

**MASSACHUSETTS  
BAY  
TRANSPORTATION  
AUTHORITY**

10620

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

**BOARD MEETING OF JUNE 2, 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, June 2, 2010 at 1:05 p.m.

There were present: Messrs. Jenkins, Alvaro and Whittle and the Misses Loux and Levin, being all members of the Board of Directors of the Authority.

Also in attendance were: the General Manager, Mr. Davey, the Secretary, Mr. Mullan and Messrs. Mitchell, Davis, Wallace, DePaola, Turcotte, Clark, Ray, Boyle and Johnson and the Misses Dullea, Hinton and Charles.

The Chairman, Mr. Jenkins, presided.

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

Chairman Jenkins called the 1036th Open Meeting to Order.

The Chairman announced the start of the public comment period and introduced the first speaker, Mr. Bill Scanlon, Mayor of Beverly, Massachusetts. Mayor Scanlon addressed the Board regarding Agenda Item Nos. 4 and 5, which pertains to the Beverly Depot Station Parking Garage. He said that the citizens of Beverly support the garage. Mayor Scanlon pointed out that Governor Patrick supports the initiative and has visited Beverly with some of his cabinet members and announced that the garage will go forward.

The next speaker, State Representative Ms. Mary Grant, addressed the Board and spoke in support of Agenda Item Nos. 4 and 5, the Beverly Depot Station Parking Garage.

The next speaker, Mr. Stephen Burm, from the Office of Representative Garrett Bradley, addressed the Board regarding an Other Business item on the Agenda regarding his support of the Service Delivery Policy. Representative Bradley's statement will be filed with the records of the meeting.

The next speaker, Mr. John Cappuccio from the Transit Riders Union (TRU) addressed the Board and spoke in support of Agenda Item No. 6, the Blue Line Modernization Project. He also stated that there continues to be overcrowding on the bus.

The next, speaker, Mr. Michael Miles, from the Bartlett Project Review Committee, addressed the Board regarding an Executive Agenda Item on the Bartlett Yard Project. He spoke in support of the project and asked that the Board vote favorably for the amendment.

Mr. Darnell Williams, from the Urban League of Eastern Massachusetts, addressed the Board regarding the Bartlett Yard Project. He said that as the Chairman of the committee he asked that the Board vote in favor of the amendment, noting that the project is an opportunity to reinvest in Roxbury. He urged that the project go forward. Mr. Williams said that there are several members from the committee in attendance who will also urge the Board to support the amendment.

Ms. Marilyn MacNab, a Boston resident, addressed the Board regarding accessibility issues and asked that the Board support Agenda item No. 3. She also asked that the Board support the Boston Disability Commission. She noted that this is the 20<sup>th</sup> year of the Americans with Disability Act, and pointed out that there is a meeting in Boston on Monday, July 26<sup>th</sup> from 12-3 p.m. and invited the Board to attend. She thanked the General Manager and the Secretary for their enthusiasm to ensure that all individuals attending the celebration will have a safe and enjoyable ride to and from the event.

Ms. Katherine Gallagher from Roslindale addressed the Board regarding Bus Route #32. Ms. Gallagher asked that vertical and horizontal bars be installed on the bus. She submitted a petition in support for the installation of the bars on the bus.

The next speaker, Mr. Bruce Bolling from Mass Alliance addressed the Board regarding the Bartlett Yard Project. He said that the amendment is critical and necessary for the project to move forward. Mr. Bolling pointed out that the amendment would create new jobs and economic development for community.

The Chairman invited all speakers into the room. He thanked everyone for their comments thereby acknowledging the speakers that did not have an opportunity to speak. The Chairman said that the Board heard and understood that the community strongly supports the Bartlett Yard Project.

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 May 5, 2010 were approved as presented.

Mr. Davey said that in lieu of a General Manager's report, he provided the Board with a Scorecard booklet relating to safety, service, employees, fiscal responsibility and budget. He asked the Board for their feedback.

