



Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Jamey Tesler, Acting Secretary & CEO



## MINUTES

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

June 21, 2021 AT 12:00 P.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.*

#### MASSDOT BOARD MEMBERS PARTICIPATING REMOTELY:

Chairman Jamey Tesler, Director Timothy King, Director Brian Lang, Director Dean Mazzearella, Director Robert Moylan, Director Kathleen Murtagh, Director Vanessa Otero, Director Betsy Taylor, and Director Monica Tibbits-Nutt

#### MASSDOT BOARD MEMBERS ABSENT:

None

#### FMCB MEMBERS PARTICIPATING REMOTELY:

Chairman Joseph Aiello, Vice-Chair Monica Tibbits-Nutt, Director Chrystal Kornegay, Director Brian Lang, and Director Timothy Sullivan

#### FMCB MEMBERS ABSENT:

None

#### OTHERS PRESENT AND/OR PARTICIPATING FOR VARIOUS PORTIONS OF THE MEETING:

Highway Administrator Jonathan Gulliver, Scott Bosworth of the Office of Real Estate and Asset Development, Acting Registrar Colleen Ogilvie, Chief Financial Officer David Pottier, Civil Engineer Michael O'Dowd, Deputy Chief Engineer of Project

Development John Bechard, Deputy CFO Michelle Ho, General Manager Steven Poftak, Assistant General Manager for Strategic Initiatives Mike Muller, Chief Safety Officer Ron Ester, Program Manager John Dalton, Chief of Green Line Transformation Angel Pena, Senior Director of Commuter Rail Modernization Programs Maribel Kelly, Senior Program Manager for MBTA Commuter Rail Safety and Resiliency Karen Antion, Chief Mechanical Officer Steve Hicks, General Counsel Marie Breen and Senior Counsel Amy Nash

#### **A. Open of Meeting of MassDOT**

Secretary Tesler called the meeting of the MassDOT Board to order at 12:02 PM.

Senior Counsel Amy Nash called the roll of the Members participating, being a quorum of the MassDOT Board of Directors:

<b>Chairman Tesler</b>	<b>Yes</b>
<b>Director King</b>	<b>Absent for vote</b>
<b>Director Kornegay</b>	<b>Absent for vote</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Mazzearella</b>	<b>Yes</b>
<b>Director Moylan</b>	<b>Yes</b>
<b>Director Murtagh</b>	<b>Yes</b>
<b>Director Otero</b>	<b>Yes</b>
<b>Director Taylor</b>	<b>Yes</b>
<b>Director Tibbits-Nutt</b>	<b>Yes</b>

Public comment was taken by regular mail, e-mail, and by voice message.

Gordan Marks of Somerville expressed disappointment with a recent public meeting on the resurfacing of Route 28 in Somerville.

Amy Jones of East Somerville urged MassDOT to listen to residents when planning street safety projects.

Marilyn McNabb commented on the changing of the livery license plates on The Ride vehicles to MBTA and asked that drivers be given the option of using the HOV lanes on the highways.

## **B. MassDOT Standing Reports**

Secretary Tesler presented his report, Agenda Item 1, first introducing Undersecretary Scott Bosworth. Mr. Bosworth outlined the successes of the Office of Real Estate and Asset Development (“OREAD”) in the last year. Secretary Tesler praised OREAD staff their contributions. Mr. Bosworth noted the retirement of Mark Boyle and his many contributions to MassDOT.

Secretary Tesler thanked the FMCB for their service to the Commonwealth. He continued his report with a review of current Covid-19 measures, including the Commuter Rail Vaccination Train. Secretary Tesler thanked MBTA and MassDOT employees for their hard work and dedication through the pandemic. He concluded his report with reviews of several programs and initiatives including Shared Streets and Spaces and the Future of Work initiative.

Highway Administrator Jonathan Gulliver presented his report, Agenda Item 2. He reported that vehicle traffic on state highways appears to have returned to 2019 levels. Mr. Gulliver reviewed several upcoming projects, including maintenance on the Cape Cod bridges in coordination with the Army Corp of Engineers. He concluded his presentation by addressing the public comment concerning the Somerville public meeting, noting that technical issues negatively affected the meeting and that it will be rescheduled.

Acting Registrar Colleen Ogilvie provided an RMV Update, Agenda Item 3. She reviewed the status of the vehicle inspection issues due to the outage with Applus, adding that the contract renewal with Applus remains on hold. She also presented RMV public safety initiatives concerning such topics as ignition interlock devices and distracted driving issues.

