



# Kansas Trans Reporter

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The Newsletter for Kansas Rural and Specialized Transportation Providers • The University of Kansas Transportation Center

## Stretch Those Dollars

by Matthew Kaufman

Increasing operating costs have begun to limit services offered by transit agencies throughout the country. Faced with rising costs, many agencies have chosen to cut back services, increase para-transit eligibility requirements or raise fares. Before taking these steps, however, agencies should be sure that they have explored all cost-saving options. This article provides a variety of ideas for saving money.



Linda Yeager, executive director at Missouri-based OATS transit, understands the frustrations many agency officials feel in today's fiscal environment. When asked why she thinks so many agencies now go directly to cutting services when costs increase she said, "We have been cutting and cutting for years and there is nothing left to cut but service." Her agency must, however, be given credit, for it continues to explore different options for reducing costs

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## Interstate Transportation: An Ongoing Discussion

by Pat Weaver

Questions about interstate transportation regulations continue, with many agencies and individuals working to resolve confusion and make the process easier for rural agencies that fall under Federal Motor Carrier Safety Administration (FMCSA) requirements. This article brings you up to date on some of the efforts at the state and national level to improve the administration of interstate regulations and provide assis-

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**Stretch those dollars,**

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other than cutting back service. OATS has recently broadened its risk management activities. Yeager notes that her agency has had to “really beef up [risk management] because of rising insurance costs.” The agency now has one staff person



who continually looks at how safety can be improved. Reducing the number of accidents at an agency will reduce maintenance costs and could have significant effects on insurance premiums.

**Insure yourself**

Reduced insurance costs are one of the main goals of the OATS risk management program. After seeing insurance premiums increase by more than 150 percent last year, staff knew they must take action. So last year OATS began covering its own comprehensive and collision insurance and is now looking at covering its own liability insurance.

As its own insurer, OATS management recognizes the importance of risk management. By providing its own comprehensive coverage, OATS accepts the financial loss it may incur from an accident—it will be responsible for repairing or replacing any vehicles it owns that are damaged or lost in an accident.

If OATS chooses to self-insure

its liability coverage, it will be liable for all damage their agency causes to other property and people.

Some Kansas agencies may also consider self-insuring for liability. If you are a governmental agency you can self-insure with no approval requirements. If you are a private entity you must own 25 or more vehicles and apply with the Kansas Department of Insurance before

OATS has a staff person who continually looks at how safety can be improved to reduce costs of accidents.



Joining a risk-purchasing group with similar agencies can help you all save money on liability insurance.

you can self-insure. Only private entities that are deemed by the Department of Insurance to have adequate financial assets are allowed to self-insure.

Whether you are a private or governmental agency you should not consider self-insuring unless you have determined that your agency can withstand the financial burden of a major accident or loss.

**Pool resources and risks**

Transit agencies in some states are also participating in insurance pools. These arrangements allow multiple organizations to join together and self-insure their agencies. By joining together as a group these agencies limit their risks and bring together more assets to cover losses. Because

financial assets are pooled, no one agency will be responsible for covering the whole cost of an accident.

According to Dick Cook at the Kansas Insurance Department, municipalities may form insurance pools under the Municipal Pool Laws. These laws are fairly general and allow municipalities to create pools that cover them against various losses, including vehicular losses. Private entities, however, are not covered by these laws. If your agency is private you are limited by regulations that allow for insurance pools that cover only worker’s compensation. Expansion of these laws to allow for vehicle liability coverage would require legislative action. Because agencies could experience substantial cost savings with pooling, this is a

subject that should be discussed during meetings with other agencies within both your region and the state.

**Join a risk purchasing group**

An existing option for private agencies may be risk-purchasing groups. These groups consist of multiple members who have similar or related liability exposure and business activities. Group members join together to purchase liability insurance from a private insurer. By working as a group, member agencies may be able to demand greater discounts or, minimally, avoid cancellation of insurance coverage.

Creating a risk-purchasing group is a complex task. As a first step, you should consider approaching the Kansas Department of

Insurance for assistance. You can contact the Topeka office by calling (800) 432-2484 or the Wichita office by calling (800) 432-2484. The department has a checklist with all of the steps purchasing groups must follow to register in the State. This will help guide you through the process. In all likelihood it will be necessary for you to hire a lawyer to assist with creating and registering your risk-purchasing group.

### Redesign your services

Another effective method to reduce your agency's costs is to look at a complete service re-design. Taking this step will be time consuming and difficult, but the results may be significant. Some agencies have used service re-designs to reduce the size of the vehicles they operate. Besides being cheaper to operate, smaller vehicles appear fuller. When local residents see full vehicles they will be more likely to support transit. Smaller vehicles could also lead to significant savings on insurance premiums.

During service re-design you may also consider the possibility of allowing some of your fixed routes, if any, to deviate slightly to pick up paratransit riders. While difficult to arrange, this change could reduce your vehicle, salary, and maintenance costs. By looking at your entire system at once you can make changes that would otherwise be difficult or seem impossible, and they can lead to significant cost savings.

Your agency may also be able to save money, resources, or both through the use of coordination efforts. While some coordination of regional services already exists in Kansas, we can do better. We will feature an article soon on benefits of coordination and provides steps for pursuing it.

### Volunteers can save you money

Another way to save money is to use volunteers. Yeager's agency received special recognition from the Community Transportation Association of America for its volunteer program. OATS has volunteers located strategically throughout various counties. Riders wanting to schedule service call the volunteers who later coordinate with drivers for pick-ups. The system saves the agency money on wages and significantly reduces long-distance bills because volunteers are located within every major telephone exchange.

Our January 2003 issue contained an article on the pros and cons of using volunteers along with some helpful hints. If you missed the article, you can download it from our website ([www.ksrtap.kutcc.ku.edu](http://www.ksrtap.kutcc.ku.edu)) or call us at (800) 248-0350.

Ultimately it may be necessary for your agency to make cuts in service or increase eligibility requirements. Rising fuel and insurance costs along with wage demands may prevent your agency from offering all of the services it wants. However, if you have seriously looked at all of your costs and considered how they can be reduced, service cuts can be explained to riders and made in good conscience.

