

Tompkins Consolidated Area Transit, Inc.

Meeting of the Board of Directors

September 22, 2022 | 4:00pm via Zoom

Attendees

Board Members: Bridgette Brady; Dan Klein; Laura Lewis; Ducson Nguyen; Frank Proto; Gary Stewart; Denise Thompson

TCAT Staff: Susan Brock; Erik Amos; Julie Ellis- Grove; Taylor Hessler; Gian Fountain; Colleen Marsh; Curt Parish; Patty Poist; Megan Pulver; Phil Smith; Mike Smith; Nate Wells; Pamela Torelli; Gina Lord; Laurel Lango; Dameon Allen

Public Attendees: Susan Beckley; Jimmy Jordan; Roman Dias Pinto; Dwight Mengel

Call to Order

Chair L. Lewis called the meeting to order at 4:02 pm.

Board Member Items

L. Lewis informed all present at the meeting that there will be an additional item at the end of the meeting. There will be an executive session about the Transportation Agreement, that Vice-Chair D. Thompson will lead, and L. Lewis will recuse herself from that conversation.

Public Comment

There was no public comment made.

Approval of minutes

There were no minutes ready for approval at this meeting.

Chair's Report

L. Lewis started by saying she is glad to see the mass transit mask mandate has been lifted, as cases of illness in the community have dropped significantly. She is pleased for drivers and public that the mandate is no longer in effect. The Governor's Executive Order on the allowance of virtual meetings has ended, though TCAT bylaws allow the Board to still meet virtually. Other committees such as Common Council have transitioned into in-person meetings, with the public joining both in person and through Zoom. The TCAT Board has not yet met in person in 2022 and yet the drivers are working on the buses every day. L. Lewis offered appreciation for the operators and staff attending welcoming committees held on the Commons, and at Streets Alive, demonstrating the use of the bike racks.

GM Report

The General Manager's report was given by Assistant General Manager M. Smith. He agreed with L. Lewis that everyone was relieved the mask mandate is over and it makes it easier on the drivers; a definite morale booster. He introduced a number of new hires; E. Amos is the new Service Development Manager; D. Allen is the new Operations Manager; L. Lango has been hired as the new accounting specialist.

Systems Report

Ridership levels are about even with last year, due to quite a few trips being cut. Preventative maintenance inspections are up slightly from July's numbers. Bus shortage has been the main factor for

missed trips in August, due to a mix of breakdowns, lack of parts, and DOT inspections needing to be done. Gas prices are continuing to decline and we hope that it continues to come down. There were only 3 collisions and incidents for August. One incident where a bus went off the road, and 2 minor collisions; one at the facility and one out on the road. HR had quite a few hires recently, like the ones mentioned by M. Smith at the beginning, and news that a class started training at the beginning of August and another is scheduled to start in October. This is the busiest time for P. Poist and the marketing team. They are attending events and continuing the outreach for the FreeRyde program. One of the biggest updates from the IT department is the firewall upgrade. It was a costly repair and upgrade, but greatly needed.

Action Items

Chair Lewis introduced **Resolution 2022-xx Local Match for Low or No Emission (Low-No) Program-Revised Amount**. B. Brady moved, and F. Proto seconded the resolution. F. Proto asked for the original approved amount and the revised amount. T. Hessler read the amounts to the Board. There was no further discussion and the Resolution was approved with a vote of 7-0-0 as follows:

Resolution 2022-10 Local Match for Low or No Emission (Low-No) Program – Revised Amount

WHEREAS, pursuant to contract, Tompkins Consolidated Area Transit, Inc. (TCAT) provides public transit bus services throughout Tompkins County, New York, with the use of buses owned by Tompkins County and operated and maintained by TCAT, and

WHEREAS, TCAT supports Tompkins County's application to the 2022 Federal Transit Administration (FTA) Low or No Emission (Low-No) Program for financial assistance in procuring battery electric (BE) buses and infrastructure to include six (6) forty ft (40') BE buses; four (4) micro-transit BE buses, and corresponding charging equipment to support the six (6) buses.

