

**AGENDA  
ARK-TEX COUNCIL OF GOVERNMENTS  
EXECUTIVE COMMITTEE MEETING  
May 30, 2024**

The Executive Committee of the Ark-Tex Council of Governments (ATCOG) will meet at 10:00 a.m., Thursday, May 30, 2024, at the Northeast Texas Small Business Development Center (SBDC), 2<sup>nd</sup> Floor, located at 105 North Riddle Avenue, Mt. Pleasant, Texas, as well as, via videoconference.

**Use the following information to register for the meeting:**

<https://us06web.zoom.us/join/zoom/register/tZAqc-uupzkgGdNmLQfFuwenjOzXsQ1UCIPt>

*If you experience issues while registering, please contact Marla Matthews at least two (2) workdays before the meeting at 903.255.3555 or [mmatthews@atcog.org](mailto:mmatthews@atcog.org).*

Item 1. Call to order – Quorum Determination.

Item 2. Invocation.

Item 3. Public Comment.

*ATCOG invites members of the public to provide oral comment on any item included on this agenda under this item. Each person wishing to make a public comment shall be limited to 3 minutes, with comments directed to the Board as a whole. Reasonable accommodation shall be made for members of the public utilizing a translator for public comment.*

Item 4. Review and consider approval of the minutes as submitted for the ATCOG Executive Committee meeting held on February 29, 2024. (See page 3)

**Regular Business**

Item 5. Review and consider approval of revisions to the Ark-Tex Council of Governments (ATCOG) Rural Transit District Drug and Alcohol Policy. (See page 8; to be presented by staff member Mark Compton)

Item 6. Review and consider approval of a grant application to be submitted to the Ram Foundation in the amount of \$25,000 for the Paris Metro Bus System. (See page 22; to be presented by staff member Mark Compton)

Item 7. Review and consider authorizing the Executive Director to enter into a contract with Airwaves Communications, Inc., to purchase a communications tower and equipment for Lamar County. (See page 24; to be presented by Whitney Fezell)

Item 8. Review and consider approval of a resolution supporting the request for state funding for track and bridge rehabilitation in the Northeast Texas Rural Rail Transportation District. (See page 26; to be presented by Executive Director Mary Beth Rudel)

### **Executive Closed Session**

Item 9. The Executive Committee will recess the Open Session and go into Executive Closed Session to deliberate on matters concerning real property as allowed in the Texas Open Meeting Act, Section 551.072, Omaha Property.

### **Open Session/Regular Business**

Item 10. The Executive Committee will reconvene in Open Session and take action on Item 9, as necessary. (To be presented by Board President Bobby Howell, Judge, Bowie County)

### **Announcements**

The next Joint NETEDD and ATCOG Board of Directors meeting will be held on June 27, 2024, at 10:00 a.m., at the Northeast Texas Small Business Development Center (SBDC), 2<sup>nd</sup> Floor, 105 North Riddle Avenue, Mt. Pleasant, Texas, as well as via videoconference.

*Pursuant to the Texas Open Meeting Act, Government Code Chapter 551, one or more of the above items may be considered in an executive session closed to the public, including but not limited to consultation with attorney pursuant to Texas Government Code Section 551.071 and Section 551.074 arising out of the attorney's ethical duty to advise ATCOG concerning legal issues arising from an agenda item. Any decision held on such a matter will be taken or conducted in an open session following the conclusion of the executive session.*

*Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Administration at 903-832- 8636 two (2) workdays prior to the meeting so that appropriate arrangements can be made.*

*All agendas are sent electronically and available at [www.atcog.org](http://www.atcog.org). Should any Board Member need a copy printed and available at the meeting, please call 903.255.3555 or email [mmatthews@atcog.org](mailto:mmatthews@atcog.org).*

**JOINT MINUTES  
NORTHEAST TEXAS ECONOMIC DEVELOPMENT DISTRICT AND  
ARK-TEX COUNCIL OF GOVERNMENTS EXECUTIVE COMMITTEE MEETING  
February 29, 2024**

The Northeast Texas Economic Development District (NETEDD) and the Executive Committee of the Ark-Tex Council of Governments (ATCOG) met at 10:00 a.m., Thursday, February 29, 2024, at the Northeast Texas Small Business Development Center, located at 105 North Riddle, 2<sup>nd</sup> Floor, Mount Pleasant, Texas, and via videoconference.

Item 1. Bobby Howell, Judge, Bowie County, called the meeting to order.

Item 2. Scott Norton, Executive Director/CEO, TexAmericas Center, gave the invocation.

