

RHODE ISLAND PUBLIC TRANSIT AUTHORITY

BOARD OF DIRECTORS

MINUTES OF Wednesday, July 14, 2010 MEETING

Board Members Present: John Rupp, Chair; Edward Field; Stephen Durkee; Michael Lewis; William Kennedy; and Rochelle Lee.

Absent: Thomas Deller and Jerome Williams.

Also Present: Alfred J. Moscola (General Manager); Susan DeBlasio Leach (Outside General Counsel); Andrew Prescott (Labor Counsel); Henry Kinch; Maureen Neira; Mark Therrien; Ellen Mandly and other members of RIPTA's staff and members of the public whose names are on the sign-in sheet.

Agenda Item 1: Approval of the Minutes of June 2 and 28, 2010 meeting

Mr. Rupp called the meeting to order at 1:49 and asked if the Board members had an opportunity to review the minutes of the meetings held June 2, 2010 and June 28, 2010. The members indicated that they had and Mr. Field made a motion to approve both sets of minutes as presented. Mr. Kennedy seconded the motion and the minutes of the meetings were unanimously approved.

Agenda Item 2: General Manager's Report

Mr. Moscola reminded the Board that the ribbon cutting for the new paratransit facility is scheduled for July 26th at 11:00 a.m. and then discussed the particulars of the move and the attributes of the new facility. He reported on the leasing of the old paratransit facility to the Department of Motor Vehicles and the types of services the DMV will offer in the space.

Mr. Moscola said that later in the meeting Mr. Therrien would give a detailed report on the public hearings but he briefly outlined his participation saying he and Henry Kinch headed up the meetings held in Newport and Barrington and he feels the hearings went well although the turnout was rather low. Mr. Moscola then asked Ed Scott to continue with the ATMS portion of the report.

Mr. Scott reported that new IT Director Paul LaFlamme was on vacation but noted that thus far he is pleased with his performance and Mr. LaFlamme has brought a lot of insight to the project and he gave examples of same. He said the biggest obstacle to overcome is the integration of the new radio system as ACS has not done this before. A meeting of all the participants is scheduled for next week to work out the details. Mr. Scott reported that the ATMS contract negotiations were going well and kinks in the wording of the agreement were being ironed out.

He said they met with the Director of FEMA regarding the statewide system and learned that the RFP had only been issued last week and RIPTA will need to engineer around their timeframe. Mr. Lewis asked that Mr. Scott provide the Board with a schedule of the project work activities and Mr. Scott responded that it is too early in the process for such a schedule but he will gladly do so when the project is further along.

Mr. Scott then elaborated on some of the voice and data features that will be part of the new system. Mr. Moscola commented that RIPTA drivers do a good job of making voice announcements for the vision impaired and the new automatic bus signs will assist the hearing impaired.

Mr. Rupp asked if anyone was doing a legal review of the contract and Mr. Scott said Nixon Peabody. Mr. Rupp asked to be given a copy of the final draft contract for review.

Agenda Item 6: FY 2012 – 2016 Capital Budget

Mr. Rupp moved ahead to agenda item # 6 FY 2012 – 2016 Capital Budget. Lilly Picchione addressed the Board and explained that the 5-year Capital Budget is required by the State and is submitted each July for inclusion in the Governor's Capital Plan.

Ms. Picchione discussed the Capital Budget at the last Strategic Planning and Finance Committee meetings and said it includes detailed information about ongoing capital projects and this year's two new projects, the radio interoperability project and the Providence Core Connector Study. The Providence Core Connector study is being undertaken pursuant to a recommendation in the Metropolitan Transit Study. She said the Capital Budget is a tool for planning purposes and all contemplated projects will come back before the Board at a later date for final approval.

Mr. Lewis asked what the priority project would be if RIPTA were to receive an unexpected windfall. Mr. Therrien replied that the Strategic Planning Committee has been discussing this issue and planning future priorities for the next 5, 10, and 20 years. Mr. Therrien did not have an answer to the question posed today because the Capital Budget before the Board for approval was limited to 5-years to be consistent with the State's requirements.

Mr. Therrien answered a few general questions and then Mr. Field moved that the FY 2012 – 2016 Capital Budget be approved as presented. Mr. Kennedy seconded the motion and the Capital Budget was unanimously approved.