Agenda Items 4 and 5, the Rail & Transit and Aeronautics Administrators' updates were submitted to the Board in writing.

Chief Financial Officer David Pottier presented Agenda Item 6, the FY22 Budget update, noting that the Board must approve the budget as presented to further the process.

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

**VOTED:**

**That the Board of Directors of the Massachusetts Department of Transportation approves the Fiscal Year 2022 Operating Budget for the Massachusetts Department of Transportation as presented during the June 21<sup>st</sup>, 2021 meeting of the Board.**

Chairman Tesler	Yes
Director King	Absent for vote
Director Kornegay	Absent for vote
Director Lang	Yes
Director Mazzarella	Yes
Director Moylan	Yes
Director Murtagh	Yes
Director Otero	Yes
Director Taylor	Yes
Director Tibbits-Nutt	Yes

#### **C. MassDOT Presentations and Actions**

Secretary Tesler introduced Civil Engineer Michael O'Dowd who presented Agenda Item 7, a proposed contract with JF White Contracting Co. for certain construction on vent buildings for the Sumner and Callahan Tunnels. Mr. O'Dowd reviewed the proposal, explaining the scope and need for the work. Chairman Moylan commented that the Capital Programs Committee ("CPC") voted unanimously to recommend that the Board approve the contract.

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

**VOTED:**

**To authorize the Secretary, or his designee, to award and execute MassDOT Construction Contract 113976: Sumner and Callahan Tunnel Vent Buildings and Pump Stations Mechanical and Electrical Improvements with JF White Contracting Co., in a form approved by the General Counsel, in the amount of \$37,249,000.**

<b>Chairman Tesler</b>	<b>Yes</b>
<b>Director King</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Absent for vote</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Mazzaella</b>	<b>Yes</b>
<b>Director Moylan</b>	<b>Yes</b>
<b>Director Murtagh</b>	<b>Yes</b>
<b>Director Otero</b>	<b>Yes</b>
<b>Director Taylor</b>	<b>Yes</b>
<b>Director Tibbits-Nutt</b>	<b>Yes</b>

Deputy Chief Engineer of Project Development John Bechard presented Agenda Item 8, a proposed contract for the resurfacing of Route 28 and related work in Cambridge and Somerville. Chairman Moylan commented that the CPC voted unanimously to recommend that the Board approve the contract.

Mr. Bechard provided an overview of the project and commented on the bidding climate, noting that while staff have been on track with cost estimates over the last six months, bids for the two recent projects presented at this meeting came in above staff estimates.

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

**VOTED:**

**To authorize the Secretary, or his designee, to award and execute MassDOT Construction Contract 114227: Resurfacing and Related Work (Including Bridge Superstructure and Routine Maintenance Work) on a Section of Route 28 (Msgr. O'Brien Highway/ Hon. McGrath Highway) with SPS New England Inc., in a form approved by the General Counsel, in the amount of \$15,033,542.**

<b>Chairman Tesler</b>	<b>Yes</b>
<b>Director King</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Mazzarella</b>	<b>Yes</b>
<b>Director Moylan</b>	<b>Yes</b>
<b>Director Murtagh</b>	<b>Yes</b>
<b>Director Otero</b>	<b>Yes</b>
<b>Director Taylor</b>	<b>Yes</b>
<b>Director Tibbits-Nutt</b>	<b>Yes</b>

#### **D. Joint Board Meeting**

Secretary Tesler asked Chairman Aiello to call the meeting of the Fiscal Management and Control Board to order. Prior to doing so, Chairman Aiello asked all presenters going forward to be brief, as the meeting will need to conclude by 4:00 pm. He called the meeting to order at 1:25 p.m. Senior Counsel Amy Nash called the roll of the Members participating, being a quorum of the FMCB:

<b>Chairman Aiello</b>	<b>Yes</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Sullivan</b>	<b>Absent for vote</b>

A review of public comment followed.

Tom Ryan of A Better City thanked the FMCB for their service and urged the MBTA to use Federal funds for capital spending.

Caitlin Allen-Connelly of A Better City shared her appreciation for the FMCB and suggested the creation of a permanent oversight committee.

Brian Kane, Executive Director of the MBTA Advisory Board, commented on the current CIP, relaying the Advisory Board's recommendations, and expressed disagreement with the use of a 1-year CIP.

