct sexual harassment training and whether they will conform to Minnesota's laws. Hibbert said all the drivers will receive training in a number of areas so every passenger will be assured that all the drivers received the same training. Beard moved and Hovland seconded:

That the Regional Transit Board approve expenditures for the Metro Mobility centralized operations at the following levels:

Calendar Year 1993	\$3,560,000
Calendar Year 1994	\$12,250,000

These figures exclude previously authorized amounts for the Metro Mobility Service Center.

The motion was unanimously approved.

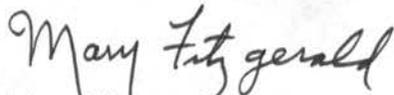
Hovland complimented the board on its joint meeting with MTC on July 23. He was very proud of the insight and wisdom exhibited with respect to the issues. Riley thanked him on behalf of the board and said the issue is far from settled, although the board's involvement is probably concluded.

Beard asked Kouneski if the startup of the new paratransit program is on track. Kouneski said the new operations will start on October 2 as planned. The facility will be housed in offices across Mears Park. Computer installation will take place this week. The goal is to do several dry runs to deal with unanticipated problems. Hibbert said the vehicles will start arriving shortly and will be garaged at the providers' facilities. The Handicabs garage is near the Minneapolis garbage burner. Fortunately Mayflower secured space in a garage that is already operational. It is centrally located at County Road C and Snelling Avenue and has capacity for 150 vehicles. The state has agreed to inspect the vehicles as soon as they arrive and a local firm will install the radio equipment. Riley added that RFP's will have to be issued for the agency-trip provider and the overflow provider.

There being no other business, Grant moved and Hunt seconded that the meeting be adjourned. The motion was unanimously approved and the meeting adjourned at 5:25 p.m.

I hereby certify that the foregoing constitutes a true and accurate record of the Regional Transit Board's meeting of August 2, 1993.

Respectfully submitted,



Mary Fitzgerald
Secretary of the Board

Approved by the Regional Transit Board on this 16th day of August 1993.

April 30, 1993

REGIONAL TRANSIT BOARD
ROLL CALL AND ATTENDANCE SHEET

DATE: 8/2/93

Member Name	Present	Vote	Vote	Vote	Vote	Vote	Vote	Vote	Vote
ISSUE			<u>93-07</u>						
John Riley	✓			Y					
Michael Beard	✓			Y					
Sharon Feess									
Ruth Franklin	✓								
Morgan Grant	✓			Y					
Val M. Higgins	✓			Y					
James Hovland	✓			Y					
Ruby Hunt	✓			Y					
Sather									
Dennis Schulstad	no								

Visitors

E. G. ...
 S. Lang
 E. Newcome

Staff

lw, jh sh kb
 dw cho

mff

PROPOSED RTB SPECIAL EVENTS POLICY

The purpose of the Special Events Policy is to establish guidelines for public transit service designed for a specific event or service which is promotional in nature. This includes all services provided outside of regular routes, schedules, hours, service areas, etc. The policy applies to the MTC and all other public transit providers receiving RTB funding. Private transit operators, under contract to the RTB, are not covered by this policy, but instead must comply with contract provisions regarding use of vehicles for charter operations and other special events.

Special Events services will be defined as charter or promotional service, with the following guidelines applying to each:

Charter Service

Charter service is essentially service not open to the general public, but instead provided for the exclusive use of a group of people. In the case of dial-a-ride programs, services offered to groups should not differ from those available to individuals. For purposes of this policy, language included in the Federal Transit Administration's Charter Service Regulations will be used to define charter service:

Charter Service means transportation using buses or vans, or facilities funded under the Acts of a group of persons who pursuant to a common purpose, under a single contract, at a fixed charge (in accordance with the carrier's tariff) for the vehicle or service, have acquired the exclusive use of the vehicle or service to travel together under an itinerary either specified in advance or modified after having left the place of origin. This definition includes the incidental use of UMTA funded equipment for the exclusive transportation of school students, personnel, and equipment.

No transit providers covered by this policy shall operate charter service unless first obtaining a waiver from the RTB. Waivers will be granted only when it can be demonstrated that the need for charter service for a particular event exceeds the capacity of available private charter operators. Providers operating charter service must recover the entire operating cost of that service.

In cases where federal rules apply, a waiver must also be obtained from the Federal Transit Administration.

