



**MASSACHUSETTS  
BAY  
TRANSPORTATION  
AUTHORITY**

*Board of Directors*  
Transportation Building  
Ten Park Plaza  
Boston, Massachusetts 02116

**BOARD MEETING OF AUGUST 11, 2010**

At the call of the Chair, a Meeting of the Board of Directors of the Massachusetts Bay Transportation Authority was held at Ten Park Plaza, Offices of the Board, Third Floor, Boston, Massachusetts, on Wednesday, August 11, 2010 at 1:00 p.m.

There were present: Messrs. Jenkins and Whittle and the Misses Loux and Levin, being a quorum of the Board of Directors of the Authority.

Also in attendance were: the Secretary, Mr. Mullan, the General Manager, Mr. Davey, and Messrs. Mitchell, Davis, Wallace, DePaola, Trychon, Ray, Boyle and Smith and the Misses Lynds and Quinones.

The Chairman, Mr. Jenkins, presided.

The Recording Secretary kept the records of the Meeting and presented the Order of Business.

Chairman Jenkins called the 1038th Open Meeting to Order.

At this time, the Chairman announced that the General Manager would now be conducting employee recognitions. The General Manager acknowledged a group of seven MBCR employees from the Track Department. He said that the crew was working a stimulus project in Lawrence when they came to aid of local residents who noticed two homes ablaze next to the tracks. They helped evacuate the occupants of the homes. On behalf of the Board and the Secretary, the General Manager gave each individual a special citation.

The Chairman announced the start of the public comment period and introduced the first speaker, Mr. Don Summerfield of Cambridge, who addressed the Board and spoke in support of Agenda Item No. 17, the conveyance of permanent easements to the City of Cambridge for the Redundant Elevator Projects at Harvard and Porter Stations.

The next speaker, Mr. Beverly Adonis from the Transit Riders' Union (TRU) addressed the Board. He gave the Board a brief update on what TRU does.

The next speaker, Mr. Adam Machson-Carter from TRU addressed the Board. He said that they have been riding the bus this summer to find out concerns and how TRU can help in resolving the concerns. He said that approximately 35 TRU members attended a US Social Forum in Detroit, Michigan, and met with public transit riders across the country. Mr. Carter said that TRU learned that everyone is facing the same type of concerns, such as service cuts, fare increases and service issues.

The next speaker, Mr. Luis Perrone from TRU addressed the Board. He asked that the Board work with TRU to resolve some of the service issues on Bus Routes 116, 117, 112, and the 111. He asked for 100 more buses in Chelsea.

The next speakers, Mr. Anthony Rivers and Mr. Charail Premdas from TRU addressed the Board together. They spoke about bus service issues and the behavior of bus drivers.

The next speaker, Ms. Andrea O'Bryant from TRU read a statement from her mother, Ms. Taisha O'Bryant from TRU. She asked that the Chairman meet with the TRU.

The Chairman said that he would meet with TRU and would like to hear more about the meeting in Detroit and some of TRU's concerns.

Secretary Mullan pointed out that there is a regular forum and regular meetings with TRU.

Mr. Davey noted that Ms. O'Bryant is in his calendar for next week and that she had postponed a previous meeting. He noted that he had met with TRU on previous occasions and he looks forward to meeting with TRU next week.

Ms. Nancy Caruso addressed the Board on a MassDOT agenda item. She said that she supports the Development Agreement, for Parcels 2A and 2C, located in Bulfinch Triangle. Since the Stop & Shop closed 11 years ago, they have depended on shuttles to take them to the grocery store, which is restricted because of time constraints. She asked that a supermarket be a part of the planning for the Bulfinch Triangle and asked for the Board's support in approving the item.

At this time, the Chairman closed the public comment period.

(A list of speakers is provided as an attachment to these minutes.)

The Minutes of the Meeting of July 14, 2010 were approved as presented.

The General Manager, Mr. Davey, gave the General Manager's Report. He provided an update on his five priorities. He reported that employees continue to use the Safety Hotline. We implemented a Good Faith Challenge Policy which allows an employee who believes that they may be asked to perform work in an unsafe manner to call a time-out to allow the issue to be resolved. The recruitment for the Chief Safety Officer is nearly completed and a background check is being conducted on the candidate. The General Manager said that he would like to introduce the Board to the individual at the next scheduled Board Meeting. Mr. Davey noted that he held a kickoff meeting with HNTB for the Green Line Signal & Collision Avoidance Project which the Board passed two months ago to ensure that HNTB will continue to provide the Authority with long-term solutions. Mr. Davey congratulated the Transit Police for cracking down on lewd behavior which has been

the subject of media coverage.