Staci Rubin of the Conservation Law Foundation thanked FMCB members for their service and asked that the CIP include funds for electrifying the Fairmont Line and Somerville buses

Veena Dharmaraj of the Sierra Club urged the Board to adopt a 5-year CIP and thanked the FMCB members for their service.

Richard Prone of the MBTA Advisory Board shared his appreciation for the FMCB's service and urged the consideration of double tracking the Old Colony section of track to alleviate congestion.

For Agenda Item 9, Chairman Tesler asked for a motion to approve the minutes of the May 24, 2021 Joint Board meeting minutes.

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

**VOTED:**

**To approve the minutes of the joint meeting of the FMCB and MassDOT Board held on May 24, 2021.**

<b>Chairman Tesler</b>	<b>Yes</b>
<b>Director King</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Mazzearella</b>	<b>Yes</b>
<b>Director Moylan</b>	<b>Yes</b>
<b>Director Murtagh</b>	<b>Yes</b>
<b>Director Otero</b>	<b>Yes</b>
<b>Director Taylor</b>	<b>Yes</b>
<b>Director Tibbits-Nutt</b>	<b>Yes</b>

Chairman Aiello asked for a motion from an FMCB Member to approve the minutes of the May 24, 2021 Joint Board meeting.

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

**VOTED:**

**To approve the minutes of the joint meeting of the FMCB and MassDOT Board held on May 24, 2021.**

<b>Chairman Aiello</b>	<b>Yes</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Sullivan</b>	<b>Absent for vote</b>

Chairman Aiello asked for a motion to approve the minutes of the June 7, 2021 meeting

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

**VOTED:**

**To approve the minutes of the FMCB meeting held on June 7, 2021.**

<b>Chairman Aiello</b>	<b>Yes</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Sullivan</b>	<b>Absent for vote</b>

Director Sullivan arrived at approximately 2:30 pm.

Deputy Chief Financial Officer Michelle Ho presented Agenda Item 10, the final CIP. Ms. Ho first thanked the FMCB members for their service. She then reviewed the public meetings held concerning the CIP and noted that staff received a record number of public comments regarding the CIP. Ms. Ho also reviewed the data from an equity analysis performed in connection with the CIP.

Chairman Tesler first asked for a vote by the MassDOT Board.

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

**VOTED:**



To approve the Fiscal Year 2022 Capital Investment Program (“CIP”), as presented at the June 21, 2021 joint meeting of the Board Massachusetts Department of Transportation and Fiscal and Management Control Board and as attached hereto as Appendix A, and to authorize the Secretary/CEO, in the name of and on behalf of the Massachusetts Department of Transportation, to take any steps he deems necessary and appropriate, to provide notice to the Legislature and public of the CIP.

Chairman Tesler	Yes
Director King	Yes
Director Kornegay	Absent for vote
Director Lang	Yes
Director Mazzarella	Absent for vote
Director Moylan	Yes
Director Murtagh	Yes
Director Otero	Yes
Director Taylor	Yes
Director Tibbits-Nutt	Yes

Chairman Aiello then asked for a vote by the FMCB.

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

**VOTED:**

To approve the Fiscal Year 2022 Capital Investment Program (“CIP”), as presented at the June 21, 2021 joint meeting of the Board Massachusetts Department of Transportation and Fiscal and Management Control Board and as attached hereto as Appendix A, and to authorize the General Manager, in the name of and on behalf of the Massachusetts Bay Transportation Authority, to take any steps he deems necessary and appropriate to provide notice to the Legislature and the public of the CIP.

Chairman Aiello	Yes
Vice-Chair Tibbits-Nutt	Yes
Director Kornegay	Yes
Director Lang	Yes
Director Sullivan	Yes

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

**VOTED:** To adjourn the meeting of the MassDOT Board of Directors.

Chairman Tesler	Yes
Director King	Yes
Director Kornegay	Absent for vote

<b>Director Lang</b>	<b>Yes</b>
<b>Director Mazzearella</b>	<b>Yes</b>
<b>Director Moylan</b>	<b>Yes</b>
<b>Director Murtagh</b>	<b>Yes</b>
<b>Director Otero</b>	<b>Yes</b>
<b>Director Taylor</b>	<b>Yes</b>
<b>Director Tibbits-Nutt</b>	<b>Yes</b>

#### **E. FMCB-Only Agenda**

Chairman Aiello turned to the FMCB-only portion of the agenda, asking the Boardroom to play voicemail messages related to Agenda Items 11 through 20.

