



Deval L. Patrick, Governor
Richard A. Davey, Secretary & CEO



MINUTES

MassDOT BOARD MEETING OF May 14, 2014

At the call of the Chair, a Meeting of the Board of Directors of the Massachusetts Department of Transportation was held at Lynn Council Chambers, Lynn City Hall, Three City Hall Square, Lynn, MA.

Those present were: Messrs. Jenkins, Blue, Bonfiglio, Davey, Macdonald, and Whittle being a quorum of the Board of Directors of the Massachusetts Department of Transportation.

Also present were the Frank DePaola, Administrator of the Highway Division, Chris Willenborg, Aeronautics Administrator, Paige Scott Reed, MassDOT/MBTA General Counsel, Stephanie Neal Johnson, Assistant Secretary, Owen Kane, Senior Counsel to the Board, Jonathan Davis, Deputy General Manager/CFO, Charles Planck, Edward Hunter, Jody Ray, Daniel Smith, William Wolfgang, and Paula Fallon.

The Chairman, Mr. Jenkins, presided.

Chairman Jenkins called the Open Meeting to Order at 1:05 p.m. and presented the order of business.

Senator McGee, Chairman of the Joint Committee on Transportation, was the first to speak. He welcomed the MassDOT Board to Lynn. He noted one of the number one priorities the Legislature faces every year is the investment in transportation which is a key element in economic growth.

Chairman Jenkins opened up the meeting for public comment.

The first speaker was David Jenkins. Mr. Jenkins read a letter on behalf of 350 team members and supporters of the youth pass pilot program.

The next speaker was Patti Teneyck from Mass Senior Action. Ms. Teneyck is there to support the youth pass and she would like to urge the MBTA to do the pilot program of giving the free tap pass to users.

The next speaker was Marta Medina, SEIU 32 BJ. Ms. Medina through an interpreter, expressed her concern when the new cleaning contract is implemented.

The next speaker was Rowan C. de la Barre. Mr. de la Barre requested the Board to preserve the historic F40PH locomotives that are scheduled to be scrapped.

The final speaker was Rene Mardones, from Somerville Community Corporation. He is happy to work with MassDOT and the MBTA on the GLX WIN Workforce Development Initiative.

Chairman Jenkins closed public comment.

Next Secretary Davey gave his report. He updated the Board on the signing of the Transportation Bond Bill which brought in investments and improvements to the transportation system. Some examples are; the Authority will be receiving requests for proposals to replace 45-year-old Red Line trains and 35-year-old Orange Line trains with a requirement that they be assembled in Massachusetts, the resources to complete the extension to the Green Line into Somerville, bringing the Silver Line to Chelsea for a one seat ride to Logan, the Innovation District, or South Station. Also the largest capital investment will be made in the State's history for the 15 Regional Transit Authorities, including new maintenance facilities in Worcester and Springfield with new buses as well. The bill signed by the Governor will benefit all of our customers. He also updated the Board on the Boston Marathon. The MBTA and Transit Police safely moved millions of spectators and athletes around the marathon route. (full report attached)

Next Chairman Jenkins called for approval of the January 29, 2014 and February 12, 2014 meeting minutes of the Board.

On motion duly made and seconded, it was;

VOTED: to approve the minutes of January 29, 2014.

On motion duly made and seconded, it was;

VOTED: to approve the minutes of the February 12, 2014.

Next were the reports from the Administrators. Registrar Celia Blue and General Manager Scott were not in attendance their reports for submitted for the record.

Frank DePaola, Administrator for the Highway Division gave his report. He updated the Board on Massachusetts Construction Career Day fair. Nearly 1,200 high school students attended the two-day conference held at the New England Laborers Training Academy in Hopkinton. Students were allowed to use the equipment provided by different participating contractors. MassDOT also began the public process of the design development of the I-90 Allston Interchange Project. This is a combined project with both highway and rail. The end result will be a reconfigured I-90 Allston Interchange as well as a new mid-day layover yard for MBTA commuter rail operations. Also, over the past month the highway safety

training crew went to the State Police Training Academy and trained all the new cadets who graduated last Friday on the proper procedures for work zone safety. Massachusetts participated with Connecticut in hosting the Intelligent Transportation Systems two day conference talking about innovations and information related to transportation management. Lastly, Mr. Depaolo acknowledged Guy Rezendes from the utility relocation program. He attended a national conference and was the recipient of the Federal Highway Award for Excellence in utility management.

