



CORPUS CHRISTI REGIONAL TRANSPORTATION AUTHORITY

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November 8, 2016

Mr. Robert C. Patrick
Regional Administrator
Federal Transit Administration (FTA)
819 Taylor Street, Room 14A02
Fort Worth, TX 76102

RE: Federal Transit Administration FY 2016 Triennial Review

Dear Mr. Patrick:

Enclosed is Corpus Christi Regional Transportation Authority's (CCRTA) response to the Federal Transit Administration FY 2016 Triennial Review Final Report.

Included are corrective actions that have been implemented or in the process of implementation in the following areas:

- Technical Capacity
- ADA
- Procurement
- DBE
- Satisfactory Continuing Control
- Planning/POP
- Drug-Free Workplace/Drug and Alcohol Program

If there is any additional questions or if clarification is needed, please call me at (361) 903-3461 or email me at cperez@ccrta.org. Thank you.

Regards;

Christina A. Perez

Christina A. Perez
DBE/EEO Compliance Officer

Enclosed

I. Technical Capacity
D-79 Inactive grants/untimely closeouts

Finding: During this Triennial Review of CCRTA, deficiencies were found with the FTA requirements for Technical Capacity. At the time of the review, CCRTA had 19 grants open in TrAMS with the oldest grant having been executed in 2011, and three others executed in 2007, 2008, and 2009. Many of these grants were inactive or had small balances waiting to be expended.

Corrective Action(s): Please refer to the attached Grant Closeout Schedule and CCRTA's Grant Procedures.

II. Americans with Disabilities Act
D-316 Insufficient No-Show Policy

Finding: During this Triennial Review of CCRTA, deficiencies were found with the FTA requirements for ADA. CCRTA's No-Show Policy was found to be deficient. The policy does not take into account the rider's usage of the system to determine whether a true pattern or practice of excessive no-shows exists. The policy also does not include a graduated level of suspension for repeat offenders, going from an initial 7-day suspension period to a 30-day suspension for a second violation.

Corrective Action(s): Please see attached updated No-Show Policy. This policy was submitted to the Regional Civil Rights Officer, Rebecca Rand for approval on October 28, 2016 and remains in her position.

III. Procurement
D-138 Buy America provision not in solicitation and/or contract
D-253 Pre-award and/or post-delivery audits not performed
D-265 Pre-award and/or post-delivery certifications lacking

Finding: During this Triennial Review of CCRTA, deficiencies were found with the FTA requirements for Procurement. A review of the 2015 purchase of ARBOC low-floor CNG buses for \$4,109,845.00 revealed deficiencies with the Buy America requirements

- The correct Buy America Certification and clause were not included in the CCRTA solicitation for proposals and the vendor signed and included the incorrect certification with its bid. The certification used in the solicitation and submitted by the vendor was the Buy America certification for steel, iron and manufactured products that references 49 CFR 661.3 and 661.5. CCRTA should have used and obtained the Buy America certification for buses and rolling stock, which references 49 CFR 661.11. The manufacturer did submit a pre-award verification with the domestic component content requirements and the final assembly location of the vehicles purchased with its bid.

- The Buy America Certification boilerplate language utilized in the CCRTA solicitation was outdated and did not match the required language of 49 CFR 661.12.
- CCRTA did not complete the required Pre-Award Buy America Certification and Pre-Award Purchaser's Requirement Certification for the 2015 ARBOC bus purchase. CCRTA also did not obtain the Post-Delivery Audit documentation for the ARBOC bus purchase.

Corrective Action(s): Attached is a copy of CCRTA's Pre-Award and Post-Delivery Audit procedures. Attached Items I through IV shows intent on the part of CCRTA regarding Pre-Award Buy America and Post-Delivery Audit. Also, the following language is now included in Corpus Christi Regional Transportation Authority's (CCRTA) Procurement policy and boilerplate rolling stock procurement documents:

"Buy America Requirements apply to all contracts that exceed \$100,000. Therefore, CCRTA shall comply with Section 165 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. 1601, Section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and 49 CFR Parts 660 and 661, which impose Buy America Provisions on the procurement of foreign products and materials. CCRTA shall ensure that Federal Buy America requirements are observed."

IV. DBE

D-774 Unreported transit vehicle purchases

Finding: During this Triennial Review of CCRTA, deficiencies were found with the FTA requirements for DBE. CCRTA has not provided the FTA Regional Civil Rights Officer (RCRO) with a notification of transit vehicle purchases and successful bidders on procurements made since November 3, 2014.

Corrective Action(s): The following language has been approved by the Regional Civil Rights Officer (RCRO) of Region VI and is now included and a part of CCRTA's DBE Program:

Section 26.49 Transit Vehicle Manufacturers Goals

CCRTA requires, per 49 CFR part 26.49(a) that each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, certify that it has complied with the requirements of this section. Only those transit vehicle manufacturers listed on FTA's certified list of Transit Vehicle Manufacturers, or that have submitted a goal methodology to FTA that has been approved or has not been disapproved, at the time of solicitation are eligible to bid. The DBE Liaison Officer will verify, at the time of the bid, the status of the TVM through the Federal Transit Authority (FTA).

CCRTA will electronically submit within 30 days of making an award, the name of the successful bidder, and the total dollar value of the contract in the manner prescribed in the grant agreement to (FTA).

Alternatively, and per 49 CFR part 26.49(f), CCRTA may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

V. Satisfactory Continuing Control

D-161 Excessive fixed-route bus spare ratio

Finding: During this Triennial Review of CCRTA, deficiencies were found with the FTA requirements for Satisfactory Continuing Control. CCRTA has an excessive fixed-route bus spare ratio. CCRTA has a fleet of 82 fixed-route buses, with 65 vehicles required to operate maximum service, resulting in a spare ratio of 26.2 percent. This is a repeat finding from the prior Triennial Review.

Corrective Action(s): Please see attached CCRTA Fleet Plan for FY 2017

To support the FY 2017 Proposed Service Plan, the RTA will not purchase new buses but utilize a fleet of 86 active buses. In addition, no buses will be disposed of as the active units have not reached useful life or mileage milestones to warrant this action. Currently, 68 buses constitute the peak fleet resulting in a 26.5% spare ratio. With four additional peak buses being placed into service in FY 2017 equaling a total of 72 peak buses, this will result in a spare ratio of 19.4%.

VI. Planning/POP

D-93 POP public notice deficiencies

Finding: During this Triennial Review of CCRTA, deficiencies were found with the FTA requirements for Planning/POP. CCRTA utilizes the Transportation Improvement Program (TIP) public participation process of the MPO, the Corpus Christi Metropolitan Planning Organization (CCMPO), to satisfy the public participation requirements for its Program of Projects (POP). CCRTA could not provide evidence that the CCMPO published TIP public notice contained language notifying the public that the TIP public participation activities would satisfy the public participation requirements for the CCRTA POP.

Corrective Action(s): Please see attached updated TIP Public Notice. This notice will remain as a Draft until such time that the next TIP notice is due to be published. Before the next TIP notice is due to be published, the CCRTA will submit a copy to the FTA Region 6 Office the proposed TIP public notice language with the required statement (as attached) and will submit a copy of the final published TIP notice after the next notice is published.

VII. Drug-Free Workplace/Drug and Alcohol Program

D-28 Drug and alcohol policy lacking required elements

Finding: During this Triennial Review of CCRTA, deficiencies were found with the FTA requirements for Drug-Free Workplace and Drug and Alcohol Program. The CCRTA

drug and alcohol policy and the policy of one of its sub-recipients, the City of Port Aransas, were missing required elements. For both policies:

- Sub-categories of amphetamines and opiates did not agree exactly with Part 40.87
- Cut-off concentrations for drugs did not agree exactly with Part 40.87

The Port Aransas policy also was missing evidence that the policy had been adopted by the appropriate governing body or other final authority.

Corrective Action(s): Please see attached updated and adopted Drug and Alcohol Program

Grant Closeout Schedule

Grant Number	Remaining Federal Balance	Executed Date	Estimated Completion Date	Explanation/Justification/Comments
TX-90-X541-00	\$10,860.80	08/24/01	De-obligating and closing out	Project completed and under budget. Deobligating the remaining funds and initiating close-out
TX-90-X777-00	\$15,131.20	09/16/07	De-obligating and closing out	Project completed and under budget. Deobligating the remaining funds and initiating close-out
TX-37-X058-01	\$210,156.00	09/03/08	6/30/2017	Project is on-going with regular drawdowns; last drawdown was 9/23/2016
TX-90-X857-00	\$338,428.00	09/18/09	2018	Project is on-going.
TX-90-X931-00	\$0.00	07/18/11	Initiating close out	Project completed. Initiating close-out
TX-37-X038-02	\$454,895.00	08/26/11	6/30/2017	Project is on-going with regular drawdowns; last drawdown was 9/23/2016
TX-57-X007-03	\$42,650.00	08/26/11	6/30/2017	Project is on-going with regular drawdowns; last drawdown was 9/23/2016
TX-90-X978-00	\$223,315.00	08/21/12	6/30/2017	Project is on-going with regular drawdowns; last drawdown was 9/22/2016
TX-04-0098-00	\$27,324.00	08/27/12	De-obligating and closing out	Project completed and under budget. Deobligating the remaining funds and initiating close-out
TX-04-0114-00	\$356,132.00	12/02/13	6/30/2017	Project is on-going with regular drawdowns; last drawdown was 9/23/2016
TX-37-X108-00	\$256,574.00	12/02/13	2018	A Call for Projects was issued and an application was received and approved. A sub-recipient agreement will be executed and services will begin
TX-57-X047-00	\$114,086.00	12/02/13	2018	A Call for Projects was issued; A sub-recipient agreement will be executed and services will begin
TX-90-Y059-00	\$2,070,763.00	08/28/14	8/1/2017	Project is on-going with regular drawdowns; last drawdown was 9/16/2016
TX-37-X111-00	\$259,025.00	09/08/14	2018	A Call for Projects was issued and an application was received and approved. A sub-recipient agreement will be executed and services will begin
TX-57-X049-00	\$88,893.00	09/08/14	9/1/2017	Project is on-going with regular drawdowns; last drawdown was 8/22/2016
TX-26-7108-00	\$28,635.00	09/17/14	9/1/2017	Project is on-going with regular drawdowns; last drawdown was 9/23/2016
TX-16-X018-01	\$99,407.00	09/23/15	1/31/2018	Project is on-going with regular drawdowns; last drawdown was 8/22/2016
TX-2016-066-00	\$2,128,879.00	09/15/16	12/1/2018	Grant was awarded on 9/12/2016 and executed 9/15/2016. Project is underway with an estimated completion date of 12/1/2018
TX-2016-083-00	\$335,069.00	09/22/16	1/31/2018	A Call for Projects was issued and applications were received and approved. Grant was awarded and executed on 9/22/2016. Sub-recipient agreements are being developed.

Corpus Christi Regional Transportation Authority

GRANT PROCEDURES

I. OVERVIEW

The Corpus Christi Regional Transportation Authority's (RTA) Management and Budget Administrator (Administrator) is responsible for the administration and management of Federal Transit Administration (FTA) grants in compliance with the grant agreement and applicable FTA circulars and regulations. The Administrator is also responsible for funds that "pass through" to any sub recipients.

- A. The Administrator utilizes FTA Circulars 5010.1D – Grant Management Guidelines, 9030.1E – Urbanized Area Formula Program: Grant Application Instructions, and 9300.1A – Capital Program: Grant Application Instructions for grant administration and management. The department may also refer to federal transit laws, 49 U.S.C. Chapter 53, FTA's website, SAFETEA-LU legislation, FTA Circular 4220.1F, and other FTA regulations in its day-to-day management of grants.
- B. The RTA's responsibilities include the following:
1. Provide continuous administrative and management direction of project operations.
 2. Provide, directly or by contract, adequate technical inspection and supervision by qualified professionals of all work progress.
 3. Ensure conformity to grant agreements, applicable statutes, codes, ordinances, and safety standards.
 4. Maintain the project work schedule agreed to by FTA and RTA and constantly monitor grant activities to assure that schedules are met and performance goals are being achieved.
 5. Keep expenditures within the latest approved project budget.
 6. Ensure compliance with FTA requirements on the part of the agencies, consultants, contractors, and subcontractors working under approved third party contacts or inter-agency agreements.
 7. Request and withdrawal of Federal cash only in amounts and at times as needed to make payments that are immediately due and payable.
 8. Account for project property and maintain property inventory records that contain all elements required.

9. Arrange for an annual independent organization-wide audit in accordance with OMB Circular, A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
10. Prepare and submit force account and cost allocation plans prior to incurring costs if seeking reimbursement for these costs. Update and retain these approved documents for FTA upon request and during Triennial Review.

II. REPORTING REQUIREMENTS

The purpose of a grant is defined by the budget at the time of grant approval and is formalized in the Grant Agreement. The Administrator monitors grant activities to ensure proper stewardship of federal funds and compliance with the laws and regulations that govern its grant programs. The information FTA needs for program forecasting, management and reporting is furnished through narrative milestone/progress reports submitted by the Administrator about significant events, relevant grant activities and any changes to or variances in the grant schedule or budget.

- A. Milestone/Progress Reports. The requirements for milestone/progress reports apply to all FTA grants. This report is provided electronically via the Internet through the Transit Award Management System (TrAMS), FTA's platform to award and manage federal grants.

Each milestone/progress report should include the following data:

1. Address each activity line item within the approved grant unless FTA advises otherwise.
2. Include a discussion of all budget or schedule changes.
3. For each milestone, include original estimated completion date, revised estimated completion date, and the actual completion date if applicable.
4. Provide the dates of expected or actual requests for bid, delivery, etc.
5. Provide a narrative description of projects, status, specification preparation, bid solicitation, resolution of protests, and contract awards.
6. Analyze significant project cost variances. Completion and acceptance of equipment and construction or other work should be discussed, together with a breakout of the costs incurred and those costs required to complete the project. Use quantitative measures, such as hours worked, sections completed or units delivered.
7. Include reasons why any scheduled milestones or completion dates were not met, identifying problem areas and discussing how the problems will be solved. Discuss the expected impacts.

8. Provide a list of all outstanding claims exceeding \$100,000, and all claims settled during the reporting period. This list should be accompanied by a brief description, estimated costs, and the reasons for the claims.
 9. Include a list of all change orders and amounts exceeding \$100,000, pending or settled, during the reporting period. This list should be accompanied by a brief description.
- B. Transit Enhancement Reports. The term "transit enhancement" means projects that are designed to enhance mass transportation service or use and are physically or functionally related to application circular, FTA C 9030.1E. This report is to be submitted as a narrative attachment to the electronic 4th quarter milestone/progress report annually. Certification that the report has been submitted is required as part of the Annual List of Certifications and Assurances.
- C. Financial Status Reports. The Administrator submits financial information through TrAMS. This report should be provided concurrently with the milestone/progress reports.
- D. Reports of Significant Events. Unforeseen events that impact the schedule, cost, capacity, usefulness or purpose of the project are reported to FTA immediately after detection and then reflected in the next quarterly progress report. Special should be submitted when:
1. Problems, delays, or adverse conditions will affect the grantee's ability to achieve project objectives within the scheduled time period or within the approved project budget. The report should discuss actions taken and/or contemplated and any federal assistance needed to resolve the situation:
or,
 2. Favorable developments will enable the grantee to achieve project goals/complete project activities ahead of schedule or at lower cost.
- E. Report Due Dates. Urbanized area formula and capital program federal financial reports (FFR) and milestone progress reports (MPR) are due to FTA within 30 days after the end of each calendar quarter, i.e., by January 30, April 30, July 30, and October 30.
- F. Monthly Ridership Reports. The Director of Planning submits monthly ridership reports via the Internet using the National Transit Database (NTD) system. This report is due by the last day of the month.