### Sources

"Stabilizing Paratransit Costs," *American City & County*, December 2002;

"Belt Tightening: How to Survive in Lean Times," *Technical Assistance Brief Number 17*, CTAA; *Kansas Statutes-Insurance Laws, Chapter 40, Article 41*, "Risk Retention and Purchasing Groups," ([www.ksinsurance.org](http://www.ksinsurance.org)), 2003. ▲

### Interstate regs update,

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tance to rural transit agencies in complying.

*State legislature exempts Kansas transit agencies from KCC regulation.* As reported in the April 2003 *Kansas Trans Reporter*, legislation had been proposed to exempt agencies operating public transportation services from Kansas Corporation Commission (KCC) regulation. The 2003 Kansas legislature passed that legislation. It includes language that exempts vehicles used exclusively by organizations operating public transportation systems under the Sections 5307, 5310 and 5311 programs. Now, agency efforts for compliance should be directed at meeting the federal motor carrier regulations.

*KDOT completes technical assistance packet for providers.* Staff at KDOT's Office of Public Transportation put together a packet of materials to assist agencies who may need to register for interstate authority. This packet includes the list of steps required for application and samples of the forms you need to complete. If you are traveling across state lines, and would like assistance in determining the requirements for authority to do so, contact your KDOT representative (Bret, Kathy or Stacey) for assistance at (785) 296-5194. A copy of the packet is available at the Kansas RTAP website at [www.ksrtap.kutcc.ku.edu](http://www.ksrtap.kutcc.ku.edu). Check under "What's New."

### National efforts continue to clarify procedures

A panel discussion on interstate regulations was held in Washington in late July as part of the Federal

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Transit Administration's (FTA) State Manager's Meeting. Panelists included FMCSA representative Larry Minor, Beth Wilson of Community Transportation Association of America (CTAA), and Rosemary Amiet, Administrator for the Office of Transit for the Ohio DOT who also has been working with the providers in her state to clarify requirements. I was also a panelist, sharing information about the issues encountered in Kansas and recommendations for improvements.

In his remarks, Mr. Minor acknowledged that transit agency compliance has not generally received a lot of attention from his agency. FMCSA is a relatively new agency, and it inherited requirements for economic compliance (e.g. insurance, etc.) from the now defunct Interstate Commerce Commission. So far FMCSA has not successfully streamlined requirements or ensured that federal regulation matches the federal statutes.

FTA, CTAA and others continue to work with FMCSA with an

form is now available on the FMCSA web site, but does not provide a place to designate the insurance level and does not provide for the filing fee exemption for recipients of Sections 5307, 5310, 5311 as specified in the statute.

### *Who's Affected by the Amended FMCSA rules?*

Operators of passenger transportation services using vehicles designed to seat between nine and 15 passengers (including the driver), for which the operator is directly compensated (such as through the collection of cash fares, or the payment of a charter service contract), AND for which the transportation is considered "interstate commerce," AND for which the driver of the vehicle operates it beyond a 75 air mile radius (86.3 statute miles) from his or her normal work-reporting location will be required to comply.

*Who's not?* Regulation of transportation services provided by units of state or local governments or by statutorily-exempt motor carriers are not changed by these newest rules. The new rules do not affect interstate transportation operations within the 75 air mile radius, nor do they change any regulations concerning vehicles more than 15 or fewer than 9 persons. Finally, these rules only concern operations for which transportation providers are directly compensated.

Another issue is the insurance coverage regulation which is currently inconsistent with the statute. Some

discrepancy is known, it is not always easy to determine which minimum insurance limit within a neighboring state applies to the transit provider.

## New FMCSA Regulations issued in August may affect some rural agencies

Even as we work to clarify existing regulations, the FMCSA is amending them. In a final rule published in the *Federal Register* on August 12, 2003, the FMCSA changed its distance limits regarding safety requirements for bus and van drivers transporting from nine to 15 passengers in interstate commerce. The effective date was September 11, 2003. All affected motor carriers must be in compliance by November 10.

Is your agency affected? See box at left.

Affected operators will have to abide by four new requirements in these FMCSA regulations:

- maintain an accident register as detailed in 49 CFR 390.15,
- maintain a current Motor Carrier Identification Report (better known as FMCSA's form MCS-150) as required

under 49 CFR 390.19,

- comply with the pertinent federal vehicle markings of 49 CFR 390.21(a), and in particular,
- have the FMCSA-issued motor carrier number on the vehicle, as per 49 CFR 390.21(b)(2), although no other identifying information is required.

For more information about this new regulation, contact Larry Minor, FMCSA's chief of Vehicle and Roadside Operations, by phone at (202) 366-4009, or by e-mail at [larry.minor@fmcsa.dot.gov](mailto:larry.minor@fmcsa.dot.gov). ▲

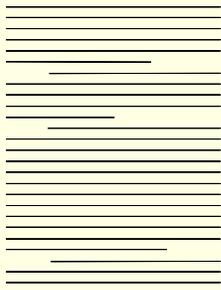
## FTA, CTAA and others continue to work with FMCSA with an expectation that some questions can be resolved.

expectation that some questions can be resolved. One change recommended by Beth Wilson of CTAA is a modification to the OP-1(P) form, the *Application for Motor Passenger Carrier and Broker Authority*. This

FMCSA staff have been unaware of the stipulation in the statute allowing recipients of Sections 5307, 5310 and 5311 funds to insure at a level no higher than the highest state into which they travel. Even when this



## Riders' Rights and Responsibilities



by Matthew Kaufman

Your transit agency should have a written document detailing passengers' rights and responsibilities. Making your riders aware of their rights and responsibilities will help prevent problems from occurring and make dealing with them, when they do occur, easier. This document will also help you comply with Americans with Disabilities Act (ADA) regulations.

A riders' rights and responsibilities document is just what it says, a list of assurances you make to your passengers and a list of rules they must follow. Creating this document is not difficult, but you are required by the ADA to seek public input when creating the document.

Look at other agencies' riders' rights and responsibilities documents before approaching the public for comment. We have an excellent example from the Florida Commission for the Transportation Disadvantaged on our website ([www.kutc.ku.edu](http://www.kutc.ku.edu)). If you do not have web access, call us at (800) 248-0350 and we will mail you a copy.

