

NIAGARA FRONTIER TRANSPORTATION AUTHORITY
COMMITTEE MEETINGS
AUGUST 11, 2022

Transcript of Video Recording
of Proceedings held at NIAGARA FRONTIER TRANSPORTATION
AUTHORITY, 181 Ellicott Street, Buffalo New York,
STENOGRAPHICALLY TRANSCRIBED BY LARA K. SENIW, NOTARY PUBLIC.

1 MEMBERS IN THE BOARDROOM:

2 Michael Hughes, Chair
3 Commissioner Joan Aul, Treasurer
4 Commissioner Anthony Baynes
5 Commissioner Adam Perry
6 Commissioner Stephen Tucker
7 Commissioner Philip Wilcox

8 OFFICERS IN THE BOARDROOM:

9 Kimberley Minkel, Executive Director
10 John Cox, Chief Financial Officer

11 STAFF IN THE BOARDROOM:

12 Christine D'Aloise, Director, Risk Management and Special Projects
13 Patrick Dalton, Director, Internal Audit and Corporate Compliance
14 Lyle Death, Director, Health, Safety, and Environmental Quality
15 John Fenz, Counsel
16 Michael Flaherty, Counsel
17 Tom George, Vice President, Operations
18 Deanna Guest, Manager, Workers' Compensation
19 Dejuan Hardy, Chief Diversity Officer
20 Bruce Iazard, Procurement Compliance Manager
21 Darren Kempner, Director, Government Relations and Development
22 James Lavelle, Deputy Director, Health, Safety, and Environmental
23 Quality
24 James Morrell, Director, Public Transit
25 Karen Novo, Vice President of Human Resources and Talent Management
26 Brian Patterson, Chief of Police
27 Mark Pereira, Manager, Procurement
28 Christopher Ruminski, Manager, Financial Planning & Analysis, Cash
Management
John Schaefer, Vice President Engineering and Facilities Management
Helen Tederous, Director, Public Affairs
Lee Weitz, Director, Aviation

19 MEMBERS ON THE PHONE:

20 Commissioner Margo Downey
21 Commissioner Jennifer Persico

22 OFFICERS ABSENT:

23 David State, General Counsel

24 STAFF ON THE PHONE:

25 Vicky-Marie Brunette, Deputy General Counsel

26 CHAIR HUGHES:

27 Good morning, everyone. Welcome to the Audit
28 Governance and Finance Committee Meeting. I'll ask Mr. Flaherty to take
the roll.

1 MR. FLAHERTY: Good morning, everybody. Commissioner Ansari?
2 Commissioner Aul?

3 COMMISSIONER AUL: Did you say Mister?

4 MR. FLAHERTY: No, I said Commissioner.

5 CHAIR HUGHES: Pressure. Lot of pressure.

6 MR. FLAHERTY: I'm hurt.

7 COMMISSIONER AUL: Sorry.

8 MR. FLAHERTY: Commissioner Baynes?

9 COMMISSIONER BAYNES: Here.

10 MR. FLAHERTY: Commissioner Blue? Commissioner Downey?

11 COMMISSIONER DOWNEY: Yes.

12 MR. FLAHERTY: Commissioner Hicks? Chair Hughes?

13 CHAIR HUGHES: Here.

14 MR. FLAHERTY: Commissioner Perry? Commissioner Persico?

15 COMMISSIONER PERSICO: Here.

16 CHAIR HUGHES: She's online.

17 MR. FLAHERTY: Great. Commissioner Tucker? Commissioner Wilcox?

18 COMMISSIONER WILCOX: Present.

19 CHAIR HUGHES: Great. Thank you. Let's start off with Audit Status.
20 Pat Dalton.

21 MR. DALTON: Good morning, Commissioners. Have the Audit Status
22 report starting on page two (2). There are two audits. The first one is
23 the Buy America pre-award type of audits. Last month, the Board
24 approved the contracts to approve ten (10) clean diesel buses as well
25 as fourteen (14) battery electric buses. The clean diesels are with
26 Nova Bus, the first audit there. We are just waiting for the
27 information to come in from Nova to complete that audit. We do not
28 issue a purchase order until the Buy America audits are completed and

1 as such when those are completed, we actually issue the purchase order
2 on those as well.

3 New Flyer is done. The FMVSS required audit as well as the
4 required certifications will be emailed out shortly.

5 On the top of page 3, another new audit we are working on is Mott
6 McDonald. It is a cost-plus engineering type contract. What we do is we
7 look at the labor and the overhead and make the audit's adjustments to
8 the actuals for those type of contracts.

9 I'd like to highlight on the top of page four (4), TAC Air. That
10 is in the wrap-up stages. Actually, as effective on July 1st, they are
11 now Signature. They changed their name, and as such we have a name
12 change there, but we have that audit report wrapping up and just fine
13 tuning the findings on that and that should be issued shortly as well.

14 And on the last page under the "Corporate Compliance" item, is
15 a fairly large report that is under the purview of John Cox's group, it
16 is the 17-A Report. It is due to New York State to Albany, the
17 Division of Budget, to provide them the operation and financial data
18 and they use that data to determine the calculation of our annual STOA
19 amount for Metro so it is a very big report. And it is due on September
20 19th. They did come up with a due date on that and John has full
21 confidence we will have that done on time, so it's a big report, so...

22 CHAIR HUGHES: That's an annual report, right?

23 MR. DALTON: Annual, that is correct. This is the State side. Next
24 month, I will mention a Federal report which is coming up which is a
25 called the National Transit Database Report which is due at the end of
26 October. Performance on the Federal level as well. Two big reports
27 coming up on the Corporate Compliance side.

28 CHAIR HUGHES: Great. Thanks. Questions for Pat?

1 MR. DALTON: Thank you.

2 CHAIR HUGHES: Pat, you have nine(9) audits going on right now. What
3 is your normal average, half a dozen or so?

4 MR. DALTON: Well, what happens is it depends. Sometimes, we do
5 these audits, usually I would say eight (8) or nine (9) is
6 average but what happens is we delay on some audits, we are waiting for
7 some information so what I do is I add more audits so as we wait on
8 one, we'll add another audit to the report. So, we continue to do, keep
9 the flow going, you know?

10 CHAIR HUGHES: Yeah. Yeah. Great.

11 MR. DALTON: We have the annual audit plan that we follow.

12 CHAIR HUGHES: Yup. Yup. Thank you. OK, Chris?

13 MR. RUMINKSI: Good morning, Commissioners.

14 COMMISSIONER AUL: Hi Chris.

15 COMMISSIONER BAYNES: Good morning.

16 MR. RUMINKSI: Please turn to page seven (7) for the June
17 Performance Report. For the month of June, we had an overall favorable
18 budget variance of \$718,000.00. We had higher than budgeted operating
19 revenue than operating assistance of \$662,000.00. That includes
20 favorable variances and Metro passenger fares of \$76,000.00; BNIA and
21 NFIA concessions commissions combined \$402,000.00 favorable; and STOA
22 was \$42,000 favorable and mortgage tax revenue was \$168,000.00
23 favorable. Sales tax revenue for the month was \$134,000.00 unfavorable
24 and it is most likely due to the suspension of the sales tax on
25 gasoline, that was gasoline prices over \$2.00, that began on June 1st.
26 We had slightly lower than budgeted operating expenses with a favorable
27 variance of \$84,000.00. Personnel costs were \$166,000.00 favorable to
28 budget, mostly due to vacancies at the BNIA and the Transportation

1 Centers in Central Admin. Transit fuel power was \$92,000.00 unfavorable
2 to budget. This is mostly due to the higher than budgeted diesel prices
3 for the Metro buses; and utilities were \$90,000.00 unfavorable to
4 budget mostly due to higher BNIA electric and gas billings.

5 And, if we turn to page nine (9), that is the year-to-date
6 performance. Overall, we are favorable to budget by \$2.7 million
7 dollars. This is the result of operating revenues being favorable to
8 budget mostly due to higher than budgeted Metro passenger fares and
9 BNIA/NFIA concessions and commissions revenue. And operating assistance
10 is also favorable due to higher-than-expected mortgage and sales tax
11 and STOA revenue. And operating expenses are, for the year-to-date
12 through June, are \$723,000.00 or one percent (1%) favorable to
13 budget and that is mostly related to the BNIA.

14 At the bottom of page nine (9) is the Business Center Analysis
15 and you can see that the overall favorable variance is mostly related
16 to the BNIA and Metro. BNIA is \$1.1 million dollars favorable to budget
17 for the year through June, mostly due to the concessions and
18 commissions revenue being favorable to budget and operating expenses
19 being four percent (4%) below budget. And Metro is \$1.2 million dollars
20 favorable to budget for the year due to favorable variances in fares,
21 STOA, mortgage and sales tax revenue and then operating expenses are
22 right on budget for the year. Are there any questions on the June or
23 year-to-date performance?

24 CHAIR HUGHES: Questions for Chris? Chris, I don't know if this is
25 more for you or for John, this more continued road to recovery, this
26 isn't really new, new business? You guys chalk it up to COVID recovery?

27 MR. RUMINKSI: I'm sorry.

28 CHAIR HUGHES: The positive variances? Is this continued recovery

1 from COVID?

2 MR. RUMINKSI: I think so. I think we were, like with the positive
3 variances in sales tax and mortgage taxes, I think we were conservative
4 in our estimates just because we weren't sure of how strong, I think,
5 the recovery would continue for this period.

6 MR. COX: Yeah. And that...

7 MR. RUMINKSI: ...and it is still going strong through June.

8 Mr. COX: ...and then also with the passenger fares too.

9 MR. RUMINKSI: Yes, that too.

10 MR. COX: That's what we anticipate... we were conservative
11 because we didn't know exactly what the recovery, you know, what that
12 path was going to be, so...

13 CHAIR HUGHES: Great. OK. Thanks.

14 MR. RUMINKSI: And if you turn to page twenty-four (24), that is the
15 Capital Budget Report for the quarter. This report summarizes the total
16 budgeted and actual capital expenditures for the first quarter of 2023
17 fiscal year. This is both the NFTA equity and grant funded portions.
18 For the first quarter through June, we are \$623,000.00 unfavorable to
19 budget and this is pretty typical. There was a ten percent (10%)
20 unfavorable percent to budget at this time last year, we were about
21 nineteen percent (19%) unfavorable. This is not budget, individual
22 projects being over budget. It is really a timing thing. We thought
23 when we set up this budget, we thought projects would be completed last
24 fiscal year. They leaked in to the first quarter of this fiscal year
25 and that is basically causing this unfavorable variance through the
26 first quarter.

27 If you turn to page forty-seven (47), that's the individual
28 project variance analysis, basically, what is the, how the project has

1 completed relative to the original budgeted estimates and this report
2 will look the same as the last quarter one we presented you because of
3 the criteria. The projects greater than \$500,000.00 that completed in
4 that quarter and for the first quarter of 2023, no projects met that
5 criteria - none of the large projects finished. So, these are projects
6 that completed in the 2021 and 2022 fiscal year. And any questions
7 on the Capital Project Reports for the quarter?

8 CHAIR HUGHES: Questions - Capital? If not, we can move on.

9 MR. RUMINKSI: OK, finally cash reporting on page forty-eight (48)
10 and forty-nine (49), total cash at the end of the June was \$208
11 million dollars which is \$2.3 million dollars ahead of where we
12 budgeted. Actual was ahead of budget due to higher Metro passenger
13 fares, New York State STOA, mortgage and sales tax revenue and airport
14 concessions and commissions along with lower than budgeted operating
15 expenses Authority-wide.

16 On page forty-nine (49) is the quarterly investment analysis. The
17 top half of the report, or this slide rather, shows the types of
18 investments at the end of the first quarter. CDs make up about thirty-
19 four percent (34%) of our investments and that is about where we
20 usually are. And at the bottom half of the page, it shows the
21 institutions that hold the investments and as of the first quarter,
22 the diversification approximates where we usually are also with the
23 various banks that we work with. Are there any questions with the
24 Capital Reports or the Cash Management Reports?

25 CHAIR HUGHES: Just a question on the banks. How often do you guys
26 RFP that work out? Was that...?

27 MR. RUMINSKI: When we do, yeah, for the CDs, when they mature, we
28 do it every time they mature, we RFP them. For our investments.

1 CHAIR HUGHES: Yeah.

2 MR. RUMINSKI: We send them out to get the most up to date, highest
3 rates.

4 MR. COX: We also participate in what is called a seer's
5 program too, and that allows us to invest and also still maintain FDIC
6 insurance. So, what it is, that is through Five Star I believe that is.
7 What that is, is basically they put it out to bid but they are the
8 controlling bank and you put \$250,000.00 with banks across the country,
9 and you end up with a blended rate but you do not have to pay for,
10 typically there would be a collateral cost involved and that avoids
11 that, so it helps you get a better yield.

12 CHAIR HUGHES: Great. Thank you. Any other questions for Chris?

13 MR. RUMINSKI: Thank you.

14 CHAIR HUGHES: Thank you. Next, we will move on to the Safety
15 Report. Tough to beat last week's, last month's.

16 MS. MINKEL: I think so.

17 MR. LAVELLE: Thank you Chair. Good morning, Commissioners.

18 CHAIR HUGHES: Hi Jim.

19 MR. LAVELLE: June's Safety Report begins on page fifty (50) of
20 your binders. During the month of June, there were six (6) recordable
21 injuries. Of these six (6), four (4) resulted in lost time with a total
22 of thirty-six (36) days away from work. To look further into these
23 injuries a little bit, the injured employees included one (1)
24 paratransit operator, three (3) maintenance employees from various
25 locations, one (1) Transit police officer and one (1) administrative
26 employee out at the MTC. The injuries resulted from two (2) vehicle
27 accidents, one (1) slip and fall on a wet floor, one (1) finger
28 laceration, one (1) fractured clavicle in a TAPD training activity, and

1 one (1) arm and neck strain when lifting a garbage bag. So when
2 compared to the previous year, you will find that recoverable injuries
3 are down eleven percent (11%) still, lost time injuries are down twelve
4 percent (12%) and total days away are down twenty-one percent (21%).

5 Couple comments for the month: HSEQ is reviewing the 2021 and the
6 current 2022 year-to-date excellent safety performance with the
7 locations, part of our safety promotion of the SMS through FTA, and a
8 member of the HSEQ Staff completed the Public Transportation Safety
9 Certification Training Program required by FTA CFR 672. Unless there
10 are any questions, that concludes the Safety Report.

