

PORT AUTHORITY OF ALLEGHENY COUNTY  
MINUTES OF THE REGULAR BOARD MEETING  
FRIDAY, APRIL 28, 2017

The Regular Meeting of the Board of Port Authority of Allegheny County was held on Friday, April 28, 2017, at 9:30 a.m., at the Authority's Administration Offices, 345 Sixth Avenue, Pittsburgh, Pennsylvania, 15222-2527, pursuant to due public notice given as required by law.

**Board Members:**

Jeff Letwin, Chair  
Senator Jim Brewster  
Ann Ogoreuc  
John Tague  
Rob Vescio  
D. Raja  
Rob Kania  
Michelle Zmijanac  
Jen Liptak  
Joel Lennen, General Counsel

**Media:**

Theresa Clift, Tribune Review

**Port Authority Staff:**

Ellen McLean, chief executive officer, Bill Miller, chief operations officer, Keith Wargo, assistant general manager Engineering and Technical Support, Jim Ritchie, Communications officer, Barry Adams, assistant general manager Human Resources, Mike Cetra, assistant general manager Legal and Corporate Services, Ed Typanski, director Grants and Capital Programs, Catherine Terrill, Professional Services contract specialist, Tony Trona, director Purchasing and Materials Management, Darcy Cleaver, assistant manager Passenger Amenities, Fred Mergner, assistant manager Scheduling and Service Planning, Adam Brandolph, Public Relations representative, Dan DeBone, Community and Government Relations Officer, Amy Silbermann, data analyst, Breen Masciotra, TOD project manager, Diane Williamson, executive assistant.

**Other**

Jim Robinson, ACTC President, Jim Keener, Molly Nichols, PPT, Jeimy Sanchez Ruiz, speaker, Monica Ruiz, Charles Farkas, ITA, Glenn Walsh, speaker, Carol Balance, PIIN, Carolyn Lenigan, Donna Lee Terry, speaker, Chandana Cherukupalli, PPT, Brandi Fisher, speaker, Shawn Hudzinski, PAPP, Karen Hoesch, ACCESS, Kim Morewood, ACCESS, Cathy Williams, ACCESS, Denise Strawoet, ACCESS.

A recommendation was made for approval of the minutes of the March 31, 2017 Regular Meeting. A motion was made, seconded and unanimously passed.

The Chairman called on Ms. McLean for the report from the chief executive officer. Ms. McLean reported that on Friday, April 21, several local agencies, city and county departments, and affiliated organizations, including Port Authority, participated in Earth Day celebrations with booths in Market Square and at the Allegheny County Courthouse. Teams distributed take-one cards thanking riders for helping to contribute to transit's positive impact on the environment. The take-one cards also correspond to a small marketing and communications campaign that can be found on buses and light rail vehicles.

Ms. McLean continued reporting that looking ahead, this is panning out to be a busy summer for the Port Authority. Preparations are underway for our move to cashless on the rails. She noted that leading up to the changes, riders will begin to see signage for the "Fare Paid Zone," as well as new ticket vending machines and off-board validators installed along both rail lines.

Another amenity that we're close to rolling out is real-time GPS for light rail vehicles. Much like what's available for buses, riders will be able to track where the light rail vehicles are located for better convenience and ease-of-use. The data will be sent to third-party developers who can incorporate the information into their mobile applications.

That concluded the report of the chief executive officer.

The Chairman moved to the public comment by calling the first speaker, Mr. Glenn Walsh.

Mr. Walsh stated that the public participation process for the proposed Bus Rapid Transit project between downtown and Oakland thus far is flawed. At the April 5 public meeting in Oakland, several people wanted to respond to the presentation. One city resident had even prepared a written statement to be delivered at the meeting and photocopies of this statement were provided to city officials as well as interested members of the public. Neither he nor anyone else was able to speak before this assembly.

He continued saying that the meeting format only allowed public comments at break-out stations where the staff was only interested in a person's preferred routing of the four options offered. He stated that these break-out stations were simply set up to diffuse opposition to the proposed project.

Mr. Walsh noted that before you ask the public which routing they prefer, the public has the right to weigh-in on whether the BRT is the project they prefer. He stated that apparently the staff dismissed the no-build option. He asked shouldn't the public have the right to consider the no-build option before the commitment of at least \$240 million public dollars. Further he stated that some people may believe that another transit mode could better integrate the downtown to Oakland line with the Authority's current rapid transit system. Mr. Walsh concluded his remarks by urging the Board to sponsor a general public hearing on this proposed public transit project.

The Chairman called on the next speaker, Ms. Donna Lee Terry. Ms. Terry stated that she was there to ask Port Authority to delay the implementation of the proof of payment system on the light rail. Her concern was that there is not enough time for the public to get the information and understand the policy. It is her understanding that there are plans for public education campaigns, but the change is happening in the next two months, noting that this is not enough time for the policy to be in place and for people to understand it. Ms. Terry also expressed her concerns that the names and information of individuals who are cited should never be shared with immigration or ICE.

