



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



MINUTES

Meeting of the Massachusetts Bay Transportation Authority Board of Directors

March 24, 2022 AT 10:00 A.M.

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 broadcast virtually.

**BOARD MEMBERS
PARTICIPATING
REMOTELY:**

Chair Betsy Taylor, Director Robert Butler, Director Scott Darling, Director Thomas Koch, Director Mary Beth Mello, Secretary Jamey Tesler

**BOARD MEMBERS
ABSENT:**

Director Travis McCready

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

General Manager Steve Poftak, Chief Safety Officer Ron Ester, Assistant General Manager for Policy & Transit Planning Lynsey Heffernan, Director of Fare Policy and Analytics Steven Povich, Chief Financial Officer Mary Ann O'Hara, Director of Capital Planning Jillian Linnell, Treasurer Pat Landers, Chief of Green Line Transformation Angel Peña, Chief Procurement and Contracts Administration Officer Jeff Cook, Bus Modernization Program Director Scott Hamwey, Chief Engineering Officer Erik Stoothoff, Director of Vehicle Engineering Bill Wolfgang, Director of Labor Relations Ahmad Barnes

Others Present:

General Counsel Marie Breen, Chief Counsel Kevin Scanlon, Managing Attorney- Corporate & Regulatory Eileen Fenton, and Noah Potash, Esq.

OPEN OF MEETING

Call to order by the Chair

Chair Betsy Taylor called the meeting of the Massachusetts Bay Transportation Authority ("MBTA") Board to order at 10:00 a.m. Noah Potash called the roll of the MBTA Board of Directors participating remotely, being a quorum of the MBTA Board:

Chair Taylor	Yes
Director Butler	Yes
Director Darling	Yes
Director Koch	Yes
Director Mello	Yes
Secretary Tesler	Yes

1. Executive Session

Chair Taylor announced that the board would enter executive session to discuss strategy with respect to collective bargaining. She noted that the Board would return to open session at the conclusion of the executive session.

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

VOTED: to enter executive session to discuss strategy with respect to collective bargaining.

Chair Taylor	Yes
Director Butler	Yes
Director Darling	Yes
Director Koch	Yes
Director Mello	Yes
Secretary Tesler	Yes

Return to Open Session

The Board returned to open session at 10:15 a.m.

Public Comment

Louise Baxter of the T Riders Union discussed the proposed Fare Tariff

Changes.

Anna Vanderspek of Green Energy Consumers Alliance expressed support for bus modernization and electrification.

Juanita Gibson of the Conservation Law Foundation called for early electrification of the transit system and expanding the bus facilities team.

Silvia Kersten of 350Mass's Transportation Working Group said the MBTA should electrify buses and regional rail while phasing out diesel hybrids.

Jarred Johnson of TransitMatters praised the GLX opening and said that the CIP should make transformative investments and pursue federal funding.

Veena Dhamaraj of the Sierra Club congratulated the MBTA on the GLX opening and asked the Board to prioritize bus and commuter rail electrification.

Tom Ryan of A Better City congratulated the MBTA on the GLX opening and said the CIP should prioritize various transit upgrades.

Staci Rubin of the Conservation Law Foundation called on the MBTA to move quickly on bus and commuter rail electrification.

Jared Nicholson, the Mayor of Lynn, requested more funding for commuter rail electrification and rapid transit.

REPORTS

2. Report from the General Manager

General Manager Steve Poftak presented his report, beginning by discussing ridership. Secretary Tesler said he was thrilled to see the progress on ridership and

that ridership trends are important to consider when budgeting. Director Koch asked about competitive grants and Mr. Poftak said that staff are competing for all available federal grant opportunities and closely monitoring for newly announced opportunities. In response to a question from Director Butler, Mr. Poftak said that the Capital Planning Department and outside consultants work together to pursue grants. Secretary Tesler noted that there is \$3.55 billion in the Bond Bill (MassTRAC) available for matching grants and that the five-year bill includes multiple rounds of competition. Director Mello asked about the submission of a Letter of Intent for Green Line cars under the BIL's core capacity grant program. The General Manager said that the MBTA is positioned to procure new Green Line vehicles and that staff have begun the development process for a core capacity grant, which would allow the MBTA to leverage Bond Bill funding for additional vehicles and major infrastructure improvements. Director Mello said she appreciated the aggressive pursuit of funding. Director Darling asked for a matrix of the Notices of Funding Availability (NOFAs) that the MBTA is pursuing, which Mr. Poftak said he would be happy to provide. Responding to a question from Director Darling, Mr. Poftak said that staff will reach out if there is any way that the Board members can assist with particular grant opportunities. Secretary Tesler said that tracking grant applications will be useful for the Board and other stakeholders.