11 CHAIR HUGHES: Maybe want to explain, for the Board, what FTA CFR
12 stands for?

13 MR. LAVELLE: So, it is the Code of Federal Regulations for the
14 FTA. So, these are the laws we have to follow through Transportation.
15 They came out with a few new rules a couple years ago. One was the
16 Agency Safety Plan which we have renewed every year. 672 covers the
17 Training Program for the agencies which requires the individuals in
18 charge of safety to be trained in some courses from TSI. It is about a
19 five (5) to six (6) week training program. We had a member of our
20 department finish that training.

21 CHAIR HUGHES: Great. Thank you.

22 COMMISSIONER WILCOX: Was that separate from OSHA? Or is it...

23 MR. LAVELLE: It is, yes. It is through the FTA. OSHA is more the
24 employee workplace safety where FTA is transportation safety.

25 COMMISSIONER WILCOX: Thank you.

26 CHAIR HUGHES: Any other questions on the Safety Report? OK.
27 Thank you.

28 MR. LAVELLE: Thank you.

1 CHAIR HUGHES: Next, let's move on to Self-Insurance.
2 Christine?
3 MS. D'ALOISE: Good morning, Chairman. Good morning, Commissioners.
4 MULTIPLE COMMISSIONERS: Good morning.
5 MS. D'ALOISE: I will take you through the self-insurance liability
6 and funding analysis. This is a quarterly report, so we are going to
7 take a look at where we are now versus where we were at the end of the
8 fiscal year. If you take a look at the bottom of the top box, you'll
9 see that overall, for our combined total liabilities, they are down
10 approximately \$200,000.00, \$207,000.00, which is point forty-four
11 percent (.44%) decrease. And when we look within that, we see that our
12 general liability claims are down significantly on the Metro side, and
13 we see that for both companies the Work Comp has gone up. That is a
14 function of the current but not reported going up, which is an
15 actuarial estimate that we have to book to. And traditionally
16 when we see the, that number going up, at the end of the year, what we
17 have found in the last few years is we have a positive actuarial
18 adjustment. So, we're hopeful that that will continue within the year.
19 So that is how the changes were so overall, a good quarter from the
20 claims side since we decreased our cost. And on the funding side, we
21 are down approx. \$798,000.00, which is due to two (2) claim
22 settlements that occurred within the quarter that the Board authorized.
23 But overall, we are eight-six-point nine percent (86.9%) funded which
24 is a very strong funded position for us. So, it was a good quarter.
25 That completes my report on that, if there aren't any questions?
26 CHAIR HUGHES: Questions, self-insurance? OK.
27 MS. D'ALOISE: OK. I will move on to Workers' Comp. That is on page
28 fifty-four (54), this is our standard graph that we look at and it's

1 unusual in that we have, we're showing where we are since 1991. The
2 reason for that is due to the length of the tail of Workers'
3 Compensation claims. We have claims open within our first decade of
4 self-insurance from '91 to 2001. We still have a few claims open from
5 that time period. So, we are now entering our fourth (4th) decade of
6 self-insurance. And when we take a look at this, we see that overall,
7 our number of claims is coming down, which is the green line, which has
8 been very significant. And our pink line is trending up - it is hard to
9 see with, you see the black trend line with the pink - OK, but again
10 this a quarter end, not a year end, so we do not have the incurred but
11 not reported reserve broken down by year because we are only able to
12 obtain that from an actuary on a fiscal year end basis. So, we know
13 from history that that's going to bring the pink line in the more
14 current years up even higher. So, it continues to be something where we
15 want to see the number of claims coming down because that has the most-
16 strong effect on the costs. The second (2nd) page of this report is the
17 data that supports the first (1st), report, supports the graph, and if
18 you notice so far for the first (1st) quarter, we've had only fourteen
19 (14) Workers' Compensation claims, which if you annualize that would be
20 around sixty (60). Now I know we have our bad seasons in front of us,
21 but that is a good trend, that is a very low first (1st) quarter number.
22 So, we're doing well.

23 CHAIR HUGHES: Great to hear.

24 MS. D'ALOISE: If there aren't any other questions...

25 COMMISSIONER BAYNES: I just have one question... Did you say you had, you
26 still had, outstanding claims from '91?

27 MS. D'ALOISE: From that first decade, we have...

28 COMMISSIONER BAYNES: Thirty (30) years?

1 MS. D'ALOISE: Um-hmm. Payouts.

2 COMMISSIONER BAYNES: Paying somebody? Do you know how much?

3 MS. D'ALOISE: It varies by claim but in those particular years, the
4 indemnity cap is four hundred (\$400.00) per week, but we try very hard
5 to resolve those and a lot of those years we do get recoveries back
6 from the fund, the State insurance fund, so some if it is a wash but
7 the claim is still open.

8 COMMISSIONER BAYNES: So, what is it today? Seven fifty (\$750) today?

9 MS. D'ALOISE: The current amount that you can receive per week is
10 one-thousand and sixty-three dollars (\$1,063.00) a week so that's what
11 has fueled a lot of the changes that in the earlier decades it was only
12 four hundred (\$400.00) per week in the indemnity. So, that, that's a
13 significant increase over that time.

14 MS. MINKEL: One of the benefits in the changes in the Workers'
15 Comp Law is that there is a tail that is supposed to be capped after
16 ten (10) years. So that like the example of 1991 and where that goes on
17 indefinitely, that's supposed to stop. However, that ten (10) year
18 window doesn't start until they are classified which may take...

19 COMMISSIONER BAYNES: Yes.

20 MS. MINKEL: ...forever. And so, what's really important to
21 note is that blue line is the indemnity portion of Christine's graph.
22 You know, the weekly wage rate of eleven (\$1,100.00), eleven fifty
23 (\$1,150.00) is significant.

24 COMMISSIONER BAYNES: Right.

25 MS. MINKEL: It's really hard to get people back to work.

26 COMMISSIONER BAYNES: Sure.

27 MS. MINKEL: So, the effort that we spend, and we spend a
28 lot of time, because it costs a lot of money, in trying to reduce

1 accidents. So, through the work of everyone here, the Safety
2 Department, the Operations, has really been paying off. Because
3 Otherwise, our pink line could be nearing that blue line and probably
4 should be if it weren't for all of the good work that they're doing
5 here.

6 COMMISSIONER AUL: Are there many of those older claims?

7 MS. D'ALOISE: For claims that are open from the first decade,
8 there is twenty-three (23) open and for that first decade it was three
9 thousand, eight-hundred and thirty-eight (3,838) claims so it is a very
10 insignificant portion and again we receive some of them are reimbursed
11 by the fund so they're a wash but they are still open, so we have to
12 report them as such.

13 COMMISSIONER AUL: OK.

14 MS. D'ALOISE: So, you know we keep hoping, but that is the
15 difficulty with that.

16 COMMISSIONER AUL: Yeah. Thank you.

17 MS. D'ALOISE: And just to the point of the decrease in the number
18 of claims, if we were, if we continued on at those rates, we would have
19 well over \$10 to \$20 million, in more reserve, of more costs over this
20 time frame if we had stayed where we were at those same claim levels,
21 so on and so forth.

22 MULTIPLE COMMISSIONERS: Thank you.

23 MS. D'ALOISE: Thank you.

24 CHAIR HUGHES: Next, moving on to Government Affairs. Darren
25 Kempner? How quiet is it in Washington and Albany, eh?

26 MR. KEMPNER: Yeah, if I could page fifty-six (56) start there -
27 Inflation Reduction Act. Speaker Pelosi said today the House plans to
28 pass that tomorrow and I think the two things I would flag in the

1 report there the first bullet point, that \$3 billion is similar to the
2 Reconnecting Communities Program that was in the Infrastructure Bill.
3 So, we'll continue to look at that program which has an existing
4 funding opportunity open for any opportunities. And then the last one,
5 the alternative fuel credit that's expired, we currently benefit from
6 that from our CNG fueling operations so we'll look to take advantage of
7 that. Under the twenty-three (23) appropriations, I said I would come
8 back with more detail from the House but if I could say that it pretty
9 much implements the Infrastructure Bill authorizations from earlier
10 this year. The Senate put out a marker that's pretty high. I don't
11 expect them to achieve that from a transportation perspective, but we
12 do expect some action by the end of this calendar year on the
13 appropriations, probably after the elections, but I'm hopeful we can
14 fall somewhere in the middle there or at the top level from a
15 transportation funding perspective.

16 The last item under Federal Government Affairs, the
17 Infrastructure Bill included a new program called the "Protect Program"
18 which is a formula program but also has a discretionary aspect to it as
19 well. So, New York is slated to received almost \$300 million over five
20 (5) years for the "Protect Program" with a discretionary grant
21 announcement to be opened later this year. The eligible activities
22 include public transportation activities for strengthening, stabilizing
23 or otherwise enhancing the resilience of at-risk coastal
24 infrastructure, so certainly something we are going to look at for the
25 shoreline at the DL&W.

26 Then the last item I would note on page fifty-eight (58), we were
27 awarded six-hundred and fifty thousand dollars (\$650,000.00) for the
28 Bailey Avenue battery electric bus bus rapid transit project to

1 continue a number of planning and preliminary design activities to move
2 that project forward. That was announced, that announcement was made on
3 June 23rd.

4 And then the last item on my report, the presentation materials
5 on page sixty-one (61). On August 4th, we held a Kick-Off Community
6 Engagement Meeting with the City of Buffalo for LaSalle Equitable
7 Transit-Oriented Development process. So that... The first step in
8 that process was actually an RFQ and I have listed the respondents on
9 the left side of that first slide. We had ten (10) respondents. We
10 continue working with the City on helping with other community
11 engagement activities related to this with the idea that those, that
12 feedback is incorporated into an RFP to be released later this year for
13 development at that site.

14 CHAIR HUGHES: Darren, just for clarification...

15 MR. KEMPNER: Yeah.

16 CHAIR HUGHES: That is a City process that we are partners with?

17 MR. KEMPNER: Yup. That's right.

18 CHAIR HUGHES: Control.

19 MR. KEMPNER: They are the lead. We have been participating in. It
20 has been a good partnership to date. On the next page, on page sixty-
21 two (62) there is a map that was used in the presentation for the
22 project. I just wanted to note the station kind of in the center there
23 with the NFTA owned property extending in the gray and back up to the
24 left there. The station itself is split. The City of Buffalo owns a
25 portion of the parking lot and we own another portion as well as the
26 station.

27 And then the last two (2) slides - we have been working on this
28 Transit-Oriented Development engagement process for some time. It

1 is a Federal Transit award in 2017. The City is on the Steering
2 Committee for that project and we published a comprehensive plan back
3 in 2019 that included a number of suggestions for LaSalle in
4 particular. I just wanted to note that we at the time classified as
5 an urban neighborhood that helped us set forth some proposed policies
6 to approach this development. We analyzed kind of the desirability and
7 readiness of this core development and we have used some of that in the
8 process as well. It recommended higher density at the center of the
9 site to recoup more revenues also bring more people adjacent to public
10 transit. That is something we are going to work with City and the Green
11 Code on and then it also recommended replacing the station lobby,
12 creating an outdoor transit plaza, extending Minnesota Avenue to
13 enhance accessibility across Main Street. So, some suggestions are
14 already there that we'll continue to kind of bounce off the community
15 as we finalize this process with the City. That concludes my report.

16 CHAIR HUGHES: Questions for Darren? No? OK. Thank you. Helen
17 Tederous, Public Affairs.

18 MS. TEDEROUS: Good morning, Chairman. Good morning, Commissioners.

19 MULTIPLE COMMISSIONERS: Good morning.

20 MS. TEDEROUS: The Public Affairs Report for June and parts of July
21 include eighty-one (81) media mentions. The Buffalo Airport led our
22 coverage. TV was our top media type. The Parks Adventure Bus was our
23 top trending story and the Buffalo News was our top media outlet. We
24 had a very busy June and July - very active. Our media advisories and
25 releases include the Coffee with a Cop, the food choices at the Buffalo
26 Airport, the first renderings of the Freedom Wall, the summer Saturday
27 Destination (the Parks Bus), and we had a joint release with
28 Congressman Higgins about the cars on Main Street project.

1 I want to include the Lamar Transit Advertising for this year was
2 very, very good. Eight-hundred thousand (\$800,000.00) revenue trade
3 with eighty-two (82) and production credit was thirty-thousand dollars
4 (\$30,000.00). I want to mention this because this is a challenging
5 marketing time and Maureen Gloss in particular at Lamar really did an
6 outstanding job. This is a great way to get revenue and many of those
7 advertisements were community oriented which were just a win-win for
8 us.

9 CHAIR HUGHES: Can you maybe just stop and explain the relationship?

10 So, I know Jen Persico is on the phone.

11 MS. TEDEROUS: Sure.

12 CHAIR HUGHES: So, I know some new Board Members may not understand
13 what the relationship is.

14 MS. TEDEROUS: We have a third-party relationship with Lamar
15 Advertising. They handle all of our bus, rail and also the airport
16 advertising. It's been about a ten (10) year relationship. The past
17 couple of years, as I mentioned, have been very challenging in the
18 marketing world. We have not seen that, and I think it is worth noting
19 how strong that relationship is and how really beneficial it is for us,
20 and it is appreciated.

21 COMMISSIONER BAYNES: So, how often do you bid it out?

22 MS. TEDEROUS: Every five (5) years.

23 COMMISSIONER BAYNES: Uh-huh.

24 CHAIR HUGHES: And the overrun, do we get a check from time to time?

25 MS. MINKEL: Yes, we have. Not in the last couple of years because
26 of the pandemic.

27 CHAIR HUGHES: Yeah.

28 MS. MINKEL: Yes, they set a minimum annual guarantee and if we go

1 over, we get the check, and we spend that check.

2 MS. TEDEROUS: We did go over. It was the actual with the one point
3 five million (\$1.5M) which is just outstanding. It really is.

