MINUTES OF REGULAR MEETING
COBB COUNTY BOARD OF COMMISSIONERS
JANUARY 24, 2023
7:00 PM

The Regular Meeting of the Cobb County Board of Commissioners was held on Tuesday, January 24, 2023 at 7:00 p.m. in the second-floor public meeting room at 100 Cherokee Street, Cobb County Building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairwoman Lisa Cupid
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Jerica Richardson
Commissioner Monique Sheffield

CALL TO ORDER

Chairwoman Cupid called the meeting to order at 7:02 p.m.

PRESENTATIONS

1. **To recognize participants of the First Aid and CPR Awareness Training Class.**

   Commissioner Richardson recognized student participants who completed the First Aid and CPR Awareness Training Class.

2. **To recognize Dr. Christopher Gulledge and his staff in attaining National Association of Medical Examiners Accreditation.**

   Commissioner Gambrill and the Board recognized Dr. Christopher Gulledge, Medical Examiner, and his staff for attaining National Association of Medical Examiners Accreditation.

PUBLIC COMMENT

1. Sabrina Mao addressed the Board regarding redistricting.
2. Dan Hidrick addressed the Board regarding redistricting.
3. Keven Redman addressed the Board regarding home rule.
4. Matthew Stigall addressed the Board regarding redistricting.
5. Leroy Emkin addressed the Board regarding redistricting.
6. John McLean addressed the Board regarding redistricting.

Bill Rowling, County Attorney, reviewed the hearing procedures and recapped the HomeRule legislative procedures.

Chairwoman Cupid reiterated the procedures regarding conflict of interest and voting.

CONSENT AGENDA

MOTION: Motion by Cupid, second by Birrell, to **approve** the Consent agenda, *as revised, with the exception of Consent Items 30 and 31*, which were removed from the Consent agenda and were heard as regular items immediately following the Consent vote (See Items 30 and 31 of these minutes); and **authorize** execution of the necessary documents by the appropriate County personnel.

Commissioner Birrell read the following statement and requested each vote reflect the statement. A copy of the statement is attached and made a part of these minutes:

> *I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map 3 times in 2022 (1/25/22, 10/11/22 and 10/25/22).*
>
> *I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022 under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022 and signed into law by Governor Kemp on March 2, 2022 and certified by the Board of Elections on November 15, 2022.*

Commissioner Gambrill read the following statement and requested each vote reflect the statement. A copy of the statement is attached and made a part of these minutes:

> *When the Board first entered Executive Session in March 2022 to discuss the "Home Rule" challenge, I challenged the County Attorney's Office on the premise and requested outside counsel to be sought.*
>
> *While the County Attorney's Office claims the Association of County Commissioners of Georgia (ACCG) provided legal advice, I too am in receipt of the documents from the ACCG regarding Home Rule, to which it clearly defines the limit of this Boards Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.*
>
> *In addition, the Georgia Supreme Court has ruled, that the GA Constitution Limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law. Furthermore, the "Home Rule" powers granted to the Board of Commissioners do not extend to any matters which the Georgia General assembly by general law has preempted, like the redistricting map here in Cobb Co. Commissioners of Wayne Co. v. Smith 240 Ga. 540 (1978); Brophy v. McCranie 264 Ga. 187 (1994).*
>
> *In fact, even in Federal Court in Georgia, the court has ruled the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties; therefore, where the General Assembly failed to enact reapportionment legislation for a certain county, although it was entitled to consideration as an expression of county policy, a reapportionment plan proposed by a county was not a legislatively enacted plan requiring deferential treatment and the district court was required to fashion a reapportionment plan. Bodker v. Taylor, 2002 U.S. Dist. LEXIS 27447 (N.D. Ga. June 5, 2002).*
>
> *Just last week, Georgia State Attorney General, Chris Carr stated that the Cobb County Commissions move to amend its electoral redistricting map is "inappropriate and not legally binding."*
>
> *Per the letter dated December 22, 2022, from C. Ryan Germany, General Counsel for the Office of the Secretary of State, he acknowledges the documentation received included a copy of the Amendment, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which the notice was published.*

Commissioner Gambrill statement (cont.)

Mr. German's letter also states, "You should not consider the ministerial function of filing the Amendment with our office or the publishing of the Amendment to be a comment on whether the Amendment is allowable under state law or a proper exercise of authority by the Cobb County Commission, nor should you rely on it to attempt to establish the validity of the Amendment." "In fact," he continues "it appears that the Amendment is very likely an unauthorized exercise of authority by the Cobb County Commissioner that does not comply with Georgia Law or the state Constitution.

With the majority of this Board actions on October 25, 2022 and the resulting filing and recording with the Office of the Secretary of State on October 26, 2022, the boundaries of the districts from which county commissioners were elected in Districts 1 and 3 were changed (14) days prior to the General Election, and eight (8) days after early voting had begun using district boundaries for Districts 1 and 3 as approved by the Governor.

Furthermore, the Board of Elections certified the election of Commissioners in District 1 and 3 using the map as approved by the Governor on March 2, 2022 on November 15, 2022 and not the maps that the Board of Commissioners made effective on October 26, 2022.

In a letter dated October 3, 2022 Deputy Legislative Counsel D. Stuart Morelli, "It is practically indisputable that a county home rule resolution or ordinance changing the boundaries of the districts from which county commissioners are elected would be an action affecting the procedure for the election of the county's governing authority. O.C.G.A. 36-35-4.1, no such statutory authority exists for Georgia counties.

Just two weeks ago, I was unjustifiably removed from this dais and prevented from representing my constituents and carrying out the duties I was elected to perform, based on an opinion that is not supported by law or policies of this Board.

Per Louis D. Brandeis, "Our government...teaches the whole people by its example. If the government becomes the lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself, it invites anarchy."

While I am here representing my constituents and fulfilling my duties as an elected official, I hereby request the clerk to attack this statement to each vote that is recorded herein.

Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minute.

Sheriff's Office

3. **To authorize acceptance of additional awarded funds from the Criminal Justice Coordinating Council, under the FY2020 Naloxone Statewide Initative. This is to supplement the original Grant.**

To **authorize** acceptance of additional awarded funds from the Criminal Justice Coordinating Council, under the FY2020 Naloxone Statewide Initiative supplemental subgrant award, in the amount of $15,000.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be appropriated in the Grant Fund through the following budget transactions:

Increase Revenue:	270-210-G716-4467	(CJCC)	$15,000.00
Increase Expenditure:	270-210-G716-6160	(Drugs, Medicine, & First Aid)	$15,000.00

4. **To ratify action by the County Manager for the emergency repairs and subsequent renovation of the electrical system, and adjacent floor drainage, at the Cobb County Adult Detention Center.**

To **ratify** action by the County Manager for the emergency repairs and subsequent renovation of the electrical system, and adjacent floor drainage, at the Cobb County Adult Detention Center; **authorize** purchase orders for 1electric, in the amount of $920,127.40, and MaxAir Mechanical, in the amount of $584,708.00; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding will be available with the following budget transactions:

Decrease Expenditure:	010-210-9240-8005	Preliminary Estimates	$1,504,835.40
Increase Expenditure:	010-210-9240-8112	Electrical Installations	$ 920,127.40
Increase Expenditure:	010-210-9240-8113	Plumbing Installations	$ 584,708.00

State Court Administration

5. **To authorize the application for supplemental technology grant funding from the Georgia Accountability Court Funding Committee.**

To **authorize** the application for supplemental technology grant funds from the Georgia Accountability Court Funding Committee.

State Court Clerk

6. **To approve an additional sole source contract between GreenCourt Legal Technologies LLC, and the Clerk of State Court for the subscription to maintain an electronic filing system for criminal cases and appropriation of eFiling revenue to fund technological improvements within the office of the State Court Clerk.**

To **approve** a sole source contract between GreenCourt Legal Technologies, LLC and the Clerk of State Court for a subscription to maintain an electronic filing system for criminal cases and appropriation of e-filing revenue to fund technological improvements within the office of the State Court Clerk; **authorize** the continued standard reserve appropriation of additional e-filing revenue funds, and other corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Decrease	010-160-8500-8852	(Reserve Contingency)	$50,000.00
Increase	010-160-8500-6349	(Subscription)	$50,000.00

Water System

7. **To approve a work order under the FY23 Stormwater Management Unit Price Contract with W.E. Contracting Co, Inc. for 742 Maggie Court, Program No. SW2192.**

To **approve** a work order under the FY23 Stormwater Management Unit Price Contract with W.E. Contracting Co., Inc., in the amount of $96,162.50, for 742 Maggie Court, Program No. SW2192; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System's CIP Budget as follows:

Transfer from:			
Stormwater Multi-Year Budget Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	$96,162.50
Transfer to:			
742 Maggie Court Drainage Contract R&M Service	510-500-5758-6496	SW2192-C	$96,162.50

8. **To convey by quitclaim deed to the underlying property owner any County rights associated with an abandoned drainage easement in Land Lot 1031 of the 16th District.**

To **convey** by quitclaim deed to the underlying property owner, Michael A. Tucker, any rights associated with an abandoned drainage easement in Land Lot 1031 of the 16th District; and **authorize** the Chairwoman to execute the necessary documents.

9. **To approve Change Order No. 1 (final) to the construction contract with Wade Coots Company, Inc. for the Mabry Road Water Main Replacement, Program No. W2328.**

To **approve** Change Order No. 1 (final) to the construction contract with Wade Coots Company, Inc., a savings to the project in the amount of $480,732.53, for Mabry Road Water Main Replacement, Program No. W2328; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

No additional funding is required for the Water System's Mabry Road Water Main Replacement, Program No. W2328.

Decrease Encumbrance:			
GAE 51004231909	510-500-5754-8260	W2328-C	$480,732.53
Transfer from:			
Mabry Road Water Main Replacement			
Construction	510-500-5754-8260	W2328-C	$480,732.53
Interest expense on Retainage	510-500-5754-6613	W2328-A	$ 5,743.38
Materials & Supplies	510-500-5754-8265	W2328-M	$ 9,754.99
Contingency	510-500-5754-8810	W2328-T	$ 51,520.00
Total			$547,750.90
Transfer to:			
Unidentified New/Replacement Water Mains			
Preliminary Estimates	510-500-5754-8005	W1503-Z	$547,750.90

10. **To approve an Assignment Agreement with C.W. Matthews Contracting Co., Inc. for two contracts with Tippins Contracting Co. Inc., and approve First Amendments to the assigned contracts for construction work orders under Unit Price Contracts.**

To **approve** an Assignment Agreement with C.W. Matthews Contracting Co., Inc. for various contracts with Tippins Contracting Co., Inc.; **approve** First Amendments to each of the assigned contracts for construction work orders; and **further authorize** the Chairwoman to execute the necessary documents.

11. **To approve Change Order No. 1 (final) to the construction contract with Tippins Contracting Co., Inc. for the Valley Brook Water Main Replacement, Program No. W2382.**

To **approve** Change Order No. 1 (final) to the construction contract with Tippins Contracting Co., Inc., a savings to the project in the amount of $74,338.67, for Valley Brook Water Main Replacement, Program No. W2382; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

No additional funding is required for the Water System's Valley Brook Water Main Replacement, Program No. W2382.

Decrease Encumbrance:			
GAE 51005122007	510-500-5754-8260	W2382-C	$74,338.67
Transfer from:			
Valley Brook Water Main Replacement			
Construction	510-500-5754-8260	W2382-C	$74,338.67
Materials and Supplies	510-500-5754-8265	W2382-M	$10,000.00
Contingency	510-500-5754-8810	W2382-T	$ 6,750.00
Total			$91,088.67
Transfer to:			
Unidentified New/Replacement Water Mains			
Preliminary Estimates	510-500-5754-8005	W1503-Z	$91,088.67

12. **To approve a work order under the FY23 Stormwater Management Unit Price Contract with Ray Campbell Contracting Company, Inc. for 3925 Chicamauga Drive, Program No. SW2223.**

To **approve** a work order under the FY23 Stormwater Management Unit Price Contract with Ray Campbell Contracting Company, Inc., in the amount of $103,454.00, for 3925 Chicamauga Drive, Program No. SW2223; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System's CIP Budget as follows:

Transfer from:			
Stormwater Multi-Year Budget			
Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	$103,454.00
Transfer to:			
3925 Chicamauga Drive			
Drainage Contract R&M Service	510-500-5758-6496	SW2223-C	$103,454.00

13. **To approve a work order under the FY23 Stormwater Management Unit Price Contract with Ray Campbell Contracting Company, Inc. for 2167 Tully Wren, Program No. SW2230.**

To **approve** a work order under the FY23 Stormwater Management Unit Price Contract with Ray Campbell Contracting Company, Inc., in the amount of $141,809.00, for 2167 Tully Wren, Program No. SW2230; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the Water System's CIP Budget as follows:

Transfer from:			
Stormwater Multi-year Budget			
Drainage Contract R&M Service	510-500-5758-6496	SW9999-Z	$141,809.00
Transfer from:			
2167 Tully Wren			
Drainage Contract R&M Service	510-500-5758-6496	SW2230-C	$141,809.00

Transportation

14. **To authorize installation of signage on Farm Valley Drive to convert the intersection of Farm Valley Drive and Jamie Way to an all-way stop-controlled intersection.**

To **authorize** installation of signage on Farm Valley Drive to convert the intersection of Farm Valley Drive and Jamie Way to an all-way stop-controlled intersection.

Available in the Department's approved FY23 General Fund Operating Budget, as follows:

Available:	010-050-0781-6197	Signage Supplies	$750.00

15. **To approve an Intergovernmental Agreement with Cobb County School District for use of County right-of-way for the purposes of installing, maintaining, and operating communication facilities.**

To **approve** an Intergovernmental Agreement with the Cobb County School District for use of County right-of-way for the purposes of installing, maintaining, and operating communication facilities.

16. **To authorize extension of the contract with Public Facilities & Services, Inc., for cleaning services at CobbLinc transit system amenities and facilities, CCDOT Contract No. 001433.**

To **authorize** extension of the contract with Public Facilities & Services, Inc., effective February 6, 2023 through April 30, 2023, in an amount not to exceed $82,899.00, for cleaning services at CobbLinc transit system amenities and facilities, CCDOT Contract No. 001433; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Federal and local funding is available in the Transit Grant Fund, with the following budget transfer:

Transfer from:	203-050-T081-8005	Preliminary Estimate	$82,899.00
Transfer to:	203-050-T081-6326	Professional Services	$82,899.00

17. **To approve an update to the Department of Transportation's Prequalified List of Engineering and Associated Specialty Firms available for the procurement of professional services for the 2022-2023 prequalification period.**

To **approve** an update to the Department of Transportation's Prequalified List of Engineering and Associated Specialty Firms available for the procurement of professional services for the 2022-2023 prequalification period expiring on May 11, 2024.

18. **To approve the CobbLinc Agency Safety Plan for the Department's transit system.**

To **approve** the CobbLinc Agency Safety Plan for the Department's transit system. A copy of the approved Safety Plan is attached and made a part of these minutes.

Public Services Agency

PARKS

19. **To approve an amendment to the Stout Caretaker Agreement with John F. Davis to continue to serve as the caretaker at the Violet F. Stout Park.**

To **approve** an amendment to the Stout Caretaker Agreement with John F. Davis to continue to serve as the caretaker for Violet F. Stout Park; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Decrease: GAE FY22STOUTPARK 010-105-3200-6326 (Professional Services) $1,290.00

20. **To authorize the application for a Building Opportunities for Out-of-School Time (BOOST) Grant through the Georgia Recreation & Park Association.**

To **authorize** the application for the GRPA BOOST Grant (2023); **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman or Michael Brantley, PARKS Director, to execute the necessary documents.

21. **To authorize the application for a Local Assistance and Tribal Consistency Funds grant through the US Department of Treasury.**

To **authorize** the application for the Local Assistance and Tribal Consistency Funds (LATCF) Grant; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman or Michael Brantley, PARKS Director, to execute the necessary documents.

22. **To approve a fourth extension of the Cobblestone Golf Management Agreement for 90 days with Affiniti Golf Partners, LLC to allow for additional time to facilitate negotiations for a management agreement.**

To **approve** a fourth extension to the First Amendment of the Cobblestone Management Agreement with Affiniti Golf Partners, LLC. for 90 days with a new ending date of April 25, 2023; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Support Services Agency

Information Services

23. **To approve a lease with Dell Financial Services LLC (DFS) from an existing Master Lease Agreement (MLA), to replace up to 491 computers in the second quarter of FY 23 for Phase 7 Lease 055 of the PC Replacement Project.**

To **approve** a lease with Dell Financial Services LLC from an existing Master Lease Agreement, in an amount not to exceed $747,250.00 (49 months of lease payments in FY 23 - FY 27) to finance the replacement of up to 491 computers in the second quarter of FY 23; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding for the FY 23 lease payments is available in the Capital Replacement Fund 380, PC Replacements Project, Unit 4580, as follows:

380-035-4580-6532	(Equipment Lease)	$91.500.00

Purchasing

24. To approve Indefinite Delivery Contracts for architectural and engineering services in four design and engineering categories.

To **approve** Indefinite Delivery Contracts for architectural and engineering services with firms as listed under design categories for Architectural Design, HVAC Design, Roofing Design, and Structural Engineering Design.

Funding for projects accomplished through Indefinite Delivery Contracts will be identified as available either in a department's operating budget or the appropriate fund budget, prior to contracting with a design firm. Design agreements for all SPLOST funded projects, and for all projects with design fees exceeding $50,000.00, will be presented to the Board of Commissioners for approval prior to issuance of each specific design contract.

Community Development

25. To review a summary of the appeal hearing conducted by the License Review Board on January 5, 2023 for Southern Fryde Group, Inc. d/b/a Righteous Que.

To **affirm** the decision of the License Review Board, following the review of the summary of the appeal hearing of January 5, 2023 to approve the application for a beer and wine pouring license for Southern Fryde Group, Inc. d/b/a Righteous Que, 1050 E Piedmont Rd., Ste. 143, Marietta, GA 30062, Michael Verzone, licensee.

26. To review a summary of the appeal hearing conducted by the License Review Board on January 5, 2023 for OVIYA d/b/a V3 Beer N Wine.

To **affirm** the decision of the License Review Board, following the review of the summary of the appeal hearing of January 5, 2023 to approve the application for a beer, wine and Sunday sales package license for OVIYA d/b/a V3 Beer N Wine, 4311 Bells Ferry Rd., Ste. 121, Kennesaw, GA 30004, Praveen Kumar Yedla, licensee.

Finance

27. To adopt a resolution adopting all budget amendments set forth in agenda items on this date.

To **adopt** a resolution adopting all budget amendments set forth in agenda items on this date. A copy of said resolution is attached and made a part of these minutes.

28. To approve a resolution to levy an ad valorem tax to repay the Cobb County School District Short-Term Construction Notes, Series 2023.

To **adopt** a Resolution to levy an ad valorem tax to repay the Cobb County School District Short-Term Construction Notes, Series 2023 in the event that the special educational sales tax proceeds and other funds of the Cobb County School District are not sufficient to repay such notes, and **authorize** the Chairwoman to execute any necessary documents. A copy of said resolution is attached and made a part of these minutes.

There is no funding required at this time.

CDBG

29. To amend Program Year 2021 Annual Action Plan for the reallocation of unexpended Community Development Block Grant program and program income funds.

To **amend** to the Program Year 2021 Annual Action Plans for the reallocation of unexpended Community Development Block Grant program funds; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents. A copy of Attachment A is attached and made a part of these minutes.

The budget appropriation shown in Attachment A accounts for the transfer of unexpended CDBG to other eligible activities.

CONSENT VOTE: **ADOPTED 5-0** *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes)*

REGULAR AGENDA

County Manager

30. To authorize advertisement for and conduct of a public hearing for employment of consultant services where contract fees will likely exceed $100,000.00 for Cobb County.

Motion by Cupid, second by Sheffield, to **authorize** the advertisement for and conduct of a public hearing prior to the employment of a consulting firm where fees are likely to exceed $100,000.00 to provide state and federal legislative consulting services for Cobb County.

VOTE: **ADOPTED 5-0** *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

County Clerk

31. To approve minutes.

Motion by Cupid, second by Sheffield, to **approve** minutes from the following meetings:

- December 13, 2022 - BOC Work Session Minutes
- January 9, 2023 - Agenda Work Session
- January 10, 2023 - BOC Regular Meeting

VOTE: **ADOPTED 3-2,** Commissioner Birrell and Commissioner Gambrill opposed
(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).

District Attorney

32. To withdraw the request to authorize the creation of and funding for the Cobb Family Advocacy Center.

This item was withdrawn from the agenda.

Transportation

33. To approve a Utility Relocation Agreement with Georgia Power Company for preliminary engineering and relocation of facilities on Shaw Road Sidewalk, Project No. X2751, CCDOT Contract No. 002063.

Motion by Birrell, second by Cupid, to **approve** a Utility Relocation Agreement with Georgia Power Company, in an amount not to exceed $11,458.00, for preliminary engineering and relocation of facilities on Shaw Road Sidewalk, Project No. X2751, CCDOT Contract No. 002063; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	347-050-X270-X270-8005-X2751-U	Preliminary Estimate	$11,458.00
Transfer to:	347-050-X270-X270-8786-X2751-U	Utility Relocation	$11,458.00

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Sidewalks.

To approve a Utility Relocation Agreement with Georgia Power Company for preliminary engineering and relocation of facilities on Shaw Road Sidewalk, Project No. X2751, CCDOT Contract No. 002063. (Cont.)

