



Foothill Transit

SPECIAL EXECUTIVE BOARD MEETING

West Covina, CA
Friday, February 26, 2021



Foothill Transit

Foothill Transit MISSION

To be the premier public transit provider committed to:

SAFETY
COURTESY
QUALITY
RESPONSIVENESS
EFFICIENCY
INNOVATION



Foothill Transit VALUES

SAFETY

We educate, encourage, and endorse a strong culture of safety at all levels of the organization, valuing the responsibility entrusted in us by the communities that we serve.

RESULTS

We value the achievement of organizational goals and initiatives as defined in our business plan and involving all levels of the organization.

INTEGRITY

We are committed to high ethical standards based on accountability, honesty, respect, transparency, and a high level of fiscal responsibility.

GRATITUDE

We are a team united in thankfulness for each other; we express gratitude for our many opportunities by investing our time and energy in our community and industry, and through the open expression of appreciation.

DIVERSITY

We create an environment rich with talented people and differing viewpoints, valuing the unique perspectives that everyone brings.

TEAM MEMBERS

Our team members are the key to Foothill Transit's success and we are committed to supporting them through education, development, and recognition.

COMMUNICATION

We value and are committed to open honest respectful discussion which is responsive, informative, and constructive.

SUSTAINABILITY

We embrace sustainability because it benefits all aspects of our business while helping our communities by protecting the environment through measured and responsible stewardship of resources.



Foothill Transit

Executive Board Meeting **AGENDA**

SPECIAL EXECUTIVE BOARD MEETING - TELECONFERENCE

8:30 AM, FEBRUARY 26, 2021
Foothill Transit Administrative Office
2nd Floor Board Room
100 South Vincent Avenue
West Covina, CA 91790

REVISED

FOOTHILL TRANSIT IS TAKING ALL PRECAUTIONS POSSIBLE TO PREVENT THE SPREAD OF COVID-19. FOR THE HEALTH AND SAFETY OF ALL EXECUTIVE BOARD MEMBERS, FOOTHILL TRANSIT STAFF, AND THE PUBLIC, PARTICIPATION IN THE MEETING WILL BE DONE REMOTELY VIA TELECONFERENCE USING THE FOLLOWING ZOOM MEETING LINK: <https://foothilltransit.zoom.us/j/84684981845>. ALTERNATIVELY, TO PARTICIPATE VIA PHONE, DIAL (669) 900-6833 AND ENTER MEETING ID: 846-8498-1845.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL: MEMBERS BOYER, CALAYCAY, MOSS, SHEVLIN, STERNQUIST
4. CONFIRMATION OF AGENDA BY CHAIR AND CHIEF EXECUTIVE OFFICER
5. APPROVAL OF MINUTES FOR THE REGULAR MEETING OF JANUARY 29, 2021

Public Comment: Members of the public shall have the right to address the Board on any item of interest which is within the jurisdiction of the Board before or during the Board's consideration of the item. Presentation shall not exceed two minutes in length. Action may be taken on any item identified on the agenda. Persons wishing to comment should submit a "Request to Speak" form to the Secretary. Note: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA.

The public may view and obtain all written information supporting this agenda provided to the board both initially and supplementary prior to the meeting by calling (626) 931-7300 extension 7204 or at the agency's offices located at 100 S. Vincent Ave., Suite 200, West Covina, CA 91790. Documents, including PowerPoint handouts, distributed to Board Members by staff or Board Members at the meeting will simultaneously be made available to the public upon request.



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CONSENT CALENDAR: Items 6 through 9 are consent items which may be received and filed and/or approved by the board in a single motion. If any member of the Executive Board wishes to discuss a consent item, please request that the item be pulled for further discussion and potential action.

6. REQUEST TO ISSUE INVITATION FOR BIDS (IFB) NO. 21-069 – REPLACEMENT OF HEATING, VENTILATION AND AIR CONDITIONING (HVAC) EQUIPMENT REPLACEMENT AT FOOTHILL TRANSIT’S ARCADIA-IRWINDALE OPERATIONS AND MAINTENANCE FACILITY

Recommended Action: Authorize the Chief Executive Officer to issue IFB No. 21-069 for replacement of the HVAC equipment at Foothill Transit’s Arcadia-Irwindale Operations and Maintenance Facility.

In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please contact the Executive Director’s office at (626) 931-7300 extension 7204, at least 48 hours prior to the meeting.

If you require translation services, please contact the Executive Director’s office at (626) 931-7300 extension 7204, at least 48 hours prior to the meeting.

Si necesita servicios de traducción, por favor póngase en contacto con la oficina del Director Ejecutivo en el (626) 931-7300, extensión 7204, al menos 48 horas antes de la reunión.

如果需要翻译服务, 请至少于会议前48小时致电高级主任办公室: (626) 931-7300 分机 7204。

Nếu Quý vị có yêu cầu dịch vụ dịch thuật, xin vui lòng liên hệ với văn phòng Giám đốc Điều hành tại (626) 931-7300 số lẻ 7204, ít nhất 48 giờ trước khi cuộc họp.

Kung nangangailangan ka ng mga serbisyo sa pagsasalin, pakisuyong makipag-ugnayan sa opisina ng Executive Director sa (626) 931-7300 extension 7204, ng hindi bababa sa 48 oras bago ang pulong.

번역 서비스가 필요하시면 미팅 최소 48시간 이전에 임원 사무실로 (626-931-7300, 내선 번호 7204) 전화주시기 바랍니다.

翻訳サービスが必要な方は、会議の48時間前までに(626) 931-7300 内線 7204のエグゼクティブディレクター事務所にご連絡ください。

إن كنت بحاجة إلى خدمات ترجمة، برجاء الاتصال بالمدير التنفيذي للمكتب على رقم (626)931-7300 (الرقم الداخلي 7204) قبل الاجتماع بـ 48 ساعة على الأقل.

Եթե Ձեզ թարգմանչական ծառայությունների են հարկավոր, հանդիպումից առնվազն 48 ժամ առաջ խնդրում ենք զանգահարել Գործադիր տնօրենի գրասենյակ (626) 931-7300 լրացուցիչ՝ 7204 հեռախոսահամարով:

ប្រសិនបើលោកអ្នកស្នើសុំសេវាកម្មបកប្រែភាសា សូមទាក់ទងមកករិយាល័យនាយកប្រតិបត្តិ តាមលេខទូរស័ព្ទ៖ (626) 931-7300 លេខបញ្ជូនបន្ត 7204 ដែលមានរយៈពេលយ៉ាងតិច 48 ម៉ោង មុនពេលកិច្ចប្រជុំ។

در صورت نیاز به خدمات ترجمه، لطفاً حداقل 48 ساعت قبل از جلسه ملاقات با مدیر اجرایی دفتر به شماره (626)931-7300 داخلی 7204 تماس حاصل فرمایید.

หากคุณต้องการบริการการแปลภาษากรุณาติดต่อสำนักงานผู้อำนวยการบริหารที่ (626) 931-7300 ต่อ 7204, อย่างน้อย 48 ชั่วโมงก่อนที่จะมีการประชุม



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7. CONTRACT AMENDMENT - ON-CALL ARCHITECTURAL, DESIGN AND ENGINEERING SERVICES FOR THE SECURITY ENHANCEMENT PROJECT AT THE ARCADIA-IRWINDALE OPERATIONS AND MAINTENANCE FACILITY

Recommended Action: Authorize the Executive Director to execute a contract amendment in the amount of \$145,347.45 under Contract No. 20-038 with Stantec Architecture Inc. for the provision of On-Call Architectural & Engineering Services related to the security enhancement project at the Arcadia-Irwindale Operations & Maintenance (O&M) facility.

8. TRAVEL AND EXPENSE REIMBURSEMENT POLICY

Recommended Action: Approve changes to the Travel and Expense Reimbursement Policy as identified in Attachment A.

9. FISCAL YEAR 2021 SECOND QUARTER BUDGET UPDATE

Recommended Action: Receive and file the second quarter budget update for the fiscal year ending on June 30, 2020.

REGULAR AGENDA:

10. POTENTIAL CAL POLY POMONA TRANSIT CENTER AND CLASS PASS PROGRAM

Recommended Action: Provide direction to staff as appropriate regarding a Transit Center project and Class Pass program at Cal Poly Pomona.

11. COVID-19 VACCINE CLINIC LOCATIONS

Recommended Action: Provide direction to staff as appropriate related to supporting the community with COVID-19 vaccination access.

12. CDC MASK ORDER AND TSA SECURITY DIRECTIVE

Recommended Action: Receive and file a report on the January 29, 2021 Mask Order issued by the Centers for Disease Control and Prevention (CDC) and the January 31, 2021 Security Directive issued by the Transportation Security Administration (TSA).



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13. ZERO EMISSIONS DOUBLE DECK BUS PROGRAM

Recommended Action: Endorse the proposed Zero Emissions Double Deck Program and authorize the Chief Executive Officer to seek funding for the project.

14. CHIEF EXECUTIVE OFFICER COMMENT

15. BOARD MEMBER COMMENT

16. ADJOURNMENT

The next Regular Meeting of the Executive
Board is scheduled for
Friday, March 26, 2021 at 9:15 a.m.



Foothill Transit

**STATEMENT OF PROCEEDINGS FOR THE
REGULAR MEETING OF THE
FOOTHILL TRANSIT EXECUTIVE BOARD
TELECONFERENCE VIA ZOOM**

**FOOTHILL TRANSIT ADMINISTRATIVE OFFICE
2ND FLOOR BOARD ROOM
100 S. VINCENT AVENUE
WEST COVINA, CALIFORNIA 91790**

**Friday, January 29, 2021
9:15 a.m.**

1. CALL TO ORDER

The meeting was called to order by Chair Sternquist at 9:57 a.m.

2. ROLL CALL

Roll call was taken by Christina Lopez, Board Secretary.

Present: Member Gary Boyer, Member Cory Moss, Member Becky Shevlin,
Vice Chair Corey Calaycay, Chair Cynthia Sternquist

3. APPROVAL OF AGENDA

Motion by Vice Chair Calaycay, second by Member Moss, the Board approved the agenda as presented.

4. REVIEW & APPROVAL OF THE MINUTES

Approval of the minutes for the Special Meeting of December 11, 2020 and Regular Meeting of December 18, 2020.

Motion by Member Boyer, second by Vice Chair Calaycay, the minutes for the Special Meeting of December 11, 2020 and Regular Meeting of December 18, 2020 were approved.

5. INTRODUCTION OF FOOTHILL TRANSIT BUSINESS PARTNERS

There were no presentations by Foothill Transit Business Partners.

6. PUBLIC COMMENT

No members of the public addressed the Foothill Transit Executive Board.

6.1. Chief Executive Officer Response to Public Comment

There was no response to Public Comment by the Chief Executive Officer.

CONSENT CALENDAR

7. **NOVEMBER 2020 FINANCIAL STATEMENTS AND INVESTMENT SUMMARY**

Recommendation: Receive and file the Financial Statements and Investment Summary year-to-date report through November 30, 2020. The attached Financial Statements and Investment Report summarize Foothill Transit's unaudited operations and financial condition as of November 30, 2020, for the fiscal year ending June 30, 2021.

Motion by Member Shevlin, second by Member Moss, to receive and file. Motion carried 5-0.