On service, Mr. Davey congratulated the public and the MBTA employees for the 20<sup>th</sup> Celebration of the Americans with Disabilities Act. He thanked Mr. Gary Talbot, Assistant General Manager for System-wide Accessibility and his team and acknowledged the great strides made. The General Manager said that, Mr. Talbot was invited to Washington D.C. at President Obama's request for all the work he has done over his career as well as with the MBTA. He noted that, on July 22, we held a "Join the General Manager" at the Natick Station.

Reliability projects, we continue to repair ties between Park Street and Kendall Stations and appreciate our customers' patience. North Quincy platform rehabilitation is underway. We will be kicking off the overhaul of the No. 2 Red Line cars, which will be all in-house work.

The General Manager continued his remarks by stating, the third of his five goals and principles -- employees, by rolling out T-MAP, T Management and Appraisal Program for the Authority's 262 executive employees. All department heads now have their objectives for fiscal year 2011, and the executives will receive annual performance appraisal relative to the goals. Along with Secretary Mullan, the General Manager visited the Lynn Garage to speak to employees to congratulate them on the good work they are doing. He also visited the Customer Call Center to talk to the 26 employees who answer our customer concerns, provide translation services, and assist in trip planning. The General Manager said that he

held his second edition of Lunch with the General Manager. He said that he will be hiring a Deputy General Manager for Human Resources and Labor Relations, Mr. Bill Perez. The MBTA hosted a Latino Professional Networking event for recruitment purposes.

On fiscal responsibility, the General Manager said that the MBTA's goal is to beat the operating budget by 2%, and every department has that goal. He said that requests for interests were sent out on the North Station Garage. Also, that 30% of stimulus projects executed before June 2010 monies have been spent.

On innovation, the General Manager demonstrated a handheld device that has been launched with bus starters, which will show you the location of the buses. On the real time bus data initiative, we increased the number of buses released to the public and expect to have the remaining out before the next meeting. The pay for parking by phone, which was launched, in two weeks, 6,000 customers have signed up for the service. We are on target to launch Charlie on the commuter ferries by the end of summer.

On the good news front, the General Manager talked about a customer who left her violin on a Green Line trolley. He said that the individual wrote a letter, which listed a number of employees who went above the call of duty to find the 45 year old violin for the customer. The General Manager said that, the behavior is indicative of the good work that employees are doing every day.

Director Loux said that the General Manager is doing a terrific job, and she appreciates how quickly he conducted the search for a new Safety Director.

The General Manager's Report was accepted as given.

Mr. Frank DePaola, Assistant General Manager for Design and Construction presented the immediately following item concerning the Rehabilitation of Bridges over Dean Street, Sawyer Street and Coggeshall Street, New Bedford, Massachusetts.

In response to Director Whittle's concerns, Mr. DePaola explained Alternate No. 3. He said that based on the engineer's estimate, there was not enough money under the grant to assure that the Authority would get a low bid that we could award for the work of the retaining wall, which was not necessary for the passing of freight as alternates.

The Secretary noted that MassDOT owns the line and this is part of the CSX transaction and will be the first work done as part of the Fall River/New Bedford Commuter Rail project, which is a top priority for the Administration.

In response to the Chairman's inquiry in bringing jobs to the South Coastal region, Mr. DaPaola said that there will be approximately 40 construction trades' jobs during the construction and currently there is a restriction on the movement of freight in and out in New Bedford. With the replacement of these bridges, it will allow the new freight carrier, Mass Coastal, to operate or offer freight services to

more businesses in the region.

Director Whittle questioned whether there were other projects where we are taking over lines from CSX and taking on a big capital expense to upgrade the lines.

The Secretary said that we have seen this with two lines so far, the South Coast Rail, we will completely rebuild and the Grand Junction Line, we need to renovate for South and North side service.

Director Levin questioned if the South Coast Line is delayed for a substantial period, would the improvements work for freight and have benefits to the Authority.

Mr. DePaola said that we now own the right of way and with the upgrades, freight now has the ability to use the lines by the private freight carriers to market business.

