



MINUTES

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

AUGUST 24, 2020 AT 10:00 A.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.

Chair Aiello called the meeting of the Fiscal and Management Control Board to order at 10:04 A.M.

Senior Counsel Amy Nash called the roll of the Members participating remotely, being a quorum of the Fiscal and Management Control Board:

Chair Aiello	Yes
Vice-Chair Tibbitts-Nutt	Yes
Director Lang	Yes
Director Murtagh	Yes

Director Kornegay joined the meeting at 10:07 am.

FMCB Members participated remotely and had materials provided to them prior to the meeting. Also present and/or participating for various portions of the FMCB meeting were General Manager Steve Poftak, Deputy General Manager Jeff Gonneville, Deputy Director of Stakeholder Engagement Hope Patterson, Chief Administrative Officer David Panagore,

Chief Financial Officer Mary Ann O'Hara, Director of Bridge and Tunnel Projects, Design & Construction John Schwarz, Assistant Director of Policy Daniel Sullivan, General Counsel Marie Breen, and Senior Counsel Amy Nash.

A. Opening and Public Comment

In accordance with current public health emergency, public comment* was taken by mail, email, voice message, and by live comment through telephone conference call. Chair Aiello asked for the voice mail messages to be played. Written public comments received were distributed to the board and summaries were displayed for the board and public during the meeting. The board listened to public comments left via voicemail:

Olivia Nichols from Green Roots in Chelsea commented about overcrowding on buses and affordability for low-income riders and noted appreciation for the increased service on Routes 111, 112, 116, and 117.

Collique Williams from Community Labor United thanked the Board for its low-income fare program and for returning for an extended period of service.

Adam Castiglioni of Boston commented about the lack of meetings held by the Board and asked for better enforcement of the mask order on all public transit.

Susan Backstrom from Green Roots and R-TAG Group commented about fare accessibility, increased service on bus routes 111 and 112, crowding on routes 116 and 117 and encouraged the MBTA to generate other revenue sources.

Louise Stacks with T Riders Union spoke about budget and scheduling issues, investment in public transit and her appreciation for customer service and the T's planning for overcrowding.

Marilyn McNabb commented on The Ride, including long phone and pick-up wait times.

B. FMCB Presentations and Actions

Chair Aiello introduced MBTA General Manager, Steve Poftak and his update, Agenda Item 1, the Report from the General Manager.

Mr. Poftak began his presentation by introducing the new Chief Safety Officer, Ronald Ester, Jr. Mr. Poftak gave a brief update of fare policies, then introduced Deputy General Manager, Jeff Gonnevillie who presented the remainder of the update to the Board.

Secretary Pollack joined the meeting at 10:30 am.

Mr. Poftak stated that more information will be presented at the next meeting, in September, particularly with respect to budgeting. He then asked for any questions or comments from the Board, to which Chair Aiello replied, offering his appreciation of the work done to date and highlighting the ability of the MBTA to react with agility to the pandemic.

Chair Aiello mentioned two experimental services currently in place and encouraged the staff to continue to experiment to attract more riders. Chair Aiello then asked Mr. Poftak to let staff know they should be creative and think broadly about new ideas moving forward.

Secretary Pollack thanked the Board for serving and extending their service beyond their five-year terms to maintain continuity for the MBTA.

Chair Aiello introduced Deputy Director of Stakeholder Engagement Hope Patterson for discussion of Agenda Item 2, the FMCB Public Schedule, and commented that the Board will be returning to twice monthly meetings.

Secretary Pollack asked General Manager Poftak to describe the meaning of the agenda item, "Forging Ahead." He explained that this term refers to service level scenario planning.

Chair Aiello asked Ms. Patterson to post all meeting dates, to which she replied that they were already posted.

David Panagore, the MBTA's Chief Administrative Officer, presented Agenda Item 3, the Budget Update for Fiscal Years 2021 and 2022. Based on certain assumptions concerning the reduction of fare revenue through September 2021 and the exhaustion of available CARES Act funding, Mr. Panagore projected a sizable budget gap for FY22, which he said was consistent with projections for transit systems in other cities around the country.

Mr. Panagore introduced Mary Ann O'Hara, the MBTA's Chief Financial Officer, who provided pro forma estimates. Ms. O'Hara explained that it is challenging to make projections in the current fiscal environment and that the Authority is facing a continued structural deficit that must be considered in coordination with the effects of the pandemic. Ms. O'Hara provided projections based on several scenarios, all dependent upon when ridership levels stabilize at a new normal.