Jarred Johnson of Transit Matters thanked the FMCB members for their service and expressed his support for the Green Line Transformation team.

Chris Dempsey, Director of Transportation for Massachusetts, thanked the FMCB members for their service and dedication.

Garrett Waldman of Framingham applauded the FMCB for their years of service.

Galen Mook of the Massachusetts Bicycle Coalition spoke on behalf of several others in support of the Green Line Transformation and urged the adoption of plans to provide wide aisles to accommodate cyclists and strollers.

Ari Ofsevit of the Institute for Transformation and Development Policy commented on Agenda Item 15, Green Line Transformation, urging a design for cyclists.

Tom Yardley of Masco registered his strong support for the Green Line Transformation.

A Roxbury resident urged the adoption of a low-income fare pilot.

John (inaudible) of the Mass Senior Action Council thanked the members for their service and dedication and urged the adoption of a low-income fare pilot.

Louise Baxter of the T Riders Union called to register her support of a low-income fare pilot and thanked the FMCB. She also stated that the Better Bus survey by area is not efficient and inaccurate.

For Agenda Item 11, General Manager Steve Poftak presented his report. He provided Covid-19 and ridership updates and discussed vaccination efforts. Mr. Poftak stated that the goal is to return Orange Line cars back to service during the summer. He concluded his report by outlining the achievements of the FMCB and expressed his appreciation to all members.

Chairman Aiello introduced Agenda Item 12 with an overview of the FMCB Productivity Report, describing the goal of creating programs and initiatives designed to aid and increase the productivity for the MBTA. The Chairman then introduced Assistant General Manager for Strategic Initiatives Michael Muller to speak further on the topic. Mr. Muller reviewed several projects, including the Bus and Fare Transformation and Regional Rail Transformation initiatives. Chairman Aiello stated that a copy of the report would be circulated to the Board by the close of business that day.

Chief Safety Officer Ron Ester presented Agenda Item 13, an update on the Transit Safety Plan. He reviewed the topics of concern and the phases of adoption for the plan. On behalf of the Board, Chairman Aiello shared the members' appreciation for Mr. Ester's work.

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

**VOTED:**

**To approve the Massachusetts Bay Transportation Authority Transit Safety Plan, Revision 1, dated June 3, 2021, as presented to the Fiscal Management and Control Board on June 21, 2021.**

**Chairman Aiello**

**Yes**

<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Sullivan</b>	<b>Yes</b>

Program Manager John Dalton presented Agenda Item 14, the Green Line Extension update. He shared photos detailing the status of various aspects of the project and discussed how the project is still impacted by the Covid-19 pandemic. He reviewed various aspects of the settlement agreement for which the Board will hold a vote.

Mr. Poftak offered a point of clarification and context, noting that, due to careful management of the project and the addition of federal relief funds, further financial input from Cambridge and Somerville will not be needed and any funds already dispersed will be refunded following project closeout.

Chairman Aiello thanked Mr. Poftak for the terrific news.

Chairman Aiello added that it is imperative that this project be completed. He thanked Secretary Tesler and others for their efforts to recruit staff. Somerville Mayor Joe Curtatone spoke, thanking the FMCB and the staff for their work and shared his full support for the negotiated agreement.

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

**VOTED:**

**To authorize the General Manager to execute, in the name of and on behalf of the Massachusetts Bay Transportation Authority, and in a form approved by the General Counsel, a settlement agreement and any ancillary documents, including a change order to MBTA Contract No. E22CN07, with GLX Constructors, a Joint Venture, in a sum certain not to exceed \$80,000,000.**

<b>Chairman Aiello</b>	<b>Yes</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Absent for vote</b>
<b>Director Lang</b>	<b>Yes</b>

**Director Sullivan**

**Yes**

Chief of Green Line Transformation Angel Pena presented Agenda Items 15 and 16, together. Mr. Pena review the goals and status of the project as well as the strategy for moving forward. He provided an update on how the staff intends to expand accessibility for all on the Green Line.

Mr. Pena described the proposed amendment to a professional services contract for program and construction management services with Mott MacDonald for which staff was seeking FMCB approval. During discussion, Vice Chair Tibbits-Nutt congratulated Mr. Pena and his team for their good work and stated that she looks forward to the continued progress on the project.

