



Maura Healey, Governor  
Kimberley Driscoll, Lieutenant Governor  
Monica Tibbits-Nutt, Secretary & CEO  
Phillip Eng, General Manager & CEO



## MINUTES

### Meeting of the Massachusetts Bay Transportation Authority Board of Directors

December 13, 2023, AT 10:00 A.M.

10 Park Plaza, 2<sup>nd</sup> Floor Board Room, Suite 2890  
Boston, MA 02116

*Public participation and comment occurred via written communication, voice message and in-person public comment.*

*This meeting was broadcast virtually.*

**BOARD MEMBERS  
PARTICIPATING IN-  
PERSON:**

Chair Tom Glynn, Director Robert Butler, Director Tom McGee, Director Charlie Sisitsky, Director Mary Skelton Roberts, Director Chanda Smart, Secretary Monica Tibbits-Nutt

**BOARD MEMBER  
PARTICIPATING  
REMOTELY:**

Director Eric Goodwine

**BOARD MEMBER  
ABSENT:**

Director Thomas Koch

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

State Senator Brendan Crighton, Deputy Chief of Green Line Transformation Matt Conover, Deputy Chief of Construction Services Shaunna Jammal, Chief of Operations Strategy Kat Benesh, Senior Director of Procurement Operations Ray Wise, Chief Real Estate Officer Richard Henderson, General Manager Phillip Eng, DPU Rail Transit Safety Director Robert Hanson, Deputy Chief Safety Officer Nancy Prominski, Chief of Staff Katie Choe, Chief Engineer Sam Zhou, Chief of Quality, Compliance, and Oversight Meredith Sandberg, Director of Fare Policy & Analytics Steven Povich

**Others Present:**

General Counsel Douglas McGarrah, Chief Counsel Kevin Scanlon, Counsel- Corporate Governance Noah Potash

**OPEN OF MEETING/Call to order by the Chair**

Chair Tom Glynn 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, being a quorum of the MBTA Board:

<b>Chair Glynn</b>	<b>Yes</b>
<b>Director Butler</b>	<b>Yes</b>
<b>Director Goodwine</b>	<b>Yes</b>
<b>Director McGee</b>	<b>Yes</b>
<b>Director Skelton Roberts</b>	<b>Yes</b>
<b>Director Smart</b>	<b>Yes</b>

*Note: Secretary Tibbits-Nutt arrived shortly after the roll call.*

State Senator Brendan Crighton addressed the board, expressing gratitude for progress at the organization and stating that communication was essential to rebuilding trust. He praised work on the Sumner Tunnel closure and the Lynn commuter rail station. He also discussed the need for commuter rail electrification and a shift to regional rail. Director McGee thanked Senator Crighton for his leadership on ferry and regional rail issues.

## **EXCUTIVE SESSION**

1. Chair Glynn said that the first item on the agenda was an executive session to consider the purchase, exchange, lease, or value of real property and to discuss strategy with respect to collective bargaining. He said that he had determined that an open meeting could have a detrimental effect on the negotiating and bargaining positions of the MBTA. He noted that the Board would return to open session following the discussion.

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

**VOTED:**

**To enter executive session to consider the purchase, exchange, lease, or value of real property, and to discuss strategy with regard to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body.**

<b>Chair Glynn</b>	<b>Yes</b>
<b>Director Butler</b>	<b>Yes</b>
<b>Director Goodwine</b>	<b>Yes</b>
<b>Director McGee</b>	<b>Yes</b>
<b>Director Skelton Roberts</b>	<b>Yes</b>
<b>Director Smart</b>	<b>Yes</b>
<b>Director Tibbits-Nutt</b>	<b>Yes</b>

*Note: The Board entered executive session at 10:07 p.m. and returned to open session at 11:02 a.m. Director Butler recused himself from the collective bargaining portion of the executive session and did not participate in that discussion. Director Sisitsky arrived at approximately 11:00 a.m.*

### **OPEN SESSION/ACTION ITEMS**

#### **3. Consent Agenda**

Chair Glynn explained that a vote to adopt the consent agenda would approve the November meeting minutes and authorize the General Manager to enter into Collective Bargaining Agreements with the Alliance of Unions, Local 600, and the Police Association.

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

#### **VOTED:**

**To adopt the consent agenda.**

<b>Chair Glynn</b>	<b>Yes</b>
<b>Director Goodwine</b>	<b>Yes</b>
<b>Director McGee</b>	<b>Yes</b>
<b>Director Sisitsky</b>	<b>Yes</b>
<b>Director Skelton Roberts</b>	<b>Yes</b>
<b>Director Smart</b>	<b>Yes</b>
<b>Director Tibbits-Nutt</b>	<b>Yes</b>

Chair Glynn commented on the significance of the Collective Bargaining Agreements and asked Mike Vartabedian of Lodge 264 to comment. Mr. Vartabedian

emphasized damage caused by past privatization efforts and praised the new contract along with other actions by the administration.