Mr. Panagore explained that the Authority is looking at many potential ideas to control expenses and enhance revenue. Mr. Panagore asked the Board to authorize the transfer of the transfer of certain surpluses identified in the FY21 budget to the Operating Budget Deficiency Fund and for the Board to provide a Sense of the Board requesting that the General Manager create a detailed plan concerning service levels and projected revenues in accordance with the Authority's service principles.

Chair Aiello asked the Board for comments or questions and noted that the Board has an obligation to determine how to preserve resources and agreed that it is appropriate to consider the next two fiscal years in so doing.

Director Lang asked whether the numbers in Ms. O'Hara's projections for future ridership reflected pre-pandemic ridership numbers. Ms. O'Hara replied that the model is based on pre-pandemic data but that future projections will consider more current ridership data.

Secretary Pollack expressed that these projections are complicated and that any further suggestions from the Board are welcomed.

Chair Aiello proceeded to read each vote requested.

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

VOTED:

That the Fiscal and Management Control Board approves the transfer of surpluses, defined as total revenues less total expenses, above the amounts identified in the adopted Fiscal Year 2021 budget, as may be amended, to the Operating Budget Deficiency Fund each month to mitigate the projected deficit in Fiscal Year 2022 or any other current or future obligations.

Chair Aiello	Yes
Vice-Chair Tibbitts-Nutt	Yes
Director Lang	Yes
Director Murtagh	Yes
Director Kornegay	Yes

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

VOTED:

That is was the sense of the Fiscal and Management Control Board for the General Manager to develop a detailed plan, for presentation to the Fiscal and Management Control Board, to review service levels and bring expenses in line in accordance with the Authority's service principles.

Chair Aiello	Yes
Vice-Chair Tibbitts-Nutt	Yes
Director Lang	Yes
Director Murtagh	Yes
Director Kornegay	Yes

In agenda Item 4, Director of Bridge and Tunnel Projects, Design & Construction, John Schwarz discussed the contract number A35PS01 for certain design and engineering services in connection with improvements to the Forest Hills station. He described the benefits of the project and stated that the Board action will provide for Pre-Design Phase, Design Phase, Bid Phase and Construction Phase Services for Design and Engineering Services for Forest Hill Station Improvements.

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

VOTED:

That the Fiscal and Management Control Board authorize the MBTA General Manager, or his designee, to award and execute MBTA Contract A35PS01: Design and Engineering Services for Forest Hill Station Improvements with AECOM for an amount not to exceed \$6,860,390.

Chair Aiello	Yes
Vice-Chair Tibbitts-Nutt	Yes
Director Lang	Yes
Director Murtagh	Yes
Director Kornegay	Yes

C. Executive Session (FMCB)

Chair Aiello announced that the Control Board now would enter Executive Session (Item 5) to discuss certain real estate matters, which, if discussed during open session, the Chair and General Counsel determined, may have a detrimental effect on the Authority's negotiating position.

He further explained that, upon conclusion of the Executive Session, the FMCB would return, the meeting of the MassDOT Board of Directors would commence, and that a joint meeting of the FMCB and MassDOT Board would continue.

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

VOTED:

That the Fiscal and Management Control Board enter into Executive Session to discuss certain real estate matters, which, if discussed during open session may have a detrimental effect on the Authority's negotiating position.

Chair Aiello	Yes
Vice-Chair Tibbitts-Nutt	Yes
Director Lang	Yes
Director Murtagh	Yes
Director Kornegay	Yes

Secretary Pollack estimated that the joint session with the MassDOT Board would begin within forty minutes.

D. Joint Board Presentations and Actions

After the conclusion of the FMCB Executive Session, at 12:22 p.m., Chair Stephanie Pollack called to order a meeting of the MassDOT Board of Directors, joining the FMCB meeting.

Counsel Amy Nash called the roll of the Board Members participating remotely, being a quorum of the Board of Directors of the Massachusetts Department of Transportation:

Director Taylor	Yes
Director Moylan	Yes
Director Tibbitts-Nutt	Yes
Director Sullivan	Yes
Director Murtagh	Yes

Director Kornegay	Yes
Director King	Yes
Chair Pollack	Yes

Board Members participated by phone or audio/video and had materials provided to them prior to the meeting. Also present and/or participating for various portions of the joint and MassDOT meeting, were Highway Administrator Jonathan Gulliver, Aeronautics Administrator Dr. Jeff DeCarlo, Rail and Transit Administrator Astrid Glynn, Chief Financial Officer David Pottier, Chief Information Officer Dave Bedard, General Counsel Marie Breen, Senior Counsel Amy Nash, Director of Bridge Project Management Michael O'Dowd, and Senior Project Manager for Development Michelle Ho. Additionally, the following were present and participating for various portions of the joint meeting: Program Manager for South Coast Rail Jennifer Tabakin, and Green Line Extension Program Manager John Dalton.

