



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Jamey Tesler, Acting Secretary & CEO
Steve Poftak, General Manager



MINUTES

Meeting of the Fiscal and Management Control Board

March 8, 2021 AT 12:00 P.M.

10 PARK PLAZA, BOSTON, MA

This meeting was held virtually in accordance with the Order Suspending Certain Provisions of the Open Meeting Law issued by Governor Baker on March 12, 2020. Members participated remotely and had materials provided to them prior to the meeting. Public participation and comment occurred via written communication, voice message and live public comment through conference call.

This meeting was live streamed.

BOARD MEMBERS

PARTICIPATING REMOTELY:

Chairman Joseph Aiello, Vice-Chair Monica Tibbits-Nutt, Director Brian Lang, Director Chrystal Kornegay, and Director Tim Sullivan

BOARD MEMBERS ABSENT:

None

Others Present and/or Participating for Various Portions of the Meeting:

General Manager Steve Poftak, Acting Secretary Jamey Tesler, Deputy General Manager Jeff Gonnevillle, Deputy Director of Stakeholder Engagement Hope Patterson, Chief Safety Officer Ron Ester, Chief Environmental and Health Officer Nancy Prominski, Director of Occupational Health Services Kate LeGrow, Chief Financial Officer Mary Ann O'Hara, Chief Administrative Officer David Panagore, Director of Capital Program Planning Jillian Linnell, Acting Assistant General Manager for Policy Lynsey Heffernan, Chief of Operations Strategy, Policy & Oversight Kat Benesh, Manager of Policy Development and Outreach Anthony Thomas, Equity and Sales Network Analyst Anna Sangree, Director of Labor Relations Ahmad Barnes, Assistant Director of Policy Daniel Sullivan,

General Counsel Marie Breen, Chief Counsel
Michelle Kalowski, and Senior Counsel Amy Nash

A. Call to order by the Chairman

Chairman Aiello called the meeting of the Fiscal and Management Control Board to order at 12:02 p.m. Senior Counsel Amy Nash called the roll of the Members participating remotely, being a quorum of the Fiscal and Management Control Board:

Chairman Aiello	Yes
Vice-Chair Tibbits-Nutt	Yes
Director Kornegay	Absent for vote
Director Lang	Yes
Director Sullivan	Yes

B. Executive Session

Chairman Aiello announced that the FMCB would enter executive session to discuss a real estate matter. He concluded, with the agreement of the General Counsel, that the discussion of such matter in an open session could have a detrimental effect on the negotiating position of the MBTA. The Chair explained that the FMCB would return to open session no earlier than 12:30 p.m.

On a motion duly made and seconded, it was by roll call:

VOTED to enter executive session to take up discussion of a real estate matter, the discussion of which in an open session may have a detrimental effect on the negotiating position of the MBTA.

Chairman Aiello	Yes
Vice-Chair Tibbits-Nutt	Yes
Director Kornegay	Absent for vote
Director Lang	Yes
Director Sullivan	Yes

C. Public Comment

The FMCB returned from executive session at approximately 12:45 p.m. Director Kornegay joined the meeting during executive session, at approximately 12:08 p.m.

In accordance with the current public health emergency, public comment was taken through an online form, voicemail, email, and regular mail. Written public comments received were to be distributed to the Directors as soon as practicable after the meeting.

The Directors listened to public comments left via voicemail:

Staci Rubin of the Conservation Law Foundation expressed concern with the environmental review of service cuts, called on the FMCB to restore suspended service and noted that riders have opposed service cuts.

Mike Vartabedian of Machinists' Union District 15 said he was encouraged that proposed service cuts are being reduced and advocated for using federal funding to build back service.

Adam Castiglione asked when service cuts will be completely restored and how much money the MBTA is saving by cutting service.

Richard Prone, an MBTA Advisory Board member from Duxbury, asked the FMCB to fund double-tracking plans for the remainder of the Old Colony Main Line. He also expressed disappointment with the elimination of weekend rail service to the South Shore.

