



Deval L. Patrick, Governor  
Timothy P. Murray, Lt. Governor  
Richard A. Davey, Secretary & CEO



## MINUTES

### MassDOT BOARD MEETING OF MAY 22, 2013

At the call of the Chair, a Meeting of the Board of Directors of the Massachusetts Department of Transportation was held at the State Transportation Building, 10 Park Plaza, MassDOT Board Room, Suite 3830, Boston, MA on Wednesday, May 22, 2013.

There were present: Messrs. Jenkins, Alvaro, Bonfiglio, Davey, Macdonald, Whittle and Miss Loux, being the Board of Directors of the Massachusetts Department of Transportation.

Also present were the General Manager and Rail and Transit Administrator Scott, Frank DePaola, Administrator of the Highway Division, Rachel Kaprielian, Administrator of the RMV Division, Christopher Willenborg, Administrator of the Aeronautics Division, Rachael Rollins, MassDOT and MBTA General Counsel, Owen Kane, Senior Counsel to the Board, and Paula Fallon, Recording Secretary.

The Chairman, Mr. Jenkins, presided.

Chairman Jenkins called the Open Meeting to Order and presented the order of business. He announced that Director Whittle and the Secretary are going to be late to the meeting.

Chairman Jenkins opened up the meeting for public comment.

The first speaker was Rosanna Woodmansee from Spaulding Rehab. Ms. Woodmansee spoke favorably of the Ride Eligibility Center.

The next speaker was Kevin Moloney from WAG and DAG. Mr. Moloney would like to see a bridge solution for the Casey Overpass.

The next speaker was Anabela Gomes from Boston Landing. Ms. Gomes spoke in favor of the New Balance Commuter Rail Station.

The next speaker was Wahid Chaudhary from the Somerville Community Corporation. Mr. Chaudhary is looking to find work with the Somerville Green Line Extension.

The next speaker was Cindy Goulden from the Somerville Community Corporation. Ms. Goulden is looking to have more jobs kept with the Somerville with the Green Line Extension.

The next speaker was Stephen Kaiser from the Cambridge Residents Alliance. Mr. Kaiser handed out an independent report on measurements of performance of the Redline. He found the inefficiency of trains on the Redline has implications for delay for passengers but also for lost capacity in the system.

The next speaker was Mary Connelly from the Somerville Community Corporation. Ms. Connelly is looking to have more jobs kept with the Somerville with the Green Line Extension.

The next speaker was Karen Narefsky from the Somerville Community Corporation and Jobs for Somerville. Ms. Narefsky is looking to have more jobs kept with the Somerville with the Green Line Extension.

The next speaker was State Representative Kevin Honan. Representative Honan strongly supports the commuter rail stop at Boston Landing.

The next speaker was State Representative Michael Moran. Representative Moran also strongly supports the commuter rail stop at Boston Landing.

The next group of speakers (Kathy Roberts, Gay Harter, Nancy Murray, Marguerite Rosenthal, Susan Jacoby, Sofia Wolman, Naila Jimanus and Sonia Dettman) are concerned with the MBTA re-awarding the commuter contract to MBCR who are affiliated with Veolia. They are upset with Veolia involvement in occupied territory of the West Bank.

The next speaker was Van Harty from the Somerville Community Corporation. Mr. Harty is looking to have more jobs kept with the Somerville with the Green Line Extension.

The next speaker was Jeffery Ferris from the Ferris Wheel Bike Shop. Mr. Ferris would like to see a bridge to replace the Casey Overpass and not the at grade crossing that has been chosen.

The next speaker was Bill Walker from Boston Best Cruises. Mr. Walker stated that if the Board goes with the chosen vendor the 30 day turn over to the company will be hard to do especially having to terminate employees in that amount of time. He requested a debrief on the bid and the selection process.

The next speaker was Rene Mardones from the Somerville Community Corporation. Mr. Mardones is looking to have more jobs kept with the Somerville with the Green Line Extension.

The final speaker was Marilyn MacNab resident of City of Boston. She wanted to thank the Board for their work in implementing the short term use of the RIDE while in the hospital or in rehabilitation. It has been very helpful to many people.