The following action was taken.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager be, and he hereby is, authorized to execute in the name of and on behalf of the Authority, subject to the approval of the Massachusetts Department of Transportation (MassDOT) and in a form approved by the General Counsel, MBTA Contract No. H78CN01, Freight Railroad Bridge Improvement Project, Rehabilitation of Bridges over Dean Street, Sawyer Street and Coggeshall Street, New Bedford, Massachusetts, with A.A. Will Corporation and Affiliates, which includes the Base Package and Alternate No. 3, based upon a schedule of unit, lump sum and allowance bid prices, said contractor being the lowest responsible and eligible bidder in response to requests for sealed proposals; and to amend the Authority's Capital Investment (CIP) for fiscal years 2011-2015 to include the economic stimulus projects, for a sum not to exceed \$13,335,631.60.

On the immediately following item concerning the Fairmount Corridor Improvements Project, Director Whittle questioned why there is no DBE participation. Mr. DePaola said that, since this is 100% state funded, we have not gone through the analysis to determine what the DBE percentage should be. Therefore, we cannot make it a contract threshold requirement. Ms. Mary Fernandes, Assistant General Manager for Organizational Diversity and Civil Rights has initiated a process of getting analysis done so that we can set goals on MBTA on state-funded projects.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager be, and hereby is, authorized to execute in the name and on behalf of the Authority, subject to the approval of the Massachusetts Department of Transportation (MassDOT) and in a form approved by the General Counsel, MBTA Contract No. H74CN07, Fairmount Corridor Improvements Project – Talbot Avenue Commuter Rail Station and Talbot & Woodrow Avenue Bridge Replacements Project, Boston, Massachusetts, with Barletta Heavy Division, Inc., for a sum not to exceed \$15,900,000.00.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager be, and hereby is, authorized to execute in the name and on behalf of the Authority, subject to the approval of the Massachusetts Department of Transportation (MassDOT), and in a form approved by the General Counsel, MBTA Contract No. S46CN01, Red Line North Quincy Station Platform Repairs, with LM Heavy Civil Construction, LLC, based upon a schedule of unit, lump sum and allowance bid prices, said contractor being the lowest responsible and eligible bidder in response to response to requests for sealed proposals, for a sum not to exceed \$1,167,442.00.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager be and hereby is, authorized to execute in the name and on behalf of the Authority, subject to the approval of the Massachusetts Department of Transportation (MassDOT) and in a form approved by the General Counsel, MBTA Contract No. W46CN01, Braintree Station Platform Structural Repairs, with LM Heavy Civil Construction, LLC, for a sum not to exceed \$1,699,506.00 based upon a schedule of unit, lump sum and allowance bid prices, said contractor being the lowest responsible and eligible bidder in response to requests for sealed proposals.

On the immediately following item concerning the Fairmount Corridor Improvements Project, Director Levin questioned a statement in the backup information referring to authorization levels. Mr. DePaola said that under his delegated authority and when the project was awarded two months ago, he had the authority to execute agreements up to a certain amount.

The Board discussed the Board Regulations and clarified the delegated authority for staff. Mr. Mitchell said that the General Manager has delegated to certain executives under his control and to certain levels of authority, and Mr. DePaola has authority of \$100,000. This is for a separate body of work and he had the authority.

Director Levin said that everyone should be aware of the rules and made aware of the rules.

In response to the Chairman's inquiry, Mr. DePaola explained the difference between a change order and an amendment.

On motion, duly made and seconded, it was unanimously

**VOTED**: That the General Manager be, and he hereby is, authorized in the name of and on behalf of the Authority, subject to the approval of the Massachusetts Department of Transportation (MassDOT) and in a form approved by the General Counsel, Amendment No. 16 to MBTA Contract No. G74PS01, Fairmount Corridor Improvements Project, with Edwards and Kelcey, Inc., for Phase V – Construction Phase Services, to provide necessary and customary engineering support for the construction of the Four Corners Commuter Rail Station, Newmarket Commuter Rail Station, Talbot Avenue Station and Talbot & Woodrow Bridge Replacement, the Neponset River Bridge Replacement and an extension to the contract completion date to December 30, 2012, for an estimated sum not to exceed \$2,621,860.00.