Promotional Service

Promotional services are those services operated over a limited period of time which are designed to promote public transit use. These services will be allowed when the following criteria are met:

- The service is designed to serve residents of the seven-county metropolitan area and to promote transit to people who are not currently public transit users.
- Promotional services must be similar to public transit services provided on a regular basis. Promotional service can only be provided to areas where similar service is available on a regular basis. This includes service coverage, frequency and travel time. The only exception to this guideline will be for use of vehicles for promotional display purposes in parades, community events, etc., where passengers are not carried. Services of this nature will be allowed.
- Regular route promotional services will only be allowed to operate during non-peak periods. Dial-a-ride promotional services will only be allowed to operate when vehicle capacity is available.
- Where fares are charged, fares shall not be less than those charged for similar public transit services.
- **To the extent possible, promotional service should be accessible to persons with disabilities.**

Costs of all promotional service must be included as a separate item in a provider's annual budget and approved by the RTB.



Mears Park Centre
230 East 5th Street
St. Paul, Minnesota 55101
612/292-8789

**Minutes of the Joint Meeting of the
REGIONAL TRANSIT BOARD and
METROPOLITAN TRANSIT COMMISSION
July 23, 1993**

MEMBERS PRESENT: RTB Members: John Riley, Michael Beard, Sharon Feess, Ruth Franklin, Morgan Grant, Val Higgins, James Hovland, Ruby Hunt, Dennis Schulstad; RTB staff: Gregory Andrews, Kathy Grochowski; MTC Commission Members: Allyson Hartle, Bob Mairs, Todd Paulson, Frank Snowden; MTC staff: Tom Sather

OTHERS PRESENT: Laurie Blake, Minneapolis Star Tribune; Don Ahern, St. Paul Pioneer Press; Mary Smith, Janey Gohl, Ken Morris, Metropolitan Council; John Johnson, Amalgamated Transit Union

The meeting was called to order at 3:10 p.m. The purpose of the joint meeting was to discuss the appropriateness of the salary and benefits approved for the MTC's new Chief Administrator, Tom Sather. Sather recapped the chronology of his appointment as Chief Administrator. Riley followed with the chronology of how Sather first became the acting chief administrator. Mairs defended the Commission's reasons for not establishing a national search and why they decided on the pay and benefits package offered to Sather. Most RTB members offered favorable comments in regards to Sather's job performance. However, many RTB members felt it would have been more appropriate for the MTC to conduct a national or regional search before offering Sather the job at a salary of \$92,500 and a car. Several members also questioned the political realism of entering a contract of this magnitude while the pay of thousands of state employees has been frozen. Riley asked the Commission members what their next move would be. Mairs said that he would have to confer with the Governor on whether or not they could offer Sather \$78,000 plus the \$8,000 benefit package available to Mike Christenson and, if so, they would reluctantly offer a similar amount to Sather.

No action was taken. The meeting was adjourned at 5:15 p.m.

I hereby certify that the foregoing constitutes a true and accurate record of the joint meeting of the Regional Transit Board and the Metropolitan Transit Commission on July 23, 1993.

Respectfully submitted,

Kathy Grochowski
Acting Secretary

Approved by the Regional Transit Board on this 2nd day of August 1993.



REGIONAL TRANSIT BOARD
Mears Park Centre, 230 East 5th Street
St. Paul, Minnesota 55101

REPORT OF THE COMMITTEE OF THE WHOLE

At its meeting of July 26, 1993, the committee approved the following recommendations:

REGIONAL TRANSIT BOARD ALCOHOL AND SUBSTANCE ABUSE POLICY AMENDMENT

That the Regional Transit Board:

1. Approve the amended Regional Transit Board Alcohol and Substance Abuse Policy for Metropolitan Transit Service Providers, dated August 1, 1993; and
2. Direct Regional Transit Board transit providers to amend their substance abuse plans to be consistent with this board action by August 1, 1993.

SPECIAL EVENTS POLICY

That the Regional Transit Board adopt the Special Events Policy, dated July 16, 1993.

FEDERAL TRANSIT ADMINISTRATION (FTA) GRANT APPLICATION FOR TRAVLINK PROJECT, RESOLUTION NO. 93-07

That the Regional Transit Board approve a resolution requesting FTA funding for the TRAVLINK project and authorize the executive director to submit a funding application to the Federal Transit Administration for \$400,000.