8. **SOLE SOURCE CONTRACT AWARD - SCHEDULING SOFTWARE MAINTENANCE AND SUPPORT**

Recommendation: Authorize the Chief Executive Officer to enter into a sole source agreement with Giro in the amount of \$577,879 for the five-year potential life of the agreement for maintenance and support of Foothill Transit's route scheduling software. The contract will have a three-year base term with two one-year options.

Motion by Member Shevlin, second by Member Moss, to approve. Motion carried 5-0.

9. **CONTRACT AWARD - BACKUP HARDWARE AND SOFTWARE**

Recommendation: Receive and file this update on the award of Contract No. 21-039 to Nth Generation Computing Inc. for the purchase of a new backup and recovery hardware and software solution in the amount of \$83,609.46.

Motion by Member Shevlin, second by Member Moss, to receive and file. Motion carried 5-0.

10. **TRANSPORTATION FUND EXCHANGE**

Recommendation: Authorize the Chief Executive Officer to execute an assignment agreement with the City of Diamond Bar to exchange Foothill

Transit general use funds for the city's Proposition A Transportation Local Return funds.

Motion by Member Shevlin, second by Member Moss, to approve. Motion carried 5-0.

REGULAR AGENDA

11. JANUARY 2021 LEGISLATIVE SUMMARY

Recommendation: Recommended Action: Receive and file the January 2021 Legislative Summary.

David Reyno, Director of Government Relations and Jan Powell, Foothill Transit Advocate, presented this item.

Jan Powell, Powell Consulting, D.C., reported on the national election results, President Biden's transportation appointees, and the legislative agenda for the 117th Congress. She also reviewed Foothill Transit's priorities which include robust transit funding, continued COVID-19 relief funding, zero-emissions bus procurement, alternative fuel tax provisions, and Buy America provisions.

Mr. Reyno provided a state update. He reported that the California Legislature reconvened on January 11th for the start of the 2021-2022 Regular Legislative Session. The legislative session is expected to focus on bills and budget measures that address the state's response to the ongoing pandemic. On January 8th Governor Newsom submitted his 2021-2022 state budget proposal, which focuses on COVID-19 response and relief efforts.

Received and filed.

12. CONTRACT AWARD - COMPREHENSIVE OPERATIONAL ANALYSIS (COA)

Recommendation: Authorize the Chief Executive Officer to negotiate final terms and conditions and enter into Agreement No. 21-004 with Nelson\Nygaard Consulting Associates, Inc., (Nelson Nygaard) in the amount of nine hundred forty-eight thousand and ninety-five dollars (\$948,095) for completion of a Comprehensive Operational Analysis (COA).

Joe Raquel, Director of Planning, presented this item.



Mr. Raquel presented the overall project objectives. He reported that on December 2, 2020, four submittals were received, and virtual interviews were held on January 5, 2021. The highest rated proposer was Nelson/Nygaard Consulting Associates, Inc. Mr. Raquel introduced Thomas Wittman, the proposed Project Manager for the COA. Mr. Wittman introduced some of the firms they will be working with and he thanked the Executive Board for the opportunity.

Mr. Raquel stated that the cost of the COA would be partially funded through a Caltrans Sustainable Transportation Planning Grant Program.

Motion by Vice Chair Calaycay, second by Member Shevlin, to approve. Motion carried 5-0.

13. **OPTION EXERCISE - TRANSIT SERVICES - POMONA FACILITY (AGREEMENT NO. 17-001)**

Recommendation: Authorize the Chief Executive Officer to exercise the four-year option on Agreement No. 17-001 with Keolis Transit for transit service operated out of Foothill Transit's Pomona facility.

LaShawn King Gillespie, Director of Operations and Customer Service, presented this item.

Ms. Gillespie reported that Keolis has been operating transit services at the Pomona Operations and Maintenance Facility since July 1, 2017. The base term on the contract ends on June 31, 2021. The agreement includes a 4-year option. Ms. Gillespie recommended that the Executive Board exercise the available 4-year option. The budget impact of the 4-year contract is \$122 million, which is a 1.55 percent annual cost increase.

Erika Mazza, Keolis Vice President of Operations - West and Andres De Los Rios, Keolis General Manager for the Pomona Operations and Maintenance Facility addressed the Executive Board. They both thanked the Board for the partnership and shared recent accomplishments

Motion by Member Shevlin, second by Member Shevlin, to approve. Motion carried 5-0.

14. **CONTINUED PUBLIC COMMENT**

Public comment was not reopened as the Public Comment period was

concluded earlier in the agenda (Item 6).

15. **CHIEF EXECUTIVE OFFICER COMMENT**

Comments by Mr. Doran J. Barnes, Chief Executive Officer, Foothill Transit.

Mr. Barnes reported the following:

- Due to COVID-19 and financial uncertainties, the Strategic Planning Workshop usually held in February will not be held. It's anticipated that the Executive Board will meet in February. Mr. Barnes will work with the Chair to finalize details.
- Mr. Barnes reintroduced Foothill Transit Chief of Safety and Security John Curley, and asked if members of the Executive Board had any questions of Mr. Curley.

16. **BOARD MEMBER COMMENT**

Comments by Members of the Foothill Transit Executive Board.

- Member Boyer asked Mr. Curley about the obstacles with transit and homelessness. Mr. Curley indicated that one of his challenges is learning the transit system and navigating the legal issues. He indicated that there are plenty of resources that may help mitigate the issue and he looks forward to working on this challenge.

17. **CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

(Gov't. Code § 54957)

Title: Chief Executive Officer

The Executive Board recessed in to Closed Session at 10:48 a.m.

18. **CLOSED SESSION REPORT**

The Executive Board reconvened at 11:10 a.m.

Darold Pieper, General Counsel, reported that there were no reportable actions.



19. **ADJOURNMENT**

Adjournment for the January 29, 2021 Foothill Transit Executive Meeting.

There being no further business, the Foothill Transit Executive Board meeting adjourned in the memory of Bill Jackson and victims of COVID-19 at 11:10 a.m.



February 26, 2021

To: Executive Board

Subject: **Request to Issue Invitation for Bids (IFB) No. 21-069 - Replacement of Heating, Ventilation and Air Conditioning (HVAC) Equipment at Foothill Transit's Arcadia-Irwindale Operations and Maintenance Facility**

Recommendation

Authorize the Chief Executive Officer to issue IFB No. 21-069 for replacement of the HVAC equipment at Foothill Transit's Arcadia-Irwindale Operations and Maintenance Facility.

Analysis

The Arcadia-Irwindale Operations and Maintenance Facility became operational in 2002. The facility's existing HVAC system, original to the facility, is nearly 20 years old and is beyond its useful life as defined in the agency's Transit Asset Management (TAM) Plan. In addition, recent reoccurring maintenance issues underscore the need for replacement of the HVAC rooftop equipment.

The facility's HVAC system is comprised of 14 split condensing/fan coil units and five package air units. The split system units serve the maintenance and administrative offices and the package air units serve the operations areas. In accordance with the latest California Building Code, new plans call for replacement of existing equipment with equipment which is more energy efficient. In addition, select damper zones will be modified to improve heating and cooling air flow where previous deficiencies have been identified. Plans are currently under plan check review with the City of Irwindale and approval is expected in the coming weeks.



Special Executive Board Meeting - 02/26/2021
Request to Issue Invitation for Bids (IFB) No. 21-069 -
Replacement of Heating, Ventilation and Air Conditioning (HVAC)
Equipment at Foothill Transit's Arcadia-Irwindale Operations &
Maintenance Facility

Budget Impact

Funding for the replacement of the HVAC equipment at Foothill Transit's Arcadia-Irwindale Operations & Maintenance Facility is included as part of Foothill Transit's FY2021 Business Plan under capital project #0202 Arcadia HVAC Replacement.

Sincerely,

Vincent Saucedo
Construction Project Manager

Doran J. Barnes
Chief Executive Officer

Chris Pieper
Director of Procurement

Michelle Lopes Caldwell
Director of Finance and Treasurer



February 26, 2021

To: Executive Board

Subject: **Contract Amendment - On-call Architectural, Design and Engineering Services for the Security Enhancement Project at the Arcadia-Irwindale Operations and Maintenance Facility**

Recommendation

Authorize the Chief Executive Officer to execute a contract amendment in the amount of \$145,347.45 under Contract No. 20-038 with Stantec Architecture Inc. for the provision of On-Call Architectural & Engineering Services related to the security enhancement project at the Arcadia-Irwindale Operations & Maintenance (O&M) facility.

Analysis

In recent months, there has been several instances of vandalism and theft at the Arcadia-Irwindale employee overflow parking lot. In order to deter further vandalism, the overflow parking area will need to be better secured.

In June 2020, Foothill Transit entered into Contract 20-038 with Stantec for On-Call Architectural & Engineering Services. In November 2020, Foothill Transit issued Task Order 04 for design services related to the proposed security enhancements at the employee overflow parking lot at the Arcadia-Irwindale Operations and Maintenance facility. Stantec has submitted a proposal for design services including architectural, civil and electrical disciplines as required for Task Order 04 for a not-to-exceed amount of \$145,347.45. However, the proposal amount exceeds the Executive Director's approval limit for task orders under on-call A&E contracts, as per Foothill Transit's Procurement Policy. Task orders under the on-call A&E Services contract are specifically limited to projects where the value of the services provided is less than \$100,000.

Staff recommends authorizing design services related to proposed security enhancements at the employee overflow parking lot at the Arcadia-Irwindale Operations and Maintenance facility for expediency.



Special Executive Board Meeting - 02/26/2021
Contract Amendment - On-call Architectural, Design and
Engineering Services for the Security Enhancement Project at the
Arcadia-Irwindale Operations and Maintenance Facility
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Budget Impact

Funding for on-call Architectural & Engineering services is included in Foothill Transit's adopted Fiscal Year 2021 Business Plan under capital project #204 Operations Facilities Security Projects.

Sincerely,

Vincent Saucedo
Construction Project Manager

Doran J. Barnes
Chief Executive Officer

Chris Pieper
Director of Procurement

Michelle Lopes Caldwell
Director of Finance and Treasurer



February 26, 2021

To: Executive Board

Subject: **Travel and Expense Reimbursement Policy**

Recommendation

Approve changes to the Travel and Expense Reimbursement Policy as identified in Attachment A.

Analysis

The Foothill Transit Travel and Expense Reimbursement policy was adopted by the Board on March 25, 2011. The policy has been updated to clarify the guidelines for mileage reimbursement when an employee uses a personal vehicle for short trips for business purposes.

The Foothill Transit policy mirrors the federal expense reimbursement guidelines and clarifies the methodology used to calculate the reimbursement amount.

Budget Impact

Funding for all travel and meetings is included in the approved FY2021 budget.

Sincerely,

Michelle Lopes Caldwell
Director of Finance & Treasurer

Doran J. Barnes
Chief Executive Officer

Attachment



Foothill Transit

TRAVEL AND EXPENSE REIMBURSEMENT POLICY

INTRODUCTION:

The purpose of this policy is to promote accountability and timely accounting of financial activity while allowing Foothill Transit Board and Team Members (Team Members) the opportunity to attend meetings and conferences. Foothill Transit Team Members are expected to show good judgment and have proper regard for economy in the course of traveling or entertaining in connection with Foothill business. Any expense for which a Team Member requests reimbursement should be necessary and clearly relate to the conduct of Foothill Transit business.

The following list of expense classification is for information and guidance in determining expenses which are appropriate to travel and entertainment for business-related purposes.