Agenda Item 7: Jobs Access/New Freedoms

Mr. Therrien discussed the next agenda item relative to Jobs

Access/New Freedoms saying in 2006 SAFETEA-LU authorized transportation funding and created the New Freedoms and Jobs Access Programs which have the a goals of overcoming transportation barriers for persons with disabilities. There is a program mandate which says projects must be developed through a coordinated plan developed by transit providers, human services agencies and the public and the process must be competitive. Staff worked with state and local human service agencies to develop a coordinated plan for public transit for human services transportation in Rhode Island.

Mr. Therrien described the competitive selection process and said three funding requests were received under the New Freedoms Program and two under Jobs Access Reverse Commute funding. Staff is now requesting Board approval to enter into agreements with the RI Executive Office of Health and approved taxi companies and three human services agencies for the purpose of implementing FTA assisted projects.

Mr. Therrien then gave a history of these programs and described how RIPTA came to be the lead agency. He discussed various meetings held with all involved to develop and prioritize the projects and reminded the Board that bills regarding these programs have been approved by the House and the Senate, but he is unsure if the Governor has signed off yet. He then described the procurement process and the issue of the taxi purchases in particular and went

into further detail regarding the Jobs Access Program.

Mr. Rupp asked who would operate the taxis purchased with the funds and Mr. Therrien said five taxi companies have asked to participate. Most of the State except South County will have handicapped taxi accessibility. He said the taxi companies will be required to sign a contract regarding the maintenance of the vehicles they receive. Mr. Rupp asked if RIPTA will retain ownership of the vehicles and Mr. Therrien said we'll retain the title for 5 years then turn them over to the taxi company. Mr. Rupp said this was basically a lease agreement and Mr. Therrien agreed with this assessment.

Mr. Therrien answered questions regarding scheduling of the taxis through the Ride Program and the handling of complaints which will be done through the PUC. He then answered some questions posed by Mr. Moscola regarding the purchase specifications.

Mr. Field asked how much time would be required of staff to oversee these programs and Mr. Therrien replied that it will be somewhat time consuming and might take up 10% of his staff's time and a consultant may be retained to assist. Mr. Rupp asked about liability issues and Mr. Therrien said this issue will be vetted through the attorneys.

Mr. Therrien discussed the costs as detailed on page 3 of the staff summary and following this Mr. Field made a motion that the contracts for Jobs Access and New Freedoms programs be approved

as presented by staff. Mr. Durkee seconded the motion and it passed unanimously.

Agenda Item 3: Public Hearings Results

Agenda Item 4: Public Comment

Mr. Therrien addressed the Board to discuss the public hearings recently held regarding potential fare increases totaling approximately \$975,000 and service modifications on 25 routes totaling approximately \$700,000.

He then reiterated his remarks from recent meetings and described the budget issues that in May led the Board to approve option # 2 in the FY 2011 Revised Budget/Deficit Options which included among other things a fare increase and service modifications.

He gave the dates and locations of the hearings and named the staff that assisted and said the turnout was relatively low likely due to the heat and proximity to a holiday, but unfortunately due to the timing of the driver's pick of their work schedules the hearings could not be held any other time.

Mr. Therrien said only two state representatives (David Caprio and Joy Hearn) attended and press turnout was low. He singled out Board member Michael Lewis as the only Board member in attendance and thanked him for making the time to attend.

Regrettably the other Board members had previous commitments or conflicts and they expressed their thanks to Mr. Lewis for being the

lone representative of the Board.

He said a representative from the Center for Transportation Choices was at each meeting and read a prepared statement and other groups such as ATAC, Save the Bay, the Audubon Society and the Gray Panthers also attended.

Mr. Therrien summed up the large binder of public hearing testimony in the Board package by saying that overwhelmingly the public responded with dismay and opposition to fare increases and/or service cuts but the majority consensus was that fare increases were preferable to reduced or eliminated service. Mike Lewis agreed with this assessment.

Mr. Flynn from the Gray Panthers interjected from the audience regarding an email he had sent to the Board members purporting that seniors and the disabled will be disproportionately and unfairly affected by the proposed service reductions. He feels data may be available or could be compiled to support his assertion and requests that seniors and the disabled be considered in relation to the modifications. A discussion ensued among staff and the Board members regarding Mr. Flynn's letter and assumptions. Following this discussion Mr. Rupp stated that any service cuts that may occur will be regrettable but one demographic cannot be spared for another and while weekend and evening service is important, so are those using RIPTA services to commute to work on weekdays. He

reminded those present that all service cuts are still on the table for consideration and a vote has yet to be taken.

At this point Mr. Rupp opened up the floor to public comment and recognized nine individuals: Margarita Gome, Eugenia White, Anna Liebenou, June Massey, Marjorie Rogers, Paul McNeil, C. Michael Blake, Richard Bidwell and Steve Farrell.

