



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



## MINUTES

### Joint Meeting of the MassDOT Board of Directors and the Fiscal and Management Control Board

April 26, 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. Board members participated remotely. Public participation and comment occurred via written communication, voice message and live public comment through conference call.*

*This meeting was live streamed.*

#### **MASSDOT BOARD MEMBERS PARTICIPATING REMOTELY:**

Chairman Jamey Tesler, Director Timothy King, Director Chrystal Kornegay, Director Brian Lang, Director Dean Mazzaella, Director Robert Moylan, Director Kathleen Murtagh, Director Vanessa Otero, Director Betsy Taylor, and Director Monica Tibbits-Nutt

**MASSDOT BOARD MEMBERS ABSENT:** Robert Moylan, Jr.

#### **FMCB MEMBERS PARTICIPATING REMOTELY:**

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

#### **FMCB MEMBERS ABSENT: OTHERS PRESENT AND/OR PARTICIPATING FOR VARIOUS PORTIONS OF THE MEETING:**

None

Highway Administrator Jonathan Gulliver, General Manager Steven Poftak, Treasurer Pat Landers, Governance Operations Officer Hope Patterson, Chief of Capital Programs James Neider, Chief Safety Officer Ron Ester, Chief Financial Officer Mary Ann O'Hara, Director of Bus Modernization

Scott Hamwey, Director of Labor Relations Ahmad Barnes, Deputy CFO Michelle Ho, Undersecretary Scott Bosworth, Project Manager for Capital Delivery Thomas Rovero, Chief Diversity Officer Julian Tynes, Deputy Chief Diversity Officer Darnell Williams, Chief Procurement Officer John Bianchi, Acting Registrar Colleen Ogilvie, General Counsel Marie Breen, Chief Counsel Michelle Kalowski and Senior Counsel Amy Nash.

## **A. Open of Meeting of FMCB**

Chairman Aiello called to order the meeting of the Fiscal Management Control Board at 12:00 p.m. Senior Counsel Amy Nash called the roll of the Members participating, being a quorum of the FMCB Board of Directors:

<b>Chairman Aiello</b>	<b>Yes</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Sullivan</b>	<b>Yes</b>

In accordance with current public health emergency, public comment was taken by regular mail, e-mail, and by voice message. The Chairman explained that public comments would be presented at the beginning of each of the three sections of the meeting and would correspond to the agenda items in such sections, beginning with Agenda Items 1 through 7.

Caitlin Allen-Connelly of A Better City urged the Board to reverse service cuts and create a timeline for restoration of service.

Ethan Finlan of Transit Matters asked for all weekend service on commuter rail be restored.

Susanna Bohme from Community Labor United urged the Board to fully fund service and work with local community groups to implement low-income fares and address sustainable funding.

Mela Miles, Director of the T-Riders Union, commented on items 4, 5, and 6 of the agenda, asking for full funding for services in FY22 and fulfillment of safety requirements.

Susan Baxstrom of Green Roots commented on the MBTA Diversity, Equity, and Inclusion initiative, urging a focus on inclusion and ADA compliance.

Louise Baxter of the T-Riders Union, commented on the MBTA Diversity, Equity, and Inclusion initiative, urging the Board to be mindful of unconscious bias.

Carla of Somerville of Economic Justice asked the Board to prioritize the electrification of the bus fleets.

Leslie Zebrowitz of the Newton Electric Vehicle Task Force listed five actions to reduce emissions.

Karen Mauney-Brodek, President of the Emerald Necklace Conservancy, urged the Board to redevelop the Arborway Yard Busway and move forward with plans for bus fleet electrification.

A caller urged that the Arborway Yard Busway be developed to benefit the community.

Sarah Freeman of Jamaica Plain commented on the Arborway Yard Busway, encouraging the use of federal funds to electrify buses.

David Bean advocated for using federal funds to redevelop the Arborway Yard Busway.

JoAnn Robinson asked that the Arborway Yard Busway redevelopment be prioritized.

Caroline Bays, a Watertown Town Council member, commented in support of full electrification of bus lines 71 and 73.

Joe MacDougall with 350 Mass urged full electrification of bus lines 71 and 73.

Eileen Ryan of Watertown and a member of Watertown Faces Climate Change asked that bus lines 71 and 73 remain fully electric.

Beth Zwick of Newton asked that bus lines 71 and 73 remain fully electric.

A resident of Watertown urged the Board to prioritize Economic Justice communities and maintain the current electric trolleys.

Governance Operations Officer Hope Patterson presented Agenda Item 1, the public schedule for the FMCB. Chairman Aiello asked General Manager Steve Poftak if staff could present on the MBTA's plans to promote increased ridership at the May 24 Joint Board Meeting. Mr. Poftak replied that May 24 would work for the staff. A discussion ensued regarding specific dates for final approval of the CIP as it relates to scheduled presentations for future meetings.