Next Chris Willenborg, Aeronautics Administrator, gave his report. Administrator Willenborg gave a PowerPoint update on the completed Strategic Master Plan for the Statewide Administration Program project. The report evaluated the system of public use of airports across the Commonwealth. One area identified as a deficiency was the land site facilities, particularly at the administrative level. MassDOT reached out to the Designer Selection Board to assist them in recommending an architectural firm to begin a strategic Master Plan process to address the issue of the facilities. The Administrator went through the examples of the prototype buildings. These structures allow adaptability and sustainability with the ability to take advantage of solar renewable energy. These projects would be 95% funded through the state and 5% funded through the municipal airports. The presentation ended with the priorities of the projects.

The Chairman announced he is going out of order on the agenda and Charles Planck will present the next item.

Mr. Planck presented MBTA's proposed five percent fare increase for fiscal year 2015. The proposal is consistent with the needs expressed in the Commonwealth's Way Forward Transportation Plan and is responsive to the July 2013 transportation finance legislation which anticipated that the MBTA would contribute to meeting its own operating costs, in part, by making smaller and predictable fare increase. This proposal raises fares by 5% on all modes effective July 1, 2014. There are no service reductions or eliminations associated with this proposal. The Charlie Card fares for single ride bus and subway trips would increase by ten cents. Senior tap and student Charlie Card single ride fares would increase by five cents. Commuter rail, ferry and single ride fares would increase by 25 cents to one dollar depending on distance. The monthly link pass, which most of our customers use, would increase from 70 to \$75. The monthly bus pass would increase from \$48 to \$50. A special note on two fare type, under this proposal, RIDE fares will not change. The RIDE fares will stay at \$3 for the basic ADA fare and \$5 for commuter fares. Further, student five-day limited monthly passes will be increased from \$25 to \$26, and for the first time ever, student seven-day limited monthly passes will be available at \$26, the same as the five-day price, allowing schools and parents to make a choice to provide that option for students. Those passes represent approximately a 60 percent discount

off the regular pass for students. As part of this process, the MBTA requested that an impact analysis be performed to assess the proposed fares. This analysis was performed by the Central Transportation Planning Staff of the Boston Metropolitan Planning Organization for the MBTA. The report is available on the MBTA website. Exceeding their own policy requirements, nine public meetings were held in addition to a tenth meeting, a public hearing at the DOT Transportation Building. Meetings were held in downtown Boston in two locations, in Attleborough, Braintree, Framingham, Newton, Lowell, in this room in Lynn, Medford and in Roxbury. In total, over 250 people and organizations provided comment. While many people did not support the fare increase, there was broad recognition among the public of the efforts over the last two years to raise awareness of the need for predictable and sustainable funding for transportation across the state. Many comments spoke only briefly to the fare increase and asked instead to focus on service quality and increases to service frequency. After reviewing the impact analysis and the public comment, staff recommended approval of the FY 2015 fare proposal. This proposal accomplishes the following three major objectives. It enables the MBTA to have a balanced operating budget. It protects our RIDE and paratransit customers from the proposed increase and continues with a reduction from \$4 to \$3 of the RIDE transit trip fare, and finally provides for a reduction in price for the seven-day limited monthly student pass, allowing schools and families to choose, at no extra cost, mobility throughout the entire region. The MBTA will continue to engage

with all stakeholders to announce potential future changes in fare structures as technology evolves. The MBTA intends to provide recommendations for approaches to such changes as needs tested fares, simplifications to our overall fare structure, a university pass program, broaden availability of student fares, time of day pricing, parking payment alternatives, and continued expansion of mobile ticket counters. The Board asked about what the plan will be for the university pass and the youth pass. Mr. Planck answered the Authority is planning on a recommend approach to this item in the future. One of the key questions on the youth pass is determining eligibility. There needs to be a good method that works for the public and for the MBTA to make sure those passes are in the right hands, and the university pass, which would make timing of that as a source of funding. The Authority intends to recommend options to the Board and to management at the end of the calendar year to be considered for any changes that might occur in Fiscal Year 2016. Director Whittle asked for a timeline on the list of items presented as options. Mr. Planck responded that each one of these represents something that hasn't been done before, and some of them depend heavily on partners in state government or an institution such as the universities. So, they are not certain yet what the takes will be and how close they'll be able to or how much they'll be able to do in each case. They intend to tackle all of them during this calendar year and project an approach that they can recommend that will be helpful for stakeholders because each one has to be available to identify a workable approach. They don't have an exact timeline but

they are committed to sharing everything with the Board. The Chairman asked if the timeline for the youthpass be done in 60 days. Jon Davis, Deputy General Manager answered that the time frame is aggressive because they will need to look the equity that goes with such a fare change and the impact it would have. Secretary Davey added that if a pilot done then there is a strong likelihood that it will be implemented. There is no other college or university in the metropolitan Boston area that has shown any interest, there is no way the Authority will have a fully-paid university pass program for colleges and universities in Boston in 60 days. The Board asked for analysis of what the plan would look like, what the profits and opportunities are and what the cost could be, at the next Board meeting. The Board discussed the issue with fare leakage and the Authority acknowledged it is an ongoing battle that they are always working on. They also asked to Authority to come back to them after they have done a means test with the results.

