

NASHVILLE METROPOLITAN TRANSIT AUTHORITY
Board of Directors Meeting

July 23, 2020

- I. **Call to Order:** Due to the outbreak of COVID-19 and the declaration of a state of emergency by Governor Bill Lee, the Nashville Metropolitan Transit Authority (Nashville MTA) held a special, limited agenda meeting via teleconference on Thursday, July 23, 2020 to conduct essential business to protect the health, safety and welfare of Tennesseans in light of the COVID-19 outbreak. This meeting was held in accordance with Executive Order No. 51 in order to discuss the MTA Rail Consultant Memorandum of Understanding.

This meeting was a telephone conference meeting and did not include a physical meeting location in order to protect public health, safety, and welfare.

- II. **Roll Call of Persons Present:** Gail Carr Williams, Chair; Janet Miller, Vice Chair; Walter Searcy, III, Member; Secretary Margaret Behm; Chief Executive Officer Stephen G. Bland, Chief Administrative Officer Rita Roberts-Turner, Chief Financial Officer Ed Oliphant, Chief Engineer Trey Walker, Director of Service Quality Dan Freudberg, Director of Marketing and Communications Jason Minser, and Board Liaison Monica Howse.

A quorum was established, and Chair Williams called the meeting to order at 2:33 p.m.

- III. **Approval of Minutes:** Janet Miller made a motion to approve the June 25, 2020 minutes. The motion was seconded by Walter Searcy and unanimously approved by the board by roll call vote.
- IV. **Public Comments:** Chair Williams opened the floor for public comments. The public was reminded that comments were limited to three minutes.

Jessica Dauphin

Ms. Dauphin stated that WeGo Public Transit is doing a tremendous job at keeping bus operators safe and keeping the city moving. CEO Bland has also done an excellent job with connecting with Transit Alliance members and partners via zoom calls and through their Transit Alliance Leadership Academy sessions. Beginning Saturday, July 25th, the Transit Alliance of Middle TN (TAMT) and Neighbor to Neighbor (N2N) will join together to create the Neighborhood Transit Institute (NTI). NTI is a three-day training for community leaders who want to learn more about transit, why transit matters to our communities, and how to advocate for more transportation options. For more information, she directed everyone to the Transit Alliance website: www.thetransitalliance.org/nti

John Bull

Mr. Bull thanked the WeGo Public Transit staff for doing such a wonderful job with promoting social distancing and the wearing of masks during COVID-19.

Darius Knight

Mr. Knight encouraged the staff to continue to be safe during COVID-19. He expressed his appreciation to CEO Bland for the recent, successful Better Bus Committee Meeting. He also thanked the Operations & Maintenance staff for getting buses up and running and said that their hard work had not gone unnoticed.

He asked the members of the board to be mindful of next year's budget and said that planning needs to be discussed right now vs waiting until we get to that point.

V. **Operations & Finance Committee Report:** Chair Walter Searcy reported the following:

- a. **MTA Rail Consultant Memorandum of Understanding (M-A-20-017):** In preparation for undertaking several significant rail capital projects for the WeGo Star Commuter Rail Line (Locomotive Rehabilitation, Acquisition of New Passenger Cars, Track Upgrades, Railroad Construction Coordination for Mt. Juliet Park & Ride Expansion, WeGo Star Improvement feasibility study, etc.) the RTA contracted with CDM Smith Consulting under a pre-existing task order agreement to assist with technical support and oversight for these projects. As the work became more involved, it was recognized that RTA's needs would be better served with a committed staff person with the requisite expertise to complete this work. The individual who had been working as a sub-contractor through CDM Smith agreed to join Nashville MTA as a temporary, part-time employee to act as a rail consultant exclusively for RTA projects. This arrangement amounted to a 16% cost savings for RTA compared to the rates under their CDM Smith contract due to the elimination of overhead and reduction in hourly rates for certain work classifications. In addition, this arrangement will allow the RTA rail work to be handled more efficiently and effectively through direct management oversight.

The employee's work falls outside the existing management contract between Nashville MTA and RTA due to the specificity of the work being done and its direct applicability only to commuter rail. The specific services are not applicable to either RTA Regional Bus or MTA services in general as opposed to the management contract being representative of only a portion of the employee's time being devoted to RTA business. Therefore, RTA is requesting that an MOU retroactive to October 1, 2019 and extending through June 30, 2021 be entered into that will provide for full reimbursement to Nashville MTA for this position at a pay rate of \$200.00 per hour for time actually worked up to 100 hours per month in addition to travel expenses in accordance with MTA travel policy. This rate is for direct service and does not include any overhead for MTA, as such overhead is already incorporated into the annual management agreement.

