

Access Advisory Committee to the Massachusetts Bay Transportation Authority

10 Park Plaza, Suite 2150, Boston, MA. 02116-3968
Voice: 617-973-7100, Fax: 617-973-8855, TDD: 617-973-7089,
E-mail: AACT@ctps.org

Executive Board of Directors Meeting Minutes

Wednesday, March 27, 2013

Notables

The AACT Executive Board meeting will meet from 10:00 AM to noon and the Membership meeting will meet from 1:00 PM to 3:00 PM on the fourth Wednesday of the month except when noted.

AACT has a page on the Boston Region Metropolitan Planning Organization's (MPO) website at www.bostonmpo.org; click on "Get Involved" then scroll down to "Access Advisory Committee to the MBTA." Links can be found there for the following items: agendas, upcoming meetings, past meeting minutes, the Memorandum of Understanding (MOU) between the MBTA and AACT, and the AACT bylaws, and ADA regulations. There are also links to the MPO's newsletter, *TRANSREPORT*, and information on accessibility at the MBTA. This page includes the contact information for the AACT Coordinator.

Comments and questions concerning AACT should be directed to the Interim Chairman James White by contacting the AACT Coordinator, Ms. Janie Guion, at 617-973-7507 (voice); 617-973-7089 (TTY); 617-973-8855 (fax); AACT@ctps.org (email); or at c/o CTPS, 10 Park Plaza, Suite 2150, Boston, MA 02116 (mail).

The AACT meeting location is accessible to people with disabilities and is near public transportation. Upon request (preferably two weeks in advance of the meeting), every effort will be made to provide accommodations such as assistive listening devices, materials in accessible formats and in languages other than English, and interpreters in American Sign Language and other languages. Please contact the MPO staff at 617.973.7100 (voice), 617.973.7089 (TTY), 617.973.8855 (fax), or publicinformation@ctps.org.

The MPO complies with Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA) and other federal and state non-discrimination statutes and regulations in all programs and activities. The MPO does not discriminate on the basis of race, color, national origin, English proficiency, income, religious creed, ancestry, disability, age, gender, sexual orientation, gender identity or expression, or military service. Any person who

believes herself/ himself or any specific class of persons has been subjected to discrimination prohibited by Title VI, ADA, or other non-discrimination statute or regulation may, herself/himself or via a representative, file a written complaint with the MPO. A complaint must be filed no later than 180 calendar days after the date on which the person believes the discrimination occurred. A complaint form and additional information can be obtained by contacting the MPO (see above) or at www.bostonmpo.org.

Members needing service information or wanting to inquire about MBTA services should do so through the MBTA Marketing and Communications Department at 617-222-3200 or 800-392-6100, TTY 617-222-5146, Monday through Friday 6:30 AM to 8:00 PM and Sat/Sun from 7:30 AM to 6:00 PM, or the MBTA website at www.mbta.com/customer_support/feedback/.

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 is always appreciated.

The meeting opened at 10:07 A.M.

Reading of the Agenda

Introductions

Attendees:

Interim Chairman Jim White, Ian Perrault, Mary Ann Murray, Beverly Ann Rock, Tyler Terrasi and Cynthia Shaughnessy

MBTA Staff: Melissa Dullea and Carol Joyce-Harrington

MPO Staff/Coordinator: Janie Guion

Approval AACT Executive Board of Directors Meeting Minutes

The February 27, 2013, Executive Board Meeting Minutes were and approved.

Chairman's Report

IC White commented that on March 5, he met with Ms. Melissa Dullea from the Planning and Scheduling Department and who oversees the Office for Transportation Access to discuss various issues:

- He communicated to Ms. Dullea that AACT would like to have a representative from Innovative Paradigm, Inc. (IP) attend the AACT Membership meetings. He stated that the IP representative would report and answer questions in the same manner as THE RIDE vendors

do. Ms. Dullea has agreed that an IP representative will be attending meetings on a trial basis.