Dave Stevenson, who represents MBTA train conductors in Local 0898, asked the FMCB to reverse scheduled furloughs of 40 conductors in April, which he said would disproportionately affect women and people of color.

Sabrina Davis of the Coalition for Social Justice said that people need reliable service to get to work and urged the FMCB to continue providing vital services.

Mela Miles, of the T Riders Union and Director of Transportation Oriented Development at Alternatives for Community and Environment, raised issues with the equity analysis and said

the MBTA's vision of the new normal is not what riders want to see.

Emmanuel DeBarros of Alternatives for Community and Environment said that increased service will reduce crowding and help people get to school and work.

Louise Baxter of the T Riders Union opposed service cuts and urged action on low-income fare, stating that transit is essential.

Marilyn McNabb stated concerns with instructions given to paratransit drivers.

There were no real-time commenters.

D. Approval of Minutes

Chairman Aiello turned to the approval of the minutes of the February 8, 2021 FMCB meeting.

On motion duly made and seconded, it was by roll call:

VOTED: To approve the minutes of the Fiscal Management and Control Board Meeting held on February 8, 2021.

Chairman Aiello	Yes
Vice-Chair Tibbits-Nutt	Yes
Director Lang	Yes
Director Kornegay	Yes
Director Sullivan	Yes

E. Public Schedule

Deputy Director of Stakeholder Engagement Hope Patterson provided an update on the public schedule for March and April.

Vice-Chair Tibbits-Nutt asked the FMCB to provide information about social media strategy from the customer service experiment. General Manager Poftak said that he would distribute it by the end of the day. After discussion, it was decided that the staff would present about it during the March 22, 2021 joint board meeting.

Director Kornegay asked that there be a more robust discussion among the FMCB on fare transformation before a vote takes place. Discussion ensued. Mr. Poftak said that discussion would not be concurrent with the vote. Chairman Aiello asked for clarification as to the schedule of discussions about the FY22 operating budget. CFO May Ann O'Hara and Chief Administrative Officer David Panagore provided more details. Chairman Aiello said he thought it would be helpful to have the scheduled discussions more clearly laid out.

F. General Manager's Report

General Manager Steve Poftak provided his report, reviewing ridership by line and mode and discussing active Covid-19 cases at the MBTA. He noted that Transit Driver Appreciation Day is March 18, played a short video about a Blue Line Operator, Zahir Elmouhsine, and introduced new online resources developed for reduced fare customers.

Vice-Chair Tibbits-Nutt asked if there is any way the MBTA can leverage its technology to get employees the vaccine faster. Mr. Poftak replied that staff are looking at how to interface with the state's vaccine system. Vice-Chair Tibbits-Nutt urged staff to work with IT to develop a solution.

G. Safety Update

Chief Safety Officer Ron Ester presented a safety update, beginning with workplace safety. Chief Environmental and Health Officer Nancy Prominski discussed occupational health and safety. She said that the update allows the MBTA to better understand its injury rates.

Vice-Chair Tibbits-Nutt asked if the MBTA provides services to employees who experience or witness assaults or witness attempted suicides. Director of Occupational Health Services Kate LeGrow said that the MBTA has an internal employee assistance

program to provide such services to affected employees. The Secretary thanked the team for bringing the MBTA into OSHA compliance.

H. Budget Update

Chief Financial Officer Mary Ann O'Hara provided a summary of the operating budget results for January. Ms. O'Hara noted that fare revenue was slightly above budget, but that without the CARES Act funding, the MBTA would have a net deficit of approximately \$34 million for the month and \$267.5 million for the year to date. She discussed the Operating Budget Deficiency Fund and reviewed the MBTA's expected savings by mode for FY21.

Director Sullivan thanked Ms. O'Hara for the context and emphasized the importance of people understanding that it cost the MBTA over \$200 million to provide service from which it collected approximately \$12 million in fares.

