BOARD OF DIRECTORS MEETING
MONDAY AUGUST 26, 2019 3:30 P.M.
BOARD OF DIRECTORS MEETING
AGENDA
MONDAY AUGUST 26, 2019 3:30 P.M.
Fort Worth Central Station
Downtown Fort Worth
1001 Jones Street, 2nd Floor Community Room
Fort Worth, Texas 76102

A. CALL TO ORDER – Scott Mahaffey

B. PLEDGE OF ALLEGIANCE

C. CITIZEN COMMENTS

D. COMMITTEE REPORTS

- Commuter Rail Committee Working Session – August 19, 2019 – Nick Genua
- Planning/Operations/Marketing Committee Working Session – August 19, 2019 – Ray Taylor
- Finance & Audit Committee Working Session – August 19, 2019 – Jeff King

E. ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA

F. CONSENT AGENDA

1. BA2019-66 Trinity Railway Express (TRE) Overhaul and Bi-Level Coach and Car Repairs
2. BA2019-67 Additional Dispatch Needs Due to Positive Train Control (PTC) Implementation
3. BA2019-68 TEXRail Right of Way Maintenance
4. BA2019-69 Huitz Zollars Contract No. 15-018 Amendment for Phase 3 – Design Services During Construction
5. BA2019-70 Interlocal Agreement (ILA) between Trinity Metro and the North Central Texas Council of Governments regarding Alliance ZIPZONE First Mile/Last Mile Transit Service
6. BA2019-71 Interlocal Agreement (ILA) between Trinity Metro and the North Central Texas Council of Governments regarding the Trinity Railway Express (TRE) Link at CentrePort
7. BA2019-72 2020 Regional Transit Onboard Travel Survey Interlocal Agreement (ILA) between North Central Texas Council of Government and Trinity Metro
8. BA2019-73 Strategic Communications, Marketing Strategy Services and Government Relations
9. BA2019-74 Vanpool Services Change Order
10. BA2019-75 Vehicle Digital Video Recording Equipment and Services
11. BA2019-76 Preliminary FY2020 Capital & Operating Budgets
12. BA2019-77 Purchase of 35’ and 40’ CNG Buses
13. BA2019-78 Copier Lease and Maintenance
14. R2019-05 Resolution for Adoption of the Trinity Metro Drug and Alcohol Policy

G. PRESIDENT’S REPORT – Bob Baulsir

H. CHAIR’S REPORT – Scott Mahaffey

I. OTHER BUSINESS

J. EXECUTIVE SESSION

The Board of Directors may convene in Executive Session under the Texas Open Meetings Act for the consultation with its Attorney pursuant to Section 551.071; deliberation regarding real property pursuant to Section 551.072; deliberation regarding prospective gift pursuant to Section 551.073; deliberation regarding personnel matters pursuant to Section 551.074; deliberation regarding security devices pursuant to Section 551.076 and/or deliberations regarding economic development negotiations pursuant to Section 551.087.

1. BA2019-79 Liability Claim Exceeding $50,000 – Inmon Wiley

K. RECONVENE

L. VOTE ON ACTION TAKEN ON MATTERS DELIBERATED IN EXECUTIVE SESSION

1. BA2019-79 Liability Claim Exceeding $50,000 – Inmon Wiley

M. ADJOURN

NEXT MEETING WILL BE HELD ON SEPTEMBER 23, 2019 AT 3:30 PM AT THE FORT WORTH CENTRAL STATION, 2ND FLOOR COMMUNITY ROOM

This facility is wheelchair accessible.
For accommodations for hearing or sight interpretive services, please contact Kelli Shields 48 hours in advance at 817.215.8972.
CONSENT AGENDA ITEMS
BOARD OF DIRECTORS
ACTION ITEM

Item Number: BA2019-66
Item Title: Trinity Railway Express (TRE) Overhaul and Bi-Level Coach and Car Repairs
Meeting Date: August 26, 2019

BACKGROUND

During overhaul activities in 2015, CAD Railway identified corrosion in the side sills of several GO-Transit Bombardier Bi-Level cars. After further analysis and collaboration with Bombardier, it was determined the side sill damage was evident on the generation I and II cars where 7000 series aluminum was used on the I and F beams. The Finite Element Analysis results performed by Bombardier confirmed the separation of I and F beam in the door pocket area results in a loss of the 800,000 lbs buffing load required by AAR S-034-69 and 49 CFR 238.203.

Bombardier also performed a Fitness for Service Assessment and determined the impacted cars have reduced compression load capacity and should a collision occur, the cars would not withstand the designed buff load requirements. Twelve of TRE's coach cars are from generation I and II builds and side sill cracking and related damage is evident on all 12 of these coach cars. This contract will allow for the side sill repair to eight coach cars, overhaul and side sill repair of four TRE bi-level coaches, and the overhaul of three bi-level cab cars. The overhaul and side sill repair will extend the useful life of the bi-level coaches by 20 years.

PROCUREMENT

This is a sole source procurement with CAD Railway.

On March 18, 2019, Dallas Area Rapid Transit (DART) Procurement received an ePR for the overhaul and repair of fifteen (15) Trinity Railway Express (TRE) bi-level locomotive vehicles.

CAD Railway invested a significant amount of time and approximately $1.6 million in resources in developing a repair solution for the side sill cracking and related damage. They developed more than 600 procedures strictly related to the repair and modification of the vehicle; created more than 3,300 drawings for application and production; designed and engineered special tooling for the replacement of the side sill beam; engineered and designed fixtures and supports for the side sill replacement; manufactured production support tooling and supports; designed and manufactured the I and F beam dyes; and developed the process and tooling for side skin removal and application. The CAD solution entails a total replacement of the entire side sill; thus, extending the service life of the vehicles by 20 years. CAD's solution is the first, and only, to include the total replacement of the side sill and the solution has been applied to all Go-Transit's generation I coach cars.

While CAD's process is not patented, copy written or secretive, there are approximately 25 impacted Bombardier bi-level coaches, including TRE's 12, yet to be repaired and it is not cost effective for another company to invest in and develop a solution for the limited number of outstanding un repaired vehicles. Also, while the side sill damage is a known component, additional damage or issues may be encountered during overhaul and repair. Due to this issue, it is impracticable to obtain competition.
In addition, the side sill and related damage applies to 100% of the 12 coach cars included in the Bi-Level Overhaul technical specification and represents 80% of the total vehicles included in the Bi-Level Overhaul technical specification. It would be cost prohibitive to separate the vehicles requiring both overhaul and side sill repair from the vehicles requiring only side sill repair as much of the overhaul work will be reworked during the side sill repair. CAD Railway is willing to offer volume discount pricing on all overhaul work if awarded the contract as a sole source provider.

DART’s Procurement Department has followed procurement policy and is compliant with all applicable federal, state, and Trinity Metro procurement requirements.

FINANCING

Funds are available in Trinity Metro’s FY2019 Capital Budget to finance this program.

RECOMMENDATION

The Commuter Rail Committee recommends that Trinity Metro’s Board of Directors authorize the President/Chief Executive Officer to execute a joint contract with Dallas Area Rapid Transit and CAD Railway Industries, Ltd., for overhaul and repair of side sill damage on Trinity Railway Express (TRE) coach and cab cars for a total amount not-to-exceed $15,891,026, which will be jointly shared by the transit authorities as specified in the Interlocal Agreement between Trinity Metro and DART, whereas Trinity Metro’s portion will not exceed $7,945,513.
BOARD OF DIRECTORS

ACTION ITEM

Item Number: BA2019-67
Item Title: Additional Dispatch Needs Due to Positive Train Control (PTC) Implementation

Meeting Date: August 26, 2019

BACKGROUND

TEXRail is a commuter rail passenger train service operated by Trinity Metro (between Fort Worth and the Dallas/Fort Worth International Airport (DFW)).