Once you have gathered enough information to create a sample list of rights and responsibilities, schedule a

public meeting. Provide the attendees with your list and allow them to comment on ideas they like, or would like to see removed or added.

### Allowing attendants

To ensure that the rights of your disabled passengers are protected, a few ADA rules must be followed. All riders who qualify as disabled under ADA guidelines must be allowed a personal care attendant. In addition, you must allow one companion to accompany the disabled individual. While the personal care attendant is allowed to ride for free, the companion must pay. You may require all individuals to be picked up and dropped off at the same locations and require passengers to reserve space for personal care attendants and companions.

### Refusing service

You may, under ADA guidelines, refuse service to persons with disabilities if they engage in "violent,

seriously disruptive, or illegal conduct." A caveat to this rule is that service cannot be refused if the conduct is related to the individual's disability. For example, you may not refuse service to an individual suffering from Tourette's syndrome who makes involuntary profane statements. However, if the related behavior is distracting enough to disrupt service, you may refuse service or require the individual to ride with an attendant.

An attendant can be required only if you would otherwise have the right to refuse service. In no other scenario can attendants be required. For additional assistance defining violent and seriously disruptive behavior, refer to your local ordinances, which likely define unacceptable public behavior. Local ordinances are often available from your county clerk, public library, or city and county websites.

### Creating a no-show policy

If an individual has a pattern of missing scheduled rides you may suspend service to him or her. The public meetings you hold when creating your riders' rights and responsibilities document must determine what constitutes a pattern; you may not make the designation on your own.

Public discussion should determine if no-shows will be tracked based on an absolute measure or a relative measure. An absolute mea-

## Protect your agency and your riders by spelling things out.

sure might say that three no-shows in three months are excessive. A relative measure could say that missing three percent of trip requests in a three-month period is excessive. While the absolute measure is easier to track, the relative measure is fairer to your passengers who ride frequently. Allowances must be made for missed trips that are beyond the control of the rider.

Any suspension must not exceed

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# New Drug Testing Clarifications

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by Matthew Kaufman  
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The United States Department of Transportation (USDOT) issues occasional interpretations on 49 CFR Part 40. This regulation requires transportation employers to conduct drug and alcohol testing programs, and it makes employers responsible for the compliance of their officers, employees, agents, and consortia. While Kansas performs its drug testing via a consortium, individual transit providers still have obligations under Part 40.

The USDOT issues interpretations in response to questions it receives about 49 CFR Part 40. The interpretations provide clarification where confusion has existed, and are meant to assist agencies/employers in understanding their responsibilities—and ensure that employees know their rights.

*Should all forms be signed?* Some agencies have been confused about the need for a certifying scientist's signature on Federal Drug Testing Custody and Control Forms (CCFs). These forms are used to record results from drug tests, and scientists must sign them if a test result is positive. If a test result is negative, however, the scientist may simply initial and date the form. If you receive such a form, the results are valid.

*Marked-up forms.* Your employees should know when they report for a test that MROs may mark through preprinted information on CCFs that is not correct. A new form is not required and such actions will not invalidate test results.

*Calling employees at home.* MROs may contact your employees at their homes if they can't reach the

employees at work.

*"Interim" results.* Some employers have received calls from medical review officers (MROs) reporting "interim" or "preliminary" results. This is not allowed and you should never accept such results. Any MRO providing results before all work is completed is doing so in direct violation of Part 40.

*Insufficient samples.* If one of your employees reports for a urine or breath test and fails to provide a sufficient sample, he or she has five days to obtain an exam by a licensed physician explaining the insufficient sample. The definition of five days has previously caused confusion. These are business days; holidays and weekends do not count toward the five-day limit.

*How often can you test?* Substance abuse professionals (SAPs) make decisions regarding future testing and treatment requirements for employees with substance abuse problems. The SAP's decisions are final, and you may not conduct follow-up testing that goes beyond what the SAP determines necessary. As the employer your actions are limited to normal follow-up and random testing. You may monitor your employee's compliance with the SAP's recommendations for continuing treatment and education as part of a return-to-duty agreement, and you may discuss the employee's continuing sobriety and drug-free status with him or her.

*Requesting split tests.* Employees should be aware of their rights regarding split tests. Any urine sample an employee provides may be split into two samples. An employee may challenge the primary specimen's results by requesting that the split specimen be tested. Only the

employee has a right to make such a request; employers, unions, and labor representatives may not act on behalf of employees to request that a split specimen be tested. Employees should be made aware of this right and know that requests should be directed to the MRO.

*Employees have a right to view medical records.* Each employee also has the right to view all his/her own medical records held by MROs. This includes CCFs, written notes, checklists, and comments. On occasion the MRO may need to withhold or interpret sensitive medical, psychiatric, and mental health record information.

*Trained testers.* In addition to being aware of these rights and responsibilities, Tim Harris, with the Kansas Consortium, noted that transit agencies must ensure that their local collection sites have trained personnel for breath testing and urine collection. Request documentation of training from your local collectors and keep it on file. This documentation will help ensure that your collector, and thereby your agency, are in compliance with 49 CFR Part 40.

Keeping abreast of drug testing rules and responsibilities will help your agency maintain compliance with the law and help you ensure that your employees' rights are not violated. If you would like to see the complete clarifications listed by the DOT visit:  
[www.dot.gov/ost/dapc/qandq.html](http://www.dot.gov/ost/dapc/qandq.html).

## Sources

*FTA Drug And Alcohol Regulation Updates*, Federal Transit Administration, Issue 21, Spring 2002.



## Transit + Business = Marketing Success

by Ira Allen

You have probably already read a fair bit about marketing to target individuals. But what do you know about Transit to Business Marketing (TBM)? TBM is increasingly being recognized as a valuable tool in marketing efforts.

So what is Transit to Business Marketing? Very simply, it is a set of practices aimed at encouraging businesses to participate directly in transit. Ridesharing, employer passes, transit vouchers, and reverse commute programs are examples of the sort of links between business and transit that result from TBM.