METRO MOBILITY PROVIDER SELECTION

That the Regional Transit Board approve the use of two operators for the dedicated vehicle portion of Metro Mobility service with the use of additional operators for supplemental "overflow" service.

The members directed staff to develop recommendations for back-up service in the event of default by one or both of the operators and present the recommendations to the board at its August 2nd meeting.

OTHER BUSINESS

The members received an update on the Nicollet Mall Shuttle project.

The next scheduled meeting of the committee will be August 23, 1993.

Val M. Higgins
Chair
Policy Committee

mff
7/26/93



REGIONAL TRANSIT BOARD
Mears Park Centre, 230 East 5th Street
St. Paul, Minnesota 55101
229-2700

**Minutes of the Meeting of the
COMMITTEE OF THE WHOLE
July 12, 1993**

MEMBERS PRESENT: Ruth Franklin, Chair, Administration and Finance Committee; Val Higgins; Ruby Hunt; Sharon Feess; Michael Beard; James Hovland; John Riley

MEMBERS ABSENT: Dennis Schulstad

OTHERS PRESENT: Tom Sather, Metropolitan Transit Commission; Arnie Entzel, Amalgamated Transit Union, Local 1006; Mike Robertson, Legal Counsel; Don Ahern, St. Paul Pioneer Press; Gregory L. Andrews, Judy Hollander, Howard Blin, Suzanne Hanson, Gerri Sutton, Paul Moline, Stephanie Eiler, Mike Opatz, Annette Keller, Dale Ulrich, Clete Luberts, Dave Jacobson, Suzanne Hanson, Mary Fitzgerald, RTB staff

CALL TO ORDER AND ROLL CALL

Committee Chair Franklin called the meeting to order at 4:05 p.m. and roll was taken.

APPROVAL OF AGENDA

The chair recommended that Item 6 be deleted since it is a part of the 1993 Budget Amendment, Item 4. With that amendment, Hovland moved and Feess seconded approval of the amended agenda. The motion was unanimously approved. (Higgins not present.)

FINANCIAL STATEMENTS-MAY 1993

Sutton presented the May 1993 Financial Statements dated June 23, 1993. Grant moved and Beard seconded:

That the Regional Transit Board receive the May 1993 unaudited financial statements and direct that they be placed on file.

The motion was unanimously approved. (Higgins not present.)

1993 REGIONAL TRANSIT BOARD BUDGET AMENDMENT

Ulrich reviewed the June 29 staff memorandum regarding budget amendments and the July 1 memorandum regarding capital equipment. Feess moved and Hunt seconded:

That the Regional Transit Board amend the 1993 budget, adopted December 1992, recognizing the following:

Beginning Fund Balance	\$4,847,919
Total Revenues of	\$97,188,475
Total Expenditures	\$94,511,449
Ending Total Fund Balance	\$7,524,945

The motion was unanimously approved. (Higgins not present.)

SCHEDULE PUBLIC HEARING ON PROPOSED 1994 REGIONAL TRANSIT BOARD BUDGET AND ACCEPT PUBLIC HEARING DOCUMENT

Ulrich reviewed the July 2 memorandum outlining the budget process and financial situation. (Higgins arrived.) Franklin explained that this process is necessary because RTB is required to hold a public hearing by August 15. A preliminary document must be developed and made available to the public. Hunt asked what is presented for information for people who attend the public hearing. She asked if there is written material accompanying the numbers to make them meaningful for the people who wish to attend the hearing. Ulrich said the public will be notified through the usual newspaper notices, which contain no information about the budget. People are invited to call and ask for printed materials. In the past the attendance has been small. Riley said Hunt's point is well-taken. It is difficult to take a role in a budget hearing if you don't see the material until you arrive. Before the meeting we should have a packet of material available upon request that explains the numbers. Hunt said it may not make a difference in the attendance, but it should be offered. Ulrich said the 20-page, summary budget document might be the best explanation of the material. Riley said this can be handled administratively. The document should focus on areas of difference from last year's budget and controversial issues and should be far less than 20 pages. Hunt moved and Beard seconded:

That the Regional Transit Board approve the 1994 proposed budget, dated July 6, 1993, for the purpose of holding a public hearing at 5:00 p.m. on Monday, August 9, 1993, in Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101.