These guidelines are not intended to address every issue, exception, or contingency that may arise in the course of travel. Accordingly, the basic standard that should always prevail is to exercise good judgment in the use and stewardship of Foothill Transit's resources.

ADVANCES:

Advances for travel shall be limited to, reasonable meal and miscellaneous expense. When applicable, advances will be paid directly to the Team Member. Team Members will be responsible for requesting an advance with sufficient lead time to be available prior to their departure.

TRANSPORTATION:

Air Travel

Air travel will be actual round-trip fare based on the most direct route. Coach or economy class accommodations shall be utilized when traveling by commercial airlines. All travel arrangements should be made as soon as approval for the trip has been obtained so that the lowest possible fares can be negotiated (preferably three ~~(3)~~ weeks in advance).

Private Automobile

Long Distance Travel

With specific permission from either the Team Member's Department Director or the Executive Director, a private automobile may be used for long distance travel and reimbursement approved in an amount not to exceed the appropriate coach or economy class airfare which would have been paid for such travel. Reimbursement will be based on the lower of the actual mileage driven at the current mileage rate in effect by the Internal Revenue Service (IRS) or the appropriate airfare. When driving time exceeds actual flying time, non-exempt staff will not be allowed the use of a private vehicle. The use of a private vehicle requires insurance coverage equal to or in excess of Foothill Transit's insurance requirements with proof on file in the HR Department.

Local Travel

Use of a private automobile for short trips of a business nature will be ~~reimbursed for actual mileage driven~~ reimbursed at the current mileage rate in effect by the IRS. Reimbursable mileage incurred on workdays is the net of the total trip mileage less the normal commute mileage. Normal commute mileage is the mileage from the employee's primary residence to the regularly assigned work location and back. The traveler is responsible for providing the

commuting “to” and “from” addresses or attaching a Mapquest reference to the travel expense report for mileage verification. Non-workday mileage is fully reimbursable. (Note insurance requirement above)

Company Vehicles

The use of Company vehicles is encouraged whenever one is available for business-related travel. Any Eligible Team Member who does not have a company vehicle assigned to them can sign out a vehicle. If a company vehicle is not available, a private automobile may be used.

Vehicle Rentals

Expenses for such transportation may be authorized where such conveyance is reasonable and necessary to conduct Foothill Transit business. When possible, advance reservations are to be made to assure the lowest rate. Automobile rentals must be approved in advance by the employee’s department director or Executive Director and receipts must be provided to obtain reimbursement. Only mid-size vehicles or vehicles with an equivalent rental rate will be authorized. The use of airport and hotel shuttles is strongly encouraged when traveling out of town, instead of vehicle rental when practicable and more cost efficient.

Garage and Parking Expenses

When on Foothill Transit business, charges for parking private and Foothill Transit vehicles will be reimbursed. Receipts for such expenses must be submitted with a request for reimbursement. When traveling, the expense of long-term airport parking should be weighed against the cost of airport shuttle service.

LODGING:

Expenses will be allowed for adequate and appropriate lodging when traveling. Hotel accommodations should be appropriate to the purpose of the trip, and when possible should be secured at commercial rates. Receipts for lodging must be returned to Travel Coordinator when paid directly by Foothill Transit or provided with Expense Report Reconciliation for credit card reconciliation or to obtain reimbursement, if applicable. Personal expenses while traveling on Foothill Transit business will not be reimbursed unless unusual circumstances dictate, e.g. movies and entertainment are not allowable.

Although strongly discouraged, Foothill Transit may pay the cost of lodging within the Los Angeles region at the discretion of the Executive Director for one or more of the following reasons:

- Special training, meeting, or professional development seminar begins at an unusually early hour or ends at an unusually late hour;
- Distance between the attendee’s residence and the site is unusually great;
- Other compelling reason acceptable to the Executive Director.

The Los Angeles region is defined as Los Angeles County and the counties contiguous to its borders. Travel is defined as a destination farther than a fifty (50) mile radius of either the traveler’s primary residence or regularly assigned worksite, whichever is closer, and/or overnight lodging is requested.

MEALS:

Reasonable expenses for meals may be authorized when traveling or entertaining as required by official duties. Team Members traveling on Foothill Transit business shall be entitled to reimbursement of expenses incurred for meals not to exceed breakfast, lunch and dinner in any one day (12:01AM – 12:00 midnight). Receipts for meals must be provided to

obtain reimbursement for actual expenditures. The receipt should be dated with the total shown, including tips.

Team Members on extended travel (five or more consecutive days) will have the option to receive per-diem expense reimbursements based on the Office of U.S. General Services Administration (GSA) established per-diem rates. The rate will be determined prior to the trip departure and is comprised of two factors, lodging and meals and incidental expenses. The Team Member along with the department director and Executive Director will establish the appropriate per-diem rate based on the GSA. The per diem rate will be for meals and incidental expense when the lodging has been pre-paid by Foothill Transit.

Team Members who, during the normal course of performing their duties, provide meals for representatives of governmental agencies or other persons doing business with the agency in order to most effectively execute their responsibilities, may be authorized reimbursement for the expense of such meals. A copy of the bill or credit card or other receipt for the meal(s) must include a description of the purpose of the meal and the participants when submitted for reimbursement.

OTHER COSTS:

Tips and Gratuities

Reasonable expenses for tips are allowable for meals, hotel and transportation purposes.

Registration Fees

Fees charged for registration at any convention or meeting will be reimbursed when attendance is authorized.

Telephone and Internet:

Telephone, internet and telefax expenses may be incurred for the conduct of business by Team Members traveling in conjunction with their official capacities. Additionally, reasonable calls to the place of residence when out of the area on travel will be reimbursed. Prepaid phone cards are strongly encouraged especially for extended periods of travel, which can greatly reduce phone costs. Personal phone calls will be limited to five dollars per night of lodging.

It is the policy of the Foothill Transit that no Team Member shall sustain personal monetary loss as a result of duties performed in the service of Foothill Transit. However, all expenditures and requests for reimbursement shall logically relate to the conduct of business and shall be necessary to accomplish the purposes of such business.

EXPENSE TRACKING & REPORTING:

All reasonable and necessary expenses required to complete your work will be reimbursed. The accounting/reconciliation of these expenses will be done using the Expense Report Reconciliation form.

The completed and approved Expense Report Reconciliation form is due with all receipts, documentation and any amount due Foothill Transit from an advance to the Finance department seven days after returning from a trip/conference or incurring an expense. It is understood that staff may elect to hold several small expenditures (items less than \$25) before requesting reimbursement. In the event an Expense Reports Reconciliation is outstanding where an advance was authorized future advances will not be processed/authorized.

Selected Team Members may receive Foothill Transit (company) credit cards to be used for travel-related expenditures that can be charged to the credit card. These individuals will not have an option to request an advance. Monthly credit card statements with detailed activity and a balance due will be sent to them which will require the preparation of an Expense Report Reconciliation form to adequately report the expenditures and process the payment due. Misuse of credit cards including late processing of payment due will be subject to discipline up to and including termination.

Changes to traveler's itinerary that increase cost after confirmation of airfare, lodging and or rental car, for purely personal reasons will be the responsibility of the traveler.

Policy History:

March 25, 2011 – Adoption by the Foothill Transit Board

August 28, 2015 – Revised to reflect allowable circumstances for overnight lodging within Los Angeles region

February 2021 – Revised to clarify personal automobile mileage reimbursement



February 26, 2021

To: Executive Board

Subject: **Fiscal Year 2021 Second Quarter Budget Update**

Recommendation

Receive and file the second quarter budget update for the fiscal year ending on June 30, 2020.

Analysis

As of December 31, 2020, Foothill Transit has expended approximately \$2.9 million less than the approved year-to-date operating budget of \$53.8 million. Many underruns are due to timing delays or cancellations of events. Each department has continued to work towards its individual goals and objectives for the fiscal year. After a careful review of the second quarter budget and expenditures, the team is forecasting that Foothill Transit will end the fiscal year within the approved operating budget. Current COVID related expenses that impact the operating budget amount to approximately \$260k.

Operating Accomplishments

With safety for customers and staff as its highest priority, Foothill Transit has continued providing essential services to the community. Every department has worked tirelessly to deliver service amid the COVID-19 pandemic. One of the major accomplishments during the second quarter was the resumption of fare collection as installation of protective driver barriers was completed. Another major accomplishment is the continuation of technical and operational support to both operations and maintenance facilities, as well as the transit stores, that have met the requirements for reopening.

Capital Program Accomplishments

Achievements during the second quarter of FY2021 in capital programs include a continuation of the bus heavy maintenance program; delivery of the 24 New Flyer articulated buses, facilities equipment replacement and repair at the Pomona and Arcadia/Irwindale locations, and the commencement of the Hydrogen Fuel Cell study.



Budget Impact

The second quarter budget analysis identified continued savings across each department. A portion of the savings are largely related to cancellations of events such as trainings or the shift to virtual meetings.

Additionally, the unexpected delay to construction of the Downtown LA layover lot has resulted in savings from lease payments. Additional savings has occurred in fuel expense as service has been adjusted to meet the needs of the communities we serve.

Looking ahead, we will see an increase in consulting services as work towards Foothill Transit's Comprehensive Operational Analysis will commence in the third quarter.

Foothill Transit has continued to feel the impacts of the COVID-19 pandemic. Through the same period last fiscal year, Foothill Transit had collected \$8.2 million of fare revenue. Fare collection resumed in October 2020 and Foothill Transit has collected approximately \$597k of fare revenue through the end of the second quarter. Foothill Transit is forecasting fare revenue to end the year approximately \$4 million less than the budgeted fare revenues of \$6.75 million. Foothill Transit successfully drew down 100% of the CARES Act federal funds to assist with this year's revenues.

The budget will continue to be reviewed and analyzed on a quarterly basis to ensure budget adherence and identify future improvements.

Sincerely,

Michelle Lopes Caldwell
Director of Finance and Treasurer

Doran J. Barnes
Chief Executive Officer

Attachment

TOTAL BUDGET BY DEPARTMENT
FY2021 Quarterly Budget Variance Report QTR 2
07/01/2020 to 12/31/2020

DEPARTMENTS		Budget Y-T-D	Actual Y-T-D	Variance Fav(unf)
1	Customer Service & Operations	\$46,139,811	\$45,480,441	\$659,370
2	Maintenance & Vehicle Technology	421,860	361,832	60,028
3	Marketing and Communications	1,106,981	591,800	515,181
4	Information Technology	1,111,542	699,349	412,193
5	Administration	1,079,619	870,958	208,661
6	Procurement	434,371	280,310	154,061
7	Government Relations	474,860	279,150	195,710
8	Finance	955,754	748,784	206,970
9	Planning	817,181	438,581	378,600
10	Facilities	1,273,068	1,072,322	200,746
11	TOTAL	\$53,815,047	\$50,823,526	\$2,991,521



February 26, 2021

To: Executive Board

Subject: **Potential Cal Poly Pomona Transit Center and Class Pass Program**

Recommendation

Provide direction to staff as appropriate regarding a Transit Center project and Class Pass program at Cal Poly Pomona.

Analysis

- **Transit Center Concept**

Over the past several months, there have been preliminary discussions between Foothill Transit staff and Cal Poly Pomona staff regarding the feasibility of a transit center on the campus of the university. The campus provides education to 26,000 students and employs numerous faculty and staff. A conveniently located transit center on the Cal Poly campus has the potential of generating significant ridership on Foothill Transit's service and removing cars and reducing traffic congestion on neighboring freeways and arterials as the university is currently served by seven Foothill Transit Lines - Lines 190, 194, 195, 289, 480, 482, and 486.

