



**AGENDA
REGULAR MEETING
LOCAL TRANSPORTATION AUTHORITY**

DATE: Thursday, March 19, 2026
4:00 P.M.

LOCATION: County Board of Supervisors Chambers
481 Fourth Street
Hollister, CA 95023

DIRECTORS: Ignacio Velazquez, Chair (County of San Benito)
Roxanne Stephens, Vice-Chair (City of Hollister)
Jackie Morris-Lopez (City of San Juan Bautista)
Rolan Resendiz (City of Hollister)
Kollin Kosmicki (County of San Benito)

ALTERNATES: San Benito County: Dom Zanger
City of San Juan Bautista: Scott Freels
City of Hollister: Rudy Picha

NOTICE OF PROCEDURES FOR LOCAL TRANSPORTATION AUTHORITY MEETINGS

The meeting will be available through Zoom, for those who wish to join or require accommodations.

Members of the public may participate remotely via Zoom at the following link: <https://zoom.us/join> with the following: Webinar ID: 844-7950-3207 and Passcode: 274069

*Those participating by phone who would like to make a comment can use the "raise hand" feature by dialing "*9" (star-nine) . In order to receive full Zoom experience, please make sure your application is up to date.*

Remote Zoom participation for members of the public is provided for convenience only. In the event that the Zoom connection malfunctions for any reason, the COG Board of Directors reserves the right to conduct the meeting without remote access.

*Persons who wish to address the Board of Directors must complete a Speaker Card and give it to the Clerk prior to addressing the Board. Those who wish to address the Board on an agenda item will be heard when the Chairperson calls for comments from the audience. Following recognition, persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the Public Comment portion of the agenda item will be closed. **The opportunity to address the Board of Directors on items of interest not appearing on the agenda will be provided during Section 3. Public Comment.***

1. CALL TO ORDER

2. Verification of Certificate of Posting

3. Public Comment: *(Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Sec. 54954.2. Speakers are limited to 3 minutes.)*

CONSENT AGENDA:

(These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Members of the public who wish to speak on a Consent Agenda item must submit a Speaker Card to the Clerk and wait for recognition from the Chairperson. Approval of a consent item means approval as recommended on the Staff Report.)

4. APPROVE Local Transportation Authority Regular Meeting Action Minutes Dated February 19, 2026 – Gomez
5. FY25-26 Mid-Year Budget Report – Aceves
 - a. RECEIVE FY 25-26 Mid-Year Budget Report
 - b. APPROVE Budget Adjustments for 25-26-02- and 25-26-04
6. CEQA Finding and Filing for Bus and Bus Facilities Project – Arreola
 - a. Find that the San Benito County Local Transportation Authority's (LTA) Bus and Bus Facilities Project is Exempt Under the California Environmental Quality Act (CEQA).
 - b. APPROVE the LTA Bus and Bus Facilities Project, as Defined in the Notice of Exemption (NOE).
 - c. DIRECT Staff to File the NOE with the County Clerk.

ACTION ITEMS:

7. ADOPT Resolution 2026-01 Accepting, Approving, and Adopting the San Benito County Local Transportation Authority's Updated Drug and Alcohol Testing Policy – Arreola

INFORMATION ITEMS:

8. RECEIVE Update on the SBOCG/LTA's Joint Effort with Gavilan College's Administration Department on Efforts to Pursue Funding for a New LTA Transit Service to the Gavilan College Campus in Hollister – Aceves

Adjourn to LTA Meeting on April 16, 2026. Agenda deadline is March 31, 2026, at 12:00 p.m.

In compliance with the Americans with Disabilities Act (ADA), if requested, the Agenda can be made available in appropriate alternative formats to persons with a disability. If an individual wishes to request an alternative agenda format, please contact the Clerk of the Council four (4) days prior to the meeting at (831) 637-7665. The Local Transportation Authority Board of Directors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 637-7665 at least 48 hours before the meeting to enable the Council of Governments to make reasonable arrangements to ensure accessibility.

Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM. on the Wednesday prior to the Board meeting to the Secretary at monica@sanbenitocog.org, regardless of whether the matter is on the agenda. Every effort will be made to provide Board Members with your comments before the agenda item is heard.

Public Comment Guidelines

1. If participating on Zoom: once you are selected, you will hear that you have been unmuted. At this time, state your first name, last name, for the record.
2. The Council of Governments Board welcomes your comments.
3. Each individual speaker will be limited to a presentation total of three (3) minutes.
4. Please keep your comments brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have questions, contact the Council of Governments, and leave a message at (831) 637-7665 x. 201, or email monica@sanbenitocog.org.

CERTIFICATE OF POSTING

Pursuant to Government Code Section #54954.2(a) the Meeting Agenda for the Local Transportation Authority on March 19, 2026, at 4:00 P.M. was posted at the following locations freely accessible to the public:

The front entrance of the San Benito County Administration Building, 481 Fourth Street Hollister, CA 95023, and the Council of Governments Office, 650 San Benito St., Ste. 120, Hollister, CA 95023, at the following date and time:

On the 13th day of March 2026, on or before 5:00 P.M.

The meeting agenda was also posted on the Council of San Benito County Governments website, www.sanbenitocog.org, under Meetings, LTA Board, Meeting Schedule

I, Monica Gomez, swear under penalty of perjury that the foregoing is true and correct.

Monica Gomez

BY: _____
Monica Gomez, Secretary II
Council of San Benito County Governments

San Benito County
LOCAL TRANSPORTATION AUTHORITY
REGULAR MEETING
Board of Supervisors Chambers, 481 Fourth Street, Hollister, CA 95023, Zoom Platform
February 19, 2026, at 4:00 P.M.

ACTION MINUTES

MEMBERS PRESENT:

Chair Ignacio Velazquez, Vice Chair Roxanne Stephens, Director Jackie Morris-Lopez, Director Kollin Kosmicki, Alt. Director Rudy Picha.

MEMBERS ABSENT:

Director Rolan Resendiz.

STAFF PRESENT:

Executive Director; Binu Abraham, Office Assistant; Griselda Arevalo; Secretary; Monica Gomez, SBOOG Legal Counsel; Osman Mufti (via-Zoom).

1. CALL TO ORDER:

Chair Velazquez called the meeting to order at 6:06 p.m.

2. CERTIFICATE OF POSTING

Motion made to acknowledge Certificate of Posting:

Motion: Director Kosmicki Second: Director Stephens

Motion carried: 5/0

Yes: Velazquez, Stephens, Kosmicki, Morris-Lopez, Alt. Picha

No: None

Recused: None

Abstention: None

3. Public Comment: *(Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Sec. 54954.2. Speakers are limited to 3 minutes.)*

There was no public comment.

CONSENT AGENDA:

(These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Members of the public who wish to speak on a Consent Agenda item must submit a Speaker Card to the Clerk and wait for recognition from the Chairperson. Approval of a consent item means approval as recommended on the Staff Report.)

4. APPROVE Local Transportation Authority Regular Meeting Action Minutes Dated January 15, 2026 – Gomez

There was no public comment on the Consent Agenda.

Motion made to approve the Consent Agenda Item 4:

Motion: Director Kosmicki Second: Director Morris-Lopez

Motion carried: 5/0

Yes: Velazquez, Stephens, Morris-Lopez, Kosmicki, Alt. Picha

No: None

Recused: None

Abstention: None

ACTION ITEMS

5. FY 24-25 Year End Budget Report – Aceves

a. RECEIVE FY 24-25 Year End Budget Report

b. APPROVE Budget Adjustments 24-25-06 and 24-25-10

Executive Director Abraham reported on the Fiscal Year 24-25 year end Budget Report, provided an overview of budget adjustments 24-25-06 and 24-25-10.

There was no public comment.

Motion made to Approve Item 5 b.:

Motion: Director Morris-Lopez Second: Director Picha

Motion carried: 5/0

Yes: Velazquez, Stephens, Morris-Lopez, Kosmicki, Picha

No: None

Recused: None

Abstention: None

ADJOURNMENT:

There being no further business to discuss, Director Kosmicki motioned to adjourn at 6:09 p.m.

Motion seconded by Director Stephens.

Motion carried: 5/0

Yes: Velazquez, Stephens, Morris-Lopez, Kosmicki, Alt. Picha

No: None

Recused: None

Abstention: None

ADJOURN TO LTA MEETING MARCH 19, 2026, AT 4:00 P.M.



STAFF REPORT

Consent

Prepared By: Norma Aceves, Administrative Services Specialist

Subject: FY 25-26 Mid-Year Budget Report

Agenda Item No. 5

Approved By: Binu Abraham, Executive Director

Meeting Date: March 19, 2026

Recommendation:

- a. Receive FY 25-26 Mid-Year Budget Report
- b. Approve Budget Adjustments for 25-26-02 and 25-26-04.

Summary:

The Mid-Year Budget Report summarizes revenues and expenditures as of December 31, 2025.

Background/ Discussion:

Staff have prepared a mid-year budget report on the fiscal performance of the Local Transportation Authority (LTA), summarizing revenues and expenditures for the Board's review. The attached report outlines financial activity for Fiscal Year (FY) 2026, covering the period from July 1, 2025, through December 31, 2025.

Throughout the year, staff conduct quarterly reviews and analyses of the Trial Balances to identify and correct any errors. Following these reviews, staff prepare a budget report and evaluates whether budget adjustments or transfers are needed to align the budget with actual revenues and expenditures.

Staff have completed a review of the LTA accounts as part of the midyear budget review. All accounts are in good standing, with anticipated revenues budgeted for the fiscal year coming in as planned. Expenditures across all accounts are tracking in line with the Board-approved budget. At this time, two budget adjustments are needed. Details for each adjustment are provided below.

