

**DES MOINES AREA REGIONAL TRANSIT AUTHORITY  
COMMISSION MEETING MINUTES**

**Des Moines Area Regional Transit Authority - 1100 DART Way  
July 28, 2009**

**ROLL CALL**

Commissioners Present: Steve Brody, Bob Mahaffey, Ted Boesen, Gaye Johnson, Skip Conkling, Tom Gayman, Chris Hensley, Angela Connolly, Steve Van Oort

Commissioners Absent: None

Alternates Present: Paula Dierenfeld, Ruth Randleman

Staff Present: Brad Miller, General Manager; Sharon Cramer, Finance Director; Chet Bor, Paratransit Director; Rebecca Lovig, RideShare Manager; Carol Pelfrey, Maintenance Director; Jim Tishim, Transportation Director; Randy Ross, Human Resources Manager; Michelle Orfield-Koranda, Program Development Manager; Mike Kaiser, Safety Manager; Carmella Comito, Risk Manager; PJ Sass, Customer Service Manager; Suzanne Robinson, Clerk to the Commission; Ken Munro, Legal Counsel; Nolden Gentry, Legal Counsel

Others Present: Matt Rodekamp and Todd Garner, Substance Architecture; Cynthia Renaud and Rox Laird, Des Moines Register; JP Golinvaux, IDOT; Bob Parks, former commissioner; Drivers/Supervisors Sherrie Taha, Chad Nelson, Greg Schmitt, Cheryl Wolf, Dan Flowers; David Furneaux, Windsor Heights; Marla Pieper; Debbie Wainwright; John Halsban, KCCI and WHO camerapersons

**CALL TO ORDER**

The meeting was called to order by Chair Angela Connolly at 5:01 p.m. Roll call was taken and a quorum was present.

Notice of the meeting was duly published.

Chair Connolly introduced Commissioner **Steve Brody** of Clive who will be serving the new term for the Region 2 District, and replacing outgoing Commissioner Robert Parks.

**APPROVAL OF MINUTES**

Chair Connolly called for corrections to the June 30, 2009 minutes.

There being no comments on the minutes, it was moved by Ms. Christine Hensley and seconded by Mr. Ted Boesen that the minutes be approved. The minutes were approved as written.

### **RECOGNITION OF SERVICE TO COMMISSION BY BOB PARKS**

Mr. Parks was presented with a DART bus stop sign and a plaque commending him for his long and unstinting service on the MTA Board of Trustees and the DART Commission. He was thanked by all the commissioners and DART staff for his efforts. Mr. Parks stated that he appreciated having the honor to represent MTA and DART for 13 years.

### **PUBLIC COMMENTS SECTION**

DART operator Ms. Sherri Taha made brief comments (attached).

Ms. Marla Pieper (no address given) had comments about bus/pedestrian accidents, and asked that DART remind drivers not to hit pedestrians.

### **Discussion Item 10-B – Quarterly Safety Update**

Chair Connolly announced that with the commission's approval, the agenda order would be changed to allow discussion of Discussion Item 10B – Quarterly Safety Update now, for media and visitors' convenience:

Chair Connolly began the discussion by stating the commission's deep concern about the bus/pedestrian accidents. She said that DART commissioners, staff and drivers all their jobs very seriously, and constantly strive to make DART the safest transit service. She continued that pedestrian safety needs to be a community-wide effort and include the cities and others in promoting safety.

General Manager Brad Miller announced some changes in bus routes that are effective today:

- Every left turn that can be, will be eliminated in the downtown core.
- Bus drivers will honk the horn at every turn downtown.
- These will be temporary changes in which to allow staff time to study some permanent route changes and other safety ideas.

Ms. Hensley mentioned that there are already some complaints about the horn honking, and the changes the no-left-turn rules are making with businesses stating the buses are too large to be on their streets. Mr. Miller responded that DART staff looked at every street with a changed route to make sure they were adequate for the buses. He said that these route changes were temporary re-routing, which DART will monitor.

Mr. Miller showed a Power Point presentation to give commissioners and visitors an idea of what other communities have done, and to show how comparisons with much smaller transit systems in Iowa were unrealistic (presentation attached). He said:

- DART is the largest transit system in Iowa, running 3.6 million miles a year.
- Walnut Street downtown is the most pedestrian-intensive corridor in the State of Iowa.
- DART has been working on improving driver safety for the past three years, and has launched and completed 44 new safety initiatives (attached).