In this article, we will concentrate on employer passes, as well as co-marketing and partnerships. The other programs mentioned above don't fit Kansas providers as well, as they are mostly for agencies in or around metropolitan areas. We will also identify effective strategies for smaller transit agencies trying to reach out to businesses.

### Employer passes

Of the various ways businesses can participate in transit, employer passes are most relevant to smaller agencies. This is also the most popular program marketed to businesses by transit agencies of all sizes. Employer pass programs put selling passes in the hands of employers, which makes buying transit passes much more convenient for their employees.

The two major types of employer pass programs are employer-based sales and subsidized employer-based sales. In employer-based sales, which

is more common, a participating business acts as a sales outlet for its employees. That is, the company buys tickets from the transit agency, then resells them to employees.

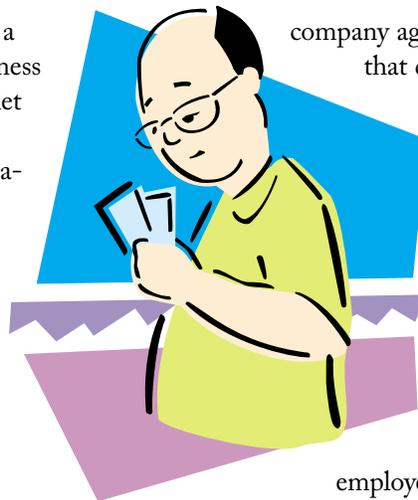
Because selling weekly passes or single tickets is more logistically complicated, sales are often limited to monthly passes, which may be sold at the company store, credit union, or cafeteria. In other cases, a designated office manager or transportation coordinator may be in charge of sales.

Because of this flexibility in how the company sells tickets to its employees, employer pass programs can work for relatively small as well as large companies. For instance, OCCK could work out an employer pass program with a screen-printing company in Salina, who would then sell monthly bus passes to employees.

With subsidized employer-based sales, the company not only sells passes, but also provides a subsidy to the employee. This subsidy is generally either a flat amount taken off the usual ticket price, or a percentage discount. Subsidies offered to employees can vary with their level of seniority within the company, or their performance, thus allowing businesses to use the program as a motivational tool—a selling point to mention when talking to businesses.

In many cases, the transit operator will sell the passes to the company at a discounted rate, as long as the

company agrees to at least match that discount when the sale



*With subsidized employer-based sales, the company not only sells passes, but also provides a subsidy to the employee.*

is made to an employee. The cooperation between agency and business required for this sort of effort can lead to cooperation in other areas. We'll discuss these in the next section.

### Co-marketing and partnerships

*Partnerships.* The TCRP report "Marketing Transit Services to Business" cites the United Way's partnership with the National Football League (NFL) as an example of an effective partnership.

"The NFL's relationship with the United Way is part of a new trend in corporate philanthropy, in which companies now tie corporate giving directly to business strategy," says the report. Also known as corporate responsibility, this type of partnership can enhance the company's public image and employee satisfaction.

Be open about what you seek in such a relationship. The report notes, "Like the NFL, most companies are giving far more than cash assistance. Many are providing non-profits with managerial advice, technological and communications support, and teams of employee volunteers. They are funding these initiatives not only from philanthropy budgets, but also

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## Transit to business marketing,

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from business units such as marketing and human resources.”

We are not so lost in the clouds here at KUTC as to suggest that the NFL will want to partner with Prairiegrass Transit in Littleville, KS. The idea of partnership can certainly work on a smaller scale, however. For instance, suppose your agency partnered with a local factory. They might encourage their employees to volun-

recognition. Perhaps some people would buy bus tickets in hopes of winning a milk shake. In any case, promotions like these are good for your agency.

The TCRP report mentions several transit and ridesharing agencies that have had success with co-marketing techniques. For example, in Connecticut, The Ride Stuff program gives retail discounts to employees who use transit or ridesharing for commuting. The program provides incentives donated by

say, “but how do I convince local companies to participate in these programs?” After all, times are tough, and these programs are not big money-makers for businesses. In some cases, as with employer passes where the business foots the administrative costs of selling the passes, these programs will cost money.

So what to do? First, have a program. Remain open to ideas and innovations from the company you are approaching, but make certain you have a clear plan for what you

### *SEPTA's Survey Results for their "ComPass" Employer Bus Pass Program:*

- Prior to the ComPass program, around 63 percent of the 773 respondents had purchased another type of monthly pass. Around 35 percent had previously used tokens, cash, or other payment forms.
- 19 percent said their use of SEPTA transit service for work trips increased since joining ComPass.
- 32 percent said their use of SEPTA for non-work trips increased since joining ComPass.
- 59 percent said the ComPass program had a positive effect on their opinion of their employer.
- 55 percent said the ComPass program had a positive effect on their opinion of SEPTA.
- 79 percent said that the ComPass program and SEPTA had made getting a monthly pass easier.
- 64 percent said the ComPass program had improved the cost of getting to work.

teer or might provide management advice, in addition to (hopefully) some cash to go toward the local match for that new 30-foot bus. You might give keychains or other knick-knacks promoting your services to the company, and ask them to distribute these to employees. You might tweak bus routes to better fit the company's work commute schedule, if possible.

*Co-marketing.* This is another popular linkage technique through which two or more companies can benefit from a marketing partnership. For instance, you might organize a promotion whereby certain bus tickets will be randomly selected to come with a free milk shake from your local ice cream shop. The ice cream shop would donate the milk shakes, because such promotions are good for their image and increase name recognition, and your agency would also benefit from the increased name

businesses in exchange for the promotion they receive.

In San Francisco, The Bay Area Commuter Check program places its television station sponsor's logo on its marketing materials; in exchange, the station provides television coverage for the program. The TCRP report notes that mass marketing and product validation have considerable value to the local media outlets (who have their call letters on program brochures, flyers, and posters).

You may want to consider this sort of sponsorship or co-marketing in conjunction with your own local television or radio station, or the printing company that prints your flyers, as a way of cutting costs while at the same time broadening your marketing efforts.

### **How to approach businesses**

“Okay, that's all very well,” you may

want to do before you approach anybody. Next, choose appropriate methods for approaching businesses.