Financial Impact:

The following budget adjustments are attached for the Boards review and approval:

PTM/SEA- As discussed at the November 2025 Board Meeting, this budget adjustment will roll over prior year funds to cover remaining invoices related to the LTA/ SBOOG Office Relocation project.

LTA County Express- As discussed at the November 2025 Board Meeting, this budget adjustment will roll over prior year funds to cover remaining invoices related to the LTA/ SBOOG Office Relocation project.

Attachment:

1. Budget Adjustments 25-26-02 and 25-26-04
2. FY25-26 Mid-Year Budget Report

**Council of San Benito County Governments
BUDGET ADJUSTMENT/TRANSFER**

25-26-02

Please Indicate Type:

Fiscal Year: 2025-2026☒**Appropriation/Est. Revenue Increase**

(Requires Board Approval)

Department: PTMISEA☐Org Key: 628.95.7400☐**Interdepartmental Transfer or
Interobject Transfer >\$50,000**

(Requires Board Approval)

☐**Interobject Transfer <\$50,000**

(Requires Executive Director and Admin Ser Spe)

☐**Intraobject Transfer**

(Requires Executive Director)

<u>Org Key:</u>	<u>Object No:</u>	<u>Description</u>	<u>Decrease/ Rev. Increase</u>	<u>Increase</u>
628.95.7400	340.101	Fund Balance Assigned	\$ -	\$ 61,363.00
628.95.7400	619.268	Special Department Expense- PTMISEA	\$ 61,363.00	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
Total			\$ 61,363.00	\$ 61,363.00

Comments: As discussed at the November 2025 Board meeting, this budget adjustment rolls over prior-year funds to cover remaining invoices related to the SCLTA/SBCOG Office Relocation project.

Submitted: Norma Aceves 1/27/2026
Date

Verification of
Sufficient Funds: *Norma Aceves* 1/27/2026
Administrative Services Specialist Date

Approval: *Brian Abraham* 3/10/2026
Executive Director Date

Approval by COG Board _____
Date

Attested: _____
Clerk of the Board: _____ Vote: _____ Yes _____ No

25-26-04

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(Requires Executive Director)

Local Transportation Authority- CE (627.7320)
Second Quarter Budget Report
FY 2025/26

FISCAL SUMMARY	Budgeted FY 25/26	Actual as of 12/31/2026	Balance FY 25/26	Projected % 50%	Actual %
<u>EXPENDITURES</u>					
Salaries & Benefits	367,047	151,007	216,040	50%	41.14%
Services & Supplies	381,569	37,634	343,935	50%	9.86%
Contracts	2,378,481	1,031,688	1,346,793	50%	43.38%
Capital	67,850	1,720	66,130	50%	2.54%
Other	-	-	-	50%	
TOTAL EXPENDITURES	\$3,194,947	1,222,049	\$1,972,898	50%	38.25%
<u>REVENUES</u>					
Revenues	3,194,947	1,692,695	(1,502,252)	50%	52.98%
Operating Transfers	-	-	-	-	-
TOTAL REVENUE	\$3,194,947	\$1,692,695	(1,502,252)	50%	52.98%
TOTAL FUND BALANCE	\$0	\$470,646			
	Equip. Trf	\$470,646			

Local Transportation Authority- CE (627.7320)

Second Quarter Budget Report

FY 2025/26

REVENUE & EXPENDITURES

REVENUES Category	Budgeted FY 25/26	Revenues 12/31/2026	Balance FY 25/26	Projected % 50%	Actual %
541.003 FMV Adjustment	-	-	-		
541.001 Interest	6,000		(6,000)		
551.113 Mis (FTA 5311 Operating Assistance)			-	50%	
551.113 FTA 5310 (Out of county med.)			-	50%	
551.113 FTA 5310 (Traditional)			-		
551.401 Low Carbon Transit Operations Program	172,900		(172,900)	50%	0.00%
551.113 STA SB1			-	50%	
551.113 FTA 5304 Sustainable Communities (SRTP)			-		
576.012 SGR Transfer In			-	50%	
556.301 FTA 5311	500,000		(500,000)		
556.301 FTA					
576.012 Transfer from Trust SGR	67,850		(67,850)		
562.803 County Express Fares	115,000	50,478	(64,522)	50%	43.89%
570.001 Other Rev Other Sales Ad Space	1,000	1,957	957	50%	195.70%
570.003 Other Rev Sales Revenue Sales of FA	2,000	-	(2,000)	50%	0.00%
576.012 Transfer from Trust STA	689,937		(689,937)	50%	0.00%
576.012 Transfer from Trust LTF	1,640,260		-	50%	100.00%
TOTAL	3,194,947	1,692,695	(1,502,252)	50%	52.98%
		\$1,250,286	GL Total 8/25/25		

EXPENDITURES Category	Budgeted FY 25/26	Expenses 12/31/2026	Balance FY 25/26	Projected % 50%	Actual %
Personnel					
610.101 Salaries	367,047	151,007	216,040	50%	41.14%
Total	367,047	151,007	216,040	50%	41.14%
Services and Supplies					
619.126 Magazines and Subscriptions			-	50%	
619.130 Clothing and Safety		503	1,397	50%	26.47%
619.132 Communications	1,900		5,976	50%	0.00%
619.138 Computer Maintenance	375	57	318	50%	15.20%
619.140 Computer Supplies	225		225	50%	0.00%
619.142 Computer Hardware	375		375	50%	0.00%
645.701 General Insurance	16,257		16,257	50%	0.00%
619.152 Maintenance of Equipment	85,000	25,425	59,575	50%	29.91%
619.154 Maintenance of Equip - Oil and Gas	225,000	3,887	221,113	50%	1.73%
619.158 Maint of Structures and Grounds	3,000	3,887	(887)	50%	129.57%
619.280 Marketing x	4,500	1,722	2,778	50%	38.27%
619.166 Membership Duesx	750		750	50%	0.00%
619.172 Postage and Delivery x			-	50%	
619.174 Supplies x	150		150	50%	0.00%
619.176 Special Project Supplies x			-	50%	
619.180 Public and Legal Notices			-	50%	
619.190 Small Tools x	150		150	50%	0.00%
619.194 Training			-	50%	
619.196 Travel Lodging x			-	50%	
619.200 Travel Transportation			-	50%	
619.202 Gas and Oil			-		
619.210 Professional Service - Legalx	7,500	998	6,502	50%	13.31%
619.268 Special Dept Expense - Other	10,000	1,155	8,845	50%	11.55%
649.101 Cost Plan	20,411		20,411	50%	0.00%
Total	381,569	37,634	343,935	50%	9.86%
Contracts					
619.250 Special Dept Exp-Contracts	21,250	30,752	(9,502)	50%	144.72%
619.250 Special Dept Exp - CE Contract	2,357,231	1,000,936	1,356,295	50%	42.46%
Total	2,378,481	1,031,688	1,346,793	50%	43.38%
Capital					
650.207 Fixed Assets	67,850	1,720	66,130	50%	2.54%
650.312 Depreciation Exp			-	0%	
Total	67,850	1,720	66,130	50%	2.54%
Total	-	-	-	-	-
TOTAL	3,194,947	1,222,049	1,972,898	50%	38.25%

*Not included are liabilities (compensated absences and depreciation expenses)

25-26-04 Budget Adjustments	
576.012 Transfer from Trust SGR	67,850
650.207 Fixed Assets	67,850

Local Transportation Authority- ST (627.7321)
Second Quarter Budget Report

FY 2025/26

FISCAL SUMMARY	Budgeted FY 25/26	Actual as of 12/31/2025	Balance FY 25/26	Projected % 50%	Actual %
<u>EXPENDITURES</u>					
Salaries & Benefits	122,349	50,335	72,014	50%	41.14%
Services & Supplies	74,168	11,875	62,293	50%	16.01%
Contracts	424,384	269,145	155,239	50%	63.42%
Capital	-	-	-	50%	
Other	-	-	-	50%	
TOTAL EXPENDITURES	\$620,901	331,355	\$289,546	50%	53.37%
<u>REVENUES</u>					
Revenues	620,901	611,697	(3,204)	50%	98.52%
Operating Transfers	-	-	-	-	-
TOTAL REVENUE	\$620,901	\$611,697	(\$3,204)	50%	98.52%
TOTAL FUND BALANCE	\$0	\$280,342			
	Equip. Trf	\$280,342			

Local Transportation Authority- ST (627.7321)

Second Quarter Budget Report

FY 2025/26

REVENUE & EXPENDITURES

REVENUES		Budgeted	Revenues	Balance	Projected %	Actual %
Category		FY 25/26	12/31/2025	FY 25/26	50%	
551.113	FTA 5310 (Out of county med.)	-		-	#REF!	
551.113	FTA 5310 (Traditional)	-				
541.001	Interest	6,000				
562.803	ST Fares	6,000	2,796	(3,204)	50%	46.60%
570.003	Other Rev Sales Revenue Sales of FA	-		-	50%	
576.012	Transfer from Trust LTF	608,901	608,901	-	50%	100.00%
TOTAL		620,901	611,697	(3,204)	50%	98.52%