Shaw Road Sidewalk is an eligible project/program under the Pedestrian Improvements – Sidewalks Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp 7, 14). Pedestrian Improvements within Commission District 3 include construction of sidewalks and other pedestrian improvements along roadways in the vicinity of schools, activity centers, multi-modal facilities (transit stops/shelters, etc.). and other congested areas, to include pedestrian bridges where needed.

SPLOST Project Summary as of January 4, 2023: Shaw Road Sidewalk

Budget:	$601,519.61	Expended:	$206,155.45

VOTE: **ADOPTED 5-0** *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

34. **To approve a Utility Relocation Agreement with Georgia Power Company for preliminary engineering and relocation of facilities on Davis Road Sidewalk, Project No. X2752, CCDOT Contract No. 002064.**

Motion by Birrell, second by Cupid, to **approve** a Utility Relocation Agreement with Georgia Power Company, in an amount not to exceed $56,924.00, for preliminary engineering and relocation of facilities on Davis Road Sidewalk, Project No. X2752, CCDOT Contract No. 002064; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	347-050-X270-X270-8005-X2752-U	Preliminary Estimate	$56,924.00
Transfer to:	347-050-X270-X270-8786-X2752-U	Utility Relocation	$56,924.00

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Sidewalks.

Davis Road Sidewalk is an eligible project/program under the Pedestrian Improvements – Sidewalks Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp 7, 14). Pedestrian Improvements within Commission District 3 include construction of sidewalks and other pedestrian improvements along roadways in the vicinity of schools, activity centers, multi-modal facilities (transit stops/shelters, etc.). and other congested areas, to include pedestrian bridges where needed.

SPLOST Project Summary as of January 4, 2023: Davis Road Sidewalk

Budget:	$922,287.95	Expended:	$206,758.21

VOTE: **ADOPTED 5-0** *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

35. **To approve Change Order No. 1 (final) to the Consultant Services Agreement with Southeastern Engineers, Inc., for engineering design services of New Macland Road, Project No. X2608, CCDOT Contract No. 001087.**

Motion by Sheffield, second by Birrell, to **approve** Change Order No. 1 (final) to the Consultant Services Agreement with Southeastern Engineers, Inc., a savings to the project in the amount of $5,943.20, for engineering design services of New Macland Road, Project No. X2608, CCDOT Contract No. 001087; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance			
GAE 347082217805:	347-050-X260-X260-8722-X2608-E	Engineering	$5,943.20
Transfer from:	347-050-X260-X260-8722-X2608-E	Engineering	$5,943.20
Transfer to:	347-050-X260-X260-8721-X2608-E	Preliminary Estimate	$5,943.20

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Roadway Improvements.

New Macland Road is an eligible project/program under the Safety and Operational Improvements – Roadway Improvements Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 19).

SPLOST Project Summary as of January 4, 2023: New Macland Road

Budget:	$3,437,274.60	Expended:	$2,812,614.29

VOTE: **ADOPTED 5-0** *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

36. To approve Change Order No. 1 (final) to the Consultant Services Agreement with AECOM Technical Services, Inc., for engineering design services of Old 41 Highway Bridge over CSX Railroad, Project No. X2116, CCDOT Contract No. 000969.

Motion by Birrell, second by Cupid, to **approve** Change Order No. 1 (final) to the Consultant Services Agreement with AECOM Technical Services, Inc., a savings to the project in the amount of $15,373.78, for engineering design services of Old 41 Highway Bridge over CSX Railroad, Project No. X2116, CCDOT Contract No. 000969; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

A savings to the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Decrease Encumbrance			
GAE 347110816603:	347-050-X210-X210-8722-X2116-E	Engineering	$15,373.78
Transfer from:	347-050-X210-X210-8722-X2116-E	Engineering	$15,373.78
Transfer to:	347-050-X210-X210-8721-X2116-E	Preliminary Estimate	$15,373.78

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Bridges and Culverts.

Old 41 Highway Bridge over CSX Railroad is an eligible project under the Infrastructure Preservation – Bridges and Culverts Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 11).

SPLOST Project Summary as of January 4, 2023: Old 41 Highway Bridge over CSX Railroad (Joint project with Marietta)

Budget:	$7,400,000.00	Expended:	$6,303,417.34

VOTE: **ADOPTED 5-0** *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

37. **To approve a contract with Tidwell Construction Company for Mars Hill Road over Allatoona Creek, Project No. X2115, CCDOT Contract No. 001539.**

Motion by Gambrill, second by Richardson, to **approve** a contract with Tidwell Construction Company, in an amount not to exceed $642,069.00, for Mars Hill Road over Allatoona Creek, Project No. X2115, CCDOT Contract No. 001539; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2016 SPLOST Transportation Improvements Program Fund, with the following budget transfers:

Transfer from:	347-050-X210-X210-8761-X2115-C	Preliminary Estimate	$332,527.00
	347-050-X290-X290-8005-X2900-C	Preliminary Estimate	$309,542.00
Transfer to:	347-050-X210-X210-8762-X2115-C	Turnkey Construction	$642,069.00

The 2016 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Bridges and Culverts.

Mars Hill Road over Allatoona Creek is an eligible project/program under the Infrastructure Preservation – Bridges and Culverts Component of the 2016 SPLOST Transportation Improvements (Cobb County 2016 SPLOST, pp. 7, 12). Mars Hill Road over Allatoona Creek improvements include the repair or replacement of the deficient bridge.

SPLOST Project Summary as of January 4, 2023: Mars Hill Road over Allatoona Creek

Budget:	$701,916.11	Expended:	$344,480.39

Adjusted SPLOST Project Summary, following requested budget transfer:

Adjusted Budget: $1,001,458.11

VOTE: **ADOPTED 5-0** *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

38. To ratify previous action by the County Manager authorizing emergency drainage repairs on Eagles Crest Drive and approve Project No. B2268 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., for said repairs, CCDOT Contract No. 002065.

Motion by Gambrill, second by Richardson, to **ratify** previous action by the County Manager authorizing emergency drainage repairs on Eagles Crest Drive, in response to a sinkhole and voids; **approve** Project No. B2268 to the 2021 Countywide Unit Price Contract with Chatfield Contracting, Inc., in an amount not to exceed $216,258.00, for said repairs, CCDOT Contract No. 002065; **authorize** the corresponding budget transaction; and **further authorize** the Chairwoman to execute the necessary documents.

Available in the 2022 SPLOST Transportation Improvements Program Fund, with the following budget transfer:

Transfer from:	348-050-B220-B220-8005-B2201-A	Preliminary Estimate	$216,258.00
Transfer to:	348-050-B220-B220-8762-B2268-C	Turnkey Construction	$216,258.00

The 2022 Special Purpose Local Option Sales Tax (SPLOST), adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Drainage System.

Eagles Crest Drive is an eligible project/program under the Drainage System Component of the 2022 SPLOST Transportation Improvements (2022 Cobb SPLOST Renewal, pp. 1, 14). SPLOST funding for drainage system improvements will provide for the repair and replacement of existing drainage facilities within the county right-of-way.

SPLOST Component Summary as of January 4, 2023: Drainage System

Budget:	$10,086,879.47	Encumbered/Expended:	$3,667,941.68

VOTE: **ADOPTED 5-0** *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

39. **To adopt a resolution authorizing the submission of a Rebuilding American Infrastructure with Sustainability and Equity grant application to the U.S. Department of Transportation for the Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment planning project.**

Motion by Gambrill, second by Birrell, to **adopt** a resolution authorizing the submission of a Rebuilding American Infrastructure with Sustainability and Equity grant application to the U.S. Department of Transportation for the Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment planning project; **designate** Drew Raessler and Mark Lambert as the authorized Department representatives for all matters associated with the RAISE grant application; and **authorize** the Chairwoman to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

VOTE: **ADOPTED 5-0** *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

40. **To adopt a resolution authorizing the submission of a Rebuilding American Infrastructure with Sustainability and Equity grant application to the U.S. Department of Transportation for the East-West Connector Corridor Improvements planning project.**

Motion by Richardson, second by Sheffield, to **adopt** a resolution authorizing the submission of a Rebuilding American Infrastructure with Sustainability and Equity grant application to the U.S. Department of Transportation for the East-West Connector Corridor Improvements planning project; **designate** Drew Raessler and Mark Lambert as the authorized Department representatives for all matters associated with the RAISE grant application; and **authorize** the Chairwoman to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

VOTE: **ADOPTED 5-0** *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

41. **To adopt a resolution authorizing the submission of a Rebuilding American Infrastructure with Sustainability and Equity grant application to the U.S. Department of Transportation for the Cumberland Core Loop, also known as Cumberland Sweep, planning project.**

Motion by Richardson, second by Gambrill, to **adopt** a resolution authorizing the submission of a Rebuilding American Infrastructure with Sustainability and Equity grant application to the U.S. Department of Transportation for the Cumberland Core Loop, also known as Cumberland Sweep, planning project; **designate** Drew Raessler and Mark Lambert as the authorized Department representatives for all matters associated with the RAISE grant application; and **authorize** the Chairwoman to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

VOTE: **ADOPTED 5-0** *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

42. **To adopt a resolution authorizing submission of a FY23 Carbon Reduction Program grant request to the Federal Transit Administration for transit capital projects, authorize the acceptance of allocated Carbon Reduction Program grant funding, and authorize reallocation of previously approved federal and local funding for capital projects.**

Motion by Cupid, second by Sheffield, to **adopt** a resolution authorizing submission of a FY23 Carbon Reduction Program grant request to the Federal Transit Administration, in an amount not to exceed $4,164,828.00, for transit capital projects; **authorize** the acceptance of allocated Carbon Reduction Program funding; **authorize** reallocation of previously approved federal and local funding for capital projects; **authorize** the corresponding budget and accounting transactions; and **further authorize** the Chairwoman, or her designee, to execute the necessary documents. A copy of said resolution is attached and made a part of these minutes.

Appropriate receipt of FY23 Carbon Reduction Program grant funding to the Transit Grant Fund, as follows:

Increase Revenue:	203-050-T071-4439	FTA 5307 - Capital	$2,221,241.00
Increase Revenue:	203-050-T065-4439	FTA 5307 - Capital	$1,110,621.00
Increase Expense:	203-050-T071-8005	Preliminary Estimate	$2,221,241.00
Increase Expense:	203-050-T065-8005	Preliminary Estimate	$1,110,621.00

Local match funding is available in the Transit Grant Fund, with the following interfund transfer from the Public Facility Projects Fund:

Available:	380-050-4655-6594	Interfund Transfer - Expense	$832,966.00
Increase Revenue:	203-050-T071-4960	Interfund Transfer - Revenue	$555,311.00
Increase Revenue:	203-050-T065-4960	Interfund Transfer - Revenue	$277,655.00
Increase Expense:	203-050-T071-8005	Preliminary Estimate	$555,311.00
Increase Expense:	203-050-T065-8005	Preliminary Estimate	$277,655.00

VOTE: **ADOPTED 5-0** *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

Public Services Agency

PARKS

43. **To approve a contract with Flock Safety, to provide and install 16 Automatic License Plate Reader (ALPR) systems in six Cobb County Parks, under the 2016 and 2022 PARKS SPLOST programs.**

Motion by Cupid, second by Sheffield, to **approve** a contract with Flock Safety, in an amount not to exceed $277,600.00, to supply labor, equipment and materials to install ALPRs in six parks, under the 2016 and 2022 PARKS SPLOST programs; **authorize** the corresponding budget transactions; and **further authorize** the Chairwoman to execute the necessary documents.

Funding is available in the 2016 PARKS SPLOST funds as follows:

347-105-X0642-C-8481	(Technology Improvements)	$250,000.00

Funding is available in the 2022 PARKS SPLOST fund as follows:

348-105-B065-B0652-C-8481	(Technology, Life Safety &Security Improvements)	$ 27,600.00

SPLOST Project Summary as of November 2, 2022 (Technology, Life Safety & Security Improvements)

2016 Budget:	$1,360,950.65	Expended to Date:	$815,902.20
2022 Budget:	$630,321.50	Expended to Date:	$0.00

The 2016 SPLOST, adopted by the Board of Commissioners on July 22, 2014, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, PARKS Improvements.

Technology improvements, installations and upgrades are eligible projects under the 2016 SPLOST (Cobb County 2016 SPLOST, Page 31).

The 2022 SPLOST, adopted by the Board of Commissioners on July 14, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, PARKS Improvements.

Parks Technology, Life Safety and Security Improvements are eligible projects under the 2022 SPLOST (Cobb County 2022 SPLOST, Page 27).

The installation of ALPRs in selected parks will enhance the safety of our park visitors and their vehicles and possessions, as well as aid police efforts to prevent and solve crimes.

VOTE: **ADOPTED 5-0** *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

Public Safety Agency

44. To authorize the Purchasing Director to purchase Mobile Data Computers (MDCs) and specialty equipment greater than $100,000.00, needed to outfit all 2022 SPLOST replacement vehicles for the Cobb County Police Department (CCPD), under provisions of Georgia State Contract #99999-SPD-SPD0000161-0009. This is a 2022 SPLOST project, Police Vehicle Replacement Program B1061.

Motion by Cupid, second by Birrell, to **authorize** the Purchasing Director to purchase MDCs and other specialty equipment needed to outfit all 2022 SPLOST replacement Public Safety vehicles under provisions of Georgia State Contract #99999-SPD-SPD0000161-0009; and **authorize** the corresponding budget transactions.

Funding is available in the 2022 SPLOST Fund:
348-130-B106-B1061-8420 Phase A

The 2022 SPLOST adopted by the Board of Commissioners on July 14, 2020 and approved by the voters of Cobb County on November 3, 2020, provides for capital improvements and anticipated corresponding budget funding to address, inter alia, Police Vehicle replacement.

The purchase of MDC's and specialty equipment is an eligible project/program under the 2022 SPLOST and is an approved project of the Police Vehicle Replacement program (Cobb County 2022 SPLOST, p.10).

SPLOST Project Summary as of January 4, 2023:
Budget: $10,000,000.00
Expended: $4,472,002.76

VOTE: **ADOPTED 5-0** *(Statements read by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes).*

PUBLIC COMMENT

1. Mindy Seger addressed the Board regarding redistricting.
2. William Parker addressed the Board regarding home rule.
3. Michael Garza addressed the Board regarding redistricting.
4. Monica Delancy addressed the Board regarding the Riverside Community update, and housing.
5. Donna Court addressed the Board regarding redistricting.
6. Donald Barth addressed the Board regarding redistricting.

APPOINTMENTS

45. To announce the reappointment of Enrico Washington to the Airport Advisory Board.

Chairwoman Cupid **announced** the reappointment of Enrico Washington to the Airport Advisory Board for a two-year term to expire on December 31, 2024.

46. To announce the reappointment of Mark Wade to the Electrical Advisory Board.

Chairwoman Cupid **announced** the reappointment of Mark Wade to the Electrical Advisory Board for a concurrent term to expire on December 31, 2024.

47. Withdrawal of the request to announce the reappointment of Juan Violantes to the Neighborhood Safety Commission.

This item was withdrawn from the agenda.

Clerk's Note: The following two appointments to the Neighborhood Safety Commissioner have been updated with the incorrect expiration date to reflect the correct expiration date.

48. To announce the reappointment of Tosha Settles to the Neighborhood Safety Commission.

Chairwoman Cupid **announced** the reappointment of Tosha Settles to the Neighborhood Safety Commission for a three-year term to expire on ~~November 30, 2025~~. *September 30, 2025.*

49. To announce the reappointment of David Knight to the Neighborhood Safety Commission.

Chairwoman Cupid **announced** the reappointment of David Knight to the Neighborhood Safety Commission for a three-year term to expire on ~~November 30, 2025~~. *September 30, 2025.*

50. To announce the Vice Chair for 2023 and the liaison for Cobb Travel and Tourism.

Chairwoman Cupid **announced** Commissioner Jerica Richardson as the Board of Commissioners Vice Chair for 2023; and **announced** the appointment of Commissioner Monique Sheffield to serve as Board liaison for Cobb Travel and Tourism.

ADJOURNMENT

The meeting was adjourned at 9:07 p.m.

Angela Cunningham
Deputy County Clerk
Cobb County Board of Commissioners

For the record, please add to each vote taken:

I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map 3 times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022 under the State map (HB 1154) voted on by the Georgia General Assembly in February 2022 and signed into law by Governor Kemp on March 2, 2022 and certified by the Board of Elections on November 15, 2022.

Commissioner Birrell

Reference No. Statement

From: Commissioner Keli Gambrill
To: Cobb County Clerk
Statement January 24, 2023 to be attached to all agenda items considered.

When the Board first entered Executive Session in March 2022 to discuss the "Home Rule" challenge, I challenged the County Attorney's Office on the premise and requested outside counsel to be sought.

While the County Attorney's Office claims the Association of County Commissioners of Georgia (ACCG) provided legal advice, I too am in receipt of the documents from the ACCG regarding Home Rule, to which it clearly defines the limit of this Boards Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.

In addition, the Georgia Supreme Court has ruled, that the GA Constitution Limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law. Furthermore, the "Home Rule" powers granted to the Board of Commissioners do not extend to any matters which the Georgia General assembly by general law has preempted, like the redistricting map here in Cobb Co. Commissioners of Wayne Co. v. Smith 240 Ga. 540 (1978); Brophy v. McCranie 264 Ga. 187 (1994).

In fact, even in Federal Court in Georgia, the court has ruled the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties; therefore, where the General Assembly failed to enact reapportionment legislation for a certain county, although it was entitled to consideration as an expression of county policy, a reapportionment plan proposed by a county was not a legislatively enacted plan requiring deferential treatment and the district court was required to fashion a reapportionment plan. Bodker v. Taylor, 2002 U.S. Dist. LEXIS 27447 (N.D. Ga. June 5, 2002).

Just last week, Georgia State Attorney General, Chris Carr stated that the Cobb County Commissions move to amend its electoral redistricting map is "inappropriate and not legally binding."

Per the letter dated December 22, 2022, from C. Ryan Germany, General Counsel for the Office of the Secretary of State, he acknowledges the documentation received included a copy of the Amendment, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which the notice was published.

Mr. German's letter also states, "You should not consider the ministerial function of filing the Amendment with our office or the publishing of the Amendment to be a comment on whether the Amendment is allowable under state law or a proper exercise of authority by the Cobb County Commission, nor should you rely on it to attempt to establish the validity of the Amendment." "In fact," he continues "it appears that the Amendment is very likely an

unauthorized exercise of authority by the Cobb County Commissioner that does not comply with Georgia Law or the state Constitution.

With the majority of this Board actions on October 25, 2022 and the resulting filing and recording with the Office of the Secretary of State on October 26, 2022, the boundaries of the districts from which county commissioners were elected in Districts 1 and 3 were changed (14) days prior to the General Election, and eight (8) days after early voting had begun using district boundaries for Districts 1 and 3 as approved by the Governor.

Furthermore, the Board of Elections certified the election of Commissioners in District 1 and 3 using the map as approved by the Governor on March 2, 2022 on November 15, 2022 and not the maps that the Board of Commissioners made effective on October 26, 2022.

In a letter dated October 3, 2022 Deputy Legislative Counsel D. Stuart Morelli, "It is practically indisputable that a county home rule resolution or ordinance changing the boundaries of the districts from which county commissioners are elected would be an action affecting the procedure for the election of the county's governing authority. O.C.G.A. 36-35-4.1, no such statutory authority exists for Georgia counties.

Just two weeks ago, I was unjustifiably removed from this dais and prevented from representing my constituents and carrying out the duties I was elected to perform, based on an opinion that is not supported by law or policies of this Board.

Per Louis D. Brandeis, "Our government...teaches the whole people by its example. If the government becomes the lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself, it invites anarchy."

While I am here representing my constituents and fulfilling my duties as an elected official, I hereby request the clerk to attack this statement to each vote that is recorded herein.

Commissioner Gambrell
Reference No. Statement.

Reference No. 20904

RESOLUTION

Resolution authorizing the submission of a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant application to the U.S. Department of Transportation for the Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment planning project.

WHEREAS, the U.S. Department of Transportation (USDOT) is holding a solicitation for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program project funding proposals; and

WHEREAS, on December 14, 2022, the USDOT announced a Fiscal Year 2023 call for projects; and

WHEREAS, applications are due by February 28, 2023, and will be competitively selected for award based on predetermined evaluation criteria; and

WHEREAS, the County is an eligible applicant and desires to submit an application for financial assistance with planning studies and preliminary engineering to advance, develop, and design the Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment project, a comprehensive study and design to improve connectivity, access, traffic operations, safety, and mobility for various transportation modes through the area, and to enhance opportunities for an economic development gateway into Downtown Kennesaw; and

WHEREAS, the Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment project is included in the CobbForward Comprehensive Transportation Plan 2050, as adopted by the Board of Commissioners on February 8, 2022, which includes recommendations for transportation and transit system improvements resulting from robust public participation and technical analysis related to funding future transportation investments within the County to meet the changing needs of the County's residents, businesses, and visitors; and

WHEREAS, the total requested for the Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment project for a planning/design RAISE grant is $5,525,000.00, which includes federal funds in the amount of $4,420,000.00, and local match funds in the amount of $1,105,000.00, should the RAISE grant funds be awarded.

NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners supports the County's submission of a RAISE grant application to the USDOT for the aforementioned project.

CERTIFICATION

The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on January 24, 2023.