Ms. Gome commented that while she is grateful to have a disabled pass and the drivers are very helpful, she is concerned about service cuts because RIPTA is her main mode of transportation to shop and get to work. She relies on RIPTA and any changes would be difficult for her. Ms. Gome spoke a second time during public comment and suggested asking wealthy Rhode Islanders for financial assistance.

Ms. White who is the Co-Chair of the ATAC Committee said she is upset about potential cuts because they would restrict people from moving about freely and hinder their independence. She understands the budget shortfalls RIPTA is facing but asked that we try to find more money another way. She said weekend and holiday service cuts would hinder her ability to attend church and visit friends.

She cautioned that cuts to regular routes effects the RIdE service area too and was particularly concerned about service between Woonsocket and Providence. Ms. White finished by saying raising fares is preferable to cutting service.

Anna Liebenou began by thanking Director Lewis for attending the public hearings and said she did as well and she agreed with Mr. Therrien's summation of the public comments. She also is concerned that cuts to regular service will adversely affect the RIde Program.

Next June Massey a member of the Gray Panthers spoke and said she has been a RIPTA ride for over 17 years and she attended the Providence public hearings. Ms. Massey said the bus is her means of mobility and she needs it to shop, visit relatives and uses it to support her social commitments from Providence to Newport and all over the state. She said public transit across the country is suffering because the federal government has not given it enough focus and funding. She finished by asking that ozone days be eliminated and that hearings be noticed sooner and not near a holiday.

Marjorie Rogers spoke next and said people need service on weekends and holidays too. Ms. Rogers suggested the Board and staff look into raising the price of the monthly pass further rather than making cuts.

Mr. McNeil said he has been a rider for many years and he has seen an uptick in the use of taxis in the RIde program and he is not happy with that service and described a few incidents where taxi cabs did not pick him up in a timely manner. He attended the Warwick hearing and

expressed disappointment that no Board members were in attendance.

C. Michael Blake spoke next and characterized himself as a public transit advocate who is from the Woonsocket area and has used RIPTA for many years. Mr. Blake spoke at great length regarding his reliance upon RIPTA to get to work and to meet social and family commitments.

Mr. Blake discussed the public hearings he recently attended and RIPTA Board meetings and public hearings he attended in the past and said he has made public comments every time. He said the RIPTA staff is being forced to run the Authority without enough funding and that farebox and gas tax revenue is not sufficient and other sources of funding must be identified. He said the State must give RIPTA the funds it needs to operate public transit services at the current level, especially since Rhode Island is such a small state.

He stated the Woonsocket depot should be reopened then held up two handmade signs one said “RIPTA Board of Directors out of touch with RIPTA ridership” the other said “Rhode Island General Assembly shame on you”. He then asked that the Board members resign or that it be restructured.

Mr. Blake spoke a second time later during public comments and suggested the Board ask for an emergency session of the General

Assembly to discuss giving RIPTA \$3.7 million dollars. He then retracted his earlier negative statement about the Board and said at today's meeting he sees they do care about RIPTA riders.

Mr. Bidwell of the Gray Panthers spoke next and said he is concerned about the consequences of fare increases and/or service cuts on the elderly and disabled. He said they are totally dependent on RIPTA service on weekends and holidays to maintain social networks. He believes a state policy exists that mandates that the elderly be allowed to live in communities and not be segregated and he thinks the proposed cuts would violate this.

Mr. Bidwell also expressed concern on how cuts to regular service would impact ADA service and asked for an impact study focusing on the elderly and disabled. Mr. Rupp cautioned about mixing and matching statistics and demographics and said the Board would take all comments and suggestions under advisement. Mr. Rupp expressed concern about various groups and segments of riders working against each other in their efforts to retain service. Ms. Lee expressed similar concern. Mr. Therrien responded that route performance is the priority, not various groups of people.

Mr. Farrell commented that in his opinion it was disingenuous to hold the public hearings the week after the fourth of July and he criticized the Board members for not attending, except Mr. Lewis. He said the issue of fare increases and service cuts is a quality of life issue and it

would be a travesty of justice to take the vote today considering the low turnout at the hearings.

Mr. Farrell urged the Board to continue to explore other methods of funding at meetings of the Strategic Planning Committee and Finance Committee and to work with the General Assembly on same. He asked that the Board not vote on this issue today.