Item 3. Public Comment.

No member of the public made a comment.

Judge Howell recognized the following new Board member(s):

- Larry Hinsley, Mayor, City of Bogata, Texas, Red River County

Ms. Mary Beth Rudel, Executive Director, recognized a current Board member attending his first meeting.

- Dana Reeves, Chief of Lake Patrol, Franklin County Water District

**NETEDD Agenda Items**

Item 4. The first order of business was to review and consider approval of the minutes as submitted for the NETEDD meeting held on Thursday, December 7, 2023.

Motion to approve was made by Scott Norton and seconded by Robert Newsom, Judge, Hopkins County. It was approved.

Item 5. Ms. Toni presented the NETEDD project report for information only.

Item 6. Ms. Leslie McBride presented for review and consideration approval of the NETEDD Articles of Incorporation and bylaws.

While renewing NETEDD's SAM.gov (System for Award Management) registration, it was discovered that the organization's title on the Articles of Incorporation did not match the title in the system. The title was initially filed 1966 as North-East Texas Economic Development District, Inc. However, the title was listed with "Inc" on some documents and without "Inc" on others. The hyphen was listed on some documents and not others, causing a delay in renewal with SAM.gov. It was also discovered that the registered agent listed is the former Executive Director, L.D. Williamson and the membership counties have not been updated since the articles were formed.

Upon review of all supporting documents, it was noted that the bylaws of the NETEDD member counties had not been updated after the U.S. Department of Commerce Economic Development Administration (EDA) approved moving Camp and Marion Counties to the East Texas Council of Governments service area.

Staff requests approval to revise the bylaws to reflect the correct member counties and revise the organization's title to North East Texas Economic Development District, Inc., on the Articles of Incorporation, bylaws, and current contracts so that all official documents agree and to allow NETEDD's SAM.gov registration to be renewed for grant purposes.

Motion to approve was made by Travis Ransom, Judge, Cass County, and seconded by Scott Norton. It was approved.

*This concluded all NETEDD agenda items.*

### **ATCOG Executive Committee Agenda Items**

Item 7. Ms. Mary Beth Rudel presented for review and consideration approval of the consent agenda items.

- Approval of the minutes as submitted for the ATCOG Executive Committee Meeting held Thursday, January 25, 2024.
- Ratification of the ATCOG and Frontier Energy, Inc. participation agreement for the AEP Power Company Targeted Low-Income Program.

Motion to approve was made by Doug Reeder, Judge, Morris County, and seconded by Scott Norton. It was approved.

### **Regular Business**

Item 8. Ms. Mary Beth Rudel presented for review and consideration approval of a nominee to serve on the Texas Community Development Block Grant Unified Scoring Committee.

Each state planning region is provided an opportunity to nominate one representative for appointment to a 24-member Unified Scoring Committee. Members will participate in a committee meeting and select state-wide scoring factors for 2025-2026 CD Fund applications.

The ATCOG Board is responsible for this representative nomination. The nominee must meet the following criteria:

- Currently serving as an elected or appointed official of a non-entitlement community;
- Able to pass a basic background check; and
- Available to travel to the Unified Scoring Committee meeting and related training in San Antonio, Texas, on April 10, 2024.

The ATCOG Board of Directors may select a new representative or elect to continue to be represented by the region's 2023-2024 USC Member, which is Mayor Lowell Walker. Mayor Walker is willing to serve in this role again should the board elect him to continue serving.

Motion to approve was made by Judge Ransom and seconded by Scott Norton. It was approved.

Item 9. Ms. Whitney Fezell presented for review and consideration approval of the submission of the following applications for FY24 State Homeland Security Program grant funds through the Office of the Governor Homeland Security Grant Division.

- ATCOG is applying for funding in the amount of \$96,000 for the ATCOG Planning, Training, and Exercises project. This project will cover a 12-month period and include salary for two

positions (Homeland Security Coordinator and Finance Specialist), employee benefits, office rent, postage, copying expenses, office telephone, and ATCOG indirect expenses, as well as travel for training and State/Regional meetings, and annual contracts for regional support (regional mass notification system, WebEOC, and EOC support equipment). This project will provide planning, training, and exercise services related to prevention, protection, mitigation, response, and recovery from terrorist activities for the nine-county region.

- ATCOG will be applying for funding in the amount of \$76,000 for the ATCOG Regional Law Enforcement Planning and Training project. This project will cover a 12-month period. Budget items include \$76,000 in instructor fees to host training for law enforcement officers in the ATCOG region and salary and benefits for two positions (Homeland Security Coordinator and Criminal Justice Coordinator). This project will only be funded or partially funded if ATCOG does not meet its Law Enforcement Terrorism Prevention Activities (LETPA) requirement of 35%.