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

**VOTED:**

**To authorize the General Manager, or his designed, to amend MBTA GEC Contract No. Z91PS25 in a form approved by the General Counsel, with Mott MacDonald for continued program and construction management services in an amount not to exceed \$20,000,000.**

**Chairman Aiello  
Vice-Chair Tibbits-Nutt  
Director Kornegay  
Director Lang  
Director Sullivan**

**Yes  
Yes  
Yes  
Yes  
Yes**

Senior Director of Commuter Rail Modernization Programs Maribel Kelly presented information on a proposed professional services contract related to the Worcester Triple Track Design, Agenda Item 17. She described the provisions of the project and related details.

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

**VOTED:**

**To authorize the General Manager to award and execute MBTA Contract No. Z91PS25 in a form approved by the General Counsel, for certain professional services in an amount not to exceed \$27,889,788 and with a contract duration of fifty-four (54) months after Notice to Proceed.**

<b>Chairman Aiello</b>	<b>Yes</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Sullivan</b>	<b>Yes</b>

Karen Antion, Senior Program Manager for MBTA Commuter Rail Safety and Resiliency presented Agenda Item 18, a proposed contract amendment related to the Commuter Rail North Side Automatic Train Control. She stated that, due to delays caused by the pandemic, a change order to an existing contract needs FMCB approval.

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

**VOTED:**

**To authorize the General Manager, or his designed, to award and execute Amendment 1 as part of MBTA Contract No. L60PS01 in a form approved by the General Counsel, with Hatch LTK, in an amount not to exceed \$6,391,611.05, with a completion date on or before June 30, 2023.**

<b>Chairman Aiello</b>	<b>Yes</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Sullivan</b>	<b>Yes</b>

Chief Mechanical Officer Steve Hicks presented the details of a proposed contract for Dedicated Rail Crane Car Consists, Agenda Item 19. He reviewed the need for the consists and explained the short procurement window for acquiring them.

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

**VOTED:**

**To authorize the General Manager, or his designee, to award and execute MBTA Contract Number RFP 89C-20 with Geismar North America Inc., for Procurement**

**of Dedicated Rail Crane Car Consists and Flat Cars, in a form approved by the General Counsel, in the amount of \$21,483,749.**

<b>Chairman Aiello</b>	<b>Yes</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Sullivan</b>	<b>Yes</b>

For Agenda Item 20, Board Member Comment, each Director spoke individually about the FMCB and the MBTA and the progress made during the FMCB's existence. Each Director thanked their fellow members and the staff for their hard work in making the MBTA better place and expressed their aspirations for the MBTA's future.

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

**VOTED: To adjourn the FMCB at 3:54 PM.**

<b>Chairman Aiello</b>	<b>Yes</b>
<b>Vice-Chair Tibbits-Nutt</b>	<b>Yes</b>
<b>Director Kornegay</b>	<b>Yes</b>
<b>Director Lang</b>	<b>Yes</b>
<b>Director Sullivan</b>	<b>Yes</b>

Documents relied upon for this meeting:

**MassDOT Board:**

- June 21, 2021 MassDOT Agenda
- Secretary Jamey Tesler's Report to the MassDOT Board, June 21, 2021
- Highway Administrator's Report, May 2021
- RMV Update
- Rail and Transit Division Board Report
- Aero Division Board Report
- FY 22 Budget
- Sumner Tunnel Vent Building Contract
- Sumner Tunnel Board Summary
- Route 28 – Cambridge/Somerville Contract
- Route 28 – Cambridge/Somerville Staff Summary

**Joint Board:**

- June 21, 2021 Joint MassDOT and FMCB Agenda

- May 24, 2021 Joint Meeting Minutes
- CIP Presentation for Joint Boards June 21, 2021

**FMCB:**

- June 21, 2021 FMCB Agenda
- General Manager's Report
- Safety Update
- Supplemental Memo – Safety Update
- Green Line Transformation Update
- GLT – Amendment to Professional Services Contract with Mott MacDonald
- Staff Summary – GLT – Amendment to Professional Services Contract with Mott MacDonald
- Worcester Triple Track Design – Professional Service Contract
- Commuter Rail North Side Automatic Train Control – Amendment to Contract with Hatch LTK
- Dedicated Rail Crane Car – Contract with Geismar North America, Inc.
- Staff Summary – Dedicated Rail Crane Car – Contract with Geismar North America, Inc.