



# Access Advisory Committee to the Massachusetts Bay Transportation Authority

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**Wednesday, March 24, 2010**

## **AACT Meeting Minutes**

### **NOTABLES**

- The AACT has a page on the Boston Region Metropolitan Planning Organizations' website at [www.bostonmpo.org](http://www.bostonmpo.org). Links can be found there for the following items: agendas, upcoming meetings, past meeting minutes, the Memorandum of Understanding between the MBTA and the AACT, and the AACT Bylaws, the AACT Brochure in accessible format, and ADA Regulations. There are also links to the MPO's newsletter, *TRANSREPORT*, the MBTA's Office for Transportation Access, and the AACT Coordinator.
- Comments and questions concerning AACT should be directed to the Chairman.
- Chairman Haynes recommends that AACT members needing information or wanting to inquire about MBTA services, do so through the Customer Support Services Center at 617-222-3200 or the MBTA website at [www.mbta.com/customer\\_support/feedback/](http://www.mbta.com/customer_support/feedback/)
- The AACT Coordinator is Ms. Janie Guion; she can be reached at 617-973-7507 and [AACT@ctps.org](mailto:AACT@ctps.org).
- Please sign in at all meetings.
- Announcements are always welcome. Please be prepared to give as many details as possible: date, time, location, contact person, and phone number. A written notice would be appreciated.

### **ATTENDANCE**

Ben Haynes, Lillian Haynes, Jim Oliver, Philip Beaulieu, Beverly Rock, Marjorie Delong, John Cappuccio, Judy Bobikian, Rene Mesdoanes, Bill McCarthy, John Kneeland, Marilyn MacNab, Rev. Ellen Frith, Kathryn Piccard, and Reggie Clarke

### ***MassDOT /MBTA Representatives***

John Lozada, Frank Oglesby, Paul Strobis, Michael Hulak, Jim Folk, Carol Joyce-Harrington, and Kathy Cox

### ***Vendor Representatives***

Joint Venture of Thompson Transit Inc. and YCN – JoAnne Thompson, and Victor Herrera

Greater Lynn Senior Services, Inc. – Jackie Dunlop

Veterans Transportation LLC – Kevin MacDonald and Brett Tyson

### ***Other Attendees***

#### **Massachusetts Office on Disability**

Kathy Roach-Devin

#### ***Boston Region Metropolitan Planning Organization (MPO)/ Central Transportation Planning Staff (CTPS)***

Walter Bennett and Janie Guion

#### ***Chairman Haynes called the meeting to order at 1:00PM***

- Members, friends and guests introduced themselves.
- The AACT Coordinator, Janie Guion, read the agenda.

#### **Chairman's Report *(No written report was submitted)***

He reported the following highlights:

- The Federal Transportation Administration (FTA) fiscal year 2009 Triennial Review Final Report (TRFR) is attempting to make changes to THE RIDE Program without the community's input
- The Chairman will continue his research of the FTA's fiscal year 2009 TRFR on behalf of the members of the disability community.
- He is pleased to report that his recovery from his recent illness is on track

He then asked for questions.

**M. MacNab:** There is a state law that THE RIDE vehicles cannot have video cameras filming while consumers are on board. You should do research on this law.

**Chairman Haynes:** Recently the state forced the MBTA to release videos of bus passengers. I will do the research and inform members at the next meeting.

### ***Approval of Meeting Minutes***

The AACT minutes from February 24 were approved as written with one member voting nay and two abstentions.

### ***John Lozada, Director of Civil Rights for the Massachusetts Department of Transportation (MassDOT)***

Mr. Lozada went over a few main points such as his background and career highlights, and mentioned his work with Chairman Haynes in the past. He'd been with the federal government for about twenty years. He then described his current duties and new responsibilities. He has been appointed by the Governor to be the Director of Civil Rights for the Massachusetts Department of Transportation. One of his many responsibilities is approving all personnel decisions that MassDOT handles. He promised to get back to AACT with responses to members' questions and comments that he was unable to answer. He thanked the group for the invitation and is open for a return visit when appropriate.

He then asked for questions.

**R. Clark:** Safety is a very important issue.

**J. Lozada:** Absolutely!

**K. Piccard:** In regards to civil rights, I hope that includes people with a variety of disabilities both physical and non-physical, As well as to racial, ethnic and minority groups.

**J. Lozada:** The federal government, both the Federal Highway Administration and the Federal Transit Administration, demand that we cover civil rights broadly. State law also obligates us to cover them. My goal is to have conversations with the disability community and to work with Gary Talbot on planning to get these issues off the ground.