Trinity Railway Express (TRE) is a commuter railroad jointly operated by Dallas Area Rapid Transit (DART) and Trinity Metro, and runs between Dallas and Fort Worth. TEXRail and TRE hosts commuter trains on their system from Texas & Pacific (T&P) Station MP 610.5 to CP Eli MP 611.53. TRE and TEXRail share the same dispatching center and dispatchers. A new Train Management Dispatching System (TMDS) was installed at the TEXRail and TRE facilities by contract vendor Wabtec.

Herzog Transit Services, Inc. (HTSI) is contracted through a partnership between Trinity Metro (TEXRail) and Trinity Railway Express (TRE) to provide dispatchers. The dispatching center currently handles dispatching operations within Tarrant and Dallas County for four freight rail carriers Burlington Northern Santa Fe, Union Pacific Rail Road, Fort Worth Western Rail Road, and Dallas, Garland, Northeastern Railroad (BNSF, UPRR, FWWRR, DGNO), and three commuter/passenger operations (TEXRail, TRE and Amtrak). They dispatch four freight rail carriers (BNSF, UP, FWWRR, and DGNO) and three commuter/passenger operations (TRE, TEXRail, and Amtrak) over the rail lines totaling approximately 60 miles of track. The center has two (2) dispatch stations, with only one station activated and manned by one (1) dispatcher. Each station is capable of handling both the TEXRail and the TRE segment. The Federal Railroad Administration (FRA) dispatching audit revealed a high level of concern for safety due to an increase in task load levels with the addition of TEXRail and its territory. The FRA recommended the dispatching territories be split to have a dispatcher for TEXRail and a dispatcher for TRE. The other area of concern for the FRA was the introduction of PTC testing and implementation for both TEXRail and TRE. The FRA extracted train counts from train data sheets, to see the average trains operating over TEXRail and TRE from October 1, 2018 through January 15, 2019. The data showed an average daily train count over the 60 miles of consolidated rail lines to be 142 trains per day. Of those, an average of 2,694 cars transported hazardous material (unspecified) monthly.

CURRENT STATUS

The demands placed on the dispatchers have increased with the addition of expanded train services, and Positive Train Control (PTC) testing and implementation. On July 28, 2019, TEXRail implemented its expanded train service, increasing the total count of daily trains to 167 trains operating over the 60 miles of consolidated rail lines. In addition, TRE has begun PTC testing and implementation. TEXRail is in the beginning stages of PTC testing and implementation. Both TEXRail and TRE must meet the Congressional Statutory Mandate of having PTC fully tested and implemented on December 31, 2020.

The dispatchers have been assisting with the reviews of the new systems before they go live, and have been key participants in the testing activities between the field and office. Currently, TRE has four of the six daily consists being deployed as PTC equipped trains. The dispatchers have incurred an added workload, as the number of PTC equipped consists are being added to daily service.
example, issuing General Track Bulletins (GTB’s) to a PTC equipped train consist of a 32 step process. Prior to PTC, this activity only required a four step process to accomplish. Another example is how Form A, B, C & X’s are issued to PTC equipped trains.

Instead of issuing the required Forms one time (prior to PTC, just the identifying locomotive received the information), now the dispatcher must issue the same information to the locomotive and cab car being used, so that the system has an identifying unit for each direction of travel. The dispatcher’s workload will continue to increase as the remainder of TRE trains become PTC equipped. In addition, TEXRail will begin its process of PTC testing, and the eventual incorporation of tenant railroads (BNSF, UP, DGNO, FWWRR, AMTRAK, and Grapevine Vintage RR) for interoperability testing with the PTC system.

FINANCING

We have secured a proposal from our contractor, Herzog Transit Services Inc. (HTSI), to add four more dispatchers to the TEXRail/TRE combined dispatching center in the amount of $582,482.00 annually. The increase has already been accounted for in TEXRail and TRE’s FY2019/ FY2020 Operating Budgets.

RECOMMENDATION

The Commuter Rail Committee recommends that Trinity Metro’s Board of Directors authorize the President/Chief Executive Officer to approve the addition to the current TEXRail/TRE contract in an amount not-to-exceed $582,422.00 annually, to implement the hiring of four (4) dispatchers to the TEXRail/TRE combined dispatching center effective September 2019. The costs will be split evenly between TEXRail and TRE, of which Trinity Metro’s share is $436,862.
BOARD OF DIRECTORS
ACTION ITEM

Item Number: BA2019-68                      Meeting Date: August 26, 2019
Item Title: TEXRail Right of Way Maintenance

BACKGROUND

The TEXRail commuter rail line is approximately 27 miles long. The current operations and maintenance agreement with Herzog Transit Services, Inc. (HTSI) includes the maintenance of the entirety of the right of way from edge to edge for the southernmost 14 miles. The agreement only includes the maintenance of right of way along the immediate track for the remaining 13 miles within the DART owned Cotton Belt. This action is to issue a change order so that the agreement includes maintenance of the right of way from edge to edge for the entire 27 miles of the corridor. This additional cost is $211,822 annually. In addition to general maintenance of the right of way, it will be necessary at times to trim and remove trees from the rail right of way when it threatens damage to adjoining properties. A contingency of $75,000 is being requested for this work.

PROCUREMENT

Trinity Metro’s Board of Directors approved the original Regional Commuter Rail Operations and Maintenance Contract on May 26, 2015. As stated in BA2017-47 to incorporate TEXRail operations into the agreement, additional changes are to go to the Trinity Metro Board of Directors for approval when needed. After negotiations with HTSI, it was determined that the change order would add $211,822 to the annual cost.

FINANCING

Funds will be included in the applicable annual Operating Budget for TEXRail.

RECOMMENDATION

The Commuter Rail Committee recommends that Trinity Metro’s Board of Directors authorize the President/Chief Executive Officer to execute a change order to the existing contract with HTSI for maintenance of TEXRail right of way resulting in an annual increase of $211,822, and $75,000 available over the next two years for miscellaneous maintenance for an amount not-to-exceed $286,822.00.

Disposition by Board of Directors

Secretary Approval: ______________________________________________________
DATE

TRINITY METRO™
BOARD OF DIRECTORS

ACTION ITEM

Item Number: BA2019-69
Item Title: Huitt Zollars Contract No. 15-018 Amendment for Phase 3 – Design Services During Construction

Meeting Date: August 26, 2019

BACKGROUND

Trinity Metro took beneficial occupancy of the Mahaffey Maintenance Facility (MMF) in December 2017. The MMF is located at 3801 TEXRail Drive Fort Worth, TX 76137 and it supports heavy and routine maintenance, fueling, washing and storage of the TEXRail Diesel Multiple Unit (DMU) fleet.

Huitt-Zollars (HZ) completed the final design of the MMF facility under Contract No. 15-018 and also provided bid phase services and design services during the construction effort. The construction duration lasted longer than expected and HZ provided additional design support services during the extended period of performance of the construction contract.

This Board Action request would authorize Trinity Metro’s President/Chief Executive Officer to issue a contract modification with Huitt-Zollars that will add funds to close out the Phase 3 - design services during construction through the end of the Project.

PROCUREMENT

The additional amount for design services during construction is based on current contracted rates. All of the work is in the Scope of Work of the current contract. This request would add billable hours and not change the Scope of Work.

A minimum goal of 12% Disadvantaged Business Enterprise (DBE) and a combined D/M/WBE goal of 30% was set for Contract No. 15-018 and HZ has committed to achieving these goals.

