

**TOMPKINS CONSOLIDATED AREA TRANSIT, INC.  
BOARD OF DIRECTORS MEETING**

Thursday, March 25, 2010  
4:00 PM TCAT Conference Room  
737 Willow Avenue, Ithaca, NY

Attendees: D. Cogan, J. Dotson, H. Dullea, K. Luz Herrera, D. Lieb,  
P. Mackesey, F. Proto, N. Schuler, J. Turcotte

S. Brock, A. Eccleston, N. Oltz, P. Poist,  
D. Swartz, D. Tome, S. Persons/Recording Secretary

Also Attended: George Eberhardt, Steve Felker, Alan VanDeMark, Aaron Wagner, Margaret Phillipson,  
Suzanne VanDeMark, Corinne Frantz, Michelle Kiefer, Susan Egington, Leslie Danksburke, Dean Robinson,  
Margaret Gallo

**Agenda**

**I. Call to Order**

F. Proto called the meeting to order at 4:09 PM, and welcomed everyone to the March 25, 2010 TCAT, Inc. Board of Directors Meeting.

**II. Board Member Items**

F. Proto requested an executive session at the end of the meeting to discuss personnel matters.

**III. Public Comment**

George Eberhardt stated he had two concerns number one is the Route 15 gets to Green Street at quarter after the hour, if someone wants to take a Route 14 up to the hospital they have to wait 45 minutes for that bus, and if they want to make it for a 9:30 appointment at the hospital they will not make it. The second concern, he stated he was told he should talk to Wal-Mart about it, but there are people with oxygen that cannot walk that distance, he cannot see any reason why Wal-Mart will not let buses pull in next to the Dollar Store instead of making people walk that far.

Steve Felker of 212 Campbell Ave regarding the Route 14 stated he had spoken to Pam and they were going to try to connect shortly to survey the damage the bus is doing in the area and discuss why it is an inappropriate neighborhood to shove a bus through.

Alan VanDeMark stated it has been two months since the Route 30 changed from Upland to Northway and his concerns and the concerns of the neighborhood have increased since that time. He has heard and read things about people's opinions that that route is safer, how anyone could say having a bus cross that intersection 86 more times a day would make the neighborhood safer is beyond him. He stated TCAT was using Upland for 15-20 years and to his knowledge there has never been an accident, so you cannot say that route is safer. It would be nice if he could just hear the reason why it was changed, he stated he thinks the reason is because bus drivers like that road better and he does not think that is a good enough reason. Mr. Jensen took the time out of his schedule to not only write to this Board but actually came down here and spoke to the Board and told the Board about the concerns he had, we also

had 158 residents of our community sign a petition. He stated they ask that the Board question why this process was done as it was, we all know the modification was slipped in at the last minute and he thinks we all know the reason why; that TCAT did not want to face this before it was done.

Aaron Wagner of 308 The Parkway stated Mr. Turcotte was kind enough to send them the presentation that he gave to the Board at the March 10<sup>th</sup> meeting, in response to that they prepared a counterpoint presentation. He stated on page four and five it discusses the process; the TCAT slide describes the process that was used to enact all these changes during 2009, on the whole very inclusive and quite effective, he pointed out in the context of this issue, the Northway versus Upland routing, that particular change was not included in that process. All the public plans that were published showed no buses using Northway and one using Upland, so the community interpreted that as an indication from TCAT they preferred Upland to Northway. If TCAT indeed preferred Northway to Upland it would have been incumbent upon TCAT to indicate that in the materials for the public to comment on it. He stated as the last slide concludes the community and CHES officials request that TCAT buses cease from using the Northway/Parkway intersection in the short term and in the longer term the community and the elementary school would like to work with TCAT to find a more appropriate route through this area.

Margaret Phillipson a teacher at Cayuga Heights Elementary stated that the school has enjoyed the luxury of having public transportation so close to the school, it has enabled families to attend conferences, she stated she has been at Cayuga Heights School for 20 years and all of those years the bus has been on Upland and that was sufficiently close enough to service that area. She stated she is surprised that there was not any collaboration with the school prior to this change, had there been, TCAT would have been privy to the fact that the school has been working hard to make the back parking lot a safer place for the children.

Suzanne VanDeMark stated she wanted to thank TCAT and although this has been somewhat controversial she found TCAT to be very approachable and willing to talk. She stated a week ago she met with Joe and Nancy to try and find a different route. The reason she wanted to speak today was a woman she did not know emailed her and she thought it was important that everyone hear what she had to say. She stated she just wanted to submit this letter to the Board.