A common method of soliciting interest is direct mail, where agencies or businesses send out identical pieces of mail to hundreds, thousands, or millions of people in hopes that a few will respond. While this method may work well enough for the long distance telephone companies, or the corporate pizza joints, keep in mind that appealing to businesses is different in important ways from appealing to individuals. If you send out a glossy flyer to everyone in town with one free transit pass, that might increase ridership significantly, at least for a little while. If, however, you send out glossy flyers describing your employer pass program to all of the local businesses, the response is not likely to be overwhelming. The TCRP report mentioned above

found that direct mail was not nearly as effective in this particular arena as personal contact.

For small transit providers, this is good news. Many local agencies simply do not have the marketing budget required for a massive, direct mail campaign (or in some cases, any real marketing budget to speak of). But small agencies are ideally suited for making personal contacts with local business representatives. One good place to start is at the local Chamber of Commerce. If your town has any factories or other large employers, contact their marketing or human resources director, or even the plant manager. Breakfasts or luncheons for business leaders, where you can pitch your ideas, are yet another option.

### Linkage benefits

Cite already-successful programs when pitching your ideas to businesses. The list of statistics on page 8, from a survey taken of riders in SEPTA's employer pass program (ComPass) in Philadelphia, PA, is a good example.

These statistics clearly show the positive effects of a good employer pass program, both for a transit system and participating businesses.

When talking to prospective participants, by all means, mention the morale boost provided by involvement in such a program, as well as the motivational possibilities discussed earlier in this article.

Get excited, and let the business-people you're talking to get excited as well, as they see a vision of how partnering with transit could increase their employees satisfaction with their company and their community.

### Source

"Marketing Transit Services to Business," *TCRP Web Document 8*, National Academy of Sciences, 2000, [www.nap.edu](http://www.nap.edu). ▲

## Riders rights/responsibilities,

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a "reasonable period of time." A suspension may be long enough to be a deterrent, but it cannot cause undue hardship. Public meetings should be used to determine what's reasonable in this scenario.

Your no-show policy must address the following items:

- The amount of notice that riders must give if they want to cancel a scheduled trip;
- The frequency of no-shows that will constitute a pattern or practice;
- The length of time for which service will be suspended;
- The amount of notice you require for trip cancellations cannot exceed the amount of advanced notice required to make a trip reservation.

While the rules listed above apply specifically to paratransit riders, be sure to apply them, when applicable, to all of your riders. Having a separate set of rules for disabled and non-disabled passengers is not recommended and may be illegal.

### Other topics

In addition to the topics discussed above, your rights and responsibilities document should discuss items such as the cleanliness and reliability of vehicles, the amount of time passengers should be expected to wait for a ride, what type of assistance drivers will provide, the procedure for filing complaints, and rules that must be followed while riding in vehicles, to name just a few. For a more detailed list, please view the example document on our website.

Before publishing the final document, it should be reviewed by the public. Participation is required when creating guidelines and it should be sought again before your guidelines are made permanent. Remember, the purpose of creating a

riders' rights and responsibilities document is to improve the interaction that occurs between your agency and its passengers.

### Getting the information out

Make your final document available in pamphlet format, and ensure that copies are available on your transit vehicles and at your office. If you have a website, put the information there, and be sure to post the specifics of your no-show policy in all of your vehicles.

Be sure to make the document available in a format that visually impaired individuals can read. Our next newsletter will include an article on this topic that can assist you in creating this format.

Also consider having new riders sign a copy of the pamphlet to acknowledge they have read and understand their rights and responsibilities.

After taking the time to create a list of riders' rights and responsibilities, make sure that both you and your passengers adhere to it.

Document infractions and enforce rules equally and fairly.

When riders who use your agency's services know their rights, they are generally happier. And when they understand their responsibilities, and live up to them, your agency will function more smoothly, making your staff happy as well.

### Sources

*Americans with Disabilities Act (ADA) Paratransit Eligibility Manual*, Federal Transit Administration, 1993.

*Customer's Rights and Responsibilities* (draft), Florida Commission for the Transportation Disadvantaged Ombudsman Program Committee, 2003;

*Riders' Rights & Responsibilities*, Albuquerque Job Access Subscription Service, January 2002. ▲

## Prepare for a successful response: Develop a security and emergency preparedness plan

by Ira Allen

It seems an awful lot of newsletter articles focus on various forms of emergency preparedness. If you've noticed this pattern, you may also have guessed it's not coincidental. Emergency situations happen to everybody. The troubling truth is, if they haven't happened at your agency yet, they probably will. What will you do? What will the driver involved do? How about your dispatcher? Do you know? If you do, that's great. But if you're a little unclear, it's time to create a Security and Emergency Preparedness Plan (SEPP).

Sandy Throne, President of California-based Emergency Planning Services, says "It's time for people to really wake up...every company should have a [Security and Emergency Preparedness Plan]." This article will give you some basic tools to use in preparing that plan.

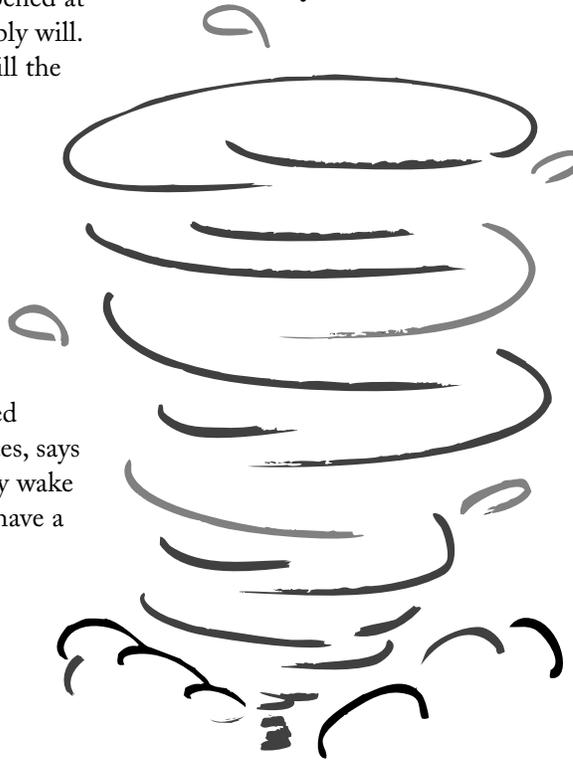
### First things first

Decide your priorities; understanding these will be invaluable in guiding your decisions throughout this process. For most agencies, the first priority will be protecting human life and safety. Preserving vehicles and equipment might edge out maintaining good public relations for second priority. While these are common priorities, there is nothing saying

they must be your agency's. Perhaps the safety and well-being of your drivers and passengers is most important, with a minimization of bad publicity coming in second. Whatever the case, you will need to

likely to be involved in an emergency: drivers. Do not overlook drivers as potential treasure troves of information and ideas about how best to deal with emergency situations (and various other aspects of

