

Minutes of the

REGULAR MEETING OF THE TRANSPORTATION COMMITTEE

April 23, 2018

LOCATION: Metropolitan Council Chambers, Saint Paul, MN

Committee Members Present: Chair Katie Rodriguez, Deb Barber, Gail Dorfman, Steve Elkins, Cara Letofsky, Marie McCarthy, Jennifer Munt, Edward Reynoso, Lona Schreiber

Committee Members Absent: Jon Commers

TAB Liaison Present: Peter Dugan

CALL TO ORDER

A quorum was present when Chair Rodriguez called the regular meeting of the Council's Transportation Committee to order at 4:08 p.m. on Monday, April 23, 2018 in the Metropolitan Council Chambers, Saint Paul, MN.

APPROVAL OF AGENDA AND MINUTES

Motion by Munt, seconded by Elkins to approve the agenda. Motion carried.

Motion by Letofsky, seconded by Elkins to approve the minutes of the March 26, 2018 regular meeting of the Transportation Committee. Motion carried.

Motion by Schreiber, seconded by Barber to approve the minutes of the April 9, 2018 regular meeting of the Transportation Committee. Motion carried.

Employee Recognition – Metro Transit:

Metro Transit General Manager Brian Lamb introduced the following, who presented recognition awards to employees:

Metro Transit Revenue Operations Supervisor Mary Capistrant, who presented to:
Metro Transit Service Center Representative Tim Johnson

Metro Transit Facility Systems Manager Mike Maddio, who presented to:
Metro Transit Support Facilities Supervisor Bob Pekarek
Metro Transit Facility Technician Ken Cummings
Metro Transit Facility Technician Scott Kaufman
Metro Transit Facility Technician Jim Giebel
Metro Transit Master Electrician Rich Brown
Metro Transit Electrician John Miller
Metro Transit Electrician Joe Koran
Metro Transit Electrician Jim Davis
Metro Transit Electrician Gordy Courneya

TAB LIAISON REPORT

Peter Dugan relayed the following information from the April 18, 2018 TAB meeting:

TAB Chair's Report

TAB Chair Jim Hovland reported on the Scope Change Policy Workshop being held to determine the best policies for scope changes.

Agency Reports

MnDOT – Scott McBride reported that MnDOT experienced unexpected overtime with snow removal with the blizzard the past weekend. By February, MnDOT had already spent 35% more in snow removal than the previous year and the costs do not include March or April yet. McBride provided an update on the Corridors of Commerce. MnDOT solicited for \$400 million for Corridors of Commerce projects. The scoring is complete and the Commissioner has the lists and is meeting with the Governor. The projects selected will be announced soon. MnDOT received requests for projects totaling \$5.6 billion dollars for the available \$400 million.

MPCA – Todd Biewen presented an update on the VW settlement. The plan is final and MPCA is beginning implementation. Since VW's violations involved diesel models, the settlement will fund pollution reductions from diesel vehicles. States and tribes can only use the funds on activities outlined in the settlement, most of which involve replacing older diesel vehicles or equipment with new ones that produce far less pollution. The replacements can use any fuel, including diesel, propane, natural gas, and electricity. Additionally, up to 15% of each state's funds may be used for electric vehicle charging infrastructure. All funds must be spent or committed to approved projects by October 2, 2027. 60% of the violating vehicles were registered in the Twin Cities metropolitan area and 40% were registered in Greater Minnesota, so the funds will be targeted using the same 60%-40% ratio.

MAC – Carl Crimmins reported that their budget for snow removal maxed out in mid-March. MD airplanes are being phased out and replaced with quieter and larger planes. Gates are being removed to accommodate the wing-span of the larger planes.

Met Council – Katie Rodriguez reported that the Metropolitan Council received the National Planning Achievement Award for the Local Planning Handbook.

METROPOLITAN TRANSPORTATION SERVICES DIRECTOR AND METRO TRANSIT GENERAL MANAGER REPORTS

Metropolitan Transportation Services Director Nick Thompson reported:

Regional Solicitation

We are getting close to opening the Regional Solicitation application for submitters. We are in final testing mode and have completed the regional training workshops. We anticipate mid-May release with all applications being due by July 13, 2018.

Travel Behavior Inventory

Today we mailed over 3,000 letters inviting the public to be part of our test of the Travel Behavior Inventory survey. We are seeking to get 400 households enrolled in the test before the full inventory begins this fall.