Chairman Jenkins closed public comment period.

The next item on the agenda is the approval of minutes. Secretary Davey and Director Whittle were not present for the approval of the minutes.

The first set was the January 16, 2013 minutes.

On motion duly made and seconded, it was unanimously;

**VOTED: To approve the minutes for the January 16, 2013 meeting.**

The next set of minutes was the February 27, 2013 minutes.

On motion duly made and seconded, it was unanimously;

**VOTED: To approve the minutes for the February 27, 2013 meeting.**

The next set of minutes was the March 13, 2013 minutes.

On motion duly made and seconded, it was unanimously;

**VOTED: To approve the minutes for the March 13, 2013 meeting.**

The final set of minutes was the April 10, 2013 minutes.

On motion duly made and seconded, it was unanimously;

**VOTED: To approve the minutes for the April 10, 2013 meeting.**

Next Frank DePaola gave his report on the awarding of the Fall River Bridge. He noted that the contract will be coming to the Board for approval in June. He also announced the reopening of a county road in Dennis. Crews worked throughout the winter to ensure that the road would be open before the summer. He ended telling the Board about the award they received for the North Bank Bridge and park located from Charlestown and Cambridge from the American Council of Engineering Consultants.

Next Rachael Kaprielian, Registrar of the Registry of Motor Vehicles gave her report. She updated the Board on the ALARS modernization noting that the current status is a green. They are in phase one which is scheduled for twelve months. The Registrar gave an update for the online registration and license renewals. They continue to make progress and encouraging people to go online to renew their registrations and licenses. She noted we are going in the right direction. Road tests they are working on a plan to offer more appointments for their summer rush. She went through the wait times on the phone and in the branch locations.

Next Chris Willenborg, Administrator of Mass Aeronautics updated the Board on FAA closures of some of the contract towers. Congress has passed a funding solution but it will only address this fiscal year and he noted that we will be facing the same issue in October. He updated the board on the Statewide System Plan, which will help facilitate economic development at the airports. He ended with announcing that the June Board meeting will be held at the Westfield Barnes Regional Airport.

Next Dr. Scott, General Manager and Rail and Transit Administrator gave her report. She update the Board on the Cape Flyer service noting the pilot program begins on Friday, May 24<sup>th</sup> and it should run through Labor Day weekend. She added this is at no cost for the MBTA. She thanked Jody Ray and Chalita Belfield for all of their hard work. In the coming months she noted that we will be having robust discussion on fares noting the legislature continues to

deliberate on the Way Forward, the long-term, statewide transportation funding plan. They have continued to provide information and support to the legislature as they review options for future funding of transportation across the state. One element of the plan that is certain is this: The Administration and legislative leaders agree that periodic and modest fare increases are necessary to support a comprehensive transportation finance plan. The level of the next proposed fare increase will depend largely on the final transportation finance plan that is approved. (full report attached)

Next Mike O'Dowd gave a presentation on the Fall River Bridge/Route 79/I-195 Interchange. Mr. O'Dowd stated this is one of the structurally deficient bridges and that the scope of the work for this portion of the Design Build project includes, but is not limited to, the reconstruction of the Route 79/I-195 Interchange in Fall River. Route 79 is currently carried on a two level viaduct under I-195 and Route 138. Davol Street is located under the Route 79 viaduct. Ramps connect I-195 with Route 79 and ramps also connect Route 79 with the local roadways. All existing bridges within the interchange will be removed and will be replaced with either new bridges or at-grade roadways. They will still be able to maintain access to the areas. The project also includes structural repairs and painting of the Braga Bridge. The project is proposed to be delivered utilizing the Design Build methodology. The DBE goal for this project was established at

10%. This project will bring economic development to the areas which were strongly urged by the constituents in the area.