On motion duly made and seconded; with Director Blue opposed it was;

VOTED: That the Board hereby approves the MBTA's FY2015 Fare Proposal as set forth in Tab B.

The next item presented was the presentation on the Knowledge Corridor Passenger Rail Project presented by Ed Hunter, Assistant General Manager of Design and Construction and Jody Ray, Director of Rail. Mr. Hunter noted this

project is a collaborative of MBTA and MassDOT Rail. The Knowledge Corridor involves the intercity passenger rail service, and is set up to reduce overall travel times by 25 minutes, improve on-time performance and increase ridership. The Vermonter is 60 miles that runs the Connecticut River Valley route. It's about 49 miles from Springfield to East Northfield. The Knowledge Corridor project will restore intercity passenger rail service on the Connecticut River Line in Massachusetts, includes rail improvements of 48 miles of track of mainline and some two and a half miles on the second track, rehabilitate about 5.7 miles of side tracks, improve a number of grade crossings, and signal improvements. They also have instituted inspection, rating, repairs of bridges, new stations in Northampton and Greenfield, and being designed to be fully accessible commuter rail type ready stations, and the project will include a bicycle and pedestrian underpass at Northampton at the westerly end of the DCR's Norwottuck rail trail. This is an ARRA Passenger Rail Investment Improvement Act grant for work made in 2011, to MassDOT, through its Rail and Transit Division, and it's been designated to the MBTA to proceed with the design and construction of the project. The majority of it is being performed by Pan Am under an agreement with them, and construction of the stations, underpasses and additional project elements will be contracted out separately through the MBTA. The original ARRA grant was for \$72.8 million with a matching \$2.25 million component. The Federal Highway Administration funds were allocated to this project, for a current operating budget of \$86 million. MassDOT estimate a total

budget of \$117.3 million. That includes about a \$15 million contingency. They have since processed an ISA for the bridge funding of \$14.5 million, and the balance is contingency. Mr. Ray noted that they are not looking for any action now but they might be back after the summer to let the Board know the cost to complete the project.

The next item on the agenda was the presentation by Stephanie Neal Johnson, Assistant Secretary on the MassDOT EEO. Ms. Johnson began with an update on the EEO process. The Remedial Action Plan (RAP) was accepted and the draft of the EEO Plan is in final review. Hires are incoming to comply with the RAP recommendations. They had their final review with federal officials where they received a good report. It has been a comprehensive process that has involved much more of the institution than they have had actively involved in the past. They met with groups all across the institution, at the senior level, to make sure that everyone fully understands and appreciates the goals, what underutilization means and all the details that we have to really get our managers, our supervisors and our executive staff involved in. They had a productive process, with really good questions but, most importantly, engagement on the part of entire institution. They will be hiring two deputies for civil rights, one for the internal program who will focus exclusively on the EEO portion of the program. The second will focus primarily on the external program, that is, mostly the business side, ADA, et cetera. MassDOT is among the first transportation organizations in this country to do an integrated transportation civil rights

planning process. They are being looked at as a national model because they combined all of the modes, the Secretary also decided to involve the Registry of Motor Vehicles and Aeronautics. The Board asked about the categories and the numbers of the EEO. Ms. Johnson stated that she can give them the report. The Board asked for an executive summary along with the report.

Next Ms. Johnson presented the Title VI Plan. They are asking Board approval for the Title VI Compliance Program with the FTA. The objective of the program is to ensure that public funds are not spent in a way that encourages, subsidizes, or results in discrimination. Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §2000d et seq. “No person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal Financial assistance.” The program components include:

- Allocating Civil Rights resources to carry out Program, including staffing
- Signed Assurance of Title VI compliance
- Notice of Title VI Obligations to the Public and Sub-recipients
- Complaint Processing
- Inclusive Public Participation
- Ensuring Meaningful Access to individuals with Limited English Proficiency
- Sub-recipient Monitoring and Reporting
- Technical Assistance and Training
- Demographic Data Collection and Analysis