#### **4. Emergency Track Improvement Contract**

Deputy Chief of Green Line Transformation Matt Conover presented the next item, a proposed contract for Emergency Track Improvement on three sections of the Green Line and one segment of the Blue Line. He explained that the track and tie replacements would advance a state of good repair and improve the reliability and speed of service. He also discussed work the team had done to make the contract more appealing to bidders. Mr. Conover reviewed the procurement process and explained that once the bids are opened, staff will seek approval through unanimous written consent to avoid delaying execution of the contract. Chief Counsel Kevin Scanlon explained the details of the written consent process. Director Butler asked if the contract was low-bid and Mr. Scanlon said that it was. Director Butler asked if staff were accounting for the bidders' capacity and Mr. Conover said that the bidders had to meet the specifications. Deputy Chief of Construction Services Shaunna Jammal said that capacity was taken into account and will be considered for future contracts. Director Butler said that he wanted to see the dollar amounts when the bids come out. Ms. Jammal said that separate contracts will be needed for other diversions. Director Smart complimented staff on a thorough presentation and a solid approach.

#### **5. Third Party Bus Contract**

Chief of Operations Strategy Kat Benesh presented a proposed Third Party Bus Contract, beginning with an overview of alternative service needs for the Track Improvement Program. She explained that a significant number of buses will be

needed, along with extensive coordination with municipalities. Senior Director of Procurement Operations Ray Wise reviewed the framework for current bus vendor contracts, which allows for amendments based on diversion requirements. He said that A Yankee Lines was the main vendor for these contracts, but that staff have made significant efforts to secure other vendors. Ms. Benesh said that staff were seeking a \$45 million amendment to the current contract with A Yankee Lines but would continue looking for opportunities to expand the vendor pool and enhance operator hiring. Director Skelton Roberts discussed the importance of having enough buses, coordinating with municipalities, and providing sufficient wayfinding. Ms. Benesh discussed coordination with the City of Boston. Director Skelton Roberts said that she would love to see a municipal working group.

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

**VOTED:**

**To authorize the General Manager/CEO of the Massachusetts Bay Transportation Authority to execute a contract amendment with A Yankee Line, Inc. in an amount not-to exceed \$45,000,000 to provide Shuttle Bus Services.**

<b>Chair Glynn</b>	<b>Yes</b>
<b>Director Butler</b>	<b>Yes</b>
<b>Director Goodwine</b>	<b>Yes</b>
<b>Director McGee</b>	<b>Yes</b>
<b>Director Sisitsky</b>	<b>Yes</b>
<b>Director Skelton Roberts</b>	<b>Yes</b>
<b>Director Smart</b>	<b>Yes</b>
<b>Director Tibbits-Nutt</b>	<b>Yes</b>

## **6. Proposed Real Estate Transaction**

Next, Chief Real Estate Officer Richard Henderson presented a proposed real estate transaction, beginning by discussing the need for an expanded railyard to

accommodate Type 10 cars. He described the site to be acquired in the Inner Belt area of Somerville. Mr. Henderson presented the concept for the expanded railyard, then reviewed the proposed taking. He explained that the taking would be paired with a settlement that will resolve outstanding litigation with the property owner and enable the construction of new pedestrian connections. Director Butler said that it was a great property that the agency needed to buy.

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

**VOTED:**

**That the General Manager, or his designee, is authorized to execute in the name of and on behalf of the MBTA, an Order of Taking and such other instruments and documents as he shall determine, in consultation with the General Counsel, to be necessary or desirable to effectuate the acquisition of the Properties;**

**That the General Manager, or his designee, is authorized to make payment for damages for such Order of Taking to the Owners of the Properties in a total amount not to exceed the amount of the appraisal of the Properties commissioned by the MBTA and concurred in by the FTA, plus any such additional amount for the settlement of claims from the Owners not to exceed the general delegation of authority from this Board to the General Manager.**

<b>Chair Glynn</b>	<b>Yes</b>
<b>Director Butler</b>	<b>Yes</b>
<b>Director Goodwine</b>	<b>Yes</b>
<b>Director McGee</b>	<b>Yes</b>
<b>Director Sisitsky</b>	<b>Yes</b>
<b>Director Skelton Roberts</b>	<b>Yes</b>
<b>Director Smart</b>	<b>Yes</b>
<b>Director Tibbits-Nutt</b>	<b>Yes</b>

#### **Public Comment Period #1**

Peter Cay raised concerns with a particular bus stop near Ruggles.

Dave Stevenson, legislative representative for commuter rail conductors, said that commuter rail workers still do not have sick time and that the MBTA should look into

requiring sick time in the next contract. General Manager Phillip Eng said that the agency understands those concerns.