Motion to approve was made by Judge Newsom and seconded by Kent Cooper, Judge, Titus County. It was approved.

- Item 10. Ms. Whitney Fezell presented for review and consideration approval of the prioritization of 2024 Homeland Security Grant Program funds.

The Homeland Security Advisory Committee (HSAC) met on February 22, 2024, and approved the 2024 Grant funding prioritization requests. Projects were submitted in numerous categories: Regional Planning, Interoperable Communications, Intelligence information sharing, and first responder capabilities. The HSAC scored the projects via ballot based on risk, reasonableness, and priority level.

Motion to approve was made by Judge Cooper and seconded by Judge Reeder. It was approved.

- Item 11. Ms. Whitney Fezell presented for review and consideration approval of the submission of the applications for FY24 Statewide Emergency Radio Infrastructure (SERI) grant funds through the Office of the Governor Public Safety Office Homeland Security Grant Division.

The Office of the Governor Homeland Security Grants Division (HSGD) has released applications for a Statewide Emergency Radio Infrastructure grant. The funds will support projects that support state and regional efforts to improve or sustain interoperable emergency radio infrastructure.

The State requires that each applicant submit a resolution with the funding application, signifying that the applicant's governing body approves of the agency applying for the funding and is willing to abide by the grant requirements.

Upon approval, ATCOG will apply for funding up to \$2 million on behalf of jurisdictions in the ATCOG region. If awarded the grant, the projects will provide the jurisdictions with emergency radio equipment to improve communications and interoperability.

Motion to approve was made by Judge Newsom and seconded by Branden Bell, Judge, Lamar County. It was approved.

- Item 12. Ms. Patricia Haley presented for review and consideration approval of the submission of a grant application to the Office of the Governor Public Safety Office Criminal Justice Division.

ATCOG requests approval to submit an application for a training project titled "The Specialized Regional Crisis Training Program." This program will provide specialized training for law enforcement and investigators in our region who respond to high-risk situations and interpersonal violence, such as child abuse.

ATCOG will apply for a total of \$48,337, to include approximately \$22,160 in contracted training costs. Training will be conducted by a TCOLE-approved specialized training instructor/provider and arranged/hosted by ATCOG at various locations across the region. Contracted training to be included in the program will be Child Abuse Investigations training, Criminal Patrol/Drug Interdiction training, Search Warrants training, and Advanced Vehicle Contraband Concealment training. The program will have a 12-month project period.

Motion to approve was made by Judge Ransom and seconded by Judge Bell. It was approved.

- Item 13. Ms. Patricia Haley presented for review and consideration approval of the list of representatives and reappointments or appointments to serve on the Regional Criminal Justice Advisory Committee through December 31, 2025.

The members of the RCJAC are appointed or reappointed at the beginning of each even-numbered year and are nominated for appointment/reappointment by their respective County Judges. The committee has 29 members, and the number of members per county is based on population. If a vacancy should exist during the two-year term, a new appointment shall be presented to the ATCOG Board of Directors/Executive Committee for approval to fill the vacancy.

Members appointed/reappointed will serve their two-year membership terms during the 2024 and 2025 calendar years. The complete RCJAC Membership list was provided for review.

Motion to approve was made by Judge Reeder and seconded by Judge Cooper. It was approved.

- Item 14. Ms. Toni Lindsey presented for review and consideration approval of the submission of an application for Rural Business Development Grants (RBDG) Revolving Loan Fund grant to the United States Department of Agriculture (USDA).

The RBDG Revolving Loan Fund grant is a competitive grant designed to support activities leading to developing or expanding small and emerging private businesses in rural areas with fewer than 50 employees and less than \$1 million in gross revenues.

ATCOG requests approval to apply for a \$1,000,000 RBDG Revolving Loan Fund grant with no match requirement. The grant will allow ATCOG to loan funds to small and emerging businesses within the region at a low interest rate, assisting these businesses. ATCOG's current RBDG Revolving Loan Fund does not allow for capitalization projects, but acquiring the new RBDG funds will enable us to reach additional markets.

ATCOG staff request approval to submit the application for funding to USDA.

Motion to approve was made by Judge Cooper and seconded by Judge Ransom. It was approved.

### **Announcements**

It was announced that the 2024 Spring Judicial Education Meeting is scheduled on the same date as the March ATCOG Board meeting. An alternative meeting date of Thursday, April 11, 2024, was proposed. Mary Beth Rudel will review agenda items requiring Board approval and notify the Board of a confirmed meeting date.

