



## Minutes

### NASHVILLE METROPOLITAN TRANSIT AUTHORITY

#### BOARD OF DIRECTORS MEETING

February 25, 2016

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**I. CALL TO ORDER:** The regular meeting of the Nashville Metropolitan Transit Authority Board of Directors was held in the Music City Central Meeting Room, 400 Charlotte Avenue, Nashville, TN on February 25, 2016. Present were: Marian Ott, Chair; Lewis Lavine, Vice Chair; Gail Carr Williams, Member; Walter Searcy, Member; Secretary Margaret Behm, and CEO Stephen G. Bland. A quorum was established and Vice Chair Lavine called the meeting to order at 1:31 p.m.

**II. APPROVAL OF MINUTES:** Proper motion was made to approve the minutes of the January 28, 2016 Board of Directors meeting. There were no additions or corrections, and the vote of approval was unanimous.

**III. PUBLIC COMMENTS:** Vice Chair Lavine reminded us that the Board welcomes public input and asked that comments be kept to three minutes and recognized the following members of the public for comments:

Peter O'Connor of Nashville had these comments:

1. He has noticed improvements, especially on Route 12 Nolensville Pike.
2. He has back problems and complained that today on Route 12 the driver did not have the bus kneel for him to board.

John Bull of Nashville had these comments:

1. Mr. Bull brought up two issues that he believes impact rider safety – AVL app for basic cell phones and customer service operating hours.
  - a. He noted that a significant number of MTA riders use basic talk/text phones. This is a safety issue of just standing at the bus stop – the less time spent at a bus stop, the less time they are at risk. He believes that the sooner an AVL app is available for basic talk/tech cell phones, safety would be markedly enhanced.
  - b. Concerning customer service operating hours, he noted that things happen after 6:30 p.m. He believes that extended customer service hours while buses are operating would enhance people's safety.

James Thomas of Nashville had these comments:

1. On January 30, 2016, the 12:23 p.m. Wallace Loop bus arrived at Harding Place and Tampa Drive at about 12:46 p.m. and this was about 15 minutes late according to the schedule.

2. On the 20<sup>th</sup> of the month, the 11:25 a.m. bus on the Wallace/Grassmere Loop of the #12 Nolensville Pike was three minutes early to his stop on Wallace Road causing Mr. Thomas to have to walk down the hill and walk to Walmart to catch another bus.
3. He likes the driver that runs all loops at the 8:15 a.m. line-up – he is nice and does a good job.

Chair Ott asked if there were any other public comments to come before the Board.

Vice Chair Lavine noted that as a discussion point for the upcoming Board Retreat, he would like to discuss for these public comments what constitutes a Board topic, and what constitutes a management topic. He personally feels that these very specific bus occurrences that are coming to the Board are management topics and are not a Board activity.

- IV. TRANSPORTATION COMMITTEE REPORT:** Vice Chair Lewis Lavine stated that he is not on the committee, but was present last week in the committee meeting. Even though member Walter Searcy is present today, he was not at the committee meeting last week and Committee Chair Miller could not be present today, so he will present the committee report.

Vice Chair Lavine reported that the committee heard a variety of indicators on how we are doing, which are essentially better than they were earlier in the year. Ridership is a little bit down, but fairly stable.

The focus of today is the MTA Code of Conduct which has been in place for a number of years and was last reviewed in 2013. MTA Counsel Margaret Behm thought it would be helpful to review, revise, and reaffirm this policy. Vice Chair Lavine called upon Ms. Behm for specific comments and also asked committee member Walter Searcy if he could, once having heard Ms. Behm's comments, ask the Board to vote on it.

- a. MTA CODE OF CONDUCT REVISIONS (A-16-003):** Recently, the leadership team and MTA's Security Manager reviewed the current Code of Conduct because of the need to streamline and simplify the disciplinary process for people who violate the policy. They requested the assistance of MTA Counsel Margaret Behm with this review and are recommending proposed changes.