EXPENDITURES		Budgeted	Expenses	Balance	Projected %	Actual %
Category		FY 25/26	12/31/2025	FY 25/26	50%	
Personnel						
610.101	Salaries	122,349	50,335	72,014	50%	41.14%
Total		122,349	50,335	72,014	50%	41.14%
Services and Supplies						
619.130	Clothing and Safety	700	177	523	50%	25.29%
619.132	Communications			-	50%	
619.138	Computer Maintenance	125		125	50%	0.00%
619.140	Computer Supplies	75	19	56	50%	25.33%
619.142	Computer Hardware	125		125	50%	0.00%
619.152	Maintenance of Equipment	10,000	6,771	3,229	50%	67.71%
619.154	Maintenance of Equip - Oil and Gas	40,000	2,814	37,186	50%	7.04%
619.158	Maint of Structures and Grounds	1,000	1,296	(296)	50%	129.60%
621.503	Maint of Equipment - Auto			-		
619.166	Membership Duesx	250		250	50%	0.00%
619.172	Postage and Delivery x			-	50%	
619.174	Supplies x	50		50	50%	0.00%
619.176	Special Project Supplies x			-	50%	
619.178	Treasurer Charges			-	50%	
619.180	Public and Legal Notices			-	50%	
619.190	Small Tools x	50		50	50%	0.00%
619.194	Training			-	50%	
619.196	Travel Lodging x			-	50%	
619.202	Gas and Oil			-	50%	
619.200	Travel Transportation			-	50%	
619.210	Professional Service - Legalx	2,500	184	2,316	50%	7.36%
619.268	Special Dept Expense - Other	5,570	347	5,223	50%	6.23%
619.268				-		
619.268				-		
619.280	Marketing x	1,500	267	1,233	50%	17.80%
649.101	Cost Plan	6,804		6,804	50%	0.00%
645.701	General Insurance	5,419		5,419	50%	0.00%
Total		74,168	11,875	62,293	50%	16.01%
Contracts						
619.250	Special Dept Exp- Contracts	6,750	2,851	3,899	50%	42.24%
619.250	Special Dept Exp - Contracts TD	417,634	266,294	151,340	50%	63.76%
Total		424,384	269,145	155,239	50%	63.42%
Capital						
650.301	Automobiles, Trucks, Vans	-	-	-	50%	
650.312	Depreciation Exp	-		-	0%	
Total		-	-	-	50%	
Total		-	-	-		
TOTAL		620,901	331,355	289,546	50%	53.37%

PTMISEA (628.7400)
Second Quarter Budget Report
FY 2025/26

FISCAL SUMMARY	Budgeted FY 25/26	Actual as of 12/31/2025	Balance FY 25/26	Projected % 50%	Actual %
<u>EXPENDITURES</u>					
Salaries & Benefits	-	-	-		
Services & Supplies	61,363	3,534	57,829	50%	5.76%
Contracts	-	-	-		
Capital	-	-	-		
Other	-	-	-		
TOTAL EXPENDITURES	\$61,363	\$3,534	\$57,829	50%	5.76%
<u>REVENUES</u>					
Revenues	61,636	61,636	(0)	50%	100%
Operating Transfers	-	-	-		
TOTAL REVENUE	\$61,636	\$61,636	(\$0)	50%	100%
TOTAL FUND BALANCE	\$273	\$58,102			

PTMISEA (628.7400)
Second Quarter Budget Report
FY 2025/26

REVENUE & EXPENDITURES

REVENUES		Budgeted	Revenues	Balance	Projected %	Actual %
Category		FY 25/26	12/31/2025	FY 25/26	50%	
541.001	Interest Revenue			-	50%	#DIV/0!
551.401	FMV Adjustment			-	50%	0.00%
551.401	PTMISEA (Prop B) (carryover PY)			-	50%	0.00%
551.401	OES (Carryover Prop 1B Grants)			-	50%	0.00%
	Fund Balance (carryover previous years)	61,636	61,636	(0)	50%	0.00%
570.011	PTMISEA (Prior Yr)			-	50%	0.00%
570.011	OES (State) (Prior Yr)			-	50%	0.00%
TOTAL		61,636	61,636	(0)	50%	100%

EXPENDITURES		Budgeted	Expenses	Balance	Projected %	Actual %
Category		FY 25/26	12/31/2025	FY 25/26	50%	
Personnel						
610.101	Salaries		0	-		
Total			-	-		
Services and Supplies						
619.126	Magazines and Subscriptions			-		
619.132	Communications			-		
619.138	Computer Maintenance			-		
619.140	Computer Supplies			-		
619.152	Maintenance of Equipment			-		
619.154	Maintenance of Equip- Oil and Gas			-		
619.158	Maintenance of Structures & Grounds			-		
619.166	Membership Dues			-		
619.168	Office Furniture under \$700			-		
619.170	Office Equipment under \$300			-		
619.172	Postage and Delivery			-		
619.174	Supplies			-		
619.176	Special Project Supplies - Printing			-		
619.180	Public and Legal Notices			-		
619.184	Rent Equipment			-		
619.186	Rent Structures			-		
619.188	Rent Space			-		
619.190	Small Tools			-		
619.194	Training			-		
619.198	Travel Meals			-		
619.200	Travel Transportation			-		
619.210	Legal			-		
619.222	Other Consultants			-		
619.268	Special Dept Expense - PTMISEA	61,363	3,534	57,829	50%	5.76%
619.268	Special Dept Expense - OES			-	50%	
619.306	Utilities			-		
645.701	General Insurance			-		
Total		61,363	3,534	57,829	50%	5.76%
Contracts						
623601	Special Dept Expense - Contracts	-		-		
Total		-	-	-		
Capital						
650.301	Automobiles, Trucks, Vans			-		
650.302	Equipment other than Computer			-		
650.303	Computer Hardware			-		
650.304	Furniture & Fixtures(Bus Stop Shelters)			-		
Total		-	-	-		
Other						
670.000	Trf Out Other Funds			-		
670.000	Interfund Trf			-		
TOTAL		61,363	3,534	57,829	50%	5.76%

25-26-02	Budget Adjustments	
340.101	Fund Balance Assigned	61,363
619.268	Special Dept. Expense -PTMISEA	61,363

STAFF REPORT

Consent

Prepared By: Myranda Arreola,
Transportation Planner

Subject: CEQA Finding and Filing for Bus and
Bus Facilities Project

Agenda Item No. 6

Approved By: Binu Abraham, Executive Director

Meeting Date: March 19, 2026

Recommendation:

- a. Find that the San Benito County Local Transportation Authority's (LTA) Bus and Bus Facilities Project is exempt under the California Environmental Quality Act (CEQA)
- b. Approve the LTA Bus and Bus Facilities Project, as defined in the Notice of Exemption (NOE)
- c. Direct staff to file the NOE with the County Clerk

Summary:

The LTA's Bus and Bus Facilities Project will replace LTA's aging revenue vehicles and purchase vehicle maintenance equipment. Staff determined the project is categorically exempt from CEQA under sections 15301 Class 1 and 15302 Class 2. Staff recommend the Board approve the project and direct staff to file the NOE with the County Clerk.

Background/ Discussion:

The proposed bus and bus facilities project consists of replacing LTA's aging vehicles and purchasing maintenance equipment necessary to sustain safe, reliable, and efficient transit operations. In addition, the project helps ensure that LTA maintains an adequate spare vehicle ratio to meet operational needs and service reliability standards.

LTA staff reviewed the project and determined that it is categorically exempt from CEQA under Title 14 of the California Code of Regulations, Section 15301 Class 1 and Section 15302 Class 2. The Class 1 exemption allows for minor alteration of existing public or private structures, facilities, or mechanical equipment. The Class 2 exemption allows for the replacement or reconstruction of existing structures or facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

When the LTA Board considers the environmental findings, staff recommend approving the CEQA determination, approving the project, and directing staff to file the NOE with the County Clerk to document CEQA compliance for the project.

Financial Impact:

None.

Attachments:

1. Bus and Bus Facilities Project - NOE

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: San Benito

481 Fourth Street, 1st Floor

Hollister, CA 95023

From: (Public Agency): San Benito County Local Transportation Authority

650 San Benito Street, Suite 120

Hollister, CA 95023

(Address)

Project Title: Bus and Bus Facilities

Project Applicant: San Benito County Local Transportation Authority

Project Location - Specific:

The project is located at 3240 Southside Road, Hollister, CA 95023

Project Location - City: Hollister Project Location - County: San Benito

Description of Nature, Purpose and Beneficiaries of Project:

The purpose of the project is to replace the San Benito County Local Transportation Authority's public transit vehicles that have reached their useful life and purchasing vehicle maintenance equipment. This will ensure the LTA sustains safe, reliable, and efficient transit operations.

Name of Public Agency Approving Project: San Benito County Local Transportation Authority

Name of Person or Agency Carrying Out Project: San Benito County Local Transportation Authority

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Class 1, Section 15301; Class 2, Section 15302
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Class 1 allows for minor alteration of existing public or private structures. Class 2 allows for replacement or reconstruction of existing structures or facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

Lead Agency

Contact Person: Myranda Arreola

Area Code/Telephone/Extension: (831) 637-7665 ext. 206

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

▪ Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



STAFF REPORT

Action

Prepared By: Myranda Arreola

Subject: Drug & Alcohol Testing Policy
Updates

Agenda Item No. 7

Approved By: Binu Abraham, Executive Director

Meeting Date: March 19, 2026

Recommendation:

ADOPT Resolution 2026-01 Accepting, Approving, and Adopting the San Benito County Local Transportation Authority's Updated Drug and Alcohol Testing Policy.

Summary:

To be eligible for Federal Transit Administration (FTA) Section 5311 operating assistance funds through Caltrans, subrecipients, such as the San Benito County Local Transportation Authority (LTA), must establish and implement anti-drug and alcohol misuse testing programs. Additionally, because the LTA uses a contractor as the transportation provider, Caltrans requires the Board to accept the Drug and Alcohol Testing Policy for Transdev Services, Inc.