Director Loux noted that the immediately following contract for the Blue Line Modernization Project, was initially procured in 2005 and questioned how Mr. DePaola familiarize himself with project that is ongoing. Mr. DePaola explained that, as he has been going through open contracts and through a budget exercise, he has compiled a financial exposure on the jobs. We are trying to determine trends that cause the cost increase. Mr. DePaola said that, Authority staff is identifying a set of lessons within the department and going forward with our consultants to address the items in order to mitigate their impact on future jobs. He said that many jobs were awarded before the BCIL Agreement and before AFC implementation.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager be, and he hereby is, authorized to execute, in the name of and on behalf of the Authority, subject to the approval of the Massachusetts Department of Transportation (MassDOT) and in a form approved by the General Counsel, Change Order No. 72 to MBTA Contract No. S10CN04, Blue Line Modernization Project, Maverick Square Station and Blue Line Vents, East Boston, Massachusetts, with J.F. White Contracting Company, for Emergency Red Line Leak Repairs between Harvard Station to Alewife Station for a lump sum of \$188,726.09.

In response to the Chairman's inquiry, Mr. DePaola explained the errors and omissions process. Mr. DePaola explained that when the Authority feels that items should be addressed as an error or omission, there is a committee that at the end of the job, reviews the items to determine if money is due back to the agency as a result of any of their actions. We then negotiate a settlement and closeout of the job.

As background, the Secretary asked that Mr. DePaola provide the Board with a summary on the success of cost recovery. The following action was taken.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager be, and he hereby is, authorized to execute, in the name of and on behalf of the Authority, subject to the approval of the Massachusetts Department of Transportation (MassDOT) and in a form approved by the General Counsel, Construction Quantity Variance Report No. 801 to MBTA Contract No. A21CN03, Light Rail Accessibility Program, Arlington/Copley Stations, Green Line, Boston, Massachusetts, with J.F. White Contracting Company, Inc., for a lump sum of \$2,203,696.92.

Mr. Dan Smith, Deputy Director of Materials, presented the immediately following item concerning the replacement of a roof at Back Bay Station.

In response to the Chairman's inquiry, Mr. Smith said that the warranty is with Built-Up Roofing, LLC.

On motion, duly made and seconded, it was unanimously

**VOTED**: That the General Manager be, and he hereby is, authorized to execute, in the name of and on behalf of the Authority, subject to the approval of the Massachusetts Department of Transportation, and in a form approved by the General Counsel, a contract with Built-Up Roofing, LLC, of Hyde Park, Massachusetts, to replace the roof at Back Bay Station, at a total cost not to exceed \$992,000.00; said company being the lowest responsive and responsible bidder in reply to an Invitation for Sealed Bids.

The Secretary asked that the General Manager arrange for a presentation on this project. This is an in-house MBTA retrofit of the Red Line cars. It is great for our workers and jobs. The General Manager said that he and his team are planning an event in early September to invite the Board. He said that he will extend the invitation to the Governor and Lieutenant Governor. The following action was taken.

On motion, duly made and seconded, it was unanimously

**VOTED**: That the General Manager be, and he hereby is, authorized to execute, in the name of and on behalf of the Authority, and in a form approved by the General Counsel, a contract with the Penn Machine Company, of Carnegie, Pennsylvania, for the purchase of No. 2 Red Line Car gear units, at a total cost not to exceed \$832,440; said company being the low responsive and responsible bidder in reply to an Invitation for Sealed Bids.

On motion, duly made and seconded, it was unanimously

**VOTED**: That the General Manager be, and he hereby is, authorized to execute, in the name of and on behalf of the Authority, and in a form approved by the General Counsel, a contract with VAE Nortrak North America, Incorporated, of Birmingham, Alabama, for the purchase of 23 turnouts for the Blue Line's Orient Heights Yard, at a total cost not to exceed \$966,422.

Mr. Steve Trychon, Deputy Director of System-wide Maintenance and Improvements, presented the immediately following item concerning the maintenance of the Authority's Wide Area Network. The following actions were taken.

On motion, duly made and seconded, it was unanimously

**VOTED**: That the General Manager be, and he hereby is, authorized to execute a formal contract, in the name of and on behalf of the Authority, and in a form approved by the General Counsel, a contract with Intelligent Systems & Controls Contractors, Inc., of Canton, Massachusetts for the procurement of the first option year of IFB 70-08 for the corrective and preventive maintenance of the Authority's Wide Area Network, for a sum not to exceed \$680,400.00.