**E. Frith:** I would like to see comprehensive communication between MassDOT and the disability community. There needs to be training regarding access issues. Most of the time people with disabilities are invisible or ignored.

**J. Lozada:** We do have training obligations under our Affirmative Action Plan.

**R. Clark:** If you are speaking of safety and civil rights, then we should do more to protect our bus operators who are too often assaulted.

**J. Lozada:** At our roundtable discussions, this is an issue that will be part of the conversation.

**K. Piccard:** How can we contact you?

**J. Lozada:** By phone at 617-973-7193 or by e-mail at [John.Lozada@state.ma.us](mailto:John.Lozada@state.ma.us).

**M. MacNab:** Thank you for your disclosure of your history with Chairman Haynes. I hope you will show impartiality and fairness at all times. I would just like to say that every action is not a civil action. Often people just need a little guidance.

**J. Lozada:** Thank you.

**K. Piccard:** When a THE RIDE user files a complaint, some go to the vendor or the contract administrators in Office for Transportation Access, and others, who use fixed route services, call into the MBTA Customer Support Services Center. More training is needed for vendors, MBTA staff, and other persons who handle complaints on how to recognize a civil rights violation.

**J. Lozada:** There could be training modules, videos, and information included in THE RIDE packet.

**Chairman Haynes:** There are no trained investigators who can distinguish between civil rights issues and a regular complaint. Most complaints that are criminal in nature are passed on and investigated by the Transit Police.

**E. Frith:** More should be done to educate persons about hidden disabilities. When I ask for access I'm criticized "you look all right." I am often discriminated against unfairly for not having a disability that is visible. How can we get the MBTA and Health Alliances to work together?

**J. Lozada:** The Executive Office of Health and Human Services has it's own Director of Civil Rights. When you are discriminated against we need to know about it. You should contact the office of Gary Talbot of MBTA System-Wide

Accessibility and the MBTA Office of Diversity and Civil Rights. This is why they exist.

**Chairman Haynes:** Thank you, Mr. Lozada, for making time to address the members of the disability community today. We would appreciate a return visit in the future where you could give us the benefit of what you have learned and how it applies to the disability community.

***Kathy Cox, Manager for MBTA System-Wide Accessibility (SWA) (report attached)***

She reported on the promised follow-up items from March 24.

### **Bus Stops**

- Bus Operations put in a request for a replacement sign on Washington St. at Beacon St. in Somerville (work order # 11/1/09-039).
- The Somerville Ave. bus stop signs have been updated and replaced. When Bus Operations checked a week ago there was only one stop that did not have a sign (Somerville Ave. at School St.) and that was reported to the sign replacement team.
- Bus Operations is waiting to hear from Belmont officials regarding the parking issue. They wanted to release some curb space for the bus stop, but not what is required. If they don't release the appropriate amount of space required, the bus stop will most likely be eliminated.

### **Forward Facing Seats**

- System-Wide Accessibility staff will be meeting with Operations to discuss content and placement of Priority Seating signs in response to a complaint filed by an AACT member.

### **Wonderland Station Parking Spaces**

- According to the Americans with Disabilities Act (ADA) Section 208.2, if the total of parking spaces in a parking lot or garage is 1001 or more, 20 accessible parking spaces, plus 1 for each additional 100, or fraction thereof, over 1000, must be provided.

- At the proposed Wonderland Garage, the total number of parking spaces is 1,963 parking spaces therefore we must have 30 accessible spaces. Of the 30 accessible spaces, we must have five van-accessible spaces according to ADA Section 208.2.4, which requires a van-accessible space for every six accessible spaces. The ADA is stricter than the Architectural Access Board (AAB) for van-accessible parking requirements.
- According to the architect, there are 1,273 MBTA parking spaces in three surface lots at the Wonderland Station; therefore we must have 23 accessible parking spaces with four of them van-accessible parking spaces.
- The architect's proposal for Wonderland Station meets the accessible parking requirements.

***She then asked for questions.***

**E. Frith:** The Eastern Bus Company drivers have been parking in MBTA bus stops while dropping off or waiting for students. There seems to be confusion on the part of the Transit Police if this is allowed.

**K. Cox:** I will file a complaint with Customer Support and do research.

**Chairman:** I spoke with the MBTA Police and it appears to be a safety issue concerning the students. The MBTA Police are looking into why the Eastern Bus drivers are parking at posted MBTA signs. I brought it to their attention that this company is making it impossible for persons with disabilities to board buses safely with their mobility devices.