Mr. Poftak presented the GM's report, Agenda Item 2. He reviewed current Covid-19 statistics within the MBTA and ridership by mode.

Mr. Poftak presented Agenda Item 3, an update on the Diversity, Equity, and Inclusion initiative. A discussion ensued among the participants concerning selection criteria goals in the DBE context. Director Kornegay suggested that the MBTA do both a disparity study and set specific goals. The other Directors agreed, noting that 25% is an appropriate starting point for a goal. Vice Chair Tibbits-Nutt urged the staff to employ creative thinking to encourage industry change. Director Kornegay also advocated for using goals on the personnel side.

Chief Safety Officer Ron Ester presented Agenda Item 4, an update on safety performance targets for the first quarter of 2021.

Chief Financial Officer Mary Ann O'Hara presented Agenda Item 5, the preliminary budget for FY22, highlighting three areas of importance.

Director Lang asked why debt service is going to increase by 20%. Ms. O'Hara explained that the MBTA issued additional bonds, which caused the increase. Director Lang asked for clarification about the increase pension costs. Ms. O'Hara replied that pension costs will be \$150 million in FY22 and were \$130 million in FY21.

Director Sullivan asked if sales tax revenue was indeed up 8.4%, and if so, what was the risk involved with that increase. Ms. O'Hara confirmed the increase and stated that the sales tax information is obtained from the Commonwealth's Administration and Finance agency, and the numbers will need to be monitored closely. Director Sullivan clarified that "growth" on page 7 of the presentation refers to an increase from baseline rather than actual growth. Chairman Aiello clarified that the sum of \$202 million is a safety net rather than apportioned to any single use.

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

**VOTED:**

**That the General Manager is hereby authorized and directed to submit the Preliminary Fiscal Year 2022 Itemized Budget, in the name and on behalf of the Authority, to the MBTA Advisory Board; and**

**That following the Advisory Board review, a Final FY22 Itemized Budget will be submitted to the Fiscal Management and Control Board no later than June 15, 2021 in accordance with Section 20 of Chapter 161A of the Massachusetts General Laws as amended by chapter 56 of the acts of 2020.**

<b>Chairman Aiello</b>	<b>Yes</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Sullivan</b>	<b>Yes</b>

Director of the Bus Modernization Program Scott Hamwey presented Agenda Item 6, an update on the current status of bus transformation plans and goals.

Director Kornegay asked if the Arborway Yard could be employed in other ways to generate revenue. Mr. Hamwey said the staff has explored concepts for the Arborway, but it is premature to determine if any of those would be revenue producers. A discussion ensued between Director Kornegay and Mr. Hamwey about whether the Arborway Yard is programmed in the CIP.

Chairman Aiello complimented Mr. Hamwey and the staff for their work on planning and for their aggressive schedule, given the difficulties involved.

For Agenda Item 7, Collective Bargaining Agreement Approvals, Direct of Labor Relations Ahmad Barnes reviewed two collective bargaining agreements for Board approval.

**On 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 453, which covers 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 April 26, 2021 meeting of the Fiscal and Management Control Board and outlined in the Term Sheet attached hereto as Appendix A.**

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

**On 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 the Transportation Executives Association, OPEIU Local 76, which covers the time period from July 1, 2019 through June 30, 2021, in a form approved by the General Counsel, incorporating the terms described during the April 26, 2021 meeting of the Fiscal and Management Control Board and outlined in the Term Sheet attached hereto as Appendix A.**

<b>Chairman Aiello</b>	<b>Yes</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Sullivan</b>	<b>Yes</b>

## **B. Joint Board Meeting**

Chairman Tesler called to order the meeting of the MassDOT Board of Directors at 3:13 p.m. Senior Counsel Amy Nash called the roll of the Members participating, being a quorum of the MassDOT Board of Directors:

<b>Chairman Tesler</b>	<b>Yes</b>
<b>Director King</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Mazzearella</b>	<b>Yes</b>
<b>Director Moylan</b>	<b>Absent</b>
<b>Director Murtagh</b>	<b>Yes</b>
<b>Director Otero</b>	<b>Yes</b>
<b>Director Taylor</b>	<b>Yes</b>
<b>Director Tibbits-Nutt</b>	<b>Yes</b>

In accordance with current public health emergency, public comment was taken by regular mail, e-mail, and by voice message. The Chairman explained that public comments would be presented at the beginning of each of the three sections of the meeting and would correspond to the agenda items in such sections, beginning with Agenda Items 8 through 13.

Christine Barber, State Representative, urged that the Board replace the gas fleet with all electric buses.