Beard asked if the legislation granting MTC a minimum appropriation from state funds precludes RTB from moving funds around. Ulrich said the state appropriations are all shown in the fund they pertain to and that issue does not apply. Riley added that RTB must abide by rider language stating that in the second year of the biennium all regular route funds go to MTC. Then we will have to indicate the totality of the state subsidy is going to MTC and with offsetting reductions in the property tax where necessary to maintain current contracts. The motion was unanimously approved.

RESOLUTION LEVYING PRELIMINARY AD VALOREM PROPERTY TAXES FOR 1993, PAYABLE 1994, RESOLUTION NO. 93-06

Ulrich reviewed the July 2, 1993 staff report. Hunt moved and Beard seconded:

That the Regional Transit Board adopt Resolution No. 93-06, "Resolution Certifying Preliminary Ad Valorem Property Taxes for 1993, Payable 1994."

The motion was unanimously approved.

STATE FAIR DISPLAY, VENDOR SELECTION

Hanson reviewed the memorandum, dated July 8, distributed before the meeting. Responding to Riley, she said the funds are coming from a multi-agency account being held by RTB as trustee. Only about \$7,000 will actually be RTB funds. The LRT Joint Powers Board, Metropolitan Council and the Hennepin County Regional Rail Authority have yet to commit their financial support. By the time the board meets to consider this there will be more information available. All of the agencies will be asked to staff the booth in the Education Building at the State Fair. MTC will not give up its separate site, but will also be working with us. Staff is asking for approval under the concept that was approved earlier. This is not a request for additional funds. Riley said RTB was designated keeper and disbursing officer of common funds through the normal board process. The funds are in a separate agency account. Riley said the motion should specifically state from which fund the money will be drawn.

Higgins questioned the value of the State Fair booth. He moved to forward the report without recommendation at this time because the members do not have enough information. Last year the questions asked by the public were nearly all MTC related. Feess said this display is something different. The concept was approved earlier. Hanson said last year \$10,000 was spent on the booth. Staff and board members staffed the booth. Riley said he had initially had misgivings, but this is a common effort and he would not vote to disrupt it. To get an RTB identity we will have to have excellent handouts and a good design. His issues are making sure that before the design is approved we will be together on the message and that there be an interactive aspect to it to draw visitors. At the end he would like people to take an examination and award some sort of prize. Hovland asked how we know this is a good way to spend \$35,000. Hanson said the primary mover now is the date of the fair. Staff plans to move the booth around the area long after the fair is over. It is one way to alert people to transit and traffic issues. Grant said this is an opportunity to educate the public and would be money well-spent. Beard moved: and Riley seconded:

That the Regional Transit Board authorize the executive director to enter into a \$35,000 contract with Design Stages to create and construct a 10-by-20 foot display to be completed and set up at the 1993 State Fair by August 25, 1993. This contract will be entered into by the Regional Transit Board on behalf of the Metropolitan Transit Education Committee and funds will be disbursed from the Metropolitan Transit Education Committee's account.

Beard said he would underscore the principle that RTB is the lead agency. RTB should be standing up and taking charge. This committee is one of those areas RTB should be doing well and he thanked Hanson for bringing this to the board. He would like RTB to increase its visionary role in the Twin Cities Metropolitan Area. There was discussion of the proper location for this display. Riley said when space is freed up he would like the display to be outdoors. The motion carried unanimously.

METROPOLITAN TRANSIT COMMISSION STATE FAIR SHUTTLE

Blin reviewed the July 6, 1993 staff report. The proposed service is generally consistent with the draft special events policy that will be coming to the board shortly. The fares are higher than existing express service but people who arrive by bus get a \$2 discount on admission. Last year the social discount created a greater discount than expected when

the \$2 admission discount was factored in. Grant asked if Route 60 will be accessible. He feels very strongly that at some point accessible regular route service has to be available. Blin said staff will meet with MTC and discuss accessibility concerns. MTC is attempting to recoup their costs on this service. Members said the service is convenient and promotes the use of regular route service. Hovland moved and Feess seconded:

That the Regional Transit Board approve fares for the State Fair express service at \$2 for adults and seniors, \$1 for youth ages six to 12 years old, and free for children under five years old.

Grant asked if the free shuttle and the special express service will be accessible. Last year MTC offered free shuttle service through Downtown Minneapolis to the Walker Sculpture Garden. Sather responded that 10 to 12 percent of the fleet is lift-equipped, making that percentage of routes accessible, which leaves very little equipment available for special services. MTC will do everything in its power to make something available, but it will not be at the expense of regular route, day-to-day service. When the new vehicles come in next year the fleet will be 20-percent accessible. The free shuttle service from Rosedale to Har-Mar will not be accessible.