- G. Annual National Transit Database Report. The National Transit Database (NTD) is the system through which FTA collects uniform data needed by the Secretary of Transportation to administer department programs. The data consist of selected financial and operating data that describe public transportation characteristics. The Administrator is responsible for ensuring the NTD report is completed by April 30th of each calendar year.

III. GRANT APPLICATIONS

The RTA receives funds annually from the FTA's Urbanized Area Formula Program. Formula funds are allocated to the RTA annually based on the level of transit service provided.

- A. The RTA Board of Directors annually approves the following fiscal year's capital budget.
- B. From time to time, changes have to be made to grants due to unforeseen circumstances. The Administrator is allowed to make changes according to FTA's regulations.
- C. Documentation of grant applications, reports and correspondence are filed in each grant's appropriate grant file and is maintained by the Administrator.

IV. ANNUAL CERTIFICATIONS AND ASSURANCES

- A. Since 1995 FTA has been consolidating the various certifications and assurances that may be required of its grant applicants and their projects into a single document for publication in the Federal Register. FTA also requires a current affirmation, signed by the grants applicant's attorney, of its legal authority to certify compliance with the obligations imposed by the certifications and assurances that are selected.
- B. The RTA submits an Annual Certifications and Assurances annually to comply with FTA regulations. The RTA Board of Directors annually authorize the Chief Executive Officer and RTA's attorney to execute the FTA's annual Certification and Assurances and authorize the Administrator to pin the Certifications and Assurances on TrAMS.

B-Line No-Show and Late Cancellation Policy

Introduction

The Corpus Christi Regional Transportation Authority (CCRTA) No-Show and Late Cancellation Policy is intended to preserve service quality for all paratransit riders. Excessive no-shows and late cancellations that are within a rider's control negatively impact on-time performance and service quality for other riders. Riders with excessive no-shows/late cancellations may risk suspension of their access to paratransit services.

Definitions: No-Show; Late Cancellation

A no-show is when the vehicle arrives for a rider inside the trip window (vehicles may arrive up to 30 minutes after the ready time or pick up time) and the rider does not board the vehicle within five (5) minutes of arrival.

A late cancellation is when a trip is cancelled less than one (1) hour before the rider's scheduled pick-up time.

No-show due to Operator Error or to Circumstances Beyond a Rider's Control

No-shows and late cancellations due to circumstances beyond the rider's control are not counted against them. Also, if the paratransit vehicle arrives outside the 30-minute pick-up window and the rider does not board the vehicle, then this will be recorded as a missed trip and will not count against the rider.

Subsequent Trips Following No-Shows

When a rider is a no-show for one trip, all subsequent trips for that day will remain scheduled unless the rider specifically cancels the trips. To avoid multiple no-shows on the same day, the rider must cancel any trips that are no longer needed for that day. The No-Show Appeals Committee will take into consideration any situations beyond a rider's control that results in a no-show.

Suspension Policies for a Pattern or Practice of Excessive No-Show and Late Cancellations

CCRTA reviews all recorded no-shows and late cancellations to ensure accuracy before recording them in a rider's account.

CCRTA will identify riders who, within a calendar month have no-shows and late cancellations that meet both of the following criteria:

1. No-shows/late cancellations that represent 11% or more of the rider's total scheduled trips AND

2. The rider has four (4) or more no-shows.

Riders who meet the above criteria will be in violation of the no-show/late cancellation policy. Riders will not be penalized for no-shows or late cancellations due to circumstances beyond their control.

A rider who earns three (3) no-shows, and late cancellations within a calendar month will receive a written notice with a list of their no-shows and late cancellations.

When a rider violates the no-show/late cancellation policy, the following progressive action will be taken:

Progressive Suspension Policy:

First violation – a warning letter is issued advising the rider that he/she has violated CCRTA's no-show/late cancellation policy

Second violation – rider receives a seven (7) day service suspension

Third violation – rider receives a 14-day service suspension

Fourth violation – rider receives a 21-day service suspension

Fifth violation – rider receives a 30-day service suspension

Appealing a Suspension

A rider who receives a suspension notice may file an appeal. (see Appeal Hearings). Failure to appeal the no-shows will confirm the accuracy of the suspension and may not be appealed after the No-Show Hearing. No rider shall be suspended under this policy for having three (3) or less no-shows/late cancellation in a calendar month.

Subsequent suspension violations will be reviewed by the No-Show Appeals Committee to determine an appropriate action.

Appeal Hearings

If a rider is in violation of the No-Show/Late Cancellation Policy, a letter will be mailed to the rider advising he/she of their right to appeal the service suspension. The letter will indicate the date of the No-Show Appeal Hearing, the date a response is required, the number of proposed service suspension days and the dates of when the no-shows/late cancellations occurred.

The No-Show Appeal Committee hears appeals by appointment on the Tuesday before the regularly scheduled RCAT meeting. (RCAT meets every third Thursday of each

month). Hearings are held at the CCRTA Staples Street Center, 602 N. Staples. Riders (or their representative) must schedule an appeal by calling the CCRTA's Eligibility Coordinator, 361-289-2712 no later than Friday at 5 pm prior to the appeal date. Riders (or their representative) will be provided an opportunity to state why he/she believes the no-shows are invalid. Riders unable to attend the appeal hearing may submit a letter prior to the appeal date stating the same. Riders requiring additional assistance with submitting an appeal letter may contact the Eligibility Coordinator.

Decisions of the No-Show Appeal Committee will be final. Failure to respond to the appeal process or attend your appeal hearing will enforce the proposed suspension by CCRTA's appointed Appeal Committee only. A rider's no-show history will be considered at Appeal Hearings.

SECTION 12 – Rolling Stock Procurement

12-101 ROLLING STOCK PROCURMENT

The CCRTA complies with the Federal Transit Administration’s (FTA) Buy America Requirements as outlined in 49 CFR §661 and FTA’s Pre-Award and Post-Delivery Audits of Rolling Stock Purchases as outlined in 49 CFR §663.

A Pre-award audit is required before the CCRTA enters into a formal contract with a manufacturer. The audit will be conducted by internal staff, independent from the procurement process. The audit period begins after the issuance of the solicitation and ends before a formal contract is signed with the manufacturer.

The pre-award audit requires completion of the following three certifications:

1. Buy America Certification or Buy America Exemption Certification (Appendix A and B)
2. The Purchaser’s Requirements Certification (Appendix C), and
3. Certification of Compliance with or Inapplicability of Federal Motor Vehicle Safety Standards (FMVSS) (Appendix D)

Table 1 illustrates who is responsible for the certifications

Table 1: Pre-Award Audit Certification Responsibilities

	Recipient	Manufacturer
SOLICITATION		
Pre-Award Buy America Certification	✓	
Pre-Award Buy America Exemption Certification (if applicable)	✓	
Certification of Compliance or Non-Compliance with Buy America Rolling Stock Requirements (49 CFR 661.12)		✓
Pre-Award Purchaser’s Requirements Certification	✓	
Pre-Award FMVSS Compliance Certification	✓	
Pre-Award Certification of FMVSS Inapplicability	✓	

I. Pre-Award Buy America Certification Requirement

- A. The CCRTA will keep on file a Pre-Award Buy America Certification that certifies the following:
 - a. A letter from FTA granting a waiver from the Buy America requirements for the vehicle procurement; or
 - b. CCRTA is satisfied that the rolling stock to be purchased meets the Buy America requirements, which are as follows:
 - i. The cost of the components produced in the United States is more than 60 percent of the cost of all components, and
 - ii. Final assembly takes place in the United States
 - c. CCRTA auditor will review the following documentation provided by the manufacturer:
 - i. Component and subcomponent parts of the rolling stock to be purchased, including for each component and subcomponent:
 - 1. The manufacturer
 - 2. The country of origin, and
 - 3. The cost
 - ii. The final assembly location will also be reviewed, which includes
 - 1. A description of the activities that will take place at the final assembly location, and
 - 2. The cost of the final assembly activities
- B. Buy America Waiver
 - a. If FTA grants a Buy America waiver for only one or more components or subcomponents of the vehicle procurement, but does not waive all of the requirements under Buy America, then CCRTA will review the manufacturer's documentation and satisfy itself that the manufacturer's documentation, together with the FTA-granted waiver, is sufficient to meet the Buy America requirements.
 - b. FTA may grant a waiver of the Buy America requirements under the following circumstances:
 - i. Public Interest Waiver: FTA determines that applying the requirements would be inconsistent with the public interest;
 - ii. Non-availability Waiver: FTA finds that an item is not produced in the United States in sufficient and reasonably available quantities or is not of a satisfactory quality; or
 - iii. Price Differential Waiver: FTA finds that including domestic material will increase the cost of the overall project by more than 25 percent.
 - c. CCRTA, the manufacturer, and supplier may request a public interest waiver and a non-availability waiver
 - d. CCRTA may request a price differential waiver. The waiver request must be timely (i.e. prior to contract award)
 - e. If FTA grants a Buy America waiver, CCRTA must
 - i. Complete a Pre-Award Buy America Exemption Certification; and
 - ii. Keep the Pre-Award Buy America Exemption Certification on file for future FTA reviews.

C. Documentation for Pre-Award Buy America Certification

- a. CCRTA's Pre-Award Audit Report (Appendix D) summarizes the process used to verify the proposed manufacturer's compliance with the Buy America requirements
- b. The Pre-Award Audit Report includes the following:
 - i. CCRTA's Pre-Award Buy America Certification
 - ii. The manufacturer or supplier's documentation, which includes:
 1. The manufacturer's certificate of compliance or non-compliance with Buy America rolling stock requirements
 2. List of vehicle components and subcomponents (domestic content worksheet) by manufacturer or supplier, their country of origin, and costs either as a dollar figure or percentage
 3. The proposed final assembly site location;
 4. The description of activities that will take place at final assembly; and
 5. The total proposed cost of final assembly.

D. Solicitation Phase

- a. Pre-Award audit will be completed prior to the CCRTA entering into a formal contract with a manufacturer or supplier. The following topics will be addressed prior to any procurement process:
 - i. Buy America requirements;
 - ii. CCRTA and Manufacturer or Supplier's monitoring responsibilities of the status of compliance during production;
 - iii. CCRTA's processes for conducting Pre-Award, Intermediate and Post-Delivery Audit reviews;
 - iv. Manufacturer's procedures for collecting, reviewing and maintaining supporting documentation;
 - v. CCRTA's role for collecting, reviewing, and maintaining supporting document; and
 - vi. CCRTA's procedures for managing requests for waivers from Buy America requirements;
- b. CCRTA will adhere to CCRTA's Requirement Checklist for Pre-Award and Post-Delivery Audit (Appendix E)
- c. During the pre-proposal interview, CCRTA will detail the Buy America requirements and required documents to be included in the bid.

E. Verification of Domestic Content Compliance

- a. Calculation of the domestic content is conducted at two levels
 - i. Vehicle Level
 1. The manufacturer must demonstrate that the cost of components produced in the U.S. is more than 60 percent of the cost of all components on the vehicle. CCRTA auditor will verify the manufacturer's information.
 - ii. Component Level
 1. The supplier(s) must demonstrate that for a component to be

included as a domestic component, it must be manufactured in the U.S and more than 60 percent of its subcomponents, by cost, must be manufactured in the United States

- b. CCRTA auditor will verify that the vehicle's total domestic and foreign components cost is the material cost only and does not include any non-cost elements
- c. CCRTA auditor will verify the total cost of material through the following steps:
 - i. Verify the Contract Total Price
 - 1. For pre-award audit, Contract Total Price is the price as certified by the manufacturer on the contract pricing forms at the time of the contract award
 - 2. For the post-delivery audit, the Contract Total Price is the price as defined in the executed contract and any executed Change Orders
 - ii. Verify the Contract Vehicle Total Price for all vehicles being supplied
 - 1. For pre-award audit, this is the price, on the line item(s) for each type of vehicle that consists of the vehicle unit price and total price for the quantity being supplied, as certified by the manufacturer on the contract pricing forms at the time of the contract award
 - 2. For the post-delivery audit, this is the price, on the line item(s) for each type of vehicle that consists of the vehicle unit price and total price for the quantity being supplied, as defined in the executed contract, plus any executed change orders defining change order vehicle unit price and the total price for the quantity of vehicles affected by the change orders
 - 3. CCRTA auditor will ensure that the Contract Vehicle Total Price does not include any other line item prices from the pricing form (and from the change order, if applicable) for items not installed on the vehicle. These other line items may include prices for mobilization, spare parts, special tools, diagnostic and test equipment (DTE), manuals, training, performance bond, on-site warranty support, travel costs, etc.
 - iii. Verify the cost of all Non-Recurring Expenses (NREs)
 - 1. CCRTA auditor will deduct from the Contract Vehicle Total Price, all Non-Recurring Expenses (NREs) that will be incurred by the manufacturer. The manufacturer should identify costs for each NRE.
 - 2. For those NREs not identified on pricing forms, the manufacturer will provide CCRTA auditor evidence for verification.
 - iv. Verify the cost of Final Assembly
 - 1. The manufacturer should identify a detailed breakdown of the final assembly cost and provide the auditor necessary evidence for verification

2. To verify that the proposed final assembly activities comply with Buy America requirements, the CCRTA auditor will review documentation provided by the manufacturer to determine whether the manufacturer's planned final assembly activities in the U.S. are adequate to meet the requirements of 49 CFR §661.11 and Appendix D to §661.11, which states:
 - a. Buses: In the case of a new bus, final assembly would typically include, at a minimum, the installation and interconnection of the engine, transmission, axles, including the cooling and braking systems; the installation and interconnection of the heating and air conditioning equipment; the installation of pneumatic and electrical systems, door systems, passenger seats, passenger grab rails, destination signs, wheelchair lifts; and road testing, final inspection, repairs and preparation of the vehicles for delivery.
3. CCRTA auditor may also review
 - a. The manufacturer's flow chart(s) or detailed drawing(s) of the production work station;
 - b. The manufacturer's work instructions;
 - c. The manufacturing plans; and
 - d. The assembly drawings (usually kept or posted on a production [shop] floor)
 - e. The CCRTA auditor may also conduct a QC/QA inspection
4. Final assembly costs must include:
 - a. The proposed direct labor associated with the U.S. final assembly production line.
 - i. For pre-audit award, costs may be established from the manufacturer's estimate of hours, subcontractors' labor quotes and actual costs from similar projects.
- v. Verify the Contract Vehicle Total Material Cost
 1. Deduct from the Contract Vehicle Total Price, the manufacturer's cost of all NREs and final assembly cost
 - a. Example: Contract Vehicle Total Price (minus) Non-Recurring Costs (minus) Final Assembly = Total Material Cost
- vi. Verify that the Contract Vehicle Total Material Cost, as derived from auditor's independent analysis, matches with that computed by the manufacturer
 1. The Contract Vehicle Total Material Cost will serve as the basis to compute per vehicle cost of materials
- vii. Verify Vehicle Material Cost
 1. This is the price computed by dividing the Contract Vehicle Total Material Cost into the number of vehicles being supplied