The next speaker, Mr. Jeimy Sanchez-Ruiz, also shared his concerns regarding the implementation of the proof of payment system on the rail. He too is concerned about the amount of time there is to educate the community on the new system. He also had concerns regarding training the inspectors. He urges Port Authority to train the inspectors or police officers on bias and training, preventing racial profiling. He also brought up the issue of riders who do not speak English and will the officers be

trained to interact with people with disabilities. Mr. Ruiz also requested that information not be released to ICE.

The final speaker, Ms. Brandi Fisher, wanted to voice her opinion on Port Authority as a whole, but in particular, her concerns with the implementation of the proof of payment system. She stated that the Alliance for Police Accountability has been talking about the need for a change in Port Authority's operations and policy regarding data, accountability and training. In light of the proposed implementation of a proof of payment system, we believe it is time for us to move from conversation to implementation.

Ms. Fisher stated that the Mayor of Pittsburgh has been publicly vocal about the city's support of its immigration population. The Pittsburgh Police have a practice of not contacting ICE when they encounter undocumented individuals

Ms. Fisher urged the Board to work with the community in an open fashion to have community conversations about how we can begin to have a real relationship with the Port Authority Police Department like the City of Pittsburgh police. We are asking that Port Authority's policies be open and put on its website so that people can understand why decisions are made and the way they are being made. We are asking Port Authority to become more transparent in its policies and in its interactions with the community.

The Chairman called on Ms. Zmijanac for a report of the Performance Oversight Committee.

Ms. Zmijanac reported that a meeting of the Performance Oversight Committee was held on Thursday, April 20th, and the minutes from the previous meeting were approved by the Committee.

The financial results for the month of March were reported at the meeting. It was reported that total operating income was \$264,638 over budget due to higher passenger revenue. Total operating expenses were approximately \$1.95 million under budget for the month.

Total subsidies for March were \$2 million below budget due to lower state operating assistance, which will normalize by fiscal year-end.

From a year-to-date perspective for Fiscal Year 2017, it was reported at the meeting that total operating income is \$206,896 below budget primarily due to lower passenger revenue. Total operating expenses are \$19.3 million under budget.

Total operating subsidies through March are \$5 million over budget, which is a timing issue.

Ms. Zmijanac continued reporting that there were five resolutions reviewed by the Performance Oversight Committee for consideration by the Board.

The Committee first reviewed one procurement action and found the bid to be in accordance with the Authority's procurement policies and procedures, the price to be fair and reasonable, and the bidder to be responsive and responsible.

The Performance Oversight Committee therefore recommends for award the item outlined in the resolution in the amount of \$397,416.00.

On behalf of the Performance Oversight Committee, Ms. Zmijanac respectfully requested approval of the resolution.

It was moved, seconded and unanimously agreed that the resolution be approved as presented.

The Committee then reviewed a resolution authorizing the Authority to award a Construction Contract for the Brilliant Viaduct Rehabilitation Project. Ms. Zmijanac noted that the work for the project consists of concrete repairs, expansion joint replacement, bearing refurbishment, structural steel painting and other miscellaneous repairs to the bridge that carries the East Busway over a railroad and local streets.

Four bids were received for the project and after review of the responsive bids, it was determined that the bid of Gulisek Construction LLC, in the amount of \$4,073,683.55, is the lowest responsive bid from a responsible bidder meeting the Authority's requirements.

The Performance Oversight Committee therefore recommends entering into an agreement with Gulisek Construction for that amount, subject to the successful completion of all pre-award requirements.

On behalf of the Performance Oversight Committee, Ms. Zmijanac respectfully requested approval of the resolution.

It was moved, seconded and unanimously agreed that the resolution be approved as presented.

Ms. Zmijanac reported that the next resolution being recommended by the Performance Oversight Committee is authorization to award a construction contract for sealing the liner of the Mt. Lebanon Tunnel along the Red Line of the Light Rail System.

Three bids were received for the project and after review of the responsive bids, it was determined that the bid of Mosites Construction Company, in the amount of \$2,977,777.00, is the lowest responsive bid from a responsible bidder meeting the Authority's requirements.

The Performance Oversight Committee therefore recommends entering into an agreement with Mosites Construction Company for that amount, subject to the successful completion of all pre-award requirements.

On behalf of the Performance Oversight Committee, Ms. Zmijanac respectfully requested approval of the resolution.

It was moved, seconded and unanimously agreed that the resolution be approved as presented.

Ms. Zmijanac stated that the next resolution being recommended by the Performance Oversight Committee is authorization to enter into an Agreement to coordinate paratransit service in Allegheny County, often referred to as ACCESS.

The single proposal received from Transdev Services, Inc., was reviewed by the Authority's Evaluation Committee. Pursuant to the required procedures, it was determined that appropriate and

reasonable efforts had been undertaken to solicit proposals, the requirements of the RFP were not restrictive and did not cause any limitation to fair and open competition, and the amount proposed was fair and reasonable.

