

NOTICE AND AGENDA OF PUBLIC MEETING OF THE TRANSIT AUTHORITY OF LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT (LEXTRAN) BOARD OF DIRECTORS

Pursuant to KRS 96.A, the Lextran Board of Directors is to meet monthly. The next meeting will be:
December 20, 2023 at 10:00 a.m. EST

Meeting location:

Lextran – Room 110
200 West Loudon Avenue
Lexington, KY 40508

Pursuant to KRS 61.810, the Board may enter into Closed Session, but shall not take any action in a Closed Session.

Pursuant to the Americans with Disabilities Act, persons with a disability may request a reasonable accommodation for assistance with the meeting or meeting materials. Please contact Emily Elliott at 859-255-7756. Requests made as early as possible will allow time to arrange accommodation.

MEETING INSTRUCTIONS

The December 2023 Board of Directors meeting will be held in person.

The livestream is available on Youtube at:

<http://bit.ly/lextranmeeting>

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BOARD OF DIRECTORS MEETING

November 15, 2023

10:00 a.m.

MEETING AGENDA

- | | | |
|-------|---|---------------|
| I. | Call to Order & Roll Call | 10:00 |
| II. | Public Comment on Agenda Items / Public Hearing | 10:05 – 10:10 |
| III. | Approval of Minutes – October 2023 and November 2023 | 10:10 – 10:15 |
| IV. | Chair’s Report (Dowell) | 10:15 – 10:20 |
| V. | Lextran Monthly Performance Report & Financials – November | 10:20 – 10:35 |
| VI. | Action Items | 10:35 – 11:15 |
| | A. Resolution 2023-20 – Paratransit Eligibility Assessments | |
| | B. Resolution 2023-21 – Drug & Alcohol Policy Update | |
| | C. Resolution 2023-22 – CAD/AVL Intelligent Transportation and Enterprise Resource Planning Systems | |
| | D. Resolution 2023-23 – Purchase of Compressed Natural Gas and Electric Gillig Buses | |
| | E. Resolution 2023-24 – Approval of Lextran’s General Manager | |
| | F. Resolution 2023-25 – Authorization for the General Manager to Execute Federal Transit Administration Funds | |
| VII. | Change Order Report | 11:15 |
| VIII. | Old Business | 11:15 – 11:20 |
| IX. | New Business | 11:20 – 11:25 |
| X. | Proposed Agenda Items | 11:25 – 11:30 |
| | A. Resolution – Kentucky Deferred Comp, Updated Joinder Agreement | |
| | B. Resolution – Designation of a Signatory | |
| | C. Staff Report – Hiring and Retention | |
| XI. | Closed Session | 11:30 |
| XII. | Adjournment | |

The next business meeting of the Board of Directors is scheduled for January 24, 2024 at 10 a.m.

BOARD OF DIRECTORS MEETING

BOARD MINUTES

October 25, 2023

MEMBERS PRESENT

Harding Dowell, Board Chair
Jamie Rodgers, Vice Board Chair
Leidy Borges-Gonzalez (*virtually*)
George Ward
Paul Schoninger
Judge Lindsay Hughes Thurston
Dr. Koffi Akakpo

ABSENT

Christian Motley

STAFF PRESENT

Norma Zamora, Interim General Manager
Fred Combs, Director of Planning, Technology and Community Relations
Nikki Falconbury, Director of Finance and Human Resources (*virtually*)
Chris Withrow, Director of Maintenance
Jason Dyal, Director of Operations
John Givens, Director of Risk Management (*virtually*)
John McNeel, Director of Safety and Security
Alan Jones, Systems Administrator
Deanna Istre, Purchasing Coordinator

OTHERS PRESENT

Gail Swanson, BUILD Member
Laura Kelly, Lextran Operator and ATU Local 639 Financial Secretary
Tod Birch, Lextran Operator and ATU Local 639 President
Brad Schelle, Crowe LLP
Jonas Bastien, McBrayer, Lextran Counsel

I. CALL TO ORDER

Board Chair Harding Dowell called the October 25th, 2023, meeting of the Lextran Board of Directors to order at 10:00 a.m. Mr. Dowell performed a roll call to determine which members were present. Quorum was achieved.

II. PUBLIC COMMENT

Gail Swanson introduced herself as a member of the BUILD Transportation Committee. She stated they worked alongside Councilmember Chuck Ellinger to host a community transportation summit. She stated that Fred Combs, Emily Elliott, several councilmembers, and various

community organizations attended. She presented an update for the Board regarding the meeting. The meeting discussed the daily transportation challenges faced by many of the community members. The challenges revolve around accessibility and efficiency. Some who depend on public transit find it limiting in terms of schedules and destinations. Some need transportation to stops while others need a more flexible and adaptable options tailored to their unique needs. BUILD had been focusing on microtransit as a solution to address those issues. During the presentation, a representative from VIA shared how to bridge the gaps and the company's impact in other communities like COTA in Columbus and in Birmingham. Ms. Swanson noted that public transit is a lifeline for many in our city. She thanked Lextran drivers and staff for their service to the community. BUILD's main goal is to ensure that everyone had access to this type of service. She stated that microtransit is successful in communities like ours and they were committed to advocating for the funding needed to launch a microtransit pilot program. There was media coverage of the event, and a video of the presentation is available.

Laura Kelly introduced herself as an occasional Lextran passenger, Bus Operator, ATU member, Financial Secretary for ATU Local 639, and a taxpayer. She stated that she sent an email the day before the Board meeting stating that she does not feel the minutes accurately reflect her comments. Ms. Kelly stated that she made two points. The first was, in respect of the Board's bylaws, to address an agenda item which was a recent hiring fair as reflective of an ongoing employee retention problem. She stated that there was no request to add this topic to this month's agenda. She subsequently met with management once about it, without concrete proposals. She stated she does not expect any outcome on either side, she was satisfied with that meeting. The second point was to request that in the interest of continued harmonious labor management relations here, that the union's serious problems, plural, with Lextran management be placed on the agenda for the next Board meeting. She stated that this request was misconstrued or ignored. She also stated that in the interim the situation had deteriorated from bad to a "circus." She states that the short version was that the collective bargaining agreement was signed, and management is not following it. She stated that she barely had time in the limited public comment to mention, among many violations of the contract, collective bargaining rights, fair labor standards established by the National Labor Relations Act, and in her opinion violations of Kentucky law, Lextran was preparing to spend many thousands of taxpayer dollars to arbitrate to defend management's right to violate constitutional rights. She mentioned that a public sector, unionized worker, found out that he was fired through the grapevine, even though Lextran had policies and procedures to prevent this, commonly known as the "your side of the story" letter. Other employees benefit from that letter but for some reason, someone got trigger happy. Ms. Kelly stated that Lextran had money to burn in arbitration. These policies have members who benefit from them and Lextran management risked that the Union would not vote to arbitrate on behalf of a part-time worker and it was overwhelmingly supported. She does not feel the Board's bylaws were appropriate or fit for purpose for a taxpayer-funded entity in 2023. She stated that she can go to City Council and talk about whatever she wants, and there was a desire from City Council to hear about what is going on at Lextran.

Tod Birch introduced himself as a former Lextran rider, a citizen taxpayer, a Lextran coach operator soon to be starting his 8th year proudly serving the people of Lexington and the University of Kentucky. He is the President of the Amalgamated Transit Union, in representation of the collective bargaining unit at Lextran. Mr. Birch read a portion of page 47 of the current collective bargaining agreement, whereas the collective bargaining agreement between the Transit Authority of Lexington-Fayette Urban County Government (Lextran) and the Amalgamated Transit Union, AFL-CIO Local #639 has been ratified, and whereas the Board of Directors of Lextran agrees with the terms of the collective bargaining agreement, and Lextran Board of Directors hereby adopts the collective bargaining agreement as written and directs the General Manager to execute the contract. He stated that the only line of communication between the Board and officials of this chapter was an email address. After several attempts to contact the Board via this email address, he stated they were yet to receive a reply. Mr. Birch stated the only other line of communication with the Board is the Board Meeting which limits their comments to three minutes with the stipulation that they may only comment on the agenda, and this is why he had come for comment. He stated that it seems an attempt to be censored. It is clear that the agreement is between the ATU and the Board, and he receives questions on a daily basis as to who holds Lextran management accountable. He asked how the Board knows whether the contract is being executed properly, precisely, and in its entirety. He also asked how the Board knows whether management was breaking federal law, creating a hostile work environment, and disrespecting the collective bargaining unit and employees of Lextran with rules, terminations, and concessions to new hires that violate the contract. He asked how the Board knows whether management was being loud and aggressive in meetings with the union and how they know whether management was lying to its employees. He asked how the Board knows whether management was causing unmeritable arbitrations and abusing taxpayer dollars. He stated they have the right to report to the Board who signed the contract with the ATU and who had ordered management to execute the contract. He stated there was proof of management's continuous and blatant violations of this contract and insubordination with your order. This chapter of the ATU respectfully requested that the Lextran Board of Directors regularly communicate with them.

III. APPROVAL OF MINUTES

Mr. Dowell acknowledged Ms. Kelly's dispute with the minutes. He stated that their options as a Board were to amend the minutes or to acknowledge Ms. Kelly's dispute and to work out an appropriate amendment which will be reflected in next month's minutes. Mr. Dowell recommended the second option so that the language can be clearly reflective of Ms. Kelly's comments.

Mr. Dowell called for a motion to approve the minutes from the September 27, 2023, meeting of the Lextran Board of Directors as submitted with acknowledgement of Ms. Kelly's dispute to be rendered in the following month's minutes. Paul Schoninger made a motion to approve the minutes and Judge Lindsay Thurston seconded. The motion passed unanimously.