- a. Example: Contract Vehicle Total Material Costs
(divided by) Number of Vehicles = Vehicle Material
Cost
 2. Upon verifying the Vehicle Material Cost, the manufacturer
should calculate the vehicle level domestic content for the
material cost for all vehicle components.
- viii. For a vehicle's components to be considered domestic, more than 60
percent of the subcomponents by cost must be of domestic origin.
 1. A component, as defined in 49 CFR §661.3, is any article,
material, or supply, whether manufactured or unmanufactured,
that is directly incorporated into an end product at the final
assembly location.
 2. If a component is determined to be domestic, its entire cost
may be used calculating the cost of domestic content of the
vehicle.
 3. A subcomponent is an article, material, or supply, whether
manufactured or unmanufactured, that is incorporated directly
into a component. A subcomponent need only be
manufactured in the U.S. to be considered domestic
- ix. Manufacturing versus Final Assembly
 1. Final Assembly is the creation of the end product from
individual elements brought together for that purpose through
application of manufacturing processes
 2. Manufacturing refers to the activities that transform the
subcomponents into a new and functionally different
component.
 3. Example of Manufacturing versus Final Assembly for a rolling
stock vehicle:
 - a. While the carbody is itself a component of the
completed vehicle, it is also the parent component onto
which the other components will be installed.
Therefore, each item installed directly onto the carbody
is a component.
 - b. Appendices B and C of 49 CFR §661.11 provide
illustrative lists of bus and railcar components,
respectively.
 - c. The same rationale is applied for other equipment, such
as propulsion equipment and communication
equipment. In each case, the individual items that are
installed on the vehicle are components.
 - d. The items listed in Appendices B and C of 49 CFR
§661.11 should be components for domestic content
calculation purposes.
 - e. If there are new technologies that supersede the items
in Appendices B and C of 49 CFR §661.11, these
should be carefully reviewed to ensure that the

component/subcomponent designations applied for that project are consistent with regulations and the aforementioned rationale.

4. Bus Vehicle Domestic Content Worksheet

- a. At a minimum, the manufacturer's list of components should include items that are listed in Appendix B of 49 CFR §661.11 – Typical Components of Buses, which states: "The following is a list of items that typically would be considered components of a bus. This list is not all-inclusive. Car body shells, engines, transmissions, front axle assemblies, rear axle assemblies, drive shaft assemblies, front suspension assemblies, rear suspension assemblies, air compressor and pneumatic systems, generator/alternator and electrical systems, steering system assemblies, front and rear air brake assemblies, air conditioning compressor assemblies, air conditioning evaporator/condenser assemblies, heating systems, passenger seats, driver's seat assemblies, window assemblies, entrance and exit door assemblies, door control systems, destination sign assemblies, interior lighting assemblies, front and rear end cap assemblies, front and rear bumper assemblies, specialty steel (structural steel tubing, etc.) aluminum extrusions, aluminum, steel or fiberglass exterior panels, and interior trim, flooring, and floor coverings.

5. Supplier Buy America Certificate at Pre-Award

- a. The manufacturer is responsible for ensuring that suppliers and subcontractors comply with Buy America requirements

F. Pre-Award Purchaser's Requirements Certification and Documentation

- a. CCRTA will complete and sign the Pre-Award Purchaser's Requirements Certification (Appendix C) once the Purchaser's requirements have been met.
- b. CCRTA will file the signed Pre-Award Purchaser's Requirements Certification with FTA.
- c. To verify that the proposed manufacturer's bid complies with CCRTA's specification, CCRTA auditor will compare the solicitation specification for the vehicle(s) with the proposed manufacturer's technical bid. This may include the manufacturer's bid proposal, specifications, product brochures, technical data sheets, bills of material, drawings, etc.
- d. The CCRTA auditor will review all or a portion of the following proposed manufacturer's documentation, if available:

- i. Past performance on previous vehicle orders;
 - ii. Qualifications of key personnel;
 - iii. Facility layouts/drawings, production line layout/flowchart
 - iv. Plant output capacity (i.e. max. production rate per week);
 - v. Staffing counts by craft;
 - vi. Readiness of fixtures for carbody construction;
 - vii. Quality assurance and control plan; and/or
 - viii. Other items necessary to execute the work
 - e. If the CCRTA auditor does not find that the information provided in the bid or offer is sufficient to determine whether the manufacturer is able to comply with the purchaser's requirements, then CCRTA will ask the manufacturer to provide additional information
 - f. If concerns are found by the CCRTA auditor, he or she will request that the manufacturer evaluate and, if necessary, implement remedial measures, such as engaging additional production line(s) and subcontracting labor.
 - g. The CCRTA auditor will also review the proposed manufacturer's financial viability (i.e. public financial statements) as part of the review to certify compliance with the pre-award purchaser's requirements
- G. Pre-Award Federal Motor Vehicle Safety Standards (FMVSS) Certification of Compliance or Inapplicability
- a. Per Title 49 U.S.C. Chapter 301, Motor Vehicle Safety, the CCRTA auditor will obtain the FMVSS self-certification (sticker) information from the motor vehicle manufacturer; and
 - b. Complete a Pre-Award FMVSS Compliance Certification (Appendix D)
 - c. CCRTA will keep the manufacturer's Pre-Award FMVSS self-certification information with the Pre-Award FMVSS Compliance Certification on file.
 - d. If the motor vehicles to be purchased are not subject to FMVSS, CCRTA will
 - i. Obtain the proposed manufacturer's certified statement that the motor vehicles that the CCRTA is purchasing are not subject to FMVSS; and
 - ii. CCRTA will complete a Pre-Award Certification of FMVSS Inapplicability (Appendix D)
 - iii. The CCRTA will keep on file the proposed manufacturer's Pre-Award FMVSS exemption statement along with the Pre-Award Certification of FMVSS Inapplicability on file.

II. Post-Delivery Audit Requirements

- a. The purpose of the post-delivery audit is for CCRTA to verify that the built vehicle(s) comply with Buy America requirements, meets CCRTA's solicitation specification requirements, and if applicable, FMVSS
- b. Post-delivery audit period begins when the first vehicle(s) is delivered to CCRTA until the title of the rolling stock is transferred to CCRTA or the last vehicle delivered is put into revenue service, whichever comes first.
- c. The following certifications and supporting documentation must be maintained in the contract file:
 - i. Post-Delivery Buy America Certification; and
 - ii. Post-Delivery Purchaser's Requirements Certification (based upon a

- review of the Resident Inspector's Report and
 - iii. Post-Delivery Certification of FMVSS Compliance or Inapplicability
 - d. The findings of the post-delivery audit process will be described in the Post-Delivery Audit Report
 - III. Post-Delivery Buy America Certification Requirements
 - a. A review of the Post-Delivery Buy American Certification must be completed before the vehicle title is transferred to CCRTA
 - b. The Post-Delivery Buy American Certification certifies either that CCRTA
 - i. Obtained a letter from the FTA granting a waiver from Buy America requirements for the vehicle procurement; or
 - ii. Confirmed that the vehicle(s) procured:
 - 1. Contain components that exceed 60 percent domestic content, by cost;
 - 2. Final assembly of the vehicles took place in the U.S.; and
 - 3. Final assembly activities were pliant with Buy America requirements
 - iii. CCRTA will confirm that the manufacturer has complied with U.S. final assembly requirements and that the cost of components and subcomponents is greater than 60 percent of the aggregate cost of all components.
 - c. Buy America-Exempt Rolling Stock Vehicles
 - i. If a vehicle is eligible for a waiver, CCRTA will:
 - 1. Obtain a Buy America wavier letter from the FTA before a contract is awarded;
 - 2. Complete a Post-Delivery Buy America Exemption Certification (Appendix E); and
 - 3. Keep the Pre-Award Buy America Exemption Certification on file for future FTA reviews
 - d. Documentation for Post-Delivery Buy America Certification
 - i. CCRTA's Post-Delivery Report will include the following:
 - 1. CCRTA's Post-Delivery Buy America Certificate;
 - 2. The manufacturer's certificate of compliance or non-compliance with Buy America rolling stock requirements;
 - 3. A list of vehicle components and subcomponents by manufacturer/supplier, their country of origin, and costs (either as a dollar figure or percentage);
 - 4. The final assembly location;
 - 5. A description of activities that took place at final assembly; and
 - 6. The total actual cost of final assembly
 - ii. The manufacturer must provide the following documents for the Post-Delivery Buy America Certification. This will be included in the Post-Delivery Audit Report.
 - 1. A detailed list of components and subcomponents which includes the manufacturer/supplier and country of origin;
 - 2. Cost of each component and corresponding subcomponents;
 - 3. Both domestic and foreign content, in dollars or as a percentage;

4. The final assembly location;
 5. Description of all work to be performed at the final assembly location; and
 6. Cost of the work performed at the final assembly location.
- IV. Post-Delivery Purchaser's Requirements Certification - 49 CFR §663.37
- a. The Post-Delivery Purchaser's Requirements Certification certifies that the delivered vehicles meet the contract specifications, based on the CCRTA's visual inspections, road tests, monitoring of the final assembly process and the Resident Inspector's Report of manufacturing activities.
 - b. Post-Delivery Purchaser's Requirements Certification Document
 - i. The CCRTA will keep a Post-Delivery Purchaser's Requirements Certification on file that certifies the following:
 1. A resident inspector (other than an agent or employee of the manufacturer) was at the manufacturing site throughout the period of manufacture and completed a report on the manufacture of the vehicles; and
 2. After reviewing the Resident Inspector's Report, and visually inspecting and road testing the delivered vehicles, the vehicles meet the contract specifications.
 - ii. The CCRTA will have an on-site resident inspector at the manufacturing site throughout the manufacturing period.
 1. The resident inspector will:
 - a. Visit component manufacturing sites, as necessary, during the period of manufacture;
 - b. Remain full-time at, or periodically visit, the final assembly location during the period of manufacture; and
 - c. Visually inspect, participate in, and witness performance tests for the vehicles
 - d. The resident inspector will prepare the Resident Inspector's Report that will provide the following:
 - i. Accurate records of all vehicle construction activities
 - ii. A summary of how the construction and operation of the vehicles meet (or do not meet) the contract specifications.
 2. Upon delivery of the vehicles and following receipt and review of the Resident Inspector's Report, CCRTA will visually inspect and road test the vehicles.
- V. Required Purchaser's Requirements Documentation at Post Delivery
- a. CCRTA will maintain a file for future FTA reviews that includes:
 - i. Post-Delivery Purchaser's Requirements Certification;
 - ii. A copy of the Resident Inspector's Report and any associated supporting documentation;
 - iii. The solicitation specification;
 - iv. The manufacturer's bid specification;
 - v. Authorizations of approved equals; and

- vi. Any other supporting documentation
- VI. Post-Delivery Federal Motor Vehicle Safety Standards (FMVSS) Certification of Compliance or Inapplicability
 - a. FMVSS Compliance Vehicles
 - i. CCRTA will obtain the FMVSS self-certification sticker information from the motor vehicle manufacturer;
 - ii. Confirm the manufacturer's FMVSS sticker is affixed to each motor vehicle; and
 - iii. Complete a Post-Delivery FMVSS Compliance Certification (Appendix G).
 - b. Post-Delivery Certification of FMVSS Inapplicability
 - i. If the contracted motor vehicles are not subject to FMVSS, CCRTA will:
 - 1. Obtain the manufacturer's certified statement indicating that the contracted motor vehicles are not subject to FMVSS;
 - 2. Complete a Post-Delivery Certification of FMVSS Inapplicability (Appendix H)

Buy America Certificate

Appendix A

Certification requirement for procurement of buses, other rolling stock and associated equipment.

CERTIFICATE OF COMPLIANCE WITH BUY AMERICA ROLLING STOCK REQUIREMENTS

The bidder or order hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j)(2)(c) and the applicable regulations of 49 CFR §661.11.

Date: _____

Authorized Signature: _____

Print Name: _____

Company Name: _____

Title: _____

Or

CERTIFICATE OF NON-COMPLIANCE WITH BUY AMERICA ROLLING STOCK REQUIREMENTS

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j), but it may qualify for an exemption to the requirement pursuant to 49 U.S.C. 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and the applicable regulations in 49 CFR §661.7

Date: _____

Authorized Signature: _____

Print Name: _____

Company: _____

Title: _____

Buy America Certificate

Appendix B

Certification requirement for procurement of steel, iron, or manufactured products (required for contracts over \$100,000)

CERTIFICATE OF COMPLIANCE WITH BUY AMERICA REQUIREMENTS

The bidder or order hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j)(1) and the applicable regulations of 49 CFR §661.

Date: _____

Authorized Signature: _____

Print Name: _____

Company Name: _____

Title: _____

Or

CERTIFICATE OF NON-COMPLIANCE WITH BUY AMERICA REQUIREMENTS

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j), but it may qualify for an exemption to the requirement pursuant to 49 U.S.C. 5323(j)(2), as amended, and the applicable regulations in 49 CFR §661.7

Date: _____

Authorized Signature: _____

Print Name: _____

Company: _____

Title: _____

Pre-Award Purchaser's Requirements Certification

Appendix C

As required, by Title 49 of the CFR, Part 663, subpart B, the Corpus Christi Regional Transportation Authority (CCRTA) certifies that the vehicles to be purchased (insert number and description of vehicles) from (insert name of proposed manufacturer), are the same product described in CCRTA's solicitation specification and that the (insert name of proposed manufacturer) is a responsible manufacturer with the capability to produce vehicles that meet the specifications.

Date: _____

Director of Procurement's Signature: _____

Print Name: _____

Title: _____

Pre-Award FMVSS Compliance Certification

Appendix D

As required, by Title 49 of the CFR, Part 663, Subpart D, the Corpus Christi Regional Transportation Authority (CCRTA) certifies that it received, at the pre-award stage, a copy of (insert manufacturer's name) self –certification information stating that the buses, (insert number of and description of buses) will comply with the relevant Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in Title 49 of the CFR Part 571.