At this time, Mr. Davey introduced staff that would be conducting the presentation regarding the Green Line Safety Review. Mr. Brian Dwyer, Acting Safety Director and Ms. Anna Barry, Senior Director of Vehicle Engineering, along with Ms. Kate Devaney provided the Board with an overview of the recommendations and the MBTA's response to those recommendations.

Ms. Anna M. Barry introduced the Presentation and noted that the slides on the National Transportation Safety Board (NTSB) Findings would be omitted and that staff would proceed right to the MBTA's actions in response to the recommendations.

Ms. Kate Devaney, Director of Occupational Health and Safety, described the MBTA's process for obtaining medical history and identifying employees at risk for sleep disorders prior to the NTSB report. This included medical history forms and physician medical examination. She then described the improvements the Authority has implemented in response to the NTSB recommendations. These improvements include use of the Epworth Sleepiness Scale and a Sleep Apnea Questionnaire, and an enhanced treatment compliance program, in addition to prior strategies currently underway.

Ms. Devaney reviewed the Authority's improvements in our identification of Operators at risk for sleep disorders, including application of Commercial Driver's License requirements to all Operators and training for managers in Reasonable Suspicion.

Ms. Devaney addressed several questions from Directors Loux and Levin about the effectiveness of the fatigue-related innovations.

Ms. Barry addressed the operational recommendations of the NTSB. These included new or improved requirements for reporting of defective and red signals and the procurement of hand-held devices for signal maintenance crews who repair defective signals. Also, the MBTA now requires the Operator of the front car of a Green Line Train to report to other Operators in the train the indication of signals and the intended response. Ms. Barry responded to questions of Director Loux about the nature of the changes in procedures. She also described the Authority's program for the implementation of Positive Train Control (PTC) on the Green Line. Director Whittle requested clarification on the PTC timetable, which Ms. Barry and the General Manager, Mr. Davey addressed.

Ms. Kate Devaney next described the improvements to the MBTA's Fatigue Awareness Program and plans to effectively monitor its implementation.

The 2009 APTA Peer Review of Operators Hiring, Training and applicability of PTC technologies to the Green Line was the next subject. Ms. Anna Barry discussed recommendations on Employment Lottery awareness, Operator hiring interviews and driver's license requirements for Heavy Rail Operators, which are being implemented. The Peer Review team, she said, praised the Authority's Training Programs and offered suggestions for continued progress.

Mr. Brian Dwyer, Director of Light Rail Operations and Acting Director of Safety, discussed the Peer Review conclusions concerning PTC implementation, including creation of an Authority-wide Task Force to ensure all stakeholders are included. They also recommended that the MBTA update its hiring, training and maintenance practices to address the anticipated technology upgrades.

Mr. Dwyer also reviewed the APTA comments on the Safety Rules Compliance Program, accident investigation procedures, Special Orders and the employee recertification process.

In the interest of time, the General Manager conveyed to the Board the balance of the presentation materials that contained information about other safety initiatives.

The Chairman said that discussions are ongoing and noting that safety is the Authority's No. 1 priority.

The General Manager's Report was accepted as given.

At this time, the Chairman announced that Mr. Mark Boyle, Director of Real Estate will be presenting the Executive Agenda Item regarding the amendment to Bartlett Yard Sale. Mr. Boyle explained the payment structure for the property.

Mr. Boyle said that, due to the current economic conditions and the cost of environmental remediation exceeding earlier estimates, the buyer has requested that the terms of the deal be restructured once again to enable their acquisition and development of the property.

Mr. Boyle said that, if approved, the changes will allow this important community project to move forward, which includes 312 units of mixed-income housing, new commercial space, job creation, and increased tax revenue for the City.

Director Alvaro questioned whether the MBTA currently has an obligation to support the remediation process. Mr. Boyle said that the current purchase and sale agreement does not support the remediation process which is a significant change to the amendment. Mr. Boyle said that \$500,000 of the payment would be placed in an environmental remediation escrow account which would be used to assist the buyer with the over \$1,000,000 in clean-up costs now needed.