Amendment to the Minutes for the September 27, 2023, meeting of the Lextran Board of Directors

Ms. Laura Kelly submitted the following corrections to her comments at the September 27, 2023, meeting of the Lextran Board of Directors:

Ms. Kelly spoke of employee retention in the context of respecting the Bylaws' requirement to stick to the agenda, and a hiring fair was on the agenda.

She then segued into her second point, saying "secondly, I respect that the Board's Bylaws limit public comment to the agenda. In the interest of a continued harmonious labor-management relationship here... that the serious problems [the singular 'problem' was stated in the minutes, not the plural 'problems'] the union is experiencing be placed on the agenda for the next Board meeting. We will be prepared and respectful of your time."

IV. CHAIR'S REPORT

Mr. Dowell stated that he appreciated everyone's public comment during this meeting. He wanted to make it clear that the Board feels a great deal of responsibility to the community and to employees. He had spoken with management with a direction to set up a forum for discussion with union membership to get to the bottom of some of the issues that were brought up during this meeting. He looked forward to having that meeting sooner rather than later but does not have a specific date. He stated they will be in better communication moving forward and he appreciates those comments and takes them very seriously.

V. LEXTRAN AUDIT REPORT – FY 2023

George Ward presented the Finance Committee report. He stated that the Finance Committee was comprised of Dr. Akakpo, Ms. Rodgers and himself. They met with the auditor and went through the audit very thoroughly. They received an unmodified opinion, which meant the auditor concluded that our financial statements were presented fairly in all material respects and were in accordance with generally accepted accounting practices. Mr. Ward thanked Ms. Falconbury, Ms. Hoke and the team for the year-round work that they do that makes the audit go smoothly.

Brad Schelle, Crowe, presented the findings of the FY2023 Financial Audit. He provided a quick timeline of the testing beginning in mid-August. There were three reports within the financial statements. The first report was over the financial statements and they provided an unmodified or unqualified opinion which meant that the financial statements were free of material misstatements, the highest level of assurance they can provide. The other two reports were related to federal expenditures. The first of those reports tested for accordance with government auditing standards, confirming there were no material weaknesses or significant deficiencies in internal controls and no issues of non-compliance were identified. The second report of the federal reporting package was related to the major program that we tested which was the Federal Transit Cluster that consists of most of the federal dollars. Based on testing, they did not identify

any material weaknesses or significant deficiencies and did not have issues with any kind of allowable cost. They reported an unmodified opinion for that report as well.

Further in the packet there were two more reports or letters. One was a management letter that stated no material weaknesses or deficiencies in internal controls. The other letter was the Audit Communications letter, also known as the SAS 114 letter. This letter goes through a variety of information. The main takeaway was that there were no audit adjustments recorded or waived and no other disagreements or issues.

Mr. Dowell asked about the nature of the testing that was done in the auditing. Mr. Schelle lists and describes three different types of testing: financial statement testing, internal controls testing, and substantive testing. He also described the federal expenditure testing over the fiscal year to make sure they were allowable under the uniform guidance. Another separate piece is the National Transit Database information testing as required by the FTA. That information is due at the end of October. Ms. Rodgers clarified whether testing was taking a sample of the data for analysis. Mr. Schelle confirmed that a sample was tested, not 100 percent of the data.

Mr. Ward stated that Lextran's cash position is favorable and a lot of that was due to reimbursements due to different COVID funds from the federal government. There was one area of strong concern and that was the cost of paratransit which Lextran is required by law to provide. There was a change in the provider last year and so the costs were much higher than previous years. Mr. Ward stated that while it appears that Lextran had a strong cash position, the reality was that the Finance Committee, the Board of Directors, and the paratransit provider will need to work over time to get those costs under control to maintain that stable position.

Judge Thurston made a motion to approve the Lextran Audit Report FY2023 as presented to the board, seconded by George Ward and Leidy Borges Gonzalez. The motion passed unanimously.

VI. LEXTRAN PERFORMANCE REPORT & FINANCIALS

Mr. Combs presented the Monthly Performance Report for September 2023, which can be found on pages 65-70 of the October 2023 board packet.

HIGHLIGHTS FOR SEPTEMBER:

- The 15th Annual Bus Roadeo was held on September 23rd. Michael Burnett, the first-place winner, will represent Lextran at the APTA International Bus Roadeo competition.
- Lextran hosted the Mayor's Urban Growth Management Advisory Committee on a tour of land that is under consideration to join Lexington's Urban Service Boundary.
- A hiring event was held at the Loudon Administrative offices that resulted in 32 interviews.
- Lextran staff engaged in several community events, including five Community Travel Training sessions (two in Spanish) and four 'How to Ride' sessions.
- Lextran received commendations for Cearia Johnson (Bus Operator) and Jason Messer (Bus Operator).

Mr. Dowell asked if Lextran was actively involved in any of the master planning of the Urban Services Boundary expansion area, assuming that transit access to the new developable land would be part of that master plan. Mr. Combs stated that he planned to participate in those conversations.

There were roughly 380,000 fixed-route trips in September. Fixed-route ridership was ahead of last year and the average September over the past few years. Paratransit ridership was nearly 14,000 trips in September. Mr. Combs noted that they were underway with the NTD data audit and will discuss the findings next month when that procedure is complete. Mr. Combs had conversations with Ecolane, the Wheels paratransit scheduling and data software. There will be some slight differences in the data, but he will present the information so that everyone is on the same page moving forward.

Fixed route had about 950,000 trips per year to date which was about 150,000 trips over where we were last year. Paratransit rides were close to the same, about 1,500 trips below this time last year. On-time performance was about 85 percent on fixed-route and 65 percent on paratransit for the month which will be monitored moving forward.

From August to September, the total number of preventable accidents decreased by two for fixed-route and remained the same for paratransit. There was one workers' compensation claim in September and a total of four YTD which was lower than FY23 YTD number of nine claims. Lextran operated 25,688 miles between road calls in September. The YTD number of miles between road calls was approximately 4,600 miles higher than last year. Maintenance completed 59 of the 60 preventative maintenance inspections on time. There was an issue with data entry into the system regarding one non-revenue vehicle. The preventative maintenance was completed, just not on schedule.

Mr. Ward asked about on-time performance for fixed-route and paratransit. He noted that it decreased and was wondering if we knew the cause and if anything was done to fix it. Mr. Combs stated the cause on fixed-route had mostly been due to some construction detours and on paratransit it was the capacity issues, noting that the number of trips went up and along with that the on-time performance dropped, particularly during peak period. Mr. Combs spoke with Byron Robinson, Wheels General Manager, and some of that was from staffing issues. Mr. Ward asked how Lextran communicated to the public about construction slowdowns. Mr. Combs stated that there is a detour system within the CAD/AVL system that can help communicate it. Detours created in Dispatch were shared with Community Relations staff to send out social media updates and updates on the app. Mr. Ward asked if the bus stop time was adjusted in the app so that riders were aware. Mr. Combs says that the app will inform riders that stops were closed and how many minutes a bus was late.

Ms. Rodgers asked about the ridership over time. She stated that she noticed all of the fixed route YTD numbers were doing better than last year. She also noticed that the paratransit ridership was lower than last year. Mr. Combs responded that fixed-route ridership was improving in general. He added that he thinks on paratransit, once the NTD audit was completed, some of it will look a little bit better, however ridership will still be lower due to the on-time performance and scheduling

issues that have impacted the service. Mr. Ward asked about the UK routes having high ridership and skewing the data. Mr. Combs stated that the increase in UK routes would outperform the increase in the other routes. There had been increases with other routes such as Route 5 – Nicholasville Rd and Route 17 - Northside Connector. Mr. Combs suggested he could break down in the results of the NTD audit showing how UK ridership compared to the rest of the system. Ms. Rodgers suggested having an idea of what success looks like for paratransit ridership. Mr. Combs noted that prior to the pandemic, there was a concern regarding the rapid increase in ridership and related concerns about cost. There were month-over-month increases in ridership that were increasing the cost. Mr. Combs suggested adding in a slide regarding the COA peer comparison to share with the board.

Mr. Ward asked about same-day bookings no longer being an option and whether they were impacting paratransit ridership. Mr. Combs confirmed there were no more same-day bookings and that it could be impacting the ridership. As part of the BUILD microtransit update Mr. Combs had to share touched on same-day trips being one of the issues he heard in the community.

FINANCIAL REPORT

Ms. Nikki Falconbury presented the September 2023 Financial Report, found on pages 71-72 of the October 2023 board packet.

Ms. Falconbury reviewed the balance sheet and reported operating cash for September was strong. Work in process showed \$5 million Lextran was waiting on from federal grant reimbursement for the CNG buses that were purchased. The amount of property taxes was right on track for this time, most of the money should come in during November or December. Passenger revenue was about \$41,000 over budget and was about \$50,000 more than this time last year. Other revenues such as UK and fuel taxes were right on track. All other expenses were under budget at this time other than paratransit. Diesel fuel was on average \$3.38 for the month of September, which was lower than the \$3.67 it was last year at this time. The YTD average cost was \$3.00. CNG diesel gallon equivalent was \$1.31.

Judge Thurston asked about the property taxes and whether additional tax bills this year would add to the cash flow or not have much significance. Ms. Falconbury does not know for sure but from what she had read she would say it wouldn't be that significant. She noted we received more money last year than we expected. Ms. Rodgers noted that a 3 percent or 3.5 percent increase was already included in the budget for property taxes compared to last year.

Ms. Rodgers asked about the \$340,000 already spent on professional services. Ms. Falconbury stated that was the management contract, the audit, and anything that was contract maintenance related such as sending a vehicle out to be repaired or building repairs. She also noted that the budget accounted for engine rebuilds which were about \$50,000 each spread throughout the year.