This 24th day of February, 2023

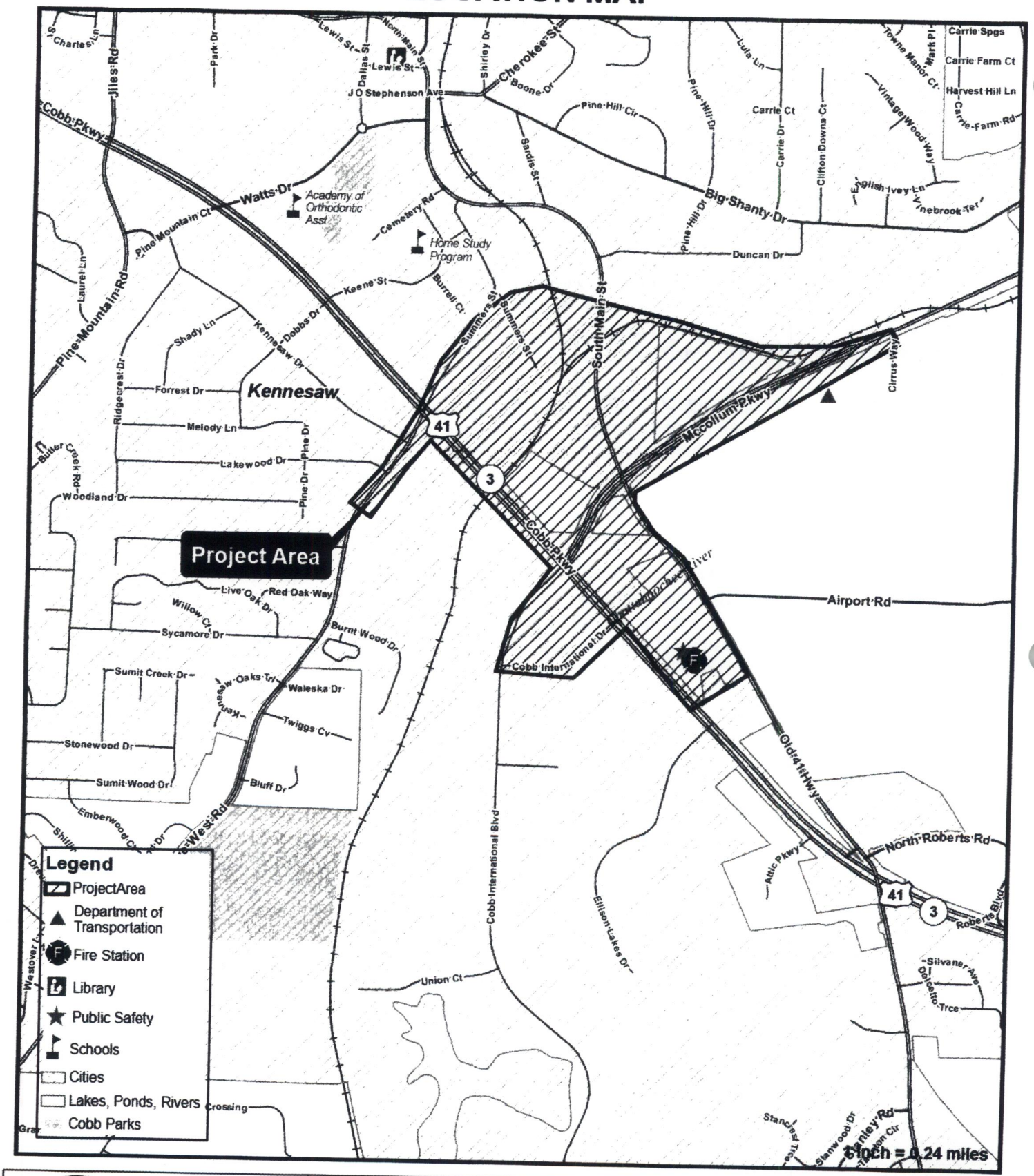
Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners

Attest:
Clerk
Cobb County Board of Commissioners

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS
1/24/23

Reference No. 39

LOCATION MAP



COBB COUNTY STATE OF GEORGIA 1832

Department of Transportation

PROJECT:
Cobb Parkway at McCollum Parkway/Kennesaw Due West Road/Old 41 Highway Realignment

Notes: Commission Districts 1, 3

DATE: January 24, 2023

CobbLinc Agency Safety Plan

1. Transit Agency Information

Transit Agency Name	Cobb County (CobbLinc)		
Transit Agency Address	463 Commerce Park Drive, Suite 112, Marietta, GA 30080		
Name and Title of Accountable Executive	Theophalas Letman, Cobb County DOT Transit Division Manager		
Name of Chief Safety Officer or SMS Executive	Bernadette Townsend, Interim Chief Safety Officer		
Mode(s) of Service Covered by This Plan	Commuter Bus, Motor bus, Demand Response	**List All FTA Funding Types (e.g., 5307, 5310, 5311)**	5307, 5337, and 5339
Mode(s) of Service Provided by the Transit Agency (Directly operated or contracted service)	CobbLinc is the bus public transportation system in Cobb County and provides commuter bus, motor bus, and demand response services. CobbLinc operates 9 local and 3 express bus routes, 2 Circulator routes, 3 FLEX zones, and paratransit service. All express routes connect with MARTA rail stations and downtown employment centers. CobbLinc also offers 2 transfer centers (Marietta and Cumberland) and 8 park-and-ride lot**s.** ~~locations throughout Cobb County.~~ CobbLinc has an average annual ridership of more than 1.3 million passenger trips (FY2021). As of 2021, CobbLinc's total fleet consists of 113 buses: 70 local route buses, ~~16~~**19** express buses, 19 paratransit buses, and 5 Flex buses. CobbLinc is operated through a contracted service agreement with First Transit, a private operator providing fixed route operations, paratransit operations, maintenance, safety, and customer service. First Transit is a business unit of First Group America, the U.S. based North American Operating Unit of FirstGroup plc (First Group), a United Kingdom-based passenger transportation company. First Group is the U.K.'s largest bus operator, with a fleet of more than 9,000 vehicles, and also one of the U.K.'s leading train operators.		

Reference No. 18

2. Plan Development, Approval, and Updates

Name of Entity That Drafted This Plan	Cobb County (CobbLinc)	
Signature by the Accountable Executive	**Signature of Accountable Executive**	**Date of Signature**
	Theo Letman	12/20/22
Approval by Safety Committee	**Safety Committee Chair Signature**	**Date of Approval/Signature**
	Bernadette Townsend	12/20/22
Approval by the Board of Directors or an Equivalent Authority	**Name of Individual/Entity That Approved This Plan**	**Date of Approval**
	Cobb County Board of Commisioners	
	Relevant Documentation (title and location)	
Certification of Compliance	**Name of Individual/Entity That Certified This Plan**	**Date of Certification**
	Bernadette Townsend Interim Chief Safety Officer	12/20/22
	Relevant Documentation (title and location)	
	Resolution, Board of Commissioners Meeting	

Version Number and Updates

Record the complete history of successive versions of this plan.

Version Number	Section/Pages Affected	Reason for Change	Date Issued
Original	All pages are original version	First Official version of CobbLinc Agency Safety Plan	June 2020

1	Safety Management Policy Safety Performance Targets Corporate Communication of Safety Concerns Hazard Tracking Competencies and Training	Agency informational changes Bipartisan Infrastructure Law Requirements Safety Committee additions	December 2022

Annual Review and Update of the Public Transportation Agency Safety Plan

Describe the process and timeline for conducting an annual review and update of the Public Transportation Agency Safety Plan.

The Cobb County Transit Division ASP Annual Review is conducted via a four-step review process initiated by the Transit Operations Manager and the Chief Safety Officer or his/her designee.

- Step 1 – Establish a timeline for the update. The process typically begins on or around October 1st of each year and is planned/scheduled to be completed by January 31st of the following year. Prior to the beginning of each fiscal year, First Transit's Safety Plan is reviewed by Executive management and revised based on the safety data collected and analyzed and changes to policies and procedures made throughout the year.

- Step 2 – Review the County's Transit Agency personnel information to ensure leadership changes are incorporated and the signature pages and approvals are updated to reflect the current leadership. Furthermore, each section and element of the plan is reviewed in detail and changes are included in the review documentation. First Transit's review of safety practices is an ongoing process, not one limited to scheduled reviews. As policies/procedures and training techniques change throughout the year, they are updated and communicated throughout the organization. All changes are reviewed and approved by the Senior Director of Safety and the Vice President of Safety – First Transit.

- Step 3 - The Transit Operations Manager and Chief Safety Officer coordinate an ASP review team meeting with First Transit's local team to review and comment on the changes recommended for incorporation into the updated ASP document. Step 4 – Cobb Transit Division staff will review the PTASP to reflect new leadership, practices, policies, and procedures.

3. Safety Performance Targets

Among the various KPIs that CobbLinc uses are the four safety performance measures that are required by the National Public Transportation Safety Plan: Fatalities, Injuries, Safety Events, and System Reliability, as defined below:

- Fatalities – Total number of reportable[1] fatalities and rate per total vehicle revenue miles (VRM) by mode;
- Injuries – Total number of reportable injuries and rate per total VRM by mode;
- Safety Events – Total number of reportable events and rate per total VRM by mode; and
- System Reliability – Mean distance between major mechanical failures by mode.

These safety performance targets (SPT) are based on data submitted to the National Transit Database (NTD). The SPTs were identified based on a three-year rolling average of data from 2019 to 2021. The annual performance targets for these measures for FY 2023 are as below. Additionally, these SPTs are reviewed and assessed by the Safety Committee to ensure consistency with risk reduction programs. These SPTs will be shared with Atlanta Regional Commission (ARC) Metropolitan Planning Organization (MPO) and GDOT to aid in the planning process. CobbLinc will coordinate with GDOT and ARC in the selection of state and regional performance targets as requested.

In accordance with 49 U.S.C 5329(d)(1)(I)(i), these SPTs are set to works towards a reduction of vehicular and pedestrian accidents involving buses. In order to reduce such events, CobbLinc will utilize the safety risk management process. Mitigations that may be taken to reduce events may include measures to reduce visibility impairments for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments.

Additionally, per 49 U.S.C. 5329(d)(1)(I)(ii), CobbLinc will also continue to take further measures to mitigate assaults on transit workers, including the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects into the workstations of bus operators. To conduct this review, the Safety Committee will conduct risk analyses to determine if such physical mitigations are necessary to reduce assaults and injuries to transit workers.

2023 Safety Performance Targets

Motorbus (per 100,000 VRM)							
Mode - MB	**Fatalities**	**Rate* of Fatalities**	**Injuries**	**Rate* of Injuries**	**Safety Events**	**Rate* of Safety Events**	**System Reliability****
2019 Actual	1	0.04	26	0.97	10	0.37	28,174
2020 Actual	0		5	0.17	4	0.13	12,416
2021 Actual	0	0.00	6	0.22	5	0.19	223,042
Average	0.33	0.02	12	0.45	6	0.23	87,877
2023 SPT (MB)	0	0.02	12	0.45	6	0.23	87,877

Demand Response (per 100,000 VRM)

[1] The thresholds for "reportable" fatalities, injuries, and events are defined in the NTD Safety and Security Reporting Manual.

Mode - DR	Fatalities	Rate* of Fatalities	Injuries	Rate* of Injuries	Safety Events	Rate* of Safety Events	System Reliability**
2019 Actual	0	0.00	0	0.00	0	0.00	6,536
2020 Actual	0	0.00	0	0.00	1	0.19	4,572
2021 Actual	0	0.00	0	0.00	0	0.00	26,235
Average	0.00	0.00	0	0.00	0	0.06	12,448
2023 SPT (MB)	0.00	0.00	0.00	0.00	0	0.06	12,448

*rate = events per 100,000 vehicle revenue miles / **System Reliability = miles between major mechanical failures

Safety Performance Target Coordination

Describe the coordination with the State and Metropolitan Planning Organization(s) (MPO) in the selection of State and MPO safety performance targets.

Cobb County coordinates with the Atlanta Regional Commission.

Targets Transmitted to the State	**State Entity Name**	**Date Targets Transmitted**
	Georgia Department of Transportation	Annually, following the annual FTA assurances and certifications submission
Targets Transmitted to the Metropolitan Planning Organization(s)	**Metropolitan Planning Organization Name**	**Date Targets Transmitted**
	Atlanta Regional Commission	Annually, following the annual FTA assurances and certifications submission

4. Safety Management Policy

Safety Management Policy Statement

Include the written statement of safety management policy, incorporating safety objectives.

Safety management is one of our core business functions. CobbLinc is committed to developing, implementing, maintaining, and constantly improving processes to ensure that all our transit service delivery activities take place under a balanced allocation of organizational resources, aimed at achieving the highest level of safety performance and meeting established standards. All levels of management and all employees are accountable for the delivery of this highest level of safety performance.

CobbLinc's commitment is to:

• Support the management of safety through the provision of appropriate resources, that will result in an organizational culture that fosters safe practices, encourages effective employee safety reporting and

communication, and actively manages safety with the same attention to results as the attention to the results of the other management systems of the organization;

• Integrate the management of safety among the primary responsibilities of all managers and employees;

• Clearly define for all staff, managers and employees alike, their accountabilities and responsibilities for the delivery of the organization's safety performance and the performance of our safety management system;

• Establish and operate hazard identification and analysis, and safety risk evaluation activities, including an employee safety reporting program as a fundamental source for safety concerns and hazard identification, in order to eliminate or mitigate the safety risks of the consequences of hazards resulting from our operations or activities to a point which is consistent with our acceptable level of safety performance;

• Ensure that no action will be taken against any employee who discloses a safety concern through the employee safety reporting program, unless disclosure indicates, beyond any reasonable doubt, an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures;

• Comply with, and wherever possible exceed, legislative and regulatory requirements and standards;

• Ensure that sufficient skilled and trained human resources are available to implement safety management processes;

• Ensure that all staff are provided with adequate and appropriate safety-related information and training, are competent in safety management matters, and are allocated only tasks commensurate with their skills;

• Establish and measure our safety performance against realistic and data-driven safety performance indicators and safety performance targets;

• Continually improve our safety performance through management processes that ensure that appropriate safety management action is taken and is effective; and,

• Ensure externally supplied systems and services to support our operations are delivered meeting our safety performance standards.

• Ensure that the strategies and guidelines to address infectious disease planning and response are consistent with the Centers for Disease Control and Prevention (CDC) and the Georgia Department of Public Health and local health authorities in order to minimize exposure to infectious diseases in accordance with 49 United States Code (U.S.C) 5329 (d)(1)(D).

This Agency Safety Plan describes our safety efforts and programs, and through our thorough implementation of such efforts and programs we explicitly show our commitment to system safety based on SMS principles as per 49 CFR Part 673 and requirements dictated in 49 U.S.C 5329.

Signature Bernadette Townsend

Date 12/20/22

First Transit's policy statement and the official policy that reflects First Transit's commitment to safety is included as **Appendix A.**

Safety Management Policy Communication

Describe how the safety management policy is communicated throughout the agency's organization. Include dates where applicable.

Training for new transit operations employees includes classroom instruction/discussion and a comprehensive review of the County's and First Transit's policies and procedures.

Cobb County Transit Division's Operations Contractor - First Transit

Communication of Local Safety Concerns

The Location Safety Manager is at the center of the local safety communication process and is responsible for compiling safety reports to include the following:

- Accident and injury data for previous month
- Security incident data
- Safety and security audit data and recommendations
- Safety Solutions Team (SST) meeting minutes
- Be Safe near miss and hazard reporting

The Location Safety Manager reports directly to the Location General Manager (LGM) and routinely meets formally with the LGM, one-on-one, to provide updates on safety issues, safety priorities, and hazard management. The Location Safety Manager (LSM) also meets informally with the LGM to provide updates on safety issues on an as-needed basis.

The Location Safety Manager also participates in the Safety Solutions Team (SST) meetings to discuss safety priorities, safety issues, and hazard management, and to communicate safety-related information across all departments.

- The LSM and the LGM have the authority to correct or suspend work for conditions determined to be unsafe, or pose a hazard to customers, employees, contractor employees, the general public, or endangers the safe passage of vehicles, until the unsafe condition or hazard can be mitigated or corrected.

The Region Safety Managers also conduct regular internal reviews of local operations. They are to ensure that each location is audited at least every two to three years, with high-risk locations audited annually for compliance using the risk-based **Location Safety Review.**

Location Safety Review	
Category	**Description**

Scope of Safety Reviews	First Transit locations are selected based upon risk-based criterion. Individual locations are reviewed every 2-3 years
Risk-Based Selection Criterion	Locations selected based on declining 3-year reviews; sites with new location managers; high collision/injury Accident Frequency Rate (AFR); prior year failing score
Review Format	More narrow and focused audit template which includes a balance of compliance assurance as well as location-specific risks and safety performance.
Findings and Follow-Up	Action plans are developed in conjunction with location staff and use a red/yellow/blue/green method to prioritize. All action items are entered and incomplete action items are tracked within the **Safety Toolbox**.
Escalation Process	Items requiring escalation to Senior Director of Safety/Vice President of Safety – First Transit remain intact. Through the use of the Safety Toolbox, unresolved actions are designed to escalate to the Location General Manager/Region Safety Manager.
Visibility	Review results and action items are routinely shared with the Location General Manager/Region Safety Manager/Executive Management. This is augmented by the escalation process for unresolved action items as noted above.

Corporate Communication of Safety Concerns

Executive Safety Meetings are routinely held where each department discusses their concerns and progress in the area of safety and safety-related concerns. Recommendations are considered, and necessary changes implemented. All complaints by departments are addressed immediately.

Minutes from the Executive Safety meeting are distributed to and posted at each location. Action items are addressed at the following meeting.

Executive safety meetings are conducted in the following formats:

First Group Executive Safety Committee (ESC)

- Consists of President, COO, and Safety Vice President of each operating group
- Discussions include safety performance, trend analysis, program oversight

First Group Safety Council

- Consists of Vice Presidents of Safety for all operating divisions
- Discussions include safety performance, trend analysis, and safety oversight

First Group America Safety Council

- Consists of Safety Senior Directors and Safety Vice Presidents
- Discussions include safety performance, trend analysis, best practices, and program oversight

Performance Review Management (PRM)

- Consists of Senior Region Vice Presidents, Region Vice Presidents, Region Directors of Operations, Region Director of Maintenance, Region Directors of Safety and Region Safety Managers
- Discussions include regions safety performance

Safety Advisory Committee

- Consists of a sampling of Location General Managers, Region Directors of Operations, Region Safety Directors and Region and Local Safety Managers
- Discussions include review of policy and procedures, training, and safety awareness

Safety Committee

Pursuant to the Bipartisan Infrastructure Law (BIL) updates to 49 U.S.C Section 5329(d), CobbLinc Transit has created a Safety Committee composed of an equal representation of frontline employees and management representatives. The Safety Committee at a minimum, is responsible for:

- Conduct annual review of the PTASP to recommend for approval by the County Commission;
- Identify and recommend risk-based mitigations or strategies necessary to reduce the likelihood and severity of consequences identified through the agency's safety risk assessment;
- Identify mitigations or strategies that may be ineffective, inappropriate, or were not implemented as intended; and,
- Identify safety deficiencies for purposes of continuous improvement.

CobbLinc established the Safety committee on January 1, 2022. The CSO will periodically convene meetings of the Safety Committee to discuss safety program issues, safety data/performance indicators, Safety and Transit Asset Management (TAM) Plan updates, among various other issues that pertain to overall agency safety matters. The Safety Committee is a group of executive and frontline staff function, with a 50% split of frontline CobbLinc staff, and will be chaired by the CSO. The objectives of regular meetings of the Safety Committee are to ensure that the Transit Director is well-versed in the implementation of the Safety Plan, Key Performance Indicators (KPI) and other important data, and that executive-level staff have a regular multi-disciplinary forum to discuss pertinent safety issues and policy, including risk reduction activities.

Monthly safety committee meetings and minutes are on file and the Safety Risk Management log and tracking spreadsheet are on file and available upon request.

The Safety Committee consists of the following:

- Bernadette Townsend (Interim CSO CobbLinc)

- Meka Phillips (First Transit Safety Manager)
- Blanca Peralta (First Transit GM)
- Nelson Castro (First Transit Maintenance Manager)
- Union Representative/Bus Operator
- Two Frontline Employees (bus operators)

Authorities, Accountabilities, and Responsibilities *Describe the authorities, accountabilities, and responsibilities of the following individuals for the development and management of the transit agency's Safety Management System (SMS).*	
Accountable Executive	Theophalas Letman, Cobb County DOT Transit Division Manager As the Accountable Executive: - Carry out the goals and objectives of the SMS - Control or direct the human and capital resources needed to develop and maintain both the SMS and TAM plans - Ensure that the SMS is effectively implemented throughout the system in close coordination with the Chief Safety Officer - Assume accountability for sustainable outcomes - Ensure departments are performing required SMS operations
Chief Safety Officer or SMS Executive	Bernadette Townsend, Interim Chief Safety Officer As the Chief Safety Officer: - Responsible for reviewing safety and reports prepared and provided by the contractor's Location Safety Manager - Oversees hazard management practices - Serves as SMS subject matter expert - Oversees accident investigations - Communicates with executive leadership - Oversees safety certification - Manages internal safety audit programs.
Agency Leadership and Executive Management	Transit Operations Manager – Derrick Walker Transit Operations Specialist – Roderick Cockerham
Key Staff	Cobb County Transit Division staff and its Contractor use the Safety Committee, as well as the monthly Driver's Meeting and monthly All-Staff meetings, to support its SMS and safety programs: - Safety Committee: Any safety hazards reported will be jointly evaluated by the Safety Committee and the Chief Safety Officer during the monthly meeting. The Safety Committee members include the Chief Safety Officer, the county's Transit Operations Manager and Transit Operations Specialist, the contractor's Location General Manager, the contractor's Location Maintenance Manager, and the contractor's Location Safety Manager, frontline staff assigned to the committee, and any others who meet monthly to review issues and make recommendations to improve safety. - Drivers' Meetings: A permanent agenda item in all monthly meetings is dedicated to safety. Safety issues are discussed and documented. - Monthly All-Staff Meetings: Hazard reports and mitigations will be shared, safety topics will be brought up for open discussion, further feedback solicited, and

	hazard self-reporting further encouraged. Information discussed in these meetings will be documented.

