

MINUTES

BOARD MEETING OF NOVEMBER 3, 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, November 3, 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, Boyle and Johnson and the Misses Quinones, Lynds 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 1041st Open Meeting to Order.

Board of Directors

John R. Jenkins, Chair • Ferdinand Alvaro, Jr. • Elizabeth Levin • Janice Loux • Andrew Whittle

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 of potential litigation and safety matters; also, that the Board would reconvene in Open Session following Executive Session.

On motion, duly made and seconded, it was unanimously

VOTED: To reconvene the Open Meeting.

The 1041st Open Meeting reconvened at 1:35 p.m.

The Chairman announced the start of the public comment period and introduced the first speaker, Ms. Kate Fitzpatrick, Town Manager from the Town of Needham, who addressed the Board. Ms. Fitzpatrick spoke in support of Agenda Item No. 11, regarding a land swap for Needham Heights Commuter Parking Lot and Upper Hersey Commuter Parking Lot. She noted that the proposed land swap will allow the Town of Needham to locate a senior center on the land. Ms. Fitzpatrick asked that the Board support Agenda Item No. 11.

The next speaker, Ms. Kathleen Ziegenfuss from the City of Somerville, addressed the Board in support of Agenda Item No. 7, a 99-year Long Term Lease Agreement with the City of Somerville for land use as an Alternative Transportation Corridor, a.k.a. Rail Trail. She asked that the Board support Agenda Item No. 7.

The next speaker, Mr. Adam Bellefontaine from the City of Revere addressed the Board regarding Agenda Item No. 8, a 99-year Long Term Lease Agreement with the City of Revere for land use as an Alternative Transportation Corridor, a.k.a. Rail Trail. He asked that the Board support Agenda Item No. 8.

The next speaker, Mr. James A. Tozza, President of Bike to the Sea and from the City of Revere addressed the Board regarding Agenda Item No. 8. He stated that the Rail Trail is a good asset for the community and asked that the Board support the item.

The next speaker, Ms. Marilyn MacNab from the City of Boston addressed the Board and asked that the Board support Agenda Item No. 3, Silver Line Busway and Shelter Improvements.

Ms. MacNab also asked that the Board support Agenda Item No. 4, Accessibility and Renovation Improvements: Shawmut, Fields Corner and Savin Hill Stations.

The last speaker, Mr. Alan Moore, from Friends of the Community Path, addressed the Board. He thanked the MBTA and MassDOT for their support of the existing and proposed extension of the Somerville Community Path. He recommends that the MBTA execute another authorized development of the lease so that the Community Path can be extended to Lechmere.

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 October 6, 2010 were approved as presented.

The General Manager Mr. Davey, gave the General Manager's Report. The report is provided as an attachment to the Minutes.

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 Silver Line Busway and Shelter Improvements. Mr. DePaola explained that the project will employ approximately 16 individuals and that the contractor has one year to complete the project. He also noted that the current shelters are approximately 10 years old.

Secretary Mullan noted the public outreach and the transit planning studies that are being conducted for the Southwest Corridor area.

In terms of bus shelters, Director Loux asked that a bench be installed at the bus stop near Dimock Community Health Center. The following action was taken.

On motion, duly made and seconded, it was unanimously

VOTED: That the Board of Directors consistent with its vote of July 2, 2009 authorizing the General Manager to take any and all actions deemed necessary to accelerate economic stimulus projects funded under the American Recovery and Reinvestment Act of 2009 ("ARRA") hereby ratifies the General Manager's prior authorization to enter into a contract with S&R Construction Enterprises for MBTA Contract No. D01CN01, Silver Line Busway & Shelter Improvement Project, Boston, Massachusetts, for an estimated sum not to exceed \$3,419,734.15 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 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. 42 and Construction Quantity Variance Report No. 804 to MBTA Contract No. S45CN01, Accessibility and Renovation Improvements: Shawmut, Fields Corner and Savin Hill Stations, with Barletta Heavy Division, Inc., for a sum total of \$91,055.30.

