



DEPARTMENT OF TRANSPORTATION

RURAL TRANSIT ASSISTANCE PROGRAM

mnrtap.us

Provision of Essential Non-Transportation Essential Services During the Pandemic

FTA has provided CARES Act guidance stating, as part of Emergency Relief efforts authorized by 49 U.S.C. § 5324, FTA will permit recipients to use Section 5307 and 5311 funds administered under the provisions of the Emergency Relief program or CARES Act funds until January 20, 2021, to pay for the operational costs of such services. In addition, this service is eligible for FEMA's Public Assistance program, and to maximize the funding available to them to respond to the COVID-19 public health emergency, FTA recommends that recipients check with their State Office

of Emergency Services to determine whether those resources are available, or to seek reimbursement from the entity requesting the service. A recipient may charge only costs not covered by other entities to an FTA grant.

While FTA permits the use of 5307 and 5311 CARES Act funding to reimburse operational costs of non-transit essential services,

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transit systems must be aware of National Transit Database (NTD) reporting requirements for these expenses. Only transportation service expenses should be considered for NTD system reporting. If your transit system is or has provided non-transportation essential services such as grocery delivery or prescription delivery, expenses associated with the provision of those services must be segregated from transit expenses. Expenses for non-transportation essential services should be reported under the Other Reconciling Item Expenses category when completing NTD financial reports.

Human Trafficking and Public Transportation

Human trafficking is a modern form of slavery affecting victims worldwide, including in the U.S. Traffickers use all modes of transportation to conduct their activities and often use public transit due to its low cost, greater anonymity, and less direct interaction with government or transit officials, according to the FTA, which launched its Human Trafficking Awareness and Public Safety Initiative in 2019.

Every transit agency, no matter how large or small, should be committed to training employees to recognize and report suspected human trafficking. The most effective way to do this is to have a policy and protocols that allow front-line employees — the eyes and ears of the community — the opportunity to see something and say something. While you should not ask an employee to step in and “rescue,” employees should be trained and comfortable reporting suspicious behavior based on red flags, the same way they are already doing with suspicious packages or unruly passenger behavior.

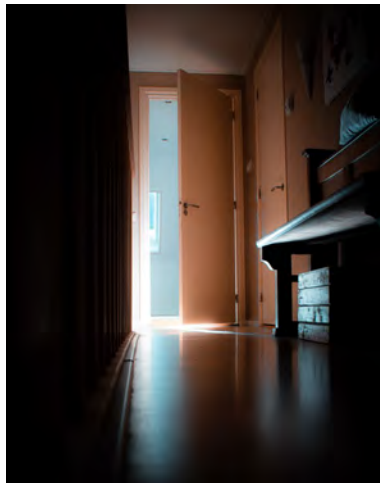


Photo by [sebastian stam](#) on [Unsplash](#)

All reporting of human trafficking incidents should be reported to the National Human Trafficking Hotline (888) 373-7888, or to 911 if there is imminent danger.

What can a transit agency do to help eliminate human trafficking?

1. Transit systems should partner with local law enforcement and agencies that provide assistance to victims and survivors.
2. Transit systems should train front-line staff of the Red Flag indicators of human trafficking, provided later in this article.
3. Transit systems should get connected with the state attorney general’s office for national and state-specific information on human trafficking.

Red Flag Indicators of Human Trafficking

- Passengers who are not allowed to speak for self.
- Passengers who are not in possession of their own bus/rail pass, money, or ID.
 - Disheveled appearance, agitated, scared/crying, or showing signs of abuse.
 - Minors traveling without adult supervision.
 - Minors traveling during the school day.
 - Offers to exchange sex for a ride, meal, etc.
 - Does not know the person who purchased their bus/rail pass or is meeting them at the stop.
- Any acknowledgement of having a pimp or needing to make a quota.
- An individual who indicates they are being held against their will.

- Signs of branding or tattooing (often of a trafficker’s name or nickname).
- Individuals who work excessively long hours and are provided few or no breaks and/or who have indicated their employer is withholding pay.
- Signs of bedding in odd locations (i.e. back room of a convenience store).

The National Rural Transit Assistance Program (NRTAP) offers the Busing on the Lookout Human Trafficking training course available on the NRTAP eLearning platform. This training helps front-line staff learn the signs of trafficking and how to help. The course contains a documentary video, a red flags video and other resources for transit staff. Participants can take an assessment and receive a certificate of completion. The training can be accessed through the NRTAP website at: <https://www.nationalrtap.org/Training/National-RTAP-eLearning>.

Drug and Alcohol Compliance: Why Review Your Collection Sites?

“You are the weakest link!” This is the assertion handed to contestants who are voted off the game show, “The Weakest Link.” During the program, each contestant must answer questions and “bank” money to show their usefulness to the team. After each round, each team member votes out the contestant who was least helpful to the group’s goal. Do you know who your weakest link is in your drug and alcohol program?