MVST

An update on MVST, 2017 ended with MVST being at 96% of the 2017 forecast. As you know we budget for 95% of forecast and roll any excess from this amount into the following year. With 2017 actuals close to what we budget it doesn't carry forward much relief into 2018.

Metro Mobility

Extend a thank you to the Metro Mobility providers and drivers for their performance last weekend during the storm. Happy to report there were no accidents or injuries, though there were stuck buses, and all trips were completed. Thanks also to the Metro Mobility customers, many who did cancel their trips or reschedule which was part of making those difficult days manageable.

Metro Transit General Manager Brian Lamb reported:

Bus Safety Earns APTA Accolades

Earlier this year, I was pleased to report that we had a historically low number of bus accidents last year. As we can all appreciate, that doesn't happen on its own. Our Safety and Transportation departments work closely with operators to reinforce safety messages throughout the year and at regular career intervals. These efforts revolved largely around the Safety Keys program, but also include personalized safety conferences and the use of on-board video to evoke dialogue. Our peers have taken notice, too. Earlier this month, the American Public Transportation Association announced we'd received a Certificate of Merit through its Bus Safety & Security Awards. This is the second safety award in as many years: In 2017, we earned a Gold Award in APTA's Rail Safety & Security Awards for outreach efforts related to light rail safety.

April Blizzard

Given our current weather, many of us have probably put this month's blizzard out of our minds. But customers who relied on us to get to their destinations during winter's final stand won't soon forget the effort many of our operators and staff put forward. Here are a few images captured during the storm, and a sampling of the positive feedback we heard from our riders.

Commuter Choice Awards

Finally, a reminder that our Commuter Choice Awards will be held this Thursday, April 26, in Minneapolis. Guests are invited to arrive between 11 a.m. and noon, when our awards program will begin. As in previous years, the awards will recognize employers, building owners, and commuters who are going above and beyond to support sustainable transportation in our region.

Reynoso commented on the data being collected for the bus safety pilot and the importance of keeping operators safe. Dorfman asked when to expect a conversation of homelessness to be brought before the Transportation Committee since many individuals who experience homelessness use transit for shelter. Lamb responded that Metro Transit is hoping to brief the Committee of the Whole in May on the major initiatives. Munt asked if operators are encouraged to call the call center for immediate help when de-escalation is not possible, Lamb answered in the affirmative.

BUSINESS

Consent Items:

Motion was made by Schreiber, seconded by Elkins and carried, to approve the following consent items:

1. **2018-69:** Authorization to Apply for Section 5311 Non-Urbanized Area Formula Program Funds, Resolution 2018-2

Motion: That the Metropolitan Council approve resolution 2018-2 authorizing the Regional Administrator to apply for Section 5311 Non-Urbanized Area Formula Program funding from the Minnesota Department of Transportation to support Transit Link service.

2. **2018-101:** 2018-2021 TIP Amendment: Safety Performance Measure Language

Motion: That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2018-2021 Transportation Improvement Program (TIP) to incorporate safety performance measure language.

3. **2018-102:** 2018-2021 TIP Amendment: MnDOT FTA Section 5310, Enhanced Mobility for Seniors and Persons with Disabilities

Motion: That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2018-2021 Transportation Improvement Program (TIP) to include funding for three "Enhanced Mobility for Seniors and Persons with Disabilities" projects.

4. **2018-103:** 2018-2021 TIP Amendment: MnDOT Railroad Crossing Signal Equipment Replacement

Motion: That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2018-2021 Transportation Improvement Program (TIP) to add two railroad crossing signal replacement projects.

5. **2018-104:** 2018-2021 TIP Amendment: MnDOT Traffic Management Projects

Motion: That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2018-2021 Transportation Improvement Program (TIP) to add of a MnDOT traffic management project.

Non-Consent Items:

1. **2018-86 SW:** Award Agency Contract 2018-2023

Metropolitan Transportation Services Metro Mobility Senior Manager Christine Kuennen and Contracts and Procurement Manager Jody Jacoby presented this item.