General Manager Poftak continued with updates on the North Cambridge bus facility expansion, Harbor Tunnel improvements, and the SBE program. He announced that Rich Davey, a former Massachusetts Secretary of Transportation

and a former General Manager of the MBTA, had been appointed President of MTA New York City Transit. Directors Butler and Darling expressed their congratulations.

The General Manager concluded with discussions of employee appreciation and the GLX opening. Responding to a question from Director Butler, Mr. Poftak confirmed that the first restored PCC car is back in service on the Mattapan-Ashmont Line and that work on the next car is underway.

3. Audit & Finance Subcommittee Report

Chair Taylor reported on the activities of the Audit & Finance Subcommittee. The subcommittee had discussed safety measures and hiring/retention issues in the context of the budget preview. They also discussed the \$7 billion in the CIP for safety measures. Chair Taylor also discussed the Bond Issuance, which she said would provide a refunding and modernization of the trust agreement while also funding the Capital Program.

4. Planning, Workforce Development, & Compensation Subcommittee Report

Director Koch, who serves as Chair of the Planning, Workforce Development, & Compensation Subcommittee, reported on the recent activities of the subcommittee. He said that the subcommittee had discussed collective bargaining issues, particularly the challenges of filling positions and boosting safety hiring.

5. Safety, Health, and Environment Subcommittee Report

Director Darling, who serves as Chair of the Safety, Health, and Environment Subcommittee, presented an overview of the subcommittee's work, including SMS

implementation and discussion of the Safety Review Panel Final Report. Director Darling then introduced Chief Safety Officer Ron Ester, who delivered a presentation on the Safety Data Analysis Report.

PRESENTATIONS AND ACTIONS

6. Approval of Minutes

Chair Taylor requested a motion to approve the minutes of the February 24, 2022 MBTA Board Meeting.

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

VOTED: To approve the minutes of the MBTA Board Meeting held on February 24, 2022.

Chair Taylor	Yes
Director Butler	Yes
Director Darling	Yes
Director Koch	Yes
Director Mello	Yes
Secretary Tesler	Yes

7. Fare Tariff Changes FY23 Presentation

Assistant General Manager for Policy & Transit Planning Lynsey Heffernan presented on proposed Fare Tariff Changes. Director of Fare Policy and Analytics Steven Povich discussed the public engagement process and the Title VI Equity Analysis. Chair Taylor said that the changes had been discussed in detail at this month's Audit and Finance subcommittee meeting and the previous month's Board meeting.

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

WHEREAS, the Massachusetts Bay Transportation Authority (“MBTA”) has proposed to make six changes to its tariff including the following: (1) Expanding Monthly Passes to all modes for Reduced Fare Riders (People 65 and over; People with disabilities and Medicare cardholders; certain Middle and High School Students; and People 18-25 with low income); (2) Creating a New 7-day LinkPass for Reduced Fare Riders; (3) Allowing Reduced Fare LinkPass to be Valid on Zone 1A and Inner Harbor Ferry; (4) Lower Price for 1-day LinkPass; (5) Creating Permanent mTicket 5-Day FlexPasses on Commuter Rail; and (6) Allowing Second Transfers on Subway/Bus and Between Express Routes (together, the “Tariff Changes”); and

WHEREAS, the Tariff Changes (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 on March 9, 2022 (“the Title VI Equity Analysis”); and

WHEREAS, the Title VI Equity Analysis demonstrated that the Title VI Fare Changes, taken together, do not have a discriminatory impact on race, color, or national origin; low-income populations would not bear disproportionate burdens of the fare changes; and non-low-income populations would not receive disproportionate benefits because of the fare changes and

WHEREAS, MBTA Board of Directors (“Board”) has considered and reviewed the Title VI Equity Analysis;

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

The Board 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 Board hereby approves the Tariff Changes as set forth herein.