I. Five-Year Pro Forma

Ms. O'Hara returned to present on the Five-Year Operating Budget Pro Forma. She explained that staff have run projections under three fare revenue scenarios, with scenario 3 reflecting the least favorable projection. She discussed the last few years of fiscal management and compared the MBTA's projections with those of its peer transit agencies, all of which are in a position similar to that of the MBTA but have implemented more aggressive cuts. Ms. O'Hara discussed various potential solves for the MBTA's projected shortfalls in future years. Ms. O'Hara explained that there will be a significant budget gap under all scenarios and reviewed the MBTA's efforts to increase its long-term fiscal sustainability.

Director Sullivan noted that Massport's projections are similar to those laid out in the MBTA's scenario 3. Chairman Aiello asked if staff are including in models the funding the MBTA might get from the new federal stimulus package and asked what she expects the

amount to be. Ms. O'Hara said that they believe the amounts may be similar to the amounts the MBTA received under the CARES Act and CRISA but because it remains uncertain, staff have not modeled those funds yet. Chairman Aiello noted some expected productivity gains and said staff must keep looking for productivity improvements. Secretary Tesler commended the team on their estimated savings of over \$1 billion.

Director Kornegay said savings have been driven by staff and noted that there are no plans for fare increases. Director Kornegay also called for a conversation around expense management and creative ways to increase revenue given that the budget, understandably given the structural deficit, does not include a commitment to low-income fare or to sustainability measures. Chairman Aiello agreed that such a discussion is important and said it would occur during the budget process.

Director Sullivan noted the long-term structural deficit and, with that context, asked for which scenario the staff should plan. Ms. O'Hara replied that, in her opinion and based on current conditions, she would plan for scenario 3. General Manager Poftak noted that it is easier to build up service later rather than make last minute cuts.

J. Capital Investment Plan Update

Director of Capital Program Planning Jillian Linnell provided an update on the CIP. She reviewed development milestones, previewed upcoming capital programs, and discussed improvements since the previous update. Ms. Linnell discussed the CIP assumptions and noted that staff are preparing to capitalize on any additional federal investments. She closed by noting that the CIP is focused on reliability, modernization, and expansion of the system.

Chairman Aiello suggested that staff revisit pre-pandemic goals considering diminished ridership and limited funding to determine whether those goals are still priorities.

He noted that technological improvements on the commuter rail could raise productivity and bring staffing levels in line with most regional rail systems. He also noted that future federal funding is likely to favor decarbonization and asked if the MBTA is aligning those criteria with its planned projects. Ms. Linnell said that staff have an internal list of programs that might be a good fit for federal funding.

K. Forging Ahead – Update on Future Service Schedules

Lynsey Heffernan, Acting Assistant General Manager for Policy, and Kat Benesh, Chief of Operations Strategy, Policy & Oversight presented the Forging Ahead update. Ms. Heffernan explained that staff still are trying to understand how ridership patterns have changed and described the results of the Title VI Equity Analysis undertaken as part of the Forging Ahead process. Ms. Benesh reviewed service and ridership levels, accounting for social distancing restrictions. She also reviewed the high-level plan to rebuild and redesign service and discussed the team’s proposed key planning assumptions for 2021.

Vice-Chair Tibbits-Nutt thanked the staff for their thorough presentation. She asked how quickly staff can respond to crowding and increased demand. Ms. Benesh said response time depends on magnitude of demand and transit mode. Mr. Gonneville added that, for rapid transit, the MBTA has robust cover lists and can lengthen vehicles to reduce crowding but that there are drawbacks to adding service late. Vice-Chair Tibbits-Nutt asked if staff must decide in the next two to three weeks how much service it can restore given staffing and scheduling limitations. Mr. Gonneville said this is true for the summer schedule. Mr. Poftak noted that responding to ridership changes is not an exact science and staff would have to make some assumptions and front-run ridership in some circumstances.

