



NEWSLETTER

Tri-State White House Conference on Aging

The Tri-State White House Conference on Aging was held in Ft. Mitchell, Kentucky on March 8-9, 1995, as an official event leading up to the White House Conference on Aging in Washington this May.

The goal of the conference was to convene over one thousand delegates from Indiana, Kentucky and Ohio to address the issues that face the aging population and submit five recommendations to the agenda for the full conference. The report from the full conference will help guide Congress as they draft the new Older Americans Act.

Of the 19 issues that were examined in discussion groups and caucuses, transportation as a barrier was raised in almost every session. The delegates' concerns were clearly set on the problem of not being able to get to the doctor or the grocery without the local bus service or senior citizen van.

To quell this concern, the transportation caucus established two specific and one general statements for consideration to the full conference:

Specific

- Through consolidation of funds and coordination of services, require more accountability and a more effective use of transportation dollars.
- Provide cost effective and affordable transportation based on actual fee versus donation basis.

General

- Transportation is the priority issue pertaining to quality of life, redirect more money to transportation.

The final report will be published within the next couple of weeks. If you are interested in obtaining a copy, please contact Ned Sheehy at 606.233.0066.

Work Related Injuries are not a *Disability*

Work related injuries are not a disability under the ADA, according to the Tenth Circuit court. The court maintained that an employee, whose work-related injuries prevented him from returning to his job, did not qualify as "disabled" under the ADA

because he was not substantially limited in the major life activity of "working." Such a limitation requires that the individual be prevented from working in a wide range of jobs, not just in a particular job, the court reasoned.

SOURCE: Labor Alert, Fisher & Phillips Attorneys at Law, Atlanta, Georgia; February 13, 1995.

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LexTran Gets West Coast Relief

On Wednesday, March 22, LexTran received six of the 14 used coaches they have purchased from a Los Angeles, California transit system. The coaches arrived in Lexington by rail.



LexTran coaches arrive by rail.

The coaches were purchased to replace LexTran's 22 year old coaches which have plagued the system with maintenance problems. The vehicles were purchased at a cost of \$11,300 each with money from LexTran's reserve funded, created by newly implemented efficiencies in the system last year.

Steve Rowland, LexTran's General Manager, said "These vehicles will truly help us better serve our passengers. We have struggled with on-time service and maintenance costs for a long time because of the aging fleet, but now we hope to see a marked improvement."

The rest of the coaches are due in within the next couple of weeks.

INFORMATION:

- ✓ If you are interested in obtaining a copy of the March 6, 1995 Drug Alcohol Rule changes or a Docket number for the NPRM from February 6, 1995 please call Ned Sheehy at 606.233.0066.
- ✓ For those companies and agencies that will be completing their Section 9 or Section 18 applications and soon begin working on their Section 16 applications, please remember the new codification. Section 9 is now 5307, Section 16 is 5310 and Section 18 is 5311.

FMLA Update

Recent surveys by both the University of California and the National Association of Working Women (NAWW) showed that many employers are still not complying with the Family and Medical Leave Act (FMLA), now nearly one and a half years old.

The FMLA only applies to companies with 50 or more employees. According to the U of C study, 40% of employers failed to allow the 12 weeks of leave required for birth and adoption, to guarantee job security during the leave, or to continue job benefits during leave.

The NAWW found that nearly 50% of companies do not even post notices of the rights guaranteed by the FMLA.

The Society for Human Resource Management has found that 90% of companies have had to revamp their leave policies to comply with FMLA. Companies that do not comply frequently complain of what they consider a loss in productivity as well as some increased costs in tracking employee leave. Some companies that have adapted, however, give the FMLA good marks.

Personnel-Iy Speaking, January/February 1995

KPTA Meeting Scheduled for April

KPTA Meeting Scheduled for Wednesday, April 19 at 12:00 noon at the Barren River Area Development District in Bowling Green. Call Keirsten Jagers at 502.781.2381 if you plan to attend.

From the Cabinet

In a never ending attempt to keep everyone informed about the progress of the Drug & Alcohol Consortium Committee, the following timeline is being published showing the important dates in the process:

- March 1-7, 1995 Publish legal notice requesting letters of intent.
- March 10, 1995 Request letters of intent from compiled vendor list.
- March 31, 1995 Letters of intent are due.
- April 12, 1995 Drug & Alcohol Consortium Meeting (Frankfort).
- April 13, 1995 Send out RFP packets.
- June 2, 1995 RFP bid opening.
- July 1, 1995 Signed D&A assurances due (agency payment pending).
- August 4, 1995 Decision of award(s).
- October 1, 1995 Contract(s) with vendor(s).
- December 15, 1995 Signed agency D&A compliance certification due.
- January 1, 1996 Testing begins.