Caitlin Allen Connolly of A Better City congratulated the MBTA on the collective bargaining agreements and track work, then discussed alternative service standards. She also expressed support for a low-income fare and increasing the frequency of service.

Mike Vartabedian, Chair of the Public Transit, Public Good coalition, discussed the benefits of a low-income fare.

## **REPORT**

### **7. Report from the General Manager**

General Manager Phillip Eng delivered his report, beginning with summaries of trackwork and other repairs performed on the Orange Line, Red Line, and Green Line in recent diversions. He noted that the number of workers and duration of work on the Green Line Extension have been increased. Mr. Eng then provided a workforce update, noting that the MBTA has hired 1401 employees this year, with its largest ever new hire class having started in November. He noted that 69% of the workforce is now under contract. The General Manager then discussed commuter rail service for the Army-Navy game and improvements to the RIDE service. He announced that commuter rail service would return to Lynn on December 18<sup>th</sup>, and Ashland on December 23<sup>rd</sup>. He said ferry service had been extended due to popular demand, then noted that winter service changes for the system would go into effect on December 17<sup>th</sup>. Mr. Eng reviewed several recent events, including the North Pole Express, the Agents of Safety awards, the Fill-a-Bus Toy Drive, and the Winter Wonderland. He concluded his report by recognizing bus operator Veronica MacMillen, who had received a certificate of merit for helping three unaccompanied

children be reunited with family. Director Smart said she appreciated the General Manager's commitment. Director Skelton Roberts said that Mr. Eng had given the MBTA a human face and centered workers.

## **PRESENTATIONS**

### **11. DPU Annual Report to the Board**

Rail Transit Safety Director Robert Hanson of the Department of Public Utilities ("DPU") presented the annual report to the Board, discussing how the MBTA and DPU work collaboratively to keep the system safe. He commented on the need for more dialogue and transparency and discussed the federal requirements for a State Safety Oversight ("SSO") Program. Mr. Hanson then provided an outline of his team, which has doubled in size over the past year. He reviewed various SSO functions of the department, including on-scene response, investigations, and diversion monitoring. Mr. Hanson said that a recent communication from the FTA expressed appreciation for improvements to DPUE capacity. He then discussed the Risk-Based Inspection program and the Triennial Audit. He concluded the report with a roadmap, stating that the department would prioritize safety, appropriate staffing levels, better data usage, and transparent oversight work. Chair Glynn asked if there were any recruiting difficulties with the recent increase and staffing and Mr. Hanson said that the team had been successful by reassessing their job descriptions. The General Manager commented on the MBTA's collaborative work with the DPU to achieve safety. Director Butler thanked Mr. Hanson for increasing staffing levels and Director McGee asked what the optimal number of employees would be. Mr. Hanson said that there is currently a high level of oversight, and that staff are committed to an annual

workload assessment.

## **9. Safety Programs Update**

Deputy Chief Safety Officer Nancy Prominski presented the Safety Programs Update, reviewing recent safety incidents including a Green Line worker injured by faulty tools, which have since been replaced, an incident where power on the Orange Line was activated before a maintenance vehicle had cleared the tracks, and an incident in Riverside yard where overhead catenary wire was live while equipment was on site. Ms. Prominski then reviewed safety performance indicators, noting that safety events and mechanical failures were slightly above target for bus, light rail, and heavy rail. Ms. Prominski discussed the recent Agents of Safety awards, focusing on a team that saved the life of an individual on the commuter rail tracks. Director Smart asked whether recent incidents were attributable to human error and Ms. Prominski discussed the multiple factors at play. Director Smart, Ms. Prominski, and Chief of Staff Katie Choe discussed the definition of a safety event.

## **8. Track Improvement Program Update**

Chief Engineer Sam Zhou presented an update on the Track Improvement Program, which is intended to eliminate slow zones and move the system closer to a state of good repair. He reviewed the timeline for the 25 diversions and presented progress metrics and statistics on completed work on the Red, Orange, and Green Lines. Mr. Zhou provided an update on ongoing work on the Green Line D Branch and said staff are advertising contracts for additional work. He discussed efforts to build in incentives for faster completion of work. Director Butler asked if any of the work is being done in-house and Mr. Zhou said it is a combination, with MBTA

personnel assisted by Middlesex, Skanska, and SPS. Director McGee asked about piggybacking additional work and Mr. Zhou discussed efforts to maximize the utility of Right of Way access. Mr. Eng said that leadership is always looking for additional situations to tackle. Director McGee encouraged the team to take opportunities to get additional work done. Mr. Zhou said that the contractor community understands the agency's approach. Director Smart said she appreciated the work.