The university president and her staff have indicated keen interest in the development of a state-of-the-art transit center on the campus and have included such a facility in the campus master plan.

In light of the interest expressed by the leadership of the university, staff would appreciate the Board's guidance on the concept of developing a transit center on the Cal Poly campus. If the project were to proceed, one of the first actions would be to reprogram \$200,000 in capital funding to conduct a feasibility study.

- **Class Pass Pilot Concept**

Foothill Transit's Class Pass programs at Mt. San Antonio College, University of La Verne, Citrus College, and The Claremont Colleges have been successful programs that have attracted new riders. These partnerships have allowed students at our local colleges to ride with discounted fares, increase mobility options at the universities, and increase ridership. In addition, the program could lead to future ridership as students are able to experience the benefits



of riding public transportation not only for school, but also for work and leisure activities.

We continue to seek new opportunities and partnerships to grow the program and ridership. Cal Poly Pomona, with a total enrollment of over 26,000 students, has been high on the priority list. The campus is also currently served by seven Foothill Transit lines, as noted above. Over the past few months, Foothill Transit has engaged in multiple discussions with Cal Poly Pomona staff to work toward improving connectivity for its students.

Typically, we enter into a one-year pilot period to promote the partnership, identify and analyze ridership, and understand the funding needs. The COVID-19 pandemic has impacted on-campus activities and housing at Cal Poly Pomona over the past school year and the university is continuing to make plans to allow students back to campus safely. We believe it will be beneficial to pursue a two-year pilot Class Pass program with the university particularly in light of the uncertainty related to COVID.

Guidance from the Board will shape our next steps in advancing both of these projects.

Sincerely,

Sharlane Bailey
Director of Facilities

Doran J. Barnes
Chief Executive Officer

Hendy Satya
Marketing and Communications Manager



February 26, 2021

To: Executive Board

Subject: **COVID-19 Vaccine Clinic Locations**

Recommendation

Provide direction to staff as appropriate related to supporting the community with COVID-19 vaccination access.

Analysis

In January, Covina City Manager Chris Marcarello, Emergency Operations Center (EOC) Coordinator Mike Hillman, and then-Chief of Police John Curley approached us to discuss a possible partnership to provide COVID-19 vaccine access to eligible L.A. County residents. The discussions included representatives from Albertson's Pharmacy division and was centered on the feasibility of utilizing the Foothill Transit parking structure in Covina as a vaccination clinic.

As envisioned, Albertson's Pharmacy vaccine coordinators would manage the appointment process and administration of the vaccines. City of Covina and Foothill Transit staff volunteers would be onsite each Saturday of the vaccine clinic to assist with logistics. As this activity would occur on Saturdays when we don't operate our commuter service, we don't anticipate any negative impacts to our customers on those days. Given the relatively low number of customers using this park and ride to access our express lines, the facility could even be used during weekdays for this purpose if that option becomes available. To allow for better access to the vaccination site, we plan to increase Saturday frequency on Line 281 from hourly to every 30 minutes beginning one hour before the clinic opens and continuing for one hour after the clinic closes.

In addition to the potential Covina Park & Ride vaccine clinic, we have also been in discussions with Albertson's Pharmacy representatives regarding the feasibility of utilizing one or more of Foothill Transit's coaches as mobile vaccination clinics. The bus or buses would be parked at designated times and locations throughout our service area to afford improved access to the vaccine to more vulnerable, less mobile populations.

Our team has also been tracking vaccination site locations as they open up throughout our service area to ensure we provide accurate information to our customers and the best possible access to the sites.



We have confirmed with our local Federal Transit Administration (FTA) representatives that such use of our buses and facilities to help combat the COVID-19 pandemic is considered allowable incidental use of the federally-funded assets.

Budget Impact

There is some nominal cost associated with higher utility usage at the Covina Park & Ride facility on the days it is used as a vaccination clinic. The cost for increased frequency on Line 281 per Saturday is just under \$600. Also, use of a bus and coach operator to facilitate a mobile vaccination clinic incurs an hourly cost to Foothill Transit of \$71.31 per bus and operator. These activities will be funded through savings experienced in the first six months of the fiscal year or by accessing any COVID-19 related funding for vaccinations that might be available.

Sincerely,

Kevin Parks McDonald
Deputy Chief Executive Officer

Doran J. Barnes
Chief Executive Officer



February 26, 2021

To: Executive Board

Subject: **CDC Mask Order and TSA Security Directive**

Recommendation

Receive and file a report on the January 29, 2021 Mask Order issued by the Centers for Disease Control and Prevention (CDC) and the January 31, 2021 Security Directive issued by the Transportation Security Administration (TSA).

Analysis

On January 21, 2021, President Biden issued an Executive Order on Promoting COVID-19 Safety in Domestic and International Travel (Attachment A). The order requires that masks be worn in compliance with Centers for Disease Control guidelines on all forms of public transportation as specifically defined in 5302 of title 49, United States Code. This Executive Order extended regulatory authority to the various executive departments and agencies to take action to require masks to be worn in compliance with CDC guidelines.

On January 27, 2021, the Acting Secretary of Homeland Security determined a national emergency existed which resulted in the Transportation Security Administration (TSA) issuing Security Directive 1582/84-21-01 on January 31, 2021 (Attachment B). The objective of the directive is to implement the Executive Order following the CDC guidelines requiring masks to be worn to mitigate the spread of COVID-19. TSA developed specific requirements in consultation with the Department of Transportation and the CDC.

Also in response to the President's Executive Order, on January 29 the CDC issued an order directing that appropriate face coverings be worn by all persons on all forms of public transportation (Attachment C).

The TSA Security Directive, which became effective on February 1 and will be in effect through May 11, 2021, includes specific actions required under this security directive.

- Owners/Operators must notify passengers with prominent and adequate notice of the mask requirements to facilitate awareness and compliance.
- The messaging must include a statement that Federal law requires wearing a mask while on the conveyance and that failure to comply may result in denial of boarding or removal.



- The owners/operators must notify passengers that refusing to wear a mask is a violation of federal law and that passengers may be subject to penalties under federal law.

In addition to notifying passengers, the order states that owner/operators must require that individuals wear a mask in a public transportation, passenger railroad, or bus conveyance as well as while in public areas of transportation facilities.

The CDC Order provides further details for compliance. It details the responsibilities of the owner/operators of the conveyance to require masks for all persons when boarding, disembarking, and for the duration of travel by setting agency policy and requirements of passengers. It continues by outlining that the bus operator must make best efforts to ensure that this regulation is met. Those efforts are to include:

- Boarding only those persons who wear masks;
- Instructing persons that Federal law requires wearing a mask on the conveyance and failure to comply constitutes a violation of Federal law;
- Monitoring persons onboard the conveyance for anyone who is not wearing a mask and seeking compliance from such persons;
- At the earliest opportunity, disembarking any person who refuses to comply; and
- Providing persons with prominent and adequate notice to facilitate awareness and compliance of the requirement to wear a mask.

The Security Directive supports the existing countywide mask ordinance in that it grants to the TSA the authority to ensure that transportation providers enforce the mask order, however it does not direct that the TSA engage with transit customers or the public in general to ensure that they are following the mask order.

Foothill Transit has had a mask requirement for passengers and operations since April 2020. This requirement has been communicated to customers using onboard signage, onboard vehicle announcements, a social media campaign, and website postings. Operators and Customer Service Representatives have been provided with custom Foothill Transit masks, and paper disposable masks are available at Foothill Transit facilities. Masks are required to be worn while operating a vehicle with customers on board and when providing customer service. Operators and Road Supervisors also have masks available to them to be provided to customers.



To achieve our overarching safety objective, coach operators have been trained to quote the mask requirement but not to confront customers so as to avoid any action that could result in an altercation between an operator and the customer. In compliance with this directive, Keolis and Transdev have been training operators on actions required should a passenger waiting to board a bus or while in transport does not have an appropriate mask or wear it properly. The training includes steps to take should the customer fail to comply, including contacting dispatch. Dispatch and Road Supervisors are also provided training and direction on their responsibilities for responding to these notifications coming from coach operators. Foothill Transit staff will work with each of the contractors in gathering information on mask compliance and communicating required information to the TSA as required in the directive. We continue to stay abreast of information and guidance from the FTA and APTA and lessons learned from other transit agencies as we work to ensure compliance with the Security Directive.

Sincerely,

Kevin Parks McDonald
Deputy Chief Executive Officer

Doran J. Barnes
Chief Executive Officer

BRIEFING ROOM

Executive Order on Promoting COVID-19 Safety in Domestic and International Travel

JANUARY 21, 2021 • PRESIDENTIAL ACTIONS

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. Science-based public health measures are critical to preventing the spread of coronavirus disease 2019 (COVID-19) by travelers within the United States and those who enter the country from abroad. The Centers for Disease Control and Prevention (CDC), the Surgeon General, and the National Institutes of Health have concluded that mask-wearing, physical distancing, appropriate ventilation, and timely testing can mitigate the risk of travelers spreading COVID-19. Accordingly, to save lives and allow all Americans, including the millions of people employed in the transportation industry, to travel and work safely, it is the policy of my Administration to implement these public health measures consistent with CDC guidelines on public modes of transportation and at ports of entry to the United States.

Sec. 2. Immediate Action to Require Mask-Wearing on Certain Domestic Modes of Transportation.

(a) **Mask Requirement.** The Secretary of Labor, the Secretary of Health and Human Services (HHS), the Secretary of Transportation (including through the Administrator of the Federal Aviation Administration (FAA)), the Secretary of Homeland Security (including through the Administrator of the Transportation Security Administration (TSA) and the Commandant of the United States Coast Guard), and the heads of any other executive departments and agencies (agencies) that have relevant regulatory authority (heads of agencies) shall immediately take action, to the extent appropriate and consistent with applicable law, to require masks to be worn in compliance with CDC guidelines in or on:

- (i) airports;
- (ii) commercial aircraft;
- (iii) trains;

- (iv) public maritime vessels, including ferries;
- (v) intercity bus services; and
- (vi) all forms of public transportation as defined in section 5302 of title 49, United States Code.

(b) Consultation. In implementing this section, the heads of agencies shall consult, as appropriate, with interested parties, including State, local, Tribal, and territorial officials; industry and union representatives from the transportation sector; and consumer representatives.

(c) Exceptions. The heads of agencies may make categorical or case-by-case exceptions to policies developed under this section, consistent with applicable law, to the extent that doing so is necessary or required by law. If the heads of agencies do make exceptions, they shall require alternative and appropriate safeguards, and shall document all exceptions in writing.

(d) Preemption. To the extent permitted by applicable law, the heads of agencies shall ensure that any action taken to implement this section does not preempt State, local, Tribal, and territorial laws or rules imposing public health measures that are more protective of public health than those required by the heads of agencies.

(e) Coordination. The Coordinator of the COVID-19 Response and Counselor to the President (COVID-19 Response Coordinator) shall coordinate the implementation of this section. The heads of agencies shall update the COVID-19 Response Coordinator on their progress in implementing this section, including any categorical exceptions established under subsection (c) of this section, within 7 days of the date of this order and regularly thereafter. The heads of agencies are encouraged to bring to the attention of the COVID-19 Response Coordinator any questions regarding the scope or implementation of this section.