WHEREAS, TCAT supports local comprehensive plans that call for greenhouse gas emission reductions and sustainable transportation; in particular, the Ithaca-Tompkins County Transportation Council's 2035 Long Range Transportation Plan which states that an overarching goal of the plan is to "minimize negative environmental impacts of transportation including: dependency on fossil fuel energy use, emissions, noise pollution and non-point source pollution," and

WHEREAS, TCAT and Tompkins County are looking to replace aging diesel buses that are expensive to maintain, have low fuel efficiency, and were manufactured prior to more recent emissions requirements, and

WHEREAS, TCAT and Tompkins County see electric bus technology as integral to moving to a sustainable transportation future, yet they cannot access the electric bus market outright due to high costs, and

WHEREAS, receipt of buses funded by the Low-No Program would help TCAT and Tompkins County continue to meet demand for fixed route public transit services and increase their ability to provide flexible on-demand transit services; TCAT's rides increased from fewer than 3 million in 2007 to 4.2 million in 2019, which rate of increase outpaced the total US bus ridership by 40% over that ten year period, and despite a decrease in ridership in 2020 and 2021 due to the COVID Pandemic, Tompkins County is home to numerous large planned and under-construction housing projects in the City of Ithaca, in other Tompkins County municipalities, and on Cornell University's campus which underlie a continued community need for excellent

public transit services into the future, and

WHEREAS, TCAT is required to identify local funding sources as a part of the Low-No Program application, and at its May 26, 2022 meeting, the TCAT Board of Directors adopted Resolution 2022-06, which authorized a local match not to exceed \$1,338,000, and

WHEREAS, TCAT subsequently received notice that FTA is awarding Tompkins County a Low-No Program grant for the buses and charging equipment described above, and

WHEREAS, TCAT has learned that a local match not to exceed \$1,431,620 is now required, because the local match was not calculated correctly in the original grant application, now, therefore be it

RESOLVED, that the TCAT Board of Directors authorizes an amount not to exceed One Million Four Hundred Thirty-One Thousand Six Hundred Twenty Dollars (\$1,431,620) from the 2023 and 2024 Modernized Enhancement Program (MEP) and the Accelerated Transit Capital Program (ATC) to include as a local match for Tompkins County's 2022 Low-No Program grant award.

Adopted by the TCAT Board of Directors on this the 22nd day of September, 2022.

(The Board voted on an additional action item after the Executive Session near the end of the meeting.)

Discussion Items

There were no additional Board member discussion items.

Committee Reports

- **Executive Committee** – Executive committee met the day before the meeting, September 21. They discussed the Farebox situation which is a real concern; staff gave the budget presentation to the County recently; collective bargaining; staff are active in grant submissions; the Triennial has been updated; L. Lewis touched on the question, has ridership been impacted due to reductions? The answer is that it is too early to tell. The Transportation Agreement updates will be discussed during Executive Session.
- **Audit Committee** – The Audit Committee did not meet in September. They are still waiting for the Audit report, but were notified that there were still no red flags found.
- **Budget Committee** – The Budget Committee met on September 20. Adjusted the August forecast, \$80,000 favorable to budget, but it is due to unfilled positions. Passenger revenue continues to be under budget. Parts costs are also under budget due to being more deliberate and thoughtful.
- **Human Resource Committee**– The Human Resource Committee did not meet, but C. Marsh updated the board. A class of operators started August 15. By this point a couple were in final stages of revenue service, while the bus handler and mechanic that took the class as well were in the final process of obtaining their licenses. HR is recruiting for the October class, and a custodian position was filled. There was a rehire in the mechanic position. L. Lewis asked a question about mechanics and electric buses. Are mechanics able to adjust from diesel to electric efficiently? N. Wells answers that the initial mechanic that was working closely with Proterra separated from TCAT, but the recently rehired mechanic was the original fallback, so they will resume training with the electric buses again.
- **Planning Committee** – The Planning Committee did not meet in September but exchanged some information over email. They will meet in October and get a research update from the intern, C. Long. They will also talk about farebox updates and automatic passenger counters.