- He believes that there is a communication problem that he attributed to the promotion of Mike Lambert –since his promotion, AACT has not been kept informed.
- He told Ms. Dullea that the Director of the Massachusetts Office on Disability had stated she that she has received complaints from consumers who felt they were on THE RIDE vehicle beyond the allotted time and stated it may have been in violation of the ADA guidelines
- He is discussed his concerns that there are no IP satellite offices that are convent for conducting the in-person assessment for those who live outside of Boston.
- He also discussed the problem of passenger add-ons that often cause problems for other passengers. He has requested a report that would support his belief that add-ons cause accidents.

He asked for the support of the AACT Executive Board of Directors to endorse a letter that he will read at the MassDOT Finance Committee Meeting on March 28. The letter is addressed to Dr. B.A. Scott, MBTA General Manager and the Jonathan Davis, Deputy General Manager and CFO. (*attached*)

He then asked for questions.

MA Murray stated that Board Members should be notified when there are special meetings. She still has questions about the IP facility.

R Morin said that there is no reason for all members to attend special meetings called by the IC. He stated that the group can meet to decide what will be discussed.

IC White stated that according to the AACT Bylaws he can choose who accompanies him to meetings. He invited Board members to submit questions to Ms. Dullea since they were not at the meeting.

MBTA's proposed Late Cancellation /No-show Policy for THE RIDE

Ms. Dullea discussed background information on the MBTA's proposed policy and shared how the process will work.

Passenger no-show trips and late cancellations affect both the MBTA and THE RIDE customers. From the MBTA perspective, passenger no-show trips reduce efficiency due to wasted fuel and time lost verifying that a customer is a no-show; further, both no-shows and late cancellations lead to unused capacity and decreased productivity on runs. Passenger no-show trips can also affect THE RIDE customers; for example the other passengers aboard a trip with a no-show are driven out of the way to pick up an extra passenger for no reason, and the time wasted for the passenger while the driver confirms the no-show.

Ms. Dullea went on to cite the U.S. DOT regulations 49 CFR 37.125(h) that address the issue of no-show policies in American with Disabilities Act (ADA) complementary paratransit service programs, and state that: *"The entity may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA paratransit eligible individuals who establish a pattern or practice*

of missing scheduled trips. (1) Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists.”

No-Show/Late Cancellation Violations

THE RIDE will record each customer no-show or late cancellation as a missed trip and may suspend, for a reasonable period, any customer whose missed trips are excessive, whether the trips are advance reservation or subscription trips. Customers may not dispute an individual violation at the time it occurs.

A **no-show** occurs when the vehicle arrives at the pickup location within the 30-minute pick up window, waits the required five minutes and the customer does not board the vehicle. If the vehicle arrives outside of the 30-minute window or at the incorrect location, the customer will not be considered a no-show.

A **late cancellation** occurs when a customer cancels a trip less than two hours before the scheduled trip. Trip time changes, such as medical appointment delays, will not be counted as a late cancellation, although advance notification is encouraged.

Excessive Missed Trips

Missed trips are considered excessive when a customer reserves seven or more trips within any month and no-shows and/or late cancels 20 percent or more of those scheduled trips. At no time can a customer's missed trips exceed seven within one month. This will be considered a *pattern or practice* of missed trips and the customer will be sent written notification that he/she has violated the No-Show/Late Cancellation Policy and is subject to suspension.

Ms. Dullea went on to discuss the process of the suspension as the following steps: Notification of Suspension; Right to Appeal; Written Appeals; In-person Appeals; and the Appeal Decision.

A full briefing will be given to the AACT Membership in advance of the implementation on the proposed policy.

Questions and Comments

BA Rock stated that the comparison with another state's demographics may not work here; the MBTA has guidelines that do not necessarily support the user; there is language that would penalize THE RIDE for errors; and consideration for canceling a trip in a required timeframe.

IC White has the following concerns: that passengers will be marked as no-shows by drivers who do not take the time to locate a passenger where the facility may have more than one entrance; the driver will not contact dispatch for assistance; drivers are too eager to mark a passenger as a no-show; and not enough safeguards exist to protect the consumer from suspension.

He asked that more thought for the consumer with severe medical conditions or other unforeseen circumstances should be taken. He wants there to be no rush to a penalty.

