

AACT - January 25, 2017

Judge King Update

Chairman White noted that Judge Patrick King was an add-on to the agenda. Judge King is the monitor for the settlement agreement between the MBTA (a.k.a. the T) and the Boston Center for Independent Living (BCIL). He commented that he is partnering with AACT and a number of other stakeholders to form a new ad hoc committee.

The following is a transcript of Judge King's comments at the AACT meeting.

Judge King: "Good afternoon, and thank you, Jim, for inviting me to give folks an update on what we've been doing. So, as most of you know, the settlement agreement is now in its tenth year. The T has made tremendous progress although a lot remains to be done. My expectation is that within the next few years pretty much everything that is required by the settlement agreement will be accomplished.

"One of my roles is to oversee ongoing compliance. I found, in general, that [the T has continued to make improvements]. And so we've seen tremendous improvement in the service provided to persons with disabilities over the past ten years.

"Over the past year or so, I've been giving thought to what will happen when the T finally finishes the 200 requirements of the settlement agreement with regard to ongoing oversight, and cooperation with the T with regard to accessibility. The settlement

agreement does not require the T to become 100 percent accessible. However, the T has made a commitment that it will do its best to make the system 100 percent accessible. So, once the settlement agreement concludes, there really needs to be a very strong organization to work with the T with regard to making sure that the improvements that have been made are maintained, and also to have input from the community with regard to prioritizing the remaining changes that need to be made to make the system 100 percent accessible. We are probably talking about another ten years, I would think, even with adequate funding, before the system is 100 percent accessible.

“Right now we have two organizations working with the T on accessibility related issues. We have AACT, which has been involved in many issues for many years, and we have the plaintiffs’ group, which has been involved for ten years under the settlement agreement. But, they were involved many years before that working on issues relating to accessibility.

“My thought was that there really needs to be one organization working with the T and that organization really needs to be set up so that it can maximize the ability of the community to influence the changes that are taking place at the T.

“I had Jessica Podesva, who has been working for me for the last several years, conduct a survey and get feedback from users of the T with disabilities as well as various stakeholders to find out what kind of improvements might be needed long-term. She prepared a report for me and she also consulted with organizations in other communities around the country that provide input to public transportation organizations involving issues relating to accessibility.

“Based upon those recommendations, I made the recommendation—in conjunction with discussions with the folks at AACT, System Wide Accessibility, and BCIL—that it made sense to create a new organization and to put together a committee—an ad hoc committee—that would come up with best practices for how that entity would be organized, [decide] who would participate in it, and have the T then create a new Memorandum of Understanding (MOU), which would in many ways be similar to the existing MOU with AACT, except the MOU would be with this new entity.

“We don’t know what the new entity is going to look like yet. We just had the first meeting last week to look at the organization of this ad hoc committee. Jim White was there and a number of other folks as well. Lisa Weber was there and probably other folks in this room. I participated by phone. I didn’t see all the people that were there. There were probably about eight or nine people in the room.

“A plan was set for going forward [with] regular meetings and to come up with an agenda, with the hope that, probably by April, [we would have] a draft of what this new entity would look like. One change that will be made [is that] in addition to persons with disabilities, various community organizations would be members of this new entity.

“At this point, we are at the early stages of looking at what kind of improvements might be made. I expect that many of the folks who [have been] involved with AACT over the years will continue to be involved with this new entity. We don’t know what the name will be, whether it will be AACT or whether it will be something else.

That decision will be made by recommendation by that committee later on.

“I’m optimistic that perhaps by early summer there will be a new MOU and a new entity that will be working with the T with the expectation that in a few years down the road the settlement agreement will wind down and this new entity will have additional responsibilities in terms of dealing with the T.

“The T has made commitments to do many things beyond what’s in the settlement agreement. It is vitally important that the T has input from the community with regards to proposed changes. In the past, that hasn’t always taken place to the extent it should have.

“I know recently last year, we had a group, including Jim White and others, who met with folks at the T with regards to new buses—to look at the buses they were planning on buying and to make recommendations for changes that would improve accessibility. And, based upon that input from Jim and others, the T made a number of changes to those buses; so you will see that these new buses are a big improvement over the other buses.

“There will be quite a few new buses coming in—I forget the exact number. [Jim White and Judge King discussed the number of new buses that have been delivered – believed to be 100 – and the total number expected – believed to be 255.]

“These will be big improvements, but that needs to happen going forward when it comes to stations that are going to be made accessible that aren’t now so that the end product meets the needs of persons with disabilities as well as all other people using the T.

“So, that is a brief overview with regards to what we’ve been doing. This process is going to have input from all concerned parties—individuals in this room as well as various stakeholders.

“So, we’ll come up with an entity that will maximize the ability to work with the T on a cooperative, ongoing basis, with the expectation that this new entity will — while working with the T — will result in reaching 100 percent accessibility as soon as that is realistically possible given the huge amounts of money that will have to be spent in order to meet that goal.”

He then asked for questions.

B. Corcoran: “Will you be eliminating the AACT group?”

Judge King: “The existing MOU with AACT will be replaced. There will be another entity similar to AACT that will have a broader group of members on the board. There will perhaps be other changes, such as when the meetings will take place or evening meetings that will allow more people to attend.”

D. Vieira: “You mentioned that other groups would be participating outside the disability community. Could you tell us who those groups are?”

Judge King: “These would be groups/organizations that are focused on the disability community.”

Jim White: “If you guys can remember, about six months ago I asked to form a taskforce to work with the MBTA so that we would not lose the premium service area and the group was assigned to help save the MBTA \$10 million. Members of the taskforce are the same people on the ad hoc committee along with AACT: the Disability Policy Consortium; Mass Senior Action Council; Bay

State Council for the Blind; Director of Health and Human Services; BCIL; and a person who oversees the PT1 Forms for Transportation under MassHealth. What came out by accident when I formed the taskforce was a good working relationship. We have members who have a lot of influence and power [and] who can help make changes to improve disability access at the T.”

A. Manerson: “Bill Corcoran asked if you were eliminating AACT, [which] has been around for a longtime. We were a separate group for a while and we mainly deal with transportation issues. I would like a yes or no answer. Does that mean eliminating the AACT Coordinator and all the components that makeup AACT?”

Jim White: “AACT will continue to operate the same as always.”

Chairman White thanked Judge King for coming to give his update. He commented that he has had an affiliation with Judge King since the Delta Study and that he has done a lot to bring accessibility to the MBTA.