VII. ACTION ITEMS

A. Resolution to Request Approval of Assistant General Manager (Resolution 2023-18)

Ms. Zamora presented Resolution 2023-18, requesting the approval of Randolph Williams as Lextran's Resident Assistant General Manager, as submitted, and recommended by Transdev, Lextran's contracted Management Services company.

Lextran's contract with Transdev provides for the Board's review and approval of the Resident Assistant General Manager. Mr. Williams was screened by Transdev's Talent Acquisition department and interviewed with former Lextran General Manager Jill Barnett, Transdev Region Vice President Jarod Varner, and Lextran Interim General Manager Norma Zamora. In addition, a virtual interview was conducted with Board Chair Harding Dowell, Board Vice Chair Jamie Rodgers, and Board Finance Committee Chair George Ward.

Mr. Schoninger made a motion to approve Resolution 2023-18 authorizing the approval of Randolph Williams as Lextran's Resident Assistant General Manager, as submitted, and recommended by Transdev, Lextran's contracted Management Services company, seconded by Mr. Ward. The motion passed unanimously.

B. Resolution to Request Authority to Designate a Signatory (Resolution 2023-19)

Ms. Zamora presented Resolution 2023-19, requesting authority to designate Randolph Williams, Jr., Assistant General Manager, as an additional signatory for checking accounts established for the operation of the Transit Authority of Lexington-Fayette Urban County Government (Lextran).

This action was to replace John Givens, Director of Risk Management, upon his retirement. There were normally four signatories, Mr. Williams would be the third. Once the resident General Manager is appointed, they will be the fourth. Mr. Dowell noted that this would be effective once Mr. Williams begins his employment.

Judge Thurston made a motion to approve Resolution 2023-19 requesting authority to designate Randolph Williams, Jr., Assistant General Manager, as an additional signatory for checking accounts established for the operation of the Transit Authority of Lexington-Fayette Urban County Government (Lextran), seconded by Ms. Rodgers. The motion passed unanimously.

VIII. CHANGE ORDER REPORT

There was no change order report.

IX. OLD BUSINESS

- A. Mr. Combs provided an update on the Proterra Bankruptcy. They filed for Chapter 11 protection in August. The FTA had scheduled listening sessions with different regions around the country. Lextran was a part of one that included TARC in Louisville, the City of Clemson, and South Carolina DOT. Each of those agencies shared the same frustrations with Proterra, which was some of the service requests not being responded to in a timely

manner, issues with getting parts, and issues with keeping the vehicles on the streets. The FTA listened to the concerns and took notes. As they gathered that information, the plan was to take that to the decision makers, the Department of Transportation, and to determine what would happen moving forward. Lextran anticipates information from the Department of Transportation and the FTA in the coming months.

Mr. Ward asks how many of those buses were purchased nationally. Mr. Combs does not know the number but there were some places in California that have quite a number of Proterra buses in their fleet. The frustrations were focused on the first-generation vehicles like the ones at Lextran. Mr. Dowell asked if the intent of the negotiation was to allow Lextran and other agencies to dispose of them sooner than the FTA would normally allow. Mr. Combs said that would be a very welcome outcome, should it happen.

- B. Mr. Combs provided an update on the recent BUILD meeting. He referenced Ms. Swanson and stated she did a great job during her public comment regarding the BUILD meeting. In addition to her comments, Mr. Combs said it was very inspiring to see a room of people interested in transit and transportation and he was happy to be a part of that conversation. He stated that one of the gaps in the system and in transportation was same day scheduling from a Wheels perspective, which had helped make the argument that microtransit. In beginning conversations with BUILD, the concern was people with mental illnesses and making sure they had the proper transportation that they need. Mr. Combs said that the next steps in the community conversation was to make sure that we understand the scope of what we were trying to accomplish. Some of this was investigated at a very conceptual level in the COA. There was no money currently budgeted for a microtransit pilot program. There were some federal grants available that Lextran could partner with the city and pursue, but at the moment, there was not a concrete next step for a pilot program. Some conversations to better define the scope need to happen before we get to that point. If, at some point, Lextran did partner in a microtransit pilot program with the city, we would have to be very careful of procurement rules. VIA was the company who gave the presentation, and they are very active in the microtransit space, but not the only company that works in the space.

Mr. Dowell asked when Lextran entered into professional services contracts, such as architectural services, if those were treated differently than other procurement actions. Mr. Combs stated they were not treated differently, there was an open procurement for an architectural and engineering contract and Kersey and Kersey was selected through a competitive process to be the architect on a contract that allows task orders as needs arise. Lextran does not have a contracted service provider that could provide services such as these on an as needed basis. Mr. Dowell asked whether in those instances we were allowed to use some qualifications-based selection that is not just based on dollars. Mr. Combs confirmed that it would be a Request for Proposals rather than an Invitation for Bid. Ms. Rodgers asked whether this responsibility was always the transit organization's responsibility or in other communities was there a non-profit or other organization

providing those services. Mr. Combs stated that more often than not the transit agency would take the lead, but that is not always the case. Ms. Rodgers noted that there was conversation around mental health and there were great non-profits that provide mental health wraparound services. She was wondering if those non-profits were providing transportation as a part of their services and would want to make sure there was no duplication.

X. NEW BUSINESS

- A. Mr. Combs shared the LEX18 Heroes Among Us news feature which was a very powerful story sharing an impact that was above and beyond ridership numbers. Mr. Combs played the video for the Board and spoke to the inspiration that Lextran employees are.

- B. Jason Dyal, Director of Operations, shared a recognition for John Givens', Director of Risk Management, retirement. Jason shared testimony as to Mr. Givens' character and career. John began his career at Lextran in 1983 and served 40 years. When John started, power steering or automatic fare boxes did not exist at Lextran. In 1998 he was involved in the training of the bus operators and Mr. Dyal was in the class that John Givens helped train. In the mid-2000s, John looked into how he could contribute more to the organization, and he became the first Training Coordinator under the leadership of Mr. Ben Spaulding. Over several years, he improved the hiring process for bus operators and Lextran now uses one of the best training systems after years of revisions and upgrades. In 2008, John and some other directors started investigating the Bus Roadeos and in 2009 he led Lextran to their first Bus Roadeo. Every year since then, the operators enjoy this event and the comradery that it provides. After that he started his tenure as the Director of Risk Management, he started looking at ways to maintain the integrity of Lextran through training and safety. He saw the beginning of night service, Saturday and Sunday service, new buses with new features, and most recently the first battery electric bus in Lexington. He developed many safety and security protocols, accident procedures, and many other policies that relate to safety, training, and risk management. His 40 years have been very demanding, but none more than 2020 and the pandemic. These protocols came with a lot of overnight policymaking with things changing so quickly. After all of those accomplishments, probably the most rewarding and exciting time for him just came recently when he had the opportunity to be a contestant in the Bus Roadeo. John had put on this event for 15 years and had never been able to compete because he kept the event about the operators. John left Lextran in a very good position moving forward. Jason thanked Mr. Givens for his service at Lextran.

Mr. Dowell spoke to the immense respect that John had for all of the employees and especially the operators and thanked him for his service to Lextran.

XI. PROPOSED AGENDA ITEMS

- A. Resolution – Kentucky Deferred Comp, Updated Joinder Agreement

- B. Resolution – Drug & Alcohol Policy Update (November)
- C. Resolution – Paratransit Eligibility Assessments (November)

XII. CLOSED SESSION

There was no closed session.

XIII. ADJOURNMENT

Mr. Dowell declared the meeting adjourned. The meeting adjourned at 11:13 a.m.

BOARD OF DIRECTORS MEETING

BOARD MINUTES

November 15, 2023

MEMBERS PRESENT

Harding Dowell, Board Chair
Leidy Borges-Gonzalez (virtually)
Paul Schoninger (virtually)
Judge Lindsay Hughes Thurston (virtually)

ABSENT

Jamie Rodgers, Vice Chair
Dr. Koffi Akakpo
George Ward
Christian Motley

STAFF PRESENT

Norma Zamora, Interim General Manager
Randolph Williams, Assistant General Manager
Fred Combs, Director of Planning, Technology and Community Relations
Nikki Falconbury, Director of Finance and Human Resources
Chris Withrow, Director of Maintenance
Jason Dyal, Director of Operations
John McNeel, Director of Safety and Security
Jessica Pence, Capital Planner
Whitney Wigglesworth, Marketing & Communications Coordinator
Deanna Istre, Purchasing Coordinator
Stephanie Hoke, Finance & Purchasing Manager
Dale Stone, Schedule & Service Manager
Emily Elliott, Community Relations Manager
Catherine Moran, Compliance Specialist

OTHERS PRESENT

Addison Lowry, McBrayer, Lextran Counsel
Joseph David, Lexington Area MPO

I. CALL TO ORDER

Board Chair Harding Dowell called the November 15th, 2023, meeting of the Lextran Board of Directors to order at 10:03 a.m. Mr. Dowell performed a roll call to determine which members were present. There were not enough board members present to achieve a quorum.

II. PUBLIC COMMENT

There was no public comment.

III. APPROVAL OF MINUTES

There was no action taken on the minutes due to the lack of quorum.

IV. CHAIR'S REPORT

Mr. Dowell reported that he has received a set of finalists for the General Manager position. He stated that Transdev has done an exhaustive search and he is pleased with the outcome. He will share more information about finalists with the Board members for the interview process to begin.

V. LEXTRAN PERFORMANCE REPORT & FINANCIALS

Mr. Fred Combs presented the Monthly Performance Report for October 2023, which can be found on pages 14-19 of the October 2023 board packet. Mr. Combs began by welcoming Mr. Randolph Williams, Lextran's new Assistant General Manager.