The most significant change is the simplification of the disciplinary process. Currently, the Code establishes "major" and "minor" violations and provides a two-tiered system of discipline based on the severity and frequency of the offense. The revision eliminates this system.

The proposed changes describe the most commonly-encountered inappropriate behaviors as unacceptable, and then states that suspension or exclusion for such conduct may be implemented at MTA's discretion. The suspension process and the appeal process remain largely the same.

Other changes include a reference to 1) MTA/MNPS StrIDe youth mobility program; 2) Metro Nashville's panhandling ordinance; 3) photo and video guidance; 4) safe riding practices used in policies of other transit organizations,

and 5) enhanced provisions or reminders about suspicious behavior and where people should report it.

The Board and Security Manager Michael Moore discussed statistics of incidents at Nashville MTA's Music City Central and other transit facilities, how they compare, and how those entities address them.

Proper motion was made, and the vote to approve the revised Code of Conduct was unanimous. The Board extended their appreciation to Counsel Margaret Behm for her assistance with this. A copy of the revised policy can be found at the end of these minutes.

- V. **FINANCE COMMITTEE:** Chair Gail Carr Williams reported that the committee reviewed the monthly financials and there were no concerns at this point.

Chair Williams then presented the following action item:

a. **HEAVY-DUTY WIRELESS MOBILE LIFE SYSTEM PURCHASE (A-16-004):**

The Maintenance Department utilizes mobile lifts in the shop to maintain and make repairs on our bus fleet. Some of our current lifts have passed their useful life and are in need of replacement. Over the next five years, there is a need to replace up to 68 mobile lifts.

On October 28, 2015, Request for Proposal (RFP) was issued and we received proposals from Challenger Lifts and Heavy Duty Lifts & Equipment. These proposals were vetted by evaluation committee composed of members of our maintenance department who reviewed and scored the responses based upon the following evaluation criteria prescribed in the solicitation document:

1. Company expertise and equipment compliance
2. Technical specifications
3. Maintenance services and warranty
4. Equipment cost

After reviewing and grading each vendor, the evaluation committee determined that Heavy Duty Lifts & Equipment was the best proposal.

Based upon results of the submitted proposals and evaluation process, the Finance Committee recommends that the Board authorize the Chief Executive Officer authority to enter into a Fixed-Price Contract with Heavy Duty Lifts & Equipment for a three-year contract with an option for two additional one-year terms for up to 68 mobile lifts at a not to exceed amount of \$618,000. We are also requesting the Committee to recommend approval for an initial purchase under the new contract for 48 wireless mobile lifts for a total cost of \$436,224 (\$9,088 per lift). The funding for this purchase is available from our federal 5307 formula grants.

There was no discussion and the vote of approval was unanimous.

- VI. **PLANNING AND MARKETING COMMITTEE REPORT:** Chair Lewis Lavine reported that the Committee heard from Patricia Harris-Morehead concerning the Transit Tracker which is still in testing and is moving along nicely. He reminded us that the

Tracker is software, and there are a number of apps that connect to that and can be used to find out where our buses are and when they are arriving.

Concerning the strategic plan, Chair Lavine reported that marketing efforts continue for both the MTA and the RTA plan. He noted that there are several entities that are trying to make middle Tennesseans aware of the plan and to get them engaged in our process. In particular, he noted his appreciation of the efforts of the Nashville Chamber of Commerce, the Transit Alliance of Middle Tennessee, and Cumberland Region Tomorrow.

In closing, Chair Lavine stated that the planning effort is continuing and that there are a number of public hearings scheduled both inside Davidson County and outside. It will be a few months before we start locking down specifics within the three stages.

**VII. CHAIR'S REPORT:** Chair Marian Ott stated that this is an exciting time to be Chair of this Board. There is a lot of positive transit conversation and fresh energy about transit. Recently, she attended a luncheon where Nashville's Mayor Megan Barry spoke and the Mayor complimented Nashville MTA on the Transit Tracker and the app.