Mr. Robert Johnson, Director of Materials, presented the immediately following item concerning platform repairs and improvements at the Sharon, Waverly, Newtonville and West Newton Commuter Rail Stations.

On motion, duly made and seconded, it was unanimously

VOTED: That the Board of Directors consistent with its vote of January 6, 2010 authorizing the General Manager to take any and all actions deemed necessary to accelerate economic stimulus projects funded under the American and Reinvestment Act of 2009 ("ARRA") hereby ratifies the General Manager's prior authorization to enter into contract P.O. Nos. 500000195, 500000196, 500000197, 500000198, with G.V.W., Inc., of East Boston, MA, for platform repairs at a total cost not to exceed \$2,543,600.

On the immediately following item concerning the supply of diesel fuel for Bus Operations, the Board expressed concern that there were only two bids received. Mr. Johnson said that the use of the diesel fuel is not widely used. Mr. Johnson noted that the Authority has used diesel fuel for approximately five years.

The General Manager explained the market as it relates to using a special product such as the ultra-low sulfur diesel fuel. Director Loux expressed concern about whether the item was competitive bid because of the lack of bidders.

Director Loux voted in the negative on the immediately following item concerning a contract with Sprague Energy. The item passed with a majority vote.

On motion, duly made and seconded, it was

VOTED: That the General Manager be, and hereby is, authorized to execute in the name and on behalf of the Authority, and in a form approved by the General Counsel, a Contract with the Sprague Energy Corporation of Portsmouth, New Hampshire, for the supply of diesel fuel for Bus Operations as called for during an estimated one-year period, subject to prices in effect at time of delivery, at a total cost not to exceed \$28,706,483; with a one-year option at the same terms and conditions; said company being the one responsive and responsible bidder in response to an Invitation for Sealed Bids.

Mr. Mark Boyle, Assistant General Manager of Real Estate and Development presented the immediately following item concerning a 99-year lease with the City of Somerville regarding rail trails. 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 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 MBTA right of way consisting of approximately 1.2 miles extending from Lowell Street to the Cambridge City Line with the City of Somerville 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 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 5,500 linear feet known as the Saugus Branch, extending from the Malden/Revere line to the Revere/Saugus line and shown on Valuation Plans, V7.7, sheets 5 and 6 with the City of Revere 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 execute, in the name of and on behalf of the Authority, and in a form approved by the General Counsel, a Lease Agreement and any and all other instruments or documents deemed necessary for the lease of approximately 13,155± square feet of land located at the Rear of 58 Pulaski Street in Peabody to Chelsea Industries, Inc., its successors and assigns, for consideration in the amount of an annual base rent of Nine Thousand (\$9,000) Dollars. The Nine Thousand Dollar (\$9,000) Base Rent will increase each year of the Lease Term (as extended) by the greater of i) Consumer Price Index ("CPI") amount and ii) 2.5%. The Lease term will be five (5) years, plus an option for an additional five (5) years. 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 execute, in the name of and on behalf of the Authority, and in a form approved by the General Counsel, to enter into a five (5) year lease with one 5-year option term with The Whistle Stop, Inc., its successors and assigns, for the lease of a retail concession space consisting of approximately 759± square feet of fixed retail space located on the ground level, and approximately 859± of basement space located at the Needham Center Station, for base annual rent of Fifteen Thousand, Six Hundred Dollars (\$15,600.00), which base rent will be increased annually over the term of the lease based on the CPI or a minimum of 2.5% annually. Said lease 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 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 complete a land exchange transaction with the Town of Needham and execute any and all other agreements, instruments or documents deemed necessary for the transfer by the MBTA to the Town of Needham of fee simple title in the Needham Heights commuter parking lot in exchange for the following: (i) a reservation by the MBTA of a perpetual easement over the Needham Heights commuter parking lot for pedestrian access to the Needham Heights commuter rail platform and the right to locate and use 85 commuter parking spaces and (ii) receipt by the MBTA from the Town of Needham of fee simple title in the Town of Needham owned Hersey commuter parking lot. Said land exchange transaction and any other necessary agreements, instruments and documents shall be approved by the General Counsel and contain such other terms and conditions as determined to be necessary and/or advisable by the General Counsel.

