

Minutes

Metropolitan Council



Meeting Date: February 8, 2023

Time: 4:00 PM

Location: 390 Robert Steet

Members Present:

- Chair, Charlie Zelle
- Judy Johnson, District 1
- Reva Chamblis, District 2
- Deb Barber, District 4
- Molly Cummings, District 5

- John Pacheco, District 6
- Robert Lilligren, District 7
- Abdirahman Muse, District 8
- Raymond Zeran, District 9
- Peter Lindstrom, District 10
- Susan Vento, District 11

- Chai Lee, District 13
- Kris Fredson, District 14
- Phillip Sterner, District 15
- Wendy Wulff, District 16
- = present

Call to Order

A quorum being present, Council Chair Zelle called the regular meeting of the Metropolitan Council to order at 4:02 p.m.

Agenda Approved

Council Members did not have any comments or changes to the agenda.

Approval of Minutes

It was moved by Sterner, seconded by Lilligren to approve the minutes of the January 25, 2023 regular meeting of the Metropolitan Council. **Motion carried.**

Public Invitation

Linda Konicek, transit rider, shared concerns about air quality and Transit cleanliness on the buses from the East Metro Garage.

Council Members and Chair Zelle discussed public testimony on business items that are on the agenda. Per Council bylaws, public testimony is not allowed on items on the agenda.

Consent Business

Consent Business Adopted (Items 1-2)

1. **2023-18:** That the Metropolitan Council (Council) authorize the Regional Administrator to negotiate and execute Amendment No. 2 to Contract 17M155 with BNSF Railway (BNSF) for the Freight Rail Coordination Agreement – Construction Phase (Construction Agreement) to add \$1,937,000 for a total amount not to exceed \$6,437,000.
2. **2023-19:** That the Metropolitan Council (Council) authorize the Regional Administrator to negotiate and execute Amendment No. 1 to Contract 17M152 with Canadian Pacific (CP) for the Connecting Track Agreement (CTA) to add \$300,000 for a total amount not to exceed \$799,000.

It was moved by Cummings, seconded by Chamblis.

Motion carried.

Non-Consent Business – Reports of Standing Committees

Community Development

1. No reports

Environment

1. No reports

Management

1. No reports

Transportation

1. **2023-15:** that the Metropolitan Council adopt Revision 4 of the Bus Transportation Agency Safety Plan and the Light Rail Transportation Agency Safety Plan for Metro Transit as required by 49 CFR Part 673.

It was moved by Barber, seconded by Cummings.

Council Member Lilligren asked about the vote at Transportation Committee, which was four in favor and two opposed. Council Member Johnson asked what the timeline is for the plan moving forward; Council Member Barber responded that this is an ongoing process rather than just an annual plan. Council Members had questions and comments about the material provided as a part of the public record, the safety of frontline workers, and how the plan serves frontline workers. Materials submitted by the Amalgamated Transit Union prior to and at the meeting were acknowledged to be part of the public record of this meeting.

Council Member Zeran made a motion to table the item, and revisit it at a later meeting, with a second from Sterner. Council Member Johnson reminded Council members that per Robert's Rules, the current motion was a motion to table, which could in essence kill the motion unless it was intended to be a motion to postpone to a date certain. Council Member Zeran then changed the motion to move this item to the February 15 Committee of the Whole, with a second from Council Member Sterner, which was clarified to be a motion to postpone to a date certain, namely the February 15, 2023 Committee of the Whole meeting. Council Member Barber shared that this plan has been submitted to the FTA and even if the vote is delayed it would still be a vote on the current plan. The plan was due to be submitted by December 31, 2022, with approval from the Federal Transportation Administration (FTA) to delay the vote to February 8; a delay on the vote on this item could affect federal funding for Metro Transit. Council Member Lilligren asked if governing body approval of the plan is a federal requirement; Andrew Brody, Director of Safety and Security, Metro Transit, shared more information about the plan approval process. Council Member Barber shared that the Council has proactively met with the FTA to ensure that we have met the requirements; she also added that the plan approval process would be reviewed as part of the FTA triennial review. Council Members also shared concerns about current safety issues, Transportation Committee recommendations, community engagement, and engaging the groups that are directly impacted. Council Member Zeran requested a roll call vote on the motion.