FINANCE

The total cost for the additional design services during construction is $72,500.00 and will be funded from remaining contingency in the Contact No. 15-018 budget ($7,644.00) with the remainder ($64,856.00) coming from the TEXRail Program budget contingency.
RECOMMENDATION

The Commuter Rail Committee recommends that Trinity Metro’s Board of Directors authorize the President/Chief Executive Officer to issue a contract modification to Huitt-Zollars (Contract No. 15-018) in the amount of $72,500.00 for design services during construction. The contract amount would increase from $2,776,431.00 to $2,848,931.00 with the approval of this change.

Disposition by Board of Directors

Secretary Approval: ___________________________  DATE ___________________________
BOARD OF DIRECTORS
ACTION ITEM

Item Number: BA2019-70                      Meeting Date: August 26, 2019
Item Title: Interlocal Agreement (ILA) between Trinity Metro and the North Central Texas Council of Governments regarding Alliance ZIPZONE First Mile/Last Mile Service

BACKGROUND

Trinity Metro continues to seek innovative options to improve transit connections for the citizens in its service area through partnerships. On February 1, 2019, Trinity Metro began managing the new ZIPZONE service in Alliance.

On January 10, 2019, the Regional Transportation Council, the metropolitan planning organization (MPO) policy body associated with NCTCOG, approved Regional Toll Revenue (RTR) funding for Trinity Metro to continue enhanced connectivity between the Fort Worth Alliance area and potential employee pools in Fort Worth, Denton, and surrounding areas through the Alliance ZIPZONE.

The Interlocal Cooperation Act, Chapter 791 of the Texas Government Code provides authority for the North Central Texas Council of Governments and Trinity Metro to enter into this agreement for the provision of governmental functions and services of mutual interest.

FINANCING

The maximum funding available to Trinity Metro under this agreement is $500,000. NCTCOG shall reimburse Trinity Metro eligible costs incurred from February 1, 2019 through January 31, 2021 for the Project, in an amount not to exceed $500,000. There is no local match required for this project.

RECOMMENDATION

The Planning, Operations and Marketing Committee recommends that Trinity Metro’s Board of Directors authorize the President/Chief Executive Officer to enter into an Interlocal Agreement with the North Central Texas Council of Governments regarding Alliance ZIPZONE First Mile/Last Mile Transit Service at a total not-to-exceed amount of $500,000.

Disposition by Board of Directors

Secretary Approval: ___________________________ DATE

TRINITY METRO
BOARD OF DIRECTORS

ACTION ITEM

Item Number: BA2019-71

Item Title: Interlocal Agreement (ILA) between Trinity Metro and the North Central Texas Council of Governments regarding the Trinity Railway Express (TRE) Link at CentrePort

Meeting Date: August 26, 2019

BACKGROUND

On December 13, 2018, the Regional Transportation Council, the metropolitan planning organization (MPO) policy body associated with North Central Texas Council of Governments (NCTCOG) approved Trinity Metro’s assumption of responsibility for the Trinity Railway Express (TRE) Link shuttle service between the TRE CentrePort Station and Dallas/Fort Worth Airport (DFW), previously operated by DFW Airport.

On January 24, 2019, the NCTCOG Executive Board authorized execution of an Agreement with Trinity Metro in an amount not to exceed $3,171,200 for the continuation of the TRE Link Shuttle service.

On March 18, 2019, Trinity’s Metro Board of Directors approved an amended Interlocal Agreement (ILA) between Trinity Metro, Dallas Area Rapid Transit (DART) and Dallas Fort Worth International Airport (DFWIA) board for shuttle service between the Trinity Railway Express (TRE) CentrePort Station and DFW International Airport Remote South parking lot to continue transit access to jobs.

This action item is for the approval of an Interlocal Agreement between Trinity Metro and the North Central Texas Council of Governments. The Interlocal Cooperation Act, Chapter 791 of the Texas Government Code provides authority for the NCTCOG and Trinity Metro to enter into this agreement for the provision of governmental functions and services of mutual interest.

FINANCING

Funding has been approved by NCTCOG’s Executive Board in an amount not to exceed $3,171,200 ($200,000 in RTR Funds; $1,485,600 in FTA funds; $1,485,600 in local match). The local match is paid for by the three entities, Trinity Metro, DART, and DFWIA. Funding for Trinity Metro is included in our FY2020 proposed budget.

RECOMMENDATION

The Planning, Operations and Marketing Committee recommends that Trinity Metro's Board of Directors authorize the President/Chief Executive Officer to enter into an Interlocal Agreement with the North Central Texas Council of Governments regarding the TRE Link at the CentrePort Station.

Disposition by Board of Directors

Secretary Approval: ____________________________  DATE

TRINITY METRO

11
BOARD OF DIRECTORS

ACTION ITEM

Item Number: BA2019-72
Meeting Date: August 26, 2019

Item Title: 2020 Regional Transit Onboard Travel Survey
Interlocal Agreement between North Central Texas Council of Governments (NCTCOG) and Trinity Metro

BACKGROUND

The Federal Transit Administration (FTA) recommends the North Central Texas Council of Governments (NCTCOG) complete a Regional Transit Onboard Travel Survey approximately every five years. Historically, Trinity Metro has participated with Dallas Area Rapid Transit (DART), Denton County Transportation Authority (DCTA) and NCTCOG to share in the local match for funding this study in 2008 and 2014. NCTCOG postponed the study for Trinity Metro to Fall of 2020 to allow TEXRail ridership more time to grow and new commuter rail passenger travel patterns to stabilize.

The Regional Transit Onboard Survey will gather data on passenger transit travel patterns and choices including modes (type of transit vehicle), origins, destinations, times, fares and rider’s household demographic characteristics such as race/ethnicity, household income, number of personal vehicles, and work/student status. The data is necessary to inform the regional air quality conformity computer model, transit agency planning decisions and FTA reporting requirements for transit agencies such as Title VI equity analysis.

NCTCOG will issue a request for proposal (RFP) in September 2019, select a firm in October 2019 and seek approval from their executive board in December 2019, with notice to proceed issued by January 2, 2020. Survey design and testing would occur during the Winter of 2020. Formal surveys would be conducted onboard DART in the Spring of 2020 followed by Trinity Metro (including TEXRail) and DCTA during the Fall of 2020. Local survey results would be available by December 2020 with a full region wide report complete by Summer of 2021.

FINANCE

NCTCOG will contract with a consultant to administer the survey throughout the region estimated to cost $1,850,000. The local contribution of $925,000 is divided among the three agencies based on proportion of ridership, with DART contributing $810,000, Trinity Metro contributing $100,000 and DCTA contributing $15,000. Funds have been included in the proposed FY2020 budget. The remainder of funding will be obtained through the Texas Department of Transportation (TxDOT) Surface Transportation – Metropolitan Mobility Funds (STP-MM). Due to the timing of grant receipts anticipated in summer of 2020, NCTCOG has requested local funds in advance to begin the project.
RECOMMENDATION

The Planning, Operations & Marketing Committee recommends that Trinity Metro’s Board of Directors authorize the President/Chief Executive Officer to enter into an Interlocal Agreement (ILA) with NCTCOG for the purpose of conducting the 2020 Regional Transit Onboard Survey in the amount of $100,000.
BOARD OF DIRECTORS

ACTION ITEM

Item Number: BA2019-73
Item Title: Strategic Communications, Marketing Strategy Services, and Government Relations

Meeting Date: August 26, 2019

BACKGROUND

Trinity Metro is continuing to develop a comprehensive plan of action for strategic communications, marketing strategy services, and government relations. In this regard, Trinity Metro’s Marketing and Communications, and Government Relations staff seeks to supplement efforts to procure a range of strategic communications and government relations services from a firm to assist in a range of services from data and insight, social media, stakeholder engagement, corporate communications, strategy/positioning to government relations support/assistance at the local, state, and federal level.