As an example of Transit Oriented Development, Mr. Boyle said that the immediately following item concerning the Bulfinch Triangle project will generate additional housing, jobs, and tax revenue for the City of Boston and the local neighborhood.

Secretary Mullan pointed out the advantages of the different agencies working together and working as one staff to get the job done.

On motion, duly made and seconded, it was unanimously

VOTED: That the General Manager be, and 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 Lease Agreement with the Massachusetts Department of Transportation ("MassDOT") for the approximately 19,725± square foot parcel of land known as Parcel 2B in the Bulfinch Triangle section of Boston for a term of 99 years for consideration of \$3,806,925.00 so that MassDOT may sublease Parcel 2B to Trinity Financial, Inc. to implement the intent of the 2005 Board resolution authorizing the lease of Parcel 2B. Said Lease, and any other necessary financial 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 adjourn the 1041st Open Meeting.

The meeting adjourned at 2:35 p.m.

A true record.

Attest:

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

NOVEMBER 3, 2010

SPEAKERS DURING PUBLIC COMMENT PERIOD

1. Ms. Kate Fitzpatrick, Town of Needham
2. Ms. Kathleen Ziegenfuss, City of Somerville
3. Mr. Adam Bellefontaine, City of Revere
4. Mr. James A. Tozza, City of Revere
5. Ms. Marilyn MacNab, resident of Boston
6. Mr. Alan Moore, Friends of the Community Path



Massachusetts Bay Transportation Authority

Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Jeffrey B. Mullan
MassDOT
Secretary & CEO

John R. Jenkins
MassDOT
Board Chair

Richard A. Davey
General Manager and
Rail & Transit Administrator

MEMORANDUM

TO: MBTA Board of Directors
Secretary Jeffrey B. Mullan

FROM: Richard A. Davey
General Manager

DATE: November 3, 2010

RE: October Report to the MBTA Board of Directors

SAFETY

- Launching a pilot program in the Everett Shops, cross functional group designed to reduce accidents and incidents through cooperation between management and labor (Committee) and improve accident investigations to determine root cause
- MBTA participated in FTA sponsored track inspection training as part of a national training program. The FTA provided 3 training sessions to MBTA as part of a national track inspection training program. The Engineering & Maintenance, MOW team has trained 110 team members. we are incorporating this training into a the first ever annual recertification training program currently being prepared
- CR drill

CUSTOMER SERVICE

- During September, Join the GMs held
 - Malden Center on October 21st
- Reliability and improvement projects
 - Rotem coaches mock-up were unveiled at North Station, a glimpse of what is to come
 - Visited RL No.2 Overhaul in-house production at Cabot, thank Director Alvaro for his attendance, six cars are currently in production
 - Copley Station opened for full accessible on October 29th, thank Director Whittle for his attendance
- Back to basics approach, lowest speed restrictions throughout the system in seven years, commend the MOW team



- Customer polls: Big Red poll, whether to add the seats back and quiet cars on commuter rail, encourage our customers to vote
- 3 car trains on the D and B lines GL for the first time in five years, commend Brian Dwyer and his team and the power team and LR MOW on getting this done
- Spent time with local and state officials in Gloucester, touring the CR Gloucester drawbridge and in Lynn discussing

EMPLOYEES

- “How Can I Help You?” Training program under development, MassDOT wide program co-lead by members of the T HR and Training team
- GM held fourth monthly lunch with employees,
- Launched safe driver awards on the GL, provided to operators who have accident free for one year

FISCAL RESPONSIBILITY

- T’s goal will be to beat operating budget by 2%, with a quarter completed

INNOVATION

- Charlie on MetroWest RTA launched, more RTAs to come in the new year
- Pay for parking by phone launched on July 23rd, 72 stations and over 23,000 spaces. To date, over 9,000 customers have signed up.