#### **NETEDD BOARD MEMBERS PRESENT**

Brandon Bell, Judge, Lamar County  
Kent Cooper, Judge, Titus County  
Tanner Crutcher, Judge, Delta County  
Bobby Howell, Judge, Bowie County

Robert Newsom, Judge, Hopkins County  
Scott Norton, Executive Director/CEO, TexAmericas Center  
Travis Ransom, Judge, Cass County  
Doug Reeder, Judge, Morris County  
Marc Reiter, Mayor, City of Hooks

EXECUTIVE COMMITTEE MEMBERS PRESENT

Brandon Bell, Judge, Lamar County  
Kent Cooper, Judge, Titus County  
Tanner Crutcher, Judge, Delta County  
Bobby Howell, Judge, Bowie County  
Robert Newsom, Judge, Hopkins County  
Scott Norton, Executive Director/CEO, TexAmericas Center  
Travis Ransom, Judge, Cass County  
Doug Reeder, Judge, Morris County  
Marc Reiter, Mayor, City of Hooks

ATCOG BOARD MEMBERS PRESENT

Juan Duenez, Board Member, Mt. Pleasant Independent School District  
Rosina Duckworth, Mayor, City of Cumby  
Laney Harris, Councilmember, City of Texarkana-AR  
Larry Hinsley, Mayor, City of Bogata  
Ronald Humphry, Mayor, City of New Boston  
George Moore, Board Vice President, Texarkana College  
Dana Reeves, Chief of Lake Patrol, Franklin County Water District  
Lowell Walker, Mayor, City of DeKalb

GUESTS PRESENT

Reece DeWoody, Office of United States Senator John Cornyn

STAFF MEMBERS PRESENT

Rea Allen, 9-1-1 Director  
Whitney Fezell, Homeland Security Coordinator  
Patricia Haley, Criminal Justice Coordinator  
Melody Harmon, Economic Development Director  
Toni Lindsey, Regional Development Director  
Marla Matthews, Executive Assistant  
Leslie McBride, Deputy Director  
Paul Prange, Environmental Resources Coordinator  
Debbie Purifoy, Compliance and Purchasing Officer  
Mary Beth Rudel, Executive Director  
Melinda Tickle, Finance Director

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Bobby Howell, President  
Ark-Tex Council of Governments  
Board of Directors

ATTEST:

  

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## **BRIEFING PAPER**

### **ITEM 5:**

Review and consider approval of revisions to the Ark-Tex Council of Governments (ATCOG) Rural Transit District Drug and Alcohol Policy.

### **BACKGROUND**

Ark-Tex Council of Governments Rural Transit District is required under FTA Regulations to comply with all DOT Drug and Alcohol Testing Regulations. The ATCOG Board takes action to reaffirm the policy and compliance on an annual basis. Periodically, changes in the Federal Regulations require amending the policy and adopting the new regulations in the form of a resolution.

### **DISCUSSION**

RLS & Associates, Inc. (TxDOT) performed a Drug and Alcohol compliance review of the Ark - Tex Council of Governments Rural Transit District Drug & Alcohol program in November 2023. RLS & Associates, Inc., recommended condensing and simplifying the Drug and Alcohol Policy while retaining compliance with all USDOT-FTA Drug and Alcohol regulations.

In addition, RLS & Associates Inc. recommended adding the following language to the policy:

- **Page 3, 1. Purpose of Policy, Paragraph 7:** ATCOG Rural Transit District (RTD) reserves the right to conduct NON-USDOT drug and/or alcohol testing under the sole authority of ATCOG. This testing would be completely separate from all USDOT testing in every respect and would be conducted on NON-USDOT / NON-FEDERAL testing forms.

The revised Ark-Tex Council of Governments Rural Transit District Drug and Alcohol Policy is provided for Board review.

### **RECOMMENDATION**

Staff recommends approval.



# Ark-Tex Council of Governments Rural Transit District

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(ATCOG RTD)

## Drug and Alcohol Policy

Effective as of 3/27/2024

Adopted by: \_\_\_\_\_

Date Adopted: [dd/mm/yyyy]

Last Revised: 3/27/2024

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# 1. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated, but reflect Ark-Tex Council of Governments Rural Transit District's policy. These additional provisions are identified by **bold text**.