Michael Lewis thanked all those who made public comment and those who also attended the public hearings. He stressed how important it is for the Board to be able to hear the impact of the decisions they must make and said they do not take this responsibility lightly. He said the Board must balance the budget and it is a difficult obligation versus the difficult impact that will have on RIPTA riders. He said that unfortunately the issue of funding public transit in Rhode Island will not go away and will get worse in the coming years unless new and additional sources of revenue are identified.

Mr. Durkee expressed his appreciation to the members of the public for attending and commenting and apologized for being unable to attend the hearings. He stressed that all the Board members care very much about how the decisions they make effect RIPTA riders. Mr. Durkee said that raising fares and service adjustments are a last ditch effort as the Board has worked hard in meetings and in the public sector to raise awareness of RIPTA's funding issues. He said that the Board needs the help of those present and other riders to get

the word out about our funding crisis. He asked the public to become loud and vocal and let their legislators know they want more and better funding for RIPTA.

Mr. Kennedy said he sympathizes and agrees with the comments he heard expressed today and that he opposes the fare increase and any service cuts. Mr. Kennedy said that people depend on RIPTA to get around, particularly the elderly and disabled. He said he would like to study and discuss this issue further and he will not support any change in fares or service as a matter of conscience.

Mr. Rupp thanked the speakers for their comments.

Agenda Item 5: Service Modifications/Fare Increase

Mr. Rupp began by saying that there were some inaccuracies stated during the public comment regarding the proposed service fare modifications and fare increase. He said he applauded the efforts of the Strategic Planning Committee members who have worked hard to address this issue rather than criticize. He said that RIPTA's service is affected by the impacts of labor and fuel costs and in contrast to comments made today, RIPTA staff and the Board have been working with the legislature and other organizations for 3 years to bring service to more people, but at this point in time there is a budget deficit that must be addressed.

He said the public hearings were scheduled and advertised well in advance and the dates were determined by the timing of the driver's schedule pick and union negotiations. Additionally, no complaints about the dates of the hearings were received in the weeks prior when they were publicly advertised.

Mr. Rupp remarked that the consensus of the public seems to be that raising fares is preferable to loosing service. Mr. Durkee asked if it was urgent that the vote be held today and a discussion ensued among the Board members regarding the loss of the additional revenue if the vote is tabled, the possibility that additional public hearings might be required, the timing of the driver's pick, and whether the issue has been fully vetted. Following this discussion the Board asked Mr. Farrell if he would commit to cooperating with a rescheduled pick, if needed, if today's vote was tabled. Mr. Farrell pledged his cooperation.

Mr. Therrien said he would research the possibility of additional fare increases and report back to the Board at the August meeting. Mr. Lewis was concerned about the timing and loss of revenue. Mr. Moscola commented that if the fare increase was approved today the service modifications could wait till the August meeting as only the pick would be affected.

Following this discussion Mr. Field made a motion that the fare increase be approved as recommended by staff. Mr. Durkee seconded and then after a brief discussion the motion was clarified

that the fare increase proposed today be approved, but that the recommended service modifications be tabled until the August meeting at which time staff will give recommendations on possible additional fare increases that are not excessively onerous. A roll call vote on this motion was taken and Messrs Field, Durkee, Rupp, Lewis and Ms. Lee voted to approve the motion. Mr. Kennedy opposed the motion and the motion was approved by a vote of five to one.

After the vote Mr. Lewis cautioned staff that their recommendations should be very realistic.

Agenda Item 8: Status of CEO Search

Agenda Item 9: Status of Proposed Revisions to Binding Arbitration Statue

The Board Chair asked for a motion to table agenda item 8 Status of CEO Search and agenda item 9 Status of Proposed Revisions to Binding Arbitration Statue. Mr. Lewis made the motion to table agenda items 8 and 9. Ms. Lee seconded and the motion passed unanimously.

Agenda Item 10: Executive Session Pursuant to 42-46-5(a)(2) to Discuss Potential Litigation Matters

Mr. Rupp asked for a motion to convene an executive session as noticed on the agenda under 42-46-5(a)(2) to discuss Potential

Litigation Matters. Mr. Field read the law and made the motion. Mr. Kennedy seconded the motion to convene an executive session and a roll call vote was taken. The motion to convene to executive session under 42-46-5(a)(2) passed unanimously.

Following the Board's return to open session Mr. Lewis made a motion to seal the minutes of the executive session, and Mr. Durkee seconded the motion, and it passed unanimously.

At this point Mr. Durkee left the meeting.

Agenda Item 11: Adjournment

A motion to adjourn was made by Mr. Kennedy. Mr. Lewis seconded the motion and it passed unanimously.

Respectfully submitted,

Ellen M. Mandly

Recording Secretary