Staff requested the Board's approval of an MOU between Nashville MTA and RTA to accommodate special rail oversight work being performed under the MTA management agreement with RTA. The MOU will have an effective date of October 1, 2019 through June 30, 2021, with an option to extend for additional periods upon review and approval of the Operations and Finance Committee and full Board of Directors. Total expenses shall not exceed \$420,000 and will only be for time (actually) worked plus travel expenses in accordance with MTA's travel policy.

There was detailed discussion before approving this board action item. The detailed discussion is listed below:

Mr. Walter Searcy asked where the funds for this MOU would come from. CFO Ed Oliphant stated that the funds would come from grants from the RTA side. CEO Bland stated that most of the work that the employee is performing is from very specific capital projects. Mr. Searcy asked if this was a single source matter, and if so, why was he the only consultant considered. CFO Oliphant stated that this was not a single source procurement matter. CEO Bland went on to say this is not a consultant agreement, but the employee is a temporary/part-time employee of Davidson Transit Organization (DTO). Mr. Searcy asked why we did not follow the normal process of a public notice/solicitation for this part-time position? CFO Oliphant stated that the employee has already been performing work under a CDM Smith task order contract with RTA, and it became apparent that RTA would benefit more by having him as a direct payee vs. paying him under the CDM Smith contract. CDM Smith agreed to remove him from their contract and allow him to become a part-time employee of DTO. We are currently utilizing this employee to manage special projects specifically related to the rail side of RTA's business. Mr. Searcy asked if this was a seamless circumstance? CFO Oliphant said

that this would be treated just like the management contract, except it's a MOU specifically for the rail oversight. CEO Bland further explained that the work performed would require a unique skill set. It would have required us to search for other consultants throughout the country at a much higher rate of pay. Most of the people with these skill sets are already working full-time for larger corporations.

Chair Williams asked where this employee was employed prior to working for DTO. CFO Oliphant stated that he was a subcontractor under CDM Smith's task order.

Mr. Searcy asked that the minutes reflect the detailed discussion of this board action item.

Vice Chair Miller said that the discussion and explanations given sounded like it was redeploying a source that was already being utilized, and if this was a more cost-effective way of doing business, then she was in favor of it.

Vice Chair Miller made a motion to approve the MOU between Nashville MTA and RTA to accommodate special rail oversight work being performed under the MTA management agreement with RTA. The motion was seconded by Walter Searcy and unanimously approved by the board by roll call vote.

VI. NICE Committee: Chair Janet Miller reported the following: Vice Chair Janet Miller reported the following:

Vice Chair Miller stated that the NICE Committee did not have any board action items this month. However, she took the time to express her appreciation to the staff, especially the drivers and the service that they have been providing in the community during this pandemic. She said, they are risking their lives on the front lines during these uncertain times. She concluded her remarks by saying, the transit service is a life-line for so many people to get to their jobs and keep their lives going. She said that we owe them a debt of gratitude.

VII. CEO's Report:

1. CEO Bland expressed his appreciation to everyone for their patience with these remote meetings. As we get more proficient with the technology, we should be able to make them more interactive and engaging.
2. With the return to more restrictive COVID-19 measures throughout the city, we have seen ridership dip just a bit from where it had been a week or two ago, down about 58% compared to normal. Of course, service hours have also been reduced with weekly service hours down about 22%.
3. As of this week, we have had a total of 24 employees test positive for COVID-19, most being asymptomatic. Of this number, 8 have moved past the period of contagion and have returned to work. In addition to the 24 who have tested positive, we currently have another 17 who are out either awaiting test results or who had close contact with someone with COVID-19.
4. Progress on various capital projects continues at a good pace:
 - For the Nolensville shelter project, civil work and shelter installations have been completed at 4 sites; all concrete work is complete, and we are waiting for finish work at an additional 5 sites; and concrete and drainage work is under way at 2 more sites.
 - The largest challenge of this project will likely be the Walmart stop, which is one of the busiest in the system. Engineering and Operations are currently working with Public Works and other affected entities to develop a plan for accommodating passengers during construction later this year.
 - For the Hillsboro/Green Hills Transit Center, we are completing pre-construction preparation of contracts and related documents for phase 1 as approved by the

Board last month. This work will proceed in lockstep with site work that the School District is advancing. Designs for the final amenities package are now being circulated among affected staff for comment and alteration.