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

**All Ark-Tex Council of Governments Rural Transit District employees are subject to the provisions of the Drug-Free Workplace Act of 1988.** The ATCOG RTD is involved in public service, the community depends on careful attention by all employees

**The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify **Transportation Director or Transportation Technician/DAPM** no later than five days after such conviction.**

**ATCOG RTD reserves the right to conduct NON-USDOT drug and/or alcohol testing under the sole authority of ATCOG. This testing would be completely separate from all USDOT testing in every respect and would be conducted on NON-USDOT / NON-FEDERAL testing forms.**

## 2. Covered Employees

This policy applies to every person, including an applicant or transferee, who performs or will perform a "safety-sensitive function" as defined in Part 655, section 655.4. These procedures apply to all safety sensitive employees, including paid part-time employees, temporary employees, volunteers, contract employees and contractors who perform safety sensitive functions.

Also, under the sole authority of the ATCOG RTD, vendors and contractor employees who may not perform safety sensitive duties, may also be subject to NON-DOT procedures while on the ATCOG RTD premises and will not be permitted to conduct ATCOG RTD business if found to be in violation of these procedures.

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

See Attachment A for a list of covered positions by job title.

### 3. Prohibited Behavior

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

### 4. Consequences for Violations

**The ATCOG RTD has a zero-tolerance policy and consequences for a positive drug test result or alcohol test result of 0.04 or greater, or test refusal is termination from employment.**

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty resulting in termination and will be provided with contact information for Substance Abuse Professionals (SAPs).

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of their next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

## 5. Circumstances for Testing

### Pre-Employment Testing

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

If an individual refused to be tested or fails the pre-employment drug test they will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals (SAPS). The applicant will be disqualified for employment for a period of 6 months. Any applicant who has previously had a USDOT positive drug or alcohol test, or test refusal, must provide the employer proof of having successfully completed a referral, evaluation, and treatment plan as described in Section 655.62.

### Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when Ark-Tex Council of Governments Rural Transit District has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

## Post-Accident Testing

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

### Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by Ark-Tex Council of Governments Rural Transit District using the best information available at the time of the decision, will be tested.

### Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (3) The vehicle is a rail car, trolley car or bus, or vessel, and is removed from operation, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by Ark-Tex Council of Governments Rural Transit District using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

**ATCOG RTD reserves the right to conduct NON-USDOT drug and/or alcohol testing under the sole authority of ATCOG following an accident/incident which does not meet the USDOT-FTA post-accident testing thresholds discussed above in this section. This testing would be completely separate from all USDOT testing in every respect and would be conducted on NON-USDOT / NON-FEDERAL testing forms.**

## Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at [www.transportation.gov/odapc/random-testing-rates](http://www.transportation.gov/odapc/random-testing-rates).

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

## 6. Testing Procedures

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

### Dilute Urine Specimen

If there is a negative dilute test result, Ark-Tex Council of Governments Rural Transit District will conduct one additional retest. The result of the second test will be the test of record.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

### Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. Ark-Tex Council of Governments Rural Transit District guarantees that the split specimen test will be conducted in a timely fashion.

## 7. Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by Ark-Tex Council of Governments Rural Transit District.
- (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 provide a specimen for a drug or alcohol test. An employee who does not provide a 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 specimen for a drug or alcohol test without a valid medical explanation.
- (6) Fail or decline to take a second drug test as directed by the collector or Ark-Tex Council of Governments Rural Transit District.
- (7) Fail to undergo a medical evaluation as required by the MRO or Ark-Tex Council of Governments Rural Transit District's Designated Employer Representative (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 urine drug 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 provided with contact information for SAPs.

## 8. Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, under the sole authority of ATCOG (and not required by the USDOT or DOT Agency federal regulations), the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to **ATCOG RTD Supervisor or Transportation Technician /DAPM**. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

The employee is required to provide a written release from his/her doctor or pharmacist indicating whether or not the employee can continue to perform his/her safety-sensitive functions while still taking



this medication.

## 9. Substance Abuse Referral List

The follow resources are available to employees of the Ark-Tex Council of Governments Rural Transit District. These facilities have qualified Substance Abuse Professional on staff that may be used in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances.