Vice-Chair Tibbits-Nutt asked, for example, if staff would be able to respond to a late-April ridership spike on buses. Mr. Gonneville said that, while it is possible staff could make

changes to the schedule, operators soon will have selected their routes, making it complicated to do so. If staff are unable to change the schedule, they will assign drivers from cover lists to make additional runs. Ms. Benesh added that it is not known how long social distancing requirements, which limit the number of riders per car or vehicle, will be in place. Vice-Chair Tibbits-Nutt expressed concern that if demand spikes in May as vaccination rates continue to climb, staff will not be able to restore frequency in response. Mr. Gonneville offered to present more detail about what could be built back in at a later meeting. Ms. Heffernan added that even optimistic assumptions show ridership unlikely to top 50% of pre-pandemic ridership, so staff have a cushion even if ridership spikes. Vice-Chair Tibbits-Nutt said that the situation in the Commonwealth is changing faster than previously assumed and expressed concern about the MBTA's ability to respond. Director Kornegay agreed that it would likely be difficult to respond perfectly to a spike in ridership but said that staff told the FMCB this in December at the time of the Forging Ahead vote. Director Lang noted that crowding is likely to be confined to certain lines and staff probably will be able anticipate where some of the spikes will be. Ms. Benesh noted that several bus routes are currently running more service than they were pre-Covid-19 and said none of those routes would be affected by service changes.

Chairman Aiello agreed that the environment will change quickly but stated that the targeted approach should work. Mr. Gonneville said that staff prefers having robust cover lists to react as nimbly as possible.

A discussion ensued among Director Kornegay and staff as to whether a second Title VI analysis and vote would need to take place in the future if the MBTA made additional changes to service in connection with Forging Ahead. Chairman Aiello then asked to proceed with the vote.

WHEREAS, on December 14, 2020, the FMCB approved certain service changes for Fiscal Year 2021 (the “Service Changes”) as part of the Forging Ahead process, an effort that the MBTA initiated as a result of the effects of the COVID-19 pandemic to focus its limited resources on its most transit-critical riders; and

WHEREAS the Service Changes are considered a major service change pursuant to the Federal Transit Administrator (FTA) Title VI Circular 4702.1B, triggering a Service Equity Analysis (the “Equity Analysis”) to determine whether the implementation of the proposed service changes will result in disparate impacts to minority populations or disproportionate burdens to low-income populations; and

WHEREAS the FMCB’s approval on those Service Changes was subject to, among other things, the Authority’s submission of an environmental notification form as required under M.G.L. ch. 161A, s. 5(d) (the “ENF”) and the Authority’s completion of and the FMCB’s approval of such Equity Analysis; and

WHEREAS the Authority submitted the ENF; and

WHEREAS the Equity Analysis has been completed for the Service Changes in accordance with the Authority’s Disproportionate Impact/Disproportionate Burden Policy; and

WHEREAS the results of the Equity Analysis found that the implementation of the Service Changes will not result in disparate impacts to minority populations, disparate benefits to nonminority populations, disproportionate burdens to low-income populations, or disparate benefits to non-low-income populations; and

WHEREAS the FMCB is aware of and has considered the Equity Analysis for the Service Changes;

On a motion duly made and seconded, it was by roll call VOTED THAT:

The FMCB hereby approves the Title VI Service Equity Analysis for the Service Changes and directs the Authority, through the General Manager, to take all steps necessary to provide notice of such acceptance to FTA, as appropriate.

Chairman Aiello	Yes
Vice-Chair Tibbits-Nutt	Yes
Director Lang	Yes
Director Kornegay	Yes
Director Sullivan	Yes

L. Fare Transformation Outreach Update

Acting Assistant General Manager for Policy Lynsey Heffernan, Manager of Policy Development and Outreach Anthony Thomas, and Equity and Sales Network Analyst Anna Sangree presented the next agenda item, an update on public outreach regarding the Fare Transformation project.

Mr. Thomas discussed efforts to expand and improve the MBTA's sales network to eventually eliminate use of cash and one-door boarding, which slow buses and the Green Line. He discussed the Title VI Equity Analysis of the proposed system and said that staff are seeking input from riders on new products and integrations they would like.