Responding to Franklin's question about private provider involvement, Sather said the express service will not include them. It is under the purview of the board to contract with private providers. The only instance where MTC subcontracts is with Plymouth Metro Link, which provides circulator service for the mainline. Grant asked staff to find out if the Roseville Circulator, which runs down Como and Larpenteur, could provide lift-equipped service and stop inside the fairgrounds. The motion carried unanimously.

1993 MTC BUDGET AMENDMENT FOR PURCHASE OF ELECTRONIC REGISTERING FAREBOXES FOR NON-MTC PROVIDERS

Opatz reviewed the July 6 staff report. Higgins asked why this was not anticipated and included in the original budget. Andrews said when the MTC's capital budget was approved by the board it was anticipated that it would only be MTC's equipment, but subsequently staff concluded that the regional fleet should be uniformly equipped. Further, the capital budget must be amended to add this expenditure. Franklin said that when RTB received the MTC capital budget a year ago it appeared the opt-outs and some other transit systems' contracts were expiring and MTC did not know if they would be providing the service. The board decided at an earlier meeting that all buses should have these fareboxes.

Beard asked about the source of funds. Ulrich said funds will come from the general obligation bonds authorized by the board and sold by the Metropolitan Council. Hunt said that regardless of what precipitated this, this is the proper way to proceed and bring uniformity to the system. Hunt moved and Feess seconded:

That the Regional Transit Board amend the 1993 MTC capital budget, increasing it by \$600,000, from \$52,548,904 to \$53,148,904, for the purchase of electronic fareboxes and supporting equipment. The equipment will be leased to non-MTC providers of regular route service.

The board further directs MTC to amend its 1993 capital budget to reflect the board's action.

Hovland said this was considered before he was appointed to the board and he asked what the basis was for the action. Riley said the RTB cannot own capital equipment. Opatz added that under the lease agreement, the equipment will be returned to MTC, so only a nominal fee will be charged. Higgins said RTB insisted that the private providers go on the system and felt the cost should be nominal. Ulrich said RTB would have ended up paying the rent out of operating funds, which are always in short supply. There was an advantage in using capital funds and it is RTB's money being used in either case. The motion was unanimously approved.

OTHER BUSINESS

Riley distributed copies of the Metropolitan Council's resolution, dated July 9, directing the RTB to immediately discuss with the members of the Metropolitan Transit Commission the appropriateness of the salary and benefits approved for the new chief administrator of MTC. RTB is further directed to report to the council no later than July 22 on the outcome of those discussions. He suggested that the board schedule a meeting and invite the commissioners. His secretary will call the members and find a date for that meeting. Beard said he appreciated the council's having stayed within the chain of command. Higgins asked if the RTB has any power to direct MTC to rescind or change an action if it disagrees with the action. Riley said RTB cannot appoint or remove the MTC chair. The council's action does not instruct the board to reach a resolution. MTC is not affected by the redistricting appointments because it does not have districts. Responding to Franklin's question, Robertson said there are provisions to remove a member for cause, but unless a member takes an illegal action there is no authority to remove him or her. Hunt said governance was structured this way in order to remove the agency from politics. Riley said MTC should be treated like an independent business. Hunt said this is related to the Committee on Metro Governance, which will review the relationship of the two agencies in the process the committee is establishing. Senator Carol Flynn expects the task force to be appointed shortly and RTB should at least indicate it is prepared to participate in any way they deem appropriate. It is up to the agencies to discuss what governance should be. Hovland said the meeting should be kept formal and kept to one main topic. Even though RTB has very little power in this instance, members should not appear to be taking the situation casually. At another time, members should also discuss the task force. Beard said this is an opportunity for this agency to find its true role. He would like to ask questions in a public forum. The problem is this will become a media event. Higgins said he would prefer this issue be isolated and be the only topic of the joint meeting.

There being no other business, Beard moved and Hunt seconded that the meeting be adjourned. The motion was unanimously approved and the meeting was adjourned at 5:50 p.m.

I hereby certify that the foregoing constitutes a true and accurate record of the Regional Transit Board's Committee of the Whole meeting on July 12, 1993.