In closing, Chair Ott noted that the Board is going to take some time next week to step back and think about how we do things – not what we do – but how we operate more effectively as a team.

**VIII. CEO'S REPORT:** CEO Steve Bland reported the following:

- a. There are a couple of bills moving through the State Legislature that are of particular interest to Nashville MTA and the RTA of Middle Tennessee.
  - The Public Private Partnership (P3) is scheduled to go to the Senate Transportation Committee on February 29.
  - Authorization for Bus-on-Shoulder Operations in the state has made it through sub-committee of the House Transportation Committee yesterday. Representative Beck from Nashville is sponsoring the House legislation and Senator Yarbrow on the Senate side where it passed through sub-committee unanimously. That seems to be on a positive track.
- b. The nMotion Advisory Committee and the RTA Board have both met and have both reviewed the scenarios. A couple of significant things came out of those conversations:
  - From the Advisory Committee, there was a clarification of the discussion of when you are looking at the high-end investments in scenario one – the light rail, the bus rapid transit, what are your cost projections looking at the complimentary infrastructure – is it looking at complete reconstruction of the street and those types of things. So, we are likely to modify the projections to incorporate that into the higher estimates for scenario 1 and to some extent, scenario 2.
  - On the RTA side, there was generally good support for what we are putting forward. There were a lot of good questions and discussions. If there was any push-back, it was the ask for can't you look at higher level alternatives in scenario 1 than you did. We were looking at freeway bus rapid transit in three of the key commute corridors and particularly from those corridors, and even more generally, was the question is rail really

out of the question? I don't know that we will amend those scenarios, but we will definitely continue that dialog particularly in those counties of Sumner, Williamson, and Rutherford.

- There was an acknowledgement from the user's perspective that we should be looking at unified branding for a regional system.
- c. The Mayor's Transportation Mobility Team in her office is fully in place. Erin Hafkenschiel is the latest edition along with Mark Sturtevant and Mary Beth Ikard. We have been having extensive contact with them and kind of merging what we are doing with what they are doing on both the transit and other fronts they are working on like the Smart Cities Initiative.
- d. Concerning staffing positions, we are hoping to extend offers to the Chief Development Officer and Chief Administrative Officer within the next two weeks, and then have them join us within the next month or two following that.
- e. Activity continues with forums and panels and presentations concerning transit all around the region. We are encouraged and somewhat surprised at the level of interest. What continues to be impressive is both the volume but also the quality of the questions and the discussion that the people in the audiences have.

**IX. Other Business:** There was no other business to come before the Board.

**X. Adjournment:** The meeting was adjourned at 2:07 p.m.

## *Code of Conduct*

### **POLICY**

The Nashville Metropolitan Transit Authority (MTA) is committed to the safety of the traveling public and its transit employees.

Every MTA patron is held to a high standard of conduct whether on a transit vehicle, at a transit stop such as Music City Central ("MCC") or other bus stop or shelter, or on other properties or facilities under the control of MTA ("MTA Property"). All patrons must refrain from unacceptable behavior as set forth in this Code. Individuals who behave inappropriately on MTA Property may lose the privilege of using MTA services or MTA Property. Since safety and security are everyone's responsibility, we encourage anyone who witnesses misconduct in or around MTA Property to report it to the MTA.

### **REQUIREMENTS AND RESPONSIBILITIES OF ALL PASSENGERS**

**Any person violating federal, state, or local law on any MTA Property will be prosecuted and will be suspended from using MTA services.** All individuals must cooperate with any MTA official, security officer, or police officer.

**Fares:** Anyone riding in an MTA vehicle is required to pay the proper fare or use a valid pass. For discounted fares/passes, patrons will be required to show identification. Anyone in the MCC is required to have a ticket or fare in his or her possession and is required to board the next available bus on the passenger's route.