Director Kornegay asked when the team would come before the FMCB to discuss this topic again. Ms. Heffernan responded that staff hope to present to the FMCB shortly after May. Mr. Poftak suggested the first meeting in June. Director Kornegay asked for more details about that presentation. Ms. Heffernan said it would include additional information about outreach. Mr. Poftak then suggested the first meeting in May. Director Sullivan said it would be helpful to see how this will create efficiencies. Chairman Aiello agreed that the FMCB should explore the issue on May 10.

M. Collective Bargaining Agreement

Director of Labor Relations Ahmad Barnes provided an update on collective bargaining with Local 600, a union of train inspectors, light rail starters, and first level transportation supervisors, with 343 current FTEs. The agreement would represent an aggregate wage increase of 10% from the previous bargaining agreement. Mr. Barnes summarized the tentative agreement.

On a motion duly made and seconded, it was by roll call:

VOTED: To authorize the General Manager or his designee to enter into a Collective Bargaining Agreement with OPEIU Local 600, which would cover the time period from July 1, 2018 through June 30, 2021, in a form approved by the General Counsel, incorporating the terms described during the March 8, 2021 meeting of the Fiscal and Management Control Board and outlined in the Term Sheet attached hereto as Appendix A.

**APPENDIX A
Term Sheet
Between the Massachusetts Bay Transportation Authority
&
Office and Professional Employees International Union Local 600**

Salary Adjustments: ATBs:

- Effective July 1, 2019 0.5%
- Effective June 30, 2020 2.5%
- Effective December 1, 2020 1.5%

Re-Opener:

In the event that any other Union at the Authority negotiates, is awarded, or otherwise receives any wage increases in excess of the total of wage increases set forth in this Agreement, the Authority shall immediately notify the Union and the parties shall, at the request of the Union, reopen the across the board wage increases of this Agreement for further bargaining.

Duration

The term of the Agreement shall be from July 1, 2018 through June 30, 2021. All provisions shall be effective the date of the formally executed MOU, unless otherwise noted.

Overtime

Delete time & one-half after 8 hours of work and replace with time & one-half for “time worked” in excess of 40 hours per week.

No employee shall be entitled to overtime pay prior to 40 hours worked per week. Hours worked includes actual time worked, scheduled, report, and guaranteed time, extra detail time, bereavement leave, vacation time, holiday pay, call-back/recall time, jury duty, formally documented injury-on-duty, time spent in order to see a medical provider at the Authority’s request, military leave, time for union business, personal days, paid personal leave, parental leave, in-patient hospitalization, and any court appearance requested by the Authority.

Notwithstanding the above, an employee who works any time on his/her second scheduled day off who has worked any time on his/her first scheduled day off shall be paid double time for any time worked on his/her second scheduled day off regardless of whether he/she is entitled to overtime pay for work on his/her first scheduled day off.

Notwithstanding the 1st paragraph above, any employee doing snow work or performing any not regularly scheduled work who finishes the assignment or is relieved at 2:00 A.M., or later, shall be provided with transportation home or be paid his regular hourly wages, snow rate, or overtime rate as the case may be, up to the first car or train in the morning.

New Classification

Add new job classification of Coordinating Inspector to recognition clause

Rating List

Amend section to include the Coordinating Inspector classification and add the following language: Each employee in that department and job classification of each rating station, shall select separately based on his/her seniority (the most senior, selecting first): 1) work days; 2) days off; 3) vacations; and 4) holidays.

Payroll

- The Payroll week shall be Sunday through Saturday.
- Pay shall continue to be bi-weekly

Bereavement Leave

Amend Bereavement Leave to increase the number of paid days from 3 to 5, add mother or father of the employee's child to list of subject relatives, and change dependent relatives to relatives living in employee's home to relatives with whom the employee lives.

Personal Leave

Amend Personal Leave to delete sick leave requirements and replace with employee being free of attendance-related discipline in the prior calendar year.

Vacation Leave

There shall be no change to the parties' current established practices concerning the selection of work days, days off, vacations, and holidays except that during the annual vacation selection, in addition to selecting fifteen (15) individual vacation days, employees may also select one full week of vacation.