4 CHAIR HUGHES: Yup.

5 COMMISSIONER AUL: Helen, can you... I'm sorry...

6 MS. TEDEROUS: Sure.

7 COMMISSIONER AUL: Can you just explain the numbers here, like the
8 distinction, like trade versus production and...

9 MS. TEDEROUS: I sure can. Trade is the amount of money that we
10 receive free for advertising both in radio, and some in the paper and a
11 little bit online. I would like to see us do some more digitally. So,
12 what we do is that eighty-two thousand (\$82,000.00) is extra money that
13 we get through trade. So, we'll make a trade deal with some of the
14 advertising agencies with the radio stations and sometimes the Buffalo
15 News. So, it basically, gives us free advertising. Especially some of
16 our bigger projects, like our recruitment ads, those are all paid for
17 through free trade.

18 COMMISSIONER AUL: OK.

19 MS. TEDEROUS: And we love free.

20 MULTIPLE COMMISSIONERS: Laughter.

21 COMMISSIONER AUL: Good.

22 MS. TEDEROUS: But it really is so beneficial and sometimes I do not
23 think that we acknowledge it, and you know, report these successes to
24 the Board.

25 COMMISSIONER AUL: OK.

26 MS. TEDEROUS: They are significant.

27 COMMISSIONER AUL: Thank you.

28 MS. TEDEROUS: Internally, we cleared a number of jobs internally.

1 Our Community Outreach, as I mentioned before, was very robust in the
2 summer. It was a lot of work, but certainly we were out and about
3 throughout the City and it felt really great to be out there. Coffee
4 with a Cop was a huge success. Our Pride Festival, we were part of the
5 University United Festival, Juneteenth, Taste of Buffalo, Disability
6 Pride Parade, and the NFTA Night at the Ballpark. As you can see, we
7 really did make a great appearance with all of those events. It was
8 wonderful to be there in person.

9 And finally, for our social media, we received a wonderful
10 presence in our social media channels with the Parks Bus, our free
11 Parks Bus Service to area parks and beaches this year. It was out first
12 year and the first time we did that it was about thirty-five thousand
13 (35,000) social media impressions, which was very good, and it was, it
14 just all in all, has been a fantastic program for us. And that
15 concludes my report... Are there any questions?

16 CHAIR HUGHES: Any other questions for Helen? Thank you. Karen -
17 Human Resources?

18 MS. NOVO: Thank you Chair. Good morning, Commissioners. Just a
19 couple items for Human Resources today. On page seventy-one (71) in
20 your report, I just want to note, we have a Collective Bargaining
21 Agreement that we will be bringing to the Board for approval this
22 afternoon - our International Longshoremen's Association Local 2028 -
23 ratified a four (4) year bargaining agreement for the period of the
24 April 1st, 2022, through March 31st of '26. They represent approximately
25 fifty-three (53) employees, and then, like I said, a resolution will be
26 brought to this afternoon's Board meeting for approval. The only other
27 contract right now that is open, it expired March 31st, is our
28 International Longshoremen's Association Local 1949, which represent

1 about one-hundred and nine (109) employees, that expired March 31st as
2 well. We are still presently in negotiations and having talks with the
3 union and Matt Van Vesse, Director of Labor Relations.

4 CHAIR HUGHES: Do you guys have an official extension? Or they just
5 work without a contract?

6 MS. NOVO: They are just working right now with the open
7 contract with that goal in mind.

8 CHAIR HUGHES: OK.

9 MS. NOVO: Yup.

10 CHAIR HUGHES: Yup.

11 MS. NOVO: Another resolution we will be bringing to the Board
12 this afternoon is our FAA DBE Goal which is the Federal Administration
13 for Aviation. Staff is recommending the Board adopts the goal of
14 sixteen-point nine percent (16.9%) for participation by the
15 Disadvantaged Business Enterprise on the NFTA projects funded in whole
16 or in part through grants received from the FAA (Federal Aviation
17 Administration) for the period commencing October 1st, 2022, through
18 September 30, 2025. And again, the Board Resolution will be brought to
19 you this afternoon.

20 And, just a couple items, again recruitment events continuously
21 looking for operators, mechanics, maintenance, management... The numbers
22 are on page seventy-two (72) of our current open vacancies. Still
23 challenging. People are retiring, leaving or whatever the case may be.
24 It is a continuously moving number, that continues on at the Authority.
25 We did, with the help of Helen's group and our HR Recruitment Staff, we
26 got our new wages, the banners that we had years ago we put up, they
27 were looking kind of drabby, so with the help of Marketing, we got our
28 new wages out there. Banners at the airport, the rail, different

1 locations, so, they look great. Their fresh and hopefully they'll bring
2 in some great candidates. And then just a couple of photos I wanted to
3 put in there for our last class, we had Chief Patterson and Rachel
4 Maloney, our Manager of Bus Special Services. It was one of our larger
5 classes that I spoke about last month. Now Chief Patterson is part of
6 our orientation, talking about outreach, and safety and how they can
7 contact our police and let them know that they are there for their
8 safety as well. So, with that, that will conclude my report. Any
9 questions?

10 CHAIR HUGHES: Karen, on the new wages, or maybe Kim, the wage
11 reopener that we did, is it tangible in terms of recruitment or
12 retention? Are you guys feeling it yet?

13 MS. NOVO: So that is an interesting question... Um, no, we
14 haven't.

15 CHAIR HUGHES: Good to be honest.

16 MS.NOVO: We really haven't. Kim and I talk about this all the
17 time. As of now, we haven't seen it and as we are asking employees, or
18 I am sorry, candidates coming through, the age of the candidates coming
19 through it's more now they are looking for a career, retirement, where
20 the younger generation was, is, just the pay, but we're getting the
21 generation who is now looking for a career. So, we really have not seen
22 that yet. We're actually, we're trying to get some metrics on that.
23 We're asking candidates.

24 CHAIR HUGHES: OK. Thank you.

25 MS. MINKEL: It may have helped in terms of retention. Delayed
26 some...

27 MS. NOVO: Oh, yes, yes.

28 MS. MINKEL: But in terms of recruiting, folks not...

1 MS. NOVO: That's a good point, Kim, because we talked about
2 retirements. It may extend some of the retirements but...

3 COMMISSIONER AUL: So, you are seeing more coming in that are more
4 career oriented...

5 MS. NOVO: Yeah, the age...

6 COMMISSIONER AUL: A little bit of a shift.

7 MS. NOVO: A little shift, right, right... So, the younger
8 generations coming in, they just want the pay, they don't really talk
9 about...

10 COMMISSIONER AUL: Right.

11 MS. NOVO: We're not seeing as much of that. It is more the
12 middle age where they are coming in, the generation, and they are now
13 looking for retirement.

14 COMMISSIONER AUL: But some of the advertising has been more geared
15 towards careers so maybe those are starting hit their mark...

16 MS. NOVO: Right. Right.

17 COMMISSIONER AUL: Even though the contract negotiation was more on the
18 pay side...

19 MS. NOVO: Right.

20 COMMISSIONER AUL: At least to start and maybe the advertisement is
21 coming in to play. You'd like to think that, but that's what it is
22 focusing on is career.

23 MS. NOVO: Career. Right.

24 COMMISSIONER AUL: So, what you're saying is kind of interesting is that
25 shift.

26 MS. NOVO: Yup. So, what was interesting, so I think this is,
27 can I talk about this as well, is on the Metro side. On the NFTA side,
28 we were looking for, we're struggling in engineering department, HVAC,

1 Electricians. So, what we've done is, we're flipping some of the
2 titles too. Some of these titles we talk about years ago, claims, years
3 ago titles haven't changed through the Collective Bargaining Agreement
4 which we do have to see to make changes. So, we're flipping some of the
5 titles and that has actually brought in some, you know, more
6 candidates.

7 CHAIR HUGHES: When you say flipping, you mean just modernizing the
8 actual job?

9 MS. NOVO: Yes, sorry.

10 CHAIR HUGHES: ...and the description?

11 MS. NOVO: So, for example, like HVAC is tradesperson utility.

12 It was tradesperson utility/HVAC so when someone is looking for a job,
13 and they are putting in what they are looking for, they're looking for
14 HVAC or putting in something else, where tradesperson/utility some
15 people are saying what is that? So, we are just looking to see how we
16 can modernize, you know... Try different tactics, whatever we can.

17 CHAIR HUGHES: Sure. Any other questions for Karen? Thank you.

18 MS. NOVO: Great, thank you.

19 CHAIR HUGHES: Kim, do you want to tee the next one up?

20 MS. MINKEL: Sure. Mark Pereira is our Procurement Manager. I

21 asked him to put together a brief overview of our DBE Program because
22 there were a fair amount of questions the past couple of months from
23 the Board. So, I thought it would be beneficial if we spent some time
24 going over state requirements and how we comply with the state and talk
25 a little bit on our performance as it relates to our spend with MWBEs.
26 So, Mark?

27 MR. PEREIRA: Good morning, Kim. Thank you, Kim. Good morning
28 Commissioners.

1 COMMISSIONER AUL: Good morning.

2 MR. PEREIRA: Joining me today, I just wanted to give an
3 introduction to Bruce IZARD. He is our NFTA Procurement Compliance
4 Manager, who manages the MWBE programs. Today we'll be presenting on
5 our, the NFTA's MWBE and SDVOB programs. MWBE Goal Setting. The NFTA
6 submits an annual MWBE Goal Plan to Empire State Development on an
7 annual basis which is reviewed and approved. Goals are set for non-
8 construction projects over \$25,000 and all construction projects over
9 \$100,000. Keep in mind only New York State Certified MWBEs can count
10 toward participation goals. New York State's MWBE Participation Goal
11 for FY2022/2023 is thirty percent (30%).

12 Diversity Practices. Based on 5 NYCRR §142.3, all RFPs with an
13 anticipated spend amount of \$250,000.00 or more require a determination
14 of whether a diversity practices questionnaire is "Practical, Feasible
15 and Appropriate" based on the following criteria: the nature of the
16 labor, services, supplies, equipment and materials being procured, the
17 method of procurement and the availability of New York State certified
18 MWBEs.

19 Scoring for Diversity Practices. When it is determined that it is
20 both practical and appropriate, respondents are asked to submit a
21 diversity practices questionnaire along with their proposal for an RFP
22 or RFQ. Respondents are scored based on the reported documentation.
23 This slide highlights some of the questions asked on the questionnaire
24 with the associated points scale. For example, five (5) points will be
25 awarded if the respondent's company has a Chief Diversity Officer or
26 up to twelve (12) points can be awarded if the company participates in
27 an MWBE mentorship program.

28 Discretionary Procurement. In accordance with New York State Law

1 §163(6), if a product or service cannot be procured from a Preferred
2 Source or OGS Contract, purchases up to \$500,000.00 from New York State
3 certified MWBEs do not require the normal bidding processes. We do not
4 have a to do a formal RFP or RFQ. These types of procurements are
5 solely limited to MWBE Firms. The NFTA first used this process for the
6 first time on the Freedom Wall project by procuring MBE Watts
7 Engineering and Architecture to do the design.

8 COMMISSIONER AUL: Can you, can you, stop there and maybe just kind of
9 walk us through that? I just want to make sure... So, if we talk about if
10 it is a specific product like the wall, that would be unusual, right,
11 so, the requirement would not kick in until it is over \$500,000.00
12 instead of \$250,000.00?

13 MR. PEREIRA: It would kick in as long as it is under five hundred
14 thousand dollars (\$500,000.00). The project...

15 COMMISSIONER AUL: It is under \$500,000.00.

16 MR. PEREIRA: Correct.

17 COMMISSIONER AUL: OK. So not over, so over you would not be required,
18 under you are.

19 MS. MINKEL: You have the option, but you are not required. You
20 have the option to use this method of procurement. So, we've been using
21 this discretionary procurement to help boost our MWBE numbers, but you
22 can only do those discretionary procurements if you anticipate that
23 procurement to be less than half-a-million (\$500,000.00).

24 COMMISSIONER AUL: And are you audited on that?

25 MS. MINKEL: We could be, yes, by OSC, FTA - they do a triennial.
26 That's it.

27 COMMISSIONER AUL: Have we ever been audited on it?

28 MS. MINKEL: We are finishing up our triennial review with FTA as

1 we speak.

2 COMMISSIONER AUL: OK. Every time you hear discretionary, it's like that
3 would be a can of worms, potentially for us if we're making a
4 determination on something, you know based on different components or
5 select criteria that it could come back to haunt us potentially.

6 MS. MINKEL: Sure.

7 COMMISSIONER AUL: But it hasn't to this point.

8 MS. MINKEL: Well, we just, the first time we did this was just
9 recently with the Freedom Wall Project.

10 COMMISSIONER AUL: OK.

11 MS. MINKEL: So, it's been new and to make certain the Board feels
12 comfortable, anything, you know, I only have signing authority up to
13 one hundred thousand dollars (\$100,000.00). So, most of these items
14 would come to the Board to approve.

15 COMMISSIONER AUL: OK. Thank you. I just wanted to make sure I
16 understood this so thank you.

17 MR. PEREIRA: OK. For fiscal year 21/22, the NFTA MWBE
18 Participation was thirty-four-point-seven four percent (34.74%) which
19 is based on a rolling four (4) quarter average. From FY16/17 to
20 present, the NFTA has seen an upward trend in MWBE utilization
21 percentages from fifteen-point nine percent (15.9%) to thirty-four-
22 point seventy-four percent (34.74%). The slight
23 decrease from FY20/21 to FY21/22 was mainly due to the completion of
24 the baggage claim project at BNIA so that slight decrease.

25 MS. MINKEL: Hey, Mark, if, before, can we go back one (1) slide?
26 So, by way of... No, forward one (1). So, by way of comparison, I was at
27 a meeting this week with the Chair and CEO of MTA Janno Lieber. MTA
28 achieved thirty percent (30%), so we're doing better than MTA. So, in

1 terms of comparison, how we do with other transit agencies, we're doing
2 well, yep.

3 MR. PEREIRA: In FY21/22, total dollars paid to MWBE firms was
4 \$13,289,125.00. In FY21/22, the NFTA utilized sixty-eight (68) MWBE
5 firms on its projects. Next, we'll go into SDVOB participation goal
6 setting. Goals are set for all non-construction projects over \$25K. All
7 Construction Projects and Construction Related Projects over
8 \$100K. All SDVOBs must be New Your State certified and the New York
9 State SDVOB participation goal for FY22/23 is six percent (6%). For
10 fiscal year 21/22, the NFTA achieved an SDVOB utilization percentage of
11 two-point five nine percent (2.59%). Just to note in FY17/18, SDVOB
12 utilization was just point two six percent (.26%), so we've made great
13 leaps and bounds for our percentage this past year.