Trista MatasCastillo shared her experience as a mother of an individual who relies on Metro Mobility for transportation. MatasCastillo stressed the importance of continuity for many individuals with disabilities since change/transition is often a trigger. MatasCastillo asked that the drivers remain employed and that consistency is valued as the utmost importance. First Transit Senior Vice President John Matthews and First Transit General Manager for Agency Contract Tim Ogren expressed their concerns with the RFP released and the resulting recommendation. Matthews stated First Transit takes issue with the cost factors and some of the procurement process evaluations. Matthews said that First Transit maintains that zip codes were insufficient to create a proposal and he requested that First Transit and the competitors be allowed to route the work on controlled computers at the Metropolitan Council for a more accurate proposal. Matthews said the rates given are accurate but old numbers. Matthews also mentioned that deadhead is done twice a day for agency and for the most part only once a day for demand. Matthews commented that the numbers make it appear that First Transit has too high of costs, or that there is an inaccuracy with the numbers, he requested that this be examined more closely. Transit Team President & CFO Michael Richter reiterated his statements from the April 9, 2018 Transportation Committee that Transit Team was confident in the information they were given and with their knowledge of deadheads, and that deadhead miles were taken into account. Richter said that Transit Team currently operates split-shift routes and understands the labor costs. Richter reminded the Transportation Committee that this is a new contract, it is not the existing agency contract as it has been the last fifteen years because it has been reduced to reflect the ADA service area and that nearly 20% of the service is currently being provided by Transit Team in the Demand contract. Richter said that because of this, no matter who the contract goes to there will be transition for some riders. Richter shared that Transit Team has two locations, one being outside downtown Minneapolis, which is a central location to a lot of the agencies. Richter said that the Maple Grove location helps to minimize deadhead to the Western and Northwestern clients. Richter said that fifteen years ago, Transit Team

was providing the agency service before it went to First Transit so Transit Team understands the nature of the service. Richter repeated that Transit Team incorporated into its bid the goal to retain as many First Transit drivers as possible to maintain as much consistency as possible with the transition. Richter shared aspects of the positive Transit Team culture, as well as the \$1.00 an hour raise every year with no cap (with the current highest paid drivers at \$31.00 an hour) in addition to providing benefits that exceed the market to illustrate that employees are valued in monetary ways. Richter shared that he and his wife as owners are the stakeholders in their company's business and they are directly affected by the service provided. Richter also stated that Transit Team is committed to the Twin Cities, working with local vendors when possible and keeping taxpayer dollars local. Teamsters Local 120 Director of Politics and Organizing Paul Slattery stated that the number one issue in the disabled community is driver continuity and that the contract change will devastate it. Slattery shared that thirteen of the First Transit drivers have ten or more years of service with the company and five have worked for First Transit for over fifteen years. Slattery said that these drivers will be devastated by the proposed contract and the facing of layoffs. Slattery stated that Transit Team is a non-union company and their employees are at-will with no guarantees, Slattery said that this is the only way they could have under-bid First Transit. Slattery stated that the only way to have a fair and transparent process is for Transit Team to accept the First Transit drivers and their collective bargaining agreement so that the clients can keep their drivers and the drivers can keep their pay and benefits packages. Slattery asked where Transit Team's efficiencies are coming from if not from labor costs. Teamsters Local 120 Secretary-Treasurer Bill Wedebrand shared that the members do the job for their clients, not for the money. Wedebrand said that Transit Team's promise of \$1.00 an hour increase every year needs to be in writing, and that the collective bargaining agreement includes benefits more than just life insurance. Wedebrand shared that the driver who has been with First Transit the longest has been with them for nineteen years and thirty people have five or more years of service, he reiterated that they do this job because they love the work. Wedebrand said that the union contract should follow along with this new agency contract. Wedebrand stated that 100% of the First Transit drivers should be hired with Transit Team because they have already had background checks and gained experience. St. Paul Regional Labor Federation President Bobby Casper asked why the Council is allowing non-union contractors to come in and under-bid union contractors. Casper said that if a non-union contractor wins a bid they should still have union drivers work for them. Casper asked why drivers should lose their contracts and securities, he said the union contract should go along with the bid. Casper questioned again Transit Team's ability to guarantee drivers will be paid more money, as well as driver security without a union. Chair Rodriguez stated that while she personally believes in unions, the Metropolitan Council does not have a policy for union preference with procurement processes, therefore it cannot be a criteria in Council procurements and is not relevant to the decision about business item 2018-86 SW. Metropolitan Transportation Services Director Nick Thompson shared that Metropolitan Transportation Services knows how important the drivers are to the customers, and at the same time since the service model is being changed after twenty years, no matter who wins the bid there will be a change in drivers because the geography and agencies are changing. Chair Rodriguez clarified that Transit Team also received the highest technical rating, so the recommendation was not just based on the proposal's price. Letofsky asked what the legal obligation is for approving staff proposals. Metropolitan Council General Counsel Ann Bloodhart said a sound business reason is necessary for situations where the Council rejects all bids and rebids for procurement, so today's options are to vote in favor of staff's recommendation, or vote against the recommendation and send this business item to Council without a recommendation. Munt asked that Transit Team accept all of the First Transit drivers and their contract, as well as agree to not interfere if the majority of Transit Team's workforce chooses to join a union. Chair Rodriguez said that request is outside of the decision being made regarding business item 2018-86 SW, since the decision before the Transportation Committee is to go with the staff recommendation or not, but if not, a business case has to be made. McCarthy shared that she's heard from constituents how much they appreciate their drivers. McCarthy asked why all First Transit drivers can't be accepted and given a probationary period. Barber stated that since 50% of the agency service is moving to demand service, a large percent of the riders will move to that. Barber said the fewer sites may impact