**Jacqueline Danzell, LCSW, DOT SAP**

**329 Millicent Way**

**Shreveport, LA 71106**

**318-773-4894**

**[jadanzellcsw@att.net](mailto:jadanzellcsw@att.net)**

**Susan Freeman, LCSW, SAP**

**1800 Judson Road STE 2000**

**Longview, Tx. 75605**

**903-720-8807**

**[information@freemancounselingservices.com](mailto:information@freemancounselingservices.com)**

**Joshua Pair, M.Ed, LCDC, SAP**

**1800 Judson Road STE 2000**

**Longview, Tx. 75605**

**903-445-8953**

**[joshuapair@addictionrecoveryolutions.org](mailto:joshuapair@addictionrecoveryolutions.org)**

**James Ross, LCSW, BACS**

**1010 Creswell Ave.**

**Shreveport, LA. 71101**

**318-209-7505**

**[patchworkscounselingservices@gmail.com](mailto:patchworkscounselingservices@gmail.com)**

## **I0. Contact Person, Consortium, Laboratory, Medical Review Officer**

For questions about Ark-Tex Council of Governments Rural Transit District's anti-drug and alcohol misuse program, contact information:

Pam Durham, Transportation Technician/DAPM.  
903-255-3546  
pdurham@atcog.org

### **Consortium Information Services:**

Allied Compliance Services, Inc.  
2827 74<sup>th</sup> Street  
Lubbock, Texas 79423  
806-748-1120  
Fax 806-748-7096

### **Laboratory Information Services:**

MedTox  
402 W. County Rd. D  
St. Paul, MN 55112  
800-832-3244

### **Medical Review Officer:**

Dr. Neil Dash  
546 Franklin Ave.  
Massapequa, NY 11758  
800-526-9341 Fax 516-797-1293

## Attachment A: Covered Positions

Operations Manager

Transportation Supervisor

Transportation Coordinator

Maintenance Supervisor

Road Supervisor

Transportation Trainer

Maintenance Technician

Dispatcher

Reservationist

Operators

## Attachment B: Forms

Allied Compliance Testing Authorization Form

Policy Acknowledgement

Pre-Employment Drug Acknowledgement

Reasonable Suspicion Incident Checklist

Post-Accident Testing Decision

Substance Abuse Professional Referral

**RESOLUTION NO. AEC24-19**

**RESOLUTION OF THE ARK-TEX COUNCIL OF GOVERNMENTS (ATCOG) APPROVING REVISIONS TO THE ATCOG RURAL TRANSIT DISTRICT DRUG AND ALCOHOL POLICY.**

**WHEREAS**, the Ark-Tex Council of Governments Rural Transit District is required under FTA Regulations to comply with all DOT Drug and Alcohol Testing Regulations; and

**WHEREAS**, the ATCOG Board takes action to reaffirm policy and compliance and amend in accordance with changes within federal regulations; and

**WHEREAS**, the policy and procedures were amended, condensed, and simplified in compliance with all USDOT-FTA Drug and Alcohol regulations; and

**WHEREAS**, the policy serves as the employee's primary instrument of guidance concerning questions of the Drug and Alcohol policies; and

**WHEREAS**, upon approval, any such changes to the policy will supersede all previous policies of the same.

**NOW, THEREFORE, BE IT RESOLVED BY THE ARK-TEX COUNCIL OF GOVERNMENTS:**

Section 1 – That the Executive Committee approves the ATCOG Rural Transit District Drug and Alcohol Policy revisions.

Section 2 – That the Executive Director has full authority to act on behalf of the ATCOG Board in all matters pertaining to the ATCOG Rural Transit District Drug and Alcohol Policy.

Section 3 – That this resolution is approved by the majority vote in accordance with the bylaws of Ark-Tex Council of Governments and applicable law, and shall be in effect immediately upon its adoption.

**REVIEWED AND APPROVED THIS 30TH DAY OF MAY, 2024.**

\_\_\_\_\_  
**Bobby Howell, President**  
**Board of Directors**  
**Ark-Tex Council of Governments**

**ATTEST:**

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## **BRIEFING PAPER**

### **ITEM 6:**

Review and consider approval of a grant application to be submitted to the Ram Foundation in the amount of \$25,000 for the Paris Metro Bus System.

### **BACKGROUND**

The Paris Metro fixed route and accompanying Paratransit service were launched on July 27, 2016. They operate Monday through Friday from 6:00 a.m. to 6:00 p.m. and have historically been funded by federal, state, and local sources.

### **DISCUSSION**

The Ram Foundation has advocated for the Paris Metro Bus System since its inception and has been a strong voice in the Paris community for both Paris Metro and TRAX services. The Ram Foundation has contributed grant funds for Paris Metro in the past. As part of the grant agreement, the Ram Foundation receives advertising space on the Paris Metro route maps. ATCOG is requesting \$25,000 for the Paris Metro Bus System FY2025.

### **RECOMMENDATION**

Staff recommends approval.