REQUEST FOR PROPOSAL (RFP)

In accordance with Trinity Metro’s Procurement Policy, Request for Proposal (RFP-19-T050) for Strategic Communications, Marketing Strategy Services was issued and advertised on Trinity Metro’s website. The RFP was issued to establish a contract for a firm to provide support services for a two-year term with two one year options to renew. Proposal responses were received from 2 firms:

<table>
<thead>
<tr>
<th>NAME OF FIRM</th>
<th>ANNUAL COST PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mosaic Strategy Partners, LLC</td>
<td>$120,000</td>
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<tr>
<td>Three Box</td>
<td>$402,000</td>
</tr>
</tbody>
</table>

Based on established criteria, Mosaic Strategy Partners, LLC was selected as the firm with the highest score.

FINANCING

The annual cost for the contract term is $120,000. Funds are available in Trinity Metro’s FY2020 Proposed Operating Budget to finance this contract. Funding for the second year will be included in the next year’s budget.

PROCUREMENT

Trinity Metro’s Procurement Department has followed procurement policy with the Request for Proposal and is in compliance with all applicable Federal, State, and Trinity Metro procurement requirements.
DBE UTILIZATION

Mosaic Strategy Partners, LLC is certified as a DBE through the North Central Texas Regional Certification Agency (NCTRCA).

RECOMMENDATION

The Planning, Operations, and Marketing Committee recommends that Trinity Metro’s Board of Directors authorize the President/Chief Executive Officer to enter into a contract with Mosaic Strategy Partners, LLC for strategic communications, marketing strategy services, and government relations at a total cost not to exceed $120,000 for the two-year contract term with two one-year options to renew.
BOARD OF DIRECTORS

ACTION ITEM

Item Number: BA2019-74
Item Title: Vanpool Services Change Order
Meeting Date: August 26, 2019

BACKGROUND

Trinity Metro’s vanpool program was implemented in 1974 with six (6) city-owned vans. In 1984, a third-party provider was selected to provide the vehicles, insurance, and maintenance. Currently there are 79 vanpools on the road.

In 2014, vRide was selected (BA 2014-042) to be the vanpool services provider. Enterprise Holdings, Inc. purchased the vRide vanpool division in 2016 and assumed the contract with Trinity Metro as the vanpool services provider in May 2017. The current contract (14-029) is with Enterprise Holdings and expires at the end of August 2019. A new solicitation has been issued for the vanpool service to establish a new contract and is in the evaluation and verification process to determine an awardee for a new contract.

PROCUREMENT

To allow sufficient time to review solicitations for a recommended award in September, Enterprise has agreed to extend the current contract month to month to allow for time to transition to a new contract. This request is to extend the current contract and add additional funds through November, 2019 for a transition time, as needed, to award and implement a new contract for vanpool services.

FINANCING

The monthly cost for the vanpool service is $65,000. The estimated cost for the three-month extension of the contract with Enterprise is $195,000. Trinity Metro receives grant funding for the vanpool program through the Surface Transportation Program-Metropolitan Mobility (STP-MM) and Jobs Access/Reverse Commute (JA/RC). Funds are available for the vanpool program and will be included in FTA administered grants. The remaining will be funded with vanpool participant fares and local sales tax.

RECOMMENDATION

The Planning, Operations and Marketing Committee recommends that Trinity Metro’s Board of Directors authorize the President/Chief Executive Officer to execute a Change Order to the current agreement with Enterprise Holdings, Inc. to extend the term until November 30, 2019 and increase the current contract by $195,000 to allow for the current services to continue with no disruption of service to Trinity Metro’s vanpool customers.

Disposition by Board of Directors

Secretary Approval: ____________________________ DATE

TRINITY METRO™
BOARD OF DIRECTORS

ACTION ITEM

Item Number: BA2019-75
Item Title: Vehicle Digital Video Recording Equipment and Services
Meeting Date: August 26, 2019

BACKGROUND

Trinity Metro has a requirement to replace two separate digital/analog video recording systems with a single, leading edge system throughout our bus and paratransit fleet. This equipment supports strategies that improve recording capacities with nearly 200 fleet vehicles including buses and paratransit vehicles. The new Digital Recording Equipment will offer a turnkey solution for recording video and providing live look-in capabilities, including the option to purchase and install next generation support equipment, as may be required for the fleet.

The replacement equipment will improve recording and communications with the fleet and offer higher performance and security, for mission critical applications in public safety, transit, and field services.

PROCUREMENT

In accordance with Trinity Metro’s Procurement Policy, a Request for Proposal (RFP), 19-T046 Vehicle Digital Video Recording Equipment “DVR” Replacement Equipment and Services was issued on July 18, 2019. Four (4) proposals were received from:

<table>
<thead>
<tr>
<th>Supplier</th>
<th>Proposed Price</th>
</tr>
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<tbody>
<tr>
<td>1. Apollo Video Technology</td>
<td>$ 954,232.00</td>
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<tr>
<td>2. Safety Vision</td>
<td>$ 421,618.74</td>
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<tr>
<td>3. Seon Design (USA) Corp. dba Safe Fleet Bus &amp; Rail</td>
<td>$ 465,275.20</td>
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<tr>
<td>4. Transit Solutions, LLC</td>
<td>$ 567,880.00</td>
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All proposers responded with proposals that were compliant with applicable procurement requirements. A committee representing Trinity Metro evaluated the proposals and determined that Seon Design (USA) dba Safe Fleet Bus & Rail provided a complete solution at a reasonable price point and allows for direct camera upgrades in the future without the need to replace the newly installed equipment.

FINANCING

Funding for this Capital Project will be requested in the FY2020 Capital Budget. Federal grant funding is available to cover 80% of the project costs.
DBE UTILIZATION

A 5% minimum DBE goal was established for the purchase and installation of the recording equipment. The selected Supplier Seon Design (USA) dba Safe Fleet Bus & Rail (“Seon”) acknowledges the DBE requirement in their proposal. As with the other Suppliers, the option for a DBE firm was limited to installations. Seon maintains its own installation and maintenance employees to ensure improved and timely equipment installations for bus fleets.

RECOMMENDATION

The Planning, Operations and Marketing Committee recommends that Trinity Metro’s Board of Directors authorize the President/Chief Executive Officer to enter into a contract with Seon Design (USA) dba Safe Fleet Bus & Rail for $465,275 with three years of Preventative Maintenance Fleet Analysis for $22,500 (and a 10% contingency of $46,528) for total requested approval cost $534,303.
BOARD OF DIRECTORS
ACTION ITEM

Item Number: BA2019-76  
Item Title: FY2020 Preliminary Operating and Capital Budgets  
Meeting Date: August 26, 2019

BACKGROUND

A summary of the preliminary operating and capital budgets for FY2020 is attached for approval. The preliminary budget will be sent to the governing bodies of our member cities.

RECOMMENDATION

The Finance and Audit Committee recommends that Trinity Metro’s Board of Directors adopt the attached Preliminary FY2020 Operating and Capital budgets.