Service agents have proven to be very helpful to Drug & Alcohol Program Managers (DAPMs) since DOT testing was mandated almost 30 years ago. Imagine, on top of the duties of hiring, training, and supervising

safety-sensitive staff, you must conduct all drug and alcohol tests yourself. Or, you had to shop around for a Health and Human Services-certified laboratory or Medical Review Officer. Thankfully, an entire industry has risen to assist you with federal regulatory compliance. But those same regulations make it very clear that the responsibility to maintain compliance remains with the employer. [[See 49 CFR Part 40.15\(b\) and \(c\)](#)]

Engaging testing professionals seems like a great way to lighten your duties. But assuming everything is going well because you are not hearing of serious blunders may turn out to be a very costly practice. No news is definitely NOT good news when it comes to your drug and alcohol testing program.

Since a [November 1, 2007 GAO report](#) was published that outlined widespread vulnerabilities in DOT drug testing programs, increased focus has been placed on reliability and security within collection facilities and companies. The simple truth is this — collection sites are primary locations for error and cheating when it comes to the security and integrity of your drug and alcohol testing program. They are the “weakest link” in the entire testing process.

Because of this several resources have been developed over the years to address collection site issues. In April 2012, the Office of Drug and Alcohol Policy and Compliance (ODAPC) released their [Mock Collection Video](#), intended for use by collection personnel and anyone else who may evaluate collection activities on behalf of transportation employers. In May 2016, ODAPC published a brochure, [What Employers Need to Know About Monitoring Collection Sites](#) to help employers understand how they can oversee the clinics, hospitals, and stand-alone collection sites that perform DOT drug and alcohol tests.

According to the ODAPC brochure, there are three levels of commonly practiced monitoring: 1) Desk Audit, 2) Collection Site Visit, and 3) Enhanced Collection Site Review. Each offers a different level of inspection and

provides DAPMs options for effective oversight of their testing programs.

Desk Audit

This is the basic level of review. Examining primary documents, such as Custody and Control Forms (CCFs), Alcohol Testing Forms (ATFs) and notification forms, provides a useful picture to the DAPM. If the correct testing authority or reason for testing is accurately documented, this could say a lot about the training and efficiency of the collection staff. Conversely, if the collector commits several “fatal flaws” that cause tests to be canceled [See [49 CFR Part 40.199](#) or [40.267](#)], there are likely many other problems to be immediately addressed.

Collection Site Visit

Using the DOT [10 Steps to Collection Site Security & Integrity poster](#) and [video](#), as well as the Mock Collection Video mentioned earlier, DAPMs can take a strong first step to increase their involvement in, as well as the integrity of, the testing program, beyond document review.

The next step is to perform an on-site visit. This should include a tour of any and all facilities used, meeting the collection staff and managers, and explaining to them how important it is for them to abide by federal regulations. It may seem obvious, but this sets the stage for all future interactions. The collection team now knows that you take their actions very seriously and will be highly engaged in the process.

This is an excellent time, too, to request training documents for all current urine specimen collectors and breath alcohol technicians (BATs). You can also ask how training is accomplished and by whom. Who trains the trainer? Although there is no federally-recognized certification process, there are several trade associations that have created training programs. Does the collection site hold membership with any of them? This may keep a

trainer from perpetuating bad and/or inaccurate training techniques.

Keep in mind it is not necessary to wait until an on-site visit if errors are identified as part of a desk audit.

Mistakes can cause tests to be canceled, especially those requiring correction [See [49 CFR Part 40.203](#) and [40.269](#)].

Enhanced Collection Site Review

Communication with the collection site or agency throughout the year is critical. Remember, collection staff turnover is common and the review process should never be seen as “one and done.”

Use a mock collection to actually observe and document the process. And, using a standard checklist is a preferred method to cover important areas and document any identified flaws during the collection. Click here for a [Alcohol Collection Checklist](#) and here for a [Urine Collection Checklist](#) from the FTA Drug and Alcohol website. A [combined checklist](#) can also be found on the New Hampshire RTAP website.

As important as mock collections are to ensuring a secure and honest process, there can be drawbacks. The collector is often a “ringer,” that is, the staff trainer and the collection may not be taken seriously. Mistakes could also be made due to nervousness. However, the advantages of conducting a mock collection outweigh any drawbacks. Regardless of the level of oversight that seems appropriate, it is vital that a DAPM maintains an ongoing relationship with the collection site/agency.

When Congress passed the Omnibus Transportation Employee Testing Act in 1991, requiring DOT agencies to implement drug and alcohol testing of safety-sensitive employees, it did so to acknowledge the need for the safety and protection of the traveling public as well as every transportation worker. Your agency is given the responsibility of carrying out that tremendous task. With so much riding on the outcome of each drug or alcohol test, are you sure you can completely trust your “weakest link?”

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If you know of someone who is not currently receiving this newsletter and would like to, please contact Julie Schafer at jschafer@rlsandassoc.com. This publication is free.

Visit the [Minnesota Rural Transit Assistance Program](https://mnrtp.us) website for a catalog and a listing of upcoming 2020 events:

mnrtp.us/calendar-of-events/

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