Secretary Mullan pointed out that it is creative ways to jump start the project with the MBTA's assistance of the \$500,000 payment.

Mr. Boyle explained the due diligence that was done and the environmental testing of the property. Mr. Boyle said that the developer has indicated that the financing is now in place and with the phasing of the project they will not have to purchase and finance the entire project at once. They are using a five phase

approach.

In response to inquiries from the Board, Mr. Boyle explained that there is a significant amount of retail space which would create a number of jobs. Ms. Marcia Thurmbull from Nuestra Comunidad stated that over a five-year period, there will be approximately 200 construction jobs. The following action was taken.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the November 1, 2007 and January 14, 2009 MBTA Board of Directors votes approving the sale of the MBTA land located at 2565 Washington Street in Boston (known as "Bartlett Yards") to Bartlett Yards, LLC ("Buyer") be amended to provide that (i) the First Mortgage be payable to the MBTA at an interest rate of 2.5% per annum; (ii) that payments to be made under the \$3,000,000 First Mortgage to the MBTA shall be paid prior to the release of the Buyer's respective development phase for the project over seven years as follows: Phase 1- \$1,575,000, Phase 2 -\$486,000, Phase 3 - \$504,000, Phase 4 -\$435,000, and Phase 5 -All Accrued Interest; and (iii) \$500,000 of the MBTA's closing proceeds shall be placed in escrow for the purpose of reimbursing the Buyer for up to fifty percent (50%) of its costs incurred for the environmental remediation of the Property, not to exceed \$500,000; and

That 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 execute an amendment to the Purchase and Sale Agreement with the Buyer dated June 27, 2008, as amended, and any other necessary instruments and documents which shall contain such other terms and conditions as determined to be necessary and/or advisable by the General Counsel.

Mr. Frank DePaola, Assistant General Manager for Design and Construction presented the immediately following item concerning the Final Design and Construction Phase Services for the Government Center Station – Green Line/Blue Line. 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. A20PS02, Final Design and Construction Phase Services, Government Center Station Project – Green Line/Blue Line, with HDR Engineering, Inc., for an estimated sum not to exceed \$6,497,130.00 with a completion date of sixty (60) months from the date of the Notice to Proceed.

Regarding the immediately following item relating to the Beverly Depot Station Parking Garage, Director Levin questioned the high cost per parking space indicating that the Board should discuss whether the regular method of putting the contract out to bid would benefit the Authority rather than the Construction Manager at Risk (CMR) method. Mr. DePaola said that, as of today, the Authority does not have a design and it would take time to put bid documents together under the traditional method. We are not sure that the construction market would be as aggressive as today's market. If the documents were ready today he said that he would agree with Director Levin.

Director Alvaro reminded Mr. DePaola of a request made at last month's meeting regarding bid estimates, engineering estimates and final contract cost. Director Alvaro questioned if the CMR process would give the Authority a positive result, noting that the Authority will be billed on a lump sum basis thereby limiting change orders. Mr. DePaola said that the advantage is that it shares the risk of cost control and that the price would change if there is a change in site conditions. Mr. DePaola said that the CMR process has become the primary delivery method for state buildings because of cost control and that the delivery period is shorter.

Secretary Mullan requested that Mr. DePaola report back to the Board in the as to how the CMR project is progressing. The following action was taken.

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, permission to utilize the Construction Manager at Risk as an alternative project delivery method for the Beverly Depot Station parking garage.

In response to the Chairman's inquiry regarding the immediately following item concerning the Beverly Depot Station Parking Garage, Mr. DePaola explained the process he used for authorization levels and the design phases of the project as it relates to the budget.

Director Levin requested information regarding a demand analysis to justify the assumptions of the parking spaces, overall plan for parking management, cost per space for this garage, number of bicycles, and parking management plan as a whole for parking garages. The following action was taken.

