



Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Stephanie Pollack, MassDOT Secretary & CEO



## MINUTES

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

**July 22, 2019**

At the call of Chair Stephanie Pollack, a meeting of the MassDOT Board of Directors (Board) was called to order at 2:16 p.m. at the State Transportation Building, Transportation Board Room, 10 Park Plaza, Boston, Massachusetts, joining the Fiscal and Management Control Board (FMCB) meeting already in progress for Joint Board presentations and public comment.

Those present were Chair Stephanie Pollack, Directors Betsy Taylor, Tim King, Joseph Sullivan, Monica Tibbits-Nutt, Kathleen Murtagh, Dean Mazzarella, Robert Moylan, Krystal Kornegay and Vanessa Otero, being a quorum of the Board of Directors of the Massachusetts Department of Transportation (Board).

Also present were Highway Administrator Jonathan Gulliver, Rail and Transit Administrator Astrid Glynn, FMCB Chair Joe Aiello, General Manager Steve Poftak, Owen Kane, Marie Breen, Michelle Kalowski, Hope Patterson, Jamey Tesler, Jacqui Goddard, David Abdoo, Scott Hamwey, Maria Rota, Mike O'Dowd and Matthew Knosp.

The Chair opened up the public comment session for Agenda Items 6 through 19.

The first speaker was Kathryn Carlson, Director of Transportation from A Better City who commented on the Commuter Rail Vision Study and affordable fare structures.

Next, Richard Prone, MBTA Advisory Board Representative from Duxbury commented on the Rail Vision Study and the 2019 South Shore weekend commuter rail schedule.

Next, George McGillaway from Teamsters Local 127 commented on the 2009 Transportation Reform Act.

Next, Karen Bartholomew, representing the MassDOT Steelworkers Union commented on the recognition language included in the MOU for Successor Collective Bargaining Agreements for MassDOT Units C & D.

The last speaker was Jeffrey Beliznek who submitted written testimony relative to a land issue near the Cape Cod Canal.

Public comment period closed at 2:27 p.m.

Chair Pollack asked Chair Aiello to present Agenda Item 6, the Report from the Fiscal and Management Control Board. Mr. Aiello highlighted a few of

the highest priorities and developments since his last report on June 17, 2019. The FMCB heard updates on MBTA safety initiatives, the Better Bus Project, the new Paid Family Medical Leave Act and its impact on the MBTA, and a human resources quarterly report. Additionally, the FMCB approved three contracts for bus corridor and infrastructure improvements, wayfinding and station improvements for four stations and a diesel fuel contract. The FMCB also approved two service amendments for positive train control and the construction of the South Shore. The Chair and Vice Chair introduced the new Rail Safety Independent Review Panel and provided a status of their work to date.

Chair Pollack referred back to FMCB Agenda Item 5, a discussion of the East Boston Real Estate Right-of-Way and noted that it should have been listed as a Joint Board Meeting Agenda Item but that it had been withdrawn. The Chair said there would be a status update after a joint study with stakeholders had been completed.

Next, Chair Pollack announced that Agenda Items 7, updates on the Commuter Rail Performance and the Green Line Extension were written submittals and included in the Board Books, as set forth in the attached documents labeled, "Commuter Rail Performance Update, July 22, 2019" and "Green Line Extension Program Monthly Progress Report, June 22, 2019." General Manager Poftak noted the commuter rail's overall on-time-performance

slipped to 86.6% during the recent Red Line derailment due to unforeseen site conditions that affected the schedule.

Next, Chair Pollack called upon Scott Hamwey, Manager of Long Range Planning to present Agenda Item 8, the Commuter Rail Vision Update. Mr. Hamwey recapped stakeholder engagement status to date. Mr. Hamwey continued evaluating relative benefits and costs across the seven alternatives that would provide the foundation to build one or more visions for the future of commuter rail to maximize the effectiveness of the MBTA rail network. Mr. Hamwey further discussed general findings and methodology of No-Build demand 2040 and methodology on capital needs, capital costs and operating and maintenance costs.

Mr. Hamwey continued to discuss a high-level comparison of the key characteristics, objectives and metrics of the three alternatives: Alternative 1- Higher Frequency Commuter Rail; Alternative 2 -Regional Rail to Key Stations (diesel); and Alternative 3- Regional Rail to Key Stations (electric). Mr. Hamwey concluded his report discussing the South Station expansion that would be needed for target frequencies, as set forth in the attached document labeled, "Rail Vision, FMCB Meeting, July 22, 2019." Extensive discussion ensued relative to fares, ridership and parking scenarios.

