



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO
Steve Poftak, General Manager



**Fiscal and Management Control Board
Transportation Board Room
10 Park Plaza
June 15, 2020
12:00 p.m.
*MEETING MINUTES***

Present Remotely: Chair Joseph Aiello, Vice-Chair Monica Tibbits-Nutt, Director Chrystal Kornegay, Director Brian Shortsleeve (departed at 2:30 p.m.) and Director Brian Lang (departed at 3:36 p.m.)

Quorum Present: Yes

Others Present: Secretary Stephanie Pollack, General Manager Steven Poftak, Owen Kane, Michelle Kalowski, Marie Breen, David Panagore, Hope Patterson, Jeffrey Gonnevillle, Richard Henderson, Lynsey Heffernan, William Boyce, Rob DiAdamo, Eric Stoothoff, William Wolfgang, Mike FitzGerald, Christopher Brennan, MassDOT Director Joe Sullivan

At the call of Vice Chair Tibbits-Nutt, a meeting (virtual) of the Fiscal and Management Control Board (FMCB) was called to order at 12:05 p.m. at the State Transportation Building, Transportation Board Room, 10 Park Plaza, Boston, Massachusetts.

Board Counsel Owen Kane called a roll call of the FMCB Directors to ensure a quorum:

Massachusetts Bay Transportation Authority

Ten Park Plaza, Boston, MA 02116

www.mbta.com

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| Director Lang | Yes |
| Director Kornegay | Yes |
| Director Shortsleeve | Yes |
| Chair Aiello | Yes |
| Vice-Chair Tibbits-Nutt | Yes |

Vice-Chair Tibbits-Nutt reviewed the procedures to be followed during this meeting due to the COVID-19 virus and the public comment process*.

Next, on motion duly made and seconded, it was:

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| Director Lang | Yes |
| Director Kornegay | Yes |
| Director Shortsleeve | Yes |
| Chair Aiello | Yes |
| Vice-Chair Tibbits-Nutt | Yes |

VOTED: to enter into Executive Session for a discussion of strategy related to collective bargaining and real estate matters at 12:08 p.m.

The Board returned from Executive Session and Vice-Chair Tibbits-Nutt opened up the public comment period for items appearing on the agenda at 12:45 p.m.

Board Counsel played the voicemail comments from the following people:

Mark Liu from the Chinese Progressive Association commented on low-income fares.

Staci Rubin from the Conservation Law Foundation commented on the General Manager's Update on transporting police on MBTA buses, commuter rail contract options, and future Board governance.

Suzanne Rasmussen, Director of Environmental and Transportation Planning for the City of Cambridge and Ari Ofsevit from Transit Matters commented on commuter rail contract options

Bob Sloane from WalkBoston, Fred Salvucci, Harry Mattison from Allston, and Kathie Zusi from the Cambridgeport Neighborhood Association commented on the Allston I-90 project and commuter rail contract options.

Veena Dharmaraj from the Sierra Club commented on transportation of police personnel on MBTA vehicles

Galen Mook from Mass Bike and Anthony Pangarro from Boston commented on Allston I-90 multi-modal commuting.

Louise Baxter from the T Riders Union commented on transit police statistics.

A representative from the Boston Sunrise Association commented on racial injustice.

The following people provided written public comments:

Lloyd Mendes commented on MBTA Police transport policies.

Rebecca Bowie from the Cambridgeport Neighborhood Association commented on the I-90 multi-modal project and Grand Junction.

Robert Kancelarczyk commented on Red Line Vehicles.

Larry Chretien from Green Energy Consumers Alliance commented on bus electrification.

Daniel O'Hanlan and Elizabeth Fahey commented on the Capital Investment Plan.

Richard Prone, MBTA Advisory Board Representative from Duxbury commented on the commuter rail contract and safety.

Jarred Johnson from Transit Matters, Julia Wallerice from ITDP, and Susan Barrett commented on radical injustice and accountability at the MBTA.

Randall Block commented on the Riverside lease.

Caitlin-Allen Connolly commented on the commuter rail contract.

Mela Miles from ACE and TRU commented on the General Manager's report, safety, the FMCB public schedule, and Electrical Multiple Units.

Colleen Anderson commented on commuter rail tickets and the state of emergency policy.

The following made real time comments:

Jarred Johnson from Transit Matters commented on law enforcement on the MBTA, commuter rail contract options and the Allston I-90 multi-modal project.