Date: _____

CCRTA Auditor Authorized Signature: _____

Print Name: _____

Title: _____

Or

Pre-Award Certification of FMVSS Inapplicability

As required by Title 49 of the CFR, Part 663, Subpart D, the Corpus Christi Regional Transportation Authority (CCRTA) certifies that it received at the pre-award stage, a statement from (insert manufacturer's name) indicating that the (insert number of and description of buses), will not be subject to the Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in Title 49 CFR, Part 571.

Date: _____

CCRTA Auditor Authorized Signature: _____

Print Name: _____

Title: _____

POST-DELIVERY BUY AMERICA EXEMPTION CERTIFICATION

Appendix E

As required by Title 49 of the CFR, Part 663 – Subpart C, the Corpus Christi Regional Transportation Authority certifies that there is a letter from FTA, which grants a waiver to the vehicles received, [ENTER MANUFACTURER, NUMBER AND DESCRIPTION OF VEHICLES] from the Buy America requirements under 49 U.S.C. 5323(j), as amended.

Date: _____

CCRTA Auditor Signature: _____

Print Name: _____

Title: _____

POST-DELIVERY PURCHASER'S REQUIREMENTS CERTIFICATION

Appendix F

As required by Title 49 of the CFR, Part 663 – Subpart C, the Corpus Christi Regional Transportation Authority (CCRTA) certifies that a resident inspector [insert name of resident inspector] was at [name of manufacturer], manufacturing site during the period of manufacture of the vehicles [insert the number and description of the vehicles]. The inspector monitored manufacturing and completed a report on the manufacture of the vehicles providing accurate records of all vehicle construction activities. The report addresses how the construction and operation of the vehicles fulfill the contract specifications. After reviewing the report, visually inspecting the vehicles, and performance testing the vehicles, the CCRTA certifies that the vehicles meet the contract specifications.

Date: _____

CCRTA Authorized Signature: _____

Print Name: _____

Title: _____

POST-DELIVERY PURCHASER'S REQUIREMENTS CERTIFICATION

Appendix G

As required by Title 49 of the CFR, Part 663 – Subpart C, after visually inspecting and road testing the contract vehicles, the Corpus Christi Regional Transportation Authority (CCRTA) certifies that the vehicles, [insert the number and description of vehicles] from [name of manufacturer], meet the contract specifications.

Date: _____

CCRTA Authorized Signature: _____

Print Name: _____

Title: _____

POST-DELIVERY FMVSS COMPLIANCE CERTIFICATION

Appendix H

As required, by Title 49 of the CFR, Part 663, subpart D, the Corpus Christi Regional Transportation Authority (CCRTA) certifies that it received, at the post-delivery stage, a copy of [insert manufacturer's name] self-certification information stating that the buses [insert number and description of buses], comply with the relevant Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in Title 49 CFR, Part 571.

Date: _____

CCRTA Authorized Signature: _____

Print Name: _____

Title: _____

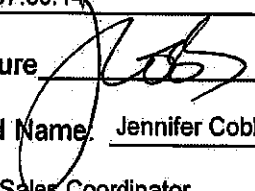
APPENDIX E

Buy America Certificate

Certification required for procurement of steel, iron, or manufactured products (required for contracts over \$100,000).

Certificate of Compliance with 49 C.F.R. 661

The bidder or offeror hereby certifies that it will meet the requirements of Section 165(a) of the Surface Transportation Assistance Act of 1982 and the regulations of 49 C.F.R. 661.

Date 07.30.14
Signature 
Printed Name Jennifer Cobb
Title Sales Coordinator
Company Name National Bus Sales & Leasing Inc

or

Certificate of Non-Compliance with 49 C.F.R. 661

The bidder or offeror hereby certifies that it cannot comply with the requirements of Section 165(a) of the Surface Transportation Assistance Act of 1982 and the regulations of 49 C.F.R. 661.7.

Date _____
Signature _____
Printed Name: _____
Title _____
Company Name _____

ARBOC Specialty Vehicles

POST-AWARD BUY AMERICA DOCUMENTATION

Corpus Christi

VIN's: 1GB6G5BG2E1201823, 1GB6G5BGXE1201987, 1GB6G5BG5E1201377,
1GB6G5BG3E1203113, 1GB6G5BG3E1202236, 1GB6G5BG5E1202271,
1GB6G5BG9E1202483, 1GB6G5BG8E1204628, 1GB6G5BG0E1203540,
1GB6G5BG0E1202212, 1GB6G5BG5E1202688, 1GB6G5BG0E1203862,
1GB6G5BGXE1203660, 1GB6G5BG3E1204536, 1GB6G5BG4E1204349,
1GB6G5BGXE1203982, 1GB6G5BG5E1203601, 1GB6G5BG2E1204639,
1GB6G5BG3E1162482, 1GB6G5BG5F1122261, 1GB6G5BG3F1120962,
1GB6G5BG0F1130798, 1GB6G5BG8F1128992

Component	Manufacturers	% Total Cost
ADA	BRAUN CORPORATION	6.9%
CAPS	PREMIER FIBERGLASS COMPANY INC	3.6%
CHASSIS	DICOR CORPORATION, REFLEX INDUSTRIES INC.	2.1%
DOORS	A & M SYSTEMS INC, CHALLENGER DOOR LLC, CLEAN-SEAL INC	2.3%
ELECTRICAL	KIB ELECTRONICS CORP	3.1%
FRAME & BODY	LIPPERT COMPONENTS INC, MOR/RYPDE INTERNATIONAL INC.	15.4%
HVAC	THERMO KING	7.0%
MISC	AMERICAN SAFETY & FIRST AID, AUSTIN HARDWARE & SUPPLY INC, DAVE CARTER & ASSOCIATES, DEC-O-ART INC, FASTENAL COMPANY, LAVANTURE PRODUCTS, POWER BRAKE & SPRING SERVICE CO, PREMIER PRINT & SERVICES GROUP INC, PRO PRINTS GEAR, SEIFERT GRAPHICS INC, VYTEC INCORPORATED, YODER OIL COMPANY INC	38.5%
SEATING	FREEDMAN SEATING COMPANY	5.6%
STANCHION & EXHAUST	ASC INDUSTRIES INC, HECKETHORN MANUFACTURING COMPANY, JET TECHNOLOGIES INC	2.4%
WINDOWS	CLEER VISION WINDOWS INC	1.3%
Total		88.2%

- 1-Point of final assembly Middlebury, Indiana.
- 2- Final assembly activities include: (1) Chassis prep and rebuild (2) Body assembly and set (3) Flooring and seat assembly (4) Electrical installation (5) Final assembly including Water test, road test, front end alignment and final ship.
- 3-The labor cost of the final assembly is \$17,458

ARBOC SPECIALTY VEHICLES LLC, 51165 Greenfield Parkway, MIDDLEBURY, INDIANA 46540
574-825-4880 (PHONE) * 574-825-1750 (FAX)
www.ARBOCsv.com

ARBOC Specialty Vehicles

POST-AWARD BUY AMERICA DOCUMENTATION

Corpus Christi

VIN's: 1GB6G5BG2E1201823, 1GB6G5BGXE1201987, 1GB6G5BG5E1201377,
1GB6G5BG3E1203113, 1GB6G5BG3E1202236, 1GB6G5BG5E1202271,
1GB6G5BG9E1202483, 1GB6G5BG8E1204628, 1GB6G5BG0E1203540,
1GB6G5BG0E1202212, 1GB6G5BG5E1202688, 1GB6G5BG0E1203862,
1GB6G5BGXE1203660, 1GB6G5BG3E1204536, 1GB6G5BG4E1204349,
1GB6G5BGXE1203982, 1GB6G5BG5E1203601, 1GB6G5BG2E1204639,
1GB6G5BG3E1162482, 1GB6G5BG5F1122261, 1GB6G5BG3F1120962,
1GB6G5BG0F1130798, 1GB6G5BG8F1128992

Component	Manufacturers	% Total Cost
ADA	BRAUN CORPORATION	6.9%
CAPS	PREMIER FIBERGLASS COMPANY INC	3.6%
CHASSIS	DICOR CORPORATION, REFLEX INDUSTRIES INC.	2.1%
DOORS	A & M SYSTEMS INC, CHALLENGER DOOR LLC, CLEAN-SEAL INC	2.3%
ELECTRICAL	KIB ELECTRONICS CORP	3.1%
FRAME & BODY	LIPPERT COMPONENTS INC, MOR/RYPDE INTERNATIONAL INC.	15.4%
HVAC	THERMO KING	7.0%
MISC	AMERICAN SAFETY & FIRST AID, AUSTIN HARDWARE & SUPPLY INC, DAVE CARTER & ASSOCIATES, DEC-O-ART INC, FASTENAL COMPANY, LAVANTURE PRODUCTS, POWER BRAKE & SPRING SERVICE CO, PREMIER PRINT & SERVICES GROUP INC, PRO PRINTS GEAR, SEIFERT GRAPHICS INC, VYTEC INCORPORATED, YODER OIL COMPANY INC	38.5%
SEATING	FREEDMAN SEATING COMPANY	5.6%
STANCHION & EXHAUST	ASC INDUSTRIES INC, HECKETHORN MANUFACTURING COMPANY, JET TECHNOLOGIES INC	2.4%
WINDOWS	CLEER VISION WINDOWS INC	1.3%
Total		88.2%

1-Point of final assembly Middlebury, Indiana.

2- Final assembly activities include: (1) Chassis prep and rebuild (2) Body assembly and set (3) Flooring and seat assembly (4) Electrical installation (5) Final assembly including Water test, road test, front end alignment and final ship.

3-The labor cost of the final assembly is \$17,458

ARBOC SPECIALTY VEHICLES LLC, 51165 Greenfield Parkway, MIDDLEBURY, INDIANA 46540
574-825-4880 (PHONE) * 574-825-1750 (FAX)
www.ARBOCsv.com

ARBOC Specialty Vehicles

PRE-AWARD BUY AMERICA COST DOCUMENTATION

ARBOC Specialty Vehicles, LLC

End user Customer: Corpus Christi

GM Unit Number: (7) TBD

Component	Manufacturer	State of Origin	% Total Cost
Chassis	GM/Chevy	Missouri	27%
Air Conditioning/Heating	Thermo King	Minnesota	9%
Frame and Body Structure	EA Enterprises	Indiana	8%
Ramp	Braun	Indiana	2%
Seats	Freedman	Illinois	10%
Frame and Body Structure	Northfield/Future	Michigan	3%
Electrical	KIB	Indiana	4%
Front and Rear Caps	Summit	Indiana	2%
Total percentage of vehicle manufactured in the U.S. (minimum)			65%
<p>1-Point of final assembly Middlebury, Indiana.</p> <p>2- Final assembly activities include: (1) Chassis prep and rebuild (2) Body assembly and set (3) Flooring and seat assembly (4) Electrical installation (5) Final assembly including Water test, road test, front end alignment and final ship.</p> <p>3-The labor cost of the final assembly is approximately \$17,458</p>			

ARBOC Specialty Vehicles

PRE-PRODUCTION BUY AMERICA COST DOCUMENTATION

ARBOC Specialty Vehicles, LLC

End user Customer: Corpus Christi, Texas

Unit Number: 23 buses

Component	Manufacturer	State of Origin	% Total Cost
Chassis	GM/Chevy	Missouri	37%
Air Conditioning/Heating	Thermo King	Nebraska	10%
Frame and Body Structure	Dexter	Indiana	10%
Ramp	Ricon	California	3%
Seats	Freedman	Illinois	12%
Frame and Body Structure	Northfield/Future	Michigan	3%
Assembly of components	Various	Indiana/Michigan	20%
Electrical	KIB	Indiana	5%
USA Material Content			
Total Material			
total percentage of vehicle manufactured in the U.S. (minimum)			69%
<p>1-Point of final assembly Middlebury, Indiana.</p> <p>2- Final assembly activities include: (1) Chassis prep and rebuild (2) Body assembly and set (3) Flooring and seat assembly (4) Electrical installation (5) Final assembly including Water test, road test, front end alignment and final ship.</p> <p>3-The labor cost of the final assembly is approximately \$17,458</p>			

FTA Triennial Review (2013-2015)

FTA Requested Information: number of buses to be purchased, disposed, projected peak requirement and projected spare ratio

FY 2017 Service Plan: Fleet Composition

Number of Buses to be Purchased	Number of Buses to be Disposed	Number of Buses Remaining	Projected Peak Requirement	Projected Spare Ratio
0	0	86	72	19.4%

FY 2017 Service Plan: Available Fleet Types

MV: Small Buses (25 feet)	RTA: Large Buses (35 and 40 feet)	Port Aransas: Small Buses (25 and 30 feet)	Total Buses:
12	70	4	86

FY 2017 Service Plan: Projected Peak Requirement and Spare Ratio

Fleet	MV: Small Buses (25 feet)	RTA: Large Buses (35 and 40 feet)	Port Aransas: Small Buses (25 feet)	Total Buses:
Peak Requirement	9	61	2	72
Available Buses	12	70	4	86
Spare Ratio	19.4%			



CORPUS CHRISTI REGIONAL
TRANSPORTATION AUTHORITY

PUBLIC NOTICE
TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

The Corpus Christi Regional Transportation Authority (CCRTA) hereby gives notice that coordination actions with the Corpus Christi Metropolitan Planning Organization (MPO) have occurred to assure that the procedures established in the MPO's public participation plan, including public notice and times established for public review and comment on the TIP, satisfy the Requirement of public participation in the development of the program of projects and grant application requirements of the Federal Transit Administration (FTA) Urbanized Area Formula Program, Section 5307; and other formula funds. The public participation requirements of 49 U.S.C. Section 5307 (b) (1) through (b) (7) (as amended by MAP-21) are integrated into the MPO's adopted "Public Participation Plan".

The CCRTA therefore is a participant with the MPO in the TIP process noticed (as shown below) on INSERT DATE



PUBLIC NOTICE

INSERT DATE

The **Corpus Christi Metropolitan Planning Organization (MPO)** seeks public input on the proposed adoption of the **FY 2017-2020 Transportation Improvement Program (TIP)** update and a request to amend the **2015-2040 Metropolitan Transportation Plan (MTP)** to reflect this update.

Public input by telephone or in written form is invited through [INSERT DATE]. Public comment may be offered in person during the following meeting:

INSERT DAY	MPO Technical Advisory Committee (TAC) Meeting	INSERT ADDRESS
INSERT DATE		INSERT ADDRESS
INSERT TIME		

Discussion with possible action to modify or adopt the amendments based on public input may take place at the May 5* meeting of the Transportation Policy Committee (TPC). (*Date subject to change; notice of TPC meetings is posted on the MPO website: www.corpuschristi-mpo.org).

For additional information, call (361) 884-0687; visit the MPO offices at Staples Street Center, 602 N. Staples Street, Corpus Christi, TX 78401; or view on our website at www.corpuschristi-mpo.org.

Información en Español: Si usted desea esta información en Español o si desea explicación sobre el contenido, por favor llámenos al teléfono (361) 884-0687 o comuníquese con nosotros mediante correo electrónico a ccmpo@cctxmpo.us. Nuestras oficinas están ubicadas en el 602 N. Staples Street, Suite 300, Corpus Christi, TX 78401. Copias se proveerán a petición.