**Consumer:** What is going to be done about those huge baby carriages being allowed on buses? These carriages are making it difficult for persons with disabilities to board buses safely.

**K. Cox:** The MBTA has ordered buses that will accommodate carriages in the rear. It is a challenging situation. We do get occasional complaints. We can all share the space. We can ask that people move away from the priority seating but no one can be forced to move. We are not empowered to move anyone from that seating area. Suggestions on how to improve the situation would be greatly appreciated.

The report was accepted with one abstention.

**Frank Oglesby, MBTA Deputy Director of Paratransit Operations – The Office of Transportation Access (OTA), THE RIDE (report attached)**

**Retraction:** I incorrectly reported last month that my superior Jim Folk was in discussions with the City of Boston for dedicated parking spaces for THE RIDE vehicles.

He reported the following:

- The meeting scheduled for today with Jeffrey Mullan, Secretary of Transportation, and Richard Davey, the newly appointed MBTA General Manager, has been postponed until Thursday, March 25.
- Kudos to Veterans Transportation, Greater Lynn Senior Services, and The Joint Venture of Thompson Transit and YCN Transportation for excellent service given during the extreme weather challenges.
- Today there is a new record for THE RIDE; once again we broke all previous records for one-day service with 7,062 scheduled trips!

He then asked for questions.

**Chairman Haynes:** The Department of System-Wide Accessibility staff has met with the City of Boston to discuss dedicated parking spaces. Are you saying that there will be no dedicated spaces?

**F. Oglesby:** Jim Folk was not involved in those discussions.

**K. Cox:** We need to follow-up with Steve Spinetto; that meeting was some time ago. I will discuss this with my manager to make sure we reconnect with the city.

**K. Roach-Devin:** Are THE RIDE vehicles supposed to park on the Stuart or Charles Street side of the Transportation Building or is it the choice of the consumer?

**F. Oglesby:** It is the choice of the consumer.

**J. Oliver:** How many road observations are made per day and what are the results?

**F. Oglesby:** There are about 15 each day. On a number of occasions the observer will find fault in terms of the drop-off performance and pictures are taken.

**E. Frith:** Do you want to be notified when THE RIDE vehicle is at a private location and cannot find a place to park for drop-off or pickup?

**F. Oglesby:** No, the driver can circle until he is able to find a safe place to drop-off or pick up the consumer.

### ***Open Discussion:***

**J. Oliver:** A few months ago here I publicly criticized the phone recording at Joint Venture; I would like to publicly commend Ms. Thompson on the improvement to the phone system. It is absolutely terrific and very personable.

**J. Thompson:** It was the Information Technology Manager who made the necessary improvements and staff has refined and edited the recording in the last few days.

**K. Piccard:** I filed a complaint with Veterans Transportation nearly two months ago; I still have received no response. I don't consider this timely.

**K. MacDonald:** J. Tuttle is in charge of complaint investigation. I will need to hear more about your complaint and do an investigation.

**P. Strobis:** I am also concerned that there is an outstanding complaint. I have just reviewed all vendor reports and found no outstanding complaints listed. OTA monitors all complaints that come through the system, and the staff logs them in. Complaints are tracked for the ten days' required response compliance. I will also initiate an investigation.

**E. Frith:** The issue of operators not contacting Central Controls by pressing the "transit master" button is very frustrating to me. Operators are still frequently blocked from the curb and they don't alert Operation of the problem.

**K. Cox:** Unfortunately, the way to change an individual operators' behavior is to report the bus number, location, and time of day to the Customer Support Services Center.

**Chairman Haynes:** There are monitors that listen to determine if operators are making stop announcements on fixed route, and we have monitors that observe THE RIDE drivers; why is there no one photographing and recording the behavior of bus operators?

**K. Cox:** This is a question for Bus Operations. SWA monitors do record buses not pulling into the curb. This information will become a report and a public document for the plaintiffs in the settlement agreement.

**Chairman Haynes:** AACT would like a copy of the document.



**K. Piccard:** I would like to have “new business” restored to the agenda every month. All too often there is no option on the agenda for “new business.” Why are the topics for “open discussion” controlled? Some members don’t feel free to ask their own questions and have told me so. I am requesting that half the time of the “open discussion” period be given over to members so that they can ask their own questions.

**Chairman Haynes:** The “open discussion” is in no means designed to be controlling. These topics are the most frequent topics that are in complaints. Anyone should feel free to ask a question on any topic. Members have also been invited to suggest future speakers; I am still waiting to hear from members.

**R. Clark:** Management should do better job monitoring and training bus operators.

***Meeting was adjourned at 3:00 PM.***