Members who have four weeks of vacation may take one vacation day in half-day increments and members with five weeks of vacation may take two vacation days in half-day increments subject to management approval provided the employee requests such half-day leave at least 21 calendar days before the requested leave. Such request shall be approved or denied within 7 calendar days of the request. If the request is denied the reasons for the denial shall be set forth/communicated as well. If the Authority neither approves nor denies the request within the 7 calendar days allowed, the leave is approved. Additionally, employees who have a one-day or greater suspension on their record for violation of the Attendance Policy will not be eligible to take any vacation days in half-day increments.

Parental Leave

Employees shall be entitled to up to ten (10) days of paid parental leave in the event of the birth, adoption, or foster care placement of a child with an employee, in accordance with the Authority's Parental Leave Policy.

Clothing Allowance

Effective June 30, 2021, increase biennial voucher to \$1600. Effective immediately, add the following:

- 511 High visibility Reversible winter jackets # 48037
- Zip up long sweater S. A. I. #6798
- Winter insulated boots Bates #2488 or 5.11 # 485
- Winter gloves Rothco #3559/ Winter mittens G.F. P. #485
- Neck warmers Rothco #5570
- Neoprene winter masks Rothco #5510
- Thinsulate coveralls
- Dri-fit polo shirts
- Cargo pants

Labor-Management Committee

The parties shall create a Committee, the purpose of which is to identify more productive methods for the T's operations, better safety practices, and to discuss any other issues arising between the parties. The Committee shall not be a substitute for collective bargaining or the grievance procedure. Neither shall it be a substitute for any other safety committee, already in existence or later established by the parties, to discuss and resolve safety issues on a basis smaller than the bargaining unit.

The Committee shall be comprised of the T's Director of Labor Relations and the Union's President, along with two (2) representatives selected by the Authority and two (2) representatives selected by the Union.

The Committee shall meet quarterly, on the second Wednesday of the following months: March, June, September and December, during the work time of the Union's representatives, who will be released from their bargaining unit work in order to attend the meeting. If either the Director of Labor Relations or the Union's Business Agent is unable to attend, the meeting shall be rescheduled to a date that month at which both will be present.

Health & Welfare

Effective July 1, 2018, the Authority's contributions to the Transit Employee's health and Welfare Fund will increase by \$400 per year, per active and retired participant, provided they remain in good standing with the union. The additional contribution shall be used for the exclusive benefit of the participants as directed by the Trustees. Such benefit may include reimbursement of employee contributions to newly established benefit programs under the Fund. It may not be used, however, to reimburse employee co-pays or deductibles from the

GIC. This Authority contribution shall continue and be made on July 1 of each succeeding year.

PFMLA

The Union's grievance of October 15, 2019 concerning Paid Family Medical Leave (PFMLA) is held in abeyance.

Chairman Aiello	Yes
Vice-Chair Tibbits-Nutt	Yes
Director Lang	Yes
Director Kornegay	Yes
Director Sullivan	Yes

Upon reaching the end of the agenda, Chairman Aiello asked for a motion to adjourn.

On motion duly made and seconded, it was by roll call:

VOTED: to adjourn at 4:28 p.m.

Chairman Aiello	Yes
Vice-Chair Tibbits-Nutt	Yes
Director Lang	Yes
Director Kornegay	Yes
Director Sullivan	Yes

Documents relied upon for this meeting:

- March 8, 2021 Agenda
- FMCB Public Schedule
- Report from the General Manager
- Safety Update: Workplace Safety
- Budget Update
- Budget Update – Supplemental Memo
- Five-Year Pro Forma
- Capital Investment Plan
- Capital Investment Plan – Supplemental Memo
- Forging Ahead: Building to the New Normal – Update on Future Service Schedules for Summer and Fall
- Forging Ahead: Title VI Service Equity Analysis
- Fare Transformation Outreach Update
- Collective Bargaining Agreement
- Collective Bargaining Agreement – Supplemental Memo