



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

May 10, 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, Governance Operations Officer Hope Patterson, Chief Financial Officer Mary Ann O'Hara, Acting Assistant General Manager for Policy Lynsey Heffernan, Senior Manager of Fare Policy Analysis Andy Stuntz, Transportation Program Planner Caroline Vanasse, Director of Planning Christof Spieler, Director of Transit Priority Eric Burkman, Chief Commercial Strategy Officer Elizabeth Winters Ronaldson, 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 12:00 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	Yes
Director Lang	Yes
Director Sullivan	Yes

B. Public Comment

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:

Jim Evers of the Boston Carmen’s Union advocated preserving and increasing services and said progressive revenue is needed to increase equity.

Mike Vartabedian of Machinists’ Union District 15 supports a low-income fare.

Sabrina Davis from the Coalition for Social Justice supports a low-income fare.

Ethan Masimoto of the Chinese Progressive Association urged investment in public transit, especially in communities that have been polluted by commuters.

Olivia Nichols of GreenRoots urged the board to call on the MBTA to implement a low-income fare.

Collique Williams of Community Labor United said that Covid has amplified structural inequalities and urged the MBTA to implement a low-income fare.

Staci Rubin of the Conservation Law Foundation recommended lowering fare evasion amounts to \$10 and expanding the youth pass program.

Sylvia Parsons of 350Mass supports a low-income fare across all modes and urged the Board to treat public transit as a public good.

Veena Dhamaraj of the Sierra Club said that plans for fleet electrification and more electric garages are good, but that the FMCB needs to set a target date for full electrification.

Tom Ryan of A Better City said that goals for bus transformation must meet numbers in the CIP and reviewed several ways to advance this initiative.

Julia Wallerice of the Institute for Transportation Development Policy supports more buses, more frequent trips, electrification, and the full staffing of the office of bus transformation.

Mela Bush Miles of Alternatives for Community Engagement said that the redesign of the bus network should include equity in all areas and noted that seniors may have difficulty dealing with technology. She also stated that low-income fares would provide transit access to essential workers.

Louise Baxter of the T Riders Union supports a low-income fare, having union members and workers on the Board, and said that fare evasion is misguided.

Chris Brandon asked about service levels on the Blue Line, stating that the reduction in number of weekday trips is more than 5% according to his review of the schedule.

There were no real-time commenters.

C. Approval of Minutes

Chairman Aiello turned to the approval of the minutes of the April 12, 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 April 12, 2021.

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

D. Public Schedule

Governance Operations Officer Hope Patterson provided an update on the public schedule.

Chairman Aiello asked if the Regional Rail update would focus on EMU procurement. Mr. Poftak said that it would. Mr. Aiello asked if staff could review previously prepared transitional reports for the new board and see if updates are necessary. Mr. Poftak said this would be doable. Vice-Chair Tibbits-Nutt requested a review and discussion of the social media policy in June. Director Sullivan pointed out that a vote about Fare Evasion Regulations on May 24 should be included in the public schedule. Chairman Aiello asked staff to ensure that a cashflow analysis is presented at the June 7th meeting. Mr. Poftak endorsed a broader analysis, noting that reliability and modernization also require investment.

E. General Manager's Report

General Manager Steve Poftak provided his report, discussing active Covid-19 cases at the MBTA and relatively consistent ridership. Director Sullivan asked if the new schedule or more commuter action are driving ridership. Mr. Poftak replied that both are factoring into ridership. Mr. Poftak reviewed the North Side ATC program and ongoing Green Line

improvements and assorted project completions. Chairman Aiello asked that the Chief Engineer develop a constructability analysis to ensure that construction sequencing is sufficient. Mr. Poftak said staff would schedule a discussion with the Chief Engineer for an upcoming meeting.

F. Deputy General Manager's Report

Deputy General Manager Jeff Gonneville provided an update on the Orange Line incident investigation, detailing extensive testing and computer modeling and explained details of the testing procedure. He noted that a previously reported noise issue with these cars has been identified and resolved.

G. Safety Update

Chief Investigation and Safety Assurance Officer Steve Culp discussed investigation training accomplishments. Mr. Culp said that the new investigation manual would be fully implemented in July and provided an overview of the investigation team. Chairman Aiello said the hiring of more subject-matter experts and 24/7 deployment is a huge improvement.

H. Budget Update

Chief Financial Officer Mary Ann O'Hara presented monthly operating budget results and noted that it will be several months before additional federal funding will be reflected in the budget. Ms. O'Hara also reviewed the operating budget deficiency fund.