*Note: Secretary Tibbits-Nutt left the meeting at 1:02 p.m.*

## **10. Safety Management Inspection Update**

Chief of Quality, Compliance and Oversight Meredith Sandberg presented an update on the Safety Management Inspection, beginning with FTA feedback on the final Corrective Action Plan ("CAP"), which the MBTA will resubmit by December 22<sup>nd</sup>. She then discussed the Workforce Assessment, which grew out of an FTA Directive. Ms. Sandberg provided a high-level overview of the approach and noted that the scope does not address efficiencies, contractors, or adjusting job scopes. She then reviewed the model methodology and noted that the assessment models several service levels. She then discussed the safety risk assessment. She concluded her presentation with an update on the overall progress of the SMI response, noting that CAP progress had reached 61%.

## **Public Comment Period #2**

Chair Glynn stated that there were no additional people signed up to comment.

## **12. Fare Policy Update**

Director of Fare Policy and Analytics Steven Povich provided an update on fare policy, noting that fares make up 16% of the MBTA's projected budget and are one of

the few levers under direct MBTA control. He said that fare policy ideas are drawn from riders, other stakeholders, and research and studies. He said they are also influenced by regulation, finance, technology, and external factors. Mr. Povich discussed fare affordability, stating that an estimated 60,000 individuals could benefit from a low-income fare program and said that low-income fares were a “people-based” approach, while fare free service presented more simplicity. Mr. Povich discussed the reasons for the complexity of fare policy and reviewed the inverse tradeoff between ridership and revenue, noting that fare cuts do not significantly increase ridership. He reviewed data from the Sumner Tunnel closure, Boston’s fare free bus routes, the Regional Transit Authorities, and discussed standard elasticities. Mr. Povich provided context on low-income fares and said that staff were proposing a 50% discount for riders under 200% of the federal poverty line. He provided a peer agency data comparison and discussed the planned application process, which will include community partners to assist with support and verification. Mr. Povich discussed the rider experience and expected savings, then discussed the process, which could include a low-income fare package brought to the Board in January. This would be followed by public comment, an equity analysis, Board approval, and implementation. Director Smart asked about other levers for mode shift and Mr. Povich cited service, safety, and reliability. Director Smart and Mr. Povich discussed potential agencies to assist with the program. Director Smart asked if the fare cards would be reloadable, and Mr. Povich explained that they would be shipped blank but would allow recipients to access low-income fares. Director McGee asked if there had been a lack on increase in ridership on other systems and noted that the Sumner Tunnel closure was a short window, but the system did

experience weekend increases on the Blue and Orange Lines and substantial use of the ferry. Director Skelton Roberts thanked Mr. Povich for his analysis and requested further analysis of the cost of means-testing versus fare-free service. She said that having riders register for low-income fares does not feel dignified and commented on the importance of mitigating the 75% of Boston emissions that come from driving. Mr. Povich said he would return with a more thorough analysis.

## **Adjournment**

Chair Glynn requested a motion to adjourn the MBTA Board meeting.

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

**VOTED: to adjourn at 1:34 p.m.**

<b>Chair Glynn</b>	<b>Yes</b>
<b>Director Butler</b>	<b>Yes</b>
<b>Director Goodwine</b>	<b>Yes</b>
<b>Director McGee</b>	<b>Yes</b>
<b>Director Sisitsky</b>	<b>Yes</b>
<b>Director Skelton Roberts</b>	<b>Yes</b>
<b>Director Smart</b>	<b>Yes</b>

### Documents relied upon for this meeting:

- December 13, 2023 Agenda
- Minutes of November 16, 2023 Board Meeting
- Lodge 264 - Collective Bargaining Authorization- 2023.11.27 v1
- Local 651 - Collective Bargaining Authorization- 2023.11.20
- Sergeants - Collective Bargaining Authorization- 2023.11.28
- Superior Officers - Collective Bargaining Authorization- 2023.11.28
- Local 104 - Collective Bargaining Authorization- 2023.11.27-2
- Emergency Track Improvements - Green and Blue Lines - 2023.12.07 DRAFT v5 (002) - Read-Only
- 20231114\_Draft - Staff Summary Review - T90CN05 Emergency Track Improvement Green and Blue Lines - 2023.12.07 DRAFT
- Third Party Bus board deck v1
- A Yankee Line, Inc. Contract Amendment Staff Summary DRAFT v2023.12.03
- Inner Belt Final Presentation to Board Public Session 12-13-23
- GM Report to the Board 12.13.2023 v10a 2023-12-13 17\_17\_35
- DPU MBTA Board Presentation - Dec 2023

- Safety Program Update BOD Dec 23
- 8. TIP Update Full Board Dec 2023
- 12. QCO Update DEC Board 2023 (1)
- December 2023 Fare Policy Board Deck vF