14 CHAIR HUGHES: The low percentages here is really just there is not
15 a lot firms.

16 MS. MINKEL: That's right. That's correct. Or down state. Yeah,
17 it's hard.

18 MR. PEREIRA: Eighty percent (80%) of your SDVOB are located around
19 New York City. The other twenty percent (20%) are spread out throughout
20 the State so in this area geographically is a very low number. OK. NFTA
21 Outreach. The Procurement Team attends 8-10 outreach events and
22 training sessions each year which is about 500 to 600 participants. All
23 RFPs are posted on the Contract Reporter, Buffalo News, Niagara Gazette
24 and Buffalo Challenger.

25 CHAIR HUGHES: On the outreach, maybe explain what you guys are
26 doing there? I mean are you encouraging or explaining to people the
27 opportunity? What does the outreach consist of?

28 MR. PEREIRA: So, for example, Bruce and I just attended a meeting,

1 we attended the GovBuy in Albany. We had a booth where spent a lot of
2 time going through our procurement processes, and we have pamphlets
3 that we put out there. And a lot of times too is at our conferences,
4 the MWBEs can actually request private time with us in a chat room. A
5 lot of these have been virtual. So, we go through our certification
6 with them, their certifications, what they need to do to keep
7 certified, our spend, what we purchase, and then we address any
8 additional questions from them to help them maintain their
9 certifications.

10 CHAIR HUGHES: Thank you.

11 MR. PEREIRA: Sure. Next Steps. The Procurement Compliance Team is
12 in October of this year, we'll have, be attending the MWBE Annual Forum
13 and we'll meet with 15-20 MWBE suppliers individually. And the
14 Procurement Team will be conducting procurement planning activities
15 with the business units to ascertain possible MWBE and SDVOB spending
16 opportunities to go along with discretionary purchasing. Thank you.
17 Any questions?

18 CHAIR HUGHES: Any questions?

19 COMMISSIONER WILCOX: So, the state has to certify MWBE and then we have a
20 point system we apply above and beyond that for qualified bidders? Am I
21 understanding that correctly?

22 MR. PEREIRA: So, New York State certifies MWBEs, and we identify
23 them through the New York State directory.

24 COMMISSIONER WILCOX: OK.

25 MR. PEREIRA: When we score RFPs or RFQs, they're required, MWBE
26 contractors are required to submit MWBE plans, utilization plans and
27 utilization plans or waivers depending on their research or good faith
28 efforts. At times when we look at like, project approach, in terms of

1 how they are going to implement the project, we sort of look at their
2 utilization plans to ensure they are meeting the requirements of our
3 goal plans as well as New York State's.

4 COMMISSIONER WILCOX: I think this was asked earlier, there are some ratio
5 numbers applied to certified MWBE businesses. I wasn't sure if we score
6 them...

7 COMMISSIONER BAYNES: On page seventy-six (76).

8 MR. PEREIRA: Oh.

9 COMMISSIONER WILCOX: Yes, that point system. So, if someone bids on a
10 project, they have to be MWBE certified by the state and then this
11 point system...

12 MR. PEREIRA: So, this point system...

13 COMMISSIONER WILCOX: Is already satisfied? Or we put them through that?

14 MR. PEREIRA: No, so this point system deals with the diversity
15 practices questionnaire, so that if the project is over two hundred
16 and fifty thousand dollars (\$250,000.00), then it would be appropriate.
17 The respondent fills out this criteria and this scoring goes along with
18 part of their evaluation criteria, so typically five percent (5%) of
19 the evaluation score is based on these questions along with the point
20 scales here.

21 COMMISSIONER BAYNES: If it's over \$250,000.00.

22 MR. IZARD: That scoring would be for any vendor that submits a
23 bid.

24 COMMISSIONER WILCOX: OK. Alright. Got it. Thanks.

25 COMMISSIONER PERRY: So, the firms have to be certified by New York, but
26 do they have to be residents of New York?

27 MR. PERERIA: They have to be certified by New York, but they do
28 not have to be residents of New York.

1 COMMISSIONER PERRY: Thank you.

2 MR. PEREIRA: Sure.

3 CHAIR HUGHES: Any other questions?

4 MS. MINKEL: So, this was a discussion on MWBE at the state
5 level. Next month, I thought it would be worthwhile talking about the
6 federal level, the DBE certification. Because depending on the source
7 of funding for our projects, we either have to follow MWBE, DBE or
8 both, and while there may be some overlap, they are very different
9 programs. So, I thought it would be worthwhile to spend some time next
10 month on the DBE program.

11 COMMISSIONER PERRY: Somebody, who grants DBE status?

12 MS. MINKEL: We are the only agency west of Albany that can do
13 that.

14 COMMISSIONER PERRY: Amazing.

15 MS. MINKEL: And we do do a fair amount of that and that actually
16 helps with our MWBE, because if we certify someone as DBE, it's easier
17 then for them to go through the process to get certification for MWBE.

18 COMMISSIONER PERRY: I was just about to ask... then they have to go through
19 the state process all over again? Then the answer is "no". There is an
20 expedited, one might call it a fast-track.

21 MS. MINKEL: I don't know if I would call it a fast-track.

22 MULTIPLE COMMISSIONERS: LAUGHTER

23 COMMISSIONER PERRY: I can tell you; I can tell you Kim, that that's what
24 ESD calls it.

25 MS. MINKEL: Oh, they call it a fast track? Oh, OK.

26 COMMISSIONER PERRY: But I agree with you.

27 CHAIR HUGHES: OK. Thank you very much.

28 MR. PEREIRA: Thank you.

1 CHAIR HUGHES: Kim, anything else?

2 MS. MINKEL: No, that's it.

3 CHAIR HUGHES: OK, alrighty. We will close Audit, Governance and
4 Finance Committee and move on to Aviation.

5
6 CHAIR HUGHES: Good morning and welcome to the August 11th Aviation
7 Committee. I will turn it over to Commissioner Perry.

8 COMMISSIONER PERRY: Thank you Mr. Chairman for calling the Aviation
9 Committee to order and starting with the Airport Project Update, here
10 is Mr. Schaefer.

11 MR. SCHAEFER: Thank you Commissioner. Good morning, everyone.

12 MULTIPLE COMMISSIONERS: Good morning.

13 MR. SCHAEFER: The AIP Status Report for August, a few highlights.
14 Passenger boarding bridge replacements project is just getting started.
15 We are reviewing proposals from consultants regarding replacing
16 fourteen (14) passenger boarding bridges that are owned by the NFTA.
17 So, we are in the evaluation process on the best qualified and come to
18 a negotiated price. Electric vehicle charging infrastructure study. So,
19 we retained the services of Wendel. They are our consultants. They just
20 began collecting EV (electric vehicle) data for possible demands. So,
21 this is quite challenging for them because you don't have demands right
22 out of the gate but you got to get started on this such as rental car
23 agencies, and then we are asking a lot of stakeholders including
24 ourselves internally, "where do you see yourselves in next few years
25 because we need to plan our infrastructure accordingly?" and see how
26 utility matches up to our projected demand. So just in the initial
27 start of that, quantifying and qualifying what those demands will be or
28 we expect will be.

1 And last one, at Niagara Falls, Taxiway D, the project is, the
2 core of the project is complete, which is the rehabilitation of Taxiway
3 D. The remaining work is the restoration of the turf barriers that have
4 been disturbed around the taxiway during construction. And that
5 concludes my, my report unless, of course, anyone has any questions.

6 COMMISSIONER PERRY: Any questions by anyone on the AIP? Hearing none,
7 moving on to discussion items. That looks like that's Tom George.

8 MR. GEORGE: Good morning, Commissioners. There is a Board Action
9 later in the Board Meeting today where we will ask you to consider some
10 parking rate changes at the airport. We thought it would be important
11 to talk a little bit about the condition of the pavements out there,
12 because it's directly reflected to some of our needs. So, most of you
13 are very familiar with the airport, and have driven out there or parked
14 out there and recognize that those pavements are about twenty-five (25)
15 years old. They were put in as part of the original construction. So,
16 they've been, you take a look at those, and they have reached or
17 exceeded their service life expectancy. There is a program that the
18 airport operates that was very effective to maintain the pavement.
19 You'll see, if you look out there, there's been a lot of work on drop-
20 in lifts, drainage structures, cracked sealing, those types of things,
21 but it gets to a point where that will only do so much. So, what you
22 see here, you'll see a picture, that's the condition and I assume most
23 of you have gone through that.

24 So, the condition, as I have talked about, classified as failed
25 report in 2020. We had a consultant come out and take a look at the
26 condition to start the new program, looking at capital improvement of
27 the parking lots. So, that was completed, and the recommendation to
28 develop a major capital program which we are moving forward with at

1 this point in time to do the circulatory roadway but it was also
2 highlighted the need to do the same type of approach for the parking
3 lots themselves so that will be advancing in our capital program in the
4 next year. So, we are going to evaluate the roadway and parking lot
5 infrastructure. Do detailed condition assessments which will all go
6 through our Engineering Department who will advance the project,
7 identify capital costs and will establish an approach. And obviously,
8 an airport with viable operations, it's basically 24/7, it will be a
9 phased approach to improving those parking lots and improving that
10 roadway so we have as minimal of an impact on the traveling public as
11 possible. And then we'll advance the design efforts and subsequent
12 construction. We'd like to move this forward rather quickly because as
13 you see out there, there are some condition concerns that we have out
14 there. Certainly nothing of a safety, safety concern but of a condition
15 assessment and obviously the presentation of the way it looks is very
16 important, keep it up to a high level of state of good repair. Just
17 wanted to touch base with the Board on this and let you know it's
18 coming in the next year. If anyone has any questions, I can try and
19 answer them, or Lee will be able to answer them as well.

20 COMMISSIONER PERRY: Any questions?

21 MR. WEITZ: I'll mention one other thing. We do budget about
22 three-hundred thousand (\$300,000.00) each year to do general
23 maintenance on the roadways and the parking lots. We've done that for
24 five (5) years now. So, we try to keep up with the worst areas and this
25 project will obviously take care of the major project, redo both the
26 roadways and the parking lots.

27 COMMISSIONER PERRY: Thank you. Any further questions for Mr. George or
28 Mr. Weitz?

1 MR. WEITZ: Thanks. I won't go over the performance numbers that
2 Chris went over earlier in Audit and Governance, but I would like you
3 to turn to page A-22 in your books, it's the Buffalo concession revenue
4 per enplanement. As you can see on the right-hand side, everything is
5 favorable and I looked at the 2019 numbers and we have exceeded all of
6 the 2019 numbers as far as parking, auto rental and food and retail per
7 enplanement. The only ones that has not exceeded those numbers is the
8 TNCs and they're right on par with the 2019 numbers. So, everything is
9 trending very nicely at the airport as far as concessions are
10 concerned. On the next page, which is A-23, is our Buffalo parking
11 report. If you look down at the bottom right-hand box, there's the
12 parking revenue in the garage for this year in June was \$387,496.00, up
13 fifty-three and a half percent (53.5%) year over year and we are just
14 slightly below the 2019 numbers which was \$391,536.00. So, again,
15 trending in the right direction in the parking, in the short-term
16 parking lot. Long-term parking came in at \$737,564.00, up thirty-two
17 point seven percent (32.7%) year over year and getting real close to
18 the 2019 numbers of \$790,000.00. Skip the Key Item report.

19 We'll go to the enplanements, which is on A-29, for
20 Buffalo, we enplaned 185,423 for the month of June. That was up thirty-
21 six-point eight five percent (36.85%) year over year and that's about
22 eighty-four percent (84%) of our 2019 numbers. We're inching up over
23 eighty percent (80%) and we're still being dragged down a little bit
24 by, obviously by, the number of seats that are available at Buffalo due
25 to the pilot shortages and also the lack of manpower with some of the
26 airlines. They are still struggling to get up to snuff as far as...

27 COMMISSIONER BAYNES: Canadian?

28 MR. WEITZ: Canadians returning, as you know if you are

1 vaccinated, all you have to do is fill out the ArriveCan forms, and
2 download your vaccination record. But if you are not vaccinated, you
3 have to take a test prior to entering Canada. You also have to take a
4 test on day one (1) and day eight (8) when you get into Canada. So that
5 could be restricting some people from flying that are not vaccinated in
6 Canada. Next page, which is A-30, is the Buffalo scheduled air carrier
7 market share. I'll just make a couple mentions here. American has
8 exceeded their 2019 numbers for the month of June and I'll also make a
9 mention that United's flights are up seventy percent (70%) in flights
10 and one hundred percent (100%) in enplanements year over year so United
11 is really trending in the right direction. The next... We'll skip that
12 page... For Niagara Falls on page A-32, enplanements were 4,168 for the
13 month of June, up eleven-point four four percent (11.44%) versus last
14 year. The number in 2019 pre-pandemic was about 7,400 passengers so we
15 still have ways to go at Niagara Falls. As you know, Spirit isn't
16 flying there right now. We have to see what happens with the merger, if
17 they end up coming back to Niagara Falls or not.

18 COMMISSIONER BAYNES: How many flights a day is that? It is one (1)?

19 MR. WEITZ: They did twenty (20), actual flights, they did
20 twenty-seven (27), twenty-nine (29) for June. Twenty-nine (29) flights
21 so, it is a little over one (1) a day or around one (1) a day, yeah.
22 They don't fly every day of the week, that's why, certain days of the
23 week. We do drop down in September to about twelve (12) flights for the
24 month. September is a slow month for Allegiant Airlines, but then we
25 pop back up in October, number to the twenty-nine (29) to thirty (30)
26 number, so they'll come back up this fall. On the next page which is
27 A-34, which is the Buffalo aviation update. I'll just mention that Sun
28 Country continues to fly to Minneapolis. They'll fly, you know, right

1 up until Labor Day, and then they'll end the service for this year. So
2 far, they are doing very well. They had 1,085 passengers on seven (7)
3 flights for the month of June, which is about 155 passenger average.
4 That aircraft holds about 186 so that is a pretty decent load factor
5 for their first time they fly out of Buffalo. Flight activity at
6 Niagara Falls, again I mentioned, there were twenty-eight (28) monthly
7 departures. That will drop a little bit in September and then come
8 back. Then, the last slide I want to speak to is on A-40. This is the
9 TSA checkpoint throughput report. The tops, the top box is all airports
10 combined. As you can see, the yellow line is the 2019 numbers and black
11 line is the 2022 numbers, so they are getting really close together.
12 Most airports around the country are getting really close to their 2019
13 numbers. You can see in June, and it looks like the lines almost
14 touched, so they're doing very well. The second box down is the Buffalo
15 only box, seven (7) day average and you'll see the black line, we're
16 trending in the right direction, sometimes over 7,000 passengers a day,
17 which is our normally our average for Buffalo. And in the bottom box,
18 it shows we're hovering at right about eighty percent (80%) versus our
19 2019 levels for the last few months so we are doing very well. If we
20 get some more seats and some more flights back from some of these
21 carriers, I am sure we will be over the 2019 numbers really soon.