**RESOLUTION NO. AEC24-20**

**RESOLUTION OF THE ARK-TEX COUNCIL OF GOVERNMENTS (ATCOG) APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE RAM FOUNDATION IN THE AMOUNT OF \$25,000 FOR THE PARIS METRO BUS SYSTEM.**

**WHEREAS**, the purpose of the Ram Foundation grant is to enhance mobility for seniors and persons with disabilities, as well as those who need transportation; and

**WHEREAS**, the Ram Foundation has contributed grant funds for Paris Metro in the past; and

**WHEREAS**, as part of the grant agreement, the Ram Foundation receives advertising space on the Paris Metro route maps.

**NOW, THEREFORE, BE IT RESOLVED BY THE ARK-TEX COUNCIL OF GOVERNMENTS:**

Section 1 - That the Executive Committee approves the submission of a grant application to the Ram Foundation in the amount of \$25,000 for the Paris Metro Bus System.

Section 2 - That the Executive Director, Mary Beth Rudel, has full authority to act on behalf of the ATCOG Board in all matters relating to the aforementioned grant.

Section 3 - That this resolution is approved by majority vote in accordance with the bylaws of Ark-Tex Council of Governments and applicable law, and shall be in effect immediately upon its adoption.

**REVIEWED AND APPROVED THIS 30TH DAY OF MAY, 2024.**

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**Bobby Howell, President  
Board of Directors  
Ark-Tex Council of Governments**

**ATTEST:**

  
  

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## **BRIEFING PAPER**

### **ITEM 7:**

Review and consider authorizing the Executive Director to enter into a contract with Airwaves Communications, Inc., to purchase a communications tower and equipment for Lamar County.

### **BACKGROUND:**

In 2022, the ATCOG Homeland Security Program secured funding through the Statewide Emergency Radio Infrastructure grant to support projects that support state and regional efforts to improve or sustain interoperable emergency radio infrastructure. Lamar County evaluated its communication systems and determined what radio infrastructure equipment was needed to enhance/sustain its communication systems.

### **DISCUSSION:**

ATCOG Homeland Security Program, in conjunction with Lamar County, issued a Request for Proposals (RFP) to solicit bids for the installation of a 318 FT Self-supporting tower with antennas and accessories to be installed in Lamar County.

ATCOG and Lamar County representatives met on April 10, 2024, to review and score the proposals received. Based on the highest total score, Airwaves Communications, Inc. was selected as the vendor to complete this project. The total estimated cost of the project is \$574,476. The grant will cover approximately \$246,393 of the expenses, and the remaining costs will be the responsibility of Lamar County. The start and completion of this project are contingent upon Lamar County Commissioner's Court approving and agreeing that Lamar County will pay any and all costs over the grant allocated amount.

### **RECOMMENDATION:**

Staff recommends approval.



**RESOLUTION NO. AEC24-21**

**RESOLUTION OF THE ARK-TEX COUNCIL OF GOVERNMENTS (ATCOG) AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH AIRWAVES COMMUNICATION, INC. TO PURCHASE AND INSTALL 1 SELF-SUPPORTING TOWER WITH ANTENNAS AND ACCESSORIES IN LAMAR COUNTY.**

**WHEREAS**, in 2022, the ATCOG Homeland Security Program secured funding through the Statewide Emergency Radio Infrastructure grant to support projects that support state and regional efforts to improve or sustain interoperable emergency radio infrastructure; and

**WHEREAS**, Lamar County evaluated its communication systems and determined what radio infrastructure equipment was needed to enhance/sustain its communication systems; and

**WHEREAS**, ATCOG and Lamar County issued an RFP to solicit bids; and

**WHEREAS**, Airwaves Communications, Inc. was the selected vendor based on the highest score; and

**WHEREAS**, all federal, state and local regulations were followed during the procurement process.

**NOW, THEREFORE, BE IT RESOLVED BY THE ARK-TEX COUNCIL OF GOVERNMENTS:**

- Section 1 - That the ATCOG Executive Committee authorizes the Executive Director to enter into a contract with Airwaves Communications, Inc., to purchase/install 1(318 Ft) Self-supporting tower with antennas and accessories in Lamar County.
- Section 2 - That the Executive Director, Mary Beth Rudel, has full authority to act on behalf of the ATCOG Board in all matters pertaining to the contract.
- Section 3 - That this resolution is approved by majority vote in accordance with the bylaws of Ark-Tex Council of Governments and applicable law, and shall be in effect immediately upon its adoption.

**REVIEWED AND APPROVED THIS 30TH DAY OF MAY, 2024.**

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**Bobby Howell, President  
Board of Directors  
Ark-Tex Council of Governments**

**ATTEST:**

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## **BRIEFING PAPER**

### **ITEM 8:**

Review and consider approval of a resolution supporting state funding for track and bridge rehabilitation in the Northeast Texas Rural Rail Transportation District.