HIGHLIGHTS FOR OCTOBER:

- In October, Lextran completed an audit of its annual National Transit Database submission and its FTA Drug and Alcohol Program.
- Lextran provided service to the Keeneland Fall Meet.
- Lextran's annual Health and Wellness Fair was held in the Operator's Lounge on October 11th.
- Director of Planning, Technology, and Community Relations, Fred Combs and Community Relations Manager, Emily Elliott attended the BUILD Micro Transit Information Session on October 19th.
- Lextran conducted a fundraiser for Markey Cancer Center for Breast Cancer Awareness Month.

Commendations were received for seven Bus Operators in October. There were roughly 383,000 fixed-route trips for the month, which was close to September ridership but remained ahead of the monthly average. Paratransit ridership was nearly 14,500 trips in October. There is a divergence in KPIs from the previous year because October 2022 was the first month that RATP Dev operated the service.

Fixed route was about 200,000 trips over this time last year to date. Paratransit ridership was similar to this time last year. Revenue miles and hours, and productivity metrics were as expected for October.

From September to October, there was one preventable accident on fixed-route and two on paratransit. There was one worker's compensation claim leading to two days of lost time. Maintenance operated over 13,000 miles between road calls and completed 62 of the 62 preventive maintenance inspections on time.

Mr. Dowell asked about the paratransit ridership data and on-time performance reporting. Mr. Combs said they are still taking steps to revise the historical numbers and rectify the data based

on the contract with RATP Dev.

FINANCIAL REPORT

Ms. Nikki Falconbury presented the October 2023 Financial Report, found on pages 20-21 of the November 2023 board packet.

Ms. Falconbury reported operating cash for October was steady, there were some grants to be reimbursed but that was not unusual for this time of year. The amount of property tax revenue was looking good for October, more had been collected in November and will be expected in the coming weeks. She explained that the budgeted amount shown was based on the percentage received last year. Passenger revenue was slightly over budget. Wages were under budget and fringe benefits were on track. Professional services such as contract maintenance costs will come in over the next couple of months. Diesel fuel was on average \$3.19 for the month of October. The YTD average cost was \$3.05. CNG diesel gallon equivalent was \$1.31. Paratransit expenses were about \$96,000 over budget. October was the last month for vanpool services, the money budgeted that is leftover will be able allotted for paratransit.

Mr. Dowell asked about hiring efforts. Ms. Falconbury said that Lextran continued to take applications and conduct interviews, and a new class was starting in November. Ms. Falconbury stated that the background check, medical examiner certificate, and drug screening had eliminated candidates. There were four to five people starting in the new class, including new maintenance staff.

Judge Thurston asked for a point of clarification on the fuel costs and whether they include paratransit fuel. Ms. Falconbury said that the paratransit fuel was considered under the paratransit expenses. Mr. Dowell asked if the fuel was paid as a separate line item or incorporated into the ride fee. Ms. Falconbury said that there was not a separate line item for paratransit fuel and there was an established contract with a fuel vendor.

VI. ACTION ITEMS

There were no action items discussed due to lack of quorum.

VII. CHANGE ORDER REPORT

There was no change order report.

VIII. OLD BUSINESS

A. FY2023 KPI Update

Mr. Combs discussed an update to the Key Performance Indicators (KPIs). Every year as a part of the National Transit Database submission, the automatic passenger counts (APC) are audited for accuracy and completeness. There was a FY23 ridership adjustment of 1.8 percent, an increase from the value provided in the July 2023 Board Packet. In FY22 there was a 2.15 percent increase, roughly 62,000 trips out of 3.5 million that were changed for

FY23. The Board packet contains unaudited APC ridership each month. Mr. Combs stated that this data confirmed that those ridership reports were often close to reality. The percent change from FY22 to FY23 was 26.6 percent increase in ridership.

Growth in UK ridership outpaced the rest of the system. Ridership on limited-service routes had the least growth at 17 percent from FY22 to FY23. Core Service and UK service accounted for about 95 percent of total fixed route ridership. The slowest growing category was in the limited-service classification.

The top five routes that experienced highest percent change were comprised of two UK routes, two core routes and one connector. Of the bottom five routes in terms of percent change, three were limited-service routes, two were core routes. Mr. Dowell asked Mr. Combs to define the coverage routes. Mr. Combs described the balance between frequency (how often the bus arrives at a stop) and coverage (the area of the city that has service coverage). Limited-service routes are those that are lower frequency and provide greater coverage of these areas.

Mr. Combs continued to present the ridership comparison. There was a large increase on Route 14 – UK Blue and White, which had reached up to 800,000 trips for FY23.

Mr. Combs presented the paratransit ridership adjustments. There were reporting differences due to the way that Ecolane captures events in the field. According to the NTD, paratransit ridership includes personal care attendants, companions, and children as unlinked passenger trips and this is the number we want to report because it captures the number of people actually being moved. There were also changes for passenger refused trips and no shows. There was a total adjustment of about 3,000 unlinked passenger trips to provide a total of 155,006. Moving forward the numbers reported in the board packet will reflect the NTD definition of unlinked passenger trips.

IX. NEW BUSINESS

There was no new business.

X. PROPOSED AGENDA ITEMS

A. Resolution – Kentucky Deferred Comp, Updated Joinder Agreement

*This has been on the agenda and is waiting for a general manager to be named.

B. Resolution – Intelligent Transportation Systems (CAD/AVL)

XI. CLOSED SESSION

There was no closed session.

XII. ADJOURNMENT

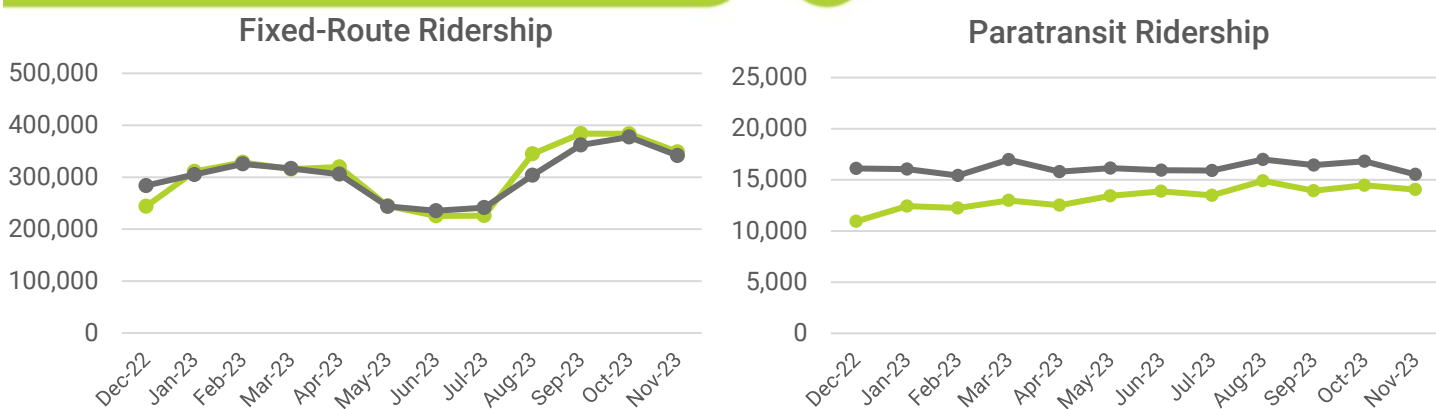
Mr. Dowell declared the meeting adjourned by consensus. The meeting adjourned at 10:27 a.m.

LEXTRAN MONTHLY PERFORMANCE REPORT – NOVEMBER 2023

We serve people and our community with mobility solutions.

Lextran extended free rides on Election Day to increase access to polling locations and civic engagement. On Thanksgiving Day, Lextran offered the community free rides and provided working staff holiday meals. A group of Lextran staff visited the Memphis Area Transit Authority to evaluate their CAD/AVL system in operation. Lextran held the final Pension Committee Meeting of the calendar year on November 14th. A question-and-answer session for the Wheels Rider Guide was held on November 8th for the Bluegrass Council of the Blind. Community Relations staff completed five Community Travel Trainings throughout the month and attended the Eastside Technical Center College and Career Fair.

DEMONSTRATE VALUE TO THE COMMUNITY



Performance Indicator	Fixed Route System			Paratransit (Wheels)		
	This Month	FY24YTD	FY23YTD	This Month	FY24YTD	FY23YTD
System Production						
Total Ridership	348,732	1,687,041	1,473,044	14,052	70,854	66,551
Weekday Ridership	305,227	1,455,520	1,260,907	11,645	58,413	54,876
Saturday Ridership	24,042	132,202	122,464	1,203	6,336	5,991
Sunday Ridership	16,978	89,166	80,876	1,067	5,495	5,054
Holiday Ridership	2,485	10,153	8,797	137	610	667
Total Revenue Miles	155,033	791,106	777,969	86,240	429,481	426,388
Total Revenue Hours	16,484	82,456	81,297	6,435	32,090	31,621
Trips per Mile	2.25	2.13	1.89	0.16	0.16	0.16
Trips per Hour	21.16	20.46	18.12	2.18	2.21	2.10

- Fixed-route ridership decreased by nine percent compared to October but increased by eight percent compared to November 2022.
- November 2023 ridership exceeded the average October ridership by two percent.
- Trips per Mile and Hour for FY24YTD continue to exceed those of FY23YTD on both systems.