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, Amendment No. 2 to MBTA Contract No. Z92PS25, General Engineering Consulting Services, Group C, Task Order, with AECOM USA, Inc., for Phase I – (0%-15%) and Phase II – (15%-30%) Preliminary Engineering Services for the design of the Beverly Depot Station Parking Garage, for an estimated sum not to exceed \$973,287.00 and an extension of the contract completion date to December 16, 2010, subject to the execution of an Interagency Agreement (ISA) between MassDOT and the MBTA.

Regarding the immediately following item concerning the Blue Line Modernization Project, the Chairman questioned the number of change orders and the increase in the contract value. Mr. DePaola explained the reasoning noting that the contract scope was changed because of accessibility concerns.

Director Alvaro noted that the Finance and Audit Committee has tasked Mr. DePaola and his staff to review the construction management bid processes.

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, Change Order No. 68 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 to replace paving around Maverick Square Headhouse with a Stamped Concrete Sidewalk for the Maverick Square Plaza for a lump sum of \$120,023.48.

Mr. Robert Johnson, Director of Materials, presented the immediately following item concerning the purchase of railroad ties for the Old Colony Line. In response to Director Alvaro's inquiry, Mr. William Mitchell, General Counsel, said that the Authority has filed a complaint and are proceeding with discovery. The Secretary recommended that the General Manager provide a service plan to the Board for the replacement of the railroad ties.

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 place an order with Stella-Jones, Inc., of Ripley, West Virginia, for the purchase of 187,600 pre-plated treated railroad crossties for the Old Colony Lines, at a total cost not to exceed \$27,260,156.00.

Ms. Cheryl Hinton, Director of Bus Operations, presented the immediately following item concerning the purchase of non-revenue service and maintenance vehicles. The following action was taken.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the General Manager or his designee, 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, and to procure a total of 27 various types of non-revenue vehicles at a total cost not to exceed \$1,956,454.00 in FY2011; and authorization to purchase through MBTA Revenue Bond funds under Grant R04A05-V90.

Regarding the immediately following item concerning the Smart Bus Mobile Equipment Maintenance services, Director Alvaro questioned the funding source and how the funds were budgeted. The General Manager said that the funds were budgeted for in the fiscal year 2011 operating budget. The General Manager went on to say that the Authority is required to provide the service as part of the Boston Center for Independent Living agreement. 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, with RL Controls, LLC to provide Smart Bus Mobile Equipment Maintenance services, for a three year period commencing October 1, 2010, at a total cost not to exceed \$1,732,656.00.

On motion, duly made and seconded, it was unanimously

**VOTED:** To remove Agenda Item No. 10 from the **TABLE** of the March 3, 2010 Meeting concerning the Green Line Positive Train Control Alternatives Analysis.

At this time, Mr. Michael Turcotte, Director of System-wide Maintenance and Improvements, presented the immediately following item concerning the Green Line Positive Train Control Alternatives Analysis. Mr. Turcotte explained the three phases of the project.

Director Loux expressed concern regarding the proposal as presented and requested that the General Manager give the implementation of the PTC and the ongoing analysis his personal attention and oversight. Mr. Davey addressed the timetable concerns noting that staff has informed HNTB that 24 months was not acceptable. Mr. Davey said that he would provide the Board with updates.

The Board expressed concern regarding the time period and requested that the vote be amended to a contract completion date of 20 months.

Director Loux said that APTA rates the Green Line ridership as the highest in the United States noting that the Green Line is unique. She asked what the three biggest challenges were and asked Mr. Turcotte for a plan on the challenges. Mr. Turcotte said that trying to implement technology without affecting operations is a challenge. He said that because of the uniqueness of the Green Line they want to ensure that everything is done right and on a one-time basis. He said that, headways, double birthing, and bottlenecking also creates challenges.

The General Manager said that the heavy rail and light rail divisions are now split and a senior manager is now dedicated to work on each division. The following action was taken as amended.