**No Panhandling:** The Nashville Metropolitan Government's ordinance on panhandling makes it unlawful for any person to engage in an act of panhandling when either the panhandler or the person being solicited is located in, on, or at any bus stop. MTA enforces Metro Nashville's panhandling

policy.

**Boarding and Exiting Procedures:** Upon boarding the bus, please use hand rails when walking to and from your seat, and be seated as soon as possible. Please remove children from strollers before boarding, and make sure that the stroller is folded and out of the aisle. Once you have requested a stop, remain seated until the bus comes to a complete stop. After exiting, please refrain from walking too close to the bus or crossing the street in front of the bus.

**Safe Riding Practices:**

- Familiarize yourself with emergency safety and evacuation procedures, and always know the location of the nearest fire extinguisher.
- Do not distract from the operator's ability to drive safely, and do not interfere in any way with the operation of an MTA vehicle.
- Do not stand in front of the "standee line" before the transit vehicle stops.
- Do not climb or hang on bars or handrails.
- Keep all body parts, objects, and belongings inside the vehicle while the bus is in motion.
- Keep track of your personal belongings. Discarding or leaving packages on transit vehicles or at transit facilities is prohibited. Unattended items may be confiscated and destroyed.

**"If you see something, say something!"** Always report suspicious individuals or packages to MTA Security at (615) 880-1539.

**Notice:** It is not the role of the vehicle operator to respond to medical or confrontational situations. MTA drivers will call an operations supervisor or emergency responder for appropriate attention to the issue. The role of the vehicle operator is to safely operate the bus and de-escalate situations. Please take the time to report anything unusual or unsatisfactory to MTA Security or the vehicle operator.

**Customer Communication:** Any customer comments can be made by calling MTA Customer Care at (615) 862-5950 or by writing MTA at 130 Nestor St., Nashville, TN 37210. When calling in a complaint, it is helpful to know the bus route, time of day, bus number and vehicle operator's badge number.

### **MTA RULES - EXAMPLES OF PROHIBITED CONDUCT**

The following are unacceptable behaviors and conduct that will not be tolerated at Music City Central ("MCC"), on MTA Vehicles, or at MTA shelters and bus stops (collectively, "MTA Property"). The examples are not all-inclusive. Vehicle operators and MTA staff may use their discretion to determine if any MTA patron is engaging in unacceptable behavior. **Anyone engaging in criminal activity or other unacceptable behavior may be removed from MTA Property and subject to suspension as provided by the Code of Conduct.** A copy of the complete Code of Conduct may be found online at [www.nashvillemta.org](http://www.nashvillemta.org) or by contacting MTA Customer Care at (615) 862-5950.

- Loitering on any MTA Property is prohibited. All persons at MCC shall have a ticket in their possession or means of payment and board the next available bus on their route.
- Smoking or the use of any electronic smokeless device or the use of any chewing tobacco products are not allowed in any MTA Property except in designated areas outside of MCC.
- The consumption of alcoholic beverages or having an open container is prohibited on MTA Property.
- Individuals may not possess any weapon, flammable liquid, explosive material, or other dangerous substance on MTA Property.
- No private business sales of any type may take place at any MTA Property, including, but not limited to, the display or set up of any food, clothing, or other sales without the express written

consent of MTA.

- The riding of bicycles or skateboards is prohibited at MCC. Wheeled vehicles such as strollers or scooters are not allowed on escalators. Bicycles are not allowed in the long term waiting rooms or lobbies and are not to be locked or stored at MCC.
- Individuals shall not interfere in any way with the operation of any MTA vehicle or MTA Property or interfere with an operator's ability to drive safely.
- Animals are not allowed in any MTA vehicle or MTA Property unless they are in an approved animal transfer cage with the exception of service animals.
- Disorderly conduct will not be tolerated. This includes: use of profane or offensive language including any threats or verbal or physical intimidation; bullying; touching or making inappropriate comments of a sexual nature; loud music, chanting or singing; racial slurs or displaying racist or gang-related behaviors; activities that may provoke violence; pushing others or "breaking the line" to gain access to a MTA vehicle; or treating passengers or the vehicle operator without courtesy. Individuals must wear shirt and shoes; sagging pants which expose underwear is prohibited.
- Sleeping, camping, or storing personal property on benches, floors or grounds of Music City Central or at any MTA bus stop or MTA Property is prohibited.