Disposition by Board of Directors

Secretary Approval: ________________________  DATE  ________________________

TRINITY METRO™
## Trinity Metro
### Fiscal 2020 Operating Budget
($000's)

<table>
<thead>
<tr>
<th>FY2020 Budget</th>
<th>Operating Revenue</th>
<th>Other Revenue</th>
<th>Total Revenue</th>
<th>Operating Expense</th>
<th>Total Expenses</th>
<th>Net Available for Capital Expenditures and Reserves</th>
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<td>Fuels and Lubricants</td>
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<td></td>
<td>TEX Rail</td>
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<td>Tires and Tubes</td>
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<td>Maintenance Materials</td>
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# Trinity Metro Fiscal 2020 Capital Budget

($000's)

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<th>Contributions</th>
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Trinity Metro  
Fiscal 2020 Capital Budget

($000's)

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BOARD OF DIRECTORS

ACTION ITEM

Item Number: BA2019-77
Item Title: Purchase of 35’ and 40’ CNG Buses
Meeting Date: August 26, 2019

BACKGROUND

As part of a quality asset management plan Trinity Metro management team is recommending the acquisition of revenue vehicles to replace coaches beyond their recommended useful life. The Federal Transit Administration (FTA) guidelines on replacement are as follows; vehicles older than twelve (12) years of age and or have been operated over five hundred thousand (500,000) miles, can be removed from service and replaced with newer vehicles. Trinity Metro has 24 buses that have met their useful life requirements. Replacement of these vehicles will ensure Trinity Metro’s compliance with our Transit Asset Management plan and Federal Transit Administration guidelines.

A Request for Proposal (19-T032) was advertised locally on Trinity Metro’s website for the initial purchase of twenty (20) 40-foot transit buses and four (4) 35-foot Bus Rapid Transit Buses (BRT), including options to additionally purchase up to fifty (50) 40-foot transit buses, fifteen (15) 30-foot BRT buses, fifteen (15) 35-foot BRT buses, and fifteen (15) 40-foot Suburban Commuter buses, and related replacement equipment, tools and bus spare parts over a term of five (5) years.

The solicitation resulted in three (3) firms responding: Alliance Bus, Gillig, and Newflyer Inc. The proposal documents received were evaluated against a matrix of requirements by an evaluation committee. The evaluations were based on Technical Specification Compliance, Experience and Competency of Contractor, Contractor Resource and Supply Support, Delivery Schedule and Cost. Gillig was rated the highest based on the evaluation criteria.

AUTHORIZATION AND COST HISTORY:

The cost for the requested twenty (20) 40-foot transit buses and related replacement equipment, tools and spare parts to be purchased is $565,787.00 each, for a total cost of $11,315,740.00. The cost for the requested four (4) 35-foot BRT buses, related replacement equipment, tools and spare parts to be purchased is $568,429.00 each for a total cost of $2,273,715.00. The resulting combined total cost is $13,589,455.00.

FINANCING

Funds will be requested in Trinity Metro’s Capital Budget for FY 2020 to finance this project. Federal funding will be provided through Sections 5307, 5339, and CMAQ funds.

PROCUREMENT

Trinity Metro’s Procurement Department has followed procurement policy with RFP 19-T032 and is in compliance with all applicable Federal, State, and Trinity Metro’s procurement requirements.

DBE UTILIZATION

Gillig has complied with the requirements of 49 CFR Part 26.49, which is the Disadvantaged Business Enterprise (DBE) goal setting requirement for transit vehicle manufacturers. Transit vehicle manufacturers are required by the Federal Transit Administration (FTA) to establish and submit, for FTA approval, an annual overall DBE percentage goal.
RECOMMENDATION

The Finance & Audit Committee recommends that Trinity Metro’s Board of Directors authorize the President/Chief Executive Officer to enter into a Contract Agreement with Gillig for the purchase of:

- Twenty (20) 40-foot Transit buses and related replacement equipment, tools and spare parts at a cost of $11,315,740.00.
- Four (4) 35-foot Bus Rapid Transit Buses (BRT) and related replacement equipment, tools and spare parts at a cost of $2,273,715.00.

The total of the purchase is $13,589,455.00 with an additional contingency of 3% ($407,683.00) for a total not-to-exceed $13,997,139.00.
BOARD OF DIRECTORS
ACTION ITEM

Item Number: BA2019-78   Meeting Date: August 26, 2019
Item Title: Copier Lease and Maintenance

BACKGROUND

Trinity Metro has thirteen (13) copiers on a 36-month lease that expires August 24, 2019. These copiers are located at the Hershel R. Payne Building (HRP), Maintenance Building, the Fort Worth Central Station and at Grove Street, our future headquarters. With the expiration of the three-year lease, the copier equipment has also exceeded the useful life span for production.

A proposed copier lease agreement provides copiers with enhanced technology capabilities, document scanning for electronic data storage, and copy speed for efficiency in document processing. The proposed lease agreement includes maintenance that covers copier drums, toner cartridges, parts, and labor.

PROCUREMENT

In accordance with Trinity Metro’s Procurement Policy, a Request for Proposal (RFP 19-T040) for Copier Equipment Lease Service was advertised on Trinity Metro’s website. Five (5) firms responded to the Request for Proposal and complied with the RFP requirements. Responding firms included: MFD Business Solutions, Novatech, Inc., Sharp Business Systems, Toshiba and Xerox.

An evaluation team from Trinity Metro reviewed and evaluated the proposals and conducted site visits with the three firms: Toshiba, MFD and Xerox. After the site visits, and based on proposal scoring, MFD Business Solutions was rated as the highest overall scoring proposer.

Cost for MFD copiers are:

Color Copier: Base Copier Cost: $108.46   Cost Per Color Copy: .02, .03, or .04.

Black & White Copier: Base Copier Cost: $79.75 Cost Per Copy: .004.

A DBE Goal of 5% was established for this solicitation. MFD Business Solutions commit to meet the goal by using a DBE firm to deliver the equipment.

FINANCING

Funds for FY2020 will be included in the annual proposed budget.
RECOMMENDATION

The Finance and Audit Committee recommends that Trinity Metro’s Board of Directors authorize the President/Chief Executive Office to enter into a 48-month lease agreement with MFD Business Solutions for Copier Lease and Maintenance for an annual estimated cost of $40,000 and a total four year cost not-to-exceed $160,000.
RESOLUTION
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF
TRINITY METRO
REGARDING ADOPTION OF DRUG AND ALCOHOL TESTING POLICY
AND RESOLUTION
(Resolution R2019-05)

The Board of Directors of TRINITY METRO hereby adopts the following resolution amendment:

Drug and Alcohol Testing Policy Statement Resolution

The Board of Directors of Trinity Metro adopted the Drug and Alcohol Testing Policy amendment at its board meeting on September 15, 2010. Trinity Metro is dedicated to providing safe, dependable and economical transportation services to our transit system passengers. Trinity Metro employees are our most valuable resource, and it is our goal to provide a healthy, satisfying work environment, which promotes personal opportunities for growth. A copy of the Drug and Alcohol Testing Policy is attached.

In meeting these goals, it is our policy to:

1. Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner.

2. Create a workplace environment free from the adverse effects of drug abuse and alcohol misuse.

3. Prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances.

4. Encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

Adopted by Trinity Metro Board of Directors on this the 26th day of August, 2019.

_________________________________________ ______________________________
Scott Mahaffey Dennis Dunkins
Chair Secretary
2019 DRUG AND ALCOHOL TESTING POLICY

Underlined text = Trinity Metro Requirements
Regular text = FTA requirements

A. PURPOSE

Trinity Metro provides public transit and paratransit services for the residents of Tarrant County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Trinity Metro declares that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.

Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

Any provisions set forth in this policy that are included under the sole authority of Trinity Metro and are not provided under the authority of the above named Federal regulations are underlined.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full or part-time) when performing any transit-related business. Trinity Metro employees that do not perform safety-sensitive functions are also covered under this policy under the sole authority of Trinity Metro. A safety-sensitive function is any duty related to the operation of mass transit service including operating a revenue service vehicle (whether or not the vehicle is in revenue service), maintaining a revenue service vehicle or equipment used in revenue service, carrying firearms as
part of the responsibilities of security personnel, dispatching or controlling the movement of revenue service vehicles and operating a non-revenue service vehicle when required to be operated by the holder of a Commercial Driver’s License. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions that perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only considered to be safety-sensitive if they may be called upon to perform one of the above functions.