RESOLUTION NO. 2016-R41

**A RESOLUTION OF THE PORT ARANSAS CITY COUNCIL ADOPTING THE
CORPUS CHRISTI REGIONAL TRANSPORTATION AUTHORITY (RTA)
DRUG AND ALCOHOL POLICY IN COMPLIANCE WITH PARTNERSHIP
AGREEMENT AND 49 CFR 655.14 FOR TROLLEY/BUS AND FLEXI-B
DRIVERS EMPLOYED BY THE CITY OF PORT ARANSAS.**

WHEREAS, the City Council and the Regional Transportation Authority (RTA) Board of Directors and management are committed to providing safe and efficient transportation service to the public and firmly committed to providing employees a drug-free work environment that will help ensure a healthy, satisfying work environment and provide personal opportunities for growth and advancement; and

WHEREAS, compliance with RTA Drug & Alcohol Policy, including consent to searches and medical screens and signing of authorization forms permitting the Medical Review Officer (MRO) to release information to the designated RTA administrative official is a condition of employment under RTA authority and contract agreement between the City and RTA; and

WHEREAS, employees who perform in safety-sensitive functions, as defined in FTA regulation (49CFR-Part 655) are subject to random drugs and alcohol testing. Random drug testing can occur anytime while on duty, whereas, random alcohol testing can occur just before, during or just after the performance of safety-sensitive functions and other special requirements as set forth in this policy; and

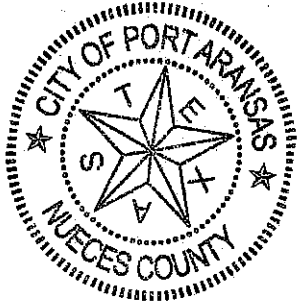
WHEREAS, the City Council hereby finds and determines that the necessity to construct comply with said Policy for the safe and efficient transportation services of its citizens.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS:

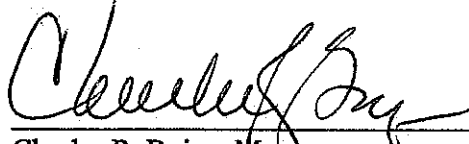
Section 1. That the City Council approves and adopts the Corpus Christi Regional Transportation Authority (RTA) Drug and Alcohol Policy in Compliance With Partnership Agreement and 49 CFR 655.14 for Trolley/Bus and Flexi-B Drivers Employed by the City of Port Aransas and more specifically described as Exhibit 1 attached hereto.

Section 2. It is further found and determined that, in accordance with the order of this governing body, the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and such notice having been so posted and remaining posted continuously for at least seventy-two (72) hours preceding the scheduled time of such meeting.

PASSED and APPROVED by the City Council of the City of Port Aransas, Nueces County, Texas on this the 18th day of AUGUST, 2016.



CITY OF PORT ARANSAS, TEXAS



Charles R. Bujan, Mayor

ATTEST:



Irma G. Parker, City Secretary



CITY OF PORT ARANSAS

RTA – Drug & Alcohol Abuse Policy

**Adopted from: 2016 Corpus Christi Regional Transportation Authority
Policies and Procedures: HR-27
Subject: Drug and Alcohol Abuse Policy**

Article I. Policy Statement

Section 1.01 The Regional Transportation Authority (RTA) Board of Directors and management are committed to providing safe and efficient transportation service to the public. The RTA is firmly committed to providing employees a drug-free work environment that will help ensure a healthy, satisfying work environment and provide personal opportunities for growth and advancement. It is the RTA's goal to:

1. Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
2. Create a workplace environment free from the adverse effect of drug abuse and alcohol misuse;
3. Prohibit the unlawful manufacture, distribution, dispensing, possession, transfer or use of controlled substances; and
4. Encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, alter their ability to perform their assigned duties.

Section 1.02 The RTA will impose disciplinary action, including termination of employment, upon notification of confirmed positive drug and/or alcohol test results. **COMPLIANCE WITH THIS POLICY IS MANDATORY.**

Article II. Applicability

Section 2.01 This policy applies to all RTA full-time and part-time employees, including both safety-sensitive employees and non-safety-sensitive employees. It also covers contracted employees and independent contractors when they are on RTA property or they are performing RTA-related business. The policy also applies to off-site lunch periods or breaks when an employee is scheduled to return to work.

Section 2.02 This policy also covers all private or public operators providing mass transportation operations for the RTA. All contracted operators must verify annually to the RTA their compliance with FTA drug/alcohol guidelines. The Chief Executive Officer, or designee, is responsible for the certification of compliance to FTA that a contracted public or private operator or other service provider in accomplishing mass transportation operations, is complying with the regulations. Contractors found to be in violation of this policy may not be allowed to conduct business.

Section 2.03 Compliance with this policy, including consent to searches and medical screens and signing of authorization forms permitting the Medical Review Officer (MRO) to release information to the designated RTA administrative official is a condition of employment under RTA authority.

Section 2.04 Safety Sensitive Functions: Employees who perform in safety-sensitive functions as that term is defined in FTA regulation (49CFR-Part 655) are subject to random drugs and alcohol testing. Random drug testing can occur anytime while on duty, whereas, random alcohol testing can occur just before, during or just after the performance of safety-sensitive functions and other special requirements as set forth in this policy. Generally a safety-sensitive function occurs when an employee is performing, ready to perform or immediately available to perform duties related to the safe operation of mass transit services. The following are safety-sensitive functions:

- Operation of a revenue service vehicle, whether or not such vehicle is in revenue service;
- Controlling dispatch or movement of a revenue service vehicle;
- Maintaining revenue service vehicles or equipment used in revenue service;
- Operating a non-revenue service vehicle when required to be operated by a holder of a CDL License; and
- Provides security for the agency and carries a firearm.

Section 2.05 RTA safety-sensitive positions include bus operators, dispatchers, transportation supervisors, mechanics, servicepersons, garage service persons, garage service supervisors, maintenance supervisors, mechanic supervisors, manager of safety and security, training instructor, manager of transportation and contracted security personnel that carry firearms.

Section 2.06 The FTA has authorized transit systems to exceed the requirements specifically set forth in the 49 CFR Part 655 as amended as long as such requirements are above those of FTA. Parts of these policies and procedures are being implemented under the authority of the RTA.

Article III. Purpose

Section 3.01 The purpose of this policy is to assure employee fitness for duty and to protect RTA employees, customers, and the public from the risk posed by worker use of drugs or alcohol. This Policy is intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transit industry. The Federal Transit Administration has published 49 CFR Part 655, as amended, that mandates urine drug and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (DOT) also has published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. In addition the Federal Government has published 49 CFR Part 29, 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. This policy incorporates those requirements for safety-sensitive employees and, under the RTA's own authority, for non-safety-sensitive employees.

Article IV. Prohibited Substances

Prohibited substances addressed by this policy include the following:

Section 4.01 Illegally-Used Controlled Substances or Drugs - Any illegal drug or any substance identified in Schedules 1 through V of Section 202 of the controlled substance act (21 U. S. C. 812), and as further defined by 21 CFR 13000.11 through 1300.15. The cutoff levels are subject to change by the Department of Health and Human Services and RTA as advances in technology or other considerations warrant identification of the substances at other concentrations.

- (a) Illegally-used controlled substances include any drug not approved by the U.S. Drug Enforcement Administration of the U. S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legal drugs, and use of illegally obtained prescription drugs.

- (b) Anytime an employee (whether or not on paid status) is called to report to duty, and the employee has used alcohol within four hours of the call, the employee must turn down the work or acknowledge the use of alcohol and the inability to perform the functions of the position. This provision applies to all RTA positions, including non-sensitive under the Authority of the RTA.

Section 4.02 Legal Drugs/Prescription Drugs of Medication - The appropriate use of legally prescribed drugs and nonprescription medication is not prohibited when used appropriately; however, all RTA safety-sensitive employees must report the use of medically authorized drugs that may impair job performance or mental function to her/his immediate supervisor prior to performing safety-sensitive duties. It is the employee's responsibility to inform the physician of the employee's job duties and determine from the physician, or other health care professional (e.g. nurse, dentist, pharmacist) whether or not the prescribed drug may impair their job performance or mental or motor functions. The RTA reserves the right to determine whether any employee is capable of performing job functions while on medication.

Section 4.03 Alcohol

- (a) **Adverse Effects** - It is recognized that alcohol is a legal, socially acceptable drug when consumed in moderation. However the use of beverages containing alcohol, including medications where alcohol is present in the body while on duty is prohibited.

The chronic consumption of alcohol over time may result in critical health issues, including dependency, fatal liver diseases, ulcers, and increased possibility of cancers. Slurred speech, poor co-ordination, inability to walk straight, rapid eye movement, impaired memory or attention, stupor or coma are all signs of alcohol abuse and problems. Additionally, an alcohol habit can make a financial demand on people, which may prompt theft.

- (b) **Use** - The FTA and RTA prohibit safety-sensitive employees from reporting to duty within four (4) hours of using any alcoholic substance, beverage, or mixture, within four (4) hours of the employee's scheduled time to report to work, while on duty, while subject to on-call paid status or within eight (8) hours following an accident or until the employee takes a post-accident alcohol and/or drug test, whichever comes first.
- (i) Anytime an employee (whether or not on paid status) is called to report to duty, and the employee has used alcohol within four (4) hours of the call, the employee must turn down the work or acknowledge the use of alcohol and the inability to perform the functions of the position. This provision applies to all RTA positions, including non-sensitive under the authority of the RTA.
- (ii) An employee who has a confirmed alcohol concentration of 0.02 or greater but less than 0.04, on an evidentiary breath testing device, will result in removal of his/her position for eight (8) hours or until the employee tests below the concentration level of 0.02, whichever is sooner. The employee will be placed on inactive non-paid status for the period of non-availability, unless the employee chooses to use personal leave. The ability to use personal leave will be allowed once during the employment period.
- (iii) A confirmed alcohol concentration of 0.04 or greater is considered a positive test and will result in termination of employment for violation of this Policy. This provision applies to all RTA employees.

Article V. Prohibited Conduct

Section 5.01 Manufacturing, Trafficking, Possession and Use - Any employee engaging in the manufacture, distribution, dispensing, possession, or use of prohibited substances or misuse of legal substances on RTA premises, in RTA vehicles, in uniform or while on RTA business will be subject to disciplinary action, up to and including termination. If appropriate law enforcement will be notified where criminal activity is suspected.

Section 5.02 Intoxication - Any safety-sensitive or non-safety-sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty will be suspended from job duties pending an investigation and verification of condition. Employees who fail to pass a drug or alcohol test shall be removed from duty and referred to a Substance Abuse Professional (SAP). Persons who fail to pass an alcohol and/or drug screen will be subject to termination. A drug or alcohol screen is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49CFR Part 40, as amended.

Section 5.03 Alcohol Use - No safety-sensitive or non-safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol, or when his/her blood alcohol concentration is 0.02 or greater. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and subject to disciplinary action, including termination. No safety-sensitive or non-safety-sensitive employee will use alcohol while on duty, while performing or just before or after performing a safety-sensitive function. No safety-sensitive employee or non-safety-sensitive will report to work within four (4) hours of using any alcoholic substance, beverage, or mixture, within four (4) hours of the employee's scheduled time to report to work, while on duty, while subject to on-call paid status or within eight (8) hours following an accident or until the employee takes a post-accident alcohol and/or drug test, whichever comes first. Violations of this policy are prohibited and are cause for termination of employment.

Section 5.04 Removal from Duty: If an employee tests between 0.02 and 0.39 on an alcohol test, the employee will be removed from service for a minimum of eight (8) hours, unless a retest results in a concentration of less than 0.02. Employees so removed may be subject to disciplinary action, up to and including termination of employment. Employees so removed will be allowed one (1) opportunity during the duration of his or her employment to utilize available paid leave for this purpose.

Section 5.05 Prohibited use of position or RTA property: All employees are strictly prohibited from using RTA property (of any kind) or one's position as an RTA employee to manufacture, distribute, sell, dispense, possess, or use a controlled substance or illegal drug or from coming upon the premises, even while off duty, under the influence of alcohol, an illegal drug or a controlled substance.

Section 5.06 Searches: If the RTA has reasonable cause to suspect an employee is violating the RTA's Drug and Alcohol-free Workplace policy, the employee may be asked to immediately submit to a search of property on the premises to which the employee has access and/or possession, including RTA-owned vehicles, the employee's own vehicle, when located on the premises, or other items, including but not limited to any desk, locker, lunch box, briefcase, purse, wallet, or personal packages. Employees have no expectation of privacy in any vehicle or premises owned by the RTA or any personal property located on the premises of the RTA and are subject to being searched at any time. Further, employees do not have a right to expect privacy in any RTA- owned vehicle at any location.

Section 5.07 Violations. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment. The only exception to this policy is RIA-sponsored events when alcoholic beverages may be offered. At such events, employees are expected to exercise good judgment and control consistent with good business practices.

Section 5.08 Prescriptions: This policy does not prohibit the use of medications prescribed by treating doctors. If an employee is undergoing medical treatment and is required to use prescription drugs with side effects, which may affect his or her ability to work, and the doctor advises that the employee should not work due to potential side effects, the employee should provide his or her supervisor with a written excuse from the prescribing doctor.

Section 5.09 Employee Assistance Program (EAP): The RTA wishes to assist employees who recognize that they have a problem of drug and/or alcohol dependency that may interfere with their ability to perform their duties in a safe and satisfactory manner. Employees who have a drug or alcohol problem will be allowed to take health and/or personal leave and/or unpaid leave to participate in the EAP. The RTA will make reasonable efforts to keep confidential the fact that the employee is enrolled in the EAP.

Section 5.10 Disabilities: The RTA will accommodate known disabilities in accordance with the law.

Article VI. Drug/Alcohol Testing

Section 6.01 The RTA will not hire individuals who use any illegal drug, in any amount, regardless of frequency. The term "illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act [21 U.S.C. 801 et seq.]. Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of federal law. The RTA seeks to comply with all federal, state, and local laws and regulations concerning violation of criminal drug statutes in the workplace. The RTA does not permit the employment of persons who use drugs or other substances, which may impair sensory, mental, or physical functions (hereinafter collectively referred to as "drugs/alcohol") and will discipline any employee who tests positive for illegal drugs or alcohol, up to and including termination of employment. In furtherance of this policy, the RTA has adopted a drug/alcohol testing program. "Drug/alcohol test" means a chemical test administered for the purpose of determining the presence or absence of a drug or its metabolites or alcohol in a person's bodily tissue, fluids or products.

Section 6.02 Proper Application of this Policy - The RTA is committed to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of the policy, or who is found to deliberately misuse the policy shall be subject to disciplinary action, up to and including termination of employment.