Chair Pollack opened the public comment session at 12:50 p.m. Board members were provided with a summary of written comments. The board listened to public comments left via voicemail:

Joseph Featherton of Framingham stated his opposition to the viaduct option for the I-90 Allston project.

Wendy Landman of Walk Boston commented that the I-90 Allston project should be designed to meet the community's needs.

Pallavi Mande of the Charles River Watershed Association is eager to see an Allston solution that addresses environmental issues and thanked the Board for engaging.

Harry Mattison noted support for a Franklin Street footbridge and walkway as part of the I-90 Allston project.

Ari Ofsevit commented about the I-90 Allston project and concerns about transit connections.

Fred Salvucci of Brighton commented about new station design and the need for further improvements on plans to mitigate noise and vibrations in the area.

There were no live commenters.

Project Manager for South Coast Rail Jennifer Tabakin provided a quarterly update on South Coast Rail, Agenda Item 6. Ms. Tabakin summarized the construction schedule and outlined the second major construction package.

Ms. Tabakin presented Agenda Item 7, the proposed award of the South Coast Rail Contract with SCR Constructors, joint venture, for the Construction of Middleborough Secondary and New Bedford Main Line Commuter Rail Expansion Project. In response to a question regarding community relations, Ms. Tabakin explained that the Department has regular meetings with affected communities and provides notice of construction.

Upon a motion duly made and seconded, by roll call it was

VOTED:

That the General Manager, or his designee, be, and hereby is, authorized to award and execute, in the name and on behalf of the Authority, and in a form approved by General Counsel, a certain Authority Construction Contract entitled, "South Coast Rail, Middleborough Secondary & New Bedford Main Line (MS/NBML) Commuter Rail Expansion Project" with SCR Constructors, in the amount of \$404,470,002.00, said contractor being the lowest responsible and eligible bidder in response to requests for sealed proposals.

Director Aiello:	Yes
Director Tibbits-Nutt:	Yes
Director Lang	Yes
Director Kornegay	Yes

Next, Mike O'Dowd provided an update on the I-90 Allston Multimodal Project, Agenda Item 9.

Chair Pollack stated that MassDOT will release additional information regarding alternatives. She also stated that MassDOT will continue to address questions about all alternatives even after a preferred alternative has been designated.

Director Moylan stated that although there will be a small group upset with any option, the opportunity presented by this project is too large to pass up.

Agenda Item 10, an update on Commuter Rail Performance, was provided to the Board in written form.

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

VOTED: to adjourn the Fiscal and Management Control Board at 1:28 p.m.

Director Aiello:	Yes
Director Tibbits-Nutt:	Yes
Director Lang	Yes
Director Kornegay	Yes

E. Procedural Items

With the FMCB meeting adjourned, the MassDOT only portion of the meeting continued. The next item was Item 11, the approval of the minutes of the June 22, 2020 meeting.

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

VOTED:

To approve the minutes of the Joint Board Meeting held on June 22, 2020.

Director Taylor	Yes
Director Moylan	Yes

Director Tibbits-Nutt	Yes
Director Murtagh	Yes
Director Kornegay	Yes
Director Sullivan	Yes
Director Mazzarella	Yes
Director King	Yes
Chair Pollack	Yes

F. Standing Reports

Secretary Pollack provided her report, Agenda Item 12.

Director Sullivan congratulated the Department for its work on diversity and asked if we have a timeline for the Cape Cod Bridges. Chair Pollack explained that the Army Corps of Engineers will need approval and funding from Congress, but also noted that keeping the old bridges in use during construction will accelerate the process.

Registrar of Motor Vehicles Jamey Tesler proceeded with his report, Agenda Item 14. He outlined how the Registry has been working to strengthen the Section 62 notification process that alerts law enforcement when licenses are suspended for severe offenses, launching a new secure notifications process on August 4. Mark Cremer, father of a victim of an accident caused by a driver with a suspended license, discussed his advocacy for legislative reform and stated that Registrar Tesler had been highly responsive. Chair Pollack thanked Mr. Cremer for his advocacy. Director King noted that law enforcement has worked to make information sharing a priority and thanked everyone involved with this effort. Director Moylan congratulated the Registrar for taking this action. Chair Pollack thanked the Registrar for his work on the drop-off centers and moving from wait times to appointments.

Chair Pollack announced that Agenda Item 15, the Report from the Rail and Transit Administrator and Agenda Item 16, the Report from the Aeronautics Administrator were written

documents included in the Directors' Board packages and would not be presented.