Corinne Frantz stated she lives down the hill from Cayuga Heights Elementary School and is the mother of two six graders, she remembers this issue coming up two years ago and was deeply concerned at that time, she signed the petitions and she thought that was finished. She was shocked to find that this was back on the table at this point, and she wanted to say a couple things about the realities of children. She stated what she has learned with children that unless you are about an adult height you cannot see them reliably. The problem with this intersection is that there are kids starting about this time of the year that stay after school without parent supervision. They are playing on a fabulous playground, they ride their bikes and they head home crossing out of the parking lot. She stated she is greatly concerned about a bus coming into that area. The issue of safety at the time she was there, it was not a four-way stop, and it is a single stop and a traffic guard for the school only up until 2:15. She stated children are used to the four-way stop at Upland; it just has a different feeling.

Michelle Kiefer of 320 The Parkway stated one of the points she would like to point out in the presentation that was handed to the Board that we did not have time to present is that it has been a claim of TCAT's that the bus services all the schools in the area, and after a lot of looking at the maps and really studying where the routes go and what the route changes were proposed for the January route changed, she stated she was very surprised to see that Belle Sherman had service up until this current change and now they do not, TCAT decided they did not have enough ridership and moved the bus. She stated TCAT also claimed in the documents that the bus passes by Beverly J. Martin School whereas in fact TCAT used to go by that school but with the January 2010 change no longer does, it goes a block away. While you say the bus services all the schools, it services the middle schools and the high schools which may be more appropriate as the safety issue is not as great with older children.

Susan Egington of 116 The Parkway stated when she discovered that TCAT was also going past the school she was really surprised because there is so much going on there. It is very congested with kids, with the vehicles, and now there is work being done on the street. She stated she lives on this street and it's just one of those things that you sit back and say what were they thinking. She believes in the abilities of the bus drivers to be able to make that turn on to Upland she thinks they are better drivers and that they can handle that turn.

Leslie Danksburke of Oakhill Road stated she has a kindergartener and a baby and she would like to reiterate this looks like a no brainer to her there are children going through that area, we as a community decide that we like our cars to only go 20 MPH next to children's schools because we like to calm traffic near schools. It looks like a very simple question, do we want to add this number of buses right next to our children's school, and she stated she does not think there is a substantial reason to do that.

Dean Robinson of Upland stated he agrees with what people have been saying and despite the bus being moved off his street it seems more logical to have it on his street.

Margaret Gallo of Midway Road stated that after having lived there for 14 years that intersection is precarious anyway it is just one of those screwy things and even when you are coming off of Northway to turn onto Midway you have to be careful. She stated she has already run into a couple situations where the bus just swoop right down onto the Northway, they are careful bus drivers and she has a great deal of respect for them but the reality is the way that corner is situated it is already a precarious situation and she urges TCAT to not put public transportation there adding to the mix.

F. Proto thanked everyone for the public comment and welcomed everyone to stay for the presentation.

#### **IV. Approval of the minutes from March 10, 2010 meeting**

The motion to approve the minutes from March 10, 2010 was made by H. Dullea; seconded by D. Cogan. The motion to approve the minutes passed unanimously.

#### **V. Chairperson's Report**

The chairman did not have a report.

#### **VI. General Manager's Report**

- Cayuga Heights Route Modification Presentation – J. Turcotte presented the Cayuga Heights Route Modification presentation. He discussed the change in the route and the rationale behind it as well as the timeline involved with that change, how many schools TCAT passes by as well as the number of trips a day, staff observations of traffic at the intersection as well as staff recommendation to Village of Cayuga Heights requesting a four way stop at the intersection of Northway Road and The Parkway.
- 2009 Year Ending TCAT Operating Report - J. Turcotte presented the Year Ending Operating Report for 2009. He reviewed the details of the Ridership by Route, Ridership by Fare Type, Average Passengers per Revenue Mile by Route, Average Passengers per Revenue Hour by Route, Gadabout and Paratransit Ridership, Service Changes & Special Events, Maintenance Statistics.

## **VII. Action Items from Staff**

Action item the approval of change to the Transit Service Committees, the motion from the table to accept this docket of committee assignments as presented was moved by H. Dullea and seconded by N. Schuler. The motion passed unanimously.