Next Mary Ainsley gave a PowerPoint presentation on the Green Line Extension Project. Ms. Ainsley gave an overview of the description of the Green Line Extension Project some items included are 7 stations, 4.5 miles of Green Line Double Track Rail, drainage & utilities in corridor and on bridges, 8 bridges, maintenance facility and catenary, signals, communication and power. She talked about the stations and the transit oriented developments with Lechmere and Union Square stations. She also noted that the Maintenance Facility is a crucial part of the project which will house the Green Line Cars. There will also be noise barriers and retaining walls included in the project. She went through the preliminary contract implementation plan which talks about the 4 different phases of the project. Ms. Ainsley talked about Construction Manager/General Contractor (CM/GC) noting its benefits. She ended discussing the projects status. She introduced Andrew Brennan, Director of Environmental for the MBTA to discuss the new starts project development process under Map-21. They ended the presentation with the next steps noting that they will be coming before the July Board to award the CM/GC contract.

Next Brian Cristy from DPU gave a presentation. He updated the Board on the MAP-21 Oversight program noting that it is funded by the FTA. Under the provisions of MAP-21, the Department expects to receive federal funding to

cover the costs associated with the new SSOP. Funding will be based on a number of variables including the size of the rail transit system, number of passengers carried annually, and track miles. Given that the MBTA is the 5<sup>th</sup> largest transit system in the nation, the FTA has estimated that the Department will receive \$1.1 million with a 20% state match (approximately \$275,000). Reconfiguration will include designating a full time program manager who will oversee the day-to-day operation of our MBTA Rail Transit Safety Oversight Program. This person will serve as Assistant Director for Rail Transit Safety and report to me as Director of the Transportation Oversight Division. The Department will also need to increase the staff assigned to this program; there shall be a total of 3 Rail Transit Safety Engineers, with one serving as the Assistant Director, one full time Rail Transit Inspector, and 2 to 3 analysts. The Department must submit to the FTA for its approval a certification prior to the new SSOP taking effect. The Department must certify, among other things, that the Department is legally and financially independent from the MBTA and that the Department will not provide rail fixed guideway public transportation services within the MBTA's service territory. The U.S. Secretary of the Department of Transportation may enforce the provisions of MAP-21 by requiring more frequent oversight of the MBTA by the Department.

Next Mike Lambert gave an update on the The Ride Eligibility Center (TREC) located in Charlestown. Mr. Lambert updated the board on the progress of TREC. He began with the description of the RIDE service. The RIDE changed

from paper-based to in-person interview December 2012. By doing this it enhanced customer service, improved accuracy of determinations and adherence to federal law, and increased sustainability of program. Mr. Lambert went through the convenience of the facility from where it is located to the services that are provided. He also showed a video to the board that showed them the process that a customer goes through when they are being assessed at the TREC facility.

Chairman Jenkins announced that Item 11 has been moved to the end of the agenda.

The first item discussed on the agenda is item 12 presented by Rachel Bain, Deputy Registrar of the RMV. The Massachusetts Vehicle Check Program is implemented through a contract with Parsons Commercial Technology Group that is jointly administered by MassDOT's RMV Division and Massachusetts Department of Environmental Protection. The cost of the program is paid by vehicle inspection fees. The initial term of the Parsons contract was for five years, September 30, 2013, with (2), two year extensions a the option of the agencies. Any extension must be given two years prior to the current expiration date of the contract. The second two-year extension is before the board today. The contract amount is for an amount not to exceed \$17,147,200. Director Alvaro asked why they need two years before the contract expires. Ms. Bain answered

that is how long it would take to transition a new contractor in if we decided not to go with the extension.

On motion duly made and seconded, it was unanimously;

**VOTED: That the Secretary/CEO be, and hereby is, authorized to execute, in the name and on behalf of the Massachusetts Department of Transportation and in a form approved by the General Counsel, the final two-year extension to the contract with Parsons Technology Group of North Carolina, dated 1/16/2008 for Enhanced Emissions and Safety Testing for an amount not to exceed \$17,147,200.**

The next item on the agenda presented by Claudia Russell, MBTA Chief Procurement Officer, requests approval of a contract to supply Natural Gas to heat 50 MBTA buildings and fuel 360 CNG operated buses, for a period of five years, a total cost not to exceed \$20,684,034.15. This bid is the first combined procurement between Massport and the MBTA. The MBTA ensured language was placed in the contract to allow Massport to reap the benefits of the reduced pricing.