C. DEFINITION

**Accident** means an occurrence associated with the operation of revenue service vehicle, even when not in revenue service, or a vehicle that requires a Commercial Driver’s License to operate, if as a result:

1. A person dies;
2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
3. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, disabling damage means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

**Adulterated specimen** is specimen that contains a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration.

**Alcohol** is the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

**Alcohol Concentration** is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.

**Canceled Test** is a drug test that has been declared invalid by a Medical Review Officer. A canceled test is neither positive nor negative.

**Covered Employee** is an employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees), and other employees, applicants, or transferee that will not perform a safety-sensitive function but fall under the policy of Trinity Metro.
Designated Employer Representative (DER) An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

Department of Transportation (DOT) Department of the federal government which includes the Federal Transit Administration, Federal Railroad Administration, Federal Highway Administration, Federal Motor Carrier Safety Administration, Research and Special Programs, and the Office of the Secretary of Transportation.

Disabling damage is damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

Dilute specimen is a specimen with creatinine and specific gravity values that is lower than expected for human urine.

Evidentiary Breath Testing Device (EBT) A Device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list.

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

Negative Dilute is a drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative test result for a drug test means a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-negative test result is a test result found to be adulterated, substituted, invalid, or positive for drug/drug metabolites.

Performing (a safety-sensitive function) means a covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive test result for a drug test means a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended.
A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.

**Prohibited drug** means marijuana, cocaine, opioids, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

**Revenue Service Vehicles** include all transit vehicles that are used for passenger transportation service or that require a CDL to operate and includes all ancillary vehicles used in support of the transit system.

**Safety-sensitive functions** include (a) the operation of a transit revenue service vehicle even when the vehicle is not in revenue service; (b) the operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Driver’s License (CDL); (c) maintaining a revenue service vehicle or equipment used in revenue service; (d) controlling the movement of a revenue service vehicle; and (e) carrying a firearm for security purposes.

**Substance Abuse Professional (SAP)** means a licensed physician (Doctor of Medicine or Osteopathy); or a licensed or certified social worker; or a licensed or certified psychologist; or a licensed or certified employee assistance professional; or a state-licensed or certified marriage and family therapist; or an alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC), or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board of Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC).

**Substituted specimen** means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with normal human urine.

**Test Refusal** The following are considered a refusal to test if the employee:

- Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
- Fails to remain at the testing site until the testing process is complete;
- Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations;
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen;
- Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Fails or declines to take a second test the employer or collector has directed you to take;
- Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the “shy bladder” or “shy lung” procedures;
- Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that
disrupts the collection process);

- For an observed collection, failure to follow the observer’s instructions to raise clothing above waist, lower clothing and underpants, and to turn around to permit the observer to determine if you are wearing any type of prosthetic device that could be used to interfere with the collection process;

- Possession or wearing of a prosthetic or other device that could be used to interfere with the collection process;

- Admitting adulteration or substitution of the specimen to the collector or the MRO;

- If the MRO reports that there is verified adulterated or substituted test result;

- Failure or refusal to sign Step 2 of the alcohol testing form;

- Leaving the scene of the accident without just cause prior to submitting to post-accident tests

**Validity testing** is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted

**Verified negative test** means a drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

**Verified positive test** means a drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

### D. EDUCATION AND TRAINING

Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

*Seeking Voluntary Treatment: Under Trinity Metro’s own policy, supervisory personnel will be trained on how to assist employees who have voluntarily asked for assistance with treatment for Substance Abuse problems and to refer those employees to the Human Resources Department. It is the purpose of Trinity Metro to provide assistance to those employees who have Substance Abuse problems and voluntarily seek treatment, and to treat employees with compassion if the employee voluntarily seeks treatment for Substance Abuse problems. The Human Resources department, with the assistance of the SAP, will arrange for a treatment program and develop a follow-up testing program for those employees*
who voluntarily seek treatment. A program for testing those employees who have successfully completed a Substance Abuse intervention program will be scheduled for testing at least 6 times per year for a period of three years. Any failure to submit to a TRINITY METRO required test for drugs or alcohol during the three (3) year time period under this provision will be grounds for immediate termination.

**Once selected for any type of FTA mandated drug and/or alcohol test, or any Trinity Metro mandated test, there is no opportunity for voluntary treatment available to avoid the circumstances of failing a required drug and/or alcohol test.**

**ZERO TOLERANCE POLICY:** Those employees who are discovered to have violated the Substance Abuse Policy will be dealt with severely through the termination of their employment per McDonald Transit Work Rules of the Union Contract that states “the following shall be cause for immediate dismissal without prior warnings; being under the influence of alcohol, drugs or narcotics while on company property or operating equipment”.

Information on the signs, symptoms, health effects, and consequences of alcohol misuse is presented in Attachment B of this policy.

**E. PROHIBITED SUBSTANCES**

Prohibited substances tested under FTA’s 5-Drug Panel include the following

- Marijuana, Amphetamines, Opioids, Phencyclidine (PCP), Cocaine

**Federal Transit Administration drug testing regulations (49 CFR Part 655)** require that all covered employees be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times, and thus covered employees may be tested for these drugs anytime they are on duty.

Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, 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 a Trinity Metro supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions. The supervisor must forward the documentation to the DAPM for review and filing in a confidential file.

Trinity Metro, under its own authority will authorize testing for: substance abuse that includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. This testing will be conducted utilizing a separate urine collection and utilizing a non-DOT chain of custody form.

Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in
the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under Trinity Metro’s own policy, an alcohol test can be performed any time a covered employee is on duty.

F. PROHIBITED CONDUCT

(1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

(2) Each covered employee is 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. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline. A reasonable suspicion test must be performed if there is actual knowledge the employee is using alcohol while on call.

(3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol. If there is actual knowledge the employee is using alcohol while on call, a reasonable suspicion test is required.

(4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.

(5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

(6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions. Under Trinity Metro’s own authority no covered employee shall consume alcohol within (8) hours prior to the performance of safety-sensitive job functions.

(7) Trinity Metro, under its own authority also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.

(8) Consistent with the Drug-Free Workplace Act of 1988, all Trinity Metro employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances or drug paraphernalia in the work place including Transit Department premises, transit vehicles, while in uniform, operating any company equipment or while on Trinity Metro business.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify Trinity Metro’s management of any criminal drug statute conviction for a violation occurring within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q of this policy.
H. TESTING REQUIREMENTS

Analytical urine testing for drugs and breath testing for alcohol will be conducted as required by 49 CFR Part 40, as amended. All covered employees shall be subject to testing prior to employment, for reasonable suspicion, following an accident, and random as defined in Sections K, L, M, and N of this policy. All covered employees who have tested positive for drugs or alcohol on a random, reasonable suspicion or post-accident test in violation of this policy will be terminated per McDonald Transit Work Rules of the union contract and offered a treatment program recommended by a Substance Abuse Professional.

A drug test can be performed any time a covered employee is on duty. An alcohol test can be performed just before, during, or after the performance of a safety-sensitive job function. Under Trinity Metro’s authority, an alcohol test can be performed any time a covered employee is on duty.

All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Trinity Metro. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q.3 of this policy. Any covered employee who is suspected of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Providing false information and/or failing to cooperate is considered a test refusal and subject to disciplinary action as described in Section Q. 3. of this policy. Refer to Section C 3 for additional behavior that constitutes a refusal to test. Trinity Metro has a zero-tolerance policy in that employees who test positive for illegal drug or alcohol use in violation of this policy will be terminated.

I. DRUG TESTING PROCEDURES

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The
specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered a laboratory positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended. The test is considered a positive test result once the MRO rules it a confirmed positive. The test results from the HHS certified laboratory will be reported to a Medical Review Officer (MRO). An MRO is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to Trinity Metro's Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM and no further action will be taken. If the test is invalid without a medical explanation, a retest will be conducted under direct observation.

Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Trinity Metro will ensure that the costs for the split specimen are covered in order for a timely analysis of the sample; however, Trinity Metro will seek reimbursement for the split sample test from the employee.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the Medical Review Officer. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year.

Observed collections:

Section 40.67 explains when and how a directly observed collection is to be conducted: Consistent with 49 CFR Part 40, as amended, and Section 40.67;

(a) As an employer you must direct an immediate collection under direct observation with no advance notice to the employee, if:

(1) The laboratory reported to the MRO that a specimen is invalid, and the MRO
reported to you that there was not an adequate medical explanation for the result; or

(2) The MRO reported to you that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;

(b) As an employer, you must direct a collection under direct observation of an employee the drug test is a return-to-duty or a follow-up test.

(c) As a collector, you must immediately conduct a collection under direct observation if:

(1) You are directed by the DER to do so (see paragraphs (a) and (b) of this section); or

(2) You observed materials brought to the collection site or the employee’s conduct clearly indicates an attempt to tamper with a specimen (see Secs. 40.61(f) (5) (i) and 40.63(e); or

(3) The temperature on the original specimen was out of range (see Sec. 40.65 (b) (5); or

(4) The original specimen appeared to have been adulterated or substituted with (see Sec. 40.65 (c)(1).

In addition, Trinity Metro may direct a collection under direct observation of an employee if the drug test is a return-to-duty test or a follow-up test as part of our Voluntary Treatment Program.

Negative Dilute - it is the policy of Trinity Metro to re-test every dilute negative test when confirmed by the MRO. A negative dilute test is an indication that an employee provided sample was possibly altered and not an accurate indication of the test results. The second test will be administered immediately after notification to the company by the MRO. A non-observed re-test will be administered when creatinine is =>5 mg/dl. A direct observation re-test will be administered when creatinine is between 2-5 mg/dl. The second test result is the final test of record.

J. ALCOHOL TESTING PROCEDURES

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q (4) and (5) of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty without pay for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q (6). An alcohol concentration of less than 0.02 will be considered a negative test.

Trinity Metro affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.

The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.

(1) All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant shall not be hired into a covered position unless the applicant takes a drug test with verified negative results.

(2) A non-covered employee shall not be placed, transferred or promoted into a covered position until the employee takes a drug test with verified negative results.

(3) If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded. Failure of a pre-employment drug will disqualify an applicant for employment for a period of at least one year. Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with 49 CFR Part 40 as amended and a negative pre-employment drug test will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.

(4) When an employee being placed, transferred, or promoted from a non-covered position to a covered position submits a drug test with a verified positive result, the employee will be subject to disciplinary action that results in termination (see Section Q (4)). The appropriate disciplinary action is termination of employment (see Section Q (4) of this policy).

(5) If a pre-employment/pre-transfer test is canceled, Trinity Metro will require the applicant to take and pass another pre-employment drug test.

(6) In instances where a covered employee is on extended leave for a period of 90 consecutive days or more, regardless of reason, and is removed from the random testing pool for the duration of their absence, the employee will be required to take a drug test under 49 CFR Part 655 and have negative test results prior to performing safety-sensitive job functions.

(7) An applicant with a negative dilute test result will be required to retest.
(8) Applicants are required to report previous DOT covered employer drug and alcohol test results. Failure to do so will result in the employment offer being rescinded.

**L. REASONABLE SUSPICION TESTING**

Reasonable suspicion testing requirements are as follows; Sec. 655.43 lists the following requirements for reasonable suspicion testing:

(a) An employer shall conduct a drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.

(b) An employer’s determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.

(c) The decision to refer an employee for a reasonable suspicion test shall be made by one trained employee. Employers are prohibited from requiring two or more trained employees to participate and/or agree on such a referral.

However, under Trinity Metro’s own policy, a reasonable suspicion alcohol test may be performed any time a covered employee is on duty.

Supervisory personnel or the DER shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q. of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his/her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q.3 of this policy.

A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the Human Resources Director and shall be attached to the forms reporting the test results. The supervisor making the observation will immediately turn in his written documentation detailing the reason(s) for requiring a reasonable suspicion test to the Director of Human Resources or the DER in her/his absence. The test results will be released immediately upon receipt and review of the written reasons for reasonable suspicion testing submitted by the supervisor once reviewed for accuracy and completeness by the Director of Human Resources. There will be no delay in this process; both the supervisor making the request for reasonable suspicion testing and the Director of Human Resources must respond immediately in completing these steps.

When there are no specific, contemporaneous, articulable objective facts that
indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred to the SAP for an assessment through the Human Resources Department. Trinity Metro shall place the employee on administrative leave in accordance with the provisions set forth under Section D (Education and Training, Seeking Voluntary Treatment) of this policy. Once released for duty by the Substance Abuse Professional the employee may return to work under the provisions set by the Human Resources Department and the SAP. Testing in this circumstance would be performed under the direct authority of Trinity Metro. Since the employee self-referred to management, required testing under this circumstance would not be considered a violation of this policy for Federal reporting purposes and the employee would be subject to testing as listed in Section D (Seeking Voluntary Treatment). However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections K, L, M, N and O of this policy or the associated consequences as specified in Section Q.

M. POST-ACCIDENT TESTING

All covered employees will be required to undergo urine and breath testing if he/she is involved in an accident with a transit revenue service vehicle that results in a fatality, regardless of whether or not the vehicle is in revenue service at the time of the accident.

In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate medical treatment away from the scene of the accident or if one or more vehicles incur disabling damage, unless the operator’s performance can be completely discounted as a contributing factor to the accident. All surviving covered employees that are operating the vehicle at the time of the accident and any other covered employees whose performance cannot be completely discounted as a contributing factor to the accident will be tested.

(1) As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

(2) The appropriate transit supervisor shall ensure that an employee required to be tested under this section is tested as soon as practicable, but no longer than eight (8) hours after the accident for alcohol, and within 32 hours of the accident for drugs. If an alcohol test is not performed within two (2) hours of the accident, the supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

(3) Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.

(4) An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his/her location if he/she leaves the scene of the accident prior to submission to such test, will be deemed to have refused to submit to testing.

(5) Nothing in this section shall be construed to require the delay of necessary
medical attention for the injured following an accident, or to prohibit an 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.

(6) In the rare event that Trinity Metro is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Trinity Metro may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

N. RANDOM TESTING

All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.

(1) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.

(2) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals fifty percent (50%) of the number of covered employees in the pool and the random testing rate for alcohol established by FTA equals ten (10%) percent of the number of covered employees in the pool.

(3) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection of the individuals who are to be tested. Management does determine when to notify an individual to report for testing.

(4) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of employees that are included solely under Trinity Metro's own policy.

(5) Random tests can be conducted at any time during an employee’s shift for drug testing. Alcohol random tests can be performed before, during, or after the performance of a safety sensitive duty. However, under Trinity Metro’s own policy, a random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle or end of an employee’s shift.

(6) Employees are required to proceed immediately to the collection site upon notification of their random selection. It is the intention of Trinity Metro to transport employees to the collection site but in the event a supervisor is unavailable for transport, the employee will be directed to immediately report to the collection site. The time for the employee to travel to the collection site should be less than
30 minutes. In the event the employee takes more than 30 minutes to travel to the collection site, the employee will be questioned for acceptable reason(s) for the delay. Failure to report to the collection site in a timely manner will be considered as a positive test result in regards to this policy.