22 COMMISSIONER PERRY: For those numbers, by how much? Like,
23 like we just don't know? Or do we have some kind of projection?

24 MR. WEITZ: No, we do not have a projection at this time,
25 No, but if Sun Country comes back, if the, who knows what happens with
26 the JetBlue/Spirit merger, there could be additional flights, we don't
27 know. But a, so, it's hard to speculate right now but a, so...

28 COMMISSIONER PERRY: Or everybody could decide to go to Vegas all

1 the time..

2 MR. WEITZ: That's right. Yeah, we had a very nice ribbon cutting
3 on what was it, Wednesday, Kim? No, uh...

4 MS. MINKEL: Tuesday.

5 MR. WEITZ: Tuesday. Tuesday and Frontier gave away a lot of
6 little prizes which was very nice, and the passengers seemed to like
7 it a lot.

8 CHAIR HUGHES: Lee, can we go back to Niagara Falls, though...

9 MR. WEITZ: Yeah.

10 CHAIR HUGHES: ...and the Spirit transaction. I'm sure you guys
11 have contingency plans, I am sure you're chasing other carriers but I'm
12 probably stating the obvious, it's a concern.

13 MR. WEITZ: It's a real concern.

14 CHAIR HUGHES: It's a major, major concern.

15 MS. MINKEL: Yes.

16 CHAIR HUGHES: That we have to keep an eye on. I know
17 Commissioner Baynes has brought this up a few times. I'm not asking you
18 to tell us what your plans are now but, but before, I'm thinking before
19 we come to the next Board meeting, we have to stay in top of that.

20 MR. WEITZ: OK. We will do that.

21 COMMISSIONER BAYNES: I have one other question. I was reading, I believe
22 it was yesterday or the day prior, Breeze Airlines is flying out of
23 Syracuse now...

24 MR. WEITZ: Yup.

25 COMMISSIONER BAYNES: ...to Tampa. Are we looking at them?

26 MR. WEITZ: We are. Pascal has talked to them several
27 times. Syracuse's cost per enplanement is a little bit lower than ours,
28 that's why they chose Syracuse this time, but eventually I think they

1 will come around and decide that Buffalo is the right place to be
2 because obviously we are a much stronger market in this area than
3 Syracuse.

4 CHAIR HUGHES: So, stay on that topic... So, do we have to get more
5 creative in terms of incentives? I mean, do you need help from the
6 Board? Do you need help from local government?

7 MR. WEITZ: Um.

8 CHAIR HUGHES: In a situation like that if you are competing against
9 Syracuse for that airline...

10 MR. WEITZ: Yeah, all of the above, we could use the help
11 with. You know, incentives are good. We'll take another look at our
12 incentive package. We update it, usually, every couple years.

13 MS. MINKEL: Yeah, but we are somewhat restricted on what
14 incentives we can offer by FAA so communities, state, county, if they
15 offer incentives, obviously that helps. I don't know if that's
16 happening in Syracuse. Um. But for example, we've talked in the past, a
17 revenue guarantee is something that more and more communities, more and
18 more cities across the U.S. are doing to attract services in the
19 various airports. And, we as an agency, we're restricted. We can not do
20 that according to FAA.

21 CHAIR HUGHES: But I am sure Niagara County would be...

22 MS. MINKEL: Niagara County could do that...

23 CHAIR HUGHES: ...very interested in that conversation.

24 COMMISSIONER AUL: Yeah, I would echo your concerns over Niagara Falls
25 too. I mean I think it is only a matter of time 'til we, I mean we
26 should question it ourselves, but I think the community more and more
27 will question that. And, especially with Amazon now and you know, maybe
28 it's not air transport now, but I think that is going to loom large as

1 a question for us and we have to be ready to answer it.

2 COMMISSIONER BAYNES: Yeah, especially with eleven (11) flights.

3 MR. WEITZ: Yeah.

4 COMMISSIONER AUL: Right.

5 MR. WEITZ: Yeah. I will be attending the NCIDA meeting
6 which is coming up in September and I'll make sure it's a topic of
7 discussion at that meeting.

8 COMMISSIONER BAYNES: So, I assume it's less to fly out of Niagara
9 Falls, correct?

10 MR. WEITZ: Yeah.

11 COMMISSIONER BAYNES: So, Breeze? Would they be interested? I mean
12 Breeze is flying everywhere now.

13 MR. WEITZ: They may. They may. Yeah. Yeah, and I don't
14 believe that Syracuse got any state money for the service. They just
15 have a lower cost per enplanement right now than we do.

16 COMMISSIONER BAYNES: Would it be lower than Niagara Falls?

17 MR. WEITZ: No. No.

18 COMMISSIONER BAYNES: Niagara Falls is lower?

19 MR. WEITZ: Niagara Falls is lower.

20 CHAIR HUGHES: An opportunity then.

21 MS. MINKEL: Yes, and maybe next month we can have Pascal
22 Cohen talk about some of our marketing efforts and where there might be
23 opportunities for both Buffalo and Niagara Falls.

24 MR. WEITZ: Yup.

25 COMMISSIONER BAYNES: Thanks Lee.

26 MR. WEITZ: Yup.

27 CHAIR HUGHES: Thank you.

28 MR. WEITZ: That's it for our report.

1 COMMISSIONER PERRY: Thanks Lee. Any further questions? Any
2 additional business? Hearing none. That concludes the Aviation
3 Committee, Mr. Chairman.

4 CHAIR HUGHES: Thank you. OK, let's move on to Surface.

5
6 CHAIR HUGHES: Good morning and welcome to the August 11th
7 Surface Transportation Meeting. We are going to start off with a
8 discussion item. I know, James, are going to start that, or...?

9 MR. MORRELL: Yeah. Good morning, Commissioners, Chairman.
10 We'll start with a briefing on our ongoing discussions with the Bills
11 organization and their partners regarding service. Rob is going to lead
12 us through those details. Rob?

13 MR. JONES: Yes. Good morning. So as James mentioned we've
14 have had numerous discussions with the Buffalo Bills organization along
15 with Erie County and with the County partners there as well. We're
16 going to talk about our proposed service here, but we'll start with a
17 little bit of background. I've always provided it in the past so we can
18 see where we are at in those discussions today. So, we used to have
19 service to Bills games through the nineties from 1997, back from the
20 late '90s thru to 2010. In 2010, we discontinued that service with the
21 Bills. It wasn't for the lack of ridership. We had pretty decent
22 ridership on some of those routes, at that point we had 5 different
23 routes going to the stadium. But there were some operational challenges
24 that we had with serving the stadium, mostly getting in and out,
25 parking the vehicle, how that operated that were challenges that we had
26 that we could not overcome with the Bills at the time. So, we decided
27 to end that service at that time. It was fairly popular. We were seeing
28 a couple hundred people at the time access the stadium via our

1 services. It was a mix of fans and employees, we had multiple shift
2 times there that we were trying to meet along with different employees
3 as well.

4 As part of our Bus Network Improvement program, where I was up
5 here many times during 2021 talking about the outreach we were doing
6 with the community, numerous people mentioned that Bills service and
7 how much they liked it and can't get to the games because of it.
8 Currently the 14-Abbott and the 16-South Park routes access McKinley
9 Mall which is the closest an individual can get to the stadium on a
10 Sunday. Where is on weekdays, individuals can to ECC South for games
11 if there is a Monday night game or a Thursday night game in there but
12 that's not really providing adequate service to meet the needs that we
13 are talking about with the Bills. So, I do want to highlight that is
14 something the community asked us for, and we are trying to be
15 responsive and providing it, much like the Parks Bus Service or
16 service to different generators that we've been providing lately.

17 CHAIR HUGHES: Rob, before you go on, if you can go
18 backwards...

19 MR. JONES: Sure.

20 CHAIR HUGHES: ...just land the Board where the buses would drop
21 people off and pick them up? Was it convenient? Was it too far away?

22 MR. JONES: Sure. So, previously that service which was put
23 in place, as I said, in the '90s all the way thru to 2010, we were
24 accessing the bus parking lot and we had very prime kind of location
25 at the very edge of that lot. So, we were very visible for our riders
26 and other people attending the games to see where we were. The drop off
27 was very close to gate 4 along Abbott Road. So, it was really
28 convenient for those who rode, it was really important not having

1 people walk a mile once they got dropped off by the bus. It was
2 accessible in there. At the time, actually, the most cost-effective
3 thing was for us to have the operator attend the game. So, we would get
4 them a ticket for the game as opposed to paying them to sit in that lot
5 for four to five (4-5) hours. That was also when tickets were much
6 cheaper...

7 MULTIPLE COMMISSIONERS: Laughter.

8 MR. JONES: It made a good deal to do that. We are not
9 looking to do that in this iteration. I think that would be a cost
10 negative kind of proposal as part of that.

11 CHAIR HUGHES: Yes.

12 MR. JONES: But we have a lot of visibility, and they would
13 help us be first in and out of that lot as well for both pick up and
14 drop off.

15 CHAIR HUGHES: Thanks.

16 MR. JONES: So, in terms of our proposed service right now,
17 we are looking at four (4) different routes and these routes are set up
18 kind of to meet different market segments. We looked at this with the
19 Bills organization and some of their partners, and said, "who are we
20 trying to serve?". Well, there are two (2) real groups. There's
21 employees at the stadium on game days and there's also fans who'd like
22 to attend. Oh, no worries. So, when we're looking at the multiple
23 routes here that we have serving the stadium, we're really talking
24 about four (4) different routes that would serve some of those
25 different market segments. So as an example, the blue route, #251,
26 starts at the Black Rock Riverside Transit Hub where we have not only a
27 small park and ride, but we also have access to five (5) of our bus
28 lines. So, individuals can get there for employment, they can bring

1 their cars in, and we would have service from that location which would
2 also hit Athol Springs park and ride, for individuals potentially
3 coming up from the South who are looking for alternative access to the
4 stadium. The green route coming from downtown focuses out of this
5 building and would have the most frequent service along there as we're
6 providing all those connections through downtown whereas the yellow,
7 goes a little off the screen there, that is focusing more on attendees
8 going to Eastern Hills Mall as a collection point for East Amherst,
9 Clarence, Lockport, etc. So, you want to have that connection point and
10 go directly to the stadium. So, that is more focused on your game day
11 experience for passengers who are going to the game as opposed to
12 maybe, employees. So, we're really trying to hit multiple market
13 segments there, provide a little diversity to what we provide.
14 Importantly the route that would come from downtown Buffalo out to the
15 stadium, we'd also stop at the McKinley Mall to help individuals using
16 lines 15 and 16 access that service, to kind of meet that first/last
17 mile connection which we heard was very critical for employment. When
18 we did the fare policy changes most recently, we added a premium fare.
19 That was one of the things we went to public hearing for last August
20 was add a premium fare of five dollars (\$5.00) each way that was
21 approved by the Board through that public hearing process. That is
22 where you would charge for the service so five dollars (\$5.00) each
23 way, so ten dollars (\$10.00) total which isn't really much of a change
24 from what we were doing in the previous service that much so. It's a
25 pretty good deal to pay ten dollars (\$10.00) for a round trip when
26 parking at the stadium is up to forty-five dollars (\$45.00) now. So,
27 it's still pretty economical, we think. We're working with the various,
28 we'll say, vendors and contractors of the stadium, your Jani-King,

1 Pegula Sports and Entertainment, Delaware North, on making it free for
2 employees, so they would basically underwrite the cost of the fare for
3 their employees. How we would do that is that if you have them on
4 gameday and you are riding that service, you have your employee badge,
5 you have your ID, you would ride for free, you would count how many
6 people that was, and kind of bill them later for that ability for those
7 individuals to ride. So, then they're really making the service
8 worthwhile for their employees. And then lastly, I already mentioned
9 this, but we'll look at different service times as well to meet those
10 two (2) different market segments. So, in talking with the Bills, say,
11 you know, for a one (1) o'clock game, for example, we need employees
12 here between 9:00 and 9:30. Great and that's great for some fans, but
13 most fans don't want to get there at nine (9) o'clock in the morning
14 for a December game when it's cold out.

15 CHAIR HUGHES: Some do.

16 MULTIPLE COMMISSIONERS: Laughter.

17 MR. JONES: Some do and so it provides for that option and
18 I am sure we will get people to take that for that game, especially in
19 the nice weather, but when it comes to the cooler weather, it will be a
20 little bit less so we also have kind of a second wave of some other
21 shifts coming around ten (10) and eleven (11) o'clock for that arrival
22 time, which gives you time enough to get into the stadium and get
23 settled before the game. So, we're really using that as a work-back
24 schedule using a one (1) o'clock game as the example. So, officially,
25 I've already touched on a couple of these points. We may go up to four
26 (4) trips from downtown to the stadium. We're still trying to determine
27 what the adequate service levels there based on demand. Whereas, the
28 other routes that are off on the fringes would have up to two (2) trips

1 before the game. Service after the game is a little bit tricky
2 sometimes. Because those two (2) different market segments have
3 different needs after the game. People who leave the game as fans want
4 to get home as fast as possible, right? So, we're loading that bus,
5 when they're on the bus, they want that bus to go. Employees, they have
6 to clean up after the fans leave, they may have to check-out, they may
7 have to have sign-out procedures, they may have to check in with a
8 supervisor. So, they're really looking at leaving more like an hour
9 after the game. So, really trying to target these different routes
10 as having multiple waves based on if they are more employee focused or
11 driven or if they are more fan focused and driven. So, we're looking at
12 how to do that with games. You know, the Bills said "Well what if we go
13 into overtime?" and we said, "Well we'll wait".