On motion duly made and seconded, it was unanimously;

**VOTED: That the General Manager and Rail & Transit Administrator be, and hereby is, authorized to execute a contract in a form approved by General Counsel with Hess Corporation of Woodbridge, New Jersey for the supply of natural gas for a term of five years commencing on July 1, 2013 and ending on June 30, 2018, at a total cost not to exceed \$20,684,034.15.**

The next item on the agenda was the presented by Ed Hunter, Assistant General Manager for Design and Construction. This item requests the Board of

Directors to approve and authorize the General Manager and Rail & Transit Administrator to execute MBTA Contract No. G67CN03 entitled "Fitchburg Commuter Rail Improvements, Track, Civil and Signal Project, Somerville to Fitchburg, MA" with J.F. White – LM Heavy, JV, for an amount not to exceed \$57,737,500.00 with a final completion date of one thousand sixty-three (1,063) days from Notice to Proceed. The Fitchburg Commuter Rail Line Improvement Project will modernize the existing commuter rail line to provide greatly improved service and reliability to riders and commuters in a 50-mile long corridor extending from Fitchburg to Boston, Massachusetts.

**On motion duly made and seconded, it was unanimously;**

**VOTED: That the General Manager and Rail & Transit Administrator, be and hereby is, authorized to execute in the name and on behalf of the Authority, subject to the approval of the Massachusetts Department of Transportation (MassDOT) and in a form approved by the General Counsel, a contract with J.F White - LM Heavy, JV, for MBTA Contract No. G67CN03, entitled "Fitchburg Commuter Rail Improvements, Track, Civil and Signal Project, Somerville to Fitchburg, MA," for a amount not to exceed \$57,737,500.00, based upon a schedule of unit, lump sum and allowance bid prices, said contractor being the lowest responsible and eligible bidder in response to requests for sealed proposals.**

The next item on the agenda also presented by Ed Hunter is to request the Board of Directors to ratify the General Manager and Rail & Transit Administrator's prior authorization and execution of MBTA Contract No. D40CN02 entitled "Wachusett Extension Project, Wachusett Station and Layover Facility, Fitchburg and Westminster, MA" with S&R Construction Enterprises

(S&R) for a sum not to exceed \$22,895,425.00 with a final completion date of six hundred and nine (609) days from the date of the Notice to Proceed. This project is proposed to be substantially complete by December 31, 2014.

On motion duly made and seconded, it was unanimously;

**VOTED: That the Board of Directors consistent with its vote of March 2, 2011, authorizing the General Manager and Rail & Transit Administrator to take any and all actions deemed necessary to accelerate economic stimulus projects funded under the American Recovery and Reinvestment Act of 2009 ("ARRA") hereby ratifies the General Manager and Rail & Transit Administrator's prior authorization to enter into contract D40CN02 entitled "Wachusett Station and Layover Facility, Fitchburg and Westminister, MA".**

Chairman announced Secretary Davey will now give his report. The Secretary began by acknowledging the acts of heroism, quick responses, and simple acts of kindness were displayed by our MBTA, DOT and Massport family as we sought to serve the people of the Commonwealth. He announced this month's employee of the month. Donna Brennan – Program Coordinator II, Registry of Motor Vehicles' Merit Rating Board as a Program Coordinator for the Merit Rating Board. Donna's job is to provide all Massachusetts automobile insurers with procedural information regarding the Safe Driver Insurance Plan Regulation. This includes driving history records for their policyholders; information that is then used by insurers to increase or decrease a policyholder's premiums.

When the Attorney General's Insurance and Financial Services Division received a consumer complaint and needed assistance from the MRB, Donna was instrumental in gathering, disseminating and explaining in detail the MRB data as it related to the case. Donna's involvement in the Attorney General's investigation helped to identify and resolve one insurer's unlawful practice, resulting in financial restitution being made to all impacted policyholders. He also talked about the All Electronic Tolling. (Full Report Attached)

The next item on the agenda was presented by Mimi Lanin, Deputy Director of Finance for Rail & Water Transportation. Ms. Lanin requested the Board of Directors to authorize the General Manager to award a 3 year and 9 month contract for the Quincy/Hull/Logan/Boston Commuter Boat Service to Nolan Associates, LLC (Boston Harbor Cruises) for a total cost not to exceed \$15,793,105.00.