Background/ Discussion:

To be eligible for Federal Transit Administration (FTA) Section 5311 operating assistance funds through Caltrans, the LTA must establish and implement anti-drug and alcohol misuse testing programs. The LTA Board previously approved and adopted a Drug and Alcohol Testing Policy in 2012, 2016, and 2018 to bring the LTA into compliance with FTA and Caltrans rules and regulations at that time.

Staff has updated the LTA's Drug and Alcohol Testing Policy to remain in compliance with FTA drug and alcohol testing regulations, as set forth in 49 CFR Part 655, as amended, and 49 CFR Part 40, as amended, to maintain eligibility for FTA Section 5311 funding. Since the LTA uses a contractor as the transportation provider, Caltrans requires the Board to accept the Drug and Alcohol Testing Policy for Transdev Services, Inc.

Staff is requesting that the Board adopt resolution 2026-01, accepting, approving and adopting the LTA's updated policy, as well as the policy for Transdev Services, Inc., attached to the resolution.

Financial Impact:

The FTA Section 5311 Program funding amount of \$541,540 was identified in the FY25-26 budget. Lack of approval could result in a lapse of funding.

Attachments:

1. Resolution 2026-01
 - a. Exhibit A: LTA Updated Drug and Alcohol Testing Policy
 - b. Exhibit B: Transdev Services, Inc. Drug and Alcohol Testing Policy

BEFORE THE SAN BENITO COUNTY LOCAL TRANSPORTATION AUTHORITY

A RESOLUTION OF THE SAN BENITO COUNTY)
LOCAL TRANSPORTATION AUTHORITY ACCEPTING,) Resolution No. 2026-01
APPROVING AND ADOPTING THE LOCAL)
TRANSPORTATION AUTHORITY'S UPDATED DRUG)
AND ALCOHOL TESTING POLICY)

WHEREAS, the San Benito County Local Transportation Authority (LTA) is a subrecipient through the California Department of Transportation (Caltrans) of Federal Transit Administration (FTA) Section 5311 funds; and

WHEREAS, LTA desires to comply with federal regulations of 49 CFR Part 40 and Part 655 requiring recipients of FTA Section 5311 funds establish and implement anti-drug and alcohol misuse testing programs; and

WHEREAS, the LTA is required to update its Drug and Alcohol Testing Policy developed by staff, attached hereto and incorporated herein by reference as Exhibit A, in order to comply with the necessary provisions of the FTA and Caltrans as a subrecipient of FTA Section 5311 funds; and

WHEREAS, Transdev Services, Inc. provides transit services as the Contracted Operator of San Benito County Express and Specialized Transportation, and has an updated Drug and Alcohol Testing Policy issued Month Year, attached hereto and incorporated herein by reference as Exhibit B.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the LTA, that it hereby accepts, approves and adopts the updated Drug and Alcohol Testing Policy (Exhibit A).

BE IT FURTHER RESOLVED by the Board of Directors of the San Benito County Local Transportation Authority, that it hereby accepts the updated Drug and Alcohol Testing Policy of Transdev Services, Inc., which provides transit services as the Contracted Operator of San Benito County Express and Specialized Transportation (Exhibit B).

PASSED AND ADOPTED BY THE SAN BENITO COUNTY LOCAL
TRANSPORTATION AUTHORITY ON THIS 19TH DAY OF March 2026 BY THE FOLLOWING
VOTE:

AYES:

NOES:

ABSTAINING:

ABSENT:

Ignacio Velazquez, Chair

APPROVED AS TO LEGAL FORM:

Dated: 3/12/2026

By: 
Osman I. Mufti, SBCOG Counsel

ATTEST:
Binu Abraham, Executive Director

Dated: _____

By: _____



Drug and Alcohol Testing Policy

Effective March 19, 2026

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A. PURPOSE

- 1) The San Benito County Local Transportation Authority (LTA) provides public transit and paratransit services for the residents and visitors of San Benito 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, LTA declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees. Any employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify the LTA Executive Director or Drug and Alcohol Program Manager in writing no later than five days after such conviction.
- 2) This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.
- 3) In addition, the Department of Transportation (DOT) published 49 CFR Part 32, implementing the Drug-Free Workplace Act (DFWA) of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. The purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the DFWA, 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 FTA, of the DOT, 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 DOT has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 4) All covered employees are required to submit drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655. Employees must abide by the terms of this policy as a condition of employment.
- 5) Any provisions set forth in this policy that are included under the sole authority of LTA and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of LTA will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all employees (full- or part-time), applicants, or transferees, who perform or will perform a "safety-sensitive function" as defined in Part 655, section 655.4. See Attachment A for a list of employees and the authority under which they are included.

A safety-sensitive function is operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Drivers 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 who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if

they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

C. DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. 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 or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol..

Alcohol Concentration: The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

Alcohol screening device (ASD): A breath or saliva device, other than an EBT that is approved by the National Highway Traffic Safety Administration (NHTSA) and appears on ODAPC's web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids" because it conforms to the model specifications from NHTSA.

Alcohol screening test: An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Alcohol testing site: A place selected by the employer where employees present themselves for the purpose of providing breath or saliva for an alcohol test.

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

Aliquot: A fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

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

San Benito Local Transportation Authority FTA Drug & Alcohol Testing Policy

Cancelled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be canceled. A canceled test is neither positive nor negative.

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

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Cutoff: The analytical value (e.g., drug or drug metabolite concentration) used as the decision point to determine a result (e.g., negative, positive, adulterated, invalid, or substituted) or the need for further testing.

Covered Employee Under FTA Authority: 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).

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655. Service agents cannot act as DERs.

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

Disabling damage: 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.

DOT, The Department, DOT agency: These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of this part, the United States Coast Guard (USCG) in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes only since the USCG regulation does not incorporate Part 40 for its alcohol testing program. These terms include any designee of a DOT agency.

Drugs: The drugs for which test are required under this part and DOT agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opioids.

Evidential Breath Testing Device (EBT): A device that is approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentration and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

San Benito Local Transportation Authority FTA Drug & Alcohol Testing Policy

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

Initial Drug Test (Screening Drug Test): The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting standards set by HHS; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which the analyte can be identified.

Limit of Quantitation (LOQ): For quantitative assays, the lowest concentration at which the identity and concentration of the analyte (e.g., drug or drug metabolite) can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Non-negative specimen: A specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), and/or invalid.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): 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 result: The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Reconfirmed: The result reported for a split (Bottle B) specimen when the second HHS-certified laboratory is able to corroborate the original result reported for the primary (Bottle A) specimen.

Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service.

Safety-sensitive functions: means any of the following duties, when performed by employees of recipients, subrecipients, operators, or contractors:

San Benito Local Transportation Authority FTA Drug & Alcohol Testing Policy

- 1) The operation of a revenue service vehicle even when the vehicle is not in revenue service.
- 2) 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 Drivers License (CDL).
- 3) Controlling dispatch or movement of a revenue service vehicle;
- 4) Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service.
- 5) Controlling the movement of a revenue service vehicle and
- 6) Carrying a firearm for security purposes.

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed marriage and family therapist, or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse (ICRC) or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC)) who evaluates employees who have violated DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Substituted specimen: A employee's specimen not consistent with a normal human specimen, as determined by HHS (e.g., a urine specimen with creatinine and specific gravity values that are so diminished, or so divergent that they are not consistent with normal human urine.

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

- 1) Fail to appear for any test (excluding pre-employment) within a reasonable time, as determined by the LTA, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA;
- 2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test. The collector, BAT, or STT is not required to inform an employee that the failure to remain at the collection site is a refusal. If an employee leaves prior to the completion of the testing process, per Part 40 the employer must decide whether the employee's actions constitute a refusal; Fail to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test. The collector, BAT, or STT is not required to inform an employee that the failure to remain at the collection site is a refusal. If an employee leaves prior to the completion of the testing process, per Part 40 the employer must decide whether the employee's actions constitute a refusal;
- 3) In the case of a directly observed or monitored urine collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen.
- 4) Fail to provide a sufficient amount of specimen when directed, and it has been determined, through

San Benito Local Transportation Authority FTA Drug & Alcohol Testing Policy

a required medical evaluation, that there was no adequate medical explanation for the failure.

- 5) Fails or declines to take a second test the LTA or collector has directed you to take.
- 6) Fail to undergo a medical examination or evaluation, as directed by the MRO or as directed by the LTA's Designated Employer Representative (DER) as **part** of the "shy bladder" or "shy lung" procedures outlined in Part 40. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test;
- 7) Fail to cooperate with any **part** of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector, fail to remove objects from mouth, fail to permit inspection of the oral cavity, or fail to complete a rinse when requested);
- 8) If the MRO reports that there is verified adulterated or substituted test result
- 9) Failure or refusal to sign Step 2 of the Alcohol Testing Form (ATF)
- 10) Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- 11) Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- 12) Admit to the collector or MRO that you adulterated or substituted the specimen.
- 13) Fails to remain readily available following an accident
- 14) As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
- 15) As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations. The consequences specified under DOT agency regulations for a refusal cannot be overturned or set aside by an arbitration, grievance, State court or other non-Federal forum that adjudicates the personnel decisions the employer has taken against the employee; As an employee, when you refuse to take a non-DOT test or to sign a non-DOT form, you have not refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a non-DOT test.

Verified negative test: 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: 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.

Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. 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.

D. EDUCATION AND TRAINING

- 1) 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.
- 2) 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.

E. PROHIBITED SUBSTANCES

- 1) Prohibited substances addressed by this policy include the following.
 - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body is a violation of this policy.