M Dullea stated that trip negotiations by the user due to vendor error should not penalize the user. A user can be charged for a destination change or if the driver arrives at your door before the cancellation has been completed.

MA Murray commented that she is concerned about the cost and penalties to the consumer; she hopes that the information will be available in other languages for those who may not be proficient in English.

R Morin asked if it is the MBTA or the vendor who decides to charge a consumer as a “no-show.” He also wanted to know if there were circumstances where a consumer negotiates a trip

reasonably in advance so as to not hit a late cancellation window and asked if there are any guidelines.

M Dullea stated trip times and negotiations are a separate issue. The policy is not designed to penalize for changes. There are no guarantees with trip negotiations. She asked that vendors be given as much advance notice as possible.

IC White said he is concerned that vendors who schedule trip pickups hours too early. He also commented that OTA should do more to monitor vendors who may abuse the passengers with outrageously early pick-up times.

M Dullea stated that drivers may feel compelled to mark a passenger as no-show when it was the driver who was late so as to avoid being fined a \$60.00 penalty by the MBTA.

IC White stated that he too would prefer that OTA designate the no-show status, not the vendor.

BA Rock stated that drivers are given add-ons that work against the person waiting for an on-time pickup. We are now asked to embellish our pick-up time to allow for their unforeseen circumstances.

M Dullea stated that OTA is the policy administrator and would be conducting all the investigations.

R Morin stated that a no-show policy is warranted. He sees the penalty will come with a pattern of abuse. Many users may see the new policy as a threat.

He would like to see a Bill of Rights that would guide THE RIDE user. This would help to show when a passenger is right or when he or she may be wrong.

C Shaughnessy asked if she will be penalized for medical issues that are beyond her control.

M Dullea stated that the ADA makes it clear--you cannot be penalized for issues that are beyond your control.

BA Rock stated that there is no need to reveal the severity of a consumer disability.

IC White stated the drivers are trained to identify hidden disabilities during emergencies with the Passenger Assistance Training.

Motion

BA Rock moved that the Executive Board of Directors make the following statement: The Executive Board has been given sufficient time to review the Late Cancellation/No-Show Policy and has had the opportunity to hear from Ms. Dullea. The presentation was perceived to be a very good one, and there has been sufficient dialogue between Ms. Dullea and the Board. Ms. Dullea now has an opportunity to take all that she's heard and return with a version that is acceptable to all.

The motion was seconded and passed unanimously.

M Dullea commented that she would like to hear about specific language may be missing. The discussion was very broad and she would like to narrow it down with more specific language.

IC White stated that a sub-committee will be formed to look closely at the draft to address the language.

BA Rock asked Ms. Dullea for a timeframe to get the information back to her in a timely manner.

M Dullea stated that she would like to hear from the Committee within a month.

She also informed the Board that no-shows make up about 7.3 percent of scheduled trips (1500 trips per day) and that all cancellations are over 20 percent of trips.

Motion

R Morin moved that a committee be formed to review and suggest revisions to the language of the Late Cancellation/No-show Policy. He also stated that he is happy to chair the committee.

BA Rock has also volunteered.

The motion was seconded and passed unanimously.

IC White asked that he be kept informed by the committee.

BA Rock stated that they will keep the Board informed.

M Dullea asked if there were questions relating to the IP contract.

IC White commented that he wanted the Board members to have a copy of the contract for discussion at the next Board meeting. He then said that he would contact Ms. Dullea or Ms. Harrington if there were questions.

He then thanked Ms. Dullea and Ms. Harrington for discussing the proposed draft on Late Cancellation and No-Show Policy.

Committee Reports

IC White recognized Ms. Murray and Mr. Perrault for the time and effort spent on committee reports. He thanked both members for their hard work. However, due to a lack of time, members were asked to review a copy of each report for discussion at a later date.

BA Rock acknowledged both members for the time, clarity, and preparation put into their reports.