Next, Highway Administrator Jonathan Gulliver presented Agenda Item 13, the Report of the Highway Administrator. Mr. Gulliver noted that the Highway Division has assisted municipalities dealing with the aftermath of recent storms. Director Sullivan congratulated the Highway Administrator and asked if the State Police can assist with increased amounts of speeding. Mr. Gulliver assured the Board that the Highway Division is working closely with public safety to reverse the trend.

G. MassDOT Board Presentations & Actions

Chair Pollack next called on Chief Information Officer Dave Bedard to present Agenda Item 17, the IT Update. Mr. Bedard said that IT has been simultaneously dealing with COVID-19 while continuing to update technology for multiple departments and hiring a new Chief Information Security Officer, William "Buck" Dowdell.

Deputy Chief Engineer of Design John Bechard then presented Agenda Item 18, a discussion of a contract for certain resurfacing and related work along a Section of Route 24.

Director Moylan noted for the record that this contract was discussed in detail at the Capital Programs Committee (CPC) and the CPC recommended approval of this contract.

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

VOTED:

That the Secretary/CEO and/or Administrator for the Highway Division, be and hereby is, authorized to award and execute, in the name and on behalf of the Department, and in a form approved by General Counsel, MassDOT Construction Contract 111312 entitled, "Resurfacing and Related Work (Including 6 Bridge Decks and Ramps) along a Section of Route 24 (Fall River Expressway)" with

Aggregate Industries NE Region Inc., in the amount of \$15,387,893.85, being the lowest responsible bidder.

Director Taylor	Yes
Director Moylan	Yes
Director Tibbits-Nutt	Yes
Director Murtagh	Yes
Director Kornegay	Yes
Director Sullivan	Yes
Director Mazzarella	Yes
Director King	Yes
Chair Pollack	Yes

John Bechard then presented Agenda Item 19, a discussion of a contract for certain resurfacing and related work on a section of Interstate 95.

Director Moylan noted for the record that this contract was discussed in detail at the Capital Programs Committee (CPC) and the CPC recommended that the board approve this contract.

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

VOTED:

That the Secretary/CEO and/or Administrator for the Highway Division, be and hereby is, authorized to award and execute, in the name and on behalf of the Department, and in a form approved by General Counsel, a certain Highway Division Contract entitled, “Resurfacing and Related Work (Including 9 Bridge Decks and a Cable Guardrail Installation) on a Section of Interstate 95” with Aggregate Industries NE Region Inc., in the amount of \$25,797,948.00, being the lowest responsible bidder.

Director Taylor	Yes
Director Moylan	Yes
Director Tibbits-Nutt	Yes
Director Murtagh	Yes
Director Kornegay	Yes
Director Sullivan	Yes
Director Mazzarella	Yes
Director King	Yes
Chair Pollack	Yes

H. Executive Session (MassDOT Board)

Chair Pollack explained that the Board next would be entering executive session, Item 20, to discuss certain real estate matters, which, if discussed in open session, the Chair and General Counsel determined, may detrimentally affect the Department's negotiating position. She explained further that the Board would not be returning to open session following the completion of executive session.

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

VOTED:

to enter executive session to discuss certain real estate matters, the discussion of which during open session may have a detrimental effect on the department's negotiating position, at 2:57 p.m.

Chair Pollack	Yes
Director Taylor	Yes
Director Moylan	Yes
Director Sullivan	Yes
Director Tibbits-Nutt	Yes
Director Kornegay	Yes
Director King	Yes
Director Murtagh	Yes
Director Mazzarella	Yes

Documents relied upon for this meeting:

Documents relied upon in this meeting:

- August 24, 2020 Agenda (FMCB)
- General Manager Update (FMCB)
- FMCB Public Schedule (FMCB)
- FY 21/22 Pro Forma Budget Update (FMCB)
- MBTA Contract No. A35PS01: Design and Engineering Services for Forest Hills Station Improvements (FMCB)
- Minutes of June 22, 2020

- Secretary Stephanie Pollack's Report to the MassDOT Board, August 24, 2020
 - Highway Administrator's Report, August 24, 2020
 - RMV Update, August 24, 2020
 - Aeronautics Administrator's Report, August 24, 2020
 - Information Technology Update, August 24, 2020
 - South Coast Rail Quarterly Report, August 24, 2020
 - Route 24 Resurfacing and Related Work – update on Contract #111312
 - Resurfacing and Related Work on Interstate 95: Update on Contract 111374
 - FMCB Commuter Rail Update, August 24, 2020
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