Vice-Chair Tibbits-Nutt closed the public comment session at 1:20 p.m.

Vice-Chair Tibbits-Nutt, along with Chair Aiello, Director Shortsleeve, and Director Lang expressed appreciation to Louise Baxter from TRU for her years of support, constructive criticism and attendance over the last five years.

Vice-Chair Tibbits-Nutt held a moment of silence on behalf of lives lost to the COVID-19 pandemic, lives lost to police violence, and to those left behind to mourn the tragedy and injustice of both.

Next, Vice-Chair Tibbits-Nutt called on Rob DiAdamo, Executive Director of Commuter Rail to present Agenda Item J, Commuter Rail Contract options.

Chair Aiello recused himself from voting on the following agenda item because of a potential conflict of interest.

Mr. DiAdamo provided the FMCB with an overview, review and discussion of MBTA objectives; timeline for negotiations; management and contract options; Keolis' past performance; sense of the market; benefits of extension proposal; reduction of fare evasion and non-collection; the proposed extension with Keolis, elements and terms; the proposed extension costs and pro-forma and planning for the transformation contract. Discussion ensued on Keolis' past performance, uncertainty of new costs to the MBTA, and proposed on-time performance costs,

On motion duly made and seconded, it was:

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| Director Lang | Yes |
| Director Kornegay | Yes |
| Director Shortsleeve | Yes |
| Vice-Chair Tibbits-Nutt | Yes |

VOTED:

That the General Manager, or his designee, is hereby authorized to exercise an Extension of Term option in the Commuter Rail Operating Agreement, Contract No. 159-12, between the Massachusetts Bay Transportation Authority and Keolis Commuter Services, LLC., for a four (4) year period, under the terms and conditions set forth in the MBTA's Best and Final Offer, which is attached hereto, and as further described in the presentation to the Fiscal Management and Control Board on June 15, 2020; and, further, that the General Manager may take any such actions that are necessary and incidental to accomplish the foregoing.

Chairman Aiello called on General Manager Steven Poftak to present Agenda Item E, the Report from the General Manager. Mr. Poftak updated the FMCB on: overall ridership trends; communicating crowding to passengers; the commuter rail transition flexible pass; the Lynn Zone 1A pilot; commuter rail ticket expiration; improving fare equity; summer construction restart schedule; Blue Line surge recap; Green Line D Branch closures; Red Line 14-day full closure; and, concluded with extending his appreciation to the MBTA essential workforce for their dedication and hard work, as set forth in the attached document labeled, "Report from the General Manager, June 15, 2020."

Next, was the approval of the minutes of the May 11, 2020 meeting.

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| Director Lang | Yes |
| Director Kornegay | Yes |
| Director Shortsleeve | Yes |
| Chair Aiello | Yes |
| Vice-Chair Tibbits-Nutt | Yes |

VOTED: to approve the minutes of May 11, 2020.

Next, was the approval of the minutes of the May 21, 2020 meeting.

On motion duly made and seconded, it was:

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| Director Lang | Yes |
| Director Kornegay | Yes |
| Director Shortsleeve | Yes |
| Chair Aiello | Yes |
| Vice-Chair Tibbits-Nutt | Yes |

VOTED: to approve the minutes of May 21, 2020.

Next, Vice-Chair Tibbits-Nutt called on Deputy General Manager Jeffrey Gonneville to present Agenda Item F, the Report from the Deputy General Manager. Mr. Gonneville discussed changes to service levels scheduled to take place on June 22, 2020 on bus, heavy rail, light rail, commuter rail and ferry. As the service levels changed, they will be monitored if the need for adjustments was needed and necessary. Mr. Gonneville concluded his report noting the Cape Flyer weekend service would begin on June 26, as set forth in the attached document labeled, "Report from the Deputy General Manager, June 15, 2020."

Next, Chair Aiello discussed the recent complaint made of a violation of the open meeting law that he has referred to the General Counsel for further review and follow-up.

Next, Vice-Chair Tibbits-Nutt called upon Deputy Director of Policy and Strategic Planning Lynsey Heffernan to present Agenda Item G, the Safety Update:

Strategic Planning. Ms. Heffernan discussed the need of changing the culture at the MBTA to provide a safe, modernized, and robust transit system to the region, and to focus the workforce on improving employee culture. In the fall of 2019 through the winter of 2020, workshops were held and employees were engaged in deep dialogue and discussion. She said employee input was needed and appreciated, problems were identified, analyzed and relationships were formed, trust was built and consensus was achieved.