Open Discussion

IC White commented that he will be attending the MassDOT Finance Committee meeting on March 28. He will read the letter from AACT addressed to Dr. Beverly A. Scott, MBTA General Manager and Rail and Transit Administrator, and Jonathan Davis, MBTA Deputy General Manager and CFO, if the Executive Board of Directors support and endorse the letter by adding their names.

He noted that R. Morin and the Bay State Council for the Blind also have a position statement that has been endorsed by eight advocacy groups and will also be presented to the MassDOT Finance Committee.

Motion

BA Rock moved that the letter from AACT (read by IC White) and addressed to Dr. Scott and Mr. Davis, be approved by the AACT Executive Board of Directors and accepted with the necessary corrections and signed.

The motion was seconded and passed unanimously.

IC White stated that he has reviewed the contract that IP has with the MBTA and found it to be very complex.

BA Rock asked that the Board discuss the contract as a group.

IC White agreed to do a summary of the contract. He stated that IP based their program on the Easter Seals Project ACTION manual. He stated that as AACT Board members they should have the right to observe In-Person Assessment training. He stated they should have the opportunity to drop in at will to observe. He also stated that Ms. Dullea agreed that an IP

representative would attend several AACT meetings to give a report and answer questions. He also commented that people who have been denied THE RIDE should have a fair hearing.

R Morin asked if members of the AACT Board should offer their assistance as representatives to a person who asks for a hearing.

IC White stated that the Memorandum of Understanding (MOU) with the MBTA gives the AACT Board the authority to monitor the program. He commented that working with THE RIDE vendors is a partnership and that he works with the vendors doing training.

R Morin stated that most of the time the appeal will be about the interpretation of the rules and the person asking for the appeal may need a Board advocate. He asked if Board Members are willing to act as a representative, or if they think they should be an advocate or remain impartial.

IC White stated that the Board must remain impartial; this process would be run like THE RIDE Suspension panel--all AACT Board members are impartial in order to make a reasonable decision.

R Morin stated yes they should be impartial and that there may be others who may want to act as advocates.

BA Rock stated that she is concerned that she is using her vacation time to attend meetings; and that some Board members may be taking on more responsibility than others. She stated that the Appeals Panel should be discussed at an upcoming meeting. This is an issue that should have been discussed with Ms. Dullea earlier in the meeting.

IC White stated that there is no provision for this in the IP contract where there is an oversight and he sees this as a mistake. He states that he was not aware of this prior to the signing of the contract.

MA Murray stated that she is in agreement with all the concerns. She stated that these are questions that have been asked before and the answers have not been forthcoming in a reasonable time. She attends six other meetings and answers are reported at the following meeting. She feels this is a lack of respect.

IC White stated that at a recent meeting with Ms. Dullea he discussed the timing in communication. He stated that he informed her that she was in violation of the MOU. He also said that whenever he has approached Mr. Hulak or Mr. Oglesby for answers he is told "let me check"; this is unacceptable.

BA Rock commented that she supports his efforts but said it is important to be sensitive in these political times; the budget is in a financial crisis. There are many times answers will not come quickly. She supports that the IC is giving a voice to AACT and he should continue to ask as often as necessary.

R Morin stated that as a group they must be persistent.

BA Rock commented that when Ms. Dullea is here the group should take advantage of her time.

IC White stated that he had to ask for a copy of the IP contract and to have a representative attend the AACT Membership meeting.

MA Murray said she would like an explanation of why there was a delay to AACT having the IP facility tour.

IC White asked Ms. Dullea why the AACT Board did not take the Paradigm opening tour with other MBTA members. He feels AACT was excluded from that tour.

R Morin commented that M. Dullea should be invited to the next Executive Board meeting to discuss the MOU and public participation.

AACT Bylaws Revision

IC White talked about the need to have a revision to the bylaws in addressing the appointment of a Vice-Chairman when that seat becomes vacant.

He would like the revision in place to help the next Chairman to appoint a Vice-Chairman should the need arise. He noted that any revision will need a two-thirds approval from the membership.

MA Murray would like to discuss the bylaws.

IC White stated that he is only concerned with the Replacement of Officers section and would like a discussion after the election of the new Board of Directors.

Meeting adjourned at 12:05 PM