Additional Accountability

To ensure safety and responsibility and accountability throughout the organization, the following **Safety Responsibility and Task Matrix** assigns safety responsibilities for the tasks listed. This process ensures that the pertinent safety items are covered and that each person knows his or her areas of responsibility.

AE: Accountable Executive

CSO: Chief Safety Officer

OPS: Operations

MNT: Maintenance

HR: Human Resources

AL: Agency Leadership

KS: Key Staff

Safety Responsibility and Task Matrix

Responsibilities and Tasks	AE	CSO	OPS	MNT	HR	OTHER	Responsible Personnel
Establish annual safety objectives for submission at the beginning of each fiscal year	☒	☒	AL:☒ KS:☒	AL:☐ KS:☐	AL:☐ KS:☐	AL: ☐ KS: ☐	Transit Division Manager
Submit a report on the safety performance at the end of each fiscal period	☒	☒	AL:☒ KS:☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	Transit Division Manager
Submit the following: period operations and safety data; accident and incident reports; and site safety review results	☐	☒	AL:☒ KS:☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit General Manager
Direct that work or conditions have been determined to be unsafe or pose a hazard to customers, employees, contractor	☐	☐	AL:☒ KS:☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit General Manager

	employees, the general public, or endangers the safe passage of buses be suspended or restricted until the unsafe condition or hazard can be mitigated or corrected							
	Management of system safety, occupational health and safety, accident and incident investigation, environmental protection and monitoring the implementation of the Safety Management System (SMS) Program Plan	☐	☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit Safety Manager
	Review of all safety aspects of departmental procedures including: First Transit policies/instructions; Standard Operating Procedures; HR policies; safety and health policies	☐	☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit Safety Manager
	SMS Review and Modification	☐	☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit Safety Manager
	Safety Solutions Team Meetings	☐	☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit Safety Manager
	Daily Safety & Health Walkthrough	☐	☐	AL:☐ KS:☐	AL:☐ KS:☒	AL:☐ KS:☐	AL:☐ KS:☐	First Transit Maintenance Manager
	Safety related reports to external agencies	☐	☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit General Manager

	Near miss and route hazard report investigations	☐	☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit Road Supervisors
	Investigation of safety related trends	☐	☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	First Transit Safety Manager
	Coordination with United States and State Departments of Labor and Occupational Safety and Health Administration (OSHA)	☐	☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	First Transit Safety Manager
	Environmental Management Oversight	☐	☒	AL:☐ KS:☐	AL:☐ KS:☒	AL:☐ KS:☐	AL:☐ KS:☐	First Transit Maintenance Manager
	Hazard Management Process	☐	☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	First Transit Safety Manager
	Managing Safety Validation of Change Process	☐	☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit General Manager
	Safety Data Reporting	☐	☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit Safety Manager
	Investigations	☐	☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit Safety Manager
	Advise to update SOPs, Rules, and Emergency Plans	☐	☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	First Transit Safety Manager
	Emergency Response	☐	☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit Safety Manager
	Fire Protection	☐	☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit Maintenance Manager
	Shop Safety Hazardous Tools Inspections	☐	☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit Maintenance Manager

	Review Vehicle Maintenance and Failure Data	☐	☒	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit Maintenance Manager
	Perform Vehicle Maintenance Inspections/Audits	☐	☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit Maintenance Manager
	Training, Certification, Review, and Audit	☐	☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit Safety Manager
	Personal Protective Equipment Review	☐	☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	First Transit Maintenance Manager
	Hazardous Materials Management	☐	☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	First Transit Maintenance Manager
	Drug and Alcohol Abuse Program	☐	☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	First Transit Safety Manager
	Procurement	☐	☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☐	AL:☐ KS:☒	Transit Contracts Manager

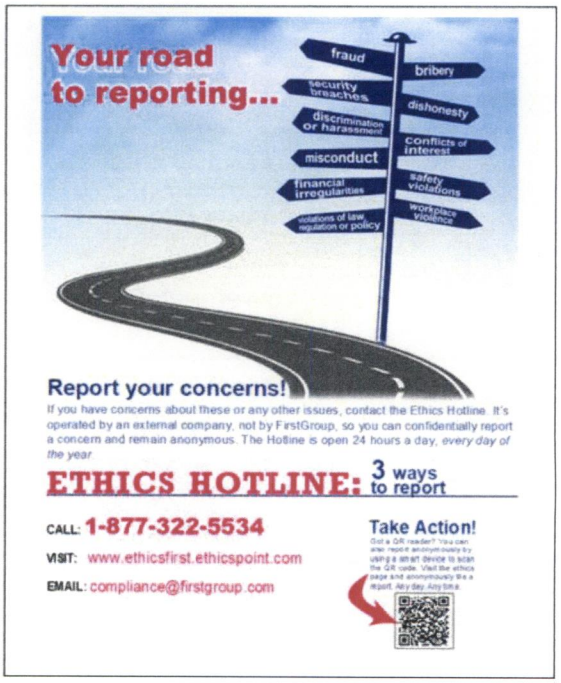
Employee Safety Reporting Program

Describe the process and protections for employees to report safety conditions to senior management. Describe employee behaviors that may result in disciplinary action (and therefore, are excluded from protection).

Cobb County Transit Division staff and their transit operations and maintenance contractor, First Transit, are committed to conducting business with honesty and integrity. Employees are encouraged to speak up and raise questions and concerns promptly about any situation that may violate our safety protocols, policies, procedures, laws, rules, and regulations that govern our business operations.

Employees are expected to tell others when witnessing unsafe work practices or conditions. When employees are not comfortable discussing these unsafe conditions with fellow employees, they are encouraged to discuss the situation with management or report it in writing.

However, where the matter is more serious, or the employee feels that management has not addressed the concern, or they are not comfortable reporting to their immediate manager, they can report it to the next level manager, or the Region Safety Manager or Human Resources Manager. Employees may also directly file a written or verbal complaint by calling the confidential Ethics and Compliance Toll-free Hotline at 1.877.3CALLFG, (1.877.322.5534); contacting the Hotline intake site at ethicsfirst.ethicspoint.com; or emailing Compliance@firstgroup.com.



Retaliation against anyone who, in good faith, reports observations of unsafe or illegal activities; or who cooperates in any investigation of such report, is strictly prohibited and is not tolerated, regardless of the outcome of the complaint.

In other words, employees are protected for speaking up in good faith under this Policy. Any manager or co-worker who retaliates against a complaining employee or anyone involved in an investigation of a complaint is subject to discipline and/or termination.

Managers are charged with assuring that they and their staff comply with the whistleblower protections and that no retaliation occurs because of a reported safety related issue. **Reporting Options**

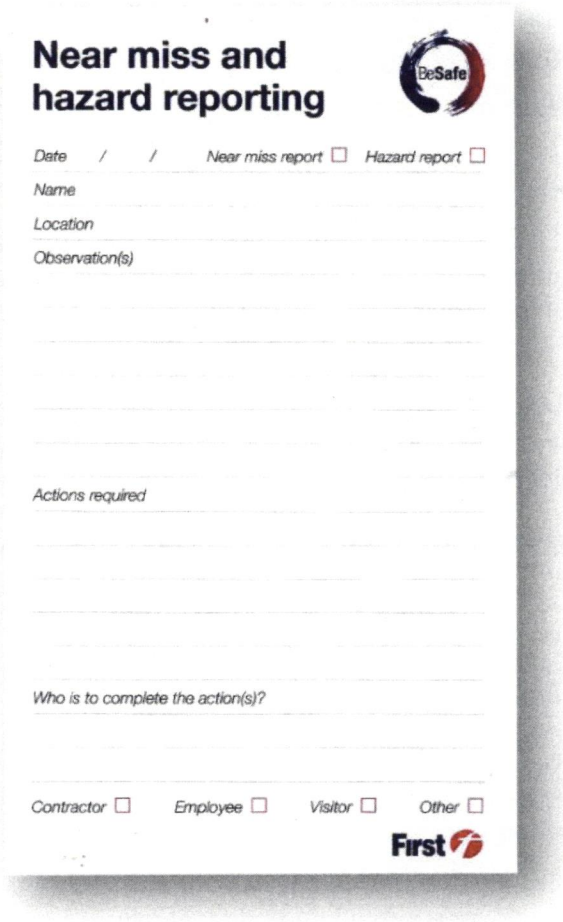
Cobb County Transit Division and First Transit staff reporting of unsafe practices, policy violations, violations of the law, etc. is encouraged, and in some instances required, of all employees. The primary goal is to be able to identify areas where risk of injury to personnel or customers, or destruction of property may exist; and develop measures to mitigate those risks.

Unless the employee's action or in-action is egregious, disciplinary action is not warranted.

Employees that fail to report mandatory items, such as:

- Failure to report defective equipment
- Failure to report a safety hazard
- Failure to procure necessary information for an accident report or
- Submitting an inaccurate or incomplete report

that could lead to serious harm, are subjected to the disciplinary process described later in this section.


Near miss and hazard reporting

BeSafe

Date / / Near miss report ☐ Hazard report ☐

Name

Location

Observation(s)

Actions required

Who is to complete the action(s)?

Contractor ☐ Employee ☐ Visitor ☐ Other ☐

First

Hazard Tracking

More complex hazards may require the use of a tracking log that may consist of the following information:

- Assigned hazard number;
- Date hazard identified;
- Hazard title;
- Hazard description;
- Sources from which a hazard was identified;
- The element of operation affected by the hazard;
- Initial hazard classification;
- Current hazard classification; and
- Corrective Action Plan (CAP).

Employees are encouraged to report:

Near Miss and Hazard Reporting

In the interest of employee and passenger safety, each First Transit employee is issued a **"Near Miss and Hazard Reporting"** pad for documenting and reporting safety, route, and security concerns; and is encouraged to report any near miss incidents and hazards.

If an employee is involved in a near miss or determines something they see to be a hazard, we ask for their help in reporting the event so we all may learn the lessons from it and perhaps prevent a collision or injury from occurring in the future.

Near miss: An event you witnessed where no harm was caused, but there was the potential to cause injury or ill health; a dangerous occurrence

Hazard: Anything that may cause harm in the near future

If the safety or security hazard requires immediate attention, dispatch is notified immediately. If immediate attention is not required, the employee is encouraged to submit the information to management by the end of their workday. Our managers then initiate conversations with employees about their observations of both safe and unsafe behaviors.

The employee's contribution to the cause of the injury or collision is considered in disciplinary action, up to and including termination. If after analysis it has been determined that the incident resulted from an overt decision, disciplinary action is indicated. If not, then the appropriate counseling and/or training is indicated.

SOP #806 – Near Miss & Hazard Reporting describes the reporting process

Threatening or Suspicious Activity

First Transit encourages anyone who sees, hears, or learns of any conduct or statement that seems threatening or suspicious, and/or any weapons on company premises or in company vehicles, to immediately report such conduct or statement, either to his/her Supervisor or Manager, to the Human Resources Department, FirstGroup America Security, and/or to the confidential Ethics and Compliance Hotline at 1.877.3CALLFG, (1.877.322.5534), contact the Hotline intake site at ethicsfirst.ethicspoint.com, or email Compliance@firstgroup.com.

If there is an immediate risk or imminent threat of violence, serious harm, or life-threatening conduct, employees should immediately call 911, local police, or other law enforcement.

Duty to Report Wrongdoing

First Transit is committed to investigating all good faith claims of wrongdoing so that corrective action may be taken. To that purpose, First Transit encourages any employee, contractor or vendor to report wrongdoing or illegal acts to location management so long as they are not believed to be involved in the fraud, waste or abuse being reported. Management within First Transit ensures the matter is reported to Group Security and First Transit will investigate and take appropriate steps to correct the wrongdoing or potential violation.

Alternatively, reports may be made anonymously using the FGA Ethics & Compliance line at 1.877.3CALLFG, (1.877.322.5534) or by emailing Compliance@firstgroup.com. You may also contact the Healthcare Compliance Officer directly.

Self-Reporting

Self-reporting is also encouraged. Anyone who reports his/her own violation will receive due consideration regarding disciplinary action that may be taken.

Open-Door Policy

A workplace where employees are treated with respect and one that is responsive to their concerns is important to each of us. At First Transit, we recognize that employees may have suggestions for improving our workplace, as well as complaints about the workplace. We feel that the most satisfactory solution to a job-related problem or concern is usually reached through a prompt discussion with an employee's manager. Each employee is encouraged to do so.

If the matter cannot be resolved with one's immediate manager, the employee may:

- Speak with their Location General Manager or Region Safety Manager who will attempt to facilitate a solution.
- If an employee is unable to resolve the matter through the management chain of command in their location, the employee may choose to speak directly to anyone in division management or Human Resources.

First Transit's Open-Door Policy also allows employees to voice their concerns anonymously.

- If an employee would like to submit an anonymous concern, they may contact the Ethics and Compliance Toll-free Hotline at 1.877.3CALLFG, (1.877.322.5534), contacting the Hotline intake site at ethicsfirst.ethicspoint.com, or emailing Compliance@firstgroup.com.

This Open-Door Policy applies to every employee not covered by a collective bargaining agreement. It also extends to contractors and subcontractors.

In situations involving discrimination or harassment, employees should follow the Complaint Procedure described in the Discrimination, Harassment and Retaliation Reporting Procedure section of their First Transit Employee Handbook without fear of reprisal and should not follow this Open-Door Policy complaint process.

In situations requiring immediate attention, an employee may bypass the chain of command, which begins with his or her manager, and contact any level of management or Human Resources directly, without fear of reprisal, and without the need to follow this Open-Door Policy complaint process.

- This may be done in person, by direct contact, phone call, letter, or email message or by utilizing the Ethics and Compliance Hotline. The Ethics and Compliance Hotline can be reached by calling 1.877.3CALLFG, (1.877.322.5534) or emailing Compliance@firstgroup.com.

Employees are REQUIRED to report the following. Failure to do so WILL lead to disciplinary action.

Accidents/Incidents

First Transit finds accidents and incidents to be a very serious matter and a valuable learning opportunity to improve safety. **SOP #700 – Accident & Safety Data Acquisition and Reporting**, and the supporting **SOP's, 700a – Auto and General Liability Claim Form; 700b – Courtesy Card; 700c – Operator Incident Report**; ensure that the appropriate actions happen at the scene for the safety and security of First Transit passengers and employees; and that the appropriate data is collected to evaluate the incident, determine culpability; and develop actions to limit or eliminate the possibility of the incident occurring in the future.

Accidents

Accidents are considered to be any collision that occurs while an Operator is on duty. Operators are to report all accidents and collisions to Dispatch immediately upon occurrence. When reporting to Dispatch, the

employee must state that he or she is reporting an accident and then answer any questions asked by Dispatch.

Additionally, **SOP #700c – Operator Incident Report** and **SOP #700a – Auto & General Liability Claim Form**, must be completed by the Operator involved and location management for accidents, possible claims of accidents, damage to equipment, injury and possible injury not later than one hour after completion of shift on the day of occurrence. Any vehicle defects that may have contributed to an accident shall be included in the report. To help ensure that this deadline is met, employees are paid to complete the form.

Employees who fail to report an accident may be subject to disciplinary action up to and including termination.

Employees must provide transit management with any additional accident information immediately upon request.

Incidents

Incidents with passengers involving slips and falls on or near the vehicle, fights, police action, or removal of a passenger, must be reported to Dispatch immediately; and require a **SOP #700a – Auto & General Liability Claim Form** to be completed by management before going off duty for the workday.

All other incidents and occurrences out of the norm, no matter how slight, are to be reported to Dispatch upon return to the yard.

The following are examples of incidents that must be reported:

- Broken or cracked windows from unknown causes,
- Cut seats,
- Service delays,
- Passing up passengers,
- Insufficient or excessive running time in schedule,
- Overloads, etc.

If in doubt, immediately contact Dispatch.

Operators Witnessing an Accident shall notify Dispatch immediately, even though their vehicle may not be involved.

Required Courtesy Cards

In the event of an accident or an incident, Operators must distribute **SOP #700b – Courtesy Cards** then retrieve as many as possible from passengers and persons in the immediate area of the accident or incident who may have witnessed the event.

Duty to Report Law Enforcement Actions

Employees are required to report any arrests, indictments or convictions to their immediate manager or Human Resources immediately, but no later than prior to the next scheduled work shift, to the extent permitted by applicable law. If the circumstances and the offense charged, in our judgment, present a potential risk to the safety and/or security of our customers, employees, premises and/or property, such events may result in disciplinary or other appropriate action to the extent permitted by applicable law.

Operators and safety sensitive employees are required to report all Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) related charges, vehicular collisions, and any moving violation citations

received in any vehicle immediately, if possible, but no later than prior to their next scheduled work shift, consistent with applicable law.

Possible Disciplinary Actions

First Transit uses a tiered approach to determine possible disciplinary actions. Infractions that lead to disciplinary action are categorized into four categories;

- Class 1 – Dischargeable Offenses, the most serious and unacceptable behavior
- Class 2 – Serious violations of the First Transit performance code
- Class 3 – Secondary violations of the First Transit performance code
- Class 4 – Lesser violations of the First Transit performance code that may result in disciplinary action depending on the circumstances or repeated violations

Examples of **Class 1 Dischargeable Offenses** include:

- Convictions and imprisonment for such offenses as DUI, DWI, child abuse, etc.
- Safety; some offenses are of such a serious nature that termination is appropriate for the first offense. Those include but are not limited to:
  - Failure to properly secure mobility devices
  - Cell phone use while operating a company vehicle
  - Striking a pedestrian
  - Colliding into the rear of another vehicle or stationary object
  - Running a red light or stop sign
  - Entering a railroad crossing when the lights are flashing
- Violation of the Drug & Alcohol Policy
- Dishonesty
- Stealing/Theft
- Unauthorized Use or Removal of Company / Client Property or Vehicle
- Violence / Fighting / Threats
- Harassment
- Insubordination
- Security
- Sleeping on the Job
- Destruction of Property
- Failure to Return to Work
- Leaving Bus or Passengers
- Failure to Follow Sleeping Passenger Rules

Examples of **Class 2 Infractions** considered to be serious violations of the First Transit performance code include:

- Abusing or misusing sick leave
- Exchanging work assignments (trade) without proper authority
- Stopping work prior to the end of any shift without management's permission
- Excessive absenteeism, tardiness, starting work late after on the clock, or a pattern of unexcused absences unless otherwise permitted by law
- Reporting for work in an unfit condition
- Failing to obtain permission to leave work during normal working hours

- Discourteous or inappropriate attitude or behavior toward passengers or other members of the public
- Failure to comply with PPE directives
- Failure to wear a High Visibility Safety Vest, Reflective Safety Vest, or Company issued High Visibility Uniform Shirt according to Company policies
- Failure to wear Safety Glasses in compliance with PPE directives
- Failure to wear Company Assigned Shoe Grips when directed to do so
- Violation of vehicle operating regulations
- Failure to observe safety, sanitation, or disciplinary policies of the client or Company, or laws and regulations of Local, State, or Federal governments
- Failure to comply with the Risk Assessment policy
- Working more than an employee's regularly scheduled hours without advance approval of the Company
- Failure to operate a Company vehicle according to assigned route or timetable
- Failure of any Operator, Safety Sensitive Employee or employee required to be licensed for driving, to renew and maintain a valid, appropriate driver's license with required endorsements and a medical certificate for driving a Company vehicle
- Failure to wait for connections or passing up passengers
- Transport of unauthorized persons
- Attempting to enter, entering or assisting any person to enter, or attempt to enter a Company location or restricted areas without proper authority

Examples of **Class 3 Infractions**, considered to be secondary violations of the First Transit performance code, include:

- Mandatory Reporting failure including:
  - Failure to report defective equipment
  - Failure to report a safety hazard
  - Failure to procure necessary information for an accident report or submitting an inaccurate or incomplete report
  - Failure to report law enforcement actions
- Posting, circulating or distributing written or printed material during working times and in working areas
- Failure to adhere to the Company Reverse Parking policy for Company vehicles and personal vehicles
- Use of a Company-owned radio or cell phone for non-Company business during working time
- Failure of any Operator to have in his or her possession a valid, appropriate driver's license with required endorsements and a medical certificate while driving a Company vehicle

Examples of **Class 4 Infractions**, considered to be lesser violations of the First Transit performance code that may result in disciplinary action depending on the circumstances or repeated violations, include:

- Failure to comply with the dress code, uniform policy, cleanliness, personal hygiene, personal grooming habits, or other requirements established by the client or Company
- Reporting for duty in an improper uniform, presenting an untidy, unkept or dirty appearance of person or uniform, or improperly displaying uniform articles, Company emblem, or authorized pins and badges
- Parking a personal vehicle in a restricted area at a Company location
- Neglect of job duties and responsibilities, or lack of application or effort on the job

- Incompetence or failure to meet reasonable standards of efficiency or effectiveness
- Failure to provide First Transit with a current address or telephone number
- Failure to inform First Transit of changes in status of dependents for insurance coverage
- Littering the employee lounge area, restrooms, or any other company property
- Failure to read notices and bulletins and not making an effort to stay informed

Applying Disciplinary Actions

Although employment may be terminated at-will by either the employee or First Transit at any time in accordance with applicable law, without following any formal system of discipline or warning, First Transit may exercise discretion to utilize forms of discipline that are less severe than termination.