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 and on behalf of the Authority for an estimated sum not to exceed \$2,226,604.00, a contract with HNTB to perform a Positive Train Control Alternatives Analysis for the MBTA's Green Line; with a contract completion date of 20 months from the Notice to Proceed.

Mr. Randy Clark, Director of Security Initiatives, presented the immediately following item concerning a contract to furnish and deliver 300 Hand Carried Portable Radios.

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 Comtronics Wireless Communications of Quincy, Massachusetts, to furnish and deliver 300 handheld 800 MHz digital trunked portable EDAC IP portable radios for a total delivered net cost of \$744,582.00; said company being the low responsive and responsible bidder in reply to an Invitation for Bids.

Mr. John Ray, Director of Railroad Operations, presented the immediately following item concerning contracts to support the installation of electric layover, compressed air, pavement and lights on tracks, 1, 2 and 3 of Yard 61 located in South Boston, Massachusetts. Mr. Ray said that this item would allow Railroad Operations to procure the materials and services necessary to update Yard 61 for the mid-day storage of equipment in compliance with the Massachusetts train idling regulation 310 and Code of the Massachusetts Regulations, as part of the pending

2010 Consent Decree between the United States of America and the MBTA. He said that Yard 61 consists of storage tracks that can easily accommodate the storage of coaches and locomotives. 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, to award two (2) or more contracts in support of the installation of electric layover power, compressed air, pavement and lights on track #1, #2 and #3 located at the Service and Inspection East facility (S&I-E), South Boston, Massachusetts for a value not to exceed \$3,500,000.00.

Regarding the immediately following item concerning the purchase of locomotives, Mr. Ray explained the process of the purchase and how the locomotives became available to the MBTA. He said that the item would authorize the General Manager to purchase up to four passenger service locomotives and lease up to seven. Mr. Ray said that modifications would cost approximately \$3,500,000 which is necessary for entry into the MBTA service. He said that, modifications include paint and color scheme, ACSES Control Systems required to operate out of South Station, MBTA approved two-way radios, head end power engines, and delivery and transport costs to Boston. Mr. Ray noted that the locomotives were built in 2010. He said that the purchase will require transfer of warranty to the MBTA. 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, to purchase up to four (4) passenger service locomotives and/or lease up to seven (7) passenger service locomotives, or any combination thereof, from Utah Transit Authority, for amount not to exceed \$14,000,000.00.

Mr. Ray said that the immediately following item seeks authorization to finalize and execute a Trackage Rights Agreement between the MBTA and Pan Am Railways, Inc., and an identical agreement with Pan Am Southern. These agreements will allow the commuter rail to operate revenue service to Wachusett Station and Layover. The Agreement will also provide the MBTA with the right to use the other properties immediate for non-revenue trains.

Director Loux commended Mr. Ray for his good work. Mr. Ray said that the agreement has taken approximately 5 years to negotiate.

The Secretary said that you will now see the MBTA dominating the use of the line. He said that there will be significant opportunities and that this agreement will give the Authority increased service in the future and additional use to North Station from the west. The following action was taken.

On motion, duly made and seconded, it was unanimously

**VOTED:** That the Board of Directors authorize the General Manager, with the advice of the General Counsel, to (1) finalize and execute a Trackage Rights Agreement (the "Agreement") between the MBTA and Pan Am Railways, Inc. ("PAR") and Pan Am Southern, LLC ("PAS", and individually and collectively with PAR, "Pan Am"), which will govern operations on the following rights of way: Freight Main Line to Wachusett Station and Layover; Freight Main Line to Plaistow, New Hampshire to relocate the Bradford Layover including a station stop in Plaistow; Freight Main Line from the MBTA's Haverhill Line in Andover to the MBTA's Lowell Line in Lowell; Freight Main Line from the MBTA's New Hampshire Main Line in Chelmsford to the MBTA's Main Line in Ayer/Littleton; Worcester Main Line from the MBTA's Fitchburg Main Line in Ayer to the Worcester Union Station (2) execute such documents as are required to eliminate the requirement that Pan Am pay trackage rights fees on properties currently governed by the 1976 Deed; and (3) to execute all other documents and

undertake all other actions necessary or desirable for the implementation of the Agreement; all documents to be in a form to be approved by the General Counsel.