The group refined the MBTA mission statement and developed a new set of MBTA values.

Ms. Heffernan concluded with next steps and the continuation of change, as set forth in the attached document labeled, "Strategic Planning: Changing Our Culture and Improving HOW We Function, June 15, 2020." Discussion ensued about culture changes relating to racism, sexism and gender. Director Lang suggested the formation of an external group to assess those issues at the MBTA, and other Board members agreed with the importance of moving forward with this initiative soon.

Chair Aiello next called on Hope Patterson, Deputy Director for Stakeholder Engagement to present Agenda Item H, the FMCB Public Schedule. Ms. Patterson reviewed upcoming June 22, 2020 agenda items with the Board, as set forth in the attached document labeled, "FMCB Public Schedule, June 15, 2020."

Next, Vice-Chair Tibbits-Nutt called on William Boyce, Senior Director of Reliability and Engineering to present Agenda Item I, an update on Asset Management and Strategy. Mr. Boyce reviewed the purpose of the MBTA Asset Management Review and discussed the FTA state of good repair asset management requirements. He continued to review the 2020 asset data collection, inventory, and performance along with asset management strategy. Mr. Boyce concluded with a discussion of ongoing asset management support and 2020 key program deliverables, as set forth in the attached document labeled, "Transit Asset Management Program, June 15, 2020." Discussion ensued on program tracking and reporting.

Next, Vice-Chair Tibbits-Nutt called on Bill Wolfgang, Senior Director of Rail Vehicle Engineering to present Agenda Item K, an update on the Electric Multiple Units Request for Information (RFI). Mr. Wolfgang provided an update on the RFI goal that was to solicit the input and experience of the industry relative to existing Electric Multiple Units (EMU) designs and their applicability to the MBTA commuter rail system of the future. The RFI contained 27 questions covering 13 topics. The RFI was advertised on January 15, 2020, with a response date of April 15, 2020, and was extended to May 21, 2020 due to the COVID 19 pandemic.

Mr. Wolfgang reviewed a detailed summary of responses from respondents and noted that a final report would be completed in the summer of 2020.

Mr. Wolfgang continued with a discussion of alternative concepts provided by the respondents. Mr. Wolfgang concluded with ongoing continued efforts and next steps, as set forth in the attached document labeled, "Electric Multiple Units RFI Update, June 15, 2020." Discussion ensued on timing and procurement strategy.

Next, Vice-Chair Tibbits-Nutt called on Assistant General Manager Christopher Brennan to present Agenda Item G, the General Engineering Consulting Contracts. Mr. Brennan reviewed the need for design and construction phase services for system-wide infrastructure and facility improvements and modernization. These services will support all MBTA assets including but not limited to stations, tracks, bridges, tunnels, roadways, signals, power infrastructure, parking facilities, storage/maintenance facilities, and office buildings.

Mr. Brennan was requesting the Board to approve seven contracts for a total award of \$50,500,000.00, as set forth in the attached document labeled, "General Engineering Consulting Contracts, June 15, 2020."

On motion duly made and seconded, it was:

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| Director Kornegay | Yes |
| Chair Aiello | Yes |
| Vice-Chair Tibbits-Nutt | Yes |

VOTED:

That the General Manager, or his designee, is hereby authorized to award and execute in the name of and on behalf of the Massachusetts Bay Transportation Authority (the “MBTA”), and in a form approved by the General Counsel, MBTA Contract Nos. Z91PS35-Z91PS41 General Engineering Consulting Services Contracts for Design and Construction Phase Services for Infrastructure and Facility Improvements, Modernization and Reliability, for a total of \$50,500,000.00, with the following firms:

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| • AECOM | \$7,750,000.00 | Z91PS35 |
| • CDM Smith | \$6,750,000.00 | Z91PS36 |
| • HDR | \$7,500,000.00 | Z91PS37 |
| • HNTB | \$9,500,000.00 | Z91PS38 |
| • Jacobs | \$7,750,000.00 | Z91PS39 |
| • Michael Baker | \$5,500,000.00 | Z91PS40 |
| • WSP | \$5,500,000.00 | Z91PS41 |

Next, Vice-Chair Tibbits-Nutt called on Mike FitzGerald, Deputy Program Manager of South Coast Rail and Chief Real Estate Officer Richard Henderson to present Agenda Item M, the South Coast Rail Real Estate Acquisition. Mr. FitzGerald reviewed and discussed three significant site acquisition benefits for South Coast Rail construction, as set forth in the attached document labeled, “South Coast Rail Real Estate Acquisition, June 15, 2020.”