LEXTRAN IN THE MEDIA

- November 1 – Lexington to give \$2 million from ‘infill fund’ for projects outside growth boundary
<https://www.kentucky.com/news/local/counties/fayette-county/article281194463.html>
- November 2 – Lextran offering free rides on Election Day for customers
<https://www.lex18.com/news/lextran-offering-free-rides-on-election-day-for-customers>
- November 20 – Everyday Kentucky On The Go - More about Lextran's 50th anniversary
<https://www.wkyt.com/video/2023/11/20/everyday-kentucky-go-more-about-lextrons-50th-anniversary/>
- November 24 – Lexington churches want a transportation solution for people ‘trapped in transit deserts’
<https://www.kentucky.com/news/local/counties/fayette-county/article281719073.html>
- November 27 – Lexington homeless shelters taking action as temperatures drop
<https://www.wkyt.com/2023/11/28/lexington-homeless-shelters-taking-action-temperatures-drop/>
- November 28 – Lexington’s Greyline Station hosts its first ‘Winterfest’
<https://fox56news.com/news/local/lexingtons-greyline-station-hosts-its-first-winterfest/>
- November 28 – 'We know how it feels': Lexington works to keep unhoused people warm this winter
<https://www.lex18.com/news/covering-kentucky/we-know-how-it-feels-lexington-works-to-keep-unhoused-people-warm-this-winter>

COMMUNITY INVOLVEMENT AND OTHER MEETINGS

- November 2 – Community Travel Training
- November 3 – Senior Services Commission Meeting
- November 8 – Wheels Rider Guide Question Session – Bluegrass Council of the Blind
- November 9 – Community Travel Training
- November 9 – Imagine Nicholasville Road Guest Lecture, University of Kentucky College of Engineering
- November 13 – Winburn Community Partners Meeting
- November 14 – Lextran Pension Committee Meeting
- November 14 – Eastside Technical Center College and Career Fair
- November 14 – Community Travel Training
- November 16 – Community Travel Training
- November 16 – VRUCK Meeting
- November 16 – Complete Streets Stakeholder Input Discussion
- November 17 – Philadelphia Labor Law and Labor Arbitration Conference
- November 20 – Urban Services Boundary Master Planning Discussion
- November 20 – Fayette County Public Schools Transportation Meeting
- November 21 – Community Travel Training
- November 27 – New Vista Needs Assessment Fayette County
- November 28 – Kentucky Public Transportation Association

DELIVER A HIGH-QUALITY PRODUCT

Performance Indicator	Fixed Route						Paratransit (Wheels)					
	This Month		FY24 YTD		FY23 YTD		This Month		FY24 YTD		FY23 YTD	
Service Quality	This Month		FY24 YTD		FY23 YTD		This Month		FY24 YTD		FY23 YTD	
On-Time Performance	86.17%		87.36%		88.90%		70.81%		69.41%		57.82%	
Farebox Recovery	5.92%		6.73%		6.54%		N/A		N/A		N/A	
Operating Expenses	\$1,681,647		\$8,258,069		\$7,912,970		\$655,127		\$3,249,031		\$2,406,856	
Per Mile	\$3.72		\$3.49		\$3.84		N/A		N/A		N/A	
Per Hour	\$67.03		\$66.97		\$61.06		N/A		N/A		N/A	
Customer Service	This Month		FY24 YTD		FY23 YTD		This Month		FY24 YTD		FY23 YTD	
	Count	Rate	Count	Rate	Count	Rate	Count	Rate	Count	Rate	Count	Rate
Customer Feedback Totals per 100k Trips	32	9.18	228	13.51	252	17.11	13	92.51	102	143.96	228	342.59
Commendations	4	1.15	19	1.13	25	1.70	0	0.00	0	0.00	4	6.01
Discourtesy	15	4.30	72	4.27	59	4.01	4	28.47	27	38.11	27	40.57
Late or Early	1	0.29	10	0.59	25	1.70	3	21.35	20	28.23	84	126.22
Safety	3	0.86	39	2.31	38	2.58	4	28.47	22	31.05	31	46.58
Passed Boarding /Missed Trips (Wheels)	3	0.86	49	2.90	45	3.05	1	7.12	6	8.47	21	31.55
Information and Service Requests	5	1.43	18	1.07	27	1.83	0	0.00	16	22.58	0	0.00
Other	1	0.29	21	1.24	33	2.24	1	7.12	11	15.52	61	91.66
Call Length	0:59		1:00		1:18		1:31		1:34		1:38	
Time to Abandon	0:12		0:22		1:54		1:47		3:00		1:50	

- Fixed-route on-time performance increased by about one percent from the previous month but decreased by about two percent from November 2022.
- The high volume of customer feedback for paratransit in FY23YTD reflects the service transition to RATP-Dev, who began operating the service in October 2022.

MANAGE AND SUSTAIN RESOURCES

Performance Indicator	Fixed Route System			Paratransit (Wheels)		
	This Month	FY24 YTD	FY23 YTD	This Month	FY24 YTD	FY23 YTD
Safety						
Preventable Accidents	3	11	18	1	9	8
Preventable Accidents per 100,000 miles	1.85	1.33	2.21	1.95	1.74	1.66
Days with No Preventable Accidents	27	134	135	29	142	144
Workers Compensation Claims	6	11	9	N/A	N/A	N/A
Injury Frequency Rate	38.25	13.32	10.81	N/A	N/A	N/A
Days of Lost Time	54	105	123	N/A	N/A	N/A

- From October to November, the total number of preventable accidents increased by two for a total of three on fixed-route; and decreased by one for a total of one on paratransit.
- The injury frequency rate increased to 38.25 due to a total of six OSHA-reportable workplace injuries for the month.

Performance Indicator	Fixed Route System		
	This Month	FY24YTD	FY23YTD
Maintenance			
Miles between Road Calls	9,690	12,969	9,964
Percent of Preventive Maintenance Inspections on Schedule	100%	99.6%	100%

- In November, the maintenance department reported 9,690 miles between road calls.
- Maintenance completed 100 percent (55 of 55) of preventive maintenance inspections on schedule in November.

Performance Indicator	Fixed Route System	
	This Month	FY24YTD
Training Activities		
Maintenance Accident/Cell Phone Policy Refresher	34	34
Amerex Fire Suppression Training	16	16
CPR First Aid Training	5	16
Accident Remedial Training	3	10
Incident Remedial Training	2	9

Hiring and Recruiting	This Month	Interviews	New Hires
Open Positions	26	23	1
Operations	12	13	0
Maintenance	9	7	1
Administration	5	3	0

Procurements	
CAD/AVL Intelligent Transportation and ERP Systems	Open
Employee Development and Customer Service Training	Open
Paratransit Eligibility Assessments	Open
Shelters, Benches, & Trash Receptacles	Open
Towing Services	Open
Fuel for Paratransit Vehicles	Upcoming
Janitorial Supplies	Upcoming
Paratransit Services	Upcoming
Radio Purchasing and Maintenance	Upcoming
Transit Advertising	Upcoming

FINANCIALS
BALANCE SHEET

as of November 30, 2023

	CURRENT YEAR-TO-DATE	LAST YEAR-TO-DATE
ASSETS		
Current assets		
Operating Cash	\$44,001,805	\$34,483,278
Accounts receivable	\$784,038	\$1,314,400
Inventory	\$932,755	\$868,925
Work in process	\$5,516,633	\$934,125
Prepaid	\$895,672	\$757,668
Total Current Assets	<u>\$52,130,903</u>	<u>\$38,358,395</u>
Long term asset - Pension	<u>\$2,472,657</u>	<u>\$1,962,500</u>
Total Long Term Assets	\$2,472,657	\$1,962,500
Net capital and related assets	\$35,926,060	\$36,775,053
TOTAL ASSETS	<u><u>\$90,529,619</u></u>	<u><u>\$77,095,948</u></u>
LIABILITIES		
Current liabilities		
Accounts payable	\$845,856	\$698,663
Payroll liabilities	\$845,344	\$721,922
Total Current Liabilities	<u>\$1,691,201</u>	<u>\$1,420,585</u>
Long term liability - Pension	<u>\$747,248</u>	<u>\$464,607</u>
Total Long Term Liabilities	\$747,248	\$464,607
NET POSITION	\$88,091,171	\$75,210,756
TOTAL LIABILITIES AND NET POSITION	<u><u>\$90,529,619</u></u>	<u><u>\$77,095,948</u></u>

STATEMENT OF REVENUES, EXPENSES AND CHANGE IN NET POSITION

November 2023

	FY2024 ACTUAL	FY2024 BUDGET	FY2024 VARIANCE	FY 2023 ACTUAL
REVENUES				
Property taxes	\$17,855,833	\$16,365,315	\$1,490,518	\$16,092,782
Passenger revenue	\$555,811	\$514,676	\$41,134	\$517,662
Federal funds	\$0	\$5,203,080	(\$5,203,080)	\$4,928,834
State funds	\$0	\$0	\$0	\$0
Advertising revenue	\$260,000	\$260,000	\$0	\$260,000
Other revenue	\$1,123,028	\$1,115,793	\$7,235	\$6,511,971
TOTAL REVENUES	\$19,794,672	\$23,458,865	(\$3,664,193)	\$28,311,249
EXPENSES				
Wages	\$4,758,825	\$4,829,345	(\$70,520)	\$4,576,634
Fringe benefits	\$2,395,706	\$2,708,267	(\$312,560)	\$2,329,374
Professional services	\$533,873	\$824,890	(\$291,016)	\$473,899
Materials and supplies	\$580,319	\$616,875	(\$36,556)	\$584,261
Fuel-Diesel	\$367,110	\$598,542	(\$231,431)	\$599,494
Fuel-Other	\$208,067	\$327,146	(\$119,079)	\$266,919
Utilities - Facilities	\$169,812	\$173,542	(\$3,730)	\$161,352
Utilities - Electric Bus	\$81	\$35,833	(\$35,752)	\$5,869
Insurance	\$400,309	\$362,715	\$37,594	\$340,009
Fuel taxes	\$90,716	\$83,333	\$7,382	\$80,557
Paratransit Expenses	\$3,484,499	\$3,366,667	\$117,832	\$3,113,164
Vanpool Expenses	\$16,423	\$30,000	(\$13,577)	\$12,878
Dues and subscriptions	\$44,903	\$36,800	\$8,103	\$3,743
Travel, training and meetings	\$30,949	\$83,250	(\$52,300)	\$42,793
Media advertising	\$104,132	\$95,833	\$8,299	\$36,969
Miscellaneous	\$33,502	\$31,417	\$2,085	\$30,759
Leases and rentals	\$2,184	\$2,184	\$0	\$2,184
Depreciation	\$1,538,726	\$1,538,726	\$0	\$1,258,626
TOTAL EXPENSES	\$14,760,137	\$15,745,364	(\$985,227)	\$13,919,485
CHANGE IN NET POSITION	\$5,034,535	\$7,713,501	(\$2,678,966)	\$14,391,764
Monthly Average Diesel Cost:	\$2.88			
YTD Average Diesel Cost:	\$3.02			
CNG Diesel Gallon Equivalent	\$1.07			