Sec. 3. Action to Implement Additional Public Health Measures for Domestic Travel.

(a) Recommendations. The Secretary of Transportation (including through the Administrator of the FAA) and the Secretary of Homeland Security (including through the Administrator of the TSA and the Commandant of the Coast Guard), in consultation with the Director of CDC, shall promptly provide to the COVID-19 Response Coordinator recommendations concerning how their respective agencies may impose additional public health measures for domestic travel.

(b) Consultation. In implementing this section, the Secretary of Transportation and the Secretary of Homeland Security shall engage with interested parties, including State, local,

Tribal, and territorial officials; industry and union representatives from the transportation sector; and consumer representatives.

Sec. 4. Support for State, Local, Tribal, and Territorial Authorities. The COVID-19 Response Coordinator, in coordination with the Secretary of Transportation and the heads of any other relevant agencies, shall promptly identify and inform agencies of options to incentivize, support, and encourage widespread mask-wearing and physical distancing on public modes of transportation, consistent with CDC guidelines and applicable law.

Sec. 5. International Travel.

(a) Policy. It is the policy of my Administration that, to the extent feasible, travelers seeking to enter the United States from a foreign country shall be:

- (i) required to produce proof of a recent negative COVID-19 test prior to entry; and
- (ii) required to comply with other applicable CDC guidelines concerning international travel, including recommended periods of self-quarantine or self-isolation after entry into the United States.

(b) Air Travel.

(i) The Secretary of HHS, including through the Director of CDC, and in coordination with the Secretary of Transportation (including through the Administrator of the FAA) and the Secretary of Homeland Security (including through the Administrator of the TSA), shall, within 14 days of the date of this order, assess the CDC order of January 12, 2021, regarding the requirement of a negative COVID-19 test result for airline passengers traveling into the United States, in light of subsection (a) of this section. Based on such assessment, the Secretary of HHS and the Secretary of Homeland Security shall take any further appropriate regulatory action, to the extent feasible and consistent with CDC guidelines and applicable law. Such assessment and regulatory action shall include consideration of:

- (A) the timing and types of COVID-19 tests that should satisfy the negative test requirement, including consideration of additional testing immediately prior to departure;
- (B) the proof of test results that travelers should be required to provide;
- (C) the feasibility of implementing alternative and sufficiently protective public health measures, such as testing, self-quarantine, and self-isolation on arrival, for travelers entering the United States from countries where COVID-19 tests are inaccessible, particularly where such inaccessibility of tests would affect the ability of United States citizens and lawful

permanent residents to return to the United States; and

(D) measures to prevent fraud.

(ii) The Secretary of HHS, in coordination with the Secretary of Transportation (including through the Administrator of the FAA) and the Secretary of Homeland Security (including through the Administrator of the TSA), shall promptly provide to the President, through the COVID-19 Response Coordinator, a plan for how the Secretary and other Federal Government actors could implement the policy stated in subsection (a) of this section with respect to CDC-recommended periods of self-quarantine or self-isolation after a flight to the United States from a foreign country, as he deems appropriate and consistent with applicable law. The plan shall identify agencies' tools and mechanisms to assist travelers in complying with such policy.

(iii) The Secretary of State, in consultation with the Secretary of HHS (including through the Director of CDC), the Secretary of Transportation (including through the Administrator of the FAA), and the Secretary of Homeland Security, shall seek to consult with foreign governments, the World Health Organization, the International Civil Aviation Organization, the International Air Transport Association, and any other relevant stakeholders to establish guidelines for public health measures associated with safe international travel, including on aircraft and at ports of entry. Any such guidelines should address quarantine, testing, COVID-19 vaccination, follow-up testing and symptom-monitoring, air filtration requirements, environmental decontamination standards, and contact tracing.

(c) Land Travel. The Secretary of State, in consultation with the Secretary of HHS, the Secretary of Transportation, the Secretary of Homeland Security, and the Director of CDC, shall immediately commence diplomatic outreach to the governments of Canada and Mexico regarding public health protocols for land ports of entry. Based on this diplomatic engagement, within 14 days of the date of this order, the Secretary of HHS (including through the Director of CDC), the Secretary of Transportation, and the Secretary of Homeland Security shall submit to the President a plan to implement appropriate public health measures at land ports of entry. The plan should implement CDC guidelines, consistent with applicable law, and take into account the operational considerations relevant to the different populations who enter the United States by land.

(d) Sea Travel. The Secretary of Homeland Security, through the Commandant of the Coast Guard and in consultation with the Secretary of HHS and the Director of CDC, shall, within 14 days of the date of this order, submit to the President a plan to implement appropriate public health measures at sea ports. The plan should implement CDC guidelines, consistent with applicable law, and take into account operational considerations.

(e) International Certificates of Vaccination or Prophylaxis. Consistent with applicable law, the Secretary of State, the Secretary of HHS, and the Secretary of Homeland Security (including through the Administrator of the TSA), in coordination with any relevant international organizations, shall assess the feasibility of linking COVID-19 vaccination to International Certificates of Vaccination or Prophylaxis (ICVP) and producing electronic versions of ICVPs.

(f) Coordination. The COVID-19 Response Coordinator, in consultation with the Assistant to the President for National Security Affairs and the Assistant to the President for Domestic Policy, shall coordinate the implementation of this section. The Secretary of State, the Secretary of HHS, the Secretary of Transportation, and the Secretary of Homeland Security shall update the COVID-19 Response Coordinator on their progress in implementing this section within 7 days of the date of this order and regularly thereafter. The heads of all agencies are encouraged to bring to the attention of the COVID-19 Response Coordinator any questions regarding the scope or implementation of this section.

Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,
January 21, 2021.

U.S. Department of Homeland Security
Transportation Security Administration
6595 Springfield Center Drive
Springfield, Virginia 20598



**Transportation
Security
Administration**

MEMORANDUM

To: Covered Owners/Operators

Date: January 31, 2021

Subject: Security Directive 1582/84-21-01

Attached to this memorandum is Security Directive (SD) 1582/84-21-01: Security Measures – Face Mask Requirements. This SD is issued to implement the January 21, 2021, Executive Order on promoting measures to prevent the spread of coronavirus disease 2019 (COVID-19) by travelers within the United States and those who enter the country from abroad. This SD also supports enforcement of the Centers for Disease Control and Prevention (CDC) Order mandating masks issued on January 29, 2021.

This SD applies to the passenger railroads, intercity bus services, and public transportation. Please refer to the SD for the specific applicability.

All queries concerning the attached SD should be submitted to TSA via email at TSA-Surface@tsa.dhs.gov

A handwritten signature in black ink, appearing to read "Darby LaJoye".

Darby LaJoye
Senior Official Performing the Duties of the TSA Administrator

Attachment:
Security Directive 1582/84-21-01



SECURITY DIRECTIVE

<u>NUMBER</u>	SD 1582/84-21-01
<u>SUBJECT</u>	Security Measures – Mask Requirements
<u>EFFECTIVE DATE</u>	11:59 pm EST on February 1, 2021
<u>EXPIRATION DATE</u>	May 11, 2021
<u>CANCELS AND SUPERSEDES</u>	Not Applicable
<u>APPLICABILITY</u>	Each owner/operator identified in 49 CFR 1582.1(a); each owner/operator identified in 49 CFR 1584.1 that provides fixed-route service as defined in 49 CFR 1500.3
<u>AUTHORITY</u>	49 U.S.C. 114
<u>LOCATION</u>	United States

PURPOSE AND GENERAL INFORMATION

Due to the ongoing COVID-19 pandemic and to reduce the spread of the virus, the President issued an Executive Order, *Promoting COVID-19 Safety in Domestic and International Travel*, on January 21, 2021, requiring masks to be worn in airports, on commercial aircraft, and in various modes of surface transportation. On January 27, 2021, the Acting Secretary of Homeland Security determined a national emergency existed requiring the Transportation Security Administration (TSA) to issue this Security Directive (SD) to implement the Executive Order and enforce the related Order¹ issued by the Centers for Disease Control and Prevention (CDC), pursuant to the authority of 49 U.S.C. section 114. Consistent with these mandates and TSA's authority, TSA is issuing this SD requiring masks to be worn to mitigate the spread of COVID-19. The requirements in this SD must be applied to all persons in or on one of the conveyances or a transportation facility used by one of the modes identified above. TSA developed these requirements in consultation with the Department of Transportation (including the Federal Railroad Administration, the Federal Transit Administration, and the Federal Motor Carrier Safety Administration) and the CDC.

¹ See Order Under Section 361 of the Public Health Service Act (42 U.S.C. § 264) and 42 Code of Federal Regulations §§ 70.2, 71.31(B), 71.32(B); Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs (January 29, 2021).

DEFINITIONS

For the purpose of this SD, the following definitions apply:

Conveyance has the same definition as under 42 CFR 70.1, meaning “an aircraft, train, road vehicle, vessel...or other means of transport, including military.”

Mask means a material covering the nose and mouth of the wearer, excluding face shields.²

Transportation hub/facility means any airport, bus terminal, marina, seaport or other port, subway stations, terminal (including any fixed facility at which passengers are picked-up or discharged), train station, U.S. port of entry, or any other location that provides transportation subject to the jurisdiction of the United States.

ACTIONS REQUIRED

- A. Owner/Operators must notify passengers with prominent and adequate notice of the mask requirements to facilitate awareness and compliance.³ At a minimum, this notice must inform passengers, at the time tickets are purchased or when otherwise booking transportation *and* at the time the conveyance departs its location after boarding passengers, of the following:
1. Federal law requires wearing a mask while on the conveyance and failure to comply may result in denial of boarding or removal.
 2. Refusing to wear a mask is a violation of federal law; passengers may be subject to penalties under federal law.
- B. Owner/Operators must require that individuals wear a mask, except as described in Sections D., E., or F., as follows:
1. Any persons in a public transportation, passenger railroad, or bus conveyance covered by this SD.
 2. Any person in public areas of transportation hubs/facilities controlled by the owner/operator (such as for purposes of purchasing tickets, waiting areas, and platforms for boarding and disembarking) for the duration of travel, boarding, and disembarking.

² A properly worn mask completely covers the nose and mouth of the wearer. A mask should be secured to the head, including with ties or ear loops. A mask should fit snugly but comfortably against the side of the face. Masks do not include face shields. Masks can be either manufactured or homemade and should be a solid piece of material without slits, exhalation valves, or punctures. Medical masks and N-95 respirators fulfill the requirements of this SD. CDC guidance for attributes of acceptable masks in the context of this SD is available at <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.

³ Notice may include, if feasible, advance notifications on digital platforms, such as on apps, websites, or email; posted signage in multiple languages with illustrations; printing the requirement on tickets; or other methods as appropriate.

- C. Owner/Operators must ensure that direct employees and contractor employees wear a mask at all times when in conveyances or in or around transportation facilities under their control, except as described in Sections D., E., or F.
- D. The requirement to wear a mask does not apply under the following circumstances:
1. When necessary to temporarily remove the mask for identity verification purposes.
 2. While eating, drinking, or taking oral medications for brief periods⁴. Prolonged periods of mask removal are not permitted for eating or drinking; the mask must be worn between bites and sips.
 3. While communicating with a person who is deaf or hard of hearing, when the ability to see the mouth is essential for communication.
 4. If unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance.⁵
- E. The following conveyances are exempted from wearing masks:
1. Persons in private conveyances operated solely for personal, non-commercial use.
 2. A driver, when operating a commercial motor vehicle as this term is defined in 49 CFR 390.5, if the driver is the sole occupant of the vehicle.
- F. This SD exempts the following categories of persons from wearing masks:⁶
1. Children under the age of 2.