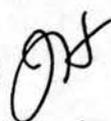
Respectfully submitted,

Mary Fitzgerald
Secretary

Approved by the Regional Transit Board on this second day of August 1993.

REGIONAL TRANSIT BOARD

Mears Park Centre
230 East Fifth Street, St. Paul, Minnesota 55101
612/292-8789

DATE: July 16, 1993
TO: Chair and Members of the Policy Committee
FROM: Len Simich, Senior Project Administrator
Michael Opatz, Project Administrator *MO* 
SUBJECT: RTB Alcohol and Substance Abuse Policy Amendment

SUMMARY

In 1991 the RTB adopted an Alcohol and Substance Abuse Policy for all its transit programs. As a result of "Controlled Substance Testing," Minnesota Statute 221.0313 enacted by the 1992 State Legislature, the RTB is required to amend this policy to include random drug testing and to revise post accident testing requirements effective August 1, 1993.

DISCUSSION

The current RTB alcohol and substance abuse policy adopted in 1991 was developed in accordance with the Minnesota Drug and Alcohol Testing in the Workplace Act. The RTB and Mn/DOT, Office of Transit have been following the development of drug testing regulations which originated out of the former Urban Mass Transportation Administration in 1988, and now are being finalized by the Federal Transit Administration (FTA). The RTB and Mn/DOT, Office of Transit, had planned on revising its drug policies to include random drug testing once FTA regulations became effective in late 1994.

However, in a 1992 Mn/DOT "housekeeping" transportation bill, the Legislature adopted Federal Controlled Substances Testing regulations found in the Code of Federal Regulations, Title 49, Part 391, Subpart H and Part 40. This part of the bill became Minnesota law: "Controlled Substance Testing" Minnesota Statutes, Section 221.0313. In late June 1993, Mn/DOT, Office of Motor Carrier, rendered an interpretation of this statute to include applicability to those transit programs receiving funds from Mn/DOT or the RTB. The RTB and Mn/DOT, Office of Transit, did not have prior knowledge that this statute existed.

Therefore, effective August 1, 1993, most drivers of commercial motor vehicles engaged in intrastate transportation will be subject to "Controlled Substance Testing" required by Minnesota Statutes, Section 221.0313. This new law applies to drivers of vehicles designed to carry 16 passengers or more, including the driver, and/or drivers of vehicles with a gross vehicle weight (GVW) rating of 26,001 pounds. The following providers are exempt from this law: the MTC, certified Special Transportation Services (STS) such as Metro Mobility providers, and volunteer driver programs.

Alcohol and Substance Abuse Policy Amendment
July 16, 1993
Page 2

The RTB policy is in compliance with the Controlled Substance Testing law except for the provision of the law that requires: 1) random drug testing, 2) conditions that require a post-accident testing, and 3) areas that were suggested guidelines and are now required elements.

The RTB Alcohol and Substance Abuse Policy must be amended to include random drug testing. The number of tests annually conducted under random testing must equal or exceed 50 percent of the average number of driver positions for which testing is required. Random drug testing consortiums will be developed for those RTB programs where there are too few employees (less than 50) to make the random testing effective and efficient.

In addition, the conditions that require post-accident testing must be amended to include the situation when a vehicle must be towed from the accident scene as a result of damages sustained in the accident. In addition, the driver must receive a moving violation citation from a law enforcement officer to warrant a post-accident test regardless of the situation.

The following are additional items that in the past were only suggested guidelines, and now are required elements of the Controlled Substance Testing:

- The testing is to be limited for the presence of marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). Alcohol and other substances testing is allowable, but requires a second specimen.
- A driver shall be declared medically unqualified to drive in the event of a positive test until a negative test can be obtained.
- A driver who is involved in a fatal accident, and refuses to take a drug test, or tests positive, is disqualified for one year.
- Testing laboratories must be certified by the National Institute on Drug Abuse to perform a drug test analysis.
- An employer can discontinue the periodic drug test after the driver has been tested at least once under a periodic test, pre-employment test, or a random test.
- Two supervisors must witness the actions, appearance, or conduct of a driver in order to warrant a reasonable cause drug test.
- A Medical Review Officer must be used in the testing process to review and verify individual test results.
- A minimum of 60 minutes of substance abuse education and training must be given to employees and supervisors. Employers must document this element.
- Employers must retain all recordkeeping for individual drivers' positive test results for five years and one year for all negative results. Employers must make the records related to the administration of the testing process available to Mn/DOT upon request. Employers must maintain an annual summary of the records related to the administration and results of its controlled testing program.