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA Authority be tested for marijuana, cocaine, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), 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 that they are on duty.
 - c. 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 LTA 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.
 - d. 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. A random or reasonable suspicion alcohol test can only 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 LTA authority, a non-DOT alcohol test can be performed any time a covered employee is on

F. PROHIBITED CONDUCT

- 1) All covered employees are prohibited from using prohibited drugs at all times, and from reporting for duty or remaining on duty while having used prohibited drugs, as defined in 49 CFR Part 655.
- 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.
- 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.
- 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 0.02 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.
- 7) LTA under its own authority also prohibits the consumption of alcohol at all times when employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all LTA employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the LTA management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q.10 of this policy.

H. TESTING REQUIREMENTS

- 1) Analytical drug testing and breath testing for alcohol will be conducted using the testing methodologies and cutoff values defined in 49 CFR Part, 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up.
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion and random alcohol test can be performed just before, during, or after the performance of a safety-sensitive job function. Under LTA authority, a non-DOT alcohol test can be performed any time an employee is on duty.

- 3) All covered safety-sensitive employees will be subject to drug testing and breath alcohol testing as a condition of ongoing employment with LTA. 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 of this policy.

I. DRUG TESTING PROCEDURES

- 1) 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 Services (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.
- 2) Drug testing will be conducted for substances required under 49 CFR Part 40, including marijuana metabolites, cocaine metabolites, opioids, amphetamines (including methamphetamine and ecstasy), and phencyclidine (PCP). 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 test using a method authorized under 49 CFR Part 40 will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the test are above the minimum cutoff concentrations established in 49 CFR Part 40, as amended.
- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (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 the LTA Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM.
- 4) If the MRO determines that a recollection is required following an invalid result, the recollection will be conducted under direct observation in accordance with 49 CFR Part 40. Employees do not have access to a test of their split specimen following an invalid result.
- 5) 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 specimen be tested at a second laboratory. The split specimen test must be conducted at a second HHS-certified laboratory. 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 specimen will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split specimen 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

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the delay was due to documentable facts that were beyond the control of the employee. LTA will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample, however LTA will seek reimbursement for the split sample test from the employee.

- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled. If the split specimen is not available to analyze the MRO will direct LTA to retest the employee under direct observation.
- 7) 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 in accordance with 49 CFR Part 40. 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. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.
- 8) Observed collections
 - a. Consistent with 49 CFR part 40, as amended, collection under direct observation (by a person of the same gender of the employee) with no advance notice will occur if:
 - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to LTA that there was not an adequate medical explanation for the result;
 - ii. The MRO reports to LTA that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
 - iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen to you as negative-dilute and that a second collection must take place immediately, under direct observation as required by 49 CFR Part 40.
 - iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
 - v. The temperature on the original specimen was out of range;
 - vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
 - vii. All follow-up-tests; or
 - viii. All return-to-duty tests.

J. ALCOHOL TESTING PROCEDURES

- 1) 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 an Alcohol Screening Device which is also approved by NHTSA. 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 no sooner than 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 the DOT alcohol testing form (ATF) required by 49 CFR Part 40, 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.
- 2) 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 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 for at least eight hours or until the start of the employee's next regularly scheduled duty period, whichever occurs first. The employee will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 3) LTA affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If testing procedures are determined to be inconsistent with 49 CFR Part 40 such that the validity of the test is affected, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 4) The ATF required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure to sign the required certification on the ATF (Step 2) will be considered a refusal to submit to testing under 49 CFR Part 40.

K. PRE-EMPLOYMENT TESTING

- 1) All applicants for covered transit positions shall undergo pre-employment drug testing in accordance with 49 CFR Parts 655 and 40 prior to performance of a safety-sensitive function.
 - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results. All pre-employment alcohol tests will be conducted using the procedures set forth in 49 CFR Part 40.
 - b. An employee shall not be placed, transferred or promoted into a safety-sensitive position covered under FTA or company authority until the employee takes a drug test with verified negative results.
 - c. An alcohol test result of less than 0.02 is required before an employee can first perform

- d. If a pre-employment alcohol test is cancelled, the individual will be required to undergo another test with a result of less than 0.02 before performing safety-sensitive functions.
- e. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be referred to a SAP. Failure of a pre-employment drug test will disqualify an applicant for employment to a safety-sensitive position covered by FTA for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of Subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
- f. When an employee being placed, transferred, or promoted from a non-covered position to a safety-sensitive position covered under FTA or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.
- g. If a pre-employment test is canceled, LTA will require the applicant to take and pass another pre-employment drug test.
- h. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
- i. Following a negative dilute the employee will be required to undergo another test in accordance with 49 CFR Part 40. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO. Applicants are required (even if ultimately not hired) to provide LTA with signed written releases requesting FTA drug and alcohol records from all previous, DOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. LTA is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a DOT-covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a DOT-covered employer, the applicant must provide LTA proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of Subpart G.

L. REASONABLE SUSPICION TESTING

- 1) All LTA covered employees will be subject to a reasonable suspicion 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. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under LTA's authority, a non-DOT reasonable suspicion alcohol test may be performed any

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time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

- 2) LTA 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 suspected to have used a prohibited drug and/or engaged in alcohol misuse 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 or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.
- 3) 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 LTA.
- 4) 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 for assessment and treatment consistent with Section Q of this policy. LTA shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the LTA. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

M. POST-ACCIDENT TESTING

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

- 1) FATAL ACCIDENTS – As soon as practicable, all employees covered under FTA authority will be required to undergo drug and alcohol testing if they are involved in an accident with a transit revenue service vehicle, regardless of whether or not the vehicle is in revenue service, that results in a fatality. This includes all surviving covered employees that were operating the vehicle at the time of the accident and any other covered employee whose performance could have contributed to the accident, as determined by the LTA using the best information available at the time of the decision. Testing will be conducted in accordance with 49 CFR Parts 655 and 40.
- 2) NON-FATAL ACCIDENTS – As soon as practicable following an accident not involving the loss of a human life, drug and alcohol test will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:
 - a. The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
 - b. One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
 - c. The vehicle is a rail car, trolley car or bus, or vessel, and is removed from operation, unless

the covered employee can be completely discounted as a contributing factor to the accident

- d. In addition, any other covered employee whose performance could have contributed to the accident, as determined by the LTA using the best information available at the time of the decision, will be tested
- e. 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 of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two 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.
- f. Any covered employee required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident, or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.
- g. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
- h. 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.
- i. In the rare event that LTA is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), LTA 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

- 1) All covered employees will be subjected to random, unannounced and unpredictable testing. Employees covered under FTA authority will be selected from a pool of DOT-covered safety-sensitive employees. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of employees, such as a random number table or computer-based random number generator.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year meet or exceed the minimum annual percentage rate established each year by the FTA administrator. The current year testing rates can be viewed online at www.transportation.gov/odapc/random-testing-rates.
- 4) 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.

- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from any testing pool of non-safety sensitive employees that are included solely under LTA authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can be performed just before, during, or just after the performance of a safety sensitive duty. However, under LTA's authority, a non-DOT 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.
- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

O. RETURN-TO-DUTY TESTING

All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP 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. Any return-to-duty drug testing will be directly observed. All tests will be conducted in accordance with 49 CFR Part 40, Subpart O.

P. FOLLOW-UP TESTING

Covered employees will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty. The follow-up testing will be performed for a period of one (1) to five (5) years with a minimum of six (6) tests to be performed the first year. The type (drug and/or alcohol), number, frequency, and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. The duration of testing will be extended to account for any subsequent leaves of absence, as necessary. Follow-up testing should be frequent enough to deter and/or detect a relapse.

A covered employee may only be subject to follow-up alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be subject to follow-up drug testing anytime while on duty. All follow-up drug tests will be directly observed. All testing will be conducted in accordance with 49 CFR Part 40, Subpart O.

Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing. In the instance of a self-referral of a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

Q. RESULT OF DRUG/ALCOHOL TEST

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for assessment. No employee will be allowed to return to duty requiring the performance of safety-sensitive job functions without the approval of the SAP and the employer.
- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 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 and referral to an SAP. A test refusal includes the following circumstances:
 - a. 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
 - b. Fails to remain at the testing site until the testing process is complete
 - c. Fails to provide a urine or breath specimen for any drug or alcohol test required by 49 CFR Part 40 or DOT agency regulations
 - d. 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
 - e. 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
 - f. Fails or declines to take a second test the employer or collector has directed you to take
 - g. 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
 - h. 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)
 - i. If the MRO reports that there is verified adulterated or substituted test result
 - j. Failure or refusal to sign Step 2 of the alcohol testing form
 - k. Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
 - l. Possess or wear a prosthetic or other device that could be used to interfere with the collection process

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- m. Admit to the collector or MRO that you adulterated or substituted the specimen
- 4) For the first instance of a verified positive test from a sample submitted as the result of a random drug/alcohol test (0.04 BAC) or test refusal, the employee will be immediately removed from safety-sensitive duty. Disciplinary action against the employee shall include:
 - a. Mandatory referral to Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
 - b. Failure to execute or remain compliant with the return-to-work agreement shall result in termination from LTA employment.
 - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy.
 - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
 - d. A periodic unannounced follow-up drug/alcohol test which results in a verified positive test shall result in termination from LTA employment.
- 5) The second instance of a verified positive drug or alcohol (0.04 BAC) test result including a sample submitted under the random, reasonable suspicion, return-to-duty, or follow-up drug/alcohol test provisions herein shall result in termination from LTA employment.
- 6) A verified positive post-accident, or reasonable suspicion drug and/or alcohol (0.04) test shall result in termination.
- 7) An alcohol test result of 0.02 to 0.039 BAC shall result in the immediate removal of the employee from safety-sensitive duties for eight hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC. If the employee has an alcohol test result of 0.02 to 0.039 two or more times within a six-month period, the employee will be removed from duty and referred for assessment and treatment consistent with Section Q. of this policy.
- 8) The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the employee has successfully completed the required treatment program and has been released to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.
- 9) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
 - a. Mandatory referral for an assessment by an employer approved counseling professional, formulation of a treatment plan, and execution of a return to work agreement;
 - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in

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termination from LTA employment.