Chair Taylor	Yes
Director Butler	Yes
Director Darling	Yes
Director Koch	Yes
Director Mello	Yes
Secretary Tesler	Yes

8. FY23 Budget Preview

Chief Financial Officer Mary Ann O'Hara presented a preview of the FY23 Budget. Director Mello asked if the MassTRAC bill and federal funding under the BIL could have a potential positive impact on the operating budget. Ms. O'Hara said that it was a difficult question to answer at this time, but that the Capital Program will receive funding from both bills, which may have downstream impacts. Secretary Tesler noted that ridership is performing well against the conservative projections staff have been using.

9. Proposed FY23-27 Capital Investment Plan (CIP) Presentation

Director of Capital Planning Jillian Linnell presented on the proposed Capital Investment Plan (CIP) for FY23-27. Chair Taylor expressed hope that staff will continue revising the CIP as circumstances change. Director Koch, who also serves

as Chair of the MBTA Advisory Board, said that there is a large deal of public interest in the CIP and asked for a copy to be forwarded to the Advisory Board.

10. FY22 Bond Issuance

MBTA Treasurer Pat Landers presented on FY22 Bond Issuance, detailing the proposed issuance and reviewing the state of MBTA liens. Chair Taylor thanked Mr. Landers for a good summary and said that the matter was presented at the most recent meeting of the Audit & Finance Subcommittee. The Chair said that she supports the authorization as a beneficial deal that will reduce the Authority's debt service.

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

VOTED: To authorize the issuance of Assessment Bonds consistent with the Preliminary Official Statement attached as Exhibit A.

Chair Taylor	Yes
Director Butler	Yes
Director Darling	Yes
Director Koch	Yes
Director Mello	Yes
Secretary Tesler	Yes

11. Green Line Train Protection System Procurement

Chief of Green Line Transformation Angel Peña presented the next item, a proposed contract with Alternate Concepts, Inc. (ACI) for Vehicle Installation Services for the Green Line Train Protection System (GLTPS). Addressing a question from Director Butler, Chief Procurement and Contracts Administration

Officer Jeff Cook explained that this contract was being awarded under a noncompetitive procurement due to the unusual and compelling urgency of a federally mandated deadline for project completion and because ACI has a unique capacity to meet the deadline as more fully set forth in the accompanying document “GLTPS Sole Source Determinations and Findings Final32222.” Director Butler expressed his support for the contract award. Mr. Cook said that the proposal includes 7% DBE participation, which staff are trying to negotiate up to 15%, in response to a question from Director Mello.

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

VOTED: To authorize the General Manager, or his designee, to award and execute a contract with Alternate Concepts Inc. (ACI), for Vehicle Installation Services for the Green Line Train Protection System (GLTPS), in a form approved by the General Counsel, in an amount not to exceed \$25,063,531.00.

Chair Taylor	Yes
Director Butler	Yes
Director Darling	Yes
Director Koch	Yes
Director Mello	Yes
Secretary Tesler	Yes

12. Bus Facility Presentation

Bus Modernization Program Director Scott Hamwey delivered a presentation on Bus Facility Modernization and the Bus Electrification Strategy. Director Darling asked about community outreach regarding the Arborway bus facility. Mr. Hamwey said that there had been a public meeting in December where the proposal was

presented and discussed meetings with relevant neighborhood groups.

Note: Director Koch left the meeting at approximately 1:15 p.m.

13. Vehicle Procurement

Chief Engineering Officer Erik Stoothoff introduced Director of Vehicle Engineering Bill Wolfgang, who presented a proposed contract with New Flyer of America, Inc., for the procurement of 160 new hybrid buses. Director Butler asked where the manufacturing would take place and Mr. Wolfgang explained that the structure of the vehicles would be manufactured in Winnipeg, while the finish would be completed in Crookston, Minnesota. Director Darling asked about training for staff and Mr. Wolfgang said that although these new buses will be very similar to recent bus purchases, the manufacturer will be providing training enhancements for the MBTA's training staff. Responding to Director Butler's question about warranties, Mr. Wolfgang explained the warranties in place for various bus components.

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

VOTED: To authorize the General Manager & CEO, or his designee, to award and execute Contract No. 712-22 to New Flyer of America Inc. to manufacture, furnish and deliver 160 new low floor forty-foot Enhanced Electric Hybrid buses, including contract Option 2 (ESS Extended Warranty), Option 6 (Provision for Air Filtration & Treatment System), and Option 9 (Provision for License Plate Readers), capital spares, training, training aids, special tools, publications, and communications for a total delivered amount not to exceed \$157,166,645.28.