### ***Committee Assignments TCAT Board - 2010***

#### **Executive Committee:**

- Frank Proto                      Chairperson
- Hank Dullea                      Vice-chair
- Dan Cogan                        Secretary
- Dan Cogan                        Immediate Past Chair

***Note – All interested board members are invited to attend***

#### **Audit Committee:**

- Kathy Luz Herrera – Chair
- Kyu- Jung Whang
- Jennifer Dotson

#### **Human Resource Committee:**

- Nancy Schuler – Chair
- Kathy Luz Herrera
- Kyu- Jung Whang

#### **Budget Committee:**

- Hank Dullea – Chair
- Dan Cogan
- Frank Proto

#### **Transit Service Committee:**

- Pam Mackesey – Chair
- Jennifer Dotson
- David Lieb

#### **Planning Committee:**

- Dan Cogan- Chair
- Pam Mackesey
- David Lieb

#### **ITCTC Policy committee TCAT representative:**

The chairman proposes Frank Proto

Action item the approval of F. Proto as the representative to the ITCTC Policy Committee, the motion from the table to approve F. Proto as the representative was moved by H. Dullea and seconded by D. Cogan. The motion passed unanimously.

Consider approval of Resolution {2010-06} Request Village of Cayuga Heights Install Stop Signs at all Approaches to Intersection of Northway Road and The Parkway. F. Proto presented Resolution {2010-06} Request Village of Cayuga Heights install stop signs.

**RESOLUTION 2010-06**  
**REQUEST VILLAGE OF CAYUGA HEIGHTS INSTALL STOP SIGNS AT ALL**  
**APPROACHES TO INTERSECTION OF NORTHWAY ROAD AND THE PARKWAY**

WHEREAS, in January of 2010, Tompkins Consolidated Area Transit, Inc. ("TCAT") implemented a one-block route adjustment that moved its buses from Upland Road to Northway Road as they travel between The Parkway and Triphammer Road, and

WHEREAS, the continued use of Upland Road presented several significant issues for TCAT's buses, oncoming vehicular traffic and pedestrians due to its narrow width, curves and incline, and

WHEREAS, the improvements the Village of Cayuga Heights made in 2007 to Northway Road, due in part as a result of TCAT's communications with Village staff about TCAT's concerns over the continued use of Upland Road, have provided safer and easier turning maneuvers for TCAT buses, pedestrians and oncoming vehicular traffic, and

WHEREAS, the TCAT Board, Transit Service Committee and TCAT staff have received many communications from Village of Cayuga Heights residents about this route adjustment, including persons addressing the Board at its January 28, 2010 and March 10, 2010 meetings, and persons addressing the Transit Service Committee at its February 23, 2010 meeting, and

WHEREAS, many of the residents have expressed concern about the safety of children as they walk, bike or are driven to the back entrance of the Cayuga Heights Elementary School located near the intersection of Northway Road and The Parkway, and

WHEREAS, some of the residents are concerned that TCAT buses could have the ability to travel quickly through the intersection of Northway Road and the Parkway because Northway Road is easier to negotiate than Upland Road, and

WHEREAS, TCAT managers observed TCAT buses at this intersection after the route adjustment in January of 2010 and saw no evidence that TCAT buses are traveling at unsafe speeds through this intersection, and

WHEREAS, TCAT's Executive Committee discussed these field observations at its March 10, 2010 meeting, decided that the public's perception of safety would nonetheless be enhanced if the Village of Cayuga Heights installed stop signs at all approaches to the intersection of Northway Road and The Parkway, and recommended that the TCAT Board ask the Village of Cayuga Heights to consider installing stop signs at the approaches that do not currently have them,

NOW, THEREFORE, be it RESOLVED that the TCAT Board of Directors hereby requests that the Village of Cayuga Heights consider installation of stop signs at the approaches to the intersection of Northway Road and The Parkway that do not currently have them.

The resolution to approve the Request for the Village of Cayuga Heights to install stop signs at all approaches to the intersection of Northway Road and The Parkway was moved by P. Mackesey and seconded by N. Schuler. The resolution passed unanimously.

Consider approval of Resolution {2010-07} to approve drug and alcohol policy revision for safety sensitive employees. F. Proto presented Resolution {2010-07} approve drug and alcohol policy revision.