O. RETURN-TO-DUTY TESTING

Employees who have voluntarily sought treatment for Substance Abuse problems must meet with a substance abuse counselor before being eligible to return to work. After the counselor has released the employee to duty, a non-DOT Return-to-Duty drug test is required. An alcohol test may also be required. Following the initial assessment, the counselor will recommend a course of rehabilitation unique to the individual and the Human Resources Department will develop a testing plan for the employee. The counselor will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undo concerns for public safety.

This section only applies to those employees who have voluntarily sought treatment for substance abuse problems and have successfully completed the treatment as prescribed by the substance abuse counselor. Any violations of the Return-To-Duty provisions or any other violations of any drug or alcohol policies will result in immediate termination. This is a one-time opportunity to voluntarily seek treatment and to be allowed the opportunity to return to duty once the treatment has been successfully completed. No other opportunities exist for employees to receive assistance with Substance Abuse problems. Employees who have been selected for any type of drug and alcohol testing are not eligible to voluntarily seek treatment in an effort to circumvent the disciplinary actions related to testing positive for alcohol and/or drug use in violation of this policy.

P. FOLLOW-UP TESTING

Covered employees will be required to undergo frequent, unannounced non-DOT drug and alcohol testing following their return-to-duty after voluntarily seeking treatment for substance abuse. A minimum of six (6) follow-up tests will be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the substance abuse counselor reflecting the assessment of the employee’s unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse.

Q. RESULT OF DRUG/ALCOHOL TEST

Any covered employee that has a verified positive drug or alcohol test will be removed from his/her safety sensitive position and referred to a Substance Abuse Professional (SAP) for assessment. No employee will be allowed to return to work after testing positive for drugs or alcohol in violation of this policy and will be terminated immediately under Trinity Metro’s Zero Tolerance Policy. The Union contract, per McDonald Transit Work Rules specifies that employees who are under the influence of drugs or alcohol will be terminated without prior warning.
A positive drug and/or alcohol test will also result in disciplinary action as specified herein.

(1) As soon as practicable after receiving notice of a verified positive drug test result, a confirmed alcohol test result, or a test refusal, Trinity Metro Designated Employer Representative (DER) will contact the employee’s supervisor to have the employee cease performing any safety-sensitive function.

(2) The employee shall be referred to a Substance Abuse Professional for an assessment. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.

(3) Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination.

(4) Trinity Metro has a zero tolerance policy for covered employees who test positive for drug or alcohol use that violates this policy. Employees who test positive in violation of this policy will be terminated immediately.

(5) Employees who have confirmed alcohol concentrations of 0.04 or greater will be considered a positive alcohol test in violation of this policy. The appropriate disciplinary action is termination of employment.

(6) A confirmed alcohol concentration of 0.02 to 0.039 is not considered positive. The employee will be removed from duty without pay for at least eight (8) hours or for the duration of the workday whichever is longer and subject to disciplinary action regarding failure to be available for work.

(7) Failure to report a criminal drug conviction within five (5) days of its occurrence is considered a violation of this policy.

R. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 655 for a positive test or test refusal are not subject to arbitration.

S. PROPER APPLICATION OF THE POLICY

Trinity Metro is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

T. INFORMATION DISCLOSURE

Drug/alcohol testing records shall be maintained by Trinity Metro Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
(1) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.

(2) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, Department Supervisor and Personnel Manager on a need to know basis.

(3) Records will be released to a subsequent employer only upon receipt of a written request from the employee.

(4) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the preceding. The information will only be released with binding stipulation that the decision maker will make it available only to parties in the preceding.

(5) Records will be released to the National Transportation Safety Board during an accident investigation.

(6) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.

(7) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Trinity Metro or the employee.

(8) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40, as amended, necessary legal steps to contest the issuance of the order will be taken.

U. SYSTEM CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s):

**Trinity Metro**

Christina Champion
Human Resources Generalist
Drug and Alcohol Program Manager (DAPM)
801 Cherry Street, Suite 850, Fort Worth, TX  76102
Telephone:  817-215-8715

Regina DeFelice-Lumpp
Human Resources Administrator
Designated Employer Representative (DER)
801 Cherry Street, Suite 850, Fort Worth, TX  76102
Telephone:  817-215-8739
Medical Review Officer

Stephen J. Kracht, DO
EMRO
8140 Ward Pkwy, Suite 275, Kansas City, MO  64114
Telephone: 888-382-2281
Fax: 913-234-4585

Substance Abuse Professional

William (Bill) May, MA, LPC, LCDC, CEAP, LCDC
Certified Employee Assistance Professional
6410 Southwest Blvd., Suite 230, Fort Worth, TX  76109
Telephone:  817-851-9355

Valerie Nae Johnson, BGS, LCDC, ADC III, Diplomate, SAE, CASAC
Addictions Counselor
8341 Camp Bowie West, Fort Worth, TX  76116
Telephone:  817-921-2272

Dr. James Williams, PhD, LPC, LCDC, CEAP, LSOTP, SAP, SAE Addictions
Counselor Metropolitan Center for Counseling and Psychotherapy
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Toni Sue Giddens, LCDC, ADCII, CAS
Addictions Counselor
2700 Airport Freeway, Fort Worth, TX  76111
Telephone:  817-332-6329 ext. 263

Suzanne Lofton, LCDC, NCAC I, ADC
Addictions Counselor
2701 W. Berry, Suite 119, Fort Worth, TX 76109
Telephone:  817-917-9270
Quest Diagnostics has four Forensic Drug Testing Labs certified by SAMHSA, accredited by the College of American Pathologists, Forensic Urine Drug Testing program:

**HHS Certified Laboratory - Primary Specimen**
Quest Diagnostics Lenexa  
10101 Renner Blvd., Lenexa, KS 66219  
Telephone: 855-748-7845

**HHS Certified Laboratory - Split Specimen**
Split samples can be sent to one of these three labs:

Quest Diagnostics Norristown  
400 Egypt Road, Norristown, PA 19403

Quest Diagnostics Atlanta  
1777 Montreal Circle, Tucker, GA 30084

Quest Diagnostics West Hills  
8401 Fallbrook Avenue, West Hills, CA 91304
A. “Safety-Sensitive” as defined by FTA 49 CFR 655:

Safety-sensitive function means any of the following duties:

(1) Operating a revenue service vehicle, including when not in revenue service;
(2) Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver’s License (CDL);
(3) Controlling dispatch or movement of a revenue service vehicle;
(4) Maintaining a revenue service vehicle or equipment used in revenue service;
(5) Carrying a firearm for security purposes.

B. Trinity Metro Safety-Sensitive Positions

Transportation:

Operations Managers
Fixed Route Bus Operator (Full-Time)
Fixed Route Bus Operator (Part Time)
Operations Supervisors
Operator Trainer

Paratransit:

Paratransit Director
Paratransit Bus Operator (Full-Time)
Paratransit Bus Operator (Part-Time)
Paratransit Supervisors
Paratransit Manager

Maintenance:

Maintenance Director
Supervisors
Mechanics
Specialists
Service Attendants/Cleaners
Service Attendant/Cleaner Supervisor
Maintenance Trainer
Electronics Technician
Fleet Reliability Manager
Quality Assurance Tech
Maintenance Manager
Attachment B
Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use
- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stupor(oust) condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects
The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass] over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed “alcoholic”)
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

Social Issues
- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
Attachment B
Alcohol Fact Sheet (continued)

• Forty percent of family court cases are alcohol problem related.
• Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
• More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

The Annual Toll

• 24,000 people will die on the highway due to an impaired driver.
• 12,000 more will die on the highway due to the alcohol-affected driver.
• 15,800 will die in non-highway accidents.
• 30,000 will die due to alcohol-related liver disease.
• 10,000 will die due to alcohol-induced brain disease or suicide.
• Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues

• It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
• Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
• A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.