Alcohol and Substance Abuse Policy Amendment
July 16, 1993
Page 3

Attachment A illustrates the proposed amended RTB Alcohol and Substance Abuse Policy for Metropolitan Transit Service Providers (*Revised portions are in bolded print and underlined*).

RTB staff and Kerr Transportation Services are assisting RTB transit programs with the training and implementation of the new drug testing requirements. Kerr Transportation is reviewing all providers' substance abuse programs to recommend changes to ensure policies are consistent with this law. Providers that must comply with this statute are responsible for ensuring that they meet all applicable regulations. RTB staff, with Kerr Transportation, presented information about the changes in policy to the Providers' Advisory Committee. Initial questions were answered at that meeting and further information, including workshop schedules, will be made available to providers during the next few months.

As noted earlier, next year new federal regulations will preempt "Controlled Substance Testing", Minnesota Statute 221.0313. These regulations will have greater restrictions and will not exempt any RTB transit programs. As a result, staff will be amending the RTB substance abuse policy in 1994 to include requirements of this new federal law once they become known.

RECOMMENDATION

That the Regional Transit Board:

- 1) approve the amended RTB Alcohol and Substance Abuse Policy for Metropolitan Transit Service Providers (Attachment A), and
- 2) direct RTB transit providers to amend their substance abuse plans to be consistent with this Board action by August 1, 1993.

ATTACHMENT A

Amended Alcohol and Substance Abuse Policy for Metropolitan Transit Service Providers Effective August 1, 1993

A transit driver's involvement with drugs and alcohol can adversely affect job performance, jeopardize safety, and undermine the reputation of the transit program. In an effort to promote safe and efficient public mobility, any provider of transit service receiving funding directly or through a third party arrangement from the RTB will be required to establish an anti-drug and alcohol program. The anti-drug and alcohol program shall consist of at least the following elements:

- A policy statement prohibiting alcohol and drug use in the work place.
- An employee and supervisor education and training program.
- Alcohol and drug testing programs for employees and applicants for employment in safety sensitive positions.
 - The provider must include pre-employment, **random (as defined by Minnesota Statute 221.0313)**, and reasonable suspicion testing, as well as post-accident testing when a person dies as a direct result of the accident; when a person must be taken to a medical treatment facility as a direct result of the accident; **and/or when a vehicle must be towed from the accident scene as of result of damages sustained in the accident (as defined by Minnesota Statute 221.0313)**.
 - The provider will be responsible for ensuring that the testing and record keeping process is consistent with standards and **regulations** established by state and federal law. This includes, but is not limited to: the U.S. Department of Health and Human Services testing procedures, Minnesota Drug and Alcohol Testing in the Workplace Act, the Minnesota Department of Transportation guidelines, the Minnesota Department of Health and Human Services testing procedures, and **"Controlled Substance Testing" required by Minnesota Statutes, Section 221.0313.**
 - The provider must agree to adopt a drug and alcohol testing plan that is in accordance with applicable state and federal laws, regulations and guidelines.
- Administrative actions for recordkeeping, release of information, certification of compliance, and requesting waivers. An **annual** reporting element submitted to the RTB that relates to the administration and results of its controlled substance testing program.

This policy is not intended to violate, supersede, or conflict with any applicable law, constitution, statute, or regulation (whether state or federal) that may apply to any provider of transit service or any of its employees. To the extent there is such a violation, the offending provision of this policy shall be void, but all remaining provisions shall remain in effect.



Mears Park Centre
230 East 5th Street
St. Paul, Minnesota 55101
612/292-8789

RESOLUTION 93-07

RESOLUTION APPROVING THE FILING OF AN APPLICATION BY THE REGIONAL TRANSIT BOARD AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA FOR GRANTS UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

WHEREAS, the secretary of transportation is authorized to make grants for mass transportation projects; and

WHEREAS, the Regional Transit Board and Minnesota Department of Transportation have prepared and requested approval of an application for operating and capital assistance under Section 6 of the Urban Mass Transportation Act of 1964, as amended; and

WHEREAS, the Minnesota Statutes 473.375, Subdivision 8, requires that the Regional Transit Board approve the application of political subdivisions within the metropolitan area for federal transit assistance; and

WHEREAS, the Regional Transit Board at its meeting of August 2, 1993, reviewed the application for \$400,000 of federal transit assistance.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Regional Transit Board approve the application dated August 2, 1993, for \$400,000 of federal transit assistance.
2. That the Regional Transit Board direct the executive director to transmit this resolution to the Federal Transit Administration.