- i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy.
 - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.
 - d. A self-referral or management referral to the employer's approved counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q. of this policy.
 - e. Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q. of this policy.
 - f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with LTA.
 - g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- 10) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

R. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

S. PROPER APPLICATION

LTA 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

- 1) Drug/alcohol testing records shall be maintained by the LTA 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.
- 2) 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

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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 follow-up testing plans.

- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) 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 proceeding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over LTA or the employee.
- 10) 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
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

Attachment A

Job Title	Job Duties	Testing Authority
Supervising Mechanic	Under general direction, to supervise the daily operations of the shop and to perform a variety of skilled inspection, diagnosis, maintenance, servicing, and repair work on gas, natural gas, and diesel power driven equipment; and to do related work as required.	DOT LTA
Heavy Mechanic I	Under general direction, to perform a variety of skilled inspection, diagnosis, maintenance, servicing, and repair work on gas, natural gas, and diesel power driven equipment; and to do related work as required.	DOT LTA
Heavy Mechanic II	Under general supervision, to perform skilled work in repairing, overhauling and maintaining diesel and gasoline-powered automotive, road construction and maintenance equipment; and to do related work as required.	DOT LTA
Heavy Mechanic III	Under general supervision, to skillfully perform a variety of inspection, diagnosis, maintenance, servicing, and repair work on gas, propane, and diesel power driven equipment; and to do related work as required.	DOT LTA
Heavy Mechanic Assistant	Under supervision, to inspect, lubricate and service gasoline and diesel powered heavy-duty trucks and equipment and automobiles; and to assist journey level mechanics by performing sub-journey level repair duties.	DOT LTA

Attachment B

Contacts

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

LTA Drug and Alcohol Program Manager

Company: San Benito County Local Transportation Authority
Contact Person: Binu Abraham
Address: 650 San Benito Street, Suite 120, Hollister, CA 95023
Telephone Number (831) 637-7665

Medical Review Officer

Company: Medical Express Corp
Contact Person: Dr. Donald Freedman
Address: 4237 Salisbury Road Suite 304, Jacksonville, FL 32216
Telephone Number (904) 332-0427

Substance Abuse Professional

Company: CADC Services
Contact Person: Peter Cusimano
Address: 999 W Taylor Street, San Jose, CA 95126
Telephone Number (650) 669-1578

HHS Certified Laboratory Primary Specimen

Company: LabOne, Inc. d/b/a Quest Diagnostics
Address: 10101 Renner Boulevard, Lenexa, KS 62219
Telephone Number (913) 888-3927

HHS Certified Laboratory Split Specimen

Company: Pharmatech, Inc.
Address: 15175 Innovation Drive, San Diego, CA 92128
Telephone Number (858) 643-5555



Drug and Alcohol Policy



Effective as of 06/01/2023

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1. Purpose of Policy

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

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

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

Portions of this policy are not FTA-mandated but reflect Transdev's policy. These additional provisions are identified by **bold text**.

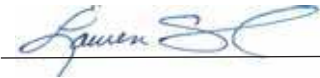
In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

All Transdev and its Subsidiaries' employees are subject to the provisions of the Drug-Free Workplace Act of 1988.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify the Corporate Drug & Alcohol Program Manager no later than five days after such conviction.

Within 30 days, TRANSDEV will make a determination of action based upon the incident. Employees convicted of drug offenses will be subject to discipline up to and including termination.

Adopted by:



Date Adopted: [06/01/2023]

Lauren Skiver, Chief Operating Officer, Maintenance Fleet
Services, Rail, NEMT, Safety and Security
Transdev-US and its Subsidiaries

Last Revised: [01/01/2024]

2. Covered Employees

This policy applies to every person, including an applicant or transferee, who performs or will perform (can be called upon) a “safety-sensitive function” as defined in Part 655, section 655.4.

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

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

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

Contractors

Contractors who perform any of the safety sensitive functions described in this policy for TRANSDEV will be subject to the same requirements as safety sensitive TRNSDEV employees.

3. Prohibited Behavior

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

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

On Duty Use

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

On Call

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

Pre-Duty Use

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

Use Following an Accident

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

4. Consequences for Violations

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and provided a listing of Substance Abuse Professionals (SAPs) readily available.

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

Zero Tolerance

Per TRANSDEV's policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test, will immediately be removed from their covered function, and will be provided a listing of Substance Abuse Professional (SAPs) readily available, **and terminated from employment.**

Any applicant or person seeking rehire who had a previous positive drug or alcohol test or who has refused a test is not eligible for hire/rehire.

Requirement to Submit to Drug & Alcohol Testing

TRANSDEV shall require every covered employee who performs a safety-sensitive function as described in the FTA regulations, Part 655 to submit to a pre-employment, a random, post-accident, and reasonable suspicion drug and alcohol test, as described in this policy. TRANSDEV shall not permit any employee who refuses to submit to such tests to perform or continue to perform any covered functions. Before performing an alcohol or drug test, TRANSDEV shall notify all covered employees that the test is required under DOT regulations.

5. Circumstances for Testing

Pre-Employment, Transfer or Return to Work Testing

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

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

Existing employees who are being considered for transfer to a safety-sensitive position from a non-safety-sensitive position will be required to undergo a DOT regulated pre-employment drug test.

Pre-Employment Testing for NON-DOT Positions

All applicants applying for NON-DOT positions will have to take and pass a pre-employment NON-DOT drug test prior to being hired.

Pre-employment Breath Alcohol Testing

It is not Transdev's policy to conduct pre-employment breath alcohol tests. However, those locations with specific contractual requirements shall conduct pre-employment breath alcohol testing after making a contingent offer of employment, in addition to the required drug test. Employees that are subject to these requirements will have to take a pre-employment breath alcohol test in accordance with their contract or state law. Breath alcohol testing will be conducted in accordance with DOT Part 40 and 655.42 regulations. An alcohol test result of less than 0.02 is required before an employee can first perform safety-sensitive functions. If a pre-employment alcohol test is cancelled, the individual will be required to undergo another test with a result of less than 0.02 before performing safety-sensitive functions.

Reasonable Suspicion Testing

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

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is

performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

Post-Accident Testing

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

Fatal Accidents

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

Non-fatal Accidents

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

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

In addition, any other covered employee whose performance could have contributed to the accident, as determined by Transdev using the best information available at the time of the decision, will be tested.

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

Random Testing

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

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

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

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

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

6. Testing Procedures

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

Dilute Specimen

If there is a negative dilute test result, Transdev will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

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

Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. Transdev guarantees that the split specimen test will be conducted in a timely fashion. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive or refusal to test result. This does not delay TRANSDEV from taking any action consistent with this policy for positive tests and the employee will be removed immediately from any safety-sensitive functions.

Cancelled Test

A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test. However, a re-collection under direct observation may be ordered by the MRO.

Specimen- Fluid, breath, or other material collected from an employee at the collection site for the purpose of a drug or alcohol test.

Substituted specimen- A urine specimen with creatinine and specific gravity values that are so diminished, or so divergent that they are not consistent with normal human urine.

Adulterated specimen- A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Shy Bladder Test

The term “shy bladder” refers to a situation when the employee does not provide a sufficient amount of urine (45 ml) for a DOT required drug test. If an employee tells the collector, upon arrival at the collection site, that they cannot provide a specimen, the collector must still begin the collection procedure regardless of the reason given and direct the employee to make the attempt to provide the specimen.

If after the first attempt a valid sample is not provided by the employee, the collector urges the employee to drink up to 40 ounces of fluid, distributed reasonably through a period of up to three hours, or until a sufficient specimen is provided, whichever occurs first. It is not a refusal to test if the employee declines to drink fluids. The collector must write the time in the remarks line on the CCF and inform the employee of the time at which the three-hour period begins and ends. The employee must be monitored during this time.

If the employee leaves the collection site or refuses to make the attempt to provide a sufficient urine specimen, this is considered a refusal to submit to a test. Failure to produce a sample of urine after the three hours has passed, will result in an immediate referral for an evaluation from a licensed physician within five days who can determine in their reasonable judgment the employee’s inability to provide an adequate amount of urine.

If the employee has not provided a sufficient specimen within three hours of the first unsuccessful attempt to provide the specimen, the collector must discontinue the collection, note the fact on the “remarks” line of the CCF (Step 2), and immediately notify the DER.

TRANSDEV must, after consulting with the MRO, direct the employee to obtain, within five days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen.

If no medical reason is found substantiating an inadequate sample, the incident will be treated as a “refusal to test” and will carry the same consequences as a positive test result.

7. Test Refusals

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

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by Transdev.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to provide a specimen for a drug or alcohol test. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient amount of specimen for a drug test or breath alcohol test without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or the DER/Transdev for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or Transdev's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

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

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

8. Voluntary Self-Referral

Any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Location Manager or

their Supervisor, who will refer the individual to a substance abuse counselor for evaluation and treatment.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.

In the instance of a self-referral, the employee will be subject to non-USDOT return-to-duty and follow-up testing modeled using the process described in 49 CFR Part 40. However, all non-USDOT return-to-duty and non-USDOT follow-up tests and all paperwork associated will be conducted under the sole authority of Transdev on non-USDOT testing forms.