If you have any questions about the timeline please contact Gail Mayeux at 502.564.7433.

Unfunded Mandates Act

On March 22, 1995, President Bill Clinton signed the Unfunded Mandate Reform Act of 1995 into law. UMRA extends a federal olive branch to state and local governments by impeding the federal government's ability to legislate mandatory requirements without a purse from which to pay for them.

UMRA, which is a part of the GOP's "Contract With America," was passed by the House and Senate in mid March without much opposition. However, some opposition forced a watered-down product. Among others, environmentalists and labor representatives pushed to weaken the language of the bill claiming that a fully enacted law that prohibited unfunded mandates would hurt environmental and labor concerns.

Furthermore, the opponents stressed that Congress would be constricting some of its own effectiveness by passing such a law.

Limitations on the law's application are in place to protect civil and constitutional rights, Social Security, national security and the country in times of emergency. Also included in the law was the provision that will allow Congress to still impose unfunded mandates as long as they will not cost states, local governments and private businesses more than \$50,000,000.

The Congressional Budget Office was authorized for appropriation \$4,500,000 per year for the next six years to handle the paperwork involved in determining the \$50,000,000 threshold.

Public Transit Committee Scheduled to Meet

The Kentuckians for Better Transportation Public Transit Committee will be meeting at TARC in Louisville on April 7 at noon.

KPTA members and advocates are encouraged to share their comments, concerns and observations about public transportation's role in Kentucky. These comments will be used to help KBT better understand and address the issues under which we operate.

If you would like more information about the meeting or wish to attend, please contact J. Barry Barker's office at TARC, 502.561.5100.



Suddenly, amidst all the confusion, Fifi seized the controls and saved the day.

Source 1991 Far Side Calendar

Think about it . . .

Most managers manage for yesterday's conditions, because yesterday is where they got their experiences and had their successes. But management is about tomorrow, not yesterday. Tomorrow concerns what should be done, not what has been done. "Should" is determined by the external environment - what competitors (old, new and potential) can and might do, the choices this will give customers, the rules constantly being made by governments and other players, demographic changes, advances in generalized knowledge and technology, changing ecology and public sentiments, and the like.

Theodore Levitt
Harvard Business School

The KPTA Newsletter is published monthly for the Kentucky Public Transit Association by Federated Transportation Services of the Bluegrass with the financial support of the Kentucky Transportation Cabinet's Division of Mass Transportation and RTAP. Any comments, suggestions or questions should be addressed to Ned Sheehy, FTSB, 1460 Newtown Pike, Suite J, Lexington, KY 40511

Drug and Alcohol Rule Changes

On March 6, 1995, the Federal Transit Administration published some minor changes and technical amendments to the Drug and Alcohol Rules published February 16, 1994. Many of the changes are to correct errors and omissions, but a few of the amendments are important enough to note.

- The addition of Section 654.45 to the alcohol rule will prohibit a supervisor of a safety sensitive employee to act as the Breath Alcohol Technician. In an attempt to make 49 CFR parts 653 and 654 more similar, they have added this prohibition.
- Both 49 CFR part 653 and 654 have been revised to define a "large operator" as one that operates in an "urbanized" area and a "small operator" as one that operates in a "non-urbanized" area.
- The original rule states that the administrator can reduce the alcohol random rate from 25% to 10% after two years of testing if less than .5% of the aggregate industry shows positive. The revision to this language states that the Administrator can do this after two years of "urbanized" testing and one year of "non-urbanized" testing. This reflects the later start-date for the non-urbanized systems.

In the February 6, 1995 Federal Register, FTA published a NPRM regarding a couple of proposed changes. Of most importance was one proposed rule that would eliminate the need for a citation at an accident to warrant a drug and alcohol test.

Louisville's Bluegrass Park is a Success

As reported over the past several months, TARC began a reverse commute service to connect the many different areas of Jefferson County to the Bluegrass Industrial Park.

The service, which was borne out of the JOBLINKS initiative and promoted by the Bluegrass Transit Partners has grown beyond anyone's expectations, according to Janene Grantz from TARC.

Grantz states that the four routes in the service are carrying over 3500 passenger trips per month.

Moreover, the morning route has grown so much that TARC has had to replace the contract operator with a TARC operated 40 foot coach.

Grantz attributes most of the routes' success to the job fairs that TARC has sponsored as well as sponsored promotions by the companies and the outlet mall in the Bluegrass Industrial Park.

We will report more about the service's success in future editions of the KPTA Newsletter.

Welcome

KPTA would like to welcome Kim Clay, the new Transportation Director for Foothills Express.