In the event of an emergency, whether an accident, terrorism or tornado, what will you do? What will your drivers do? Your dispatcher?



determine what is most important to your agency. Your mission statement should help with that. From there, you can move on to the actual process of preparing an emergency response plan.

### Get input from all quarters

The ideal emergency response plan will include input from those most

likely to be involved in an emergency: drivers. Do not overlook drivers as potential treasure troves of information and ideas about how best to deal with emergency situations (and various other aspects of transit, for that matter). Many drivers in Kansas have been working in the industry for years, even decades. It would be a shame to let all their experience, knowledge and ideas go to waste simply because of a communication lag between management and drivers.

By the same token, soliciting input from the rest of your staff also can be valuable. Dispatchers and office staff bring different perspectives and can have fresh ideas for dealing with emergency situations from their individual viewpoints. If your agency has several departments, as some transit providers in Kansas do, every department should be represented. Also involve the employees' union, if applicable. Although unions are not common in Kansas, some agencies' employees, such as those of the "T" in Lawrence, have voted to unionize.

Make sure all employees are aware of what you are trying to accomplish; this way, you will get as many ideas as possible. Once again, a clear mission statement can be very helpful. The idea here is, the broader your information base, the more

detailed and comprehensive your emergency/disaster plan can be. Throne's firm has compiled a workbook that can help agencies uncover the information they will need in planning. For more information, contact Sandy Throne at (408) 342-9035 or at [sthrone@epserve.com](mailto:sthrone@epserve.com).

### Who's the boss?

While it can be helpful to have an emergency preparedness team or committee composed of various individuals from within your agency, someone must lead this team. The *Public Transportation System Security and Emergency Preparedness Planning Guide*, from McCormick, Taylor & Associates, has this to say:

"At a particular transportation system, security and emergency preparedness management responsibility generally should be assigned to one person. That person may or may not be designated full-time to this program, but some person should be in charge of this effort, even if he or she has other responsibilities."

This is to prevent the planning and emergency response process from becoming haphazard and to preserve accountability. Someone must be directly responsible for the planning process, as well as implementing and enforcing the plan. The *Guide* has a couple of recommendations about this position: The "security manager" should a) report directly to the agency's executive director or Board, and b) receive a separate budget line-item for security/safety activities.

In terms of the plan itself, there are two basic approaches, according to Helen Cope, Emergency Planning Officer for the London Borough of Hackney: "One side argues that a short, concise document to act as a 'grab guide' highlighting the procedures of departments and agencies is more than adequate, while the other

side believes that the Emergency Plan should be all-encompassing, which often results in a lengthy, often unread document."

Cope's approach in creating the London Borough of Hackney's Emergency Plan was to develop a comprehensive document, with a "grab guide" given as an appendix. The benefit to her approach is that it offers all the traditional information for review at any time, but also gives leaders the ability to glance through an abbreviated guide in times of emergency to ensure nothing is forgotten. This could be particularly useful in an emergency that affects the transit facility itself, such as a fire or tornado.

### Cooperating with others

Your SEPP will obviously need to focus on issues specific to your locale, but some issues affect all transit providers. One of these, which has received a considerable amount of media attention since September 11, is integration with local police and emergency agencies and personnel in providing emergency/disaster relief support. To achieve this goal, it may be necessary to initiate formal meetings and committees with local public safety officers and community emergency planners.

Sometimes emergency response centers say they will help you, but they are not always as forthcoming with the actual help when it comes down to it, according to Throne. You may need to make a special effort to integrate your SEPP with the emergency response plans of other agencies. Remember, in the event of a disaster affecting a large area, transit can be invaluable in providing support and transportation for victims, so your SEPP might cover more than simply the safety of your own facilities and personnel.

### Help with plan design

Creating an emergency response plan can be time-consuming and labor-intensive, and although most of us recognize the necessity, some may be pressed for the time to actually sit down and compile the plan (or update the relic you've been working with, unchanged since 1978). If this description fits you, consider using a consulting firm to help prepare your plan. Sandy Throne answered a few questions about how her company (an emergency issues consulting firm) addresses this process.

She noted that her job is to be a fresh (and expert) set of eyes. "It's a safety awareness thing," she said, "I do a safety check and call attention to various possible scenarios."

Because agencies can't always see how everyday activities might be detrimental if circumstances altered dramatically (as they do in the case of an emergency), it can be helpful to have a safety expert there to call attention to various possible scenarios and assist in thinking through the issues.

Let's face it: When someone in transit says "emergency," most of us probably think, "accident." A SEPP, however, should also cover response to and recovery from tornadoes, floods, terrorist incidents and any other emergencies that could possibly arise. A new pair of eyes can help you see possibilities that may otherwise have gone unnoticed.