⁴ The CDC has stated that brief periods of close contact without a mask should not exceed 15 minutes. *See* <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>

⁵ Persons who are experiencing difficulty breathing or shortness of breath or are feeling winded may remove the mask temporarily until able to resume normal breathing with the mask. Persons who are vomiting should remove the mask until vomiting ceases. Persons with acute illness may remove the mask if it interferes with necessary medical care such as supplemental oxygen administered via an oxygen mask.

⁶ Owner/Operators may impose requirements, or conditions of carriage, on persons requesting an exemption from the requirement to wear a mask, including medical consultation by a third party, medical documentation by a licensed medical provider, and/or other information as determined by the owner/operator, as well as require evidence that the person does not have COVID-19 such as a negative result from a SAR-CoV-2 viral test or documentation of recovery from COVID-19. CDC definitions for SAR-CoV-2 viral test and documentation of recovery are available in Frequently Asked Questions at: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html>. Owners/Operators may also impose additional protective measures that improve the ability of a person eligible for exemption to maintain social distance (separation from others by 6 feet), such as scheduling travel at less crowded times or on less crowded conveyances, or seating or otherwise situating the individual in a less crowded section of the conveyance or transportation hub/facility. Owners/Operators may further require that persons seeking exemption from the requirement to wear a mask request an accommodation in advance.

2. People with disabilities who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.).⁷
 3. People for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulations.
- G. Owner/Operators must establish procedures to manage situations with persons who refuse to comply with the requirement to wear a mask. At a minimum, these procedures must ensure that if an individual refuses to comply with an instruction given by the owner/operator with respect to wearing a mask, the owner/operator must:
1. Deny boarding;
 2. Make best efforts to disembark the individual as soon as practicable; or
 3. Make best efforts to remove the individual from the transportation hub/facility.
- H. If an individual's refusal to comply with the mask requirement constitutes a significant security concern, the owner/operator must report the incident to the Transportation Security Operations Center (TSOC) at 1-866-615-5150 or 1-703-563-3240 in accordance with 49 CFR 1570.203.

PREEMPTION

The requirements in this SD do not preempt any State, local, Tribal, or territorial rule, regulation, order, or standard necessary to eliminate or reduce a local safety hazard, which includes public health measures that are the same or more protective of public health than those required in this SD, if that provision is not incompatible with this SD.

PROCEDURES FOR SECURITY DIRECTIVES

- A. The owner/operator must immediately provide written confirmation of receipt of this SD via email to TSA at TSA-Surface@tsa.dhs.gov.
- B. The owner/operator must immediately disseminate the information and measures in this SD to corporate senior management, security management representatives, and any personnel having responsibilities in implementing the provisions in this directive. The owner/operator may widely share this SD with anyone subject to the provisions of this directive to include,

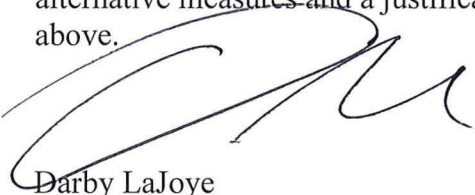
⁷ This is a narrow exception that includes a person with a disability who cannot wear a mask for reasons related to the disability; who, e.g., do not understand how to remove their mask due to cognitive impairment, cannot remove a mask on their own due to dexterity/mobility impairments, or cannot communicate promptly to ask someone else to remove their mask due to speech impairments or language disorders, or cannot wear a mask because doing so would impede the function of assistive devices/technology. It is not meant to cover persons for whom mask-wearing may only be difficult. CDC intends to issue further guidance regarding this exception.

but not limited to, federal, state, and local government personnel; direct owner/operator employees; tenants; contractors; transport personnel; taxi drivers; law enforcement; *etc.*

- C. All individuals responsible for implementing this SD must be briefed by the owner/operator. If the owner/operator is unable to implement the measures in this SD, the owner/operator must submit proposed alternative measures and the basis for submitting the alternative measures to TSA for approval.
- D. The owner/operator may comment on this SD by submitting data, views, or arguments in writing to TSA via email at TSA-Surface@tsa.dhs.gov . TSA may amend the SD based on comments received. Submission of a comment does not delay the effective date of the SD.

APPROVAL OF ALTERNATIVE MEASURES

The owner/operator must immediately notify TSA via email at TSA-Surface@tsa.dhs.gov if unable to implement any of the measures in this SD. The owner/operator may submit proposed alternative measures and a justification for adopting those measures to the email addresses above.



Darby LaJoye
Senior Official Performing the Duties of the TSA Administrator

**CENTERS FOR DISEASE CONTROL AND PREVENTION
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**ORDER UNDER SECTION 361
OF THE PUBLIC HEALTH SERVICE ACT (42 U.S.C. 264)
AND 42 CODE OF FEDERAL REGULATIONS 70.2, 71.31(b), 71.32(b)**

**REQUIREMENT FOR PERSONS TO WEAR MASKS
WHILE ON CONVEYANCES AND AT TRANSPORTATION HUBS**

SUMMARY:

Notice and Order; and subject to the limitations under “Applicability,” pursuant to 42 U.S.C. 264(a) and 42 CFR 70.2, 71.31(b), and 71.32(b):

(1) Persons¹ must wear² masks over the mouth and nose when traveling on conveyances into and within the United States. Persons must also wear masks at transportation hubs as defined in this Order.

(2) A conveyance operator transporting persons into and within the United States³ must require all persons onboard to wear masks for the duration of travel.

(3) A conveyance operators operating a conveyance arriving at or departing from a U.S. port of entry must require all persons on board to wear masks for the duration of travel as a condition of controlled free pratique.⁴

(4) Conveyance operators must use best efforts to ensure that any person on the conveyance wears a mask when boarding, disembarking, and for the duration of travel. Best efforts include:

- boarding only those persons who wear masks;
- instructing persons that Federal law requires wearing a mask on the conveyance and failure to comply constitutes a violation of Federal law;
- monitoring persons onboard the conveyance for anyone who is not wearing a mask and seeking compliance from such persons;
- at the earliest opportunity, disembarking any person who refuses to comply; and
- providing persons with prominent and adequate notice to facilitate awareness and compliance of the requirement of this Order to wear a mask; best practices may include, if feasible, advance notifications on digital platforms, such as on apps, websites, or email;

¹ As used in this Order, “persons” includes travelers (*i.e.*, passengers and crew), conveyance operators, and any workers or service providers in the transportation hub.

² To “wear a mask” means to wear a mask over the nose and mouth.

³ This includes international, interstate, or intrastate waterways, subject to the jurisdiction of the United States.

⁴ As a condition of this controlled free pratique to commence or continue operations in the United States, conveyance operators must additionally require all persons to wear masks on board conveyances departing from the United States and for the duration of their travel until the conveyance arrives at the foreign destination if at any time any of the persons on the conveyance (passengers, crew, or conveyance operators) will return to the United States while this Order remains in effect. This precaution must be followed regardless of scheduled itinerary.

posted signage in multiple languages with illustrations; printing the requirement on transit tickets; or other methods as appropriate.

(5) Operators of transportation hubs must use best efforts to ensure that any person entering or on the premises of the transportation hub wears a mask. Best efforts include:

- allowing entry only to those persons who wear masks;
- instructing persons that Federal law requires wearing a mask in the transportation hub and failure to comply constitutes a violation of Federal law;
- monitoring persons on the premises of the transportation hub for anyone who is not wearing a mask and seeking compliance from such persons;
- at the earliest opportunity, removing any person who refuses to comply from the premises of the transportation hub; and
- providing persons with prominent and adequate notice to facilitate awareness and compliance with the requirement of this Order to wear a mask; best practices may include, if feasible, advance notifications on digital platforms, such as on apps, websites, or email; posted signage in multiple languages with illustrations; printing the requirement on transit tickets; or other methods as appropriate.

DEFINITIONS:

Controlled free pratique shall have the same definition as under 42 CFR 71.1, meaning “permission for a carrier to enter a U.S. port, disembark, and begin operation under certain stipulated conditions.”

Conveyance shall have the same definition as under 42 CFR 70.1, meaning “an aircraft, train, road vehicle,⁵ vessel . . . or other means of transport, including military.” Included in the definition of “conveyance” is the term “carrier” which under 42 CFR 71.1 has the same definition as conveyance under 42 CFR 70.1.

Conveyance operator means an individual operating a conveyance and an individual or organization causing or authorizing the operation of a conveyance.

Mask means a material covering the nose and mouth of the wearer, excluding face shields.⁶

Interstate traffic shall have the same definition as under 42 CFR 70.1, meaning

⁵ This includes rideshares meaning arrangements where passengers travel in a privately owned road vehicle driven by its owner in connection with a fee or service.

⁶ A properly worn mask completely covers the nose and mouth of the wearer. A mask should be secured to the head, including with ties or ear loops. A mask should fit snugly but comfortably against the side of the face. Masks do not include face shields. Masks can be either manufactured or homemade and should be a solid piece of material without slits, exhalation valves, or punctures. Medical masks and N-95 respirators fulfill the requirements of this Order. CDC guidance for attributes of acceptable masks in the context of this Order is available at: <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>

“(1):

- (i) The movement of any conveyance or the transportation of persons or property, including any portion of such movement or transportation that is entirely within a state or possession—
- (ii) From a point of origin in any state or possession to a point of destination in any other state or possession; or
- (iii) Between a point of origin and a point of destination in the same state or possession but through any other state, possession, or contiguous foreign country.

(2) Interstate traffic does not include the following:

- (i) The movement of any conveyance which is solely for the purpose of unloading persons or property transported from a foreign country or loading persons or property for transportation to a foreign country.
- (ii) The movement of any conveyance which is solely for the purpose of effecting its repair, reconstruction, rehabilitation, or storage.”

Intrastate traffic means the movement of any conveyance or the transportation or movement of persons occurring solely within the boundaries of a state or territory, or on tribal land.

Possession shall have the same definition as under 42 CFR 70.1 and 71.1, meaning a “U.S. territory.”

State shall have the same definition as under 42 CFR 70.1, meaning “any of the 50 states, plus the District of Columbia.”

Territory shall have the same definition as “U.S. territory” under 42 CFR 70.1 and 71.1, meaning “any territory (also known as possessions) of the United States, including American Samoa, Guam, the [Commonwealth of the] Northern Mariana Islands, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.”

Transportation hub means any airport, bus terminal, marina, seaport or other port, subway station, terminal (including any fixed facility at which passengers are picked-up or discharged), train station, U.S. port of entry, or any other location that provides transportation subject to the jurisdiction of the United States.

Transportation hub operator means an individual operating a transportation hub and an individual or organization causing or authorizing the operation of a transportation hub.

U.S. port shall have the same definition as under 42 CFR 71.1, meaning any “seaport, airport, or border crossing point under the control of the United States.”

STATEMENT OF INTENT:

This Order shall be interpreted and implemented in a manner as to achieve the following objectives:

- Preservation of human life;
- Maintaining a safe and secure operating transportation system;
- Mitigating the further introduction, transmission, and spread of COVID-19 into the United States and from one state or territory into any other state or territory; and
- Supporting response efforts to COVID-19 at the Federal, state, local, territorial, and tribal levels.