I. Fare Policy Update

Deputy Director of Policy and Strategic Planning Lynsey Heffernan and Senior Manager of Fare Policy Analysis Andy Stuntz presented on fare policy updates, including proposed fare evasion regulations and midyear tariff changes. Ms. Heffernan explained that the Fare Decision Policy balances ridership, revenue, and equity, based on our available

technology. She discussed options to address fare equity and the associated costs of various policies.

Chairman Aiello said it was not clear what the next steps are for means-tested fare and asked for more precision on costs and the timeline for implementation. Mr. Poftak said staff can develop cost estimates, implementation steps and a timeline for same, noting that these estimates are predicated on securing a durable outside funding source.

Director Kornegay said that it was important to leave a roadmap for the next board. A discussion ensued among the Directors and Ms. Heffernan concerning potential plans for the implementation of a means-tested fare, and whether the MBTA can work with other agencies such as EOHHS or third parties to assist with income verification and other implementation issues.

Ms. Heffernan reviewed previous drafts of regs on fare evasion citations, explaining the plan to lower fines now and launch all-door boarding with fare payment verification later. She summarized and responded to public comments, noting that staff are concerned about lowering the fine below \$50.

Secretary Tesler stressed importance of having good data.

Mr. Stuntz compared the proposed fine to peer agencies and said staff believe that \$50 is the lowest fine that would provide an effective deterrent under future all-door boarding. He noted that a fare verification team would cost \$10-12 million but could reduce evasion losses by \$14-22 million. Mr. Stuntz also discussed parking fines, noting that verification rates are higher for parking fines than for fare evasion.

A discussion ensued among Mr. Stuntz and the Directors about the effectiveness of fare evasion fines in terms of deterrence and whether \$50 is the appropriate level fine. Vice-Chair Tibbits-Nutt said that she supports a \$10 fine and that the Commuter Rail is projected

to have a much higher projected loss than other modes and asked what verification looks like for Commuter Rail. Director Kornegay said that she believes a \$25 fine to be more reasonable and suggested that the MBTA collect more data on fare evasion and verification levels. Director Lang agreed that \$50 is too much, as most fare evaders in the city cannot afford the fare. He said the fine should be tied to the development of a means-tested fare. He said a \$50 fine might make sense once means-tested fares are implemented. Chairman Aiello said that staff are proposing lowering the fines now generally and implementing all-door boarding by 2024, so it should be possible to coordinate those efforts over the next 2 years. Mr. Stuntz said it will be a challenge to evaluate what things will look like with all-door boarding. Chairman Aiello asked if there is a consensus on fine levels. Director Lang said he mostly thinks the fine should be lower but would consider raising the fine at point where means-tested fare is implemented.

Chairman Aiello asked if it would be possible to set fines at \$15 for bus, \$30 for rapid transit and \$50 for Commuter Rail. Mr. Stuntz said that approach would be an option. Director Sullivan said that it does not seem prudent to be spending about half of the maximum possible savings on enforcement. Mr. Stuntz agreed that there are some scenarios in which verification and enforcement would not be worth doing. Ms. Heffernan noted that this size verification team would allow verification of about 1 out of every 20 trips. Chairman Aiello suggested that fare violations could be reduced with verification at university stops.

Vice-Chair Tibbits-Nutt said that the FMCB has been talking about means-tested fares since 2017 and nothing has been implemented.

Ms. Heffernan discussed proposed fare rule changes for July 1st. Mr. Stuntz reviewed proposals for shorting expiration of magnetic-stripe CharlieTickets, youth pass expansion,

and converting all outer express bus routes to inner express. He noted that these changes have minor expected impacts and discussed the associated Title VI equity analysis and staff's proposed mitigation. Finally, he reviewed the vote language on the mid-year tariff. The FMCB then took up the proposed action.