The Performance Oversight Committee recommends entering into a five-year year agreement with Transdev Services, Inc., in an amount not-to-exceed \$2,571,000.00 for the first year, and requiring that a budget be established annually by the Board for each fiscal year.

On behalf of the Performance Oversight Committee, Ms. Zmijanac respectfully requested approval of the resolution.

It was moved, seconded and unanimously agreed that the resolution be approved as presented.

Ms. Zmijanac reported that the final resolution being recommended by the Performance Oversight Committee is authorization to enter into an additional agreement for the purchase of electricity.

The Authority's Board recently passed a resolution authorizing the Authority to enter into agreements for a term of five years with nine firms who were determined to be capable of providing electrical power that meets the Authority's needs and to lock in prices when advantageous to the Authority. The resolution also authorized the Authority to qualify additional interested electrical suppliers, subject to further Board review and approval.

Since passage of the resolution, one additional electrical supplier, First Energy, has submitted a proposal and it has been determined that it is capable of providing electrical power that meets the Authority's needs.

The Performance Oversight Committee recommends entering into an agreement with First Energy to request quotes to provide electrical power, not to exceed the five-year term of the agreements with the original nine suppliers.

On behalf of the Performance Oversight Committee, Ms. Zmijanac respectfully requested approval of the resolution.

It was moved, seconded and unanimously agreed that the resolution be approved as presented.

That concluded the report of the Performance Oversight Committee.

The Chairman called on Mr. Tague for a report of the Planning and Stakeholder Relations Committee. Mr. Tague stated that March was a very exciting month at Port Authority. Although the Committee did not meet, there are a couple of items he wanted to bring to the Board's attention.

Mr. Tague reported that the Authority has made some great headway with Bus Rapid Transit. The Department of Marketing, Communications and Planning worked in coordination with the City of Pittsburgh and Allegheny County to facilitate the public rollout of Bus Rapid Transit.

Port Authority and the City of Pittsburgh presented BRT service and infrastructure options to 25 different community groups, committees, organizations, and legislative bodies, including Allegheny

County Council, Pittsburgh City Council, and the Southwest Pennsylvania Legislative Delegation. The culminating event was a public Open House-style event at the University of Pittsburgh on April 5.

In addition to the public meetings, Port Authority also set up a website to provide the public with information and a survey, adding that the website and survey were promoted on all transit vehicles. Mr. Tague noted that Port Authority received over 2,489 responses regarding the service options for consideration.

Mr. Tague said that he had an opportunity to attend the public meeting in Oakland and was very pleased with the level of information being provided to the public. He knows that a great deal of effort went into making that event a success and he commended everyone involved.

That concluded the report of the Planning and Stakeholder Relations Committee.

Under new business, the Chairman called on Ms. Liptak for a report of the Search Committee.

Ms. Liptak reported that as Port Authority's current Chief Executive Officer's Employment Agreement expires on June 1, 2017, the Authority is currently commencing the process to locate and retain a permanent replacement to act as the Chief Executive Officer for the Authority. In the meantime, the Authority desires to hire an individual to act as the Interim Chief Executive Officer for the Authority until the permanent Chief Executive Officer is retained.

Ms. Liptak continued reporting that based on his qualifications and experience, the Authority desires to employ David L. Donahoe as its Interim Chief Executive Officer to perform such position until a permanent Chief Executive Officer for the Authority is retained by the Board.

Mr. Donahoe is willing to accept such responsibilities and act as the Interim Chief Executive Officer for the Authority and his employment as the Interim Chief Executive Officer for the Authority shall commence on June 1, 2017.

Subject to the execution of an Employment Agreement, this resolution will appoint David L. Donahoe as the Interim Chief Executive Officer of Port Authority of Allegheny County, effective on June 1, 2017, to serve at an initial salary of \$14,000 per month plus other benefits, and under such other terms and conditions, as contained in the Employment Agreement.

On behalf of the Search Committee, Ms. Liptak respectfully requested approval of the resolution.

Before the voting, Mr. D. Raja wanted to voice his reasons for abstaining. He explained that he feels that the Interim CEO is a very critical role when you have an organization with 2,600 employees and more than 2,000 daily riders. Mr. Raja's objection is with the process. He wanted a more formal process even for the Interim CEO.

Mr. Raja made it clear that his objection is to the process and not with Mr. Donahoe and his credentials.

Mr. Tague commented that he understood Mr. Raja's concerns about the process, but when Mr. Donahoe's name was first brought up; he thought it was a wonderful idea. He has known Mr.

Donahoe for a long time and he has served in various leadership capacities and Mr. Tague feels that he's an ideal interim candidate for Port Authority.

The Chairman asked for a motion on the resolution.

It was moved, seconded and agreed that the resolution be approved as presented with one abstention.

There being no further business to conduct. The meeting was adjourned.

The next Regular Meeting of the Board will be Friday, May 26, 2017.

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