the need for fewer drivers so that should be significantly less deadhead as well. Munt asked if Richter could answer her earlier questions. Chair Rodriguez reiterated that the decision before the Transportation Committee was to either approve the staff recommendation or not, but not to make recommendations to the contracted companies on how to conduct their business. Dorfman asked if there was a glut of drivers, a shortage, or a consistent amount to meet the need. Kuennen answered that there is always a shortage of drivers and the motion to increase driver wage has helped alleviate the shortage. Kuennen added that when the proposals were being evaluated the provider's ability to attract and retain drivers was taken into account. McCarthy stated that changing a contract will impact the lives of customers and operators and she asked what a reasonable proposal meant. Jacoby shared that a reasonable proposal is a compilation of quality, qualifications, experience, and price. Chair Rodriguez added that regardless if the contracted company changes or not, 57% of the riders will be impacted because of the geographical change that is happening in order to be compliant with federal regulations. Dorfman asked for clarification why the RFP was issued. Kuennen answered that the current contract expired and by federal mandate, ADA service must be prioritized over non-ADA service, so the current contract construct is not compliant. Munt asked if supporting this business item means the layoff of 50 drivers. Kuennen answered that the 50% figure was not a minimum or maximum, but it was the provider's estimate based on their past experience with transitioning drivers from other contracts and on their stated plans to hire as many qualified drivers as possible from the incumbent provider. Thompson added that the contracts are growing and have driver turnover so it is hard for a provider to know if a driver will choose to stay on with a provider through a different contract or switch providers. Thompson said the current drivers would be qualified to stay on with First Transit through a different contract. Munt asked if 100 drivers could be hired if they chose, Kuennen answered in the affirmative. Munt asked if benefits would transfer, Kuennen said that the current rate of pay and seniority was discussed in their plan but she could not speak for the provider as to how benefits would transfer and does not recall if that was discussed. Rodriguez clarified that because of the demand that Metro Mobility is experiencing, there may or may not be a loss of drivers – drivers may have the option to stay with First Transit through a different contract. Munt reiterated her belief in the importance of driver wages and benefits being retained. Reynoso asked if the procurement number of 100 drivers was based off of the current contract. Kuennen said it was estimated that 98 drivers would be needed to perform the new contract. McCarthy asked for clarification on the process if there is a change. Jacoby stated that if significant changes come up the project manager works with the vendor. Kuennen shared that past experience informs the information in an RFP so that providers can submit accurate proposals. Thompson shared past changes to Metro Mobility that the Metropolitan Council has worked through with contractors, including: wage increases, service area changes, funding source changes. Reynoso stated that he viewed this as a definite negative for workers and he believes that workers matter and the difference in final procurements coming on the backs of workers is not right. Dorfman said that the procurement process seems to have integrity and with this disruption the transition will need to be planned out. Dorfman stated that it doesn't sound like fifty people will be fired, and that at the end of this there may not be anyone who loses their job since the system needs more drivers. Munt commented that Metro Transit's treatment of drivers is respectful and encourages a career and she would like proposals accepted to meet that same standard. McCarthy repeated her issue ensuring that changes have the least impact and asked again for a probationary period. Rodriguez voiced her confidence in the staff's recommendation.

Motion by Barber, seconded by Elkins:

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a contract with Transit Team to provide the Metro Mobility Agency Service from October 1, 2018 to June 30, 2023 with an option for one additional year in an amount not to exceed \$31,819,812.8.

Motion carried, on the following roll call vote:

Aye: 6, Barber, Dorfman, Elkins, Letofsky, Rodriguez, Schreiber

Nay: 2, McCarthy, Munt

Abstaining: 1, Reynoso
Absent: 1, Commers

2. **2018-96:** Amend Orange Line 2017 Funding Agreement with Counties Transit Improvement Board Metro Transit Small Starts Development Senior Manager Charles Carlson presented this item. There were no questions or comments from Council members.