APPLICABILITY:

This Order shall not apply within any state, locality, territory, or area under the jurisdiction of a Tribe that (1) requires a person to wear a mask on conveyances; (2) requires a person to wear a mask at transportation hubs; and (3) requires conveyances to transport only persons wearing masks. Such requirements must provide the same level of public health protection as — or greater protection than — the requirements listed herein.

In addition, the requirement to wear a mask shall not apply under the following circumstances:

- While eating, drinking, or taking medication, for brief periods;
- While communicating with a person who is hearing impaired when the ability to see the mouth is essential for communication;
- If, on an aircraft, wearing of oxygen masks is needed because of loss of cabin pressure or other event affecting aircraft ventilation;
- If unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance;⁷ or
- When necessary to temporarily remove the mask to verify one's identity such as during Transportation Security Administration screening or when asked to do so by the ticket or gate agent or any law enforcement official.

This Order exempts the following categories of persons:⁸

⁷ Persons who are experiencing difficulty breathing or shortness of breath or are feeling winded may remove the mask temporarily until able to resume normal breathing with the mask. Persons who are vomiting should remove the mask until vomiting ceases. Persons with acute illness may remove the mask if it interferes with necessary medical care such as supplemental oxygen administered via an oxygen mask.

⁸ Operators of conveyances or transportation hubs may impose requirements, or conditions for carriage, on persons requesting an exemption from the requirement to wear a mask, including medical consultation by a third party, medical documentation by a licensed medical provider, and/or other information as determined by the operator, as well as require evidence that the person does not have COVID-19 such as a negative result from a SARS-CoV-2 viral test or documentation of recovery from COVID-19. CDC definitions for SARS-CoV-2 viral test and documentation of recovery are available in the Frequently Asked Questions at: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html>. Operators may also impose additional protective measures that improve the ability of a person eligible for exemption to maintain social distance (separation from others by 6 feet), such as scheduling travel at less crowded times or on less crowded conveyances, or seating or otherwise situating the individual in a less crowded section of the conveyance or transportation hub. Operators may further require that persons seeking exemption from the requirement to wear a mask request an accommodation in advance.

- A child under the age of 2 years;
- A person with a disability who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.).⁹
- A person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulations.

This Order exempts the following categories of conveyances, including persons on board such conveyances:

- Private conveyances operated solely for personal, non-commercial use;
- Commercial motor vehicles or trucks as these terms are defined in 49 CFR 390.5, if the driver is the sole occupant of the vehicle or truck;
- Conveyances operated or chartered by the U.S. military services provided that such conveyance operators observe Department of Defense precautions to prevent the transmission of COVID-19 that are equivalent to the precautions in this Order.

This Order applies to persons on conveyances and at transportation hubs directly operated by U.S. state, local, territorial, or tribal government authorities, as well as the operators themselves. U.S. state, local, territorial, or tribal government authorities directly operating conveyances and transportation hubs may be subject to additional federal authorities or actions, and are encouraged to implement additional measures enforcing the provisions of this Order regarding persons traveling onboard conveyances and at transportation hubs operated by these government entities.

To the extent permitted by law, and consistent with President Biden’s Executive Order of January 21, 2021 (Promoting COVID-19 Safety in Domestic and International Travel),¹⁰ Federal agencies are required to implement additional measures enforcing the provisions of this Order.

BACKGROUND:

There is currently a pandemic of respiratory disease (coronavirus disease 2019 or “COVID-19”) caused by a novel coronavirus (SARS-CoV-2). As of January 27, 2021, there have been 99,638,507 confirmed cases of COVID-19 globally, resulting in more than 2,141,000 deaths. As of January 27, 2021, there have been over 25,000,000 cases identified in the United States and over 415,000 deaths due to the disease. New SARS-CoV-2 variants have emerged in recent weeks, including at least one with evidence of increased transmissibility.¹¹

The virus that causes COVID-19 spreads very easily and sustainably between people who are in close contact with one another (within about 6 feet) mainly through respiratory droplets

⁹ This is a narrow exception that includes a person with a disability who cannot wear a mask for reasons related to the disability. CDC will issue additional guidance regarding persons who cannot wear a mask under this exemption. <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>

¹⁰ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/executive-order-promoting-covid-19-safety-in-domestic-and-international-travel/>

¹¹ <https://www.cdc.gov/coronavirus/2019-ncov/more/science-and-research/scientific-brief-emerging-variants.html>

produced when an infected person coughs, sneezes, or talks. These droplets can land in the mouths, eyes, or noses of people who are nearby and possibly be inhaled into the lungs. Infected people without symptoms (asymptomatic) and those in whom symptoms have not yet developed (pre-symptomatic) can also spread the virus. In general, the more closely an infected person interacts with others and the longer those interactions, the higher the risk of COVID-19 spread. COVID-19 may be transmitted by touching surfaces or objects that have the virus on them and then touching one's own or another person's eyes, nose, or mouth.

Masks help prevent people who have COVID-19, including those who are pre-symptomatic or asymptomatic, from spreading the virus to others.¹² Masks are primarily intended to reduce the emission of virus-laden droplets, i.e., they act as source control by blocking exhaled virus.¹³ This is especially relevant for asymptomatic or pre-symptomatic infected wearers who feel well and may be unaware of their infectiousness to others, and who are estimated to account for more than 50% of transmissions.^{14,15} Masks also provide personal protection to the wearer by reducing inhalation of these droplets, i.e., they reduce wearers' exposure through filtration.¹⁶ The community benefit of wearing masks for SARS-CoV-2 control is due to the combination of these effects; individual prevention benefit increases with increasing numbers of people using masks consistently and correctly.

Appropriately worn masks reduce the spread of COVID-19—particularly given the evidence of pre-symptomatic and asymptomatic transmission of COVID-19. Seven studies have confirmed the benefit of universal masking in community level analyses: in a unified hospital system,¹⁷ a German city,¹⁸ a U.S. State,¹⁹ a panel of 15 U.S. States and Washington, D.C.,^{20,21} as

¹² <https://www.cdc.gov/coronavirus/2019-ncov/more/masking-science-sars-cov2.html>

¹³ Leung NHL, Chu DKW, Shiu EYC, et al. Respiratory virus shedding in exhaled breath and efficacy of face masks. *Nature Medicine*. 2020;26(5):676-680. <https://dx.doi.org/10.1038/s41591-020-0843-2>

¹⁴ Moghadas SM, Fitzpatrick MC, Sah P, et al. The implications of silent transmission for the control of COVID-19 outbreaks. *Proc Natl Acad Sci U S A*. 2020;117(30):17513-17515. 10.1073/pnas.2008373117. <https://www.ncbi.nlm.nih.gov/pubmed/32632012>

¹⁵ Johansson MA, Quandelacy TM, Kada S, et al. SARS-CoV-2 Transmission From People Without COVID-19 Symptoms. Johansson MA, et al. *JAMA Netw Open*. 2021 Jan 4;4(1):e2035057. doi: 10.1001/jamanetworkopen.2020.35057.

¹⁶ Ueki H, Furusawa Y, Iwatsuki-Horimoto K, et al. Effectiveness of Face Masks in Preventing Airborne Transmission of SARS-CoV-2. *mSphere*. 2020;5(5).10.1128/mSphere.00637-20. <https://www.ncbi.nlm.nih.gov/pubmed/33087517>

¹⁷ Wang X, Ferro EG, Zhou G, Hashimoto D, Bhatt DL. Association Between Universal Masking in a Health Care System and SARS-CoV-2 Positivity Among Health Care Workers. *JAMA*. 2020.10.1001/jama.2020.12897. <https://www.ncbi.nlm.nih.gov/pubmed/32663246>

¹⁸ Mitze T., Kosfeld R., Rode J., Wälde K. *Face Masks Considerably Reduce COVID-19 Cases in Germany: A Synthetic Control Method Approach*. IZA – Institute of Labor Economics (Germany);2020.ISSN: 2365-9793, DP No. 13319. <http://ftp.iza.org/dp13319.pdf>

¹⁹ Gallaway MS, Rigler J, Robinson S, et al. Trends in COVID-19 Incidence After Implementation of Mitigation Measures – Arizona, January 22–August 7, 2020. *MMWR Morb Mortal Wkly Rep*. 2020;69(40):1460-1463.10.15585/mmwr.mm6940e3. <https://www.ncbi.nlm.nih.gov/pubmed/33031366>

²⁰ Lyu W, Wehby GL. Community Use Of Face Masks And COVID-19: Evidence From A Natural Experiment Of State Mandates In The US. *Health Aff (Millwood)*. 2020;39(8):1419-1425.10.1377/hlthaff.2020.00818. <https://www.ncbi.nlm.nih.gov/pubmed/32543923>

²¹ Hatzius J, Struyven D, Rosenberg I. Face Masks and GDP. *Goldman Sachs Research* <https://www.goldmansachs.com/insights/pages/face-masks-and-gdp.html>. Accessed January 20, 2021.

well as both Canada²² and the United States²³ nationally. Each analysis demonstrated that, following directives from organizational and political leadership for universal masking, new infections fell significantly. Two of these studies^{24,25} and an additional analysis of data from 200 countries that included localities within the United States²⁶ also demonstrated reductions in mortality. An economic analysis using U.S. data found that, given these effects, increasing universal masking by 15% could prevent the need for lockdowns and reduce associated losses of up to \$1 trillion or about 5% of gross domestic product.²⁷

Wearing a mask especially helps protect those at increased risk of severe illness from COVID-19²⁸ and workers who frequently come into close contact with other people (e.g., at transportation hubs). Masks are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings. Using masks along with other preventive measures, including social distancing, frequent handwashing, and cleaning and disinfecting frequently touched surfaces, is one of the most effective strategies available for reducing COVID-19 transmission.

Traveling on multi-person conveyances increases a person's risk of getting and spreading COVID-19 by bringing persons in close contact with others, often for prolonged periods, and exposing them to frequently touched surfaces. Air travel often requires spending time in security lines and crowded airport terminals. Social distancing may be difficult if not impossible on flights. People may not be able to distance themselves by the recommended 6 feet from individuals seated nearby or those standing in or passing through the aircraft's aisles. Travel by bus, train, vessel, and other conveyances used for international, interstate, or intrastate transportation pose similar challenges.

Intrastate transmission of the virus has led to—and continues to lead to—interstate and international spread of the virus, particularly on public conveyances and in travel hubs, where passengers who may themselves be traveling only within their state or territory commonly interact with others traveling between states or territories or internationally. Some states, territories, Tribes,

²² Karaivanov A., Lu S.E., Shigeoka H., Chen C., Pamplona S. *Face Masks, Public Policies and Slowing the Spread of Covid-19: Evidence from Canada* National Bureau of Economic Research 2020. Working Paper 27891. <http://www.nber.org/papers/w27891>

²³ Chernozhukov V, Kasahara H, Schrimpf P. Causal Impact of Masks, Policies, Behavior on Early Covid-19 Pandemic in the U.S. *J Econom.* 2021 Jan;220(1):23-62. doi: 10.1016/j.jeconom.2020.09.003. Epub 2020 Oct 17.

²⁴ Hatzius J, Struyven D, Rosenberg I. Face Masks and GDP. *Goldman Sachs Research* <https://www.goldmansachs.com/insights/pages/face-masks-and-gdp.html>. Accessed January 20, 2021.