You may be thinking, "Yeah, but who can afford all that?" Perhaps your agency can, if you budget for it. "An average cost is \$1500-\$2000," says Throne. That seems like a reasonable operating expense for safety, particularly as a plan needs to be developed only once. After the plan is in place, Throne recommends updating your plan quarterly, either

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# Backing up isn't only for buses

by Craig Damlo

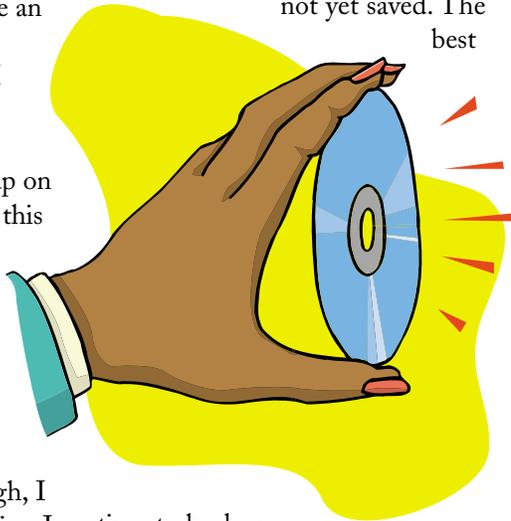
In the January 2002 issue of the *Kansas Trans Reporter* I wrote an article entitled "To Back Up, or to Back Up..." In that article I went over the basics for backing up your files: What needs to be backed up, what media to back up on to, and how often to back up. In this article I will explore these topics a little further and also discuss backing up on a network, copyright laws governing your backup policy, and finally, where to store your backups.

*When, and how often.* First though, I would like to reexamine something I discussed in the first article. It's important to ask how often to back up files, and also what time of day.

How often you back up is based on how often you change your files and how important they are to your agency's success. Ideally you would like to back up your files every time you make a change on them, but this is probably overkill. For most people a simple backup once a week is more than enough, while others may need a more demanding daily back-up. The frequency will depend on the volume of entries during the time period you are considering. Decide how much data you would be prepared to re-enter if there were a computer "crash." Set a backup schedule that you feel fits, as well as protects your agency.

Another important aspect is the time of day you back up. You don't want to make backups while people are working on files. First of all it can cause problems in your backed

up files, by creating discontinuity within the code, as well as not actually backing up the changes the user has made, if the changes are not yet saved. The best



time to back up is at the end of the day, when users are done working on files.

*Back-up devices.* The type of media you back up your files onto is important; it can affect your cost, time, and storage space. In my last article I touched on the most popular media formats of the day, such as CD-Rs and removable media. Today I would like to mention some newer formats whose prices have come down to everyday user prices, and a few more exotic types of backup media.

*DVDs.* DVD-Rs<sup>1</sup> and DVD-RWs have come down dramatically in price over the last year. DVD-Rs have a distinct advantage over normal CD-Rs in terms of file capacity. While the cost is still considerably higher, the price-to-capacity ratio is smaller for DVD-Rs. DVD prices still have not bottomed out, so look for the prices to continue to drop as the popularity of the drives increase.

If you can back up all your files onto a single CD-R, you may think there isn't a need to upgrade to DVD-Rs. However, a DVD-R can hold up to nine times the data as a CD-R, meaning that you can backup your system nine times on a single DVD-R. Not only does this save you space on your back up media, but also in the area you store your media.

This brings up another important point: How long should you save your backups? The appropriate question to ask is: How long are your backups going to be useful? To answer that question, ask yourself how often you change the backed-up files; you need to save at least two copies of the current files to be on the safe side.

*Removable media.* Other media include several types of removable media, such as USB drives, Firewire drives, and NESTS. While most PC users may not be as familiar with Firewire as Mac users, PC users will soon learn more, as it is being built standard into newer PCs. Both USB and Firewire are simply external hard drives with either Firewire or USB wires connected to them, similar to lower-capacity and lower-

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1. \*-R is a write-once media. This means that once something is written to the media it is permanent and cannot be removed. \*-RW is a multi-write media. That means that you can write to the media, and then later erase what you wrote and write something new. Unlike hard drives, there are a limited number of a times you can do this based on the media and the manufacturer.

speed zip drives. These drives are good for backing up files because file size can be very large, and the drives are capable of providing enough room to do many backups per drive. External drives are very useful because they are easily moved to different computers and are hot-swappable, that is they can be plugged in and unplugged without having to power down the computer. The only difference between the Firewire and USB ports is that Firewire is a magnitude faster than the USB port.

Another option for large backups are NEST drives. These are removable, hot-swappable hard drives. These have NESTs, or docking ports, mounted into the computer and the drives simply slide in and out, much like the way a disk drive works, only these can handle much larger file sizes, and are much quicker.

All types of removable drives such as the ones discussed here are very useful for backing up data and for sharing data over non-networked computers. This brings us to another important issue in the world of computer back ups: networks.

*Backing up on networks.* Most workplaces (and many of our homes) now contain networks. While most of these networks exist to share a single Internet connection over many machines, you can still use them for other purposes, such as a backup device.

*Manual.* The simplest network backup solution would be to setup a file-server, i.e., a computer whose only purpose is to hold all the files for your office in a central location. This has two advantages; 1) it's easy to share files if they are all found in a central location, and 2) it's easy to backup the entire office's files from this same location. While it is ideal to have a separate machine provide this task of a file server, you can also

designate an employee's workstation to perform this task, and then assure that the employee keeps additional backups on removable media in case of a crash.

*Automated.* If you want to create an automated backup system with a central file-server you would be required to set up a separate machine, but for this you don't need a fast machine; you could easily use one a few years old, such as an early Pentium-based machine. For an automated system use a spider, or network crawler. These work very much like search engines; they scan all the computers in your network periodically and copy data file types that you define as ones that need to be backed up. The spider is a handy tool, because it doesn't require a lot from you. All your files will get backed up even if you forget about it. It is still important however to periodically backup the files on the file-server to a storable media, for the same reason you use removable storage on your desktop, but you could most likely get away with only doing this once a month or less.

*Copyright concerns.* When you back up your files, back up your data and not program files, such as .exe files. In other words, back up only the files you create. Why? Because copyright laws protect all software, and since the 1997 No Electronic Theft Act made simple copyright violations a federal crime, you want to

ensure your backups aren't infringing on someone's copyright. While most open source software programs carry the GPL<sup>2</sup> copyright license, most commercial software carry individual copyright agreements, most of which deny the user the ability to copy any program files to another medium after the original install action(s).

Copyrights also define how many computers on which you are allowed to put the software. For example, you can only put Microsoft Office on a single computer unless you purchase multiple licenses or a site license. While not all copyright agreements deny you the ability to copy the software, such as the GPL agreement, it is usually a safer bet to only back up the files that you have created. This also will save you time during your backup process and allow you to back up more per medium.