On motion duly made and seconded, it was:

Director Kornegay

Yes

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| Chair Aiello | Yes |
| Vice-Chair Tibbits-Nutt | Yes |

VOTED:

That the General Manager, or his designee, is hereby authorized to acquire the property located at 11 Campanelli Drive in Freetown, MA, in the name of and on behalf of the Massachusetts Bay Transportation Authority (“MBTA”), for an amount not to exceed \$6,500,000.00; to execute an Order of Taking and any other documents deemed necessary and/or advisable in connection with said acquisition; and to take any and all actions necessary and/or advisable to effectuate said acquisition.

Vice-Chair Tibbits-Nutt deferred Agenda Item N, a discussion of the Riverside Lease, to the next FMCB meeting.

Lastly, Vice-Chair Tibbits-Nutt called on Ahmad Barnes, Director of Labor Relations to present Agenda Item O, Local 105 Bargaining Agreement. Mr. Barnes provided an update and overview of the previous agreements with Local 105, and discussed the terms of the tentative Collective Bargaining agreement presented to the FMCB today, as set forth in attached document labeled, “Local 105 Collective Bargaining Update, June 15, 2020.”

On motion duly made and seconded, it was:

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| Director Kornegay | Yes |
| Chair Aiello | Yes |
| Vice-Chair Tibbits-Nutt | Yes |

VOTED:

That the General Manager or his designee is hereby authorized to enter into a Collective Bargaining Agreement with Local 105, effective as of July 1, 2019, through June 30, 2022, incorporating the terms and conditions outlined in the presentation provided during the June 15, 2020, Fiscal & Management Control Board meeting. The General Manager or his designee is also authorized to execute the final fully integrated Agreement in the name and on behalf of the Authority.

On motion duly made and seconded, it was:

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| Director Kornegay | Yes |
| Chair Aiello | Yes |
| Vice-Chair Tibbits-Nutt | Yes |

VOTED: To adjourn at 3:46

Documents relied upon for this meeting:

Report from the General Manager, June 15, 2020
Report from the Deputy General Manager, June 15, 2020
FMCB Public Meeting Schedule, June 15, 2020
Commuter Rail Contract Extension, June 15, 2020
Local 105 Collective Bargaining Update
Strategic Planning: Changing Our Culture and Improving How We Function, June 15, 2020
Transit Asset Management Program, June 15, 2020
Electric Multiple Units RFI Update, June 15, 2020
General Engineering Consulting Contracts, June 15, 2020
South Coast Rail Real Estate Acquisition, June 15, 2020

****Notes regarding Public Comment: In an effort to provide effective opportunities for public comment and engagement while protecting the health and safety of the public and staff, this meeting of the FMCB will be held virtually. Public comment will be taken (1) in writing by email or mail,***

(2) by voice message, and (3) by live public comment through conference call.

(1) Written comments may be submitted by email to publiccomment@dot.state.ma.us or mail to:

**MassDOT Board of Directors and/or Fiscal and Management Control
Board
C/O Owen Kane
10 Park Plaza - Suite 3510
Boston, MA 02116**

For written comments received by mail or email at least one hour before the start of the FMCB meeting, the commenter's name and affiliation (if stated), along with the subject line of the message will be shared in the meeting and on the Livestream. Mailed and emailed comments will be compiled and distributed to all Board Members in advance of the meeting.

(2) Voice message comments may be submitted by calling 857-368-1655 and leaving a message at least one hour before the start of the FMCB meeting. Voice messages will be played aloud during the public comment portion of the board meeting and captured in the livestream video. Messages must be limited to two minutes per commenter, or up to four minutes for comments submitted on behalf of an organization or elected official and at the discretion of the Board Chair.

(3) Public comment may be provided in real-time during the public comment portion of the meeting by telephone conference call. To provide a comment live by telephone, you must email publiccomment@dot.state.ma.us at least one hour before the start of the meeting with your name and affiliation (if applicable) and item(s) for which you will provide comments. Participants will be sent a conference call number by email about 30 minutes prior to the start of the meeting. Participants will be called by the Board Chair to provide comments in the order they have signed up. At the end of the public comment period, participants who have offered comments may observe the FMCB meeting using the livestream video available at mbta.com. Members of the public who would like to watch the meeting but are not interested in providing comments should also use the livestream video available at mbta.com.