Motion to postpone to the February 15, 2023 Committee of the Whole carried based on the following roll call vote:

Aye	8	Fredson, Johnson, Lilligren, Lindstrom, Muse, Pacheco, Sterner, Zeran
Nay	4	Barber, Chamblis, Cummings, Zelle
Absent	3	Lee, Vento, Wulff

Other Business

1. **2023-43:** That the Metropolitan Council approve the following appointments to the Equity Advisory Committee (EAC) Co-Chair Seat: John Pacheco Jr., Council Member.

It was moved by Zelle, seconded by Sterner.

Motion carried.

2. **2023-47:** That the Metropolitan Council approve the following appointments to the Transportation Advisory Board (TAB):

Chair – James Hovland	
District E – Chris Geisler	
District F – Mark Jenkins	F Alternate – Torin Gustafson
District G – Bill Lindeke	G Alternate – Rich Holst
District H – Peter Dugan	H Alternate – Karl Drotning

It was moved by Zelle, seconded by Barber.

Council Member Lilligren thanked Council Member Barber for her service on TAB, and noted the lack of gender diversity in the applicant pool and appointees.

Motion carried.

Reports

Chair Zelle thanked Council Members for the discussion at the meeting and the commitment to the work. Council Members Lindstrom, Lilligren, Johnson, and Chamblis shared that they attended a productive Metro HRA listening session that afternoon. The Regional Administrator shared that recruitment for a new General Manager of Metro Transit is ongoing. The General Counsel did not have any reports.

Adjournment

Business completed; the meeting adjourned at 5:42 p.m.

Certification

I hereby certify that the foregoing narrative and exhibits constitute a true and accurate record of the Metropolitan Council meeting of February 8, 2023.

Approved this 22 day of February 2023.

Council Contact:

Bridget Toskey, Recording Secretary
Bridget.Toskey@metc.state.mn.us
651-602-1806



Attachments

Attachment 1: Letter from ATU International President re Metro Transit Agency Safety Plan Review

Attachment 2: ATU Top 10 ASP Issues

Hard copies of both attachments were available at the meeting.





Amalgamated Transit Union

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(301) 431-7100 Fax (301) 431-7117

Office of the International President

December 20, 2022

Via Email

Wes Kooistra
General Manager
Metro Transit
560 6th Avenue, North
Minneapolis, MN 55411
wes.kooistra@metrotransit.org

Re: Public Transit Agency Safety Plan Review

Dear Mr. Kooistra:

I write regarding an important transit safety requirement that impacts both your transit system and the Amalgamated Transit Union (ATU) local union that represents your frontline workforce: As you know, the federal Infrastructure Investment and Jobs Act (IIJA, also known as the Bipartisan Infrastructure Law) – enacted November 15, 2021 – requires recipients of Federal Transit Administration (FTA) urbanized area formula grants (also known as Section 5307 Grants) for public transit in urbanized areas with populations of at least 200,000 to create joint labor-management safety committees.¹ Among the tasks that the IIJA sets forth for such a committee is to review and approve the transit system’s public transit agency safety plan (PTASP) and any updates thereto. This review and approval must be complete before the transit system submits the PTASP to its board of directors (or equivalent entity) for approval and before the transit system files the PTASP with the FTA.

It is the understanding of the ATU that you have implemented a safety committee that appears to meet the IIJA requirements. We thank you for your cooperation in this regard. However, it is also our understanding that you have yet to complete the PTASP review and approval process within the safety committee. Note that per the enclosed “dear colleague” letters from FTA Administrator Nuria Fernandez, your transit system is required to submit its PTASP to the FTA by December 31, 2022. This means that you must provide it to the safety committee far enough in advance of this deadline that the committee can review the PTASP fully, negotiate over any changes, and approve it – all with enough time left before December 31 that you can secure the approval of your board of directors and file the PTASP by that date.