9. Prescription Drug Use

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 your supervisor or manager. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

It is the employee's responsibility to advise their supervisor of over-the-counter medication and/or prescription medications taken. It is also the employee's responsibility to obtain and provide documentation to the employee's supervisor from a certified medical professional confirming the employee's fitness to safely perform his/her job responsibilities while taking such medication when necessary.

10. Contact Person

For questions about Transdev's anti-drug and alcohol misuse program, contact the Corporate Drug & Alcohol Program Manager at 208-948-4598 or at esther.avalos@transdev.com to answer questions.

11. Local Authority

In addition to our National Corporate DAPM, Local Safety Managers and General Managers are also Designated Employer Representatives (DERs) and are authorized to receive test information from the MRO as well as confirmation test results from the qualified B.A.T.

12. Revisions to the Policy

This policy and program are subject to revision in accordance with the Department of Transportation regulations, as amended.

13. Addendums & Additional Policies

This policy reflects Transdev’s national drug & alcohol testing program for all FTA regulated locations. Any FTA regulated location that has a specific contract requirement to conduct additional testing beyond that of the FTA regulations will be supplemented to that specific location by an addendum.

14. Employee Assistance/Community Hot-Lines

Substance Abuse Treatment Locator	www.findtreatment.samhsa.gov	Ph: 800-662-HELP
American Council on Alcoholism	www.aca-usa.org	Ph: 800-527-5344
Cocaine Anonymous	www.ca.org	Ph: 800-347-8998
National Council on Alcoholism & Drug Dependence Hope Line	www.ncadd.org	Ph: 800-NCA-CALL
American Substance Abuse Professionals (ASAP)	www.go2asap.com	Ph: 888-792-2727

Attachment A: Covered Positions

The following positions listed below include the most common covered safety-sensitive functions at Transdev but is not limited to all the positions that are subject to the provisions of 49 CFR Part 655.

Job Function	Job Function
Body Shop Technician	Technician I
Bus Technician	Technician II
Dispatcher	Lead Trainer
Dispatcher I	Tire Technician
Lead Bus Technician	Trainer
Lead Service Worker	Utility Worker
Maintenance Supervisor	Utilities Driver
Mechanic A	Window Dispatch
Mechanic B	Supv Road (No CDL)
Mechanic C	Supv Road (CDL)
Mgr. Maintenance	Tech in Charge
Operator	Service Employee
Operator Fixed Route	Safety Trainer
Operator Trainee	Router
Radio Dispatcher	Lead Supervisor
Road Supervisor	Paratransit Driver/Operator
Service Worker	Operator Paratransit
FT Driver	Driver
Sup Safety & Training	Field Supervisor
Sup Utility	Body Shop Mechanic
Tire Handler	Streetcar Supervisor

NOTE: This list is subject to change and revision

Any Transdev employee who by title has a non-regulated position, but who may be called upon to perform a safety-sensitive function will be subject to random testing and included in the DOT random pool.

Attachment B: Cut Off Concentrations for Urine & Breath Alcohol Test

DRUGS Pursuant to the Federal Department of Transportation regulations, the following are the drugs to be test for, and the threshold levels of each test required:

Initial Test Analyte	Initial Test Outoff 1	Confirmatory Test Analyte	Confirmatory Test Outoff Concentration
Marijuana metabolites (THCA) 2	50 ng/mL ³	THCA	15 ng/mL
Cocaine metabolite (Benzoylecgonine)	150 ng/mL ³	Benzoylecgonine	100 ng/mL
Codeine/	2000 ng/mL	Codeine	2000 ng/mL
Morphine		Morphine	2000 ng/mL
Hydrocodone/	300 ng/mL	Hydrocodone	100 ng/mL
Hydromorphone		Hydromorphone	100 ng/mL
Oxycodone/	100 ng/mL	Oxycodone	100 ng/mL
Oxymorphone		Oxymorphone	100 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamine/	500 ng/mL	Amphetamine	250 ng/mL
Methamphetamine		Methamphetamine	250 ng/mL
MDMA 4/ MDA 5	500 ng/mL	MDMA	250 ng/mL
		MDA	250 /mL

BREATH-ALCOHOL CONCENTRATION

(Includes ethanol, methanol, isopropanol)

<u>Initial Screen</u> Under 0.02	<u>Confirmatory</u> <i>(Given if 0.02 or greater on initial screen)</i>
0.02 to less than 0.04 employee may not perform safety-sensitive function for a minimum of 8 hours	0.04 or greater employee will be removed from service, and referred to Substance Abuse Professional (SAP)

(Expressed in terms of grams of alcohol per 210 liters of breath)

Attachment C: National Service Agents

Corporate Drug & Alcohol Program Manager DAPM	Esther Avalos, Corporate DAPM 720 E. Butterfield Road, #300 Lombard, IL 60148 Email: esther.avalos@transdev.com Ph: 208-948-4598
Medical Review Officer	Cynergy Wellness, Inc. Dr. Kirk Roberts, MD 2600 Grand Blvd., Ste., 500 Kansas City, MO 64108 Ph: 844-800-6767
Drug Testing Laboratory	Clinical Reference Laboratory (CRL) 8433 Quivira Lenexa, KS 66215 Ph: 800-433-3823
Employee Assistance Program	Quantum Employee Assistance Program 14 Park Lake Road, Suite 2 Sparta, New Jersey 07871 Ph: 877-747-1200

The above information covers all Transdev locations, nationwide. However, all other local vendor information will be provided on a separate document for each location.

Attachment D: Causes and Effects of Substance Abuse & Alcohol Misuse

ALCOHOL

Alcohol is the most abused drug in society today. It is a depressant and affects vision, judgment, reaction time, memory, and most important, public safety. Blatant drunkenness is easy to detect on sight, and so it is assumed that most employees would not show up for work in this condition. However, it is possible for one's state of intoxication to be less outwardly visible, thereby giving a person a false sense of security in feeling that he/she can function cohesively while only a "little high" or with a "small buzz." In either case, the resulting effect can be fatal.

Signs of Use:

- ✓ Lack of coordination
- ✓ Constricted Pupils
- ✓ Blackout Bloodshot or watery eyes
- ✓ Sleepy or stuporous condition
- ✓ Aggressive or antagonistic behavior
- ✓ Slurred Speech
- ✓ Slowed reaction rate
- ✓ Dulled mental processes

Physical	Reddened, bloodshot eyes
Behavioral	Lack of motivation; poor sense of balance
Speech	Slowed or slurred speech
Odor	Odor of alcohol on breath/possibly on clothing

MARIJUANA

Marijuana produces a mildly tranquilizing and mood perception-altering effect. The leaves of the marijuana plant range in color from green to light tan and are usually dried and broken into small pieces. Another less prevalent variety known as Hashish is a compressed, sometimes tar-like substance ranging in color from pale yellow to black. Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense. Common paraphernalia include cigarette papers, roach clips, and small pipes made of bone, brass or glass. Trade or street names for marijuana include Marinol, THC, Pot, Grass, Joint, Reefer, Hash and Hash oil.

Marijuana remains a Schedule I controlled substance. Regardless of the states that have passed local laws of medical or recreational use. Marijuana remains unacceptable for any covered employee subject to drug testing under the DOT's drug testing regulations. Therefore, MROs will not accept any prescriptions for Marijuana (including CBD oil) and will be treated as a positive test result.

Signs of Use:

- ✓ Reddened, bloodshot eyes
- ✓ Lack of motivation
- ✓ Diminished concentration
- ✓ Impaired vision
- ✓ Slowed speech
- ✓ Chronic fatigue
- ✓ Emphysema-like condition
- ✓ Irritating cough and chronic sore throat
- ✓ Pungent aroma, distinctive smell on clothing
- ✓ Lackadaisical attitude

Physical	Reddened, bloodshot eyes' chronic fatigue; emphysema like condition
Behavioral	Lack of motivation; lackadaisical attitude
Speech	Slowed speech
Odor	Pungent aroma distinctive smell on clothing

COCAINE

Cocaine energizes the entire central nervous system. "Shorting cocaine" (or cocaine hydrochloride) is a white-to-creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected into the veins. Cocaine base is a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. Common paraphernalia may include a single edged razor blade and a small mirror/piece of smooth metal, a rolled-up dollar bill, a half-straw or metal tube, or a small screw cap vial or folded paper packet. When vapors are inhaled, the effect is felt within seven seconds. Crack, a derivative of cocaine, looks like small rocks and is commonly smoked using a crushed aluminum can with pin holes, or occasionally from a glass pipe using a lighter, alcohol lamp, or small butane torch for heating. Trade or street names for cocaine are: Coke, Rock, Crack, Free Base, Flake, Snow, Smoke, and Blow.

Signs of Use:

- ✓ Talkativeness
- ✓ Wide mood and energy swings
- ✓ Profuse sweating/dry mouth
- ✓ Difficulty concentrating
- ✓ Insomnia
- ✓ Paranoia and hallucinations
- ✓ Dilated pupils/ visual impairment
- ✓ Increased physical activity and fatigue restlessness
- ✓ Isolation and withdrawal from friends/ normal activity
- ✓ Runny or irritated nose
- ✓ High blood pressure, heart palpitations

- ✓ Formication (sensation of bugs crawling on skin)
- ✓ Frequent non-business visitors, phone calls, delivered packages frequent and extended absences from meeting or work assignments

Physical	Increased physical activity and fatigue; insomnia; runny or irritated nose; profuse sweating/dry mouth / dilated pupils/ visual impairment; formication (sensation of bugs crawling on skin); high blood pressure, heart palpitations
Behavioral	Isolation and withdrawal from friends/ normal activity; paranoia and hallucinations / frequent non-business visitors, phone calls, delivered packages; wide mood and energy swings, restlessness
Speech	Talkativeness
Odor	N/A

AMPHETAMINES/ METHAMPHETAMINES

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their use.