Mr. Ray presented the immediately following item concerning an Operating Agreement between MassDOT, the MBTA and the Massachusetts Coastal Railroad. He said that the item will authorize the General Manager to finalize and execute an Operating Agreement between MassDOT, the MBTA and Massachusetts Coastal Railroad LLC, that governs the rights and responsibilities of each of them with respect to the South Coast Rail Properties, including liability allocation. Mr. Ray said that a final update to the Board will be given regarding the impending acquisition of the properties from CSX Transportation, Inc (CSXT).

Mr. Ray said that the previous authorizations by the Board at its October 10, 2008 and October 8, 2009 meetings were approved. Since October 2009, the MBTA has been involved in an intensive due diligence process required prior to the First Closing. The MBTA has conducted an extensive due diligence effort, reviewing environmental conditions on the Properties. He said that MassDOT will acquire the First Closing Properties in an "as-is" condition, with CSXT agreeing to split costs of future remediation 50/50, up to a maximum contribution by CSXT of \$8,500,000. Mr. Ray said that, in light of the arrangement between CSXT and MassDOT with respect to environmental conditions and remediation, the MBTA agreed in the Definitive Agreement to provide a release of environmental claims.

Director Alvaro questioned whether the cost of the environmental remediation is known at this time. Mr. Ray said that, test showed that the conditions were what was expected for the railroad and that there were no reportable conditions.

The Secretary said that we are making good progress with CSX along with good investments for the future. 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, an Operating Agreement governing the South Coast Rail Properties between the MBTA and the Massachusetts Coastal Railroad LLC.

Under Other Business, Ms. Melissa Dullea, Director of Planning and Schedules, presented the MBTA's Service Delivery Policy. The following action was taken.

On motion, duly made and seconded, it was unanimously

**VOTED:** Whereas the MBTA Board of Directors adopted the Service Delivery Policy in September 1996, and amended said policy in 2002, 2004, 2006, and 2009; and whereas this policy directed that revisions may be appropriate based on experience using these guidelines, and whereas the policy requires that all changes to the Service Delivery Policy be approved by the Board of Directors, that the MBTA Board of Directors hereby endorses the proposed modifications to the Service Delivery Policy and directs the General Manager to implement the modifications contained therein.

At this time, Director Loux requested an update on the ROTEM contract regarding the purchase of 75 high-capacity coaches manufactured by Hyundai/Rotem, International.

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 1036th Open Meeting.

The meeting adjourned at 4:10 p.m.

A true record.

Attest:

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

**JUNE 2, 2009**

**SPEAKERS DURING PUBLIC COMMENT PERIOD**

1. Mayor Bill Scanlon, Mayor of Beverly
2. Representative Mary Grant, Beverly, MA
3. Mr. Stephen Burm, Office of Rep. Garrett Bradley
4. Mr. John Cappuccio, TRU
5. Mr. Michael Miles, Bartlett Project
6. Mr. Dan Richardson, Roxbury Strategic Master Plan
7. Mr. Darnell Williams, Urban League of Eastern Massachusetts
8. Ms. Marlena Richardson, Garrison – Trotter Neighborhood
9. Mr. David Price, Nuestra Comunidad
10. Mr. Michael J. Washington, MWA Architects
11. Ms. Marilyn MacNab, Boston Resident
12. Mr. Darren Howell, Office of Boston City Councilor Chuck Turner
13. Ms. Katherine Gallagher, Jamaica Plain Resident
14. Mr. Scotland Willis, Roxbury Resident
15. Mr. Bruce C. Bolling, Mass Alliance