MEMORANDUM

December 20, 2023

TO: Lextran Board of Directors**FROM: Nikki Falconbury, Director of Finance & HR****CC: Norma Zamora, Interim General Manager****SUBJECT: Resolution to Award a Contract for a Provider of Paratransit Eligibility Assessments**

Attached is a resolution requesting authority to award a contract for a provider of Paratransit eligibility assessments.

RFP 2023-08 was issued August 15, 2023, with proposals received on October 5, 2023. A staff evaluation committee reviewed and approved the proposals for compliance and responsiveness. A responsive proposal was received from two (2) qualified proposers:

- ADARide
- IPS Lynx (BIOKINETIX)

The proposal from IPS Lynx was determined to offer a fair and reasonable price and is recommended to be awarded the contract according to the terms of their proposal in response to RFP 2023-08.

The term of the contract awarded will be for 2 years with 3 additional options (for 1 year each), for a total of 5 possible contract years. The cost for the assessment services is not to exceed the following amounts:

- Year 1 – Assessment – \$60.00, Auto-recertification – \$30.00, In-person assessment or appeal – \$90.00
- Year 2 – Assessment – \$61.00, Auto-recertification – \$31.00, In-person assessment or appeal – \$91.00
- Year 3 – Assessment – \$62.00, Auto-recertification – \$32.00, In-person assessment or appeal – \$92.00
- Year 4 – Assessment – \$63.00, Auto-recertification – \$33.00, In-person assessment or appeal – \$93.00
- Year 5 – Assessment – \$64.00, Auto-recertification – \$34.00, In-person assessment or appeal – \$94.00
- One way trip to In-person assessment or appeal – \$21.96

If you have any questions, please contact me at 859.255.7756.

RESOLUTION 2023-20**TRANSIT AUTHORITY OF LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT****December 20, 2023**

WHEREAS, the Transit Authority of the Lexington-Fayette Urban County Government (Lextran) issued RFP 2023-08 for Paratransit eligibility assessment services; and

WHEREAS, RFP 2023-08 resulted in proposals from one qualified proposer; and

WHEREAS, the proposal from IPS Lynx was determined to be responsive and offer a fair and reasonable price;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Transit Authority of the Lexington-Fayette Urban County Government (Lextran) hereby authorizes and directs the General Manager to execute a contract with IPS Lynx to provide Paratransit eligibility assessment services per the terms as set forth in RFP 2023-08 and the proposal submitted by IPS Lynx which are incorporated herein by reference. The term of the contract awarded will be for 2 years with 3 additional options (for 1 year each), for a total of 5 possible contract years. The cost for the assessment services is not to exceed the following amounts:

- Year 1 – Assessment – \$60.00, Auto-recertification – \$30.00, In-person assessment or appeal – \$90.00
- Year 2 – Assessment – \$61.00, Auto-recertification – \$31.00, In-person assessment or appeal – \$91.00
- Year 3 – Assessment – \$62.00, Auto-recertification – \$32.00, In-person assessment or appeal – \$92.00
- Year 4 – Assessment – \$63.00, Auto-recertification – \$33.00, In-person assessment or appeal – \$93.00
- Year 5 – Assessment – \$64.00, Auto-recertification – \$34.00, In-person assessment or appeal – \$94.00
- One way trip to In-person assessment or appeal – \$21.96

MOTION

SECOND

CHAIRPERSON

DATE

MEMORANDUM

December 20, 2023

TO: Lextran Board of Directors

FROM: John McNeel, Director of Safety & Security

CC: Norma Zamora, Interim General Manager

SUBJECT: Resolution for Adoption of Drug and Alcohol Policy

Attached is a resolution requesting the adoption of an updated drug and alcohol policy.

Drug and alcohol testing is mandated by the Federal Transit Administration (FTA) and the United States Department of Transportation (USDOT) in 49 CFR Part 40 and Part 655, as Amended. In addition, drugs are prohibited in the workplace by the *Drug-Free Workplace Act of 1988* located in 20 CFR Part 29. Lextran was audited on this policy by FTA as part of a regularly scheduled audit, and as a result was required to make revisions to its existing policy to ensure it is fully compliant with the aforementioned regulations.

Pre-audit, Cahill-Swift, the subcontracted auditor for the FTA requested that we use the *Policy Builder* from the FTA website to update our policy. This creates consistency with most agencies regulated by the FTA and includes the federal guidelines that Lextran needs to abide by. It removed unnecessary and duplicate content in several areas.

This policy was originally adopted in June 1998, with subsequent revisions in August 2002, April 2008, April 2011, July 2014, and February 2018. The document is attached and includes the following revisions:

- Removal of the Introduction and *Drug Free Workplace* language
- Removal of duplicate “covered employees” language
- Removal of “Contractor” language
- Removal of the role of the Medical Review Office
- Removal of “Criminal Drug Conviction at Workplace”
- Removal of “Post Voluntary Referral Testing”
- Removal of “Return to Work – Pending Test results” language
- Condensed language on the collection process (referring only to Article 49 part 40)
- Removal of “MRO Verification of Prescriptions” language
- Condensed language of the SAP/EAP program
- Removal of Definitions and Contractors from appendix.

If you have any questions, please contact me at 859.255.7756.

RESOLUTION 2023-21**TRANSIT AUTHORITY OF LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT****December 20, 2023**

WHEREAS, drug and alcohol testing is mandated by the Federal Transit Administration (FTA) and the United States Department of Transportation (USDOT) in 49 CFR Part 40 and Part 655, as Amended, and;

WHEREAS, drugs are prohibited in the workplace by the *Drug-Free Workplace Act of 1988* located in 20 CFR Part 29, and;

WHEREAS, the Transit Authority of the Lexington-Fayette Urban County Government has revised its drug and alcohol policy to be fully compliant with the aforementioned regulations, and;

WHEREAS, the by-laws of the Transit Authority of the Lexington-Fayette Urban County Government provides that the Board of Directors shall have the power to set policies;

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Transit Authority of the Lexington-Fayette Urban County Government hereby adopts and approves the revised drug and alcohol policy which is attached hereto and incorporated herein by reference.

MOTION

SECOND

CHAIRPERSON

DATE



Lextran

DRUG AND ALCOHOL POLICY

Transit Authority of Lexington-Fayette Urban County Government

Adopted by: _____

Date Adopted: [dd/mm/yyyy]

Last Revised: [dd/mm/yyyy]

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I. PURPOSE OF POLICY

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

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

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

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

All Lextran employees are subject to the provisions of the Drug-Free Workplace Act of 1988.

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

Employees must abide by the terms of the policy statement as a condition of employment.

Training

The Company shall conduct substance abuse awareness training for all employees. This substance abuse awareness training shall consist of the following minimum requirements:

- **Upon a conditional offer of employment with the Company, each applicant shall be provided a copy of and will be asked to read the Company's Drug & Alcohol-Free Workplace policy.**
- Employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.
- Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.
- **Annual refresher training shall be conducted for all employees in substance abuse awareness and shall consist of no less than sixty (60) minutes.**
- **Supervisory personnel, in addition to all the above training shall receive an additional sixty**

(60) minutes each year of alcohol and substance abuse education and awareness training. This additional supervisory training shall consist of at least the following:

- 1. Recognizing the signs of alcohol and substance abuse in the workplace.**
- 2. How to document signs of employee alcohol or substance abuse.**
- 3. How to refer employees to an employee assistance program or other alcohol and substance abuse treatment program; and**
- 4. Legal and practical aspects of reasonable suspicion testing for the presence of drugs and alcohol.**

2. COVERED EMPLOYEES

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

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

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

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

3. PROHIBITED BEHAVIOR

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

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

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

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

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

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

4. CONSEQUENCES FOR VIOLATIONS

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

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

Zero Tolerance

Per Lextran policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be terminated from employment.

5. CIRCUMSTANCES FOR TESTING

Pre-Employment Testing

Pre-employment alcohol tests are conducted after making a contingent offer of employment or transfer. All pre-employment alcohol tests will be conducted using the procedures set forth in 49 CFR Part 40. An alcohol test result of less than 0.02 is required before an employee can first perform safety-sensitive functions. If a pre-employment alcohol test is cancelled, the individual will be required to undergo another test with a result of less than 0.02 before performing safety-sensitive functions.

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

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

If a covered Lextran employee has not performed a safety-sensitive function for 30 or more consecutive calendar days and has not been in the random testing pool during that time, the employee must take and pass a pre-employment non-DOT test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

Reasonable Suspicion Testing

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

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

Post-Accident Testing

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

Fatal Accidents

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

Non-fatal Accidents

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

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

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

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

Random Testing

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

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

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

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

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

In the case of random testing, all employees shall be considered “on the clock” and shall be compensated at their applicable rate of pay for the time spent in undergoing such random testing.