- DART has sent all road supervisors to national transit training seminars and Bus Accident Investigation classes.
- Preventable accidents are down 40% overall.
- Claims paid out are the lowest in many, many years.
- DART can't wait until the new transit hub is built to solve the problems downtown, and there should be changes all along Walnut Street to facilitate safety.
- DART has paid for new "Countdown" traffic signals at a cost of \$7,000
- Mr. Miller has talked to city officials about changing signals to allow a phase in the process where all traffic is halted and pedestrians on all corners of an intersection may all walk.
- Bus design awareness since all buses have blind spots that are different from those on cars. DART has committed funds to replace/fix mirrors on the buses.
- New alarms will be installed on all buses that are aimed at pedestrians and will sound when the driver turns on the turn signals on the bus.
- DART is looking at side lights, but to install them on all DART buses will cost \$100,000, which is prohibitive.
- We are looking at "adjustable-height" mirrors.
- DART has asked the FTA to do a System Safety Review, and they will be doing that in October.
- DART is hosting an industry panel to review our system.

Mr. Miller stated that DART is committed to doing what has worked in the transit industry in other communities. He added that community outreach is a necessary step in all cities that have had pedestrian/bus accident outbreaks in the past. While the initiatives we have taken to promote safety so far have been mostly internal, DART will need help from the wider community. He said that DART will need financial help to institute the safety initiatives that are being contemplated, and perhaps to get grants from the MPO and DOT to pay for things that have proven to work.

He said that employment criteria have been asked about by the media:

- Most transit systems the size of DART and smaller have no criteria for employment for bus drivers.
- 60% of cities transit systems larger than DART have employment criteria.
- New DART candidates are required to take a safety test before hire, and DART has a more diverse and safe driving staff because of it.
- Statistics from the US DOT show that there is no correlation between drivers records in their personal vehicles and their driving record on work time.

Mr. Miller said that DART management staff are very proud of all DART employees, who work very hard to be safety conscious each and every day, and are succeeding in making DART a leader in the industry in safe-driving practices.

Ms. Hensley thanked Mr. Miller for the excellent and very comprehensive presentation. She suggested that there be started a community-wide dialogue that includes cities officials, the Transit 2030 Committee, TMA staff and others. Chair Connolly suggested that she and Ms. Hensley talk to TMA staff at the next DCA meeting. Ms. Connolly also said that in talking to the Des Moines city manager they discussed a coalition of DART, public safety officials, and other business/school fleets managers to sit down and discuss ideas for safer streets.

Ms. Hensley asked what DART is doing to insure that employees hired before new hiring rules were instituted in 2007 are meeting our standards. Mr. Miller explained that once hired by DART they

are reviewed every six months. He said that federal law requires that all employees must report any traffic violation to DART. If they don't, they are subject to termination. He said that in some states they have a law that the transit system must be notified by the DOT when any violation occurs by a CDL licensed driver, but that Iowa has not passed such a law.. Ms. Hensley said that the community and DART need to include the passage of such a law in their legislative programs for the upcoming year.

Mr. Tom Gayman stated that with the new safety initiatives, DART is doing a great job in a very difficult downtown environment with a highly-concentrated pedestrian population, and that as a frequent driver through downtown he has noticed that pedestrians are much more distracted than in the past due to ipods, cellphones, etc. He said that there needs to be education and outreach in the community for pedestrian awareness. as well. Mr. Miller added that while there is lots of jaywalking and other crazy behavior directly on the Walnut Street Transit Mall, the accidents have not occurred on Walnut Street because everyone is aware of all the buses coming and going. The accidents have been at left turns other places downtown.

Mr. Skip Conkling added that it needs to be a group effort, and that DART has done so much to improve the safety culture at DART, and that the initiatives are working as the overall drop in accidents prove. He said that anyone who tries to say that DART doesn't care about driver safety and hasn't done anything is telling falsehoods.

There was consensus of the commission that a group of experts be formed to work on the various pedestrian/vehicle issues in downtown, and that this group be assembled as quickly as possible for a meeting. Chair Connolly thanked everyone for the good discussion and good ideas.

#### **TRANSIT RIDERS ADVISORY COMMITTEE REPORT**

Ms. Orfield-Koranda reported that TRAC members met to hear a presentation on the prospective Transit Hub and were asked for input. They were particularly concerned that the architects make sure all the ADA accessibility rules were followed. They were also given a presentation by Bobbi Jo Guterrez on DART's bus stop and shelter program.