- **WHEREAS, the Massachusetts Bay Transportation Authority ("MBTA") has proposed to make two changes to its tariff including the following: (1) Extending the validity of the Youth Pass to Commuter Rail, Express Bus, and Ferry; and (2) Converting all Outer Express Bus routes to Inner Express Bus routes (together, the "Tariff Changes"); and**
- **WHEREAS, Extending the validity of the Youth Pass to Commuter Rail, Express Bus, and Ferry and converting all Outer Express Bus routes to Inner Express Bus routes (together, the "Title VI Fare Changes") are fare changes that will last longer than six months; and**
- **WHEREAS, the Federal Transit Administration ("FTA") Title VI Circular 4702.1B requires the MBTA to conduct a fare equity analysis for fare changes that last longer than six months to evaluate the impacts of such fare changes and determine whether such fare changes would have a discriminatory impact based on race, color, or national origin, low-income populations would bear disproportionate burdens of the fare changes, or non-low-income populations would receive disproportionate benefits because of the fare changes; and**
- **WHEREAS, the Title VI Fare Changes are fare changes requiring a fare equity analysis under FTA Title VI Circular 4702.1B; and**
- **WHEREAS, a fare equity analysis as to the Title VI Fare Changes was completed; and**
- **WHEREAS, the fare equity analysis demonstrated that the Title VI Fare Changes, taken together, do not have a discriminatory impact on race, color, or national origin; and**
- **WHEREAS, the fare equity analysis further demonstrates that, under the MBTA's Disparate Impact/Disproportionate Burden Policy ("DI/DB Policy"), non-low-income populations may receive disproportionate benefits from the Title VI Fare Changes because the conversion of Outer Express Bus routes to Inner Express Bus routes tends to benefit riders with higher incomes; and**
- **WHEREAS, pursuant to the MBTA's DI/DB Policy and Title VI Circular 4702.1B, such potential disproportionate benefits to non-low-income riders will be mitigated by actively recruiting new Youth Pass municipal partners, which may increase the level of participation in the program and thereby increase access to reduced fares among low-income populations; and**
- **WHEREAS, Fiscal and Management Control Board ("FMCB") has considered and reviewed the Title VI Equity Analysis and the proposed mitigation;**

On motion duly made and seconded, it is by roll call VOTED that:

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

And further that the FMCB hereby approves the Tariff Changes as presented at its meeting of May 10, 2021.

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

General Manager Poftak thanked Ms. Heffernan and Mr. Stuntz and their team for their work on these issues.

J. Bus Transformation Update

Transportation Program Planner Caroline Vanasse, Director of Planning Christof Spieler, Director of Transit Priority Eric Burkman, and Chief Commercial Strategy Officer Elizabeth Winters Ronaldson presented a bus transformation update.

Ms. Vanasse provided updates on Bus Network Redesign, noting that the bus network has not changed along with Greater Boston, and community engagement showed that the indirect network and its focus on peak service were major complaints. Mr. Spieler said this is a chance to transform the entire system to provide better service, beyond what individual route changes or bus lanes can do. He noted that the transformation could focus service into core areas and corridors, while also connecting more riders to rapid transit, increasing ride frequency, introducing new services, straightening routes, making trips more direct, and making the system more legible. He said that staff are committing to equity, transformational change, a better network for riders, stakeholder engagement, near-term implementation, and the integration of changes with bus priority and infrastructure improvements. He warned that other city's experiences show that changes will likely be associated with complaints before implementation.

Vice-Chair Tibbits-Nutt discussed how buses are only going to become only more important over time.

Chairman Aiello thanked the team for a great walkthrough of their strategy and tactics.

Mr. Poftak said that change is hard, but the results of other cities' efforts in this regard is proof that bus transformation is worth doing.

Ms. Vanasse said that staff want a better network on the street starting next year. She discussed staff's approach to measuring travel demand by using multiple anonymized cell phone applications and reviewed the 5-year timeline.

Secretary Tesler emphasized the quality of the team's work and the importance of connecting with past work on facilities, stating that municipal partnerships are the key to ultimate success.

Vice-Chair Tibbits-Nutt said that municipal partnerships are essential because the MBTA needs places to put buses.

Chairman Aiello said that the MBTA must be cognizant that older communities with struggling finances may not be able to create a bus space that complies with rules and that the MBTA may need to integrate capital dollars or coordinate with MassDOT and legislature spending on cities and towns. Mr. Spieler noted that these partnerships are about coordinating on design, permitting, locating funding.

Mr. Burkman reviewed the recent bus lanes expansion, discussed some regional firsts of the program, and reviewed high-profile projects slated for the next two years.

Vice-Chair Tibbits-Nutt said an understanding of how the program will be staffed is needed.

Ms. Winters-Ronaldson presented on the street furniture program, discussing the importance of street furniture, especially benches, shelters, lighting, and real-time

information. She provided an update on the PATI (bus stop accessibility) project and discussed the MBTA's new partner for street furniture, Intersection.

Vice-Chair Tibbits-Nutt asked what groups can participate in the program. Ms. Ronaldson said the focus is broad as possible but will prioritize local developers. She noted that it is difficult for organizations other than transit agencies to buy bus shelters through a vendor.

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 3:55 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:

- May 10, 2021 Agenda
- FMCB Public Schedule
- Report from the General Manager
- Safety Update
- Operating Budget Update
- Fare Policy Update