14 MULTIPLE COMMISSIONERS: Laughter.

15 MR. JONES: We're not just going to leave and strand people
16 but it comes down to communication, right? It comes down to the
17 communication of "OK, the game's over, now the clock starts ticking on
18 either thirty (30) minutes, forty-five (45) minutes, sixty (60)
19 whatever that right number is, we base it on the let-out time for that
20 game as opposed to being based on like, you know, a hard schedule time,
21 so, we are not stranding anyone out at the stadium.

22 The last point, I think, is very important here is where our
23 presence is, and Commissioner Hughes, you kind of brought this question
24 up earlier with, where we have that presence right along Abbott is
25 really important for us, that allows us visibility, that allows us to
26 get in and out really quickly. We want to be there and have our
27 passengers not be confused as to "where do I go?" in some of those
28 parking lots. They can be very confusing and congested at that time.

1 We're working with the Erie County Department of Public Works and the
2 Sherriff's Department along with the Bills organization to figure out
3 how that works. We don't really know exactly what that looks like at
4 this point. We're trying to figure out how that works but perhaps
5 there's an escort, right, where the Sheriff's Department... Perhaps it
6 means we're all staged in that one location, and they all leave at the
7 exact same time with that escort. Those are details that we'll have to
8 work out as we move this forward.

9 So, in terms of considerations, there is a Bills game on this
10 Saturday, we do not have time to operationalize for that game. But we
11 are looking at trying to pilot this service for the next game which
12 starts on the twentieth (20th). That is not a lot of time to get things
13 together but that pre-season game, I think, will give us a really good
14 kind of soft launch or dry run into what that service will look like
15 for the regular season. As I am sure you guys know probably, pre-season
16 games are less attended than regular season games so if there were some
17 kinks to work out, it would have less impact most likely than it would
18 on a game that would happen say in November if we were trying to pilot
19 midseason. So, given the current home game schedule, the Bills are good
20 now and that is a problem for us. We used to only play Sundays at 1PM.

21 CHAIR HUGHES: Yup.

22 MR. JONES: So, our first home game is a Monday night at
23 7:15PM. We got a couple of games in there that don't even have start
24 times yet towards the end of the year which we will not even know until
25 a week before. We have a Sunday night home game. We have Sunday one (1)
26 o'clock games. Those are challenges, right? Mostly because we can do a
27 work-back schedule to understand when the buses should leave but
28 traffic patterns are a lot different. Anyone who has tried to get to a

1 Monday night game that starts at 7:15, the 190 and the 219 and the
2 Skyway are pretty tough at about 4:30, five (5) o'clock. But that's a
3 lot different than a Sunday morning at nine (9) o'clock when there is
4 not a lot of traffic out there overall. So, there's some challenges
5 there to work out with some of that schedule. So, we sat down and
6 looked at the different schedule types for the ten (10) home games.
7 There's five (5) different patterns, up to seven (7) different
8 patterns based on what times those other games are that we don't know.
9 So, it could really be doing something different every week for a
10 home game. That creates some challenges not only with operations, but
11 communicating that to the public. If you tell someone "hey, you got a
12 one (1) o'clock Sunday game, you need to be there at nine (9)", easy!
13 But next week we play at 7:15PM against the Titans and "I have to get
14 down there at 3:15, is that the right time?". Perhaps that changes
15 some where they are expected to be at the stadium. All those
16 considerations have to be kind of worked out and thought about. It just
17 creates additional challenges for us to be able to provide. And lastly,
18 I know I mentioned this, but that Abbott Road issue is something that
19 the Bills have been talking on the side with the County as well, and
20 we've talked to the County about, still have details to come
21 there in terms of you know, where we are if we are leaving the stadium
22 after the drop off or if we're parking at the stadium when we arrive to
23 come back. All those things need to be worked out. Right now, we
24 wouldn't be looking at parking the bus there. What we would do is after
25 the last drop off on the outbound side, we would return back to the
26 garage and then go back to the stadium at a certain time for the
27 projected end time of that game. So as an example, a game that is
28 supposed to end about four (4) o'clock, started at one (1) o'clock, we

1 arrive at the stadium at 3:30 so we can stage those vehicles in an
2 appropriate area. That way we would out of that kind of restricted
3 zone, not parked in that restricted zone which might cause some issues
4 where arriving there at that time and allowing fans and employees to
5 come back out to those locations for us.

6 MR. MORRELL: Thanks Rob. So, we're really encouraged to
7 provide this service, you know, not just for fans but individuals to
8 access jobs from the city. I think that's the really important
9 piece right there. And there's also going to be a considerable
10 marketing effort as we move forward to make sure these individuals know
11 that the times the vehicle will be there and will be able to access
12 that service. Any questions?

13 CHAIR HUGHES: Question and a comment. First on the marketing.
14 Have you guys asked the Bills to help you with cross marketing?

15 MR. MORRELL: We haven't gotten to that level of discussion
16 yet. We're still trying to work out the really details in terms of
17 where the bus is going to be, how it's going to exit, but yes, that's
18 something that's needed.

19 CHAIR HUGHES: They stand to benefit, and they have a massive..

20 MR. MORRELL: Sure.

21 CHAIR HUGHES: marketing operation.

22 MR. GEORGE: There has been a commitment from them. We
23 just haven't gotten any of the details.

24 CHAIR HUGHES: Good, good.

25 MS. MINKEL: Yeah.

26 CHAIR HUGHES: And the second is a comment, really, the trial
27 and error that we go through this year with the season, the next year
28 or two, I think is critical because we have to be, you know, a solution

1 for the new stadium. I think this is all geared toward where we are
2 going in the next couple of years.

3 MR. MORRELL: Sure. Absolutely. I mean at the, at least some
4 of the comments that heard, that we heard, from the paper that was
5 during the meetings, during the stadium build, we heard that
6 individuals want to have public transit to the stadium. So, that is
7 something that we are getting ahead of.

8 CHAIR HUGHES: Great.

9 MS. MINKEL: And to that point, we've had discussions with
10 the Bills about the new stadium and integrating a station as part of
11 that new stadium so that we are up front and center, and that transit
12 really is a commitment going forward. Having a station built into that
13 stadium where there is cover, there's heat, there's seating capacity,
14 restroom access, really shows the priority of transit going forward.

15 CHAIR HUGHES: If only the train went that way...

16 MR. MORRELL: OK, thank you Rob.

17 MR. JONES: Thank you.

18 CHAIR HUGHES: Great. Thank you.

19 COMMISSIONER WILCOX: Is there any discussion or is it even feasible
20 to talk about dedicated lane? You mentioned Sherriff escort. Or does
21 the bus have to get in with the mix and wait for the normal traffic
22 flow?

23 MS. MINKEL: Yeah, we actually had discussions just recently
24 with the County about that and we talked about using our police
25 department working in concert with the Sherriff's Department so that we
26 could have a police escort to help get our buses out.

27 COMMISSIONER WILCOX: So, that's a faster option...

28 MS. MINKEL: Right.

1 COMMISSIONER WILCOX: Reduced DWI. Reduced emissions.

2 MR. MORELL: Yup.

3 COMMISSIONER WILCOX: If I am sitting routing in traffic and I'm
4 watching this bus go buzzing by me, I want to do that next time.

5 MULTIPLE COMMISSIONERS: Laughter.

6 COMMISSIONER WILCOX: Especially if I have too many beers at the
7 game, and you know, you know what that means... I just think it will be a
8 real demand for it.

9 MR. MORELL: It will be extremely critical because if we're
10 looking to use the same bus to drop off the workers...

11 COMMISSIONER WILCOX: Un-hum.

12 MR. MORRELL: Come back and pick-up the passengers,
13 that critical piece is extremely important. Extremely important and
14 handled delicately.

15 COMMISSIONER WILCOX: So, is there a dual discussion? I think
16 there is a community benefit agreement? I don't know if Erie County is
17 leading that negotiation that could that potentially be wrapped into
18 the...?

19 MS. MINKEL: Yeah, we've had discussions with Chairwoman
20 April Baskin, Senator Tim Kennedy. We've also spoken with the County as
21 you know to talk about existing service, future service and the
22 integration of a transit station in the new stadium going forward. And
23 then even, discussions as it relates during the construction period of
24 the new stadium, right? They're going to have reduced parking. They're
25 going to have serious transportation challenges. So, it really is
26 three-phased: current season, during construction and the final new
27 solution going forward with the new stadium.

28 COMMISSIONER WILCOX: Exciting.

1 MS. MINKEL: Yeah. It is exciting. You know, you mentioned,
2 if you've had too much to drink, it is better to be on the bus. But
3 what we did not talk about is that presents challenges for the operator
4 and people on the bus.

5 COMMISSIONER WILCOX: This is true.

6 MULTIPLE COMMISSIONERS: Side conversations and laughter.

7 MS. MINKEL: It can be a challenge...

8 COMMISSIONER WILCOX: Sure.

9 MS. MINKEL: ...for the driver.

10 MR. MORRELL: And one final point is, and Rob mentioned it,
11 is getting the service underwritten by some of these partners. I think
12 that is really important, especially for the workers.

13 CHAIR HUGHES: They stand to benefit...

14 MR. MORRELL: Yes.

15 CHAIR HUGHES: ...because they struggle to get employees out
16 there.

17 MR. MORRELL: Absolutely.

18 CHAIR HUGHES: OK. Thank you. John?

19 MR. SCHAEFER: OK, that's always the good news. So, I am the
20 bad news guy.

21 MULTIPLE COMMISSIONERS: Laughter.

22 MR. SCHAEFER: Good morning, Commissioners. Good morning,
23 Chairman. By now, you are all aware that something occurred on our
24 shoreline. Maybe people know more details than that. Hoping to help
25 bridge those gaps and provide some insight into what occurred and what
26 we are doing about it. So, the shoreline incident that took place on
27 Saturday, July 30th. A 12' x 200' shoreline collapsed into the Buffalo
28 River. It was about 1:30 in the morning. It's at the East end, far East

1 end of DL&W Station. Safety actions were immediately taken. The
2 Riverwalk barriers were already in place for, it had nothing to do with
3 this incident, they were in place because we have construction going on
4 out there. So, we've already restricted any kind of pedestrian traffic
5 from the Riverwalk and it's too big to allow any access around our
6 construction site that is still in progress. Incidentally, this did
7 not, in no way, affect our construction in progress, nor did the
8 construction affect or cause this. We don't know the cause, but we are
9 very confident no activities made this transpire. It is quite away
10 away from where the activity is. The employee parking lot - barriers
11 were put up. Any doorways that entered into that area were barricaded
12 and we've been in touch with the Coast Guard and they, in the short
13 term, in the short time, put up buoys to mark any of the debris fell
14 into the river.

15 So just to take you through what it looked like before and what
16 it looked like after, so, and I'll try to dismiss some myths that have
17 come up that I've been hearing. Part of the challenge is people are
18 jumping to conclusions and said they saw something before and that must
19 have been the reason but we're working through all those and not all
20 those have merit. For example, this is a picture of the shoreline in
21 that area before it collapsed. What you are looking at is old,
22 construction activities from 1914 and then a large one when the rail
23 came in to play, light rail came in to play in the early '80s so those
24 are two (2) major components that took place construction-wise. There
25 may have, likely have, been some other intermittent ones but this wall
26 here, this dark wall that dips down and goes a couple feet above water
27 level that's been there since about the 1914 era, I say era, plus or
28 minus a few years. That was there, you used to be able to at that time,

1 pull up your small watercraft and embark from that area, have a slip
2 there. When we came in for our Light Rail Service, reconstruction built
3 on that wall, which you'll hear is shoreline, a common term, and this
4 concrete, we'll show it again in a section in a little bit, is
5 sometimes referred to as a bulkhead. So, those are two (2) terms have
6 been kind of used interchangeably. Anyway, what happened is that we
7 elevated this area to provide parking and a few other things and
8 eventually built the office space on it in the early '80s. So, this is
9 a before, this is an after. I have another after photo compliments of
10 the City of Buffalo. So, it gives you bearings. Here is the Cotter and
11 the Cotter slip. Little tough but you can see it no longer looks like
12 what we had just showed you. This is the one from above in a helicopter
13 that the City shared with us the other day so you can see what
14 collapsed and the area that collapsed into the river. Incidentally, it
15 shows the buoys and the markers of where the debris is. It did not
16 enter the shipping channel. The shipping channel is clear, it's been
17 confirmed, so we are responsible for our debris but at the moment it
18 does not add any problems with the shipping channel, which we had
19 conversations with the Coast Guard and they have confirmed that.
20 Another close-up view of what it looks like. Incidentally, you're going
21 to hear me talk a little bit about the design/construction, how it was
22 constructed over the years. This here is a wet timber which likely came
23 from a platform and I'll come back to that in just a minute not to be
24 confused with a pylon. This is simple barricading that we've been
25 putting up. So, one of the things that many of us, including myself,
26 shoreline construction can be unique, a unique specialty to begin with
27 when it comes to construction and design. It's not something we do a
28 lot of, we do zero of, the most we've done is the shoreline. Control

1 over at the Greenbelt back fifteen (15) years ago. So, I wanted to take
2 a moment just to walk you through what does that look like, what was
3 the design because it is a little bit different as you go down the
4 shoreline. So, our NFTA property is approximately 1,720 ft. of
5 shoreline along this DL&W. And if you can bear with me, I am going to
6 start with from the west, working east because there is some
7 information over the years that we have picked up and I am hoping it
8 will help get everyone's bearings on where we are. So, starting from
9 the west, I will try and take, I'll take you through a plain view and
10 then on two (2) sections which cuts through the shoreline so you can
11 get a good look at what the general construction is. We stripped out
12 all of the technical to try to really get to an easy explanation of
13 what this looks like. So, to get your bearings, this is the Skyway
14 Pier, OK, Canalside, Arena, OK, and this is our track. So, in this
15 area, we call it, we're calling it the far west, we have it segmented
16 because there are slightly different sections when they go to the
17 section so this is 115 ft. to the west. Incidentally, in this west area
18 we do have a..., the City of Buffalo and DOT also have a vested interest
19 in the shoreline. They are actual owners of a piece of it, we're the
20 major ones but they do have shore access with a property line in that
21 general area. Now, and in this area, has another segment, let me just
22 show you this cross section. So, on the far west, the construction and
23 the design looks like such. So, these are 10 in. diameter wood timbers,
24 and they do, are piled, also known as piles, driven down to the rock
25 bed. The spacing here is about 10 ft. or thereabouts. Then there is a
26 platform with a wood concrete construction that is on top of that.
27 Sometimes you'll hear the term a "pile cap". Platform is probably more
28 appropriate as it started off, in many cases, along the shoreline, as a

1 simple platform to embark on water vessels. Of course, the blue is your
2 water line so yes, there is water underneath this area. Piles are
3 driven all the way down. These would be vintage 1914 era and then it
4 was built on top, it is about 6 ft. tall on top of the platform, sea
5 wall, again sometimes referred to as a "bulkhead", OK, that's concrete.
6 And to get your bearings again, this is on the far west, our
7 construction is over here, and the incident is still 1,700 plus or
8 minus feet away from what I am showing, but I will get to that area in
9 just a minute. So, our track is over here, this we installed about a
10 year, year and a half ago, a retaining wall, but I want to qualify it
11 is not a retaining wall for the shoreline, it is a retaining wall for
12 our tracks. And if to prohibit if you get any wintertime at the lake
13 and the river can be quite rough so any kind of water here wouldn't
14 wash away any ballasts. It also keeps and retains our track area. Still
15 on the west side but moving further to the east, slight differences,
16 one, they have a little bit tighter spacing on the piles, and one other
17 thing you should note but I didn't point it out, there is not quite
18 exactly sure but we can speculate, there are, in this one section only,
19 some piles that are non-load bearing which means they don't carry
20 anything of the platform. They're really tightly together. Perhaps it
21 was to keep things from going underneath. Perhaps it was the post to
22 tie up to. Don't know, but it's the only section that it appears on
23 when we go through this. Again, we are still on the west now, very
24 similar construction, a little tighter on the spacing.