#### **CONSENT ITEMS**

- A. FY2011 ICAAP Grant Application Authorizing Resolution
- B. LINK Shuttle Contract Renewal
- C. Transfer of Commission Designated Funds
- D. June Fixed Route Financial Report
- E. June Paratransit Financial Report
- F. June RideShare Financial Report

It was moved by Mr. Van Oort and seconded by Mr. Boesen that the Consent Items be approved. The motion carried unanimously.

## **ACTION ITEMS**

### **Action Item 9A – Liability Settlement**

Action: Approve a settlement agreement with Ms. Emily Abrahamsen with the following payment terms:

- A. \$1.4 million to Ms. Abrahamsen's attorney on July 29, 2009
- B. \$300,000 to Liberty Life Assurance Company for a 30-year annuity for Ms. Abrahamsen.
- C. \$300,000 to John Hancock Assignment Company for a 30-year annuity for Ms. Abrahamsen.
- D. \$350,000 from DART's Excess Liability Insurance Carrier, AIG Insurance, Inc. to Ms.
- E. Abrahamsen's attorney on September 7, 2009

It was moved by Mr. Conkling and seconded by Mr. Mahaffey that the settlement agreement be approved.

The motion carried unanimously.

### **PUBLIC HEARING – DEBT ISSUANCE**

Chair Connolly called the public hearing to order. Mr. Miller said that this item is a holdover from last month's item asking the commission to approve a \$3 million loan from Bankers Trust, with \$2 million to be loaned now and another \$1 as contingency. He reminded the commission that the reason we held it over until this meeting was to complete a competitive procurement process. He stated that Bankers Trust was the bidder that was most responsive to DART's needs. He also added that the loan is to comply with the requirement that DART maintain a certain amount of cash reserves (graph attached).

Mr. Miller said that after payment of the liability settlement, DART's cash reserves will be too low and DART will have a severe cashflow problem, so major decisions need to be made – whether to cut service drastically, or increase fares – in the next budget cycle.

Mr. Conkling asked if the rate was adjustable and Ms. Cramer said that it floats with the prime rate.

There were no questions or comments from visitors.

Chair Connolly closed the public hearing.

### **Action Item 9B – Debt Issuance**

- A. Approve a Loan Facility with Bankers Trust Company, N.A. Not to Exceed \$3,000,000:
  - 1) Tranche A – Up to \$2,000,000 to cover potential liability expenses in the next month.
  - 2) Tranche B – Up to \$1,000,000 to cover potential liability expenses in the subsequent six to nine months following Tranche A.
- B. Any and All Payouts from these Loan Facilities Exceeding \$100,000 shall be Approved in Advance by the Commission.

It was moved by Mr. Boesen and seconded by Ms. Johnson that the debt issuance be approved.

The motion carried unanimously.

### **Action Item 9C – South Storage Barn Land Acquisition**

It was moved by Ms. Hensley and seconded by Gaye Johnson that the Commission approve a Purchase Agreement with Hubbell for 1.69 acres for a sum of \$150,000.

Mr. Gayman asked if all testing has been completed, and Ms. Orfield-Koranda assured him that everything has been done.

The motion carried unanimously.

### **Action Item 9D – South Storage Barn Construction Contract Award**

Mr. Miller said that there was strong competition for the bid. He added that the Commission needed to amend the wording so that it reads, “subject to the sale and closing”. Legal counsel Nolden Gentry said that this wording could just be written in, and that there was no reason it wouldn’t close, other than if there is not a clear title. Chair Connolly asked that the wording read “subject to close and site plan approval.”

It was moved by Mr. Conkling and seconded by Ms. Johnson that the construction contract award be approved with the addition of the wording “subject to close and site plan approval.”

The motion carried unanimously.

### **Action Item 9E – No Tolerance Drug Testing Policy**

Mr. Miller stated that DART is currently in compliance with federal rules in its drug testing policy, but this new policy will make DART’s policy even more stringent. He said that this will be a one strike and out policy – employees will not get another chance, but will be terminated if a drug test comes up positive. Mr. Miller said that DART staff did a lot of research, and said that both policies are used in the transit industry. He also stated that DART has never had a post-accident drug test come back positive. He said the reason for the more stringent policy is to maintain the focus on safety.