Section 6.03 Compliance with Testing Requirements - All safety-sensitive employees will be subject to drug and breathe alcohol testing. Any safety- sensitive employee who refuses a drug and/or breath alcohol tests will be subject to termination. The following circumstances are all considered refusals for drug and alcohol tests in accordance with FTA regulations:

1. Failure to appear in a reasonable time except for pre-employment tests;
2. Failure to remain until the testing process is complete;
3. Failure to provide a specimen;
4. Failure to provide a sufficient specimen with no medical explanation;
5. Failure to undergo a medical evaluation as required by an MRO Order;
6. Failure to cooperate with any part of the testing process, including (e.g. refusal to empty pockets as directed by the collector, behaving in a confrontational way the disrupts the process)
7. Failure to permit monitoring or observation;
8. Failure to take a second test as directed by the collector or employer under drug testing;
9. Failure or refusal to sign Step 2 of the alcohol testing form;
10. Failure to follow an observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other devise that could be used to interfere with the collection process during an observed collection.
11. Possessing or wearing a prosthetic or other devise used to tamper or interfere with the collection process;
12. Admitting to the collector or MRO that the specimen adulterated or substituted; and
13. If the MRO reports that there is verified adulterated or substituted test result.

Section 6.04 Refusal.

- (a) In addition to the above stated circumstances, it is also considered a refusal of an alcohol test if the employee refuses to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (b) Refusals shall be considered a positive test and the individual will be subject to termination. The terminated employee will be provided with a list of Substance Abuse Professionals for evaluation. Non-safety sensitive employees are also subject to the same requirements under RTA's own authority, and not the authority of the FTA.

- (c) Refusals can include an inability to provide a sufficient urine specimen or breathe sample without a medical explanation, as well as, a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test. Possessing or wearing a prosthetic or other device used to tamper or interfere with the collection process is also a refusal. Another form of refusal is admitting to the collector or MRO that you adulterated or substituted the specimen. The MRO's verification of a test as adulterated or substituted test result, you have refused to take a drug test is also considered a refusal. For a complete listing of the current refusal conditions, please refer to 49 CFR part 40.

Section 6.05 Treatment Requirements

- (a) The RTA strongly encourages all employees to make use the available resources for treatment of alcohol misuse or legal and illegal drug use problems. The RTA has in place an Employee Assistance Program (EAP) and encourages employees who have problems with substance abuse to avail themselves of the services before it affects their job performance and/or the individual becomes subject to testing. Reasonable efforts will be made to accommodate persons undergoing treatment, without compromising safety. However, voluntary self-referral will not relieve the individual from responsibility for complying with this policy. Costs for rehabilitation services with the EAP will be the sole responsibility of the employee and/or their health insurance coverage, if applicable.
- (b) Self-referral after notification of selection for a drug or alcohol test will not eliminate the requirement to take the test, nor will it preclude the imposition of disciplinary action, including termination of employment, should the individual fail the test.

Section 6.06 Notification to the RTA of Criminal Drug Conviction. Any employee who is arrested for any offense that is a violation of the Drug Free Workplace Act occurring while on RTA property, or any employees or contractors or contractors employees who is arrested for driving while intoxicated (DWI) or for a driving under the influence (DUI) violation at any time must notify Human Resources immediately (in writing and within forty-eight hours of arrest or citation), and if convicted must notify his or her supervisor and Human Resources within five (5) working days of the date of the conviction. A conviction for this purpose includes any findings of guilt (including one agreed by the employee), or pleas of no contest; and or any imposition of fine, jail sentences, or penalty. Failure to comply will subject the individual to disciplinary action up to and including termination of employment. The CEO or his/her designee shall notify each appropriate federal agency within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of such conviction, and take disciplinary action within thirty (30) days of learning of said conviction.

Section 6.07 Confidentiality

- (a) The RTA affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. Laboratory and test results will be maintained in a separate confidential medical file under the control of the RTA's designated Drug and Alcohol Program Manager. The reports or test results may only be disclosed without an employee's consent when:
 - 1. The information is compelled by law or by judicial or administrative review and
 - 2. The information has been placed at issue in a formal dispute between the employee and the employer
- (b) Employees will be required to sign a separate release every time testing information is to be disclosed at their request.

Article VII. Testing Procedures.

Section 7.01 All testing will be conducted in a manner to promote 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 49CFR 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 results.

Section 7.02 Drugs.

- (a) The drugs that will be tested for include marijuana, opiates, cocaine, amphetamines and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method for safety-sensitive employees as described in 49 CFR Part 40, as amended. An initial drug screen will be conducted on each specimen. For those specimens that are not negative, a confirmatory gas Chromatography/ Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drugs/and or metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
- (b) All tests results from the HHS certified lab will be reported to the RTA Medical Review Officer (MRO). An MRO is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to determine whether there is a legitimate medical explanation for a confirmed positive, substitute or adulterated test result. Before verifying that an employee has a positive drug test result, the MRO will make reasonable efforts to contact the employee on a direct and confidential basis, to determine whether the employee wishes to discuss the test or present a legitimate explanation for the positive result. If after reasonable efforts the MRO is unable to reach the employee directly the MRO may contact RTA's Designated Employer Representative (DER) to assist in contacting the employee. The RTA will strive to keep the MRO contact confidential.
- (c) If after making diligent and reasonable efforts to contact the employee, neither the MRO nor the RTA's DER is able to contact the employee, the MRO may verify the positive test. All positive tests will be reported by the MRO to the RTA's DER. No test results may be disclosed to any party other than the MRO or a designated RTA employee without authorization from the employee. An employee may, upon written request, receive a copy of any record or report relating to such employee's drug or alcohol test or test results. Any safety-sensitive or non-safety-sensitive employee who has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available and referred to a Substance Abuse Professional (SAP). A positive drug and/or alcohol test will result in disciplinary action up to and including termination of employment.
- (d) The MRO may declare a test invalid or canceled based on the regulations specified in 49CFR Part 40. A canceled test is neither a positive nor negative test. An example of a canceled test is a urine sample being rejected by the laboratory. If the RTA is informed by the MRO that a negative drug test was diluted, an employee will be required to immediately submit a new test under non-observed conditions, with as minimum advance notice as possible.

Section 7.03 Alcohol. Tests for breath alcohol concentration shall be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath taking device (EBT) operated by a trained breath alcohol technician (BAT). All breathe alcohol tests results will be reported by the BAT to the DER. 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. Alcohol concentration of greater than 0.02 but less than 0.04 will result in removal from his/her position for a minimum of 8 hours unless a retest results in a concentration of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49CFR Part 655 for safety-sensitive employees. Any safety-sensitive employee and/or non-safety-sensitive employee who have a positive alcohol test will be removed from duty and will be subject to termination of his or her employment. Such employee will be informed of educational and rehabilitation programs and referred to a Substance Abuse Professional (SAP)

Section 7.04 Split Specimen Testing. Any safety-sensitive or non-safety-sensitive employee who questions the results of a required drug test may request that an additional test be conducted. The test must be conducted in a different DHHS laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. All costs for such test will be the responsibility of the employee unless the results of such tests invalidate the results of the original test. The method of collecting, storing and testing the split sample will be consistent with the procedures set forth in 49 CFR, Part 40, as amended.

- (i) The employee's request for a split sample test must be made to the Medical Review Officer (MRO) within 72 hours of notice of the original sample verified test result. Requests after 72 hours will be considered only if the delay was due to verified facts that were beyond the employee's control.*

Section 7.05 Pre-Employment Testing. All safety-sensitive position applicants will undergo urine drug testing along with alcohol testing immediately following a conditional offer of employment or transfer into a safety-sensitive position. Applicants for Non-safety sensitive positions are also subject to the same pre-employment testing under RTA's own authority, and not the authority of the FTA. Receipt by the transit system of a verified negative drug test result is required prior to employment. Failing a pre-employment drug and alcohol test will disqualify an applicant for employment at the RTA for a minimum of one year. The RTA will re-consider a safety-sensitive applicant's application for employment under the condition that the employee must provide proof of having successfully completed a referral, evaluation and treatment plan as outlined in 49 CFR section 655.62 and 49 CFR Part 40, Subpart 0.

- (i) *The RTA will conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who transferred to a position involving the performance of safety-sensitive functions.) The RTA will treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others.) The RTA will not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02. Non-safety sensitive positions are also subject to these same pre-employment provisions under RTA's own authority.*

- (ii) *Should a safety-sensitive or a non-safety-sensitive employee be unavailable for job duties and also removed from the RTA's random selection pool for a period of 90 consecutive calendar days or longer, the employee will be required to submit to a pre-employment drug screen and alcohol testing with a verified negative result prior to returning to his/her job duties. Employees transferring into a safety-sensitive position will be required to submit and pass a pre-employment drug and alcohol test prior to the transfer.*

Section 7.06 Reasonable Suspicion Testing.

- (a) All safety-sensitive employees may be subject to a fitness for duty evaluation, and urine and/or breath testing when there exists a reasonable suspicion to believe that drug or alcohol use is adversely affecting job performance. Non-safety sensitive employees are also subject to the same reasonable suspicion requirement under RTA's own authority, and not the authority of the FTA. A reasonable suspicion referral for testing will be made on the basis of specific, contemporaneous articulable observations concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion with the basis of alcohol testing is only permissible just before an employee performs safety-sensitive duties, during that performance, and just after an employee has performed the covered duties.

- (b) A supervisor or other RTA official who is trained to detect the signs and symptoms of drug and alcohol use will make reasonable suspicion determinations. Reasonable suspicion observations that lead to testing must be made during, just preceding or just after the period of the workday for the safety-sensitive employee. The same provisions are in place for the non-safety sensitive employees. The supervisor will document the observable behaviors or physical indications that caused them to make a reasonable suspicion referral. The completed form must be forwarded to Human Resources within one day (24 hours) of the referral.

Section 7.07 Post-Accident Testing.

- (a) All safety-sensitive employees will be required to undergo urine and breathe testing if they are involved in an accident with an RTA vehicle (regardless of whether or not the vehicle is in revenue service). This includes all safety-sensitive employees who are operating the vehicles and any other employee whose actions could have contributed to the accident. Non-safety sensitive employees are also subject to the same post-accident testing under RTA's own authority, and not the authority of the FTA.
- (b) An FTA accident is defined as an occurrence associated with the operation of a vehicle that results in a fatality. If the accident results in a fatality, involving the loss of human life, drug and alcohol testing will be conducted on each surviving safety-sensitive employees operating the mass transit vehicle at the time of the accident. Other safety-sensitive individuals whose performance could have contributed to the accident shall also be tested for drug and alcohol. Testing will also occur after injuries requiring immediate medical attention away from the scene of the accident; or when one or more vehicles incur disabling damage that requires towing from the site, unless the operator's performance can be completely discounted. Transit supervisors will make this determination using the best available information at the time of the decision.
- (c) Accident does not necessarily mean collision. If an individual (passenger) falls on a vehicle and needs to be transported to a hospital, then an accident has occurred and a post-accident test is required unless the driver can be completely discounted as a contributing factor to the accident. This definition applies only to non-fatal accidents. Fatal accidents will result in safety-sensitive employees being tested as outlined below.
- (d) Following an accident, the safety-sensitive employee will be required to submit to a drug and alcohol test. Post-Accident testing is stayed for a short time following the accident while an employee assists in resolution of the accident or receives medical attention. However, employees must remain readily available to during the times listed below.
 - 1. Post-Accident testing will be done as soon as possible, and no later than eight (8) hours after the accident for alcohol testing and thirty-two (32) hours after the accident for drug testing. If the test for alcohol is not administered within two (2) hours following the accident, the supervisor must document the reasons why the test was not performed.
 - 2. An employee involved in an accident must not use alcohol until after the employee undergoes an accident testing or eight hours have elapsed, whichever comes first.

- (e) Nothing in this policy 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. Any employee who under the above circumstances fails to remain available for drug and alcohol testing (including notifying the RTA of his/her location) or who otherwise leaves the scene of the accident without appropriate authorization prior to the drug and alcohol testing, will be considered to have refused the test and be subject to disciplinary action up to and including termination.
- (f) 49 CFR Part 655 allows the RTA to acquire post-accident test results obtained by Federal, State, or local law enforcement personnel in rare instances where the RTA is unavailable to perform post-accident testing. The results of a blood, urine or breath test for the use of prohibited drugs and alcohol misuse, conducted by Federal, State or local officials having independent authority for the test shall be considered to meet the FTA requirements provided such tests conform to the applicable Federal, State, or local testing requirements and that the test results are obtained by the RTA.

Section 7.08 Random Testing.

- (a) In accordance with 49 CFR Part 655, employees in safety-sensitive positions, as well as non-safety-sensitive positions under RTA's own authority, are subject to random, unannounced testing. The random testing will be unannounced and spread throughout the year. Testing will be conducted on all days and hours during which safety-sensitive work is performed. A computer based random number generator program is used for random selections.
- (b) The FTA testing rate requirement is to annually complete drug tests equivalent to 25% of the number of safety-sensitive employees and complete alcohol tests equivalent to 10% of the number of covered employees. The FTA reviews these percentages annually and may alter such percentages. Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of employees that are included solely under the RTA's authority.
- (c) Safety-sensitive and non-safety-sensitive employees are required to proceed immediately to the collection site with a supervisor upon notification of their random selection. Failure to do so will be determined to be a refusal to test and will subject the employee to termination of employment. Safety-sensitive and non-safety-sensitive employees who test positive will be subject to disciplinary action including termination.

- (d) Each safety-sensitive and non-safety-sensitive employee shall have an equal chance of being tested each time random selections are made for drug and alcohol testing. Employees selected for testing will be transported to the RTA's medical service clinic by a designated supervisor. Time spent in travel and testing will be paid time.

Section 7.09 Return to Duty Testing. All safety-sensitive employees and non-safety-sensitive employees who previously tested positive on a drug or alcohol test, if allowed to continue to work, must test negative (below 0.02 for alcohol) and be evaluated and released to duty by the Substance Abuse Professional before returning to work. If an employee refuses the test, he or she will be considered as having a second positive drug or alcohol test and his/her employment will be terminated.

Section 7.10 Follow-up Testing. The RTA has a zero tolerance policy. In that event that a safety-sensitive employee that has tested positive on a drug or alcohol test is allowed to continue employment with the RTA, such employee will be required to undergo frequent, unannounced random urine and/or breath testing following their return to duty after a positive drug/alcohol test and treatment. The follow-up testing will be performed for a period of one to five years based on the SAP's recommendations; however, a minimum of six tests will be performed the first year. Non-safety sensitive employees are also subject to the same follow up testing under RTA's own authority, and not the authority of the FTA.

Section 7.11 Consequences of a Positive Test Result: The RTA has a zero-tolerance policy prohibiting drug and alcohol abuse. Individuals with a verified positive test are subject to termination of employment.