Whenever an employee is subject to discipline, the employee's work record, including violations occurring in the relevant time period, is reviewed before determining penalty. The chart below describes how disciplinary actions are applied.

Class of Infraction	Discharge	Suspension	Written Warning
1	1st Offense	---------	---------
2	2nd Offense*	1st Offense	---------
3	3rd Offense*	2nd Offense*	1st Offense
4	4th Offense*	3rd Offense*	1st & 2nd Offense*

*Within 12 months of first offense, 36 months for safety

Additionally, First Transit may use the following criteria to determine discipline specific to any type of traffic violation or preventable accident.

Major Offenses	Action
One violation	Discharge

Serious Violations	Action
One violation	Written warning
Two violations within any 36-month period	Discharge

Moving Violations	Action
Two violations within any 36-month period	Three-day Suspension
Three violations within any 36-month period	Discharge
Two violations within any 12-month period	Discharge

Preventable Vehicle Accidents	Action
One preventable accident	Written warning
Two preventable accidents within any 36-month period	Five-day Suspension
Three preventable accidents within any 36-month period	Discharge
Two preventable accidents within any 12-month period	Discharge

Details of First Transit's reporting requirements, infractions of company policy, and disciplinary actions that may be taken are described in more detail in the **First Transit Employee Handbook.**

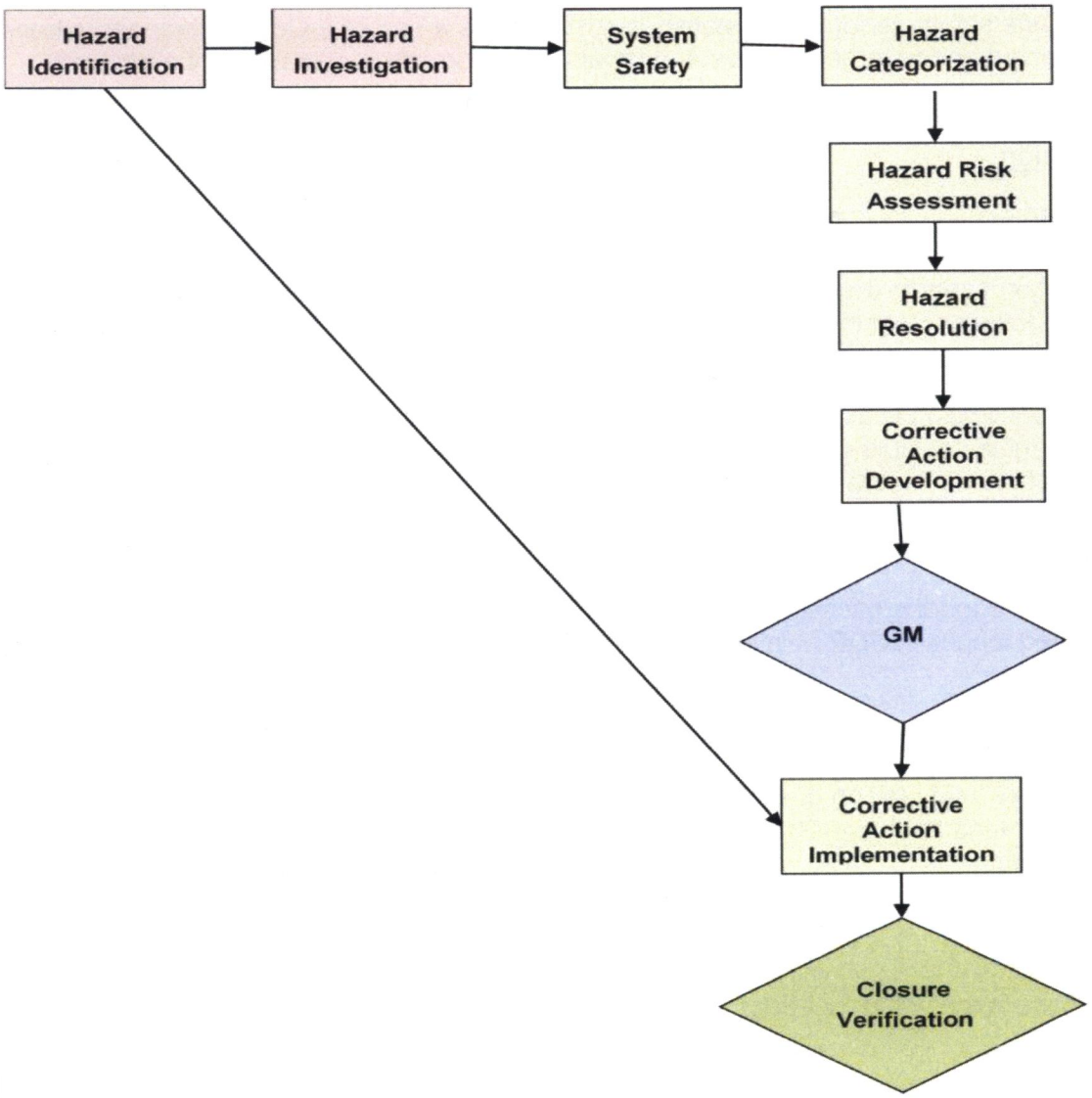
5. Safety Risk Management

Safety Risk Management Process

Describe the Safety Risk Management process, including:

- *Safety Hazard Identification: The methods or processes to identify hazards and consequences of the hazards*
- *Safety Risk Assessment: The methods or processes to assess the safety risks associated with identified safety hazards*
- *Safety Risk Mitigation: The methods or processes to identify mitigations or strategies necessary as a result of safety risk assessment*

Safety management is at the core of everything done at First Transit. All employees are responsible for performing their jobs in a safe manner, which includes identifying safety risks and participating in developing and implementing effective mitigation techniques. The process for managing hazards, from identification through corrective action and closure, is illustrated by the following flowchart.



As described earlier, a corporate structure exists to address all safety concerns. To ensure safety at the local levels, each location is required to form a Safety Solutions Team (SST), Accident Review Committee (ARC), and a Local Client Liaison Committee. To ensure consistency at each location, **SOP's #803; #803a; #803b Safety Solutions Team**, and **SOP #702 – Accident Review Committee** describe the procedures which are to be followed in creating and operating a Safety Solutions Team and Accident Review Committee.

These groups are responsible for reviewing safety related accidents and incidents to determine culpability; identify the causes associated with each event; and develop mitigation measures to reduce the risk of the

events occurring in the future. Having these groups at each location provides a way for employees to report safety risks in a timely manner and to teams that understand the conditions associated with each specific location. Additionally, the opportunity exists for more timely, appropriate, and effective mitigation measures.

Several tools are used by the Region Safety Managers, Region Safety Directors and the Senior Director of Safety to monitor the local risks and risk management. Among them are Safety Data Reports which outline the monthly and Year to Date safety performance statistics. Also used is a Target & Goal Worksheet to track and analyze the data collected and to target reactive and proactive performance improvement measures.

Safety Hazard Identification

This process is a vital component in First Transit's efforts to reduce safety risks and improve overall delivery of service. Safety Hazard Identification data from internal sources such as employee reporting, customer feedback, maintenance records; and external sources such as the Federal Transit Administration and local oversight authority is used to implement immediate corrective actions and to proactively identify hazards and potential consequences before they cause future accidents or incidents.

The objective of hazard identification is to identify those conditions that can cause an accident or create an unsafe condition and determine possible consequences if the unsafe condition is not corrected. First Transit routinely analyzes records from our operation and external sources as they become available to identify accident causation based on history. Current traffic conditions are periodically analyzed, and management inspection of established prevention processes are routinely performed.

First Transit also takes an additional proactive step with its **SOP #208 – Safety Validation of Change** to identify hazards and consequences **PRIOR** to implementing any changes to operations.

First Transit relies on employees to assist in the hazard identification and resolution process. Working with the location safety personnel and through a structured process, employees help:

- Identify Critical Factors in Mitigation of safety risk
- Develop and Recommend an Action Plan
- Implement Action Plan
- Measure Performance Against Safety Objectives
- Monitor the Process
- Modify the Process
- Secure Outside Assistance (when needed)
- Audit for Compliance

Several tools exist for hazard identification. Among them are:

- **SOP #802 and #802a - Daily Safety & Health Walkthrough and Checklist**
  - A routine safety and health check walkthrough to promptly identify hazardous conditions at our facilities and notify employees of the hazards identified and mitigation measures to help protect them from personal injury.
- **SOP #804 - Positive Check-In Procedures & Reasonable Suspicion**
  - Positive Check-In procedures are to ensure our operators reporting to work are fit-for-duty.
- **SOP #900 – Facility Hazard Recognition Manual**

- This Hazard Recognition Manual is intended to be a tool for recognizing potential hazards that may be present at First Transit facilities. Although it does not represent all conditions that could exist, the photos and narrative provide:
  - A reference guide for conducting safety inspections at a facility, and
  - A training document to educate and train employees to conduct effective safety inspections.

- **Vehicle Maintenance Risk Assessment**
  - All employees who perform maintenance and repairs to vehicles within transit centers and bus yards or on road calls complete a risk assessment using **SOP #503a – Vehicle Maintenance Risk Assessment Form** prior to performing any work on a vehicle.
  - The Risk Assessment process, **SOP #503 – Vehicle Maintenance Risk Assessment**, requires employees about to perform a maintenance task to confirm they possess the training, skills, knowledge, abilities, tools, and equipment to safely perform the task at hand. The assessment includes determining the following.
    - Are You Properly Trained to Perform the Task?
    - If Task Requires Lifting, Are Lifts Secured, Are Jack Stands Used Correctly?
    - Are You Wearing the Appropriate Personal Protective Equipment (PPE)?
    - Have You Performed the Proper Lock-Out/Tag-Out (LOTO) procedures?
    - Are You Aware of the Potential Risks of Performing this Repair?
  - If the answer is "NO" to any of the above assessments the technician is to immediately contact their manager.

- **Pre-Survey Job Hazard Analysis**
  - Prior to beginning a job hazard analysis, a pre-survey of the working conditions, using **SOP #503b – Pre-Survey Job Hazard Analysis Form**, under which the job is performed is conducted to evaluate the general conditions. A few of the potential hazards being considered include:
    1. Are there tripping hazards in the job vicinity?
    2. Is the lighting adequate for work conditions?
    3. Are there explosive hazards associated with the job?
    4. Are there electrical hazards associated with the job?
    5. Are tools associated with the job in good condition?
    6. Is the noise level excessive (below 85-dba)?

- **Facility Parking Risk Management Assessment**
  - Inadequate turning areas, blind corners, uneven walking surfaces can all cause collisions or employee injury in parking areas. **SOP #501 - Facility Parking Risk Assessment** will help identify and prevent these types of collisions for both buses and personal vehicles.
  - The Location Manager must ensure compliance with all provisions of this SOP.
  - The risk of each facility is assessed as follows:
    - Annually
    - Unscheduled – Whenever a significant vehicle collision or a pedestrian strike occurs in the bus yard or on company premises
    - Start-up locations – Before operating out of the new location.
    - **SOP #501a – Facility Parking Risk Assessment Guide**, and
    - **SOP #501b – Facility Parking Risk Assessment Form** are tools to help with this assessment.

Accident/Incident Hazard Identification

Procedures exist and are followed regarding resolution of accidents and incidents and capturing data. Although this information is used proactively, First Transit takes advantage of these opportunities to determine which, if any hazards existed that may have contributed to the accident or incident and develop mitigation measures to reduce the risk of a recurrence.

There are five main areas reviewed in this Hazard Identification process:

1. **Environment**
    a. Weather
    b. Road Surface Condition
    c. Visibility
2. **Transit Service Characteristics and Agency Policies**
    a. Incentives for Safe Driving
    b. Equipment Maintenance Policies
    c. Stop Intervals
    d. Route Design
    e. Driver Scheduling
    f. Passenger Demand Schedules
3. **Operator**
    a. Experience
    b. Physical Ability
    c. Personality
    d. Psychological Condition
    e. Physical Condition
4. **Road Layout**
    a. Width
    b. Speed Limit
    c. Geometric Design
    d. Traffic Volume
    e. Capacity
    f. Parking
    g. Adjacent Lane Use
    h. Street Lighting
    i. Pedestrian Volume
5. **Hazard Identification – Accident Prevention/Resolution**
    1st: Identify the Hazard
    2nd: Remove the Hazard
    3rd: When the Hazard cannot be removed, Train for the Hazard as a "known condition"

- **On-Board Video Technology**
    - **SOP #704 – On-Board Video Technology** provides a summary of the on-board video system and Company standards that all First Transit employees must follow when operating a company or customer vehicle equipped with onboard video technology.
    - This technology is a valuable resource and another tool that helps First Transit instill positive driving behaviors by providing opportunities to view recorded driving events, driver history and company trends.

- The goal of this in-cab camera technology is to proactively identify unsafe behaviors and improve those identified behaviors through coaching, retraining and, if necessary, disciplinary measures in accordance with the provisions of the Employee Handbook and applicable Collective Bargaining Agreements.

Information learned from this identification process is used to improve training and reduce or eliminate the underlying causes.

Safety Risk Assessment

Once the hazard has been identified, they are categorized into the following severity levels. The categorization of hazards is consistent with risk-based criteria for severity; it reflects the principle that not all hazards pose an equal amount of risk to personal safety.

Category 1 – Catastrophic: operating conditions are such that human error, design deficiencies, element, subsystem or component failure, or procedural deficiencies may cause death or major system loss and require immediate termination of the unsafe activity or operation.

Category 2 – Critical: operating conditions are such that human error, subsystem or component failure, or procedural deficiencies may cause severe injury, severe occupational illness, or major system damage and require immediate corrective action.

Category 3 – Marginal: operating conditions are such that they may result in minor injury, occupational illness or system damage and are such that human error, subsystem or component failures can be counteracted or controlled.

Category 4 – Negligible: operating conditions are such that human error, subsystem, or component failure or procedural deficiencies will result in less than minor injury, occupational illness, or system damage.

The next step in assessing the hazard is to determine the likelihood of it occurring. Likelihood of occurrence is determined based on the analysis of transit system operating experience, evaluation of First Transit safety data, the analysis of reliability and failure data, and/or from historical safety data from other passenger bus systems. The following chart describes the likelihood of occurrence categories.

Probability of Occurrence of a Hazard			
Description	**Probability Level**	**Frequency for Specific Item**	**Selected Frequency for Fleet or Inventory**
Frequent	A	Likely to occur frequently	Continuously experienced
Probable	B	Will occur several times in the life of the item	Will occur frequently in the system
Occasional	C	Likely to occur sometime in the life of an item	Will occur several times in the system
Remote	D	Unlikely but possible to occur in life of an item	Unlikely but can be expected to occur

Improbable	E	So unlikely, it can be assumed occurrence may not be experienced	Unlikely to occur but possible

Identified hazards are placed into the following Risk Assessment Matrix to enable the decision makers to understand the amount of risk involved in accepting the hazard in relation to the cost (schedule, cost, operations) to reduce the hazard to an acceptable level.

Hazard Frequency	Severity Category 1	Severity Category 2	Severity Category 3	Severity Category 4
Frequent (A)	1A	2A	3A	4A
Probable (B)	1B	2B	3B	4B
Occasional (C)	1C	2C	3C	4C
Remote (D)	1D	2D	3D	4D
Improbable (E)	1E	2E	3E	4E

Based on company policy and the analysis of historical data, First Transit has made the following determinations regarding risk acceptance.

Hazard Risk Index	Criteria by Index
1A, 1B, 1C, 2A, 2B, 3A	Unacceptable
1D, 2C, 2D, 3B, 3C	Undesirable (Management decision)
1E, 2E, 3D, 3E, 4A, 4B	Acceptable with Management Review
4C, 4D, 4E	Acceptable without Management Review

Safety Risk Mitigation

Mitigation Determination

After the assessment has been completed, the follow-up actions will be implemented as follows.

- **Unacceptable:** The hazard must be mitigated in the most expedient manner possible before normal service may resume. Interim corrective action may be required to mitigate the hazard to an acceptable level while the permanent resolution is in development.
- **Undesirable:** A hazard at this level of risk must be mitigated unless the Location General Manager and Location Safety Manager issue a documented decision to manage the hazard until resources are available for full mitigation.
- **Acceptable with review:** The Location General Manager and Location Safety Manager must determine if the hazard is adequately controlled or mitigated as is.
- **Acceptable without review:** The hazard does not need to be reviewed by the management team and does not require further mitigation or control.

Mitigation of safety risk

Mitigation of safety risk consists of reducing the risk to the lowest practical level. Not all safety risks can be eliminated completely. Resolution of hazards will utilize the results of the risk assessment process. The objectives of the mitigation of safety risk process are to:

1. Identify areas where mitigation of safety risk requires a change in the system design, installation of safety devices or development of special procedures.
2. Verify that hazards involving interfaces between two or more systems have been resolved.
3. Verify that the resolution of a hazard in one system does not create a new hazard in another system.

The SST, who was identified earlier in this plan as the team responsible for local safety review, uses the following methodologies to assure that system safety objectives are implemented through design and operations, and hazards are eliminated or controlled:

1. Design to eliminate or minimize hazard severity. To the extent permitted by cost and practicality, identified hazards are eliminated or controlled by the design of equipment, systems and facilities
2. Hazards that cannot reasonably be eliminated or controlled through design are controlled to the extent practicable to an acceptable level through the use of fixed, automatic, or other protective safety design features or devices.
3. Provisions are made for periodic functional checks of safety devices and training for employees to ensure that system safety objectives are met.
4. When design and safety devices cannot reasonably nor effectively eliminate or control an identified hazard, safety warning devices are used (to the extent practicable) to alert persons to the hazard.
5. Where it is impossible to reasonably eliminate or adequately control a hazard through design or the use of safety and warning devices, procedures and training are used to control the hazard.
6. Precautionary notation is standardized, and safety-critical issues require training and certification of personnel

Mitigation of Safety Risk Management and Tracking

Resolution of identified hazards are managed by the Location General Manager and/or the Location Safety Manager. The mitigation of safety risk process is managed through the **"Safety Toolbox"**, which is an

online tool used by management, from Road Supervisors to Executive Management, to record the occurrence of safety-related events, review safety critical data, and track corrective actions as necessary.

The Safety Toolbox is a powerful tool to help understand the work area's safety environment. This includes:

- Understanding and improving observations of safety critical behaviors
- Reviewing recorded debriefs to ensure that the "Be Safe" process is in place and working.
- Reviewing findings from Be Safe tours and determine if tasks/actions have been closed out

The Safety Toolbox includes information regarding:

- Be Safe (Be Safe Debriefs, Be Safe Tours, Be Safe Touchpoints)
  - Debrief meetings conducted in order to assure quality.
  - Safety Critical Behavior is the main focus of touchpoints; and shared and discussed during debrief meetings.
- Contacts (e.g. Near Misses, Hazard reports, Commendation, Safety Issue)
  - **Near Misses.** Reporting an event that occurred and could have caused injury.
  - **Hazard Reports.** Reporting an event that occurred and could have caused injury.
  - **Commendation.** A report of commendable safety actions/conduct performed by a colleague within the business.
  - **Safety issues.** A report on any safety issue that has a specific cause – i.e. maintenance, housekeeping, environment and behavior etc.
- Safety Leadership Activities (e.g., Participate in safety meetings, risk assessment, section observation)
  - **Participation in a Safety meeting.** Actively leading or participating in the location in-service safety meeting.
  - **Intersection observation or risk assessment.** Risk assessment or driver observations conducted at nearby intersections, and delivery of positive reinforcement or coaching as indicated.
  - **Rail section observation or risk assessment.** Risk assessment or driver observations conducted at rail crossing(s), and delivery of positive reinforcement or coaching as indicated.
  - **Planned general inspections.** A systematic inspection where a location is forewarned.
  - **High interest driver.** A report of a driver's performance that has indicated a level of risk taking through observations, review scores, and skills evaluations.

In addition to the Safety Toolbox, CobbLinc also tracks hazards through a tracking log. The hazard tracking log, when used, is updated regularly until the hazard has been closed out. All captured data is analyzed for the identification of developing trends to ensure future safety risks/hazards can be mitigated and/or eliminated. A sample log is displayed below:

Hazard ID	Hazard Type	Source	Identification Date	Description	Hazard Rating (Likelihood and Consequence)	Mitigation	Status of feedback with reporter (if applicable)	Updated Hazard Rating (after mitigation)
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-

Additional documentation, such as corrective action plans, are developed for those hazards requiring complex and multifaceted resolutions.

6. Safety Assurance

Safety Performance Monitoring and Measurement

Describe activities to monitor operations to identify any safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended.

As discussed in Section 1 of this plan, First Transit employs a Resident Management Team at each operation location. This team consists of a Location General Manager and a Location Safety Manager, who oversee the safety of the operation.

Additionally, each location employs Street Supervisors, Dispatchers, and Instructors; all of whom are responsible for oversight of the daily operations and training. All safety risks identified are reported to the Location General Manager and Location Safety Manager. Any risks that can be addressed immediately are corrected but still reported. Each location also establishes a Safety Solutions Team (SST), described in Section 5: Safety Risk Management of this plan, which uses the following methodologies to ensure a proactive approach to safety at each location.