Mr. Gayman asked how frequently drivers are drug-tested. Mr. Miller said that 25% of drivers are randomly tested each year, and a drug test is always performed after an accident. Mr. Steve Brody asked if there was an appeal process. Mr. Miller said that such a process is federally mandated. Human Resources manager Randy Ross added that employee counseling is mandatory, and that DART pays the Employee Assistance Program a yearly fee for confidential counseling of employees on a multitude of matters. Mr. Miller said that new hires are screened for previous drug/alcohol convictions.

Mr. Miller added that currently the Des Moines Public Schools have a no-strike policy, and since DART has a contract with the schools, drivers at DART who have previously fallen under the two strike rule must be screened out of any school bus route, and the new no-strike policy will eliminate this problem. Mr. Van Oort asked about post positive-test treatment. Mr. Miller said that DART policy provides for counseling and treatment. Mr. Gayman asked when DART’s participation in the treatment process ends, since the employee will no longer be working for DART. Mr. Brody asked if the test results are public information, and Mr. Miller said that drug test results fall under the HIPPA act and are confidential. DART can’t divulge the results to anyone unless the employee signs

a waiver. The exception, said Mr. Tishim, is that the Federal Transit Administration requires state DOT's to provide previous positive test results to the transit service upon request.

It was moved by Mr. Boesen and seconded by Ms. Hensley that the new "no tolerance" policy be approved.

The motion carried unanimously

#### **Action Item 9F – Transit Hub Land Acquisition**

The acquisition of the land for the transit hub project will cost \$700,000. The commission is asked to authorize DART to submit an offer to Wells Fargo for the appraised value, "subject to a review of an appraisal completed within 10 days." The item wording will also be amended to include "subject to FTA prior approval."

**It was moved by Ms. Hensley and seconded by Mr. Gayman that the commission approve a resolution for submittal of an offer of \$700,000, equal to the property appraisal value, to Wells Fargo Bank for purchase of the property needed for the DART Transit Hub Project, subject to a review of an appraisal that is completed with 10 days and also subject to FTA prior approval.**

The motion carried unanimously.

#### **Action Item 9G – Transit Hub Final Design (Phase II)**

Ms. Presutti said that the design team has developed three concept designs for the new facility and held two public meetings plus stakeholders meetings and a meeting for DART staff to ask for input, which now brings on Phase II of the project. She asked that the commission approve a task order for Phase II to proceed working with Substance Architecture for architectural and engineering services for the Sustainable Regional Transit Hub project.

It was moved by Mr. Boesen and seconded by Ms. Hensley that the task order be approved.

The motion carried unanimously.

### **DISCUSSION ITEMS**

#### **Discussion Item 10A – Transit Hub Update**

Ms. Presutti introduced Todd Garner and Matt Rodekamp from Substance Architecture. Mr. Garner said that substantial progress was made towards the final design through the public and stakeholder input process and the public meetings. He had a power point presentation describing the preliminary concepts (attached) and adding what features on each concept that the public and stakeholders liked and didn't like. He said the feedback was excellent.

Chair Connolly thanked Mr. Garner and Mr. Rodekamp for the update, and said the commission would look forward to the incorporation of the best of the feedback into a final design.

**PERFORMANCE REPORTS**

No discussion.

**MONTHLY REPORTS**

Ms Presutti said that an event to introduce the new Hybrid Bus to the community would take place on August 3, and everyone was invited to join the crowd at the Iowa Science Center at 11 a.m. for the unveiling of the new bus.

**FUTURE AGENDA ITEMS**

No discussion

**COMMISSIONER ITEMS**

**Compensation Committee Appointments (by consensus)**

Angela Connolly  
Bob Mahaffey  
Ted Boesen

Mr. David Furneau of Windsor Heights asked to speak to the Commission. Legal Counsel Nolden Gentry explained that the Public Comments section of the meeting took place as usual, and that was his opportunity to address the Commission. Mr. Furneau argued that he be allowed to address the Commission and Mr. Gentry said that the Chair could make the decision for an exception. Chair Connolly said that Mr. Furneau could have 3 minutes for his comment, which were regarding safety issues, and his view that the transit systems that DART was comparing weren't comparable to DART, and his views on driver training.

**ADJOURNMENT**

Chair Connolly announced that there would be no Commission Meeting in August.

The meeting was adjourned at 7:10 p.m.

**2009 Meeting Dates**

No meeting in August, Sep 29, Oct 27, Nov 17, Dec 15 and holiday luncheon

Date:\_\_\_\_\_

Chair:\_\_\_\_\_

Secretary:\_\_\_\_\_