It appears that you are in danger of missing this statutory deadline. By copy of this letter, the ATU is alerting the FTA. As highlighted in Administrator Fernandez’s enclosed November 9, 2022 letter, if you do indeed fail to get PTASP approval from the safety committee, get approval from your board of directors, and file the PTASP – in that order – by December 31, the FTA may

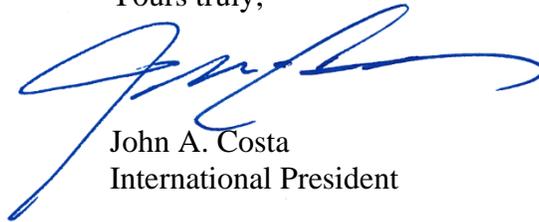
¹ See 49 U.S.C. § 5329 for these requirements.

take enforcement action against you up to and including withholding up to twenty-five percent of your urbanized area formula funds. Likewise, if you become out of compliance with the IIJA, the ATU may also consider additional action.

Note that we do not consider submission of the PTASP to the safety committee mere days before December 31, with the mistaken expectation that the committee will “rubber stamp” it without in-depth review, to be compliant with the IIJA. Therefore, the ATU hopes that you will submit the PTASP to the safety committee immediately so the committee can conduct a meaningful assessment and discuss any necessary changes, as Congress intended.

Please direct any questions concerning this letter to safety@atu.org. Thank you for your collaboration with your frontline workforce in making transit safe for all.

Yours truly,

A handwritten signature in blue ink, appearing to read 'John A. Costa', is positioned above the printed name and title.

John A. Costa
International President

js/12

Enclosures

- c: Michelle Sommers, International Vice President, ATU
Ryan Timlin, President/Business Agent, ATU Local 1005
Nuria I. Fernandez, Administrator, Federal Transit Administration
Joe DeLorenzo, Associate Administrator & Chief Safety Officer,
Federal Transit Administration
Matthew Welbes, Executive Director, Office of the Administrator,
Federal Transit Administration
Dana C. Nifosi, Deputy Chief Counsel, Federal Transit Administration
(above via email)



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FINANCIAL SECRETARY-
TREASURER

Union Top 10 ASP Issues

Things required by LAW (priority issues to Union)

1. **Silent on mitigation strategies for assaults on transit workers.**
2. **Silent on de-escalation training while required by law to include MX.**
 - Should include more employee trainings on reporting, such as, assaults, first report of injury, Safety Hazard Reports, and AWAIR participation and its results, etc. (frontline workers are uninformed)
3. **Silent on Strategies to mitigate infectious disease.**
 - Should include drug use and effects on operators.
 - We have to move from intimidation and discipline as “strategies to improve safety.”
 - LRT AWAIR minutes and email from MGMT reflects giving an occurrence if vehicle stops for affect operators.
4. **ASPs should memorialize Committee and all of its responsibilities;** not simply approve ASPs but at minimum list all that the JLMSC agrees upon in addition to statutorily required duties as defined by law.
5. **Both ASPs say monthly safety inspections take place as part of AWAIR.** I and other sitting members have only attended quarterly AWAIR meeting. This needs resolution so all plans are consistent. How are results made available to employees?

Things requiring change to be accurate/higher standard.

(not all-inclusive Highlights for Council purposes)

6. **ASPs referring to other Metro Transit Safety plans refer reader to policies that have not existed for years.**
 - Policy 4-9a referencing the AWAIR policy, simply does not exist. Error was called out in 2021 currently remain in the ASPs after 2 revisions. (pg. 39 Bus ASP, also in rail ASP).
7. **Organization Chart reflects outdated management structure.** No longer divides as bus and rail. Currently Deputy Chief of MX and Deputy Chief of Operations. (pg. 19 bus also rail)
8. **Training pg. 37 Bus ASP also in Rail.**

- Should include recurrent trainings or be more detailed than OSHA required minimums.
 - Employees lack knowledge identified by Union on this; examples are diesel exhaust hazards, silica exposure, etc.
 - Suggest recurrent training when construction work takes place as a new hazard, not everyday occurrences.
9. **Provide some way to ensure compliance with Proper PPE available, charcoal masks, proper needle handling disposal, etc.**
- Visits to shops indicate proper procedures not taking place and requiring more training to ensure compliance.
10. **Training as to what OSHA standards are, where to find them, accessibility of AWAIR results, etc. Provide recurrent training on these topics to heighten awareness of safety.**