Amphetamines are sold in counterfeit capsules or white flat, double-scored "mini-bennies." One form of amphetamines (methamphetamine) is often sold as a creamy white and granular powder or in lumps and is packaged in aluminum foil wraps or sealable plastic bags. It may be taken orally, injected or snorted into the nose. Trade or street names for this drug include Speed, Meth, Crank, Crystal, Monster, and Black Beauties.

Signs of Use:

- ✓ Talkativeness
- ✓ Confusion
- ✓ Rapid respiration/ profuse sweating
- ✓ Heightened aggressiveness
- ✓ Increased heart rate, blood pressure
- ✓ Hyperexcitability and restlessness
- ✓ Panic
- ✓ Dilated pupils
- ✓ Impulsive, risk-taking
- ✓ Runny/ bleeding nose
- ✓ Redness in nasal area

Physical	Rapid respiration/ profuse sweating; redness in nasal area; runny/ bleeding nose / dilated pupils; increased heart rate, blood pressure
Behavioral	Hyperexcitability and restlessness; confusion / panic; heightened aggressiveness; impulsive, risk-taking
Speech	Talkativeness

Odor	N/A
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OPIOIDS

Opioids, are classified as a narcotic analgesic. Narcotics, are drugs that alleviate pain, depress body functions and reactions, and when taken in large doses, cause a strong euphoric feeling. In their natural form, opioids include opium, morphine, codeine, hydrocodone, hydromorphone, oxycodone, oxymorphone, and heroin. Opioids may be taken in pill form, smoked, or injected depending upon the type used. Some common names for these semi-synthetic opioids include OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, Exalgo®. Trade or street names for opiates include Smack, Horse Emma, Big D, Dollies, Juice, Syrup, and China White.

Signs of Use:

- ✓ Excess talking
- ✓ Mood changes Physical fatigue and drowsiness
- ✓ Depression and apathy
- ✓ Impaired coordination Impaired mental functioning and alertness
- ✓ Dry mouth, facial itching
- ✓ Constricted pupils Impaired respiration
- ✓ Possible puncture marks ("tracks")
- ✓ Nausea, vomiting

Physical	Impaired mental functioning and alertness; physical fatigue and drowsiness; possible puncture marks ("tracks") / dry mouth, facial itching; impaired coordination; impaired respiration; constricted pupils; nausea, vomiting
Behavioral	Mood changes; depression and apathy, reduced feeling of pain
Speech	Low, raspy speech
Odor	N/A

PCP

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Low doses produce sedation and euphoric mood changes. A person's mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication. It is commonly sold as a clear liquid or a creamy, granular powder packaged in one-inch square aluminum foil or folded into packets. Trade or street names include Angel Dust, Dust, and Hog.

Signs of Use:

- ✓ Impaired coordination
- ✓ Incoherent
- ✓ Extreme mood shifts
- ✓ Violent and combative
- ✓ Incomplete or repetitive verbal responses
- ✓ Muscle rigidity
- ✓ Severe confusion and agitation
- ✓ Dilated pupils
- ✓ Dizziness
- ✓ Nystagmus (spasmodic, involuntary jerky eye movement)
- ✓ Profuse sweating

Physical	Nystagmus (spasmodic, involuntary jerky eye movement); profuse sweating; impaired coordination / dilated pupils; dizziness; muscle rigidity
Behavioral	Severe confusion and agitation; violent and combative; extreme mood shifts
Speech	Incoherent; incomplete or repetitive verbal responses
Odor	N/A



Acknowledgement of TRANSDEV's Drug and Alcohol Testing Policy

I acknowledge that I have received a copy of the anti-drug and alcohol misuse program policy mandated by the U.S. Department of Transportation (DOT), Federal Transit Administration (FTA) for all covered employees who perform a safety-sensitive function. I understand that compliance with all provisions contained in the policy is a condition of employment.

**Acknowledgement of Prohibited Drug Awareness Training
For Safety-Sensitive Employees**

In accordance with Federal Transit Administration (FTA) Rule 49 CFR Part 655.14(b), I acknowledge that I have received at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

I further understand that the information contained in the policy dated June 1, 2023, is subject to change, and that any such changes or addendum, shall be disseminated in a manner consistent with the provisions of 49 CFR Part 655.

Print Name:	
Signature:	
Date:	

Return this form to your supervisor for inclusion in your drug test file.



STAFF REPORT

Information

Prepared By: Norma Aceves, Administrative Services Specialist

Subject: Transit Services to Gavilan College Update

Agenda Item No. 8

Approved By: Binu Abraham, Executive Director

Meeting Date: March 19, 2026

Recommendation:

Receive update on the SBCOG/ LTA's joint effort with Gavilan College's Administration Department on efforts to pursue funding for a new LTA transit service to the Gavilan College campus in Hollister.

Summary:

Since receiving board direction in December 2025, LTA/ SBCOG staff have been proactive in preparing a service concept with cost estimates for an additional transit service to the new Hollister campus of Gavilan College. Through collaborating with the Gavilan College President Dr. Avila, a joint letter requesting state appropriations funding was sent to State Senator Laird's office in early February. Advocacy efforts are anticipated to continue through April before a revised Governor's budget for FY 2026/ 2027 is released.

Following Board direction, staff will continue coordinating with Gavilan College and monitoring funding opportunities while returning to the Board for direction on any additional service analysis or potential next steps.

Background/ Discussion:

The LTA has been steadily improving transit services in San Benito County over the past two years. In the summer of 2025, the fixed-route, ADA/ Paratransit, and dial-a-ride services were awarded to a single provider, Transdev. As a highly regarded professional service provider, Transdev has improved the safety, quality, and cost-effectiveness of all transit services the LTA provides.

Currently, the LTA provides three transit services that benefit Gavilan College students. The County Express services directly serve the main campus of Gavilan College in Gilroy. With a total of four stops in Hollister and San Juan Bautista, the County Express offers a convenient non-stop

service to Gilroy's Gavilan Campus and then travels on to the Gilroy Transit Center, which offers additional transit connections to many other Bay Area colleges and vocational training sites.

In addition, the LTA's improved ADA/ Paratransit and dial-a-ride service offers eligible Gavilan College students with door-to-door shuttle service to the Hollister campus.

In 2025, Gavilan College relocated its Hollister campus to a new site on the southern edge of the city. Compared to the previous downtown location, the new greenfield site has limited transit and active transportation (biking, walking) options. Currently only LTA's ADA/ Paratransit and dial-a-ride services directly serve the new campus. The LTA Tripper fixed-route service offers eligible students with four trips daily (morning/ afternoon) within Hollister, but the closest stop (Union/ Fairhaven) is 1.5 miles from the new Hollister campus. The County Express service offers 18 daily weekday trips and 3 daily weekend trips, but the closest stop to the new Hollister campus is 3 miles away at Memorial Park.

Gavilan College is one of the few community college systems in California that does not currently offer student transit pass subsidies, although the college does provide rideshare (e.g. Uber, Lyft) vouchers to eligible students for travel to the Gilroy and Hollister campuses.

In December 2025, Gavilan College encouraged students to attend the SBCOG/ LTA Board of Directors' meeting and request an additional LTA transit service to the new Hollister campus. During that discussion, the board indicated that LTA funding is very limited, so any new transit service should be jointly funded. The need to better understand ridership demand and operational feasibility before starting a new service was also mentioned. Moreover, board comments emphasized the need for a partnership between the LTA and Gavilan College on future efforts to improve student transit access without relying solely on LTA funding.

In response to this direction, LTA staff promptly prepared a preliminary cost estimate and service concept for a college transit shuttle pilot serving the Hollister campus. Staff collaborated with Dr. Avila's office to prepare a joint request to State Senator Laird's office in early February seeking \$5million in state appropriations to fund a pilot transit service for five years. In late February, the LTA/ SBCOG executive director requested an advocacy update from Gavilan College. The Gavilan College lobbyist explained that they will continue advocating for the funding through April and will coordinate with executive management at Gavilan College and SBCOG/ LTA if additional information or support is needed. The Governor's revised budget proposal is expected in early May, which will provide additional insight into whether the request advances.

Changes to transit services—including route extensions or additional stops—are typically evaluated using SBCOG/ LTA's established service-planning process that considers requests at a systemwide, or network-level. This approach ensures that service changes are evaluated based on ridership demand, cost-effectiveness, service equity, and overall system performance.

Furthermore, LTA transit routes are funded primarily by TDA funds and supplemented by state and federal grants which include defined scopes of services. Any changes to the scope of service may require state and/or federal review and approval to ensure grant compliance.

Analyzing broader, systemwide implications of transit service changes are particularly important given current LTA budget constraints. In essence, extending the County Express to the Hollister campus may require reductions to other LTA services and may lower the productivity metrics (i.e., service frequencies, impacts on existing riders, costs per passenger, etc.) and/or funding compatibility and long-term sustainability if not fully analyzed.

Additionally, if there is interest from Gavilan College, LTA staff proposes a collaboration to (1) surveying the students to forecast ridership demand and to estimate the willingness to pay a nominal fee for option to have transit service to campus, (2) jointly apply for grants that fund demonstration projects to assess ridership demand, and (3) identify potential new funding to pursue if a new Gavilan transit service is determined to be feasible. LTA staff remain committed to working collaboratively with Gavilan College while ensuring that any proposed recommendations are transparent, equitable, financially sustainable, and aligned with the SBOOG/LTA board priorities.