Article VIII. Retention of Alcohol/Drug Testing Records

- (a) The RTA will maintain a management information system that will allow it to record the results of its anti-drug and alcohol programs and to prepare and maintain a summary of the results of its anti-drug and alcohol programs. The management information system will be sufficient to insure accurate and timely collection of information and reporting of information as required by the FTA. Information will be kept as required by the FTA on its MIS data collection forms.
- (b) The RTA will maintain records of its anti-drug and alcohol programs in a secure location with access controlled by the drug and alcohol program manager. Records shall be retained according to the following schedule:
 - 1. Five (5) years: (a) verified positive drug or alcohol test results; (b) documentation or refusal to take required drug or alcohol tests; (c) referrals of covered employees to the substance abuse professional; (d) copies of annual MIS reports submitted to the RTA.

2. Two (2) years: (a) records related to the collection process; (b) employee training.
3. One (1) year: (a) records of negative drug or alcohol test results

Article IX. Alcohol/Drug Testing Program Administration

Section 9.01 The RTA will conduct education and training programs for all covered employees in compliance with 49 CFR 655.14. Any questions regarding the policy or any other aspect of the RTA's substance abuse program should be addressed to the following transit system representatives:

Section 9.02 Drug and Alcohol Program Manager and Designated Employer Representative:

	RTA	CITY
Name	Angelina Gaitan	Irma Parker
Title	Director of Human Resources	City Secretary/HR Director
Address	5658 Bear Lane, Corpus Christi, TX 78405	710 W. Avenue A, Port Aransas, TX 78373
Telephone #	361-289-2712	361-749-4111
Fax	361-289-2765	361-749-4101

Section 9.03 A complete copy of Regulation 49 CFR Part 40, as amended, is available for review in the Human Resources Department.

Section 9.04 Medical Review Officer:

Name	Dr. J. Keith Rose, MD
Title	Physician, The DOCTORS' Center
Address	4637 South Padre Island Dr., Corpus Christi, TX 78411
Telephone #	361-852-6824

Section 9.05 Substance Abuse Professional

Name	Frederick Capps
Address	4455 South Padre Island Dr., Corpus Christi, TX 78411
Telephone #	361-857-6653

Article X. Drug-Free and Alcohol-Free Premises

The RTA has established all of its premises as alcohol-free and drug-free workplaces. This provision does not apply to alcoholic beverages provided by sponsors for use at sponsored activities approved by the RTA. Employees are prohibited from reporting for work or working while under the influence of alcohol, a controlled substance, or illegal drug.

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**Corpus Christi Regional Transportation Authority
Policies and Procedures**

Subject: Drug and Alcohol Abuse Policy

Policy: HR-27

Approved by: 

Revised: 07/06/2016

Board Approval Date: 07/06/2016

1. Policy Statement

The Regional Transportation Authority (RTA) Board of Directors and management are committed to providing safe and efficient transportation service to the public. The RTA is firmly committed to providing employees a drug-free work environment that will help ensure a healthy, satisfying work environment and provide personal opportunities for growth and advancement. It is the RTA's goal to:

- 1) Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
- 2) Create a workplace environment free from the adverse effect of drug abuse and alcohol misuse;
- 3) Prohibit the unlawful manufacture, distribution, dispensing, possession, transfer or use of controlled substances; and
- 4) Encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, alter their ability to perform their assigned duties.

The RTA will impose disciplinary action, including termination of employment, upon notification of confirmed positive drug and/or alcohol test results. **COMPLIANCE WITH THIS POLICY IS MANDATORY.**

2. Applicability

This policy applies to all RTA full-time and part-time employees, including both safety-sensitive employees and non-safety-sensitive employees. It also covers contracted employees and independent contractors when they are on RTA property or they are performing RTA-related business. The policy also applies to off-site lunch periods or breaks when an employee is scheduled to return to work.

This policy also covers all private or public operators providing mass transportation operations for the RTA. All contracted operators must verify annually to the RTA their compliance with FTA drug/alcohol guidelines. The Chief Executive Officer, or designee, is responsible for the certification of compliance to FTA that a contracted public or private operator or other service provider in accomplishing mass transportation operations, is complying with the regulations.

Contractors found to be in violation of this policy may not be allowed to conduct business.

Compliance with this policy, including consent to searches and medical screens and signing of authorization forms permitting the Medical Review Officer (MRO) to release information to the designated RTA administrative official is a condition of employment under RTA authority.

Safety Sensitive Functions: Employees who perform in safety-sensitive functions as that term is defined in FTA regulation (49CFR-Part 655) are subject to random drugs and alcohol testing. Random drug testing can occur anytime while on duty, whereas, random alcohol testing can occur just before, during or just after the performance of safety-sensitive functions and other special requirements as set forth in this policy. Generally a safety-sensitive function occurs when an employee is performing, ready to perform or immediately available to perform duties related to the safe operation of mass transit services. The following are safety-sensitive functions:

- Operation of a revenue service vehicle, whether or not such vehicle is in revenue service;
- Controlling dispatch or movement of a revenue service vehicle;
- Maintaining revenue service vehicles or equipment used in revenue service;
- Operating a non-revenue service vehicle when required to be operated by a holder of a CDL License;
- Provides security for the agency and carries a firearm.

RTA safety-sensitive positions include bus operators, dispatchers, transportation supervisors, mechanics, servicepersons, garage service persons, garage service supervisors, maintenance supervisors, mechanic supervisors, manager of safety and security, training instructor, manager of transportation and contracted security personnel that carry firearms.

The FTA has authorized transit systems to exceed the requirements specifically set forth in the 49 CFR Part 655 as amended as long as such requirements are above those of FTA. Parts of these policies and procedures are being implemented under the authority of the RTA.

3. Purpose

The purpose of this policy is to assure employee fitness for duty and to protect RTA employees, customers, and the public from the risk posed by worker use of drugs or alcohol. This Policy is intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transit industry. The Federal Transit Administration has published 49 CFR Part 655, as amended, that mandates urine drug and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (DOT) also has published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. In addition the Federal Government has published 49 CFR Part 29, 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. This policy incorporates those requirements for safety-sensitive employees and, under the RTA's own authority, for non-safety-

sensitive employees.

4. Prohibited Substances

Prohibited substances addressed by this policy include the following:

4.1 Illegally-Used Controlled Substances or Drugs

Any illegal drug or any substance identified in Schedules 1 through V of Section 202 of the controlled substance act (21 U. S. C. 812), and as further defined by 21 CFR 13000.11 through 1300.15. The cutoff levels are subject to change by the Department of Health and Human Services and RTA as advances in technology or other considerations warrant identification of the substances at other concentrations.

Illegally-used controlled substances include any drug not approved by the U.S. Drug Enforcement Administration of the U. S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legal drugs, and use of illegally obtained prescription drugs.

Anytime an employee (whether or not on paid status) is called to report to duty, and the employee has used alcohol within four hours of the call, the employee must turn down the work or acknowledge the use of alcohol and the inability to perform the functions of the position. This provision applies to all RTA positions, including non-sensitive under the Authority of the RTA.

4.2 Legal Drugs/Prescription Drugs of Medication

The appropriate use of legally prescribed drugs and nonprescription medication is not prohibited when used appropriately; however, all RTA safety-sensitive employees must report the use of medically authorized drugs that may impair job performance or mental function to her/his immediate supervisor prior to performing safety-sensitive duties. It is the employee's responsibility to inform the physician of the employee's job duties and determine from the physician, or other health care professional (e.g. nurse, dentist, pharmacist) whether or not the prescribed drug may impair their job performance or mental or motor functions. The RTA reserves the right to determine whether any employee is capable of performing job functions while on medication.

4.3 Alcohol

Adverse Effects

It is recognized that alcohol is a legal, socially acceptable drug when consumed in moderation. However the use of beverages containing alcohol, including medications where alcohol is present in the body while on duty is prohibited.

The chronic consumption of alcohol over time may result in critical health issues, including dependency, fatal liver diseases, ulcers, and increased possibility of cancers. Slurred speech, poor co-ordination, inability to walk straight, rapid eye movement, impaired memory or attention, stupor or coma are all signs of alcohol abuse and problems. Additionally, an alcohol habit can make a financial demand on people, which may prompt theft.

Use

The FTA and RTA prohibit safety-sensitive employees from reporting to duty within four (4) hours of using any alcoholic substance, beverage, or mixture, within four (4) hours of the employee's scheduled time to report to work, while on duty, while subject to on-call paid status or within eight (8) hours following an accident or until the employee takes a post-accident alcohol and/or drug test, whichever comes first.

Anytime an employee (whether or not on paid status) is called to report to duty, and the employee has used alcohol within four (4) hours of the call, the employee must turn down the work or acknowledge the use of alcohol and the inability to perform the functions of the position. This provision applies to all RTA positions, including non-sensitive under the authority of the RTA.

An employee who has a confirmed alcohol concentration of 0.02 or greater but less than 0.04, on an evidentiary breath testing device, will result in removal of his/her position for eight (8) hours or until the employee tests below the concentration level of 0.02, whichever is sooner. The employee will be placed on inactive non-paid status for the period of non-availability, unless the employee chooses to use personal leave. The ability to use personal leave will be allowed once during the employment period.

A confirmed alcohol concentration of 0.04 or greater is considered a positive test and will result in termination of employment for violation of this Policy. This provision applies to all RTA employees.

5. Prohibited Conduct

5.1 Manufacturing, Trafficking, Possession and Use

Any employee engaging in the manufacture, distribution, dispensing, possession, or use of prohibited substances or misuse of legal substances on RTA premises, in RTA vehicles, in uniform or while on RTA business will be subject to disciplinary action, up to and including termination. If appropriate law enforcement will be notified where criminal activity is suspected.

5.2 Intoxication

Any safety-sensitive or non-safety-sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty will be

suspended from job duties pending an investigation and verification of condition. Employees who fail to pass a drug or alcohol test shall be removed from duty and referred to a Substance Abuse Professional (SAP). Persons who fail to pass an alcohol and/or drug screen will be subject to termination. A drug or alcohol screen is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49CFR Part 40, as amended.

5.3 Alcohol Use

No safety-sensitive or non-safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol, or when his/her blood alcohol concentration is 0.02 or greater. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and subject to disciplinary action, including termination. No safety-sensitive or non-safety-sensitive employee will use alcohol while on duty, while performing or just before or after performing a safety-sensitive function. No safety-sensitive employee or non-safety-sensitive will report to work within four (4) hours of using any alcoholic substance, beverage, or mixture, within four (4) hours of the employee's scheduled time to report to work, while on duty, while subject to on-call paid status or within eight (8) hours following an accident or until the employee takes a post-accident alcohol and/or drug test, whichever comes first. Violations of this policy are prohibited and are cause for termination of employment.

Removal from Duty: If an employee tests between 0.02 and 0.39 on an alcohol test, the employee will be removed from service for a minimum of eight (8) hours, unless a retest results in a concentration of less than 0.02. Employees so removed may be subject to disciplinary action, up to and including termination of employment. Employees so removed will be allowed one (1) opportunity during the duration of his or her employment to utilize available paid leave for this purpose.

Prohibited use of position or RTA property: All employees are strictly prohibited from using RTA property (of any kind) or one's position as an RTA employee to manufacture, distribute, sell, dispense, possess, or use a controlled substance or illegal drug or from coming upon the premises, even while off duty, under the influence of alcohol, an illegal drug or a controlled substance.

Searches: If the RTA has reasonable cause to suspect an employee is violating the RTA's Drug and Alcohol-free Workplace policy, the employee may be asked to immediately submit to a search of property on the premises to which the employee has access and/or possession, including RTA-owned vehicles, the employee's own vehicle, when located on the premises, or other items, including but not limited to any desk, locker, lunch box, briefcase, purse, wallet, or personal packages. Employees have no expectation of privacy in any vehicle or premises owned by the RTA or any personal property located on the premises of the RTA and are subject to being searched at any time. Further, employees do not have a right to expect privacy in any RTA-owned vehicle at any location.

Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment. The only exception to this policy is RIA-sponsored events when alcoholic beverages may be offered. At such events, employees are expected to exercise good judgment and control consistent with good business practices.

Prescriptions: This policy does not prohibit the use of medications prescribed by treating doctors. If an employee is undergoing medical treatment and is required to use prescription drugs with side effects, which may affect his or her ability to work, and the doctor advises that the employee should not work due to potential side effects, the employee should provide his or her supervisor with a written excuse from the prescribing doctor.

Employee Assistance Program (EAP): The RTA wishes to assist employees who recognize that they have a problem of drug and/or alcohol dependency that may interfere with their ability to perform their duties in a safe and satisfactory manner. Employees who have a drug or alcohol problem will be allowed to take health and/or personal leave and/or unpaid leave to participate in the EAP. The RTA will make reasonable efforts to keep confidential the fact that the employee is enrolled in the EAP.

Disabilities: The RTA will accommodate known disabilities in accordance with the law.

6. Drug/Alcohol Testing

The RTA will not hire individuals who use any illegal drug, in any amount, regardless of frequency. The term "illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act [21 U.S.C. 801 et seq.]. Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of federal law. The RTA seeks to comply with all federal, state, and local laws and regulations concerning violation of criminal drug statutes in the workplace. The RTA does not permit the employment of persons who use drugs or other substances, which may impair sensory, mental, or physical functions (hereinafter collectively referred to as "drugs/alcohol") and will discipline any employee who tests positive for illegal drugs or alcohol, up to and including termination of employment. In furtherance of this policy, the RTA has adopted a drug/alcohol testing program. "Drug/alcohol test" means a chemical test administered for the purpose of determining the presence or absence of a drug or its metabolites or alcohol in a person's bodily tissue, fluids or products.

6.1 Proper Application of this Policy

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

6.2 Compliance with Testing Requirements

All safety-sensitive employees will be subject to drug and breath alcohol testing. Any safety-sensitive employee who refuses a drug and/or breath alcohol tests will be subject to termination. The following circumstances are all considered refusals for drug and alcohol tests in accordance with FTA regulations:

1. Failure to appear in a reasonable time except for pre-employment tests;
2. Failure to remain until the testing process is complete;
3. Failure to provide a specimen;
4. Failure to provide a sufficient specimen with no medical explanation;
5. Failure to undergo a medical evaluation as required by an MRO Order;
6. Failure to cooperate with any part of the testing process, including (e.g. refusal to empty pockets as directed by the collector, behaving in a confrontational way that disrupts the process)
7. Failure to permit monitoring or observation;
8. Failure to take a second test as directed by the collector or employer under drug testing;
9. Failure or refusal to sign Step 2 of the alcohol testing form;
10. Failure to follow an observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process during an observed collection.
11. Possessing or wearing a prosthetic or other device used to tamper or interfere with the collection process;
12. Admitting to the collector or MRO that the specimen adulterated or substituted;
13. If the MRO reports that there is a verified adulterated or substituted test result.

In addition to the above stated circumstances, it is also considered a refusal of an alcohol test if the employee refuses to sign the certification at Step 2 of the Alcohol Testing Form (ATF).

Refusals shall be considered a positive test and the individual will be subject to termination. The terminated employee will be provided with a list of Substance Abuse Professionals for evaluation. Non-safety sensitive employees are also subject to the same requirements under RTA's own authority, and not the authority of the FTA.