- Routine hazard management
- Accident and incident investigation
- Safety data collection and analysis
- Routine internal safety audits
- Facility, equipment, systems and vehicle inspections
- Routine proficiency checks for all vehicle operators and maintenance employees
- Compliance evaluations including onsite inspections
- Regularly communicating safety and hazard data to all employees

A higher level of oversight is conducted by Region management, which includes the Region Safety Manager, Region Safety Director, Region Maintenance Director, and the Region Vice President. From this level, any identified risks and mitigations are shared with other Region local operations as a proactive means to reduce risks.

The last "local level" review comes from the Vice President of Safety and the Vice President of Maintenance. These are corporate level positions that share the identified risks and mitigations throughout the organization as a proactive means to reduce risks. Additionally, the Vice President of Safety and Vice President of Maintenance assist executive level management in using this information to impact operational and budget decisions.

Describe activities to conduct investigations of safety events to identify causal factors.

First Transit has a "zero" tolerance for preventable injuries and collisions. Elimination of preventable injuries and collisions is our number one goal.

Any injury, collision or incident that occurs is investigated to determine preventability or non-preventability. Investigations include all instances in which:

- a vehicle was damaged
- a vehicle leaves the traveled roadway
- a passenger is injured or
- an employee is injured

SOP #700-Accident & Safety Data Acquisition describes the data collection process including

- Defining the Event & What to Do
- Accidents – Defining the Accident
- "Five Cardinal Rules That Apply to an Accident"
- Operator Responsibility
- Dispatcher on Duty Accident Investigation Responsibility

SOP #700 also describes the Operators and the Dispatchers responsibilities for protecting the customers and managing the scene.

The groups described in **SOP #702 – Accident Review Committee** (ARC), and **SOP #803 – Safety Solutions Team** (SST), review the data collected to determine if the accident/incident was preventable or non-preventable, (ARC); and identify measures to reduce the risk of the accident/incident occurring in the future (SST).

Describe activities to monitor information reported through internal safety reporting programs.

The Location Safety Manager (LSM) and/or Location General Manager (LGM) routinely reviews all location safety and hazard data, which includes searching for repetitive events that might have safety implications. When accident/incident reports and statistics indicate repetitive accidents/incidents, the LSM and LGM investigate to determine the root cause.

Additionally, in 2021, CobbLinc unveiled the employee safety reporting program for employees to anonymously report safety and security concerns. Reports of these safety concerns are reviewed by CobbLinc CSO monthly and may also require review(s) by the Safety Committee as a part of the risk reduction and safety risk management program.

The following chart describes how the hazard data flows and is monitored by First Transit; from each operating location, to Region management, to corporate and parent company management.

Risk/Safety Data Flow					
Weekly Data Review					
Information Collected Daily	**Location**	**Third Party Data Collected**	**Risk Dept**	**Safety Dept**	**Location**

Collisions/ Injuries/ Workers Comp	Incident Occurs, claim report created, then sent to Third Party Data Collector via website, phone, fax.	Report received from Location.	Information from Third Party Data Collector created as weekly report then sent to Region Safety.	Weekly reports are reviewed and distributed for weekly management oversight conference calls.	Review data with Senior Region Leadership during weekly teleconference.
Period Data Review ***(e.g. Quarterly/Monthly)***					
	Risk Dept	**Shared Services Dept**	**Region Safety Managers**	**Shared Safety Services Dept**	
Collisions/ Injuries/ Workers Comp	Send all raw risk data gathered from weekly reports to the Shared Safety Services Dept.	Reorganizes raw data regionally then distributes to Region Safety Dept.	Review period data and distribute to locations.	Develops company, region, and location specific performance measures and distributes through Target & Goal Spreadsheet.	

Period Data Analysis								
	Shared Services Dept	**UK**	**Safety Dept**	**First Group Executive Safety Committee (ESC)**	**First Group Safety Council**	**First Group America Safety Council**	**Performance Review Management (PRM)**	**Safety Advisory Committee**
Collisions/ Injuries/ Workers Comp	Final reports sent to UK and Directors of Safety for each business group.	Processes data; analyzes; creates reports; categorizes risk factors; and gathers commentary from First Group companies for trend analysis.	Processes data; analyzes; creates reports; categorizes risk factors; and creates commentary for trend analysis.	This committee consists of President, COO, and Safety Vice President of each operating group. Discussions include safety performance, trend analysis, program oversight.	This committee consists of Vice Presidents of Safety for all operating divisions. Discussions include safety performance, trend analysis, and safety oversight.	This committee consists of Safety Senior Directors and Safety Vice Presidents. Discussions include safety performance, trend analysis, best practices, and program oversight.	This review consists of Senior Region Vice Presidents, Region Vice Presidents, Region Directors of Operations, and Region Safety Managers. Discussions include regions safety performance.	This committee consists of Location General Managers, Region Directors of Operations, and Region and Local Safety Managers. Discussions include review of policy and procedures, training, and safety awareness.

Management of Change

Describe the process for identifying and assessing changes that may introduce new hazards or impact safety performance.

First Transit employs a proactive process, **SOP #208 – Safety Validation of Change**, that addresses the procedures to be followed to evaluate the risk of any changes proposed at all levels of the organization. The overall purpose of this process is to provide assurance that any proposed changes which impact operations will not increase safety risk; or where additional risk is identified, that controls are put in place **prior to the changes being implemented**.

Changes to organizational structure; the nature or extent of operations; or to facility or equipment assets; as well as mergers and acquisitions of new businesses are proactively managed through this process to avoid introducing or increasing safety risks.

- The resources required to complete the validation process, in terms of people, finance and materials is included in this validation process.
- The allocation of responsibilities considers the competence of the individuals that are required to carry out the safety validation roles.
- All employees who may be affected by the proposed changes are consulted as part of the process.

The extent and scope of safety validation applied to any change proposal is proportional to the risks (safety, operational, and other risks) associated with its introduction. *(For example, a major change, such as a reorganization of Region Executive roles and responsibilities or start-up of a large new bus operation, requires a more rigorous safety validation than a minor change.)*

In the case of smaller, less complex or well understood changes, the safety validation of change process may be implemented as part of normal operations, using existing organizational arrangements and meeting structures to deliver the required level of assurance.

The process is generally described in the following chart.

Safety Validation of Change Process			
Main Steps	**Key Activities**	**Checklists & Guidance**	**Completed By**
1. Identify Proposal for Change	• Raise change proposal (including Capital Expenditure Approval) • Inform relevant functional Director(s) and Manager(s)	• Complete **SOP #208a – Safety Validation of Change Form**, Section A1	Change proposer

2. Determine Classification of Change Significance	• Classify level of safety validation required • Ensure the extent and scope of validation is proportional to the level of risk	• Complete **SOP #208a – Safety Validation of Change Form**, Section A2	**Category A:** Group Safety Director **Category B:** Divisional head of Safety **Category C:** Location head of Safety
3. Allocate Roles & Responsibilities	• Formally allocate change sponsor and change authorizer • Identify other required resources and roles for consultation	• Complete **SOP #208a – Safety Validation of Change Form**, Section A3	Change proposer (with guidance)
Submit Change Proposal Form			Change proposer
Decide whether safety validation should proceed			Change proposer
4. Prepare Safety Validation of Change Case	• Prepare safety validation documentation • Complete risk assessment of proposed change • Submit for review • Revise and finalize documentation	• Complete risk assessment and document findings • Complete Safety Validation of Change as described in **SOP #208 – Safety Validation of Change** • Complete **SOP #208a – Safety Validation of Change Form**	Change proposer
Submit Safety Validation Checklist with supporting documentation			Change proposer
Approve and Implement, or Reject Change			Change authorizer (or delegated representative)

5. Monitoring and Review	• Monitor implementation of change and safety performance • Review performance process	• Check compliance as part of Region Safety Monitoring • Review effectiveness of the process as part of Region oversight	Location Safety Manager Corporate Safety Management Vice President of Safety - First Transit

Changes proposed at the Corporate level typically have an impact on the Region and Local levels. To ensure the risks associated with any change consider all levels of the organization, each level must complete **SOP #208 – Safety Validation of Change** as part of the process to ensure specific safety concerns have been identified and addressed.

Similarly, changes proposed at the Region level will typically have an impact on the Local level. Consequently, the Local level must also complete **SOP #208 – Safety Validation of Change** as part of the process to ensure specific safety concerns have been identified and addressed.

Additional responsibilities in the Safety Validation of Change process include:

- The Region Safety Management team provides safety expertise/support to those carrying out the safety validation.
- The Senior Director of Safety:
  - Reviews and approves each Region's safety validation of change process
  - Decides on the level of safety validation required (consulting with other functional heads as necessary) for Category A changes
  - Is consulted on any Category B change proposal
  - Provides safety expertise/support to Region Safety Managers and Vice President of Safety – First Transit during safety validation activities as required.
  - Provides safety expertise/support to those carrying out the safety validation for Category A changes.

An electronic log of all proposed changes, whether approved or not, are maintained by the Region Safety Director.

Communication of changes to policies/procedures regarding safety issues comes from Executive Leadership. This information is then carried down through the Vice President of Safety – First Transit, Senior Director of Safety, Region Safety Directors, Region Safety Managers. Location General Managers, Location Safety Managers, and employees. Notification to the client is communicated through the Location General Manager.

Continuous Improvement

Describe the process for assessing safety performance. Describe the process for developing and carrying out plans to address identified safety deficiencies.

The process described previously in this section for monitoring safety data incorporates continuous improvement. As safety risk is identified, then reported on, a determination is made as to whether the risk can be mitigated immediately or requires more time and resources.

Risk mitigations that can address the safety concerns immediately are carried out but still reported. The reporting of these concerns includes the mitigation steps that have been taken. Monitoring of the risk continues to ensure that the mitigation strategy is effective.

Section 5 of this plan, Safety Risk Management, describes the risk assessment and mitigation procedures used that determine how to proceed with improvement strategies that require more time and resources. Which improvement strategies to implement for longer term issues is based on severity and probability of risk occurrence. Additionally, safety hazard identification data is used to implement immediate corrective actions and to proactively identify hazards before they cause future accidents or incidents.

The objective of hazard identification is to distinguish those conditions that can cause an accident or create an unsafe condition. First Transit routinely analyzes records from our operation to identify accident causation based on history. Current traffic conditions are periodically analyzed, and management inspections of established prevention processes are routinely performed.

The Risk/Safety Data Flow Chart previously described in this section, illustrates how this information is shared throughout the organization.

7. Safety Promotion

Competencies and Training

Describe the safety training program for all agency employees and contractors directly responsible for safety.

In accordance with 49 USC Section 5329 (d)(H)(i)(II), First Transit will provide all pertinent safety training, refresher training, and de-escalation training for operations and maintenance personnel. Moreover, First Transit maintains a comprehensive training program with elements directly identified regarding safety.

The education and training process at First Transit is a highly regimented and professionally developed program built around a curriculum featuring learning opportunities in two major domains:

- Knowledge (education)
- Skills (training)

Various delivery mechanisms such as classroom, multimedia presentations, closed course, observation and behind-the-wheel skills building are used to support the learning process. Learning is evaluated through written quizzes, driving tests and customer service skills evaluations.

Instructors

Successful new operator training starts with selecting and certifying good instructors.

1. **Classroom Instructor:**

   The classroom instructor is responsible for facilitating the classroom portion of New Operator Training. Classroom training requires the development of lesson plans.

2. **Behind-the-Wheel Instructor:**

The Behind-the-Wheel (BTW) Instructor is responsible for conducting closed course exercises and behind the wheel instruction. The New Operator Training program consists of instructional DVDs, which are accompanied by facilitator guides and participant study guides. The BTW Instructor uses the Operator Proficiency Workbook to document each trainee's progress.

**New Instructor Candidates can obtain certification as both a Classroom Instructor and a Behind-the-Wheel Instructor.*

3. **Master:**

The Master Instructor, along with the Regional Director of Safety and Region Safety Manager(s), is responsible for training the Safety Supervisors. The Master Instructor is also responsible for the certification programs for Behind-the-Wheel and Classroom Instructors and the ongoing Train-the-Trainer workshops.

Training the Instructor is a process by which a Certified Instructor works with the selected New Instructor Candidate. During this time, the Certified Instructor conducts a review of all state laws, First Transit policies and procedures, local policies, and client-specified programs and requirements.

The Certified Instructor also provides a review of the Behind-the-Wheel Manual, Classroom Manual, and all First Transit video-based courses.

In addition to the above training, the New Instructor Candidate must complete the Instructor Development Curriculum, which includes the following three self-directed courses:

1. How to Train
2. Coaching the Adult Learner
3. Learning Basics

There are three types of Instructor Certification:

1. Temporary
2. Certified
3. Master

1. **Temporary (Silver)**

Temporary certificates are issued at the local level. A temporary certificate is issued to a New Instructor Candidate upon successful completion of the New Instructor training program at his or her location, conducted by a certified trainer at that location. Certificates are issued throughout the year prior to the annual Train-the-Trainer program.

Temporary certificates are valid for one year, and one year only, from the date of issue. Temporary certification is accompanied by silver achievement emblems for Classroom, BTW or both.

To continue in the program, a New Instructor must obtain Gold Certification.

2. **Certified (Gold)**

The Certified Instructor certificate is issued to a New Instructor who has successfully completed the annual Train-the-Trainer program, conducted by a Master Trainer. The annual Train-the-Trainer program combines all elements of the temporary certification, with the exception of the classroom evaluation. At

the annual Train-the-Trainer program, Classroom Instructor Candidates are required to develop a lesson plan and give a presentation.

Prior to attending the annual Train-the-Trainer program, all New Instructors must complete the "Safety Leadership" course and pass the final exam with a grade of 90% or above.

The Senior Director of Safety is the only person authorized to approve and issue a Certified Instructor certificate with gold achievement emblems for Classroom, BTW, or both.

3. **Master**

The Master Instructor Certification program ensures that First Transit Policies and Procedures are correctly implemented throughout the company.

Master Instructor Certification is required for all area safety managers and above.

The Master Instructor:

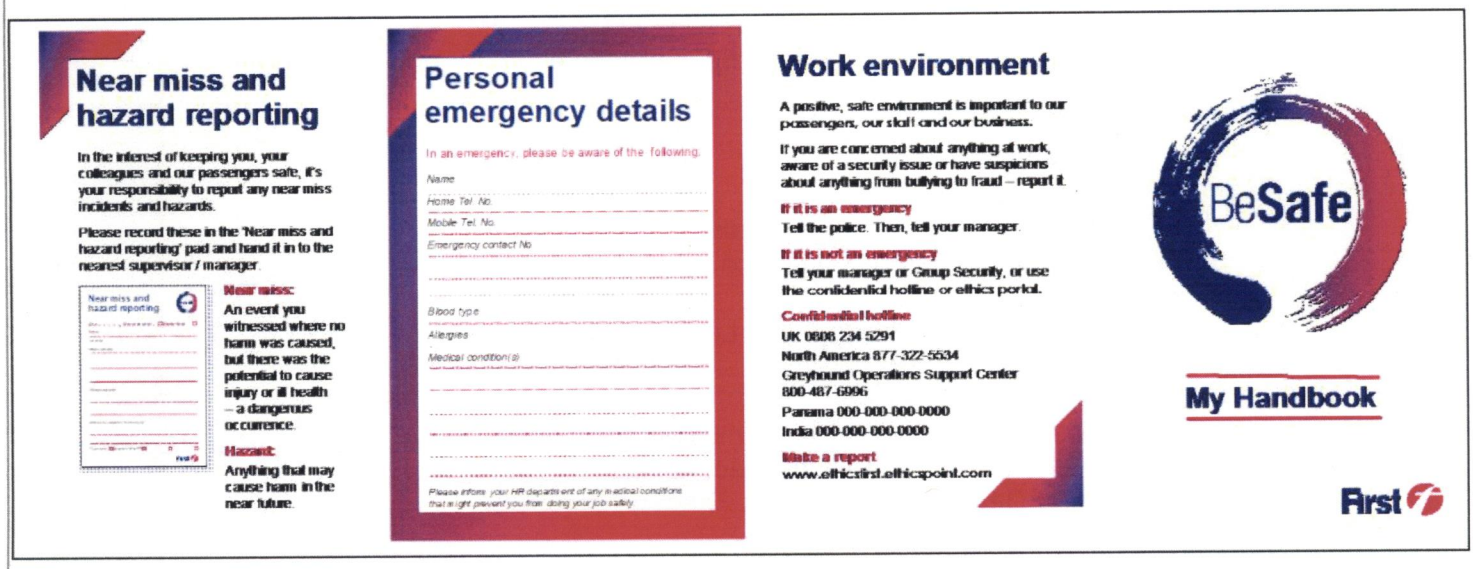
- Provides support to the Location General Manager and the Region Safety Manager,
- Is involved with training new Safety and Training Supervisors, and re-training current Safety and Training Supervisors if required,
- Conducts the annual Train-the-Trainer program for BTW and Classroom Instructor Certification
- Conducts Safety and Training audits in the region and reports the findings to the Region Safety Manager, if required.

Employee Training

Training employees to assess risks and recognize and avoid hazards in the workplace is critical to the overall safety of the workplace. Every First Transit employee is trained in **"Be Safe"** and **"Safe Work Methods"**, which are described later in this section.

"Be Safe" is our company-wide approach to safety management. This program takes our safety performance to the next level through behavioral change. "Be Safe" is inclusive, collaborative and focuses on recognizing and acknowledging safe behavior and actions through positive reinforcement such as debriefs, tours, and touchpoints. All employees are trained in the principles of "Be Safe"

The "BeSafe" concept is described in the following brochure.



Near miss and hazard reporting

In the interest of keeping you, your colleagues and our passengers safe, it's your responsibility to report any near miss incidents and hazards.

Please record these in the 'Near miss and hazard reporting' pad and hand it in to the nearest supervisor / manager.

Near miss:
An event you witnessed where no harm was caused, but there was the potential to cause injury or ill health – a dangerous occurrence.

Hazard:
Anything that may cause harm in the near future.

Personal emergency details

In an emergency, please be aware of the following.

Name
Home Tel. No.
Mobile Tel. No.
Emergency contact No.
Blood type
Allergies
Medical condition(s)

Please inform your HR department of any medical conditions that might prevent you from doing your job safely.

Work environment

A positive, safe environment is important to our passengers, our staff and our business.

If you are concerned about anything at work, aware of a security issue or have suspicions about anything from bullying to fraud – report it.

If it is an emergency
Tell the police. Then, tell your manager.

If it is not an emergency
Tell your manager or Group Security, or use the confidential hotline or ethics portal.

Confidential hotline
UK 0808 234 5291
North America 877-322-5534
Greyhound Operations Support Center 800-487-6996
Panama 000-000-000-0000
India 000-000-000-0000

Make a report
www.ethicsfirst.ethicspoint.com

BeSafe

My Handbook

First

Be Safe What is it?

Be Safe is our Group-wide safety commitment, taking our safety performance to the next level through behavioural change.

It builds on our compliance with existing policies and safety management systems. Be Safe, whilst not ignoring unsafe acts, harnesses the power achieved where positive behaviour and habits are shown and recognised.

Be Safe is inclusive, collaborative and focuses on recognising and acknowledging safe behaviour and actions through positive reinforcement.

Be Safe Our objectives

Be Safe has three clear objectives:

1. To make progress on our way to "Zero Harm"
2. To make safety a personal core value through behaviour change
3. To improve business performance.

Everyone in FirstGroup takes ownership for safety in the workplace and encourages colleagues to do the same.

We have a personal stake in safety for ourselves, our colleagues and our customers.

By sharing the right attitude, skills and knowledge we will create the best safety environment to achieve our objectives and Be Safe.

Be Safe principles

These principles all support our Group value of being Dedicated to Safety.

Knowledge
Our greatest efforts will be directed at the key safety behaviours that will help reduce incidents.

Recognition
Whilst not ignoring actions that undermine safety, the focus will be on acknowledging colleagues "doing it right" and positively reinforcing these actions.

Openness
Regular positive coaching interactions, or "touchpoints" will take place and communication at "debriefs" will be open and honest.

Learning
Reporting of incidents and near misses will be seen as learning opportunities to continuously improve work place safety.

Courage
We are all empowered to accept responsibility for our own safety and the safety of our colleagues and customers. If you assess something to be unsafe, you should have the courage to stop and find a safer way of doing things.

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First Transit's **"Safe Work Methods"** is designed to educate employees on how to identify conditions and actions posing risks to their well-being and that of their coworkers. This training is to be used:

1. In training new hire employees
2. In leading supervisors in identifying root causes of workplace injuries
3. In retraining injured workers so that re-occurrences are avoided
4. To supplement First Transit's First Occupational Rehabilitation Management (F.O.R.M.) light duty and return to work management program, in controlling workers compensation losses

The "Safe Work Methods" training curriculum includes:

- **New Hire Training**
  New hire training is designed to educate the new employee to the hazards commonly found in the transportation environments including in vehicle maintenance shops, bus yards, fuel islands, wash bays,

and office environments. The program also makes employees aware of injuries that can result from physical activities such as entering and exiting vehicles, assisting persons with disabilities, and handling mobility devices.

- PPE program including requirements for appropriate
  - Safety eyewear
  - Safety footwear
  - Safety hand wear
  - Hi-Vis vests
  - Disposal contaminated materials
- Risk Assessment and Injury Avoidance
  - Walking & Climbing
  - Lifting, Carrying, Holding, and Lowering Objects
  - Pushing, Pulling, & Twisting
  - Burns, Scalds
  - Exposed Fluids, Chemicals, Smoke
  - Cuts, Punctures, Abrasions, Lacerations
  - Mobility Device Lifts/Ramps

1. Requirements for Operator Training

Applicants are required to successfully complete a comprehensive training program prior to transporting passengers. Trainees are continually evaluated and tested throughout the training program. Trainees who do not demonstrate the required level of proficiency are provided additional training or are removed from training. The Operator training program combines instructor-led sessions, video instruction, facilitated discussion, and opportunities for the trainees to practice what they have learned. Training topics include:

Classroom Training
The first part of Operator training at First Transit, classroom training, begins the process of instilling the safety culture into each Operator. Helping the student Operators understand the importance of keeping themselves and each passenger safe; and their responsibilities in maintaining a safe environment, is a theme integrated throughout.