25 Next is the plan view of 810 ft. of our building and our
26 property. To get your bearings, here is the entrance into our shed, and
27 for years we've been talking about our station. This is the platform
28 that we are in progress of building, saddled by the incoming and

1 outgoing tracks that had just been relocated there. There was a track.
2 It's now been removed, track 12 we referred it to, that has been
3 removed. It's important to point that out because of where that
4 location is, we have no tracks that are over any kind deck or platform.
5 There are all over on solid, solid ground. I am going to show you a
6 section coming up next of what that looks like. So, the tracks that
7 were built in the stations over here, an area that used to have tracks
8 has been removed. This is a building column over its foundation and the
9 piles and now I refer to it as a pile cap because it actually has some
10 structural soundness to it for the bilge. I am going to mention it
11 probably more than once, we have had an inspection report from 2017 of
12 the pier, and of all these piles. I know everybody's concern is what
13 kind of condition are these wood piles, right? Not uncommon
14 construction, the wood piles have every strength and integrity as their
15 initial design, provided they stay in the water, and that is one of the
16 reasons why I wanted to make sure we went out and took a look at them.
17 So, in 2017, there had been zero indications of problems from the east,
18 which is our area of incident, all the way through nearly 1,300 linear
19 ft. of shoreline. On the west side we have found structural issues and
20 we have tried to rally our other stakeholders to help get a project in
21 place to take a closer look at that and I will cover that a little bit
22 further. So, this is our building, this is our second floor, this is
23 the part we have talked quite a bit about developing.

24 CHAIR HUGHES: John, why was the inspection report done in
25 2017? What was going on?

26 MR. SCHAEFER: So, two-part, one, there was sinkhole found
27 over on the west side, a little bit of cracking, and it was due. By
28 bringing this up, we should know what this looks like, so we wanted to

1 send somebody down there and it is not something that the staff that
2 are on can just run out and take a look at. So, we went and got BIDCO,
3 you'll hear their name again, they're underwater specialists...

4 CHAIR HUGHES: Yup.

5 MR. SCHAEFER: They had divers that went down to take a look
6 at it.

7 CHAIR HUGHES: OK.

8 MR. SCHAEFER: So, we had a couple of sink holes that we
9 wanted them examined pending structurally is happening. So that's what
10 initiated the 2017 inspection.

11 CHAIR HUGHES: Great.

12 MR. SCHAEFER: Thank you. Great question. Again, following
13 with the plan you know with the far east. This is where the action
14 happened a couple of weeks ago. To get your bearings, the Cotter is
15 right here, Cotter slip, OK. Area that collapsed into the river, and
16 then more of our shoreline. So, very different shoreline construction
17 especially in this area and you're going to see two (2) sections that
18 just show just that. Again, incidentally, 200 ft. is in line with what
19 we reported earlier and then there is about 315 ft. of this other type
20 of construction, basically steel, corrugated steel piles. That's what
21 this is so this is not the area of incident, this is still west of us,
22 this is the sheet pile construction, where you drive these sheet piles
23 to bedrock. Bedrock is approximately 50 ft. plus or minus from grade.
24 It ties back and then it's all back filled with soil compacted and then
25 off go it looks like any other shore, on higher ground. No kind of wood
26 construction here.

27 Our area that collapsed looks something like this, I say
28 something like this because, you know, this cross section shows big

1 thick concrete. Some areas are a little thinner because of how it was
2 erected. But the point being here is it has the same kind of wood
3 piles, about 4 ft. spacing, it has a decking of concrete and wood,
4 about 6 ft. thick of fill, and then whatever you are putting at the
5 top whether it's Riverwalk, parking lot, deck, it's all put on top
6 of it. So, that kind of gives you a feel for what it is and gets you
7 your bearings on this section. This is a handrail, that would have been
8 the Riverwalk right here, and this is the fence. The fence still
9 standing, the handrails are at the bottom of the river. So, this all
10 collapsed this way. We did determine, so far, it did fall forward as
11 opposed to a back spin which talking with some who have seen these
12 before has happened on some of the Buffalo shoreline. It did not buckle
13 backwards. It is important to know that because what we have found that
14 these have not, that these piles, have not shown any issue of
15 deterioration whatsoever so that doesn't seem to be the culprit at
16 this point. They might have been compromised because of the action, a
17 couple of them, but they were not the initiator because they are still
18 in good shape. So, reconnaissance, that's what we've been doing for the
19 past couple of weeks, right from the onset after securing the safety,
20 making the area more safe with barricades and such, we've been in touch
21 with the Coast Guard, the Army Corps of Engineers, we have at least
22 weekly meetings if not bi-weekly meetings with BIDCO and our consultant
23 who is McMahon & Mann, as well as the City of Buffalo and Buffalo Sewer
24 Authority. So, we all have a vested interest in finding out what caused
25 it and stabilizing the area so, that particular spot still is not
26 stabilized, but we have it barricaded to keep people away from the
27 area. We are working to find out if they can find the root cause and
28 then working towards the best solution towards stabilizing it. So,

1 what's transpired is that BIDCO, we did get BIDCO on board and we did a
2 procurement declaration of emergency. That allows us to go start doing
3 business with them without a procurement process dragging us out,
4 needing some folks out there right away. That's how that took place.
5 Again, a reminder, and it's still the case talking with our divers who
6 went down recently, there still is no structural damage as far as the
7 integrity of the piles. Obviously, it's damaged that it went over the
8 edge. In 2017, it wasn't found, and it's still consistent from what
9 they inspected back in 2017. So, BIDCO has mobilized. They've been out
10 there a few times, giving a lot of report backs and having a lot of
11 meetings with what they found, what we think they should be looking
12 for. One side note, one thing is everyone is excited on this team to
13 find the answer, so trying to settle a little bit before jumping to an
14 answer. There's a lot of "ahas" and we kind of went "hang on, let's get
15 some evidence to tighten that up" and it's great that people are trying
16 to get there, but as long as they're not trying to get there and then
17 walk away and saying they found it and they're not. They're coming with
18 ideas but we still have more to look at.

19 So underwater forensics, underwater debris and inspection, that
20 was one of the things we just did again, went down yesterday again,
21 taking a closer look at that bulkhead that went over, of how around
22 there were some pins that let go, was it a force that pushed that
23 bulkhead out, and how did that force get there? Taking a close look at
24 that. Remove debris from river, that is, just happened yesterday, so, I
25 do want to qualify "removing debris". So, the debris is everything from
26 6 ft. thick to 30 ft. in 12 ft. wide chunks of hard decking and soil
27 and handrails stuck to one section is down there and then there are
28 parts of the platform that have splintered off in that area floating

1 around, kind of floating around sort of attached, those have been
2 picked up. Not the dangerous thick chunks, those are down out of the
3 way of any watercraft they would hit, but the big chunks do float
4 around, and we are responsible and have removed our risk by removing
5 that debris so it doesn't float into that navigable channel. So, that's
6 happened as recently as yesterday, and pulling that up, BIDCO had
7 pulled it up by crane and has it sitting in a barge. So, the things we
8 need to work on as construction to stabilize the shoreline and then we
9 got to look at repair and restore. So, they are two (2) distinct items,
10 right? Stabilizing stops things from falling into the river, and repair
11 and restore - preparing what we had previously, and then it opens up
12 discussions of should be thinking a little bit differently for
13 something long term, that we don't, we want to make sure we don't
14 compromise that opportunity whether they want us to...? We have a study
15 for extending the rail out some time in the future. Is there any need
16 to have a more structurally sound backfill rather than just backfill as
17 it was? And our consultant as I mentioned, we will retain them too,
18 options to stabilize, options to repair, and have been taking part in
19 the forensics as well. I just included this one, it is just showing
20 that this is BIDCO at the time of mobilize, it is just a little closer
21 view of what that looks like, the barge on the river and they're out
22 having their divers down below.

23 So, the long term, 2017, that same report I mentioned that
24 indicated no structural issues throughout much of the shoreline, 1,300
25 linear ft. plus or minus, however it did find it at the west end which
26 we continue to try to elicit some stakeholder involvement. We are going
27 to plan another inspection now that we are looking to do some things in
28 addition to just looking at the structures, maybe looking a little more

1 diligently inside of that platform itself. It's not the easiest to get
2 to for the divers, they actually had to cut in some access points to
3 get underneath certain areas to get a close look. We'll get a strategy
4 together to add some points of interest to make sure they take look at
5 it in the next go around. And that will include the whole shoreline.
6 So, then we'll have the design for the necessary repairs and
7 construction long term. So not only here, if we find anything, going
8 down, down our shoreline that need attention, we'll address it. We do
9 know at the far west, we are trying to garner our other stakeholders to
10 help participate in how that gets accomplished. One other thing, just
11 going to back up to this section, I will share that just in this past
12 day, yesterday, we met with the Buffalo Sewer Authority, the City of
13 Buffalo, BIDCO and our consultants. Couple of interesting things. I do
14 caution, we don't have the "aha", but I do want to share the latest
15 information, two things that are happening in parallel. One is there is
16 a, trying to keep too much of a history lesson because I learned much
17 of it myself recently, a series of canals have been all over Buffalo,
18 the Buffalo City area. There is a canal that runs in this area that has
19 been converted over the years to a storm sewer. The storm sewer is
20 approximately 10 in. in diameter, or 10 ft. in diameter and I use
21 diameter loosely, it's got a little more of a crown at the top which
22 was built inside this, and it was shored up inside this canal, which
23 was much wider over the years. That is where the City of Buffalo in
24 some segments, mostly Cobblestone District, has their water going,
25 flooding out, from the area of the Cobblestone down to the river. So,
26 BIDCO has been in there, that's our diver, has been in there to see if
27 there is anything obvious. They've taken about 100 linear ft. up there,
28 they were able to go. It's a bit mucky, it's a bit, if I was to

1 estimate it, about a third filled with silt. Nothing, no "ahas",
2 however, there is about in this area, at our, this would put us at our
3 boiler room, if you can get your bearings, we're south of the, we're on
4 the south side of the DL&W, but we're still east, in one of the
5 manholes there, there below, they found some large debris and blockage.
6 So again, not sure if it is related but it's now the Buffalo Sewer
7 Authority, I've been learning this, is getting more active, and they're
8 going to start to mobilize their own type of team of what's going on
9 with our storm sewer. Blockage means where does the water go to when it
10 is coming down there. Is it a culprit? Perhaps. Perhaps not. So, that
11 is something that has come out of this reconnaissance. They've been
12 very at the table, haven't hesitated at all, the Sewer Authority and
13 the City of Buffalo, and they are all over it, trying to find the best
14 way to do it. Their first attempt, they attempted to come out with
15 a sucker truck and I smiled because it filled to 100 and some odd feet
16 and they'd be, you'd be lining sucker trucks up forever and it's just
17 the bottom, it is not necessarily the whole blockage. There's large
18 wood debris, concrete... It appears maybe, and I say that because it is
19 still developing, there were some structures that were built on top of
20 this canal/sewer that may have collapsed, causing the problem. May
21 have, and that doesn't mean it happened yesterday or two weeks ago, it
22 could have been over the years and it hasn't been realized until we
23 sent folks down in saying "what's it look like?". So, still to be
24 determined and the City and the Sewer Authority have taken an active
25 role in what to do with that. And that will take some time, this isn't,
26 this is some large, large stuff that is in the way for them. On our
27 reconnaissance on this side, so that's still happening there, and I
28 don't want to say "our" but closer to the point of incident, we have

1 seen some things, chasms in that 6 ft., chasms, voids, surprised to see
2 those. It imply there is some kind of water or something that is trying
3 to push its way through and may have caused that force against the
4 bulkhead to push it into the river. Still got some work to do there.
5 One of the things, could be as early as tomorrow or certainly by next
6 week, is after BIDCO gets that debris out of the way, they'll bring the
7 barge in closer, we'll start scraping away where we see these voids,
8 these chasms, and see if we can chase them to any kind of source. And,
9 ultimately to remove all of the soil off of this thing, we're going to
10 take this whole soil off of this, it is going to end up in the river if
11 we don't take care of it on our own, so we want to get it on a barge
12 and dispose of it properly. So, those are the actions that are in place
13 and some of the troubleshooting or root cause that we're following to
14 see if it leads us somewhere.