**RESOLUTION 2010-07**  
**APPROVAL OF DRUG AND ALCOHOL POLICY REVISIONS FOR**  
**SAFETY-SENSITIVE EMPLOYEES**

WHEREAS, TCAT strives to maintain a safe workplace environment for its staff, visitors and passengers, and

WHEREAS, TCAT, Inc. ("TCAT") is required by the U.S. Department of Transportation ("USDOT") to adopt a drug and alcohol testing policy for safety-sensitive employees, and

WHEREAS, on January 26, 2006, the TCAT Board of Directors adopted a drug and alcohol testing policy for safety-sensitive employees, and

WHEREAS, under this policy, an employee who has a breath alcohol concentration of 0.02 or greater but less than 0.04 must, among other things, be: removed from his/her safety-sensitive position, evaluated by a Substance Abuse Professional (SAP), follow any prescribed treatment, and successfully pass all return to work and follow-up tests required by the SAP, which tests may include drug tests if so required by the SAP, even though the original infraction was for alcohol, and

WHEREAS, the above requirements are a matter of TCAT policy and are in addition to those required by DOT regulations, which merely require that an employee who has a breath alcohol concentration of 0.02 or greater but less than 0.04 be removed from safety-sensitive functions for a minimum period of eight (8) hours, or until he/she can pass an alcohol test with a concentration of less than 0.02, whichever comes first, and

WHEREAS, under TCAT's policy, any breath alcohol concentration of 0.04 or greater, or any verified positive drug test result, requires the employee's immediate and permanent removal from his/her safety-sensitive position, so the only time an employee would be subject to return to duty or follow-up drug tests would be if a SAP recommends such tests after evaluating an employee who has an alcohol concentration of 0.02 or greater but less than 0.04, and

WHEREAS, from October 21-23, 2009, the Federal Transit Administration audited TCAT's drug & alcohol program for safety-sensitive employees, and

WHEREAS, the auditors directed TCAT to revise its policy's direct observation wording for return to duty and follow-up drug tests, which was added by Resolution No. 2009-11 and effective August 31, 2009, to remove any implication that the drug tests to which direct observation applied were required by DOT regulation, when in fact any return to duty and follow-up drug tests administered to TCAT safety-sensitive employees are required as a matter of TCAT policy, not DOT regulation, and

WHEREAS, on January 28, 2010, the TCAT Board revised the policy's direct observation wording in Resolution No. 2010-03 by removing all references to the federal regulations in the relevant direct observation provisions, and

WHEREAS, the auditors have reviewed these changes and have now directed TCAT to also clarify that for employees whose infraction was a breath alcohol concentration of .02 or greater but less than 0.04, any return to duty or follow-up testing mandated by a Substance Abuse Professional is required by TCAT policy, not federal regulations, and

WHEREAS, the auditors have now also directed TCAT to describe in its policy the direct observation procedures, and

WHEREAS, the proposed amendments are shown in red-line on the attached pages, and

WHEREAS, TCAT staff has informed the UAW of the proposed changes,

NOW, THEREFORE, be it RESOLVED that the TCAT Board of Directors hereby approves the drug and alcohol testing policy changes for safety-sensitive employees as shown on the attached red-lined pages, with such changes to be effective immediately.

The resolution to approve the drug and alcohol policy revision for safety sensitive employees was moved by K. Luz Herrera and seconded by H. Dullea. The resolution passed unanimously.

#### **VIII. Committee Reports**

- **Executive Committee**

F. Proto reported the Executive Committee met March 10, 2010 and discussed the Cayuga Heights routing concern, City Center Project, Black Box project, Tioga Transport, and reviewed the concerns of shutting down early on February 25, 2010 for the snow storm. He reported the next meeting would be April 14, 2010.

- **Budget Committee**

H. Dullea reported that the Budget Committee met on March 18, 2010 and discussed Revenue Expenditure Report: February 28, 2010, STOA and fuel report. He reported the next meeting would be April 15, 2010.

- **Transit Service Committee**

P. Mackesey reported that the Transit Service Committee did not meet this month but the next meeting would be April 14, 2010 at 3:30pm.

- **Human Resources Committee**

N. Schuler reported that the Human Resources Committee did not meet this month and the next meeting would be April 19, 2010 at 3:30pm.

J. Turcotte stated he would like to welcome Doug Swartz to the team as the System Analyst and Project Manager and he looks forward to working with him.

#### **IX. Next meeting**

F. Proto announced the next meeting date April 22, 2010 at 4:00 PM.

#### **X. Attorney's Report**

F. Proto asked for a motion to enter into Executive Session to discuss a personnel matter. The motion was made by H. Dullea; seconded by J. Dotson. The motion passed. The Board entered into Executive Session at 5:47 PM. The Board arose from Executive Session at 6:12 PM. No action was taken.

#### **XI. Adjournment**

The motion to adjourn the meeting was made by H. Dullea; and seconded by J. Dotson. The meeting adjourned at 6:12 PM.