On motion, duly made and seconded, it was unanimously

**VOTED**: That the General Manager be, and he hereby is, authorized to execute, in the name of and on behalf of the Authority, and in a form approved by the General Counsel, a contract with Intelligent Systems & Controls Contractors, Inc., of Canton, Massachusetts, for the procurement of the first option year of IFB 25-08 for the maintenance of the Authority's Closed Circuit Television and Supervisory Control and Data Acquisition Systems to provide corrective and preventive maintenance for a sum not to exceed \$693,125.00.

Mr. John Ray, Senior Director of Operation's Contract Services presented the immediately following item concerning an Extra Work Project Initiation Agreement with the Massachusetts Bay Commuter Railroad Company.

The Chairman questioned whether the contract was bid. Mr. Ray said that the procurement of the radios were bid, however, the work will be conducted by MBCR employees.

The Secretary questioned whether all radios need to be converted at the same time. Mr. Ray said that 903 of our radios are compliant at this time, and they are compatible today.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Counsel be, and he hereby is, authorized to execute, in the name of and on behalf of the Authority, and in a form approved by the General Counsel, two or more Project Initiation Forms with the Massachusetts Bay Commuter Railroad Company, at a total cost not to exceed \$1,200,000.00.

Mr. Mark Boyle, Assistant General Manager for Real Estate and Planning, presented the immediately following item concerning a 99-year lease with the City of Peabody.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager be, and he hereby is, authorized in the name of and on behalf of the Authority, and in a form approved by the General Counsel, to enter into a Ninety-nine (99) year Long Term Lease Agreement, and any and all other instruments deemed necessary for the long term lease of that certain section of abandoned railroad right of way consisting of approximately 2.7 miles known as the Newburyport Branch, extending from the Lynnfield/Peabody line to the Peabody/Danvers line and shown on Valuation Plans, V7.3, sheets 5, 6, 7 and 8 with the City of Peabody for nominal consideration and solely for use as an Alternative Transportation Corridor open to the public. Said Lease Agreement and any other necessary instruments and documents shall contain such other terms and conditions as determined to be necessary and/or advisable by the General Counsel.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager be, and he hereby is, authorized to, in the name of and on behalf of the Authority, and in a form approved by the General Counsel, to execute an easement agreement and any and all other instruments deemed necessary for (1) the conveyance of a permanent easement of approximately 4,415 square foot parcel of land within the MBTA's right of way under the Fitchburg Main Line and two permanent easements of approximately 5,217 square feet of land and 11,478 square feet of land within the MBTA's inactive Fitchburg Cut to the City of Cambridge, its successors and assigns as shown on plans prepared by SEA Consultants, Inc. and as an equal exchange accept four permanent easements from the City of Cambridge at Harvard Station's Brattle Street kiosk of approximately 195 square feet, 288 square feet, 27 square feet and 418 square feet and two permanent easements at Porter Station along Somerville Avenue of approximately 4 square feet and 0.5 square feet as shown on plans prepared by SEA Consultants, In. and C & C Consulting Engineers, LLC. Said easement agreements and any other necessary instruments and documents shall contain such other terms and conditions as determined to be necessary and/or advisable by the General Counsel.

At the call of the Chair, a Roll Call Vote was taken, whereby it was unanimously

**VOTED:** To meet in Executive Session.

The Chairman announced to those present that the purpose of the Executive Session was to consider real estate, personnel and potential litigation matters; also, that the Board would not reconvene in Open Session following Executive Session.

On motion, duly made and seconded, it was unanimously

**VOTED**: To adjourn the 1038th Open Meeting.

The meeting adjourned at 2:35 p.m.

A true record.

Attest:

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Yolanda L. Reed  
Recording Secretary  
Board of Directors of the  
Massachusetts Bay Transportation  
Authority

**AUGUST 11, 2010**

**SPEAKERS DURING PUBLIC COMMENT PERIOD**

1. Mr. Don Summerfield, Cambridge Resident
2. Mr. Beverly Adonis, TRU
3. Mr. Adam Machson-Carter, TRU
4. Mr. Luis Perrone, TRU
5. Mr. Anthony Rivers, TRU
6. Mr. Charail Premdas, TRU
7. Ms. Andrea O'Bryant, TRU
8. Ms. Nancy Caruso, Boston Resident