15 At the end of this, whatever that answer is, it'll be, we may
16 have the cause of what forced it, but we may not have the root cause.
17 We can make accommodations without that if we find out that it is water
18 building up, a way to offload that water, if not knowing the source and
19 not knowing the root cause. There are opportunities to do that, but I
20 do not want to get too far ahead of our designers, but those are
21 initial thoughts of what we have found here so far. And that concludes
22 my report on that. If anybody has any questions?

23 COMMISSIONER AUL: So, this is all NFTA property?

24 MR. SCHAEFER: Yes.

25 COMMISSIONER AUL: This is all our property?

26 MR. SCHAEFER: Yeah, and I'll...

27 MS. MINKEL: Up to the west end.

28 MR. SCHAEFER: Yeah, so, it is all our property. It does butt

1 up to the City's Cotter. So, interesting, I'll show you that plan, wait
2 until I find it... OK, so the Cotter slip is here. Our property line
3 shows right on that side of the slip. One thing we'll have to dig in to
4 a little bit looking at the property line, when is the real line to
5 see, is their corner, this corner here is still standing, it's, in a
6 matter of a short time, it will fall in, in the river. Before I forget,
7 we have informed the City of that incident and said "we know, we don't
8 know how stable your wall is here. So, you may want to take some kind
9 of action". So, they have retained BIDCO and McMahon, same folks, to
10 take a look at their wall and see how much of that will fall in, if at
11 all, as I think it would jeopardize the Cotter. So, our property line
12 is right there, so, why do I kind of hang around talking about that, we
13 probably want to find out a little more detail where that is and to
14 possibly share in the reconstruction at least this portion that is on
15 there. Maybe, maybe not, but if you look at a plan, it is right on this
16 shoreline, right on this piece.

17 MS. MINKEL: John, on the west side...

18 MR. SCHAEFER: Oh, and on the west side. On the west side, let
19 me flip to that slide here, that is a... So, on the west side, again a
20 refresher, that is the Skyway, this is just showing the shoreline, I
21 wouldn't take this as property lines. In this neck of the woods, there
22 is actually a kind of odd shaped, pie shaped, ownership by the City and
23 the DOT butting up to our property line, which is why this is the area
24 that we did spot in 2017 that we've been trying to rally some folks to
25 share in this remedy. First maybe the remedy, but more detail of what,
26 what is actually happening. We know that there is some compromised
27 platforming in this area again there is no track over this area, just
28 as a reminder, but there is some cracking in that platform and a couple

1 of chunks of concrete they noticed, enough that says we should take a
2 look at this further and look more at something.

3 COMMISSIONER AUL: So at least as we know it now, these costs to
4 repair it will pretty much be borne by us?

5 MR. SCHAEFER: As is stands right now, yes.

6 COMMISSIONER AUL: Thank you.

7 MR. SCHAEFER: Anyone else?

8 CHAIR HUGHES: Any other questions?

9 MS. MINKEL: And there is a Board action item later today at
10 the Board meeting to bring on board NFA to help with insurance
11 recoveries as it relates to this incident.

12 CHAIR HUGHES: Great. Thank you.

13 MS. MINKEL: Thank you.

14 MR. SCHAEFER: You're welcome.

15 CHAIR HUGHES: James?

16 MR. MORRELL: OK, so Chairman, with the interest of time, and
17 the financials were already done in Audit and Governance, I would like
18 to turn to page thirteen (13) of our initiatives report. Tom is going
19 to give an overview of great projects that Metro is going
20 through right now.

21 MR. GEORGE: Yeah, just a couple points for the Board today,
22 on our service improvements, we're pleased to announce that on
23 September 4th with our new service that will be coming out in that
24 quarter. We will be servicing the Walden Avenue Amazon distribution
25 center, that was a request that we received through the outreach that
26 Rob talked about earlier and we've worked with them on Corporate Pass,
27 so, we will be moving out there effective September 4th, and we
28 collaborated with them on that.

1 A new item on your initiatives report for this month is
2 paratransit service improvements. We did receive through the budget
3 process in April a \$750,000 grant to do a paratransit study. We have
4 started to receive that funding through our State Operating Assistance
5 and we are in the process of developing an RFP to go out and hire a
6 consultant so that will be moving forward. We will be coming back to
7 the Board for the Consultant selection process.

8 Under corridor development, I know Darren was cut a little short
9 this morning, but we did receive two (2) grants consisting of \$3
10 million from the State of New York and \$650,000 from FTA to advance the
11 BRT project on Bailey Avenue. This money will be used to advance the
12 planning, community outreach, and some design work for that project as
13 well. So, we're pleased about that moving forward.

14 The DL&W, I did have a comment in here about the failure of the
15 river wall which John has gone through. Another great news item under
16 the Division Street Transit Hub, we did receive, a grant was
17 announced, but we have not received the funding yet, for \$3.8 million
18 dollars to construct the linear transit hub which is a transit facility
19 that goes on the park, on the sidewalk attached to the Adam parking
20 structure, essentially between Ellicott and Washington. Out there right
21 now is a very wide sidewalk with three (3) shelters placed out there.
22 We've been through preliminary designs and presented them to you
23 before, basically a big canopy awning out there which would then have
24 coverage, shelter for our passengers as well as some amenities such as
25 next bus arrival information, lighting and that. So, we did receive the
26 amount for that funding.

27 And lastly, I just wanted to touch on quickly was the Intelligent
28 Transportation Systems, our Fare Collection System, we have been

1 talking about this since most of us have been around, I am pleased to
2 say that we are in the final testing. We've been in the stations, we've
3 had the gates closed, we've had our customers going through those
4 gates, we've had our conversations yesterday the new website is
5 basically available, we have a number of friends and family who have
6 MetGo products that are now out testing those, and we believe by the
7 end of the year we will have the project up and operational. There are
8 a couple Board actions again, later today for you to consider on that
9 project as we bring in a third-party app, so it is an ability for us to
10 have, with the system, to bring third-party apps in, that would allow,
11 whether it be, in this case Token Transit or if you wanted to
12 coordinate with a bikeshare or a carshare, you could also coordinate
13 that so they can pay their fare through that third-party app. And
14 that's the initiatives report for today, if there's any questions?

15 CHAIR HUGHES: Can you make sure the Board gets on the friends
16 and family to really look at this? So, they can test this as well?

17 MS. MINKEL: Sure. Sure can. Absolutely.

18 MR. MORRELL: That would be great. If I can just touch upon
19 the Fare Collection System that Tom talked about, so, we have
20 individual staff in the stations from about 6:30 in the morning to
21 about 9:30 at night, helping familiarize the public with going through
22 these gates. Now this is all new. We had an open system and now they're
23 faced with gates. So, in addition to testing the motors, we're
24 familiarizing our customers with how to move through. So, there's three
25 (3) groups I just want to call out: our Transit Ambassadors, extremely
26 important in helping our customers get through that process, our
27 Customer Service Reps also assisting in that, but also our Transit
28 Police are there, helping facilitate that process. So, I just wanted to

1 call out those three (3) groups as we move forward with bringing this
2 great project to fruition.

3 CHAIR HUGHES: That's great. Thank you.

4 MR. MORRELL: So, we can move to page twenty-two (22),
5 our performance goals and measures, I just want to outline a couple
6 things. We talked about ridership in the past, and basically what's
7 happening is we're about fifty-six percent (56%) of pre-COVID numbers,
8 but we are trending in the right direction. For the first (1st) quarter
9 of '22, we're up about eighteen percent (18%) on bus, but what's
10 surprising is we're at forty-five percent (45%) on rail. That's really
11 great to know because what's happening is we're beginning to see
12 companies starting to open back up, but it's also attributed it to
13 schools, at the high school level and the college level, coming back
14 full time during that period. So, it's interesting that we're trending
15 in that great effort and that individuals are starting to come back to
16 the system, so I think that is a good news story for the system.

17 MS. MINKEL: And by way of comparison, MTA, when I met with
18 Janno Lieber, they are anticipating it will take four (4) to five (5)
19 years before they hit eighty percent (80%) of where they were
20 pre-pandemic, because of how people work.

21 CHAIR HUGHES: Yup.

22 MS. MINKEL: A lot of people are working from home.

23 MR. MORRELL: So, things are going well. It's not there yet.
24 We know that companies aren't coming back fully, you know, but if a
25 company takes a two (2) to three (3) day period, where they come in two
26 (2) days and off three (3) days, that has an impact on ridership so,
27 we're beginning to see some trends that look really well. If we go to
28 page twenty-seven (27), I just want to outline complaints and

1 commendations per 1,000, per 100,00 boardings. Our complaints are down
2 for the first quarter of '22, almost fifty percent (50%), and we
3 attribute that to individuals being accustomed to wearing
4 their masks. So back in '21, 4/1 of '21 through 6/30 of '21,
5 individuals were complaining that individuals were not wearing their
6 masks and we had seen complaints up. So, we see that individuals are
7 now accustomed to wearing their masks and the complaints going down as
8 well as commendations are up as well. So, we think things are doing
9 well in the system. Just want to report on page forty (40), the results
10 of our Citizens Advisory Committee. There's a couple of things that
11 we've identified with this group, and you can read it at your leisure,
12 but two (2) things that came out: we introduced Parks Adventure Bus and
13 we're just completing that great project this coming weekend. So, it's
14 great to know that we included the Citizens Advisory Committee in that
15 process and now it's, it's great that now we can report that that
16 turned out to be a great project. The other one the John had mentioned
17 is we had given the, a presentation on the DL&W Riverwalk multi-modal
18 planning study and just a couple of days later, we were actually there,
19 and we couldn't get through because of the barricades and a couple days
20 after, this happened. But what this does is it allows us to engage
21 this community, this committee, in the process of how to move forward
22 with the multi-modal study. But it also provides an opportunity for
23 us, that we're not just going to go back and say "here's the existing
24 process that we're going to do, and put that study and put the
25 Riverwalk back". It gives us an opportunity to look at what we can
26 expand. So, as we rebuild this, there may be an opportunity for us to
27 do some better things for the Riverwalk for the community.

28 And lastly, the Accessibility Advisory Committee, great

1 committee, very spirited committee, we're doing both in-person and
2 virtual, we're trying to figure out what's best for this committee. At
3 this point, I believe we are going to move to strictly virtual because
4 that allows more individuals to actually participate. But there are a
5 couple of things that we actually, we talked about, and that was the
6 Aira update, and that's a tool that allows individuals that are
7 visually impaired to be able to navigate our system. It's currently at
8 the airport, and we're going to push to move that to our fixed route
9 service. So, if there's no questions, that concludes the
10 Surface Transportation Committee.

11 CHAIR HUGHES: Any other questions for James? Hearing none,
12 Chief, Public Safety report?

13 CHIEF PATTERSON: Recognizing that I stand between you and your
14 favorite sandwich...

15 MULTIPLE COMMISSIONERS: Laughter.

16 CHIEF PATTERSON: I will be brief and concise. In keeping with
17 our core mission, the Transit Police Department responded to 177 calls
18 for service for the month of June. Out of those calls, 118 cases were
19 closed, 26 arrests were made, 27 investigations are pending, 2 cases
20 unfounded, prosecution was declined in 2, and there are 2 unknown
21 cases. In our Aviation Division, we track closely the types of crime
22 occurrences, or incidents that take place at the Buffalo Niagara
23 International Airport, as expected there were 14 SIDA violations. Our
24 top three (3) were SIDA, property issues, and vehicle and traffic and
25 parking violations. At the Niagara Falls International Airport, as, not
26 as expected, but, as we have been tracking the NFIA we continually,
27 month in and month out, get suspicious occurrence activity by way of
28 drone activity. So, we're spending time in the area trying to track

1 down a kid in his backyard, closer to the airport, flying a drone, or
2 something more nefarious, so we are paying close attention to that. On
3 our Metro Division, on our Metro side, our top three (3) incidents are,
4 as expected, PDOs (property damages from bus activity), harassment at
5 the MTC and theft of services from our subway systems. I think part of
6 the increase in that has been the uptick in the ticketing activity for
7 our new fare system and how we're controlling... We're also, not only are
8 we educating, but we're also enforcing the fare system so we were
9 expecting to see an uptick in theft of service charges.

10 Administratively, we are working towards accreditation for the
11 department and it is a ten (10) section process. We have completed
12 three (3), and we have the last four (4) and five (5) are in progress
13 and those, by way of interest for some of you, Section one (1) is
14 "Department Role and Authority", Section two (2) is "Organization and
15 Management", "Rules of Conduct" in progress and our "Disciplinary
16 Procedures" and "Patrol Functions" are in progress. This is our
17 overhaul of the department and allowing us to meet the standards that
18 DCJS drives at the State level. So, we're excited about that, but we
19 are fully involved with our accreditation. For the month of June,
20 training involved firearms qualification, something that is obviously
21 law enforcement driven. We are, most law enforcement departments, have
22 yearly qualifications, we have up to two (2), just so that officers are
23 more efficient and improve the tools and skills they need to do the
24 job. At the community level, in terms of what we, I think you've heard,
25 "Coffee with a Cop", it just seems like that can't get out of my head.
26 It seems so long ago but it was just in June. But it was a hit as we
27 try to be, the idea is to familiarize our officers with the community.
28 I really can't say enough about officers knowing the community, the

1 community knowing our officers, being comfortable with who we are and
2 that just bodes well for enforcement efforts. We also participated as a
3 department in the Pride Day Parade as well as Juneteenth. Yours truly
4 was in a 1984 Dodge Diplomat. It's our first, it's the original Transit
5 Police car and I had a lot of fun...

6 MULTIPLE COMMISSIONERS: Laughter.

7 CHIEF PATTERSON: ...in both parades. They were a big hit. You
8 know, they point at the car, and we begin to make those connections and
9 it's pretty cool. I think that completes my report, actually I know
10 that completes my report barring any questions.

11 MS. MINKEL: So, what the Chief didn't mention is he threw
12 out the first pitch at the ballgame. He is now being recruited by the
13 New York Mets.

14 MULTIPLE COMMISSIONERS: Laughter.

15 CHIEF PATTERSON: Stop it, Kim, but yes.

16 MULTIPLE COMMISSIONERS: Laughter.

17 CHIEF PATTERSON: That was fun as well.

18 CHAIR HUGHES: Any other questions for the Chief? Any other
19 questions, comments for Surface? Hearing none, we will adjourn until
20 12:30 then. Thank you.

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