- **Unit 1 - Introduction**
  - Welcome and Introduction
  - Title VI Civil Rights Act 1964
  - Employee Handbook
  - Be Safe - Making Safety Personal
  - Hazardous Communication
  - Bloodborne Pathogens
- **Unit II - Fundamentals**
  - Safe Work Methods
  - Basics of Safety
  - Managing Emergencies
  - Security Awareness
  - Map Reading
  - Communication Devices
  - Navigation and Fare Policies
  - Smith System

- **Unit III - The Operator**
  - Drug and Alcohol Awareness
  - Distracted Driving
  - Fatigue and Sleep Apnea Awareness
- **Unit IV - Transporting Passengers with Disabilities**
  - Transporting Passengers with Disabilities
  - Interacting with Passengers
  - Diffusing Conflict
  - Passenger Care While Loading and Unloading
  - Mobility Aids and Devices
- **Unit V - Driving Fundamentals**
  - Driving Fundamentals, I
  - Driving Fundamentals II
  - Roadway Types
  - Railroad Crossings

Behind-the-Wheel Training

Behind-the-Wheel training is conducted in three phases. Since most people coming to work as a Bus Operator have not been exposed to driving the types of vehicle used at First Transit, the first part of behind-the-wheel training takes place on a closed course. This provides the opportunity for the Instructors to evaluate the skill levels of each employee; and gives each employee the opportunity to make and learn from their mistakes in a safe environment.

The next phase of Behind-the-Wheel training takes place on the road, but in a controlled manner. During the road phase of the training, each student Operator works one-on-one with a First Transit Instructor. The road work begins with the basics; intersections, service stops, and backing. The next advanced stage of the road work addresses roadways, highway driving, and continues the instruction on intersections and service stops. The "Smith Driving System" principles are incorporated throughout the entire Behind-the-Wheel training phase.

- **Closed Course (Group Work)**
  - Vehicle Orientation
    - Pre-Trip Inspection
    - Seat Adjustment
    - Mirror Adjustment
    - Braking, Accelerating, and Transmission
    - Wheelchair Securement
  - Reference Points
    - Lane Position
    - Right Side / Left Side
    - Backing Point
    - Forward Stop
    - Pivot Points
    - Turning Points
  - Vehicle Control
    - Straight in Lane
    - Left Turn
    - Right Turn
    - Lane Changing - Moving Right or Left

- **One on One Instruction Behind the Wheel**
  - **Basic Road Work**
    - "Smith System"
    - Intersections
    - Service Stops
    - Backing
- **Advanced Road Work**
  - "Smith System" Commentary Driving
  - Roadways
  - Expressway / Highway Driving
  - Intersections
  - Service Stops
- **Final Evaluation**
  Upon completion of the training program, before an Operator can be placed into service, they must successfully demonstrate their mastery of the skills and practices learned during the training program.
- **Cadet Training**
  Once a new Operator has been placed into service there is period of observation where an experienced Operator, Instructor, or Supervisor periodically rides-along to ensure the skills learned in training have successfully transferred to providing service. This includes the securement and transportation of a person with a disability.

2. **Requirements for Maintenance Training**

   Maintenance personnel are trained in shop safety, OSHA standards, and vehicle maintenance, in addition to receiving training in driving techniques and safety. Trainees are continually evaluated and tested throughout the training program. Trainees who do not demonstrate the required level of proficiency are provided additional training or are removed from training.

   Maintenance training includes:

   - Introduction to First Transit policies & procedures
   - Injury prevention and risk assessment
   - Substance Abuse Policy
   - Defensive Driving
   - "Smith System"
   - NTI - Security Awareness Warning Signs
   - Shop Safety Handbook
   - Maintenance Lift Safety
   - DVI Procedures
   - SafeWork Methods
   - Wheel Torque Specifications
   - Workplace Violence
   - OSHA (R-T-K / MSDS / PPE Training)

3. **Requirements for Staff Training**

   Staff personnel are trained in Safety Leadership and "Be Safe" (described in item #1)

- **Safety Leadership**

  This is an interactive CD-ROM course consisting of 5 CD's and leaders guides which are designed to educate all levels of First Transit management on the behaviors surrounding accidents. Every level of management takes the course and successfully pass an online test, found on the Safety Resource Center (SRC), with a passing grade of 90% or better.

  The course outline is as follows:

  - Safety Leadership
    - Accidents
    - Behavior
    - Leadership
  - Supervisor Development
    - The Role of the Supervisor
    - Communication
    - Building Trust
    - Conflict Resolution
    - Performance Management
    - Decisions
- **Additional Safety Training**
  - Reasonable Suspicion
  - Supervisor's Report of Reasonable Suspicion
  - Code of Conduct
  - Customer Service
  - OSHA Requirements
  - Hazard Abatement FORM – CA Only

4. **Requirements for Continuing Training and Evaluations**

   First Transit provides ongoing employee training and evaluations.

   The objective of ongoing evaluations is met through a broad spectrum of regularly scheduled management activities including:

   - road observations,
   - ride along evaluations, and
   - daily safety contacts.

   Where evaluations and observations identify unsafe acts or conditions, retraining is provided to improve skill levels in accordance with corporate standards.

In addition to First Transit's formal employee training program, the following safety training is also conducted.

Safety Meetings

- 12 safety meetings are issued to the locations annually with required topics identified by the location and region safety management
- Each meeting is to be a minimum of one hour in length unless otherwise required by state, client or local regulations

- A required topic along with a safety campaign including posters and DVD is sent to each location for presentation to all employees
- Attendance is a condition of employment and is mandatory for all Operators, Management, Operational staff, and Maintenance personnel. *(Unless stated otherwise in the CBA.)*
    - Failure to attend all meetings will result in disciplinary actions up to and including termination.
- Client/Contract requirements may require safety meetings to be conducted on a more frequent basis than the First Transit minimum standards

Retraining

First Transit has a "zero" tolerance for preventable injuries and collisions, elimination of preventable injuries and collisions is our number one goal.

An employee involved in a preventable injury or collision is placed on administrative leave pending completion of the investigation and completion of any required retraining.

Safety Communication

Describe processes and activities to communicate safety and safety performance information throughout the organization.

Safety Awareness Programs

Establishing and maintaining a culture that demands safe behavior at all times is at the core of First Transit's safety plan. This is done, in part, by providing a regular flow of positive information and recognizing those who are performing safely.

This is where our **"Be Safe"** program provides the structure and foundation for communicating safety messages and inspiring safe job performance at all levels. "Be Safe" takes safety to a more personal level. It is a company-wide commitment to safety, with the objective of continuous improvement by making safety a personal goal and incorporating behavioral change as a mitigation measure.

"Be Safe" focuses on positive change through routine personal "touchpoints" and coaching interactions between front-line employees and management. To reinforce the touchpoints, discussions and feedback sessions are conducted as needed.

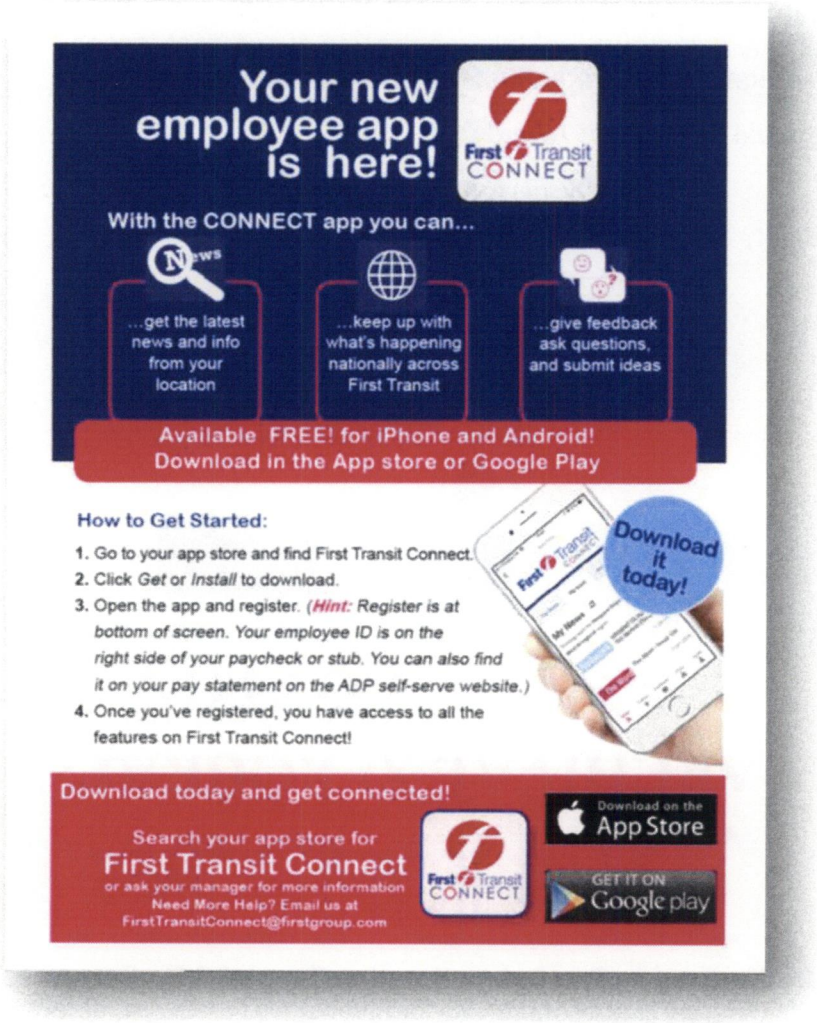
This program inspires safe behavior among employees at all levels by;

- Generating system-wide participation in safety issues through positive reinforcement
- Encouraging all employees to "take ownership" for safety results
- Communicating safety policies, procedures and processes
- Engaging executives and managers at all levels, encouraging their active participation in safety management and communication
- Sharing safety results at the individual, project, region and national levels by celebrating success stories

- **Individual Motivators – Individual Achievement Awards:** The "cultural carrot" to help affect individual safety improvement through the use of personal recognition awards. Currently established safety awards for First Transit employees are:
  - Annual Safe Driver Awards
  - Safety Solutions Team Recognition

- **A Safety Leadership Group - The Safety Solution Team (SST):** Four to 10 location teammates dedicated to making safety "top-of-mind " by identifying and resolving safety issues.
  - SST
    - Review the safety concerns they have worked on and improvements that have been implemented
    - Record and distribute SST meeting minutes
  - GM
    - Review "Daily Safety & Health Walkthrough"
  - GM and SST
    - Recognize individuals who have earned years of safe driving
    - Pins and Certificates
    - Include bullets from SST Meeting minutes

- **A Communication Tool:** "First Transit Connect" employee app, a peer to peer safety communication tool offering safety tips, best practices, recognition, offering ideas on "What Works", Safety Happenings, and Safety Pep Rallies



Additional Information

Supporting Documentation *Include or reference documentation used to implement and carry out the Safety Plan that are not included elsewhere in this Plan.*
Numerous standard operating procedures (SOP's), in addition to those mentioned in this plan, have been developed and incorporated into the operating practices at each First Transit location. The SOP's have been designed to create operational consistency, increase awareness of risks and hazards, and provide easily duplicated processes for identifying and mitigating the risks associated with providing transit service. Some of those SOP's are as follows.

- High Interest Driver SOP's #206; #206a; #206b; #206c: #206dSOP #207 - Railroad Crossing Assessment
- SOP #502 – Sub-Contractors Working on Company Property
- Fire Prevention Plan SOP's #504; #504a; #504b; #504c; #504d
- Winter Safety – Snow Removal Action Plan SOP's #505; #505a; #505b; #505c
- Vehicle Fueling Spill Control SOP's #506; #506a; #506b; #506c; #506d
- SOP #507 - Pedestrian Visibility and Movement on Company Property
- SOP # 508 - Service Truck & Service Vehicle Visibility
- Emergency Action Plan SOP's #807; #807a; #807b; #807c
- First Transit Shop Safety Handbook
- Safety & Security Planning Manual

Definitions of Special Terms Used in the Safety Plan

Accident: An event that involves any of the following – loss of life; a report of a serious injury to a person; a collision of a public transit vehicle; an evacuation for life safety reasons at any location, at any time, whatever the cause.

Accountable Executive: A single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the Agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the Agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. § 5329(d), and the Agency's Transit Asset Management Plan in accordance with 49 U.S.C. § 5326.

Chief Safety Officer: Means an adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities, unless the Chief Safety Officer is employed by a transit agency that is a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.

Event: Means any accident, incident, or occurrence.

Hazard: Means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

Fatality: A death or suicide confirmed within 30 days of a reported event. Does not include deaths in or on transit property that are a result of illness or other natural causes; a death due to, Collision (including suicides), Fire, Hazardous material spill, Acts of God, System or personal security event (including suicides), and other safety events.

Hazard Likelihood: Probability of a hazard consequence to occur.

Hazard Severity: The effect/damaging result of a hazards consequence.

Incident: An event that involves any of the following – a personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.

Injury: Any damage or harm to persons that requires immediate medical attention away from the scene because of a reportable event. Agencies must report each person transported away from the scene for medical attention as an injury, whether or not the person appears to be injured.

Occurrence: An event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.

Performance target: A quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the Federal Transit Administration.

Reportable: An event occurring on transit right-of-way, in a transit revenue facility, in a transit maintenance facility, or involving a transit revenue vehicle, excluding occupational safety events occurring in administrative buildings.

Risk: An assessed probability and severity calculation to classify the overall potential consequences of a hazard.

Safety Assurance: A list of defined safety performance indicators for reach priority risk and associated targets the Agency will use to determine if it is achieving the specified safety goals.

Safety Events: Include but are not limited to slips, trips, falls, smoke, power failure, maintenance-related issues, or electric shock. To be reported as a major event, these events must **either** meet the fatality, evacuation, or property damage threshold **or** result in two or more injured persons. Other Safety Events that cause only one person to be immediately transported from the scene for medical attention, and that do not trigger any other reporting threshold, are reported on the Non-Major Monthly Summary Report form. The FTA includes Other Safety Events that occur in a transit maintenance facility and meet a reporting threshold but continues to exclude occupational safety events occurring in administrative buildings.

Safety Performance Target: A performance target related to safety management activities.

Serious injury: Any injury which: (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; (2) Results in a fracture of any bone (except simple fractures of fingers, toes, or noses); (3) Causes severe hemorrhages, nerve, muscle, or tendon damage; (4) Involves any internal organ; or (5) Involves second or third degree burns, or any burns affecting more than 5 percent of the body surface.

List of Acronyms Used in the Safety Plan

Acronym	Word or Phrase
ARC	Accident Review Committee
BTW	Behind-the-Wheel
CSO	Chief Safety Officer
DOT	Department of Transportation
DUI	Driving Under the Influence

DWI	Driving While Intoxicated
ESC	Executive Safety Committee
FGA	First Group America
F.O.R.M.	First Occupational Rehabilitation Management
FTA	Federal Transit Administration
GDOT	Georgia Department of Transportation
HR	Human Resources
LGM	Location General Manager
LOTO	Lock-Out/Tag-Out
LSM	Location Safety Manager
MNT	Maintenance
OPS	Operations
OSHA	Occupational Safety & Health Administration
PPE	Personal Protective Equipment
PRM	Performance Review Management
SMS	Safety Management System
SOP	Standard Operating Procedure
SRC	Safety Resource Center
SST	Safety Solutions Team
VP	Vice President

Appendix A: First Transit Safety Policy

Safety Management Policy Statement

At First Transit, safety is more than a policy statement. Management believes that working safely promotes quality, productivity, and profitability. Prevention of collisions and personal injuries is of critical importance to everyone. Management is committed to providing a safe workplace, the proper training, protective equipment, and a work environment conducive to safe practices and policies.

All employees are required to perform their duties safely and with concern for the safety of our passengers, other employees and the public. **First Transit will not perform any service, nor transport or use a product, unless it can be done safely.**

First Transit employs a company-wide safety concept, **"BeSafe"**. The main purpose of BeSafe is to reduce collisions and injuries by increasing the communications between employees and managers about safety related issues. As part of this process, employees of all levels are encouraged to initiate reports of any near miss, route and security hazards, or any unsafe condition. When a report about a safety or security concern is filed, it is investigated, which includes follow-up with the reporting employee regarding the resolution of the report.

First Transit will not retaliate against nor impose any other form of retribution on any employee because of his or her good faith reporting of a safety issue/concern, another person's suspected violation of Company policies or guidelines, or any alleged violations of federal, state or local laws.

To ensure that each employee understands and performs their job functions in the BeSafe manner, the **BeSafe Handbook**, is issued to each employee and sized to fit in the safety lanyard or vest, which each employee must wear while on duty.

The **BeSafe Principles** provide the basic truths and fundamentals about working safely in our workplace and on our vehicles. All First Transit employees are expected to adopt these principles and put them into practice. Together a safe work environment is created, free from injury to each other and our passengers.

The motto for the BeSafe Principles is: **"Think Safe, Act Safe, BeSafe."** This motto is each employee's instruction to work safely at all times.

If an employee feels they cannot perform a task safely, they don't perform the task. The employee has been trained and encouraged to stop work and immediately advise management of issues preventing them from working safely and what would be required to perform the task safely.

The BeSafe Principles include:

- **Prevent injury to myself and others.**
  - Be aware of any hazardous condition or practice that may cause injury to people, damage to property, or the environment.
  - Use the BeSafe Handbook to record and report.

- **Perform all necessary safety checks and risk assessments of the work area and job to be performed before any work begins.**
  - Speak to management **before** work is started if unsure of the required safety and risk assessments.
- **Follow all safety procedures, signs and instructions.**
  - If these are not understood, speak to management before work begins.
- **Keep work area clean and tidy at all times.**
  - Untidy areas could cause injury to the employee or their colleagues and waste time and energy.
- **Wear protective clothing and equipment (PPE) as required.**
  - Keep PPE in good working order, wear it correctly and ask for a replacement if it becomes damaged or unfit for use.
- **Use only the correct tools and equipment authorized and trained to use for the job.**
  - Check that they are in good condition before use and use them safely.
- **Only adjust and repair any piece of work equipment trained on and authorized to do so.**
  - Never modify any equipment that changes the designed use of the equipment or alters a safety feature.
- **Assess any load and capability to move it before lifting.**
  - Get help with any heavy or awkward items and follow the correct lifting techniques.
- **Report all injuries, incidents and near misses to management.**
  - Seek help immediately and first aid (if necessary).
- **Tell management of any suggestions to prevent injuries in the workplace**
  - Note suggestions made and discuss with management.

Introduction

Global in scale and local in approach, First Transit is an organization which combines a robust corporate structure with strong customer-centric, local operations. Throughout the company, our focus is conducting our business in a way that aligns with our core values:

- Committed to our customers
- Dedicated to Safety
- Supportive of Each Other
- Accountable for Performance
- Setting the Highest Standards

We believe these values to be essential components in our aim to achieve ZERO safety events, resulting in ZERO harm to our customers, our employees, our shareholders, and the environments in which we operate. First Transit's Safety Management System (SMS) encourages all First Transit employees to replace risky behaviors and thought processes that jeopardize safety in the workplace. Through the program, we are striving to build a cultural identity that is continually focused on safety. First Transit has adopted the core philosophy of, ***"Think Safe, Act Safe, Be Safe"***

Safety Management Policy

At the core of First Transit's mission is the commitment to protecting the safety and well-being of our passengers and employees. Our ***"Be Safe"*** program is the foundation of First Transit's Safety Management System (SMS) with three clear objectives:

1. To make progress on our way to "Zero Harm"
2. To make safety a personal core value through behavior change
3. To improve business performance

"Be Safe" – the driving force behind First Transit's Safety Management Policy - focuses on recognizing and acknowledging safe behavior and actions through positive reinforcement. All employees are empowered to report unsafe acts and working conditions without fear of reprisal.

Safety Management Policy Statement

The guiding principles that drive First Transit's SMS program are:

- **Knowledge:** Our greatest efforts will be directed at the key safety behaviors that will help reduce incidents.
- **Recognition:** While not ignoring actions that undermine safety, the focus will be on acknowledging colleagues "doing it right" and positively reinforcing these actions.
- **Openness:** Regular positive coaching interactions, or "touchpoints" will take place and communication at "debriefs" will be open and honest.
- **Learning:** Reporting of incidents and near misses will be seen as learning opportunities to continuously improve workplace safety.
  Courage: We are all empowered to accept responsibility for our own safety and the safety of our colleagues and customers. If you assess something to be unsafe, you should have the courage to stop and find a safer way of doing things.

Performance improvement in all aspects of First Transit's operations is based on four key elements: *Leadership and Engagement*; *Risk Reduction*; *Safety Management*; and *Performance Management*. Each element includes safety as a top priority.

Leadership and Engagement depends upon honest and open communication from all employees; data collection from which critical decisions are formulated that impact daily, short term, and long-term operations; resource management; and future direction of First Transit.

Risk Reduction includes our comprehensive audit and inspection regime; hazard identification and reporting; continuous training and safety campaigns; employee safety evaluation reporting programs and procedures; employee and management observation of operations; and compliance assurance of FTA, DOT, and OSHA safety and operating requirements and recommendations.