Adopted this 2nd day of August 1993.

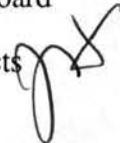
John H. Riley, Chair

Mary Fitzgerald, Secretary

handout 8/2/92

REGIONAL TRANSIT BOARD

Mears Park Centre
230 East Fifth Street, St. Paul, Minnesota 55101
292-8789

DATE: August 1, 1993
TO: Chair and Members of the Regional Transit Board
FROM: Edward Kouneski, Manager of Special Projects 
SUBJECT: Funding for Metro Mobility Operations

SUMMARY

This memorandum requests authorization of expenditures related to the selection of providers for the new centralized operation of Metro Mobility service. This action assumes that the Regional Transit Board approves the use of two operators for the dedicated vehicle portion of service as recommended by the Policy Committee on July 26, 1993. Please note that additional operators will be used for other portions of service.

DISCUSSION

ATE Management & Service Company, Inc., acting as the Metro Mobility Service Center, has concluded its technical and cost evaluation of seven proposals submitted for Metro Mobility operations. ATE has determined which companies offer the best value for the prices quoted. They are:

- Handicabs, Inc., the largest provider operating Metro Mobility service today; and
- Mayflower Contract Services, Inc., a national company with extensive paratransit operating experience.

It is ATE's intention to enter into contracts immediately with these two operators upon the RTB's approval of expenditures.

In the proposal evaluation process, Mayflower and Handicabs received the highest rankings, overall. Other proposers included Metro Ride, Inc.; National School Bus Service, Inc.; Laidlaw, Inc.; Van Pool Services, Inc. (VPSI); and Transportation Management, Inc. (TMI).

Two other request for proposals (RFP) are soon to be released by ATE: one is for agency group transportation; the other is for supplemental peak period service. Beginning in October 1993, there will be minimum of four operators providing Metro Mobility service as part of the centralized operations.

RECOMMENDATION

That the Regional Transit Board approve expenditures for the Metro Mobility centralized operations at the following levels: for calendar year 1993, \$3,560,000; and for calendar year 1994, \$12,250,000. (These figures exclude previously authorized amounts for the Metro Mobility Service Center.)

REGIONAL TRANSIT BOARD

Mears Park Centre
230 East Fifth Street, St. Paul, Minnesota 55101
292-8789

DATE: July 20, 1993
TO: Chair and Members of the Policy Committee
FROM: Edward Kouneski, Manager of Special Projects
SUBJECT: Metro Mobility Provider Selection

SUMMARY

This memorandum recommends that the Regional Transit Board (RTB) consider having two operators instead of three for providing the dedicated vehicle portion of Metro Mobility service.

DISCUSSION

Acting as the Metro Mobility Service Center (MMSC), ATE Management and Service Company, Inc. (ATE) has completed the technical and cost evaluation associated with selecting operators. It has been determined that significant savings are possible by selecting two operators instead of three since it eliminates duplicative fixed costs.

Savings of approximately \$2,000,000 over the 3-year operator contract term would, in effect, add capacity for approximately 210,000 trips, or an average of 70,000 more trips a year. RTB staff believes that it is important to build this capacity into the system, given the Americans with Disabilities Act (ADA) requirement that capacity constraints not be imposed.

ATE believes that the chance that an operator would default on its contract, or the risk of service disruption, is no greater with two operators than with three operators. With the new system designed as a centralized operation, and the fleet of vehicles and all trip scheduling information controlled by the MMSC, any future transition or change of operators, if necessary, can be effectively managed.

Under the proposed Metro Mobility service concept, in addition to the two operators, ATE would contract with several sedan service and agency group transportation providers. This approach is intended to ensure that supplemental service is provided during the peak periods in the most cost effective manner.

On August 2, 1993, the board will be requested to authorize funding for the selected Metro Mobility operators. The companies will be publicly identified at that time and detailed budget information will also be provided.

RECOMMENDATION

That the Regional Transit Board approve the use of two operators for the dedicated vehicle portion of Metro Mobility service.