²⁵ Chernozhukov V, Kasahara H, Schrimpf P. Causal Impact of Masks, Policies, Behavior on Early Covid-19 Pandemic in the U.S. *J Econom.* 2021 Jan;220(1):23-62. doi: 10.1016/j.jeconom.2020.09.003. Epub 2020 Oct 17.

²⁶ Leffler CT, Ing EB, Lykins JD, Hogan MC, McKeown CA, Grzybowski A. Association of country-wide coronavirus mortality with demographics, testing, lockdowns, and public wearing of masks. *Am J Trop Med Hyg.* 2020 Dec;103(6):2400-2411. doi: 10.4269/ajtmh.20-1015. Epub 2020 Oct 26.

²⁷ Hatzius J, Struyven D, Rosenberg I. Face Masks and GDP. *Goldman Sachs Research* <https://www.goldmansachs.com/insights/pages/face-masks-and-gdp.html>. Accessed January 20, 2021.

²⁸ <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>

and local public health authorities have imposed mask-wearing requirements within their jurisdictional boundaries to protect public health.²⁹ Any state or territory without sufficient mask-wearing requirements for transportation systems within its jurisdiction has not taken adequate measures to prevent the spread of COVID-19 from such state or territory to any other state or territory. That determination is based on, *inter alia*, the rapid and continuing transmission of the virus across all states and territories and across most of the world. Furthermore, given how interconnected most transportation systems are across the nation and the world, local transmission can grow even more quickly into interstate and international transmission when infected persons travel on non-personal conveyances without wearing a mask and with others who are not wearing masks.

Therefore, I have determined that the mask-wearing requirements in this Order are reasonably necessary to prevent the further introduction, transmission, or spread of COVID-19 into the United States and among the states and territories. Individuals traveling into or departing from the United States, traveling interstate, or traveling entirely intrastate, conveyance operators that transport such individuals, and transportation hub operators that facilitate such transportation, must comply with the mask-wearing requirements set forth in this Order.

America's transportation systems are essential. Not only are they essential for public health, they are also essential for America's economy and other bedrocks of American life. Those transportation systems carry life-saving medical supplies and medical providers into and across the nation to our hospitals, nursing homes, and physicians' offices. Trains, planes, ships, and automobiles bring food and other essentials to our communities and to our homes. Buses bring America's children and teachers to school. Buses, trains, and subways, bring America's workforce to their jobs.

Requiring masks on our transportation systems will protect Americans and provide confidence that we can once again travel safely even during this pandemic. Therefore, requiring masks will help us control this pandemic and aid in re-opening America's economy.

The United States and countries around the world are currently embarking on efforts to vaccinate their populations, starting with healthcare personnel and other essential workers at increased risk of exposure to SARS-CoV-2 and people at increased risk for severe illness from the virus. While vaccines are highly effective at preventing severe or symptomatic COVID-19, at this time there is limited information on how much the available COVID-19 vaccines may reduce transmission in the general population and how long protection lasts.³⁰ Therefore, this mask requirement, as well as CDC recommendations to prevent spread of COVID-19,³¹ additionally apply to vaccinated persons. Similarly, CDC recommends that people who have

²⁹ Based on internet sources, 37 states plus D.C. and Puerto Rico mandate the wearing of masks in public. Among the jurisdictions that have imposed mask mandates, variations in requirements exist. For example, exemptions for children range in cutoff age from 2 to 12, but masks are generally required in indoor public spaces such as restaurants and stores, on public transit and ride-hailing services, and outdoors when unable to maintain 6 feet of distance from others. See <https://www.aarp.org/health/healthy-living/info-2020/states-mask-mandates-coronavirus.html> (accessed January 28, 2021).

³⁰ <https://www.cdc.gov/vaccines/covid-19/info-by-product/clinical-considerations.html>

³¹ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

recovered from COVID-19 continue to take precautions to protect themselves and others, including wearing masks;³² therefore, this mask requirement also applies to people who have recovered from COVID-19.

ACTION:

Until further notice, under 42 U.S.C. 264(a) and 42 CFR 70.2, 71.31(b), and 71.32(b), unless excluded or exempted as set forth in this Order, a person must wear a mask while boarding, disembarking, and traveling on any conveyance into or within the United States. A person must also wear a mask at any transportation hub that provides transportation within the United States.

Conveyance operators traveling into or within the United States may transport only persons wearing masks and must use best efforts to ensure that masks are worn when embarking, disembarking, and throughout the duration of travel. Operators of transportation hubs must use best efforts to ensure that any person entering or on the premises of the transportation hub wears a mask.

As a condition of receiving controlled free pratique under 42 CFR 71.31(b) to enter a U.S. port, disembark passengers, and begin operations at any U.S. port of entry, conveyances arriving into the United States must require persons to wear masks while boarding, disembarking, and for the duration of travel. Conveyance operators must also require all persons to wear masks while boarding and for the duration of their travel on board conveyances departing from the United States until the conveyance arrives at the foreign destination, if at any time any of the persons onboard (passengers, crew, or conveyance operators) will return to the United States while this Order remains in effect. These travel conditions are necessary to mitigate the harm of further introduction of COVID-19 into the United States.

Requiring a properly worn mask is a reasonable and necessary measure to prevent the introduction, transmission and spread of COVID-19 into the United States and among the states and territories under 42 U.S.C. 264(a) and 42 CFR 71.32(b). Among other benefits, masks help prevent dispersal of an infected person's respiratory droplets that carry the virus. That precaution helps prevent droplets from landing in the eye, mouth, or nose or possibly being inhaled into the lungs of an uninfected person, or from landing on a surface or object that an uninfected person may then touch and then touch his or her own or another's eyes, nose, or mouth. Masks also provide some protection to the wearer by helping reduce inhalation of respiratory droplets.

This Order shall not apply within any state, locality, territory, or area under the jurisdiction of a Tribe, where the controlling governmental authority: (1) requires a person to wear a mask on conveyances; (2) requires a person to wear a mask at transportation hubs; and (3) requires conveyances to transport only persons wearing masks. Those requirements must provide the same level of public health protection as—or greater protection than—the requirements listed herein.

In accordance with 42 U.S.C. 264(e), state, local, territorial, and tribal authorities may impose additional requirements that provide greater public health protection and are more restrictive than

³² <https://www.cdc.gov/coronavirus/2019-ncov/hcp/duration-isolation.html>

the requirements in this Order. Consistent with other federal, state, or local legal requirements, this Order does not preclude operators of conveyances or transportation hubs from imposing additional requirements, or conditions for carriage, that provide greater public health protection and are more restrictive than the requirements in this Order (e.g., requiring a negative result from a SARS-CoV-2 viral test or documentation of recovery from COVID-19 or imposing requirements for social distancing or other recommended protective measures).

This Order is not a rule within the meaning of the Administrative Procedure Act (“APA”) but rather is an emergency action taken under the existing authority of 42 U.S.C. 264(a) and 42 CFR 70.2, 71.31(b), 71.32(b). In the event that a court determines this Order qualifies as a rule under the APA, notice and comment and a delay in effective date are not required because there is good cause to dispense with prior public notice and comment and the opportunity to comment on this Order and the delay in effective date. Considering the public health emergency caused by COVID-19, it would be impracticable and contrary to the public’s health, and by extension the public’s interest, to delay the issuance and effective date of this Order. Similarly, the Office of Information and Regulatory Affairs has determined that if this Order were a rule, it would be a major rule under the Congressional Review Act, but there would not be a delay in its effective date as the agency has determined that there would be good cause to make the requirements herein effective immediately under the APA.

This order is also an economically significant regulatory action under Executive Order 12866 and has therefore been reviewed by the Office of Information and Regulatory Affairs of the Office of Management and Budget. The agency is proceeding without the complete analysis required by Executive Order 12866 under the emergency provisions of 6(a)(3)(D) of that Order.

If any provision of this Order, or the application of any provision to any carriers, conveyances, persons, or circumstances, shall be held invalid, the remainder of the provisions, or the application of such provisions to any carriers, conveyances, persons, or circumstances other than those to which it is held invalid, shall remain valid and in effect.

To address the COVID-19 public health threat to transportation security, this Order shall be enforced by the Transportation Security Administration under appropriate statutory and regulatory authorities including the provisions of 49 U.S.C. 106, 114, 44902, 44903, and 46301; and 49 CFR part 1503, 1540.105, 1542.303, 1544.305 and 1546.105.

This Order shall be further enforced by other federal authorities and may be enforced by cooperating state and local authorities through the provisions of 18 U.S.C. 3559, 3571; 42 U.S.C. 243, 268, 271; and 42 CFR 70.18 and 71.2.³³

³³ While this Order may be enforced and CDC reserves the right to enforce through criminal penalties, CDC does not intend to rely primarily on these criminal penalties but instead strongly encourages and anticipates widespread voluntary compliance as well as support from other federal agencies in implementing additional civil measures enforcing the provisions of this Order, to the extent permitted by law and consistent with President Biden’s Executive Order of January 21, 2021 (Promoting COVID-19 Safety in Domestic and International Travel).

EFFECTIVE DATE:

This Order shall enter into effect on February 1, 2021, at 11:59 p.m. and will remain in effect unless modified or rescinded based on specific public health or other considerations, or until the Secretary of Health and Human Services rescinds the determination under section 319 of the Public Health Service Act (42 U.S.C. 247d) that a public health emergency exists.

In testimony whereof, the Director of the Division of Global Migration and Quarantine at the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, has hereunto set his hand at Atlanta, GA, this 29th day of January 2021.

A handwritten signature in blue ink, appearing to read "Martin S. Cetron" with "M.D." written to the right. The signature is written over a horizontal line.

Martin S. Cetron, M.D.
Director, Division of Global Migration and Quarantine
Centers for Disease Control and Prevention



February 26, 2021

To: Executive Board

Subject: **Zero Emissions Double Deck Bus Program**

Recommendation

Endorse the proposed Zero Emissions Double Deck Program and authorize the Chief Executive Officer to seek funding for the project.

Analysis

Foothill Transit's zero emission program began in 2010 with the placement into service of three Proterra 35-foot, short range, fast charge buses. The fleet has now grown to 32 battery-electric single floor and two battery-electric double deck buses.

Last month, after a competitive procurement, we engaged the consulting firm Center for Transportation and the Environment (CTE) to guide us in developing a plan to deploy 20 fuel cell buses and fueling infrastructure on Foothill Transit's Line 486 which provides service between El Monte and Pomona.

To further our organization's deployment of zero-emissions buses, an upcoming deployment of vehicles to replace aging CNG-powered vehicles could consist of an order of double deck coaches. Double deck coaches have the potential of transporting more customers in a physically-distanced environment in light of the pandemic, as well as offering much higher passenger capacity - approximately 80 passengers - in a post-COVID-19 operating environment. In addition to their higher capacity, double deck, zero-emissions coaches, by virtue of the superior ride quality, unique appearance, and sustainability benefits, have the added advantage of attracting riders who may not otherwise consider taking public transit.

No capital funds have been identified for this procurement and advancing the project will depend on our ability to secure grant funding.



Budget Impact

There is no budget impact to the current fiscal year budget from the recommended action. Advancing the project will require securing appropriate funds. Once funds are secured, a Life of Project Budget will be presented to the Executive and Governing Boards for approval.

Sincerely,

Roland M. Cordero
Director of Maintenance & Vehicle Technology

Doran J. Barnes
Chief Executive Officer