Sylvia Parsons of 350 Mass expressed disappointment in the one-year CIP plan.

Tom Ryan of A Better City said that a one-year CIP plan is not sufficient to achieve goals.

Staci Rubin of the Conservation Law Foundation strongly recommended pursuing funding sources to fully-fund restored service and to work toward electrification.

Julia Wallerice of the Institute for Transportation and Development urged the Board to eliminate the use of diesel buses and registered support for full electrification.

Veena Dhamaraj of the Sierra Club said that the CIP should include studies for funding a fully electric bus fleet.

John Stout of MASSPIRG encouraged the Board to create a checklist of items that would encourage and welcome riders back to the MBTA and to create sustainable funding.

Chris Dempsey of Transportation for Massachusetts urged the Board to complete a checklist of goals to aid riders returning to the MBTA.

Richard Prone of the MBTA Advisory Board supported the electrification of all commuter rail lines.

Jay Flynn, the bus lead for Transit Matters, stated that he opposes the purchase of diesel buses and commented on the high cost of upgrading the North Cambridge garage.

For Agenda Item 8, Chairman Tesler asked for a motion from a MassDOT Board Member to approve the minutes of the March 29, 2021 Joint Board Meeting minutes.

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

**VOTED:**

**To approve the minutes of the Joint Board Meeting held on March 29, 2021.**

<b>Chairman Tesler</b>	<b>Yes</b>
<b>Director King</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Mazzarella</b>	<b>Yes</b>
<b>Director Moylan</b>	<b>Absent</b>
<b>Director Murtagh</b>	<b>Yes</b>
<b>Director Otero</b>	<b>Yes</b>
<b>Director Taylor</b>	<b>Yes</b>
<b>Director Tibbits-Nutt</b>	<b>Yes</b>

Chairman Aiello asked for a motion from an FMCB Member to approve the minutes of



the March 29, 2021 Joint Board Meeting.

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

**VOTED:**

**To approve the minutes of the Joint Board Meeting held on March 29, 2021.**

<b>Chairman Aiello</b>	<b>Yes</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Sullivan</b>	<b>Abstain</b>

Chairman Tesler introduced Deputy Chief Financial Officer Michelle Ho for Agenda Item 9, an update on the Capital Investment Plan. Ms. Ho reviewed the funding programs and requests, as well as sources of revenue.

Undersecretary Scott Bosworth presented an amendment to an Interagency Service Agreement for Agenda Item 10 in connection with the Seaport Square development.

Chairman Tesler first asked for a vote by the MassDOT Board.

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

**VOTED:**

**That the Secretary/Chief Executive Officer, or his designee, be authorized to execute in the name of and on behalf of the Massachusetts Department of Transportation, and in a form approved by the General Counsel, an amendment to an interagency service agreement (No. 112757) with the Massachusetts Bay Transportation Authority, related to the construction of certain headhouses for the Silver Line Courthouse Station, in the amount of \$4,051,053, to increase the total contract amount to \$18,388,755.**

<b>Chairman Tesler</b>	<b>Yes</b>
<b>Director King</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Mazzarella</b>	<b>Yes</b>
<b>Director Moylan</b>	<b>Absent</b>
<b>Director Murtagh</b>	<b>Yes</b>
<b>Director Otero</b>	<b>Yes</b>

**Director Taylor**  
**Director Tibbits-Nutt**

**Yes**  
**Yes**

Chairman Aiello then asked for a vote by the FMCB Board.

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

**VOTED:**

**That the General Manager, or his designee, be authorized to execute in the name of and on behalf of the Massachusetts Bay Transportation Authority (“MBTA”), and in a form approved by the General Counsel, an amendment to an interagency service agreement (No. 112757) with the Massachusetts Department of Transportation, related to the construction of certain headhouses for the Silver Line Courthouse Station, in the amount of \$4,051,053, to increase the total contract amount to \$18,388,755.**

<b>Chairman Aiello</b>	<b>Yes</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Sullivan</b>	<b>Yes</b>

For Agenda Item 11, Chairman Aiello asked the Project Manager for Capital Delivery Thomas Rovero to present concerning a proposed contract for the construction of certain headhouses for the Silver Line Courthouse Station.

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

**VOTED:**

**That the General Manager be, and hereby is, authorized to execute, in the name of and on behalf of the Massachusetts Bay Transportation Authority, and in a form approved by the General Counsel, a construction contract (No. E59CN01) with McCourt Construction Company, in connection with the construction of certain headhouses for the Silver Line Courthouse Station, in the amount of \$15,292,000.**

<b>Chairman Aiello</b>	<b>Yes</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>

**Director Sullivan**

**Yes**

Chief Diversity Officer Julian Tynes presented on MassDOT's diversity, equity and inclusion efforts, Agenda Item 12. Mr. Tynes reviewed current DEI efforts and goals on the personnel side, including the establishment of an employee advisory council, a mentorship program pilot and a change to policy concerning acting positions.