Director Sullivan requested that the No-Build option be taken off the table and inquired if there had been discussion with the current operator (or any future provider) of commuter rail to get their feedback on this study.

Mr. Hamwey indicated officials from Toronto would be coming to Boston on September 23, 2019 to provide details on how they proceeded with their project and to provide guidance to the MBTA.

Mr. Hamwey indicated he would provide details of the remaining four alternatives at an upcoming FMCB meeting and would be seeking feedback from the Board on specific strategies they would like to advance.

Chair Pollack noted that in the interest of time, the last Joint Board Agenda Item, the Chelsea Street Bridge Pilot Update would be deferred to a future meeting.

On motion duly made and seconded, it was:

**VOTED: to adjourn the Fiscal and Management Control Board at 3:32 p.m.**

Next, was the approval of the minutes of June 17, 2019.

On motion duly made and seconded, it was:

**VOTED: to approve the minutes of the June 17, 2019 meeting.**

Secretary Pollack provided an abbreviated version of the Secretary's Report, Agenda Item 11. Chair Pollack announced the recent release of the final Bike and Pedestrian Plans and the groundbreaking of the pedestrian path from Natick to Framingham, provided a brief review of the Chelsea Street Drawbridge project, and noted that the MassDOT Moving Together Conference was scheduled for October 24, 2019, as set forth in the attached document labeled, "Secretary Stephanie Pollack's Report to the Boards, July 22, 2019."

Next, Chair Pollack called upon Highway Administrator Jonathan Gulliver to present Agenda Item 12, the Report of the Highway Administrator. Mr. Gulliver discussed the Ted Williams Lighting Contract and the Charles River Dam Road, as set forth in the attached document labeled, "Highway Administrator's Report, July 22, 2019." Discussion ensued.

Chair Pollack prefaced the report of the Acting Registrar of Motor Vehicles with a history of the resignation of Registrar Deveney and introduced Jamey Tesler, the newly appointed Acting Registrar. The Secretary restated the case of the problems with the RMV procedures that were brought to light in the case of Volodymyr Zhukovskyy, the driver charged with killing seven motorcyclists on June 21 when his license should have been suspended. The Secretary said she and Mr. Tesler were committed to making sure it never happened again and were there to answer any questions the Board members had, noting there were four status reports in their board books. Discussion ensued.

Chair Pollack noted that Grant Thornton was doing an independent audit review of the RMV and the processes and procedures the Registry was undertaking, and said she would be back before the Board with the final audit report in 90 days, at which time there would be further discussion.

Director Taylor updated the Board of what was discussed and requested at the Finance and Audit Committee meeting held on Wednesday, July 17, 2019. Director Taylor reiterated she would like a detailed list of what the RMV was supposed to accomplish (other than registering cars and issuing licenses); particularly in this era of Real ID, the RMV has significant responsibilities in managing identity and identity theft. Furthermore, Director Taylor said she appreciated that each of the 50 states governed standards for notification and therefore there was a lack of conformity. Director Taylor said the RMV needed some sense of what the best practices were in terms of notification. Director Taylor would also like a simplified list explaining the conditions in which members of the public should rightly lose their license.

Director Mazzeella questioned what the state-to-state process was for notification to other states and vice versa to Massachusetts for passenger car violations as well as those with CDL licenses.

Director Otero questioned the timing of suspension of licenses for those people whose paperwork have now been uncovered.

Next, Chair Pollack noted for the record that the report from the Aeronautics Administrator was a written submittal and included in their board materials, as set forth in the attached document labeled, "Board Report: FAA Updates, Massachusetts Statewide Airport System Plan Update & Unmanned Aerial Systems (UAS) use for Obstruction Removal at Airports, July 22, 2019."

Chair Pollack next moved to Agenda Item 18, the Greenfield Pilot Update. Astrid Glynn, Rail and Transit Administrator provided background of the current passenger rail service of the Knowledge Corridor. Ms. Glynn noted the Massachusetts' 2018 Rail Plan recommended a pilot to test the viability of extending service to Greenfield. The 'Greenfield Pilot' was a negotiation between Massachusetts, Connecticut and Amtrak to extend certain Amtrak trains from Springfield to Greenfield. The Pilot is expected to commence on August 30, 2019 for two years and is expected to cost approximately \$1 million a year. Ms. Glynn said if the pilot was successful and costs were reasonable, MassDOT would seek to negotiate an extension of the service with Connecticut and Amtrak, as set forth in the attached document labeled, "Greenfield Pilot Update, July 22, 2019." Discussion ensued.