The MBTA Title VI Program expires July 31, 2014. Deadline for MBTA to submit Title VI Program compliance update is June 1, 2014. Under FTA's revised Title VI Circular, Title VI Program documents must be approved by the MBTA Board of Directors, and a Disparate Impact and Disproportionate Burden Policy must be developed, through a public process, prior to approval. ODCR's Title VI Unit will employ a full-time MBTA Title VI Specialist to solidify and expand program administration and compliance activities, including early ODCR involvement in MBTA project development and public participation activities. MBTA Title VI FTA mandated requirements are the Disparate Impact/Disproportionate Burden Policy (DI/DB) - Disparate Impact is a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin. Disproportionate Burden extends this reasoning to low-income populations. A finding of DI/DB causes the MBTA to evaluate alternatives and mitigate burdens. MBTA's DI/DB Policy has been publicly shared and is in interim use pending final adoption. Service monitoring – MBTA must apply DI/DB to analyze the performance of the system relative to service standards and policies every three years. MBTA has identified and is responding to findings in the areas of vehicle load; on-time performance and amenities. Service and Fare Equity Analyses - MBTA must apply the DI/DB policy to evaluate the impact of a proposed fare or major service change. MBTA has conducted these analyses as to the proposed SFY 2015 fare increase, and the proposed Silver Line extension, with no major findings of disparity. Pre-DI/DB

policy development equity analyses were conducted for 2012 fare and service changes and Green Line extension, with no major finding of disparity. Ms. Johnson ended with the upcoming DBE submission deadlines.

On motion duly made and seconded, it was;

VOTED: That the Board hereby approves the MBTA's 2014 Title VI program and policies as set forth in the attached Exhibit A entitled "Title VI Program," including but not limited to the equity analysis for any service or fare changes, disparate impact and disproportionate burden policies, results of the agency's monitoring of system-wide service standards and policies, and other program elements set forth therein.

The next couple of items were presented by Daniel Smith, Deputy Director of Materials Management for the Authority. Item number 11 request the Board's approval to execute a Formal Contract with CAF USA, Inc., a Delaware corporation with corporate offices in Washington, D.C, to furnish and deliver 24 New Green Line "Type 9" Light Rail Vehicles with Capital Spares, Manuals, Diagnostic Test Equipment, Special Tools and Training Aids, at a total delivered cost of \$118,159,822. Delivery of the first two Type 9 Vehicles is scheduled for 36 months from issuance of Notice-to-Proceed, with delivery of the 24th vehicle approximately 46 months from Notice to Proceed. In addition, the Authority requests that the Board of Directors to approve and authorize the Secretary/CEO to execute a MassDOT Contract with the MBTA in the amount of \$137,801,052 (including administrative expenses), in support of MBTA costs to procure and deliver these 24 new light rail vehicles for the Green Line Extension project. This amount, when combined with an existing MassDOT Agreement for \$26,219,275.

On motion duly made and seconded, it was unanimously;

VOTED: That, subject to the approval of the Massachusetts Department of Transportation and completion of a successful Pre-award Buy America Audit, the General Manager and Rail & Transit Administrator be, and she hereby is, authorized to execute a formal contract, in a form approved by the General Counsel, with CAF USA, Inc. for the procurement of 24 New Type 9 Green Line Light Rail Vehicles in accordance with Technical Specification No. VE-09-029 at a total not-to-exceed delivered cost of \$118,159,822. It is further voted that the Secretary/CEO be, and he hereby is, authorized to execute a MassDOT Contract Amendment in the amount of \$137,801,052 (including administrative expenses), for MBTA costs to procure and deliver 24 new light rail vehicles for the Green Line Extension project.

The next item on the agenda is the authorization from the Board of Directors, for a contract with New Flyer of America, Inc., of Winnipeg, Manitoba, Canada, for the manufacturing, furnishing and delivery of Forty (40) forty-foot diesel/electric transit buses with spare parts and training aids, at a total not to exceed delivered cost of \$32,762,067.20. This procurement includes an expedited delivery schedule, wherein of all forty buses is anticipated to be no later than 25 weeks from Notice to Proceed.

On motion duly made and seconded, it was unanimously;

VOTED: That subject to the completion of FTA Buy America audit requirements and an Agreement of Option Assignability with Connecticut Department of Transportation, the General Manager be, and he hereby is, authorized to execute a formal contract, in a form approved by the General Counsel, with New Flyer of America, Inc., Winnipeg, Manitoba, Canada, for manufacturing, furnishing and delivery of forty (40) forty-foot Diesel/Electric New Flyer Buses with Spares, Training/Training Aids, Special Tools, Publications and Communications for a total not to exceed delivered cost of \$32,762,067.20.

Chairman asked for a motion to adjourn.

On motion duly made and seconded, it was;

VOTED: to adjourn.

Documents relied on in meeting:

January 29, 2014 Minutes

February 12, 2014 Minutes

Secretary Davey's May Report

Knowledge Corridor

EEO Presentation

Aeronautics Presentation

Staff Summaries for items 9-12