Chair Taylor	Yes
Director Butler	Yes
Director Darling	Yes
Director Mello	Yes
Secretary Tesler	Yes

Note: Director Butler left the meeting prior to discussion of the final agenda item.

14. Collective Bargaining Agreements Authorization

Director of Labor Relations Ahmad Barnes presented proposed Collective Bargaining Agreements with five MBTA Unions for authorization, providing an overview of the 2018 and 2021 bargaining cycles and describing the tentative agreements.

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

VOTED:

That the General Manager is hereby authorized to enter into a Collective Bargaining Agreement with the Metropolitan Boston Building and Construction Trades for the term from July 1, 2019 to June 30, 2024 and to execute any necessary or ancillary documents in the name and on behalf of the Massachusetts Bay Transportation Authority to effectuate this Agreement.

Chair Taylor	Yes
Director Darling	Yes
Director Mello	Yes
Secretary Tesler	Yes

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

VOTED:

That the General Manager is hereby authorized to enter into a Collective Bargaining Agreement with the Independent Association of MBTA Plumbers Union, Local 69 for the term from July 1, 2019 to June 30, 2024 and to execute any necessary or ancillary documents in the name and on behalf of the Massachusetts Bay Transportation Authority to effectuate this Agreement.

Chair Taylor	Yes
Director Darling	Yes
Director Mello	Yes
Secretary Tesler	Yes

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

VOTED:

That the General Manager is hereby authorized to enter into a Collective Bargaining Agreement with the Alliance of Unions for the term from July 1, 2021 to June 30, 2023 and to execute any necessary or ancillary documents in the name and on behalf of the Massachusetts Bay Transportation Authority to effectuate this Agreement.

Chair Taylor	Yes
Director Darling	Yes
Director Mello	Yes
Secretary Tesler	Yes

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

VOTED:

That the General Manager is hereby authorized to enter into a Collective Bargaining Agreement with International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Local Union 651 for the term from July 1, 2022 to June 30, 2024 and to execute any necessary or ancillary documents in the name and on behalf of the Massachusetts Bay Transportation Authority to effectuate this Agreement.

Chair Taylor	Yes
Director Darling	Yes
Director Mello	Yes
Secretary Tesler	Yes

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

VOTED:

That the General Manager is hereby authorized to enter into a Collective Bargaining Agreement with the United Steelworkers, Local 9501 for the term from July 1, 2021 to June 30, 2023 and to execute any necessary or ancillary documents in the name and on behalf of the Massachusetts Bay Transportation Authority to effectuate this Agreement.

Chair Taylor	Yes
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Director Darling	Yes
Director Mello	Yes
Secretary Tesler	Yes

Chair Taylor asked for a motion to adjourn the meeting.

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

VOTED: to adjourn at 1:41 p.m.

Chair Taylor	Yes
Director Darling	Yes
Director Mello	Yes
Secretary Tesler	Yes

Documents relied upon for this meeting:

- March 24, 2022 Agenda
- Minutes of the February 24, 2022 MBTA Board Meeting
- Report from the General Manager
- 03.24.2022 Safety Data Report II
- MBTA SHE Subcommittee Memo (March '22) - Final
- Fare Changes – Board 20220324 with vote
- 2022-02-07 SFY23 Fare Equity Analysis MEM CTPS FINAL
- FY23 Budget Preview – VF 3.24.22
- March Board_Proposed FY23-27 CIP_03172022
- Board Presentation 2022 Bond Issuance 3_20_22 VFinal
- PRAG's MBTA Plan of Finance Memorandum 3_16_2022
- POS – MBTA Assessment Bonds 2022
- GLT- GLTPS Vehicle Install Board Presentation
- GLTPS Sole Source Determinations and Findings Final32222
- GLTPSStaff_Summary_-_GLTPS31422ML-GLTJC318ML322final
- BFMP_MBTABoard_032422_V3
- BEB – EEH Board Presentation 3 Geo Zone 3-18-2022 revised vote
- Board Vote 3-24-2022 Revised
- 651- 2022-24 MOU
- Alliance – MOU – 2021-23 FINAL
- BCTC- MOU- 2019-24
- L69- MOU 2019-2024
- STW- MOU 2021-23