Next, Chair Pollack called upon MassDOT Project Manager Mike O'Dowd to present Agenda Item 16, the Tunnel Lighting Contract. Mr. O'Dowd discussed the contract that would provide the Ted Williams Tunnel with upgraded LED lighting for substantial energy and maintenance savings estimated at \$20M and



enhance driving conditions. Mr. O'Dowd was requesting Board approval of a \$32.4 million contract with JF White, of which \$19.4 million would be funded through the Central Artery Repair and Maintenance (CARM) Trust Fund , as set forth in the attached document labeled, "MassDOT Highway Construction Contract: 107208 Ted Williams Tunnel Lighting Replacement, July 22, 2019." Discussion ensued.

Director Moylan questioned the discrepancy between the first and second bidder; Mr. O'Dowd responded that two items, cable costs and the load center drove it.

On motion duly made and seconded, 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, "Ted Williams Tunnel Lighting Replacement" with JF White Contracting in the amount of \$32,434,171.40, said contractor being the lowest responsible and eligible bidder in response to requests for sealed proposals.**

Next, Chair Pollack called upon Acting Director of Employee Relations Maria Rota to present Agenda Item 17, the Successor Collective Bargaining Agreement for MassDOT Units C and D. Ms. Rota summarized her memo and reviewed the provisions of the Memorandums of Understanding, as set forth in

the attached document labeled, "Memo dated July 22, 2019 – Successor Collective Bargaining Agreements for MassDOT Units C & D". Discussion ensued.

Ms. Rota explained the discrepancy in pay between Mass Turnpike and Mass Highway employees after the formation of MassDOT. Ms. Rota further clarified what the recognition provision was that provided stability amongst the unions.

Director King thanked Ms. Rota for her hard work but still had issues with the recognition provision and noted that while he would vote in favor of these agreements, he would like it addressed further in the future.

Assistant Director of Human Resources Matt Knosp reviewed the costs of the Contracts.

On motion duly made and seconded, it was voted:

**VOTED:**

**That the Secretary of Transportation is hereby authorized to enter into a Collective Bargaining Agreement with the Coalition of MassDOT Unions (Unit C) for the term from July 1, 2017 to June 30, 2020 incorporating the terms and conditions outlined in the Memorandum of Agreement executed on June 7, 2019 (the "MOU"). The Secretary is also authorized to execute the final fully integrated collective bargaining agreement in the name and on behalf of the Department of Transportation. Copy of said MOU in the form submitted is hereby ordered filed with the records of the meeting.**

On motion duly made and seconded, it was voted:

**VOTED:**

**That the Secretary of Transportation is hereby authorized to enter into a Collective Bargaining Agreement with the Coalition of MassDOT Unions (Unit D) for the term from July 1, 2017 to June 30, 2020 incorporating the terms and conditions outlined in the Memorandum of Agreement executed on June 7, 2019 (the "MOU"). The Secretary is also authorized to execute the final fully integrated collective bargaining agreement in the name and on behalf of the Department of Transportation. Copy of said MOU in the form submitted is hereby ordered filed with the records of the meeting.**

Next, Chair Pollack noted for the record that Agenda Item 19, the MHS Bond Refunding Update, was a written submittal and would be discussed and voted on at a later meeting.

On motion duly made and seconded, it was:

**VOTED: to adjourn at 4:35 p.m.**

**Documents relied upon for this meeting:**

- Minutes of June 17, 2019
- Commuter Rail Performance Update, July 22, 2019
- Green Line Extension Program Monthly Progress Report, June 22, 2019
- Rail Vision, FMCB Meeting, July 22, 2019
- Secretary Stephanie Pollack's Report to the Board, July 22, 2019
- Highway Administrator's Report, July 22, 2019
- Board Report: FAA Updates, Massachusetts Statewide Airport System Plan Update & Unmanned Aerial Systems (UAS) use for Obstruction Removal at Airports, July 22, 2019
- Greenfield Pilot Update, July 22, 2019
- MassDOT Highway Construction Contract: 107208 Ted Williams Tunnel Lighting Replacement, July 22, 2019
- Memo dated July 22, 2019: Successor Collective Bargaining Agreements for MassDOT Units C & D
- MHS Bond Transaction Update