On motion duly made and seconded, it was unanimously;

**VOTED: That the General Manager be, and he hereby is, authorized in the name and on behalf of the Authority, to execute a contract, in a form approved by the General Counsel, with Nolan Associates, LLC d/b/a Boston Harbor Cruises for the Quincy/Hull/Logan/Boston Commuter Boat services from Pemberton Point in Hull and Quincy Shipyard in Quincy to Long Wharf in Boston & Logan Airport for a three year and nine month period, commencing on July 01, 2013 through March 31, 2017 at a total cost not to exceed \$15,793,105.**

The next item on the agenda was presented by Mark Boyle, Assistant General Manager for Development. This item authorized the execution of a Memorandum of Agreement (MOA) between the MBTA and Boston Landing LLC for the design, construction, and maintenance of a new commuter rail station in Brighton section of Boston. Boston Landing is developing a new corporate world headquarters for the New Balance Athletic Shoe Co in Brighton, adjacent to the Worcester commuter rail line. That project is a 1.45 million square foot mixed-use campus which, in addition to the New Balance World Headquarters, also contains a Sports complex, Office, medical clinic; retail space, 175 room hotel, and Recreational open space. The design and construction of the station will be managed by Boston Landing under the review and approval of the MBTA's Design and Construction Department, for which they will pay all staff and consultant expenses. New Boston has agreed to pay for all maintenance costs for an initial period of ten (10) years. Following this period, the parties will reassess any need for further maintenance support. While no federal, state, or MBTA funds will be expended on the new station, Boston Landing has agreed to make its best efforts to achieve 14% MBE, WBE and DBE participation on the project. Boston Landing has agreed to manage the community outreach process since they have most recently and successfully completed a similar effort on their larger project. Upon completion and opening of the new station, commuter rail service will be scheduled to include two morning inbound and two evening outbound stops.

On motion duly made and seconded, it was unanimously;

**VOTED: That the Board hereby authorizes the Secretary and/or General Manager to execute a Memorandum of Agreement (MOA) by and between the MBTA and Boston Landing, LLC, its successors and assigns, for the design, construction and maintenance of a new commuter rail station in Boston (Brighton). The MOA and any other necessary instruments and documents shall contain such other terms and conditions as determined to be necessary and/or advisable by the General Counsel.**

Secretary Davey and Director Alvaro recused themselves from the next item.

The final item on the agenda, presented by Dana Levenson, is the authorization to execute any necessary amendments to the Amended and Restated Development Agreement for MassPike Air Rights Parcel 7 (Fenway Center) with MK Parcel 7 Development LLC and (b) to execute four leases with single purpose entities for the development of four separate land and air rights buildings as part of the Fenway Center Project, all in accordance with a Revised Term Sheet to be presented to the Board. Director Loux made a motion to table this item until for further review of the project. There was discussion about tabling the item before it could be discussed. Director Loux withdrew her motion.

Director Macdonald noted that this was vetting through the Finance and Audit Committee and they recommended approval of this item. Director Whittle asked to get more information from the report that was done by Jacobs Engineering.

Director Loux asked that this item be tabled until the next board meeting and for the department to have an independent outside counsel review the proposal.

On motion duly made and seconded, it was;

**VOTED: to table this item until the next Board meeting so that an outside counsel can review the proposal and to get information requested by the Board.**

Chairman Jenkins announced the end of open session. He stated that we will be going into executive session a litigation update and we will not be coming back into open session.

On motion duly made and seconded, it was unanimously;

**VOTED:** to adjourn.

Documents relied on in meeting:

Secretary Davey's Report  
General Manager's Report  
Staff Summaries for items 11-17  
Green line Extension PowerPoint Presentation'  
The Ride Eligibility Center Presentation  
Department of Public Utilities