Motion by Dorfman, seconded by Elkins:

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute Amendment 2 to Agreement 16I092 with Hennepin County, increasing the grantor's participation from \$8 million to \$14.45 million, and extending the grant activity period to December 31, 2018.

Motion carried. Hearing no objection, Chair Rodriguez stated this item could proceed as consent to Council.

3. **2018-97:** Amend Orange Line 2017 Funding Agreement with Hennepin County Regional Rail Authority

Metro Transit Small Starts Development Senior Manager Charles Carlson presented this item. There were no questions or comments from Council members.

Motion by Schreiber, seconded by Elkins:

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute Amendment 1 to Agreement 16I013 with Hennepin County Regional Railroad Authority (HCRRA), increasing maximum County participation by \$2,150,000 up to an amount not to exceed \$4,810,000, and extending the agreement term through December 31, 2018.

Motion carried. Hearing no objection, Chair Rodriguez stated this item could proceed as consent to Council.

4. **2018-98:** Orange Line 2018 Funding Agreement with Dakota County Regional Rail Authority

Metro Transit Small Starts Development Senior Manager Charles Carlson presented this item. There were no questions or comments from Council members.

Motion by Schreiber, seconded by Barber:

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute an interagency agreement with Dakota County Regional Railroad Authority (DCRRA) to fund METRO Orange Line project activities.

Motion carried. Hearing no objection, Chair Rodriguez stated this item could proceed as consent to Council.

5. **2018-81 SW:** I35W @ I94 MnDOT Funds for Transit

Metro Transit Service Development Director Adam Harrington presented this item. There were no questions or comments from Council members.

Motion by Dorfman, seconded by Elkins:

That the Metropolitan Council authorize the Regional Administrator to:

- Execute an agreement 18I023 with MNDOT to receive \$3 million for support of increased transit service during 35W@94 Downtown to Crosstown project construction.
- Develop and execute an agreement with the Minnesota Valley Transit Authority for \$1.1M. Minnesota Valley Transit Authority will use funds for support of increased transit service during 35W@94 Downtown to Crosstown project construction.

Motion carried.

6. **2018-80 JT SW:** 2018 Budget Amendment 1st Quarter

Metro Transit Finance Director Ed Petrie and Metropolitan Transportation Services Finance & Administration Director Heather Aagesen-Huebner presented this item. There were no questions or comments from Council members.

Motion by Letofsky, seconded by Barber:

That the Metropolitan Council authorizes the 2018 Unified Budget as indicated and in accordance with the attached tables.

Motion carried.

7. **2018-87 SW:** Metro Transit Blue Line Extension – Capital Grant Amendments with Hennepin County

Metro Transit Transit Systems Development Director MarySue Abel presented this item. There were no questions or comments from Council members.

Motion by Schreiber, seconded by Dorfman:

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute two amendments: Amendment 2 to the 2017 Capital Grant Agreement with Counties Transit Improvement Board (CTIB) and Amendment 1 to the Cooperative Funding Agreement (CFA) for Engineering Phase with Hennepin County Regional Railroad Authority (HCRRA).

Motion carried.

8. **2018-105:** Recommended D Line Station Plan Release

Metro Transit Small Starts Development Senior Planner Scott Janowiak and Metro Transit Small Starts Development Arterial BRT Manager Katie Roth presented this item.

Letofsky shared her appreciation for the addition of the 48th and Chicago stop since she received a lot of feedback about its importance. McCarthy asked if there is a proposal on the how the new stations will look. Janowiak said the stations and platforms will be similar to stops on the A-Line, but this proposal focuses on intersections and corners. Rodriguez asked for a summary of why the three stations were added. Janowiak said they received comments of support to add all three, and they felt that adding them in retains the values of speed and balance.

Motion by Letofsky, seconded by Barber:

- That the Metropolitan Council Authorize release of the recommended *D Line Station Plan* for public review and comment.
- Direct staff to collect comments through Friday, June 8, 2018, summarize comments, and report the findings to the Metropolitan Council.

Motion carried. Hearing no objection, Chair Rodriguez stated this item could proceed as consent to Council.

INFORMATION

1. There were no information items on the agenda.

ADJOURNMENT

Business completed, the meeting adjourned at 6:09 p.m.

Jenna Ernst
Recording Secretary