*Keep them safe.* Finally, another important aspect to consider is where to store your backups. While many people simply copy their files to CD-Rs and place them next to the computer, what happens if you are robbed, or if there is a fire? In both of these cases, the CD-Rs won't do you any good. The safest place for your backups is in a fireproof safe, offsite. The second best is a fireproof safe onsite. However most agencies can get away with simply keeping the backups in a different room in a locked filing cabinet.

While it is probably true that you will never need to restore your files from a backup, there may be one time in your life that you will need to, and if this happens, you will thank yourself for the 10 minutes a week you spent backing up your files. You will be very happy to spend another 10 minutes restoring those files instead of spending hundreds of hours trying to restore those files without backups. ▲

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2. GPL stands for General Public License and is used, in one form or another by the open-source community. The advantage of the GPL over most copyright licenses is that the user has the ability to change or distribute the original source code in any way or form as long as they give credit where credit is due.

## Rural Transit Conferences and Workshops

Kansas RTAP Driver Training  
September 30—Dodge City  
October 1—Wichita  
October 2—Emporia  
October 7—Great Bend  
October 8—Salina  
October 9—Hays  
October 14—Chanute  
October 15—Topeka  
October 17—Manhattan  
October 22—Olathe  
Contact: Rose Lichtenberg  
Phone: (785) 864-2594  
Email: rosemary@ku.edu

October 11-14, 2003  
Kansas League of  
Municipalities Fall Meeting  
Topeka, KS  
Contact: Kansas Chapter  
APWA through [www.apwa.net](http://www.apwa.net)

October 12-14, 2003  
Transit Planning and Marketing  
Seminar and Spotlight Awards.  
San Antonio, Texas  
Contact: SouthWest Transit  
Association, (210) 366-1436  
Website: [www.swta.org/market.html](http://www.swta.org/market.html)

November 13-14, 2003  
Transit System Safety  
Dallas, Texas  
Contact: Transportation  
Safety Institute (TSI)  
Phone: (405) 954-3682  
Website: [www.tsi.dot.gov](http://www.tsi.dot.gov)

December 4-6, 2003  
International Conference on  
Aging, Disability, and  
Independence (ICADI)  
Arlington, VA  
Contact: [www.asa.org/calendar](http://www.asa.org/calendar)

December 15-18, 2003  
Instructor's Course in Bus  
Operator Training  
Fort Worth, TX  
Call TSI at (405) 954-3682  
Website: [www.tsi.dot.gov](http://www.tsi.dot.gov)

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### SEPP, continued from page 11

through the services of a company such as hers (\$500/year) or on your own. She notes, "If you [update] it four times a year, it might take you 10 or 15 minutes...if you wait 12 or 15 months it becomes a bigger project—especially if the previous preparer has left the company; then it's a major project."

### Do it yourself

Should you decide to prepare your plan entirely in-house, there are a couple things you should remember. First, it requires making a commitment and sticking to it, which can be hard, because you will need to set aside blocks of hours to deal with this. It may be tempting to let that slide, especially if your agency already has some sort of plan. Don't let it slide. Make a commitment to do this, and keep it.

Second, many transit managers haven't had a great deal of training on how to prepare plans. "It's a learning curve about what you need to do, how to do it and how to put it on paper," says Throne. So don't get too frustrated with yourself if things don't

proceed smoothly right away.

One way to get some free help is by talking with someone who has already prepared a SEPP. Another relatively inexpensive method is to purchase a fill-in-the-blanks manual from a company like Throne's. These can cost around \$500, and should help you create "a totally workable plan that is customizable for your agency," according to Throne.

Other options for help in preparing a SEPP include a one-day workshop, like the one offered by Kansas RTAP in November 2002 in Salina, or the CTAA's safety audit service. There is also a CD-ROM produced by the Colorado DOT called *Transit Safety & Security* (see page 15 to borrow this). And transit agencies are developing more manuals every year. I probably don't need to tell you most people in transit are friendly enough to share some experience, strength and hope when asked.

Whatever route you go, know that this process is vital to the future of your agency. "There are a lot of statistics out there," Throne notes, "showing that unprepared companies tend to go out of business in the wake of a serious emergency." A SEPP is a commitment, not only to

your agency's future, but also to your employees and to your community. Transit agencies have the opportunity and the responsibility to be assets to their communities, and an emergency preparedness and response plan is one key facet of that responsibility.

Finally, once you have developed a plan, don't let it go to waste. Train. And train. And when you're done with that, train some more. But that's another article. For now, best of luck with your planning!

### Sources

"National Transit Institute Course Overviews: *System Security Awareness for Transit Employees* and *Security Incident Management for Transit Supervisors*," 2002;

"Transit's Role in Emergency Response," *Technical Assistance Brief* (draft), National Transit Resource Center, 2003;

*Transit Bus Safety Program: Task 3—Development of a Model Transit Bus Safety Program*, Federal Transit Admin., July 16, 2001 draft;  
*Public Transportation System Security and Emergency Preparedness Planning Guide*, by John N. Balog et al, McCormick, Taylor & Associates, Inc., August 8, 2002. ▲

## Resources Order Form

Please use the order form on this page to borrow the videotape described here. It is available for a two-week loan. Feel free to keep the publications.

### Resources for loan

- Public Transportation System Security and Emergency Preparedness Planning Guide**, a publication by John N. Balog, August 2002, available from KUTC.
- Kansas Transit Interstate Transportation Information Packet**, Kansas Department of Transportation Office of Public Transportation, September 2003. Materials available from KUTC and online at [www.kstap.kutc.ku.edu](http://www.kstap.kutc.ku.edu).
- Transit Safety & Security, Prototype Approach**, a CD-ROM produced by the Colorado DOT, December 2002.

### Website resources

**Customers' Rights and Responsibilities**, available from KUTC web page: <http://www.kutc.ku.edu/pdffiles/ridersrights.pdf>

**CTAA Safety Review Program**, available at [www.ctaa.org/training/safety](http://www.ctaa.org/training/safety)

**Various FTA safety and security publications**, available at: <http://transit-safety.volpe.dot.gov/publications/default.asp#security>

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