Director Kornegay thanked Mr. Tynes for his presentation and asked if an employee can participate in ways other than through the advisory council given that employees may not feel comfortable speaking freely in the presence of Mr. Tynes, given his stature in the agency. Mr. Tynes said he would explore other ways where people can meet and offer ideas either anonymously or through surveys.

A discussion ensued about whether the agency has DEI goals directed to a desired outcome. Director Kornegay emphasized that agency goals should accompany the training activities directed to DEI. Mr. Tynes said that workforce demographic goals are set in a four-year Equal Employment Opportunity plan, with a minimum goal of achieving parity. Director Kornegay responded that the goals are not working. Mr. Tynes replied that he could send a copy of a report showing goal status.

Director Lang agreed with Director Kornegay and asked that future presentations include the current goals. Director King asked that existing reports be provided to the Board. Mr. Tynes said that he would forward reports to the Board. Chairman Tesler reiterated that future presentations would share both federal and state reports, and that the team would lead with those goals as well as MassDOT-specific goals.

Chairman Tesler introduced Deputy Chief Diversity Officer Darnell Williams and Chief Procurement Officer John Bianchi to present Agenda Item 13, MassDOT Supplier Diversity. Chief Diversity Officer Tynes joined them in presenting on this Item.

Chairman Tesler introduced Vice-Chair Tibbits-Nutt to adjourn the Fiscal Management and Control Board. Vice-Chair Tibbits-Nutt asked for a motion to adjourn.

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

**VOTED: To adjourn the meeting of the FMCB.**

<b>Chairman Aiello</b>	<b>Absent</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Absent</b>
<b>Director Sullivan</b>	<b>Yes</b>

### **C. MassDOT Standing Reports**

Chairman Tesler then turned to the MassDOT only portion of the agenda, asking the Boardroom to play voicemail messages for Agenda Items 14 through 18. There were no real-time or voicemail comments.

In the interest of time, Chairman Tesler stated he would quickly review his report, Agenda Item 14, for the Board and that the Highway Administrator's Report, Agenda Item 15, would be provided in writing, with a short report to follow from the Registrar, Agenda Item 16.

Chairman Tesler highlighted several portions of his report, including the safety bill and an update from the Shared Winter Streets and Spaces program.

Acting Registrar Colleen Ogilvie presented her report, Agenda Item 16, and reviewed the recent vehicle inspection system outage. She stated that the contract extension with

Applus that was recently approved by the Board has not been executed yet as the RMV evaluates the inspection outage issue. Director King complimented the Registrar and her staff on their handling the inspection outage.

Chairman Tesler reminded the Board that the Rail and Transit Administrator and Aeronautics Administrator reports were submitted in writing. He then asked for a motion to adjourn the meeting of the MassDOT Board of Directors.

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

**VOTED: To adjourn the meeting of the MassDOT Board of Directors.**

<b>Chairman Tesler</b>	<b>Yes</b>
<b>Director King</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Absent</b>
<b>Director Lang</b>	<b>Absent</b>
<b>Director Mazzarella</b>	<b>Yes</b>
<b>Director Moylan</b>	<b>Absent</b>
<b>Director Murtagh</b>	<b>Yes</b>
<b>Director Otero</b>	<b>Yes</b>
<b>Director Taylor</b>	<b>Yes</b>
<b>Director Tibbits-Nutt</b>	<b>Yes</b>

The MassDOT Board of Directors adjourned at 5:21 PM.

Documents relied upon for this meeting:

**FMCB:**

- April 26, 2021 Joint MassDOT and FMCB Board Agenda
- FMCB Public Schedule
- General Manager's Report
- Diversity, Equity, and Inclusion Update
- Safety Update
- Preliminary FY22 Budget
- Bus Transformation Update
- Collective Bargaining Agreement

**Joint Board:**

- April 26, 2021 Joint MassDOT and FMCB Board Agenda
- March 29, 2021 Joint Meeting Minutes
- CIP Presentation for Joint Boards 4.26.21
- Seaport Square Interagency Service Agreement Amendment

- Silver Line Courthouse Station Headhouse

**MassDOT Board:**

- April 26, 2021 Agenda for Joint Meeting: MassDOT and Fiscal and Management Control Board
- MassDOT Diversity, Equity, and Inclusion Update
- MassDOT Supplier Diversity
- Acting Secretary Jamey Tesler's Report to the MassDOT Board, April 26, 2021
- Highway Administrator's Report, March 2021
- RMV Update
- Rail and Transit Report
- Aero Division Board Report