The Company shall provide to its corresponding Union, if requested, information regarding the scientifically valid method of random selection for comment.

End of Shift

Random testing may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or childcare commitments will be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of a previously scheduled medical or childcare commitment, for the period immediately following an employee’s shift, must be provided at least 48 hours before the end of the shift.

6. TESTING PROCEDURES

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

Dilute Urine Specimen

If a Pre-Employment test results in a negative dilute test result, Lextran will conduct one additional retest. The result of the second test will be the test of record. If there is a negative dilute test result and the test type was not a Pre-Employment test, Lextran will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

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

Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. Lextran guarantees that the split specimen test will be conducted in a timely fashion. If the split sample reveals no measurable presence of the drug in question, the former positive test will be canceled.

If the split sample reveals the same positive result, Lextran will seek reimbursement for the cost of the split sample.

7. TEST REFUSALS

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

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

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

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

8. VOLUNTARY SELF-REFERRAL

Any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing, or has not refused a drug or alcohol test may voluntarily refer themselves to the Director of Human Resources, who will refer the individual to a substance abuse counselor for evaluation and treatment.

Alcoholism and controlled substance addiction are recognized as diseases responsive to proper treatment. The Company provides a level of care through its Employee Assistance Program (EAP) with a contracted provider. Any employee wishing to voluntarily seek assistance with drug/alcohol problems may contact the contracted EAP provider.

All employees of Lextran are strongly encouraged to voluntarily contact the Employee Assistance Program if they believe they have a problem with drug or alcohol abuse.

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

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

Employees who voluntarily report a substance abuse problem prior to being required to take a controlled substance or alcohol test as defined in this policy, will not be subject to disciplinary action if they voluntarily and conscientiously seek substance abuse assistance and agree to a treatment plan. However, such an employee must understand that if the problem is not corrected and satisfactory job performance is not maintained, he or she will be subject to disciplinary action up to and including termination of employment. Failure to seek such assistance, or failure to abide by the terms of the treatment plan, shall be grounds for termination. Upon voluntarily reporting a substance abuse problem, the employee will be required to sign a Substance Abuse Treatment Plan/Return to Work Agreement Form that will further define conditions of continued employment.

9. PRESCRIPTION DRUG USE

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the Director of Human Resources or the Director of Safety and Security. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

Prior to initiating usage after such medications are prescribed, the employee shall submit a ***Prescription Drug Notification Form*** to their immediate supervisor who shall in turn, submit it to the Director of Human Resources or their designee **as soon as possible**.

After receiving such form, the Director of Human Resources may request written medical authorization showing the employee may possess/use such medication, that it was used in the prescribed manner and showing the employee is fit to safely perform HSAL assigned duties. If the use of such medication could compromise the safety of the HSAL employee, fellow employees, or the public at large, it is the HSAL employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty and notify their supervisor) to avoid unsafe workplace practices. No prescription drugs shall be brought onto Company property or consumed on Company property by anyone other than the individual for whom the drugs have been prescribed by a licensed medical practitioner. **The illegal or unauthorized use of prescription drugs is strictly prohibited**. It is a violation of the Company's Drug Free Workplace Policy to **intentionally misuse and/or abuse prescription medications**.

10. CONTACT PERSON

For questions about Lextran's anti-drug and alcohol misuse program, contact the **Director of Human Resources** or the **Director of Safety and Security**.

Attachment A: Covered Positions

This policy is intended to apply whenever anyone is representing or conducting business for the Company. Accordingly, this policy applies during all working hours, on call or paid standby and while performing work on behalf of the Company while on or off Company property. The policy applies to all Company employees with special provisions designated to those employees identified as a safety-sensitive function. Those positions identified as requiring a heightened safety awareness level include:

Operating a revenue service vehicle, including when not in revenue service;
Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License;
Controlling dispatch or movement of a revenue service vehicle;
Maintaining (including repairs, overhaul, and rebuilding) a revenue service vehicle or equipment used in revenue service.

- Operators
- Mechanics
- Service Workers
- Utility Workers
- Dispatchers
- Road/Street Supervisors
- Maintenance Supervisors
- Director of Maintenance
- Director of Operations
- Director of Safety
- Training Manager

NOTE: The positions identified above as having a safety-sensitive function include those regulated under 49 CFR Part 40 and Part 655 as amended. While this program includes those federally mandated employees, this Drug and Alcohol-Free Workplace Policy is not intended to replace and shall be separate from any Drug and Alcohol-Free Workplace Policy previously adopted and implemented by Lextran, which may have included only federally regulated employees.

The Company's Drug & Alcohol-Free Workplace Program shall include controlled-access maintenance in the Office of the Director of Human Resources of business records, including the names and position titles of all employees and supervisory personnel trained under the program as described above and the names of all persons who presented alcohol and substance abuse awareness training, for review by the Office of Worker's Claims.

Attachment B: SAP - EAP Program Providers

SAP Provider

Dave Thomas, MS, LCADC, SAP
Roaring Brook Recovery Center
600 Perimeter Dr. Suite 125
Lexington, KY 40517

Regina Gullette, PHD, SAP
1400 West North Bend Rd.
Cincinnati, OH 45223

EAP resources:

859 225-1212 Alcoholics Anonymous Bluegrass Intergroup
888 370-5639 Al-Anon
859 977-2504 Chrysalis House, Inc.
800 928-8000 Comprehensive Care-Lexington
859 885-6315 Comprehensive Care-Jessamine Co.
859 225-4673 Hope Center for Men
859 252-2002 Hope Center for Women
859 373-0077 Morton Center
859 253-4673 Narcotics Anonymous
859 224-2022 St Joseph Behavioral Medicine
859 269-2325 The Ridge Behavioral Medicine
800 527-5344 American Council on Alcoholism
800 662-4347 Center for Substance Abuse Treatment
800 967-5752 Drug Free Workplace Helpline

MEMORANDUM

December 20, 2023

TO: Lextran Board of Directors

FROM: Fred Combs, Director of Planning, Technology & Community Relations

CC: Norma Zamora, Interim General Manager

SUBJECT: Resolution to Award a Contract for the Purchase and Installation of CAD/AVL Intelligent Transportation and ERP Systems

Attached is a resolution requesting authority to award a contract for the purchase and installation of CAD/AVL Intelligent Transportation and ERP Systems.

RFP 2023-06 was issued July 31, 2023, with proposals received on September 29, 2023. A staff evaluation committee reviewed and approved the proposals for compliance and responsiveness. A responsive proposal was received from three (3) qualified proposers.

The evaluation committee selected the following two (2) firms for an interview and demonstration of their offered systems:

- Avail Technologies, Inc.
- EQUANS – INEO SYSTRANS USA Inc.

The proposal from Avail Technologies, Inc. was determined to offer a fair and reasonable price and received the highest score across all three evaluation stages. Avail Technologies, Inc. is recommended to provide intelligent transportation systems and equipment, financial management software (ERP), and ongoing support for all systems throughout the contract term.

The term of the contract awarded will be for 4 years with 3 additional options (for 2 years each), for a total of 10 possible contract years. The estimated cost for the systems, equipment, and ongoing support is as follows:

- Total cost of Implementation for CAD/AVL & ERP, Csched Software, Wayside Signs, & Infotainment Signs: **\$2,031,913.11**
- Total cost of 10-year Warranty and Support for CAD/AVL & ERP, Csched Software, Wayside Signs, & Infotainment Signs: **\$3,017,133.69**

The estimated Grand Total cost of the 10-year contract for the items listed above is **\$5,049,046.80**.

FFY2020 CARES funding will be applied to the cost of equipment, implementation, and years 1-4 of the warranty and support.

Annual 5307 formula funding will be applied to the remaining 6 years of warranty and support.

If you have any questions, please contact me at 859.255.7756.

RESOLUTION 2023-22**TRANSIT AUTHORITY OF LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT****DECEMBER 20, 2023**

WHEREAS, the Transit Authority of the Lexington-Fayette Urban County Government (Lextran) issued RFP 2023-06 for CAD/AVL Intelligent Transportation and ERP Systems; and

WHEREAS, RFP 2023-06 resulted in proposals from three qualified proposers; and

WHEREAS, the proposal from Avail Technologies, Inc. was determined to be responsive and offer a fair and reasonable price;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Transit Authority of the Lexington-Fayette Urban County Government (Lextran) hereby authorizes and directs the General Manager to execute a contract with Avail Technologies, Inc. to provide CAD/AVL Intelligent Transportation and ERP Systems per the terms as set forth in RFP 2023-06 and the proposal submitted by Avail Technologies, Inc. which are incorporated herein by reference. The term of the contract awarded will be for 4 years with 3 additional options (for 2 years each), for a total of 10 possible contract years. The cost for the systems, equipment, and ongoing support is expected to be:

- Total cost of Implementation for CAD/AVL & ERP, Csched Software, Wayside Signs, & Infotainment Signs: **\$2,031,913.11**
- Total cost of 10-year Warranty and Support for CAD/AVL & ERP, Csched Software, Wayside Signs, & Infotainment Signs: **\$3,017,133.69**

The estimated Grand Total cost of the 10-year contract for the items listed above is **\$5,049,046.80**.