### **BACKGROUND:**

The Northeast Texas Rural Railroad Authority (NETEX) was founded in 1994 to address the impending abandonment of Southern Pacific's rail line from Winfield, Texas, to Greenville, Texas, and included right-of-way that had no track from Greenville to near Wylie, Texas, serving 6 counties. The Texas Department of Transportation Rail Division has made efforts to allocate state funds for a limited amount of track and bridge rehabilitation on the NETEX freight rail line from Greenville to Winfield. The Texas Legislature did not provide rural rail transportation districts with the authority to provide funding through property tax revenue, but only revenue bonds, loans, or federal grants, and NETEX has unsuccessfully attempted to use all of these methods of funding.

### **DISCUSSION:**

NETEX has over 65 miles of track and 72 bridges to serve unserved and underserved communities. The track speeds on the NETEX line are limited to 10 miles an hour due to defective cross ties and bridge deficiencies. The rail line continues to deteriorate due to the lack of past rehabilitation and funding. The NETEX rail line must be rehabilitated to continue providing service to existing customers and to attract new business to the region. The livelihood of the growing Northeast Texas economy depends on a strong multi-modal transportation network that includes rail.

The Northeast Texas Rural Railroad Transportation District requests the support of Ark-Tex Council of Governments in petitioning the Texas Department of Transportation and the Texas Legislature to address its rehabilitation needs with a \$30 million dollar investment of General Revenue Funds and other available funds during the interim to upgrade from an accepted track to a Class 2 track.

## **RESOLUTION NO. AEC24-22**

### **RESOLUTION OF THE ARK-TEX COUNCIL OF GOVERNMENTS (ATCOG) SUPPORTING THE REQUEST FOR STATE FUNDING FOR TRACK AND BRIDGE REHABILITATION IN THE NORTHEAST TEXAS RURAL RAIL TRANSPORTATION DISTRICT.**

**WHEREAS**, Rural Rail Districts were created in 1981 to form a mechanism for accepting abandoned track and right-of-way from private railroads to endeavor to provide continuous service to rural parts of Texas; and

**WHEREAS**, the Northeast Texas Rural Railroad Authority (NETEX) was founded in 1994 to address the impending abandonment of Southern Pacific's rail line from Winfield, Texas, to Greenville, Texas, and included right-of-way that had no track from Greenville to near Wylie, Texas, serving 6 counties; and

**WHEREAS**, the Texas Department of Transportation Rail Division has made efforts to allocate state funds for a limited amount of track and bridge rehabilitation on the NETEX freight rail line from Greenville to Winfield; and

**WHEREAS**, funding from the Texas Department of Transportation will allow for rail improvement projects that the local, regional, and state levels needs to move goods; and

**WHEREAS**, the Texas Legislature passed, during the 2001 legislative session, Senate Bill 406, which included a provision stating that any railroad lines purchased by rural rail transportation districts using state-appropriated funds are not to be abandoned without the approval of the Texas Transportation Commission; and

**WHEREAS**, the Texas Legislature did not provide rural rail transportation districts with the authority to provide funding through property tax revenue, but only revenue bonds, loans, or federal grants, and NETEX has unsuccessfully attempted to use all of these methods of funding; and

**WHEREAS**, NETEX has over 65 miles of track and 72 bridges to serve unserved and underserved communities; and

**WHEREAS**, track speeds on the NETEX line are limited to 10 miles an hour due to defective cross ties and bridge deficiencies, and the rail line continues to deteriorate due to the lack of past rehabilitation and funding; and

**WHEREAS**, the NETEX rail line must be rehabilitated to continue providing service to existing customers and to attract new business to the region; and

**WHEREAS**, the livelihood of the growing Northeast Texas economy depends on a strong multi-modal transportation network that includes rail.

### **NOW, THEREFORE, BE IT RESOLVED BY THE ARK-TEX COUNCIL OF GOVERNMENTS:**

Section 1 - That the Executive Committee supports the request for state funding for track and bridge rehabilitation in the Northeast Texas Rural Rail Transportation District.

Section 2 - That this resolution is approved by majority vote in accordance with the bylaws of Ark-Tex Council of Governments and applicable law, and shall be in effect immediately upon its adoption.

**REVIEWED AND APPROVED THIS 30TH DAY OF MAY, 2024.**

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**Bobby Howell, President  
Board of Directors  
Ark-Tex Council of Governments**

**ATTEST:**

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