- For the North Nashville Transit Center, we executed the temporary license with the property owner, effective June 1. We have completed the phase 1 environmental assessment and all field work on the geotechnical analysis, for which we should have a report this month. As a result of the environmental assessment, we are incorporating the removal of two underground storage tanks into the demolition package we are putting together. Legal is also proceeding with work on the final lease and PILOT agreement with the City.
5. With respect to capital projects, the geotechnical study on our bus parking area sinkhole at the Nestor facility has been completed confirming our suspicions that the subsidence is solely due to a failing and antiquated sewer line running beneath the lot. Recommended remediation is to connect the Nestor facility to an adjacent line, disconnect this line and remove it; backfilling the lot with solid material. We anticipate this project to advance over the next few months.
 6. With respect to Nestor, as identified in our previous reports on programming of CARES Act funding, we will be undertaking a series of investigative studies of the Nestor facility to determine its short and long-term future. In the short-term, these will include a full assessment of building structure and systems focused on bus maintenance and storage facilities (office facilities were addressed 2 years ago); and an examination of any regulatory barriers to substantial renovation given the location of the facility in the floodplain.
 7. We continue to work with the Mayor's Office on developing a new transportation plan, with a goal of releasing the plan for comment in an October/November timeframe. Transit elements of the plan would include advancement of the Better Bus Service Improvement Program, a continuation of our stop and shelter improvement program at a larger number of locations, continued development of neighborhood transit centers and investigation of larger scale corridor improvements in the Clarksville Pike and Murfreesboro Pike Corridors.
 8. CAO Rita Roberts-Turner and Margaret Behm are continuing their negotiations with Uber for an agreement for our Mobility on Demand pilot, with major sticking points including indemnification and data sharing, as is the case in most cities.
 9. We continue work on our new fare collection system, primarily delayed by the COVID-19 conditions which have prevented us from conducting an adequate customer beta test. We hope to initiate this testing as we move back to standard fare collection after all of the driver barriers have been installed on our buses.
 10. The Planning Department continues to work with TDOT on a planned widening of Vietnam Vets Boulevard, SR 386. From a transit perspective, current thinking is to incorporate bus on shoulder into the facility, with shoulders designed for possible future conversion to managed lanes; as well as park-and-ride improvements at Conference Drive and New Shackle Island Road in Sumner County.
 11. CEO Bland echoed Darius Knight's remarks during the Public Comment period about next year's budget. Last month, we were able to present a balanced budget with no impact on service or fare levels, despite a cut in operating funds of \$21.3 million from Metro due to the pandemic. We could only do that because of the availability of one-time funding through the Federal Government. The Mayor's Office and Metro Finance have expressed every intention of restoring those funds next year, but we know everyone's memory can grow short and we will need to keep the community informed about the very dire consequences if these funds cannot be restored.

12. On the RTA side:

- On July 1, several members of the RTA Board and other community leaders took a facially covered and socially distanced ride on the new Star Passenger cars, pulled by the newly rehabilitated Star locomotive. On the ride, they inspected the relatively new Hamilton Springs Station, the park-and-ride expansion project in Mt. Juliet, and adjacent projects in Mt. Juliet – a clock tower installed on the station site by the City, and a new apartment and townhome complex being built adjacent to the station.
- With respect to the Mt. Juliet Station, work is progressing well, and we expect the expansion and improvement project (which will add about 100 new spaces) to be completed by the end of the year.

Mr. Searcy asked what the average time was for an employee to receive their test results back. CAO Rita Roberts-Turner stated that the average time is within a 24-hour turnaround, but there have been a few cases that have taken as long as 2 weeks.

Chair Williams asked if we offer a list of testing sites, CAO Rita Roberts-Turner confirmed that we do; however, most employees are being tested through their own physicians.

Mr. Searcy asked if we had a mandatory testing process and suggested that we develop a process for how and where people are tested. CAO Rita Roberts-Turner stated that we are following the recommendations that are provided from the Center for Disease Control (CDC).

VIII. Chair's Report:

Chair Williams stated that she couldn't be any prouder of the staff and the service that they provide to the community. She said, at times it is overwhelming to see that everybody serves with such honor and courage. She told the staff that their hard work had not gone unnoticed. She also thanked fellow board members for being attentive and for being supportive of the staff.

Chair Williams thanked the members of the public for being present on this month's teleconference call and for their public comments. She concluded her remarks by letting everyone know that the staff reports were included in the board packet and if anyone had questions to reach out to the appropriate staff members.

IX. Adjournment: There was no further discussion and meeting was adjourned at 3:20 p.m.

Attested:

Gail Carr Williams
Chair

Margaret L. Behm
Secretary