- **Transit Service Committee** – The Transit Service Committee met on September 14 and discussed updates on Farebox issues, impact on reporting, assessing service change for Spring 2023, Proposed new/changed stops on State/MLK, Report-back on APTAU webinar

Next Meeting

The next Board meeting will be October 27, 2022.

Executive Session

There will be 2 Executive Sessions held. The first will be to discuss collective bargaining negotiations, that chair Lewis will be present for. This was moved by B. Brady, seconded by D. Thompson. On a 7-0-0 vote, the Board went into Executive Session at 4:36pm. At 4:51pm, the Board came out of Executive Session (motion by F. Proto, second by D. Nguyen, vote 7-0-0). The Board went right into the second Executive Session led by Vice-Chair D. Thompson to discuss Transportation Agreement negotiations; motion by B. Brady, seconded by D. Thompson, 7-0-0 vote. L. Lewis left the meeting; she turned off her video and microphone and left the room so she would not be a part of the discussion. At 5:34pm the Board left the Executive Session; motion by D. Klein, second by D. Thompson, vote 6-0-0.

D. Nguyen texted L. Lewis that the Board was in open session. She returned to the room with her computer and turned her video and microphone back on. Vice-Chair D. Thompson, presents **Resolution 2022-xx Approve Transportation Agreement Effective October 10, 2022**. The Resolution was moved by D. Nguyen, seconded by F. Proto. Attorney S. Brock said, the Board would like to make a minor wording change to the side letter to the agreement. There is a reference to ‘ordinary and traditional IT expenditures’ and the Board wants it changed to ‘ordinary or routine’. The side letter gives more definition to the section 6 changes to the Agreement. The Board passes the resolution with a vote of 6-0-0 as follows, with L. Lewis not voting:

Resolution 2022-11 Approve Transportation Agreement Effective October 10, 2022

WHEREAS, the City of Ithaca, Tompkins County, Cornell University, a joint venture previously created by them known as the TCAT Joint Venture, and Tompkins Consolidated Area Transit, Inc. (“TCAT, Inc.”) entered into a Transportation Agreement, with effective dates of January 1, 2005 through October 9, 2021 (“First Transportation Agreement”), pursuant to which TCAT, Inc. provided public transportation services in Tompkins County and surrounding areas; and

WHEREAS, effective October 10, 2021, the City of Ithaca, Tompkins County, Cornell University, and TCAT, Inc. (the “Parties”) entered into an agreement to extend the First Transportation Agreement through October 9, 2022, which agreement also terminated the TCAT Joint Venture; and

WHEREAS, the Parties wish for TCAT, Inc. to continue to be the provider of public transportation services in Tompkins County and surrounding areas and have negotiated a Transportation Agreement Among City of Ithaca, County of Tompkins, Cornell University, and Tompkins Consolidated Area Transit, Inc., with effective dates of October 10, 2022 through October 9, 2032, and automatic renewals of up to two additional terms of five years each unless a Party gives proper notice of non-renewal; and

WHEREAS, the Parties have agreed on the components of a side letter that further explains some of the provisions of the Transportation Agreement;

NOW, THEREFORE, be it RESOLVED, that the TCAT Board authorizes the Vice-Chairperson of the Board and the General Manager to sign said Transportation Agreement Among City of Ithaca, County of Tompkins, Cornell University, and Tompkins Consolidated Area Transit, Inc., subject to the approval of TCAT's attorney, and be it further

RESOLVED, that the TCAT Board authorizes the Vice-Chairperson of the Board, the General Manager, and/or TCAT's attorney to sign a side letter containing said agreed-on components, subject to the approval of TCAT's attorney.

Adopted by the TCAT Board of Directors on this the 22nd day of September, 2022.

Adjournment

Chair Lewis adjourned the meeting at 5:40 pm, motion by B. Brady, seconded by L. Lewis.

Minutes respectfully submitted by Taylor Hessler, Recording Secretary, December 1, 2022.