MOTION

SECOND

CHAIRPERSON

DATE

Resolution 2023-22 Pricing Sheet

CAD/AVL & ERP	
Labor & Installation	\$607,802.39
Equipment	\$477,455.77
Software/Licensing	\$ -
Total Implementation	\$1,085,258.16
Warranty & Support	
Year 1-4	\$634,410.00
Year 5&6	\$363,525.00
Year 7&8	\$392,414.00
Year 9&10	\$423,666.00
Total 10-year Support	\$1,814,015.00
GRAND Total Implementation & 10-Year Support	\$2,899,273.16

CSCHED	
Labor & Installation	\$ 60,407.87
Equipment	\$ -
Software/Licensing	\$ 49,201.33
Total Implementation	\$ 109,609.20
Warranty & Support	
Year 1-4	\$ 263,640.00
Year 5&6	\$ 138,411.00
Year 7&8	\$ 138,411.00
Year 9&10	\$ 138,411.00
Total 10-year Support	\$ 678,873.00
GRAND Total Implementation & 10-Year Support	\$ 788,482.20

INFOTAINMENT	
Labor & Installation	\$ 169,778.13
Equipment	\$ 378,114.49
Software/Licensing	\$ -
Total Implementation	\$ 547,892.62
Warranty & Support	
Year 1-4	\$ 170,566.40
Year 5&6	\$ 89,547.36
Year 7&8	\$ 89,547.36
Year 9&10	\$ 89,547.36
Total 10-year Support	\$ 439,208.48
GRAND Total Implementation & 10-Year Support	\$ 987,101.10

WAYSIDE SIGNS	
Labor & Installation	\$ 112,475.17
Equipment	\$ 176,677.97
Software/Licensing	\$ -
Total Implementation	\$ 289,153.14
Warranty & Support	
Year 1-4	\$ 33,024.16
Year 5&6	\$ 17,337.68
Year 7&8	\$ 17,337.68
Year 9&10	\$ 17,337.68
Total 10-year Support	\$ 85,037.20
GRAND Total Implementation & 10-Year Support	\$ 374,190.34

SUMMARY ITEMS	SUMMARY PRICE
CAD/AVL Implementation & 10-Year Support	\$ 2,899,273.16
Csched Implementation & 10-Year Support	\$ 788,482.20
Infotainment Implementation & 10-Year Support	\$ 987,101.10
Wayside Signs Implementation & 10-Year Support	\$ 374,190.34
GRAND TOTAL	\$ 5,049,046.80

MEMORANDUM

December 20, 2023

TO: Lextran Board of Directors**FROM: Nikki Falconbury, Director of Finance and Human Resources****CC: Norma Zamora, Interim General Manager****SUBJECT: Resolution to Purchase Three (3) CNG and Four (4) Electric Buses from Gillig LLC**

Attached is a resolution requesting authority to purchase three (3) 40-foot, low-floor compressed natural gas (CNG) transit buses at the cost of \$720,000 each, for a total of \$2,160,000.

TANK (Transit Authority of Northern Kentucky) published RFP 2023.02 for the purchase of CNG and Hybrid buses that was awarded to Gillig LLC in April 2023. Lextran, along with several other transit authorities, partnered with TANK on this contract in an effort to secure more competitive pricing for future bus purchases. The contract allows for a minimum of one (1) and a maximum of thirty (30) transit buses during the term of the contract, which is five (5) years. This purchase of three (3) CNG buses will be the first under this contract.

The source of funding for these CNG buses is as follows:

- FFY2022 CMAQ (Congestion Mitigation and Air Quality) – \$1,728,000
- Local Mass Transit funds – \$432,000

Lextran is also requesting authority to purchase four (4) 35-foot electric buses at the cost of \$1,190,863 each, for a total of \$4,763,452. Lextran will also purchase 4 depot chargers to go with the electric buses (including 5-year extended warranty) from Gillig LLC at the cost of \$371,100. The total cost of this bus and charger procurement will be \$5,134,552.

The Board approved resolution 2021-07 on April 21, 2021, to enter into a contract with Gillig LLC for the purchase of electric transit buses and chargers. The contract allows for the purchase of a minimum of two (2) and a maximum of eighteen (18) transit buses during the term of the contract, which is five (5) years. This purchase will be the third under this contract. Prior purchases are as follows:

- Two (2) 40-foot, low floor, extended range buses (approved October 20, 2021, via Resolution 2021-23).
- One (1) 40-foot, low floor, extended range bus (approved March 16, 2022, via Resolution 2022-05).

The source of funding for these electric buses and charging stations are as follows:

- FFY2021 Bus & Bus Facilities – \$4,107,642
- Local Mass Transit Funds – \$1,026,910

If you have any questions, please contact me at 859.255.7756.

RESOLUTION 2023-23**TRANSIT AUTHORITY OF LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT****DECEMBER 20, 2023**

WHEREAS, the Transit Authority of the Lexington-Fayette Urban County Government (Lextran) approved Resolution 2021-07 awarding a contract to Gillig LLC for the purchase of electric buses and chargers; and

WHEREAS, the Authority entered into a contract with Gillig LLC for a term of five (5) years to purchase a minimum of two (2) and a maximum of eighteen (18) electric transit buses during the term of the contract; and

WHEREAS, the Authority entered into a contract with Gillig LLC for a term of five (5) years to purchase a minimum of one (1) and a maximum of thirty (30) CNG transit buses during the term of the contract; and

WHEREAS, the Authority has a need for additional transit buses to support existing service levels and a state of good repair amongst the fleet;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Transit Authority of the Lexington-Fayette Urban County Government (Lextran) hereby authorizes and directs the General Manager to execute the purchase of:

- Three (3) 40-foot, low-floor compressed natural gas (CNG) transit buses at the cost of \$720,000 each, for a total of \$2,160,000;
- Four (4) 35-foot electric buses at the cost of \$1,190,863 each and 4 depot chargers to go with the electric buses (including 5-year extended warranty) from Gillig LLC at the cost of \$371,100. The total cost of this bus and charger procurement will be \$5,134,552.

MOTION

SECOND

CHAIRPERSON

DATE

MEMORANDUM

December 20, 2023

TO: Lextran Board of Directors

FROM: Harding Dowell, Chair

SUBJECT: Approval of Lextran's Resident General Manager

The following resolutions requests the approval of Fred Combs as Lextran's Resident General Manager, as submitted and recommended by Transdev, Lextran's contracted Management Services company and allow him to execute grants for the Federal Transit Administration.

Fred Combs began his Lextran tenure in 2016 and currently serves as the Director of Planning, Technology and Community Relations. He oversees planning, technology, compliance, marketing and communications, community relations, and customer service for the organization.

Fred currently serves as the Chair of the Lexington Area Metropolitan Planning Organization's Transportation Technical Coordination Committee, as the designee for the Transportation Policy Committee, and the advisory board of Bluegrass Community and Technical College's Architectural Technology program. He also serves on Lextran's Pension Committee and previously served on the Mayor's Sustainable Growth Task Force. He holds a master's degree in city and Regional Planning from Clemson University and an undergraduate degree in Construction Management.

RESOLUTION 2023-24**TRANSIT AUTHORITY OF LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT****DECEMBER 20, 2023**

WHEREAS, Kentucky Revised Statutes 96A.100 provides that a mass transit authority may enter into a management contract for operating the mass transit system "under such terms and conditions as it may determine to be proper and desirable; provided, however, any such management contract shall retain in the authority the power to establish, and to adjust from time to time, rates and charge, and the power to issue revenue bonds, mortgage bonds, or other obligations of the authority payable from the income and revenues thereof;

WHEREAS, the Transit Authority of Lexington-Fayette Urban County Government entered into a contract with Transdev Services, Inc. dated July 21, 2021, for the provision to Lextran of transit management services, including a Resident General Manager and Assistant General Manager;

WHEREAS, Section C. (e) of Exhibit A of said Contract provides that Lextran shall have the right of review and approval in the selection of the Resident General Manager and Assistant General Manager;

WHEREAS, it is the intention of the Board of Directors of Lextran to approve Fred Combs as Resident General Manager and to charge him with management of the Lextran system in accordance with all applicable laws, rules, regulations, resolutions, motions, bylaws, policies, operating procedures, and contracts, including the aforementioned contract with Transdev Services, Inc., for the provision of transit management services.

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the Transit Authority of Lexington-Fayette Urban County Government that Fred Combs is hereby approved as Resident General Manager, effective upon his date of hire provided by Transdev Services, Inc., and that the preamble to this resolution is incorporated herein by reference, the same as if fully set forth herein.

MOTION

SECOND

CHAIRPERSON

DATE

RESOLUTION 2023-25**TRANSIT AUTHORITY OF LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT****DECEMBER 20, 2023**

Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal transportation assistance authorized by 49 U.S.C. chapter 53, title 23 United States Code and other Federal statutes administered by the Federal Transit Administration.

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project;

WHEREAS, the grant or cooperative agreement for Federal Financial assistance will impose certain obligations upon the Applicant, and may require the Applicant to provide the local share of the project cost;

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the Transit Authority of Lexington-Fayette Urban County Government, that

1. The Resident General Manager, Fred Combs, or his designee is authorized to execute and file application for Federal assistance on behalf of the Transit Authority of Lexington-Fayette Urban County Government with the Federal Transit Administration for Federal Assistance authorized by 49.U.S.C. chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration. The Applicant is requesting Urbanized Area Formula Program assistance authorized by 49 U.S.C. §5307, in addition to other Federal assistance administered by the Federal Transit Administration as the Designated Recipient as defined by 49 U.S.C. §5307.
2. The Resident General Manager, Fred Combs, or his designee is authorized to execute and file with its application the annual certification and assurances and other documents the Federal Transportation Administration requires before awarding a Federal assistance grant or cooperative agreement.

3. The Resident General Manager, Fred Combs, or his designee is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the Transit Authority of Lexington-Fayette Urban County Government.

4. The Resident General Manager, Fred Combs, will be assigned a personal identification number (PIN) to access the Transit Award Management System (TrAMS).

MOTION

SECOND

CHAIRPERSON

DATE