**MTA Patrons observing suspicious or prohibited activity should report to MTA Security or call (615) 880-1539.**

#### **PHOTO AND VIDEO POLICY**

**The public** may use hand-held cameras for personal use in public areas of transit facilities, so long as such use does not interfere with the operation of MTA vehicles or safety of MTA Property. All photographers are prohibited from accessing restricted areas, using tripods or other obtrusive equipment, laying cords or cables in walkways, using a flash bulb that is blinding to patrons or MTA employees, and creating congestion during an emergency evacuation. Camera use must be in accordance with all other aspects of this Code of Conduct and MTA Policies.

**The news media** is afforded the same rights and restrictions as members of the general public. However, MTA strongly recommends that members of the news media present valid press credentials when they film on MTA Property and strongly encourages the news media to contact MTA Communications at (615) 880-3289 in advance to facilitate and ensure appropriate access.

**Commercial photography** is allowed only with express written permission of MTA and must comply with MTA advertising requirements.

Where the actions of groups or individuals appear inconsistent with this policy, MTA Security and other staff are authorized to approach photographers or videographers to determine if further investigation or action is necessary.

#### **DISCIPLINE PROCEDURE**

**Any Violation of the Code of Conduct** may result in riding privileges and the use of any MTA Property being suspended. When suspended, the offender is not allowed to ride MTA vehicle or be on the premises of any MTA Property including the MCC. Any time a passenger is removed from the bus or a person is not allowed to be on MTA Property, bus fare is forfeited. If the suspended individual rides another transit vehicle or enters the MCC during the suspension period, it will be considered trespassing, and security or law enforcement will be called to address the situation. Supervisors, security, or law enforcement may be called to assist with all offenses. MTA reserves the right to permanently exclude offenders from MTA Property due to the nature and severity of any violation or because of repeated violations.

If a minor is removed from MTA Property for a violation of the Code of Conduct, a law enforcement

representative may be called for law enforcement intervention. If a minor or student is riding a Quest route or as part of the StrIDe Youth Mobility Program, MTA reserves the right to assign a seat near the front of the bus, to contact parents, school principal, or other official.

If a person violates the Code of Conduct, transit or security personnel will complete an incident report with a written request for suspension and forward all documentation to the MTA Security Manager or designee (“Security Manager”). If the Security Manager approves the suspension, the Security Manager will determine the appropriate response and, where warranted, sign a letter of suspension. The letter will contain the name of the person, the violation, the effective date and the length of the suspension, the specific services or facilities from which the person is suspended, and information regarding the appeal process. MTA will make reasonable efforts to mail the letter to the suspended individual or attempt to personally serve the letter.

**Appeal:** Any suspended individual, or that person’s representative, may appeal the suspension. Appeals must be in writing and submitted to the Chief Executive Officer at 430 Myatt Drive, Nashville, TN 37115 within ten (10) business days after the letter is mailed or within five (5) days from the receipt of the letter, whichever is later. A letter requesting an appeal must state with specificity the reasons for the appeal. As a general matter, the MTA will not accept late appeals; however, the MTA may, at its sole discretion, elect to hear a late appeal when the lateness has resulted from extenuating circumstances. The suspension stays in effect pending any appeal.

The Chief Executive Officer or designee (“CEO”) will review the letter of appeal and the corresponding file on the suspended individual to make a determination as to whether the suspension will be upheld, terminated, or modified. The CEO will communicate in writing his or her decision within ten (10) business days of receipt of the letter requesting the appeal. The decision of the CEO is final.