Safety Management at First Transit has many forms; including Safety Solution Teams, Accident Review Committees, Local Client Liaison Committees at each local operation; the corporate Safety Department which gathers, analyzes, and communicates the safety information throughout the organization; and enforces policies and procedures to ensure all employees are conducting their business in the safest manner possible.

Safety Management Policy Statement

Performance Management, the final key element, uses many Key Performance Indicators relating to safety to evaluate First Transit's progress toward Zero safety events. Daily reports; monthly location scorecards; the Critical Activity Record Entry program which captures and compares safety data monthly; major events calls, which alerts management in real time of safety events; and regular calls and meetings between mid-level and upper management to review safety concerns; are a sampling of the tools employed to ensure that safety is first and foremost in everything we do.

Ongoing Company-Wide Commitment

As President of First Transit, I know our commitment and passion for safety runs far deeper than the words contained in this policy statement. While our roles may vary, everyone in our organization, from the highest levels of management to the employees on the street, has a responsibility for their own safety as well as the safety of colleagues and customers; and to perform the daily tasks of providing public transportation in as safe a manner as possible.

We at First Transit depend on every member of our team to do everything possible to protect our resources and environment from harm, now and into the future. We take great pride in this responsibility and our ability to meet these expectations.

Sincerely,

Bradley A. Thomas

President

COBB COUNTY BOARD OF COMMISSIONERS

RESOLUTION

ADOPTING ALL BUDGET AMENDMENTS
SET FORTH IN AGENDA ITEMS ON THIS DATE

WHEREAS, Georgia Law, O.C.G.A. § 36-81-3 (b), requires each unit of government to operate under an annual balanced budget adopted by ordinance or resolution; and

WHEREAS, Cobb County Code 2-49 provides for revisions to the adopted budget during the year only by formal action of the commission in a regular meeting; and

WHEREAS, in official opinion date February 24, 1999, the Attorney General of the State of Georgia concluded that all amendments to the budgets of local government must be adopted by ordinance or resolution;

NOW, THEREFORE, BE IT RESOLVED the Cobb County Board of Commissioners does hereby adopt all such budget amendments as are set forth in agenda items which are adopted by the Board of Commissioners without change this date, as well as other such budget amendments as shall be specifically detailed in motions adopted by the Board of Commissioners this date.

This 24th of January 2023

Reference No. 27

A RESOLUTION OF THE COBB COUNTY BOARD OF COMMISSIONERS FOR THE PURPOSE OF LEVYING TAXES SUFFICIENT TO PROVIDE FOR THE PAYMENT OF THE COBB COUNTY SCHOOL DISTRICT (GEORGIA) SHORT-TERM CONSTRUCTION NOTES, SERIES 2023, IN THE AGGREGATE PRINCIPAL AMOUNT OF $98,860,000 AND THE INTEREST THEREON, AND FOR OTHER PURPOSES:

WHEREAS, pursuant to Article IX, Section V, Paragraph V of the Constitution of the State of Georgia and a resolution adopted on December 8, 2022, as supplemented on January 19, 2023 (as so supplemented, the "Board of Education Resolution") by the Board of Education of Cobb County (the "Board of Education"), for and on behalf of the Cobb County School District (the "School District"), the Board of Education authorized obtaining a temporary loan in the principal amount of $98,860,000 for the purpose of providing moneys to pay or to be applied toward the cost of the current expenses of acquiring, constructing, equipping and upgrading various school facilities and improvements of the School District and to pay the expenses incident thereto incurred by the School District during the calendar year 2023; and

WHEREAS, in the Board of Education Resolution the Board of Education has recommended to the Board of Commissioners of Cobb County the levy of an ad valorem tax on all property in the School District sufficient to pay the principal of and interest on the Notes (hereinafter defined) in the event the proceeds of a 1% sales and use tax for educational purposes (as identified more fully in the Board of Education Resolution, the "Special Educational Sales Tax") and other available funds of the School District are insufficient to repay the Notes; and

WHEREAS, based on the Board of Education's recommendation, it is mandatory by law upon the Board of Commissioners of Cobb County to levy an ad valorem tax within the 20 mill limit prescribed by law upon all property subject to taxation within the School District, which

School District embraces all the territory comprising Cobb County, except the area embraced within the independent school system of the City of Marietta, Georgia, to the extent necessary to produce moneys in an amount sufficient, together with any other funds of the School District lawfully available for such purpose including, without limitation, proceeds of the Special Educational Sales Tax, to provide for the payment of the principal of and interest on the Notes as the same become due and payable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Cobb County, and it is hereby resolved by authority of same, that for the purpose of paying the principal of and interest on the $98,860,000 aggregate principal amount of Cobb County School District (Georgia) Short-Term Construction Notes, Series 2023 (the "Notes"), as same become due and payable, there will be levied an ad valorem tax within the 20 mill limit prescribed by law on all property subject to taxation within the School District to the extent necessary to produce moneys sufficient, together with any other funds of the School District lawfully available for such purpose including, without limitation, proceeds of the Special Educational Sales Tax, to provide for the payment on December 14, 2023 of the following amounts:

Principal	Interest	Total
$98,860,000	$3,493,053.33	$102,353,053.33

which moneys are hereby irrevocably pledged and appropriated to the payment of the principal and interest on the Notes.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that all resolutions, if any, in conflict with this resolution, be and the same are hereby repealed.

SO ADOPTED this January 24, 2023.

COBB COUNTY, GEORGIA

By: _____
Lisa N. Cupid, Chairwoman
Board of Commissioners of Cobb County

Attest:

_____
Pamela L. Mabry, County Clerk

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS
1/24/23

COUNTY CLERK'S CERTIFICATE

GEORGIA, COBB COUNTY

I, Pamela L. Mabry, Clerk of the Board of Commissioners of Cobb County, **DO HEREBY CERTIFY** that the foregoing is a true and correct copy of a resolution duly adopted by the said Board of Commissioners at an open public meeting duly called and lawfully assembled on January 24, 2023, in connection with the issuance of $98,860,000 aggregate principal amount of Cobb County School District (Georgia) Short-Term Construction Notes, Series 2023, the original of which resolution being duly recorded in the Minute Book of the Board of Commissioners, which Minute Book is in my custody and control.

WITNESS my hand and the official seal of the Board of Commissioners of Cobb County, this January 24, 2023.

Pamela L. Mabry

County Clerk

(SEAL)

Attachment A: CDBG Program Reallocations

Transfer Type	Budget Line	Organization/Project Description	Amount
Transfer from:	285-390-CD21-C21FL-F-6574	Family Life Restoration - Facility Renovations	$ 9,558.19
Transfer to:	285-390-CD21-C21CP-P-6574	SafePath Children's Advocacy Center, Inc. - Salary/Operating Costs - Youth Services	**$ 9,558.19**
Transfer from:	285-390-PI23-PI23U-U-6574	Program Income Uncommitted - CDBG	$ 90,441.81
Transfer to:	285-390-PI23-PI23CP-P-6574	SafePath Children's Advocacy Center, Inc. - Salary/Operating Costs - Youth Services	**$ 90,441.81**
Transfer from:	285-390-PI23-PI23U-U-6574	Program Income Uncommitted - CDBG	$ 30,000.00
Transfer to:	285-390-PI23-PI23CE-P-6574	The Extension, Inc. - Women Shelter - Operating Costs	**$ 30,000.00**
Transfer from:	285-390-PI23-PI23U-U-6574	Program Income Uncommitted - CDBG	$ 27,209.20
Transfer to:	285-390-PI23-PI23ZK-P-6574	Zion Keepers, Inc. -TBRA Case Management - Operating Costs	**$ 27,209.20**
		Total	**$157,209.20**

Reference No. 29

Reference No. 20906

RESOLUTION

Resolution authorizing the submission of a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant application to the U.S. Department of Transportation for the Cumberland Core Loop, also known as Cumberland Sweep, planning project.

WHEREAS, the U.S. Department of Transportation (USDOT) is holding a solicitation for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program project funding proposals; and

WHEREAS, on December 14, 2022, the USDOT announced a Fiscal Year 2023 call for projects; and

WHEREAS, applications are due by February 28, 2023, and will be competitively selected for award based on predetermined evaluation criteria; and

WHEREAS, the County is an eligible applicant and agrees to submit an application for financial assistance with preliminary engineering and further planning to advance, develop, and design the Cumberland Core Loop project, a consolidated initiative to enhance various transportation modes and explore innovative transit solutions and technology; and

WHEREAS, the Cumberland Core Loop project is included in the CobbForward Comprehensive Transportation Plan 2050, as adopted by the Board of Commissioners on February 8, 2022, which provides recommendations for transportation and transit system improvements resulting from robust public participation and technical analysis related to funding future transportation investments within the County to meet the changing needs of the County's residents, businesses, and visitors; and

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PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS
1/24/23

WHEREAS, the total requested for the Cumberland Core Loop planning project RAISE grant is $8,815,000.00, which includes federal funds in the amount of $7,052,000.00, and local match funds in the amount of $1,763,000.00. Local match funds are to be contributed by the Cumberland Community Improvement District should the RAISE grant funds be awarded.

NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners supports the County's submission of a RAISE grant application to the USDOT for the aforementioned project on behalf of the Cumberland Community Improvement District.

CERTIFICATION

The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on January 24, 2023.

This 8TH day of February, 2023

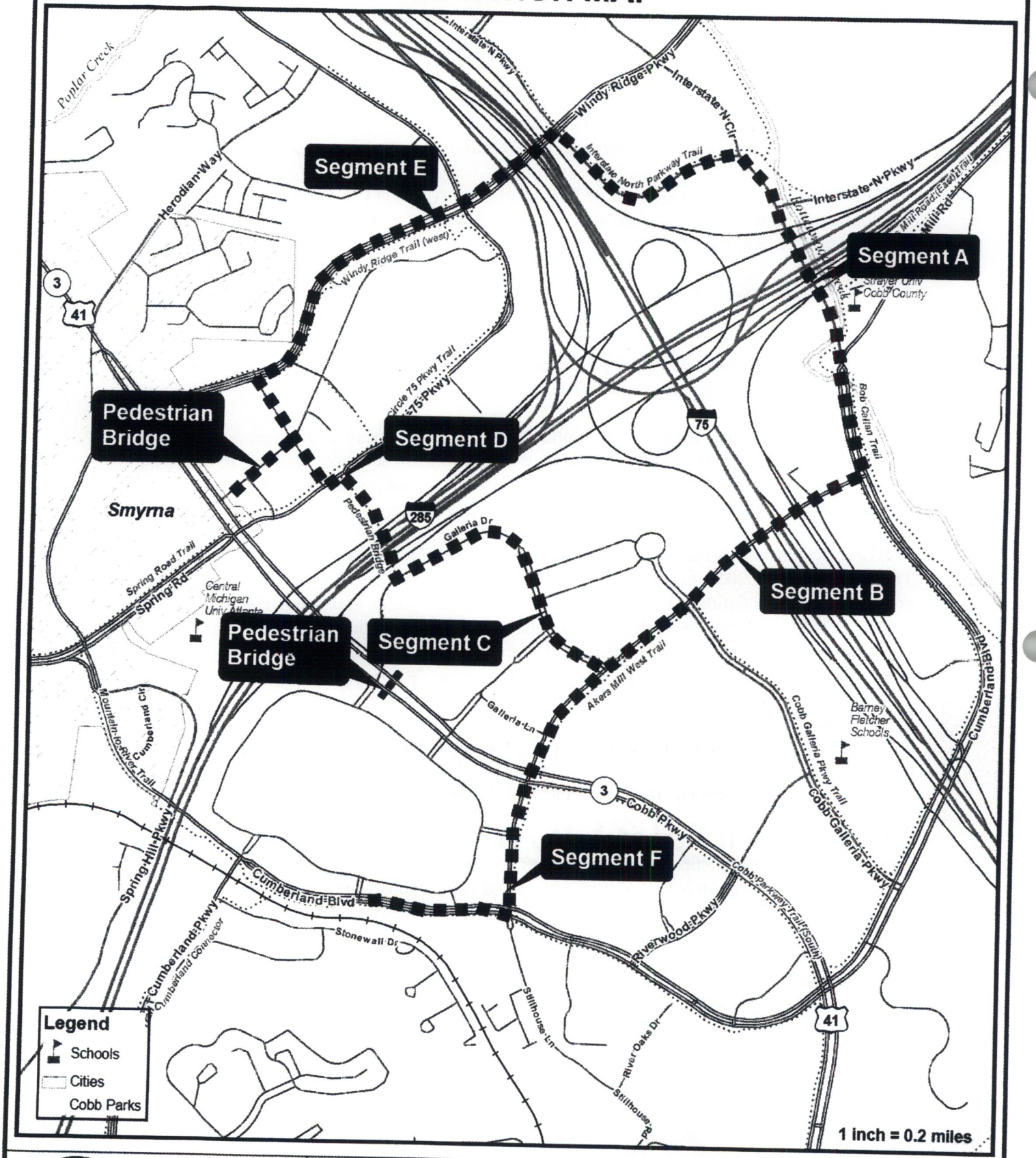
COBB COUNTY GEORGIA BOARD OF COMMISSIONERS 1832

Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners

Attest:
Pamela L. Mabry
Clerk
Cobb County Board of Commissioners

Reference No. 40

LOCATION MAP



Department of Transportation

PROJECT:
Cumberland Core Loop
(also known as Cumberland Sweep)

DATE: January 24, 2023

Notes: Commission District 2

Reference No. 20905

RESOLUTION

Resolution authorizing the submission of a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant application to the U.S. Department of Transportation for the East-West Connector Corridor Improvements planning project.

WHEREAS, the U.S. Department of Transportation (USDOT) is holding a solicitation for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program project funding proposals; and

WHEREAS, on December 14, 2022, the USDOT announced a Fiscal Year 2023 call for projects; and

WHEREAS, applications are due by February 28, 2023, and will be competitively selected for award based on predetermined evaluation criteria; and

WHEREAS, the County is an eligible applicant and desires to submit an application for financial assistance with planning studies and preliminary engineering to advance, develop, and design the East-West Connector Corridor Improvements project, a continuous study area from Powder Springs Road to I-285, to develop solutions to improve safety for various transportation modes, and explore innovative technology along the corridor; and

WHEREAS, the East-West Connector Corridor Improvements project is included in the CobbForward Comprehensive Transportation Plan 2050, as adopted by the Board of Commissioners on February 8, 2022, which includes recommendations for transportation and transit system improvements resulting from robust public participation and technical analysis related to funding future transportation investments within the County to meet the changing needs of the County's residents, businesses, and visitors; and

WHEREAS, the total requested for the East-West Connector Corridor Improvements project for a planning/design RAISE grant is $5,675,000.00, which includes federal funds in the amount of $4,540,000.00, and local match funds in the amount of $1,135,000.00, should the RAISE grant funds be awarded.

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS
1/24/23

NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners supports the County's submission of a RAISE grant application to the USDOT for the aforementioned project.

CERTIFICATION

The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on January 24, 2023.

This 8TH day of February, 2023

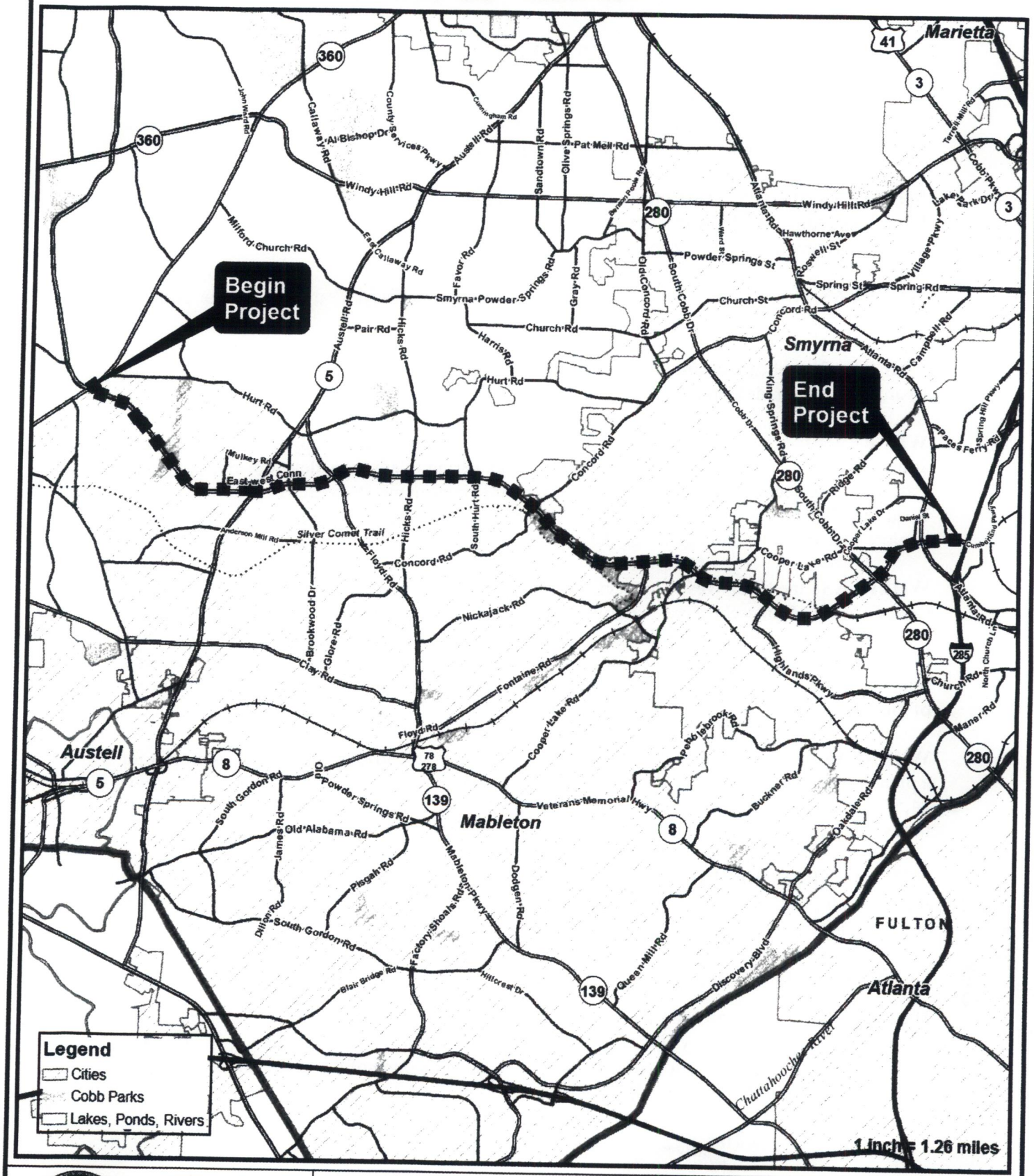
COBB COUNTY GEORGIA BOARD OF COMMISSIONERS 1832

Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners

Attest:
Clerk
Cobb County Board of Commissioners

Reference No. 41

LOCATION MAP



Department of Transportation

PROJECT:
East-West Connector Corridor Improvements

DATE: January 24, 2023

Notes: Commission Districts 2, 4

Reference No. 20907

RESOLUTION

Resolution authorizing the filing of an application with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal transportation assistance authorized by Chapter 1 of Title 23 of the United States Code (23 U.S.C. § 175 - Carbon Reduction Program), Chapter 53 of Title 49 of the United States Code (49 U.S.C. § 5307 – Urbanized Area Formula Grants), and other Federal statutes administered by the Federal Transit Administration.

WHEREAS, the Federal Transit Administration has been delegated authority to award federal financial assistance for a transportation project; and

WHEREAS, the grant or cooperative agreement for federal financial assistance will impose certain obligations upon Cobb County, and may require Cobb County to provide the local share of the project cost; and

WHEREAS, Cobb County has provided or will provide all annual certifications and assurances to the Federal Transit Administration required for the project.

NOW, THEREFORE, BE IT RESOLVED that the Cobb County Board of Commissioners authorize the filing of a Section 5307 funding grant application with the Federal Transit Administration, Department of Transportation, United States of America, in an amount not to exceed **$4,164,828.00 for Transit Capital Projects;** and

1. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file an application on behalf of Cobb County with the Federal Transit Administration for federal assistance authorized by 49 U.S.C. § 5307, or other federal statutes authorizing a project administered by the Federal Transit Administration.

2. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute and file with its application the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a federal assistance grant or cooperative agreement.

3. That the Chairwoman of the Cobb County Board of Commissioners, or her designee, is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of Cobb County.

APPROVED
PER MINUTES OF
COBB COUNTY
BOARD OF COMMISSIONERS
1/24/23

CERTIFICATION

The undersigned duly qualified Chairwoman of the Cobb County Board of Commissioners, acting on behalf of the Cobb County Board of Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Cobb County Board of Commissioners held on January 24, 2023.

This 8TH day of February, 2023

Lisa N. Cupid, Chairwoman
Cobb County Board of Commissioners

Attest: Pamela L. Mabry
Clerk
Cobb County Board of Commissioners

Reference No. 42

FY23 Carbon Reduction Program Grant Project List
GRANT BUDGET

Capital Projects (20% Local Match)	Project Cost	Federal Share	Local Share
Six (6) CNG Buses	$ 4,164,828.00	$ 3,331,862.00	$ 832,966.00
Subtotal - Capital Projects (80%/20%)	***$ 4,164,828.00***	***$ 3,331,862.00***	***$ 832,966.00***
Total - FY23 Carbon Reduction Program Grant Budget	**$ 4,164,828.00**	**$ 3,331,862.00**	**$ 832,966.00**

Temporary FAIN: GA 2874-2023-1