Refusals can include an inability to provide a sufficient urine specimen or breath sample without a medical explanation, as well as, a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test. Possessing or wearing a prosthetic or other device used to tamper or interfere with the collection process is also a refusal. Another form of refusal is admitting to the collector or MRO that you adulterated or substituted the specimen. The MRO's verification of a test as adulterated or substituted test result, you have refused to take a drug test is also considered a refusal. For a complete listing of the current refusal conditions, please refer to 49 CFR part 40.

6.3 Treatment Requirements

The RTA strongly encourages all employees to make use the available resources for treatment of alcohol misuse or legal and illegal drug use problems. The RTA has in place an Employee Assistance Program (EAP) and encourages employees who have problems with substance abuse to avail themselves of the services before it affects their job performance and/or the individual becomes subject to testing. Reasonable efforts will be made to accommodate persons undergoing treatment, without compromising safety. However, voluntary self-referral will not relieve the individual from responsibility for complying with this policy. Costs for rehabilitation services with the EAP will be the sole responsibility of the employee and/or their health insurance coverage, if applicable.

Self-referral after notification of selection for a drug or alcohol test will not eliminate the requirement to take the test, nor will it preclude the imposition of disciplinary action, including termination of employment, should the individual fail the test.

6.4 Notification to the RTA of Criminal Drug Conviction

Any employee who is arrested for any offense that is a violation of the Drug Free Workplace Act occurring while on RTA property, or any employees or contractors or contractors employees who is arrested for driving while intoxicated (DWI) or for a driving under the influence (DUI) violation at any time must notify Human Resources immediately (in writing and within forty-eight hours of arrest or citation), and if convicted must notify his or her supervisor and Human Resources within five (5) working days of the date of the conviction. A conviction for this purpose includes any findings of guilt (including one agreed by the employee), or pleas of no contest; and or any imposition of fine, jail sentences, or penalty. Failure to comply will subject the individual to disciplinary action up to and including termination of employment. The CEO or his/her designee shall notify each appropriate federal agency within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of such conviction, and take disciplinary action within thirty (30) days of learning of said conviction.

6.5 Confidentiality

The RTA affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. Laboratory and test results will be maintained in a separate confidential medical file under the control of the RTA's designated Drug and Alcohol Program Manager.

The reports or test results may only be disclosed without an employee's consent when:

- 1) The information is compelled by law or by judicial or administrative review
- 2) The information has been placed at issue in a formal dispute between the employee and the employer

Employees will be required to sign a separate release every time testing information is to be disclosed at their request.

7. Testing Procedures

All testing will be conducted in a manner to promote 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 49CFR 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 results.

Drugs: The drugs that will be tested for include marijuana, opiates, cocaine, amphetamines and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method for safety-sensitive employees as described in 49 CFR Part 40, as amended. An initial drug screen will be conducted on each specimen. For those specimens that are not negative, a confirmatory gas Chromatography/ Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drugs/and or metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

All tests results from the HHS certified lab will be reported to the RTA Medical Review Officer (MRO). An MRO is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to determine whether there is a legitimate medical explanation for a confirmed positive, substitute or adulterated test result. Before verifying that an employee has a positive drug test result, the MRO will make reasonable efforts to contact the employee on a direct and confidential basis, to determine whether the employee wishes to discuss the test or present a legitimate explanation for the positive result. If after reasonable efforts the MRO is unable to reach the employee directly the MRO may contact RTA's Designated Employer Representative (DER) to assist in contacting the employee. The RTA will strive to keep the MRO contact confidential.

If after making diligent and reasonable efforts to contact the employee, neither the MRO nor the RTA's DER are able to contact the employee, the MRO may verify the positive test. All positive tests will be reported by the MRO to the RTA's DER. No test results may be disclosed to any party other than the MRO or a designated RTA employee without authorization from the employee. An employee may, upon written request, receive a copy of any record or report relating to such employee's drug or alcohol test or test results.

Any safety-sensitive or non-safety-sensitive employee who has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP). A positive drug and/or alcohol test will result in disciplinary action up to and including termination of employment.

The MRO may declare a test invalid or canceled based on the regulations specified in 49CFR Part 40. A canceled test is neither a positive nor negative test. An example of a canceled test is a urine sample being rejected by the laboratory. If the RTA is informed by the MRO that a negative drug test was diluted, an employee will be required to immediately submit a new test under non-observed conditions, with as minimum advance notice as possible.

Alcohol: Tests for breath alcohol concentration shall be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath taking device (EBT) operated by a trained breath alcohol technician (BAT). All breath alcohol tests results will be reported by the BAT to the DER. 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. Alcohol concentration of greater than 0.02 but less than 0.04 will result in removal from his/her position for a minimum of 8 hours unless a retest results in a concentration of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49CFR Part 655 for safety-sensitive employees. Any safety-sensitive employee and/or non-safety-sensitive employee who has a positive alcohol test will be removed from duty and will be subject to termination of his or her employment. Such employee will be informed of educational and rehabilitation programs and referred to a Substance Abuse Professional (SAP)

Split Specimen Testing: Any safety-sensitive or non-safety-sensitive employee who questions the results of a required drug test may request that an additional test be conducted. The test must be conducted in a different DHHS laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. All costs for such test will be the responsibility of the employee unless the results of such tests invalidate the results of the original test. The method of collecting, storing and testing the split sample will be consistent with the procedures set forth in 49 CFR, Part 40, as amended.

The employee's request for a split sample test must be made to the Medical Review Officer (MRO) within 72 hours of notice of the original sample verified test result. Requests after 72 hours will be considered only if the delay was due to verified facts that were beyond the employee's control.

Pre-Employment Testing: All safety-sensitive position applicants will undergo urine drug testing along with alcohol testing immediately following a conditional offer of employment or transfer into a safety-sensitive position. Applicants for Non-safety sensitive positions are also subject to the same pre-employment testing under RTA's own authority, and not the authority of the FTA. Receipt by the transit system of a verified negative drug test result is required prior to employment. Failing a pre-employment drug and alcohol test will disqualify an applicant for employment at the RTA for a minimum of one year. The RTA will re-consider a safety-sensitive applicant's application for employment under the condition that the employee must provide proof of having successfully completed a referral, evaluation and treatment plan as outlined in 49 CFR section 655.62 and 49 CFR Part 40, Subpart 0.

The RTA will conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who transferred to a position involving the performance of safety-sensitive functions.) The RTA will treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others.) The RTA will not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02. Non-safety sensitive positions are also subject to these same pre-employment provisions under RTA's own authority.

Should a safety-sensitive or a non-safety-sensitive employee be unavailable for job duties and also removed from the RTA's random selection pool for a period of 90 consecutive calendar days or longer, the employee will be required to submit to a pre-employment drug screen and alcohol testing with a verified negative result prior to returning to his/her job duties. Employees transferring into a safety-sensitive position will be required to submit and pass a pre-employment drug and alcohol test prior to the transfer.

Reasonable Suspicion Testing: All safety-sensitive employees may be subject to a fitness for duty evaluation, and urine and/or breath testing when there exists a reasonable suspicion to believe that drug or alcohol use is adversely affecting job performance. Non-safety sensitive employees are also subject to the same reasonable suspicion requirement under RTA's own authority, and not the authority of the FTA. A reasonable suspicion referral for testing will be made on the basis of specific, contemporaneous articulable observations concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion with the basis of alcohol testing is only permissible just before an employee performs safety-sensitive duties, during that performance, and just after an employee has performed the covered duties.

A supervisor or other RTA official who is trained to detect the signs and symptoms of drug and alcohol use will make reasonable suspicion determinations. Reasonable suspicion observations that lead to testing must be made during, just preceding, or just after the period of the workday for the safety-sensitive employee. The same provisions are in place for the non-safety sensitive employees. The supervisor will document the observable behaviors or physical indications that caused them to make a reasonable suspicion referral. The completed form must be forwarded to Human Resources within one day (24 hours) of the referral.

Post-Accident Testing: All safety-sensitive employees will be required to undergo urine and breath testing if they are involved in an accident with an RTA vehicle (regardless of whether or not the vehicle is in revenue service). **This includes all safety-sensitive employees who are operating the vehicles and any other employee whose actions could have contributed to the accident.** Non-safety sensitive employees are also subject to the same post-accident testing under RTA's own authority, and not the authority of the FTA.

An FTA accident is defined as an occurrence associated with the operation of a vehicle that results in a fatality. If the accident results in a fatality, involving the loss of human life, drug and alcohol testing will be conducted on each surviving safety-sensitive employees operating the

mass transit vehicle at the time of the accident. Other safety-sensitive individuals whose performance could have contributed to the accident shall also be tested for drug and alcohol. Testing will also occur after injuries requiring immediate medical attention away from the scene of the accident; or when one or more vehicles incur disabling damage that requires towing from the site, unless the operator's performance can be completely discounted. Transit supervisors will make this determination using the best available information at the time of the decision.

Accident does not necessarily mean collision. If an individual (passenger) falls on a vehicle and needs to be transported to a hospital, then an accident has occurred and a post-accident test is required unless the driver can be completely discounted as a contributing factor to the accident. This definition applies only to non-fatal accidents. Fatal accidents will result in safety-sensitive employees being tested as outlined below.

Following an accident, the safety-sensitive employee will be required to submit to a drug and alcohol test. Post-Accident testing is stayed for a short time following the accident while an employee assists in resolution of the accident or receives medical attention. However, employees must remain readily available to during the times listed below.

- 1) Post-Accident testing will be done as soon as possible, and no later than eight (8) hours after the accident for alcohol testing and thirty-two (32) hours after the accident for drug testing. If the test for alcohol is not administered within two (2) hours following the accident, the supervisor must document the reasons why the test was not performed.
- 2) An employee involved in an accident must not use alcohol until after the employee undergoes an accident testing or eight hours have elapsed, whichever comes first.

Nothing in this policy 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. Any employee who under the above circumstances fails to remain available for drug and alcohol testing (including notifying the RTA of his/her location) or who otherwise leaves the scene of the accident without appropriate authorization prior to the drug and alcohol testing, will be considered to have refused the test and be subject to disciplinary action up to and including termination.

49 CFR Part 655 allows the RTA to acquire post-accident test results obtained by Federal, State, or local law enforcement personnel in rare instances where the RTA is unavailable to perform post-accident testing. The results of a blood, urine or breath test for the use of prohibited drugs and alcohol misuse, conducted by Federal, State or local officials having independent authority for the test shall be considered to meet the FTA requirements provided such tests conform to the applicable Federal, State, or local testing requirements and that the test results are obtained by the RTA.

Random Testing: In accordance with 49 CFR Part 655, employees in safety-sensitive positions, as well as non-safety-sensitive positions under RTA's own authority, are subject to random, unannounced testing. The random testing will be unannounced and spread throughout the year.

Testing will be conducted on all days and hours during which safety-sensitive work is performed. A computer based random number generator program is used for random selections.

The FTA testing rate requirement is to annually complete drug tests equivalent to 25% of the number of safety-sensitive employees and complete alcohol tests equivalent to 10% of the number of covered employees. The FTA reviews these percentages annually and may alter such percentages. Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of employees that are included solely under the RTA's authority.

Safety-sensitive and non-safety-sensitive employees are required to proceed immediately to the collection site with a supervisor upon notification of their random selection. Failure to do so will be determined to be a refusal to test and will subject the employee to termination of employment. Safety-sensitive and non-safety-sensitive employees who test positive will be subject to disciplinary action including termination.

Each safety-sensitive and non-safety-sensitive employee shall have an equal chance of being tested each time random selections are made for drug and alcohol testing. Employees selected for testing will be transported to the RTA's medical service clinic by a designated supervisor. Time spent in travel and testing will be paid time.

Return to Duty Testing: All safety-sensitive employees and non-safety-sensitive employees who previously tested positive on a drug or alcohol test, if allowed to continue to work, must test negative (below 0.02 for alcohol) and be evaluated and released to duty by the Substance Abuse Professional before returning to work. If an employee refuses the test, he or she will be considered as having a second positive drug or alcohol test and his/her employment will be terminated.

Follow-up Testing: The RTA has a zero tolerance policy. In that event that a safety-sensitive employee that has tested positive on a drug or alcohol test is allowed to continue employment with the RTA, such employee will be required to undergo frequent, unannounced random urine and/or breath testing following their return to duty after a positive drug/alcohol test and treatment. The follow-up testing will be performed for a period of one to five years based on the SAP's recommendations; however, a minimum of six tests will be performed the first year. Non-safety sensitive employees are also subject to the same follow up testing under RTA's own authority, and not the authority of the FTA.

Consequences of a Positive Test Result: The RTA has a zero-tolerance policy prohibiting drug and alcohol abuse. Individuals with a verified positive test are subject to termination of employment.

8. Retention of Alcohol/Drug Testing Records

The RTA will maintain a management information system that will allow it to record the results

of its anti-drug and alcohol programs and to prepare and maintain a summary of the results of its anti-drug and alcohol programs. The management information system will be sufficient to insure accurate and timely collection of information and reporting of information as required by the FTA. Information will be kept as required by the FTA on its MIS data collection forms.

The RTA will maintain records of its anti-drug and alcohol programs in a secure location with access controlled by the drug and alcohol program manager. Records shall be retained according to the following schedule:

- 1) Five (5) years: (a) verified positive drug or alcohol test results; (b) documentation of refusal to take required drug or alcohol tests; (c) referrals of covered employees to the substance abuse professional; (d) copies of annual MIS reports submitted to the RTA.
- 2) Two (2) years: (a) records related to the collection process; (b) employee training.
- 3) One (1) year: (a) records of negative drug or alcohol test results

9. Alcohol/Drug Testing Program Administration

The RTA will conduct education and training programs for all covered employees in compliance with 49 CFR 655.14. Any questions regarding the policy or any other aspect of the RTA's substance abuse program should be addressed to the following transit system representatives:

Drug and Alcohol Program Manager and Designated Employer Representative:

Name: Angelina Gaitan
Title: Director of Human Resources
Address: 5658 Bear Lane, Corpus Christi, Texas 78405
Telephone Number: 361-289-2712
Fax: 361-289-2765

A complete copy of Regulation 49 CFR Part 40, as amended, is available for review in the Human Resources Department.

Medical Review Officer:

Name: Dr. J. Keith Rose, MD
Title: Physician, The DOCTORS' Center
Address: 4637 South Padre Island Dr., Corpus Christi, TX 78411
Telephone Number: 361-852-6824

Substance Abuse Professional:

Name: Frederick Capps
Address: 4455 S. Padre Island Drive, Corpus Christi, TX 78411
Telephone Number: 361-857-6653

10. Drug-Free and Alcohol-Free Premises

The RTA has established all of its premises as alcohol-free and drug-free workplaces. This provision does not apply to alcoholic beverages provided by sponsors for use at sponsored activities approved by the RTA. Employees are prohibited from reporting for work or working while under the influence of alcohol, a controlled substance, or illegal drug.