

## **Access Advisory Committee to the Massachusetts Bay Transportation Authority**

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### **Executive Board of Directors Meeting Minutes**

**April 24, 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](http://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](mailto: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](mailto: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](http://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/](http://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 10:10 A.M.

**Attendees:**

Interim Chairman Jim White, Ian Perrault, Mary Ann Murray, Rick Morin, Tyler Terrasi and Alan Karon

MBTA Staff: Melissa Dullea

MPO Staff/Coordinator: Janie Guion and Pam Wolfe

## **Reading of the Agenda**

### **Introductions**

### **Approval AACT Executive Board of Directors Minutes**

The March 27, 2013, Executive Board Meeting Minutes were approved.

### **Chairman's Report**

Reported the following:

- He attended the Passenger Assistance Training class at Greater Lynn Senior Services.
- He also attended the MBTA bus operator recertification class in Charlestown where he shared information with bus operators regarding the importance of logging in blocked bus stops to the “transit master.” He noted many veteran operators refuse to comply but he sees an opportunity to encourage new hires.
- He shared his experience at the Boston Marathon, and being in the crowd feeling a sense of helplessness on that day. He commented that a plan to evacuate persons on THE RIDE should be in place. He also gave thanks to all first responders for their efforts doing the crisis.

He then asked for questions. None were asked.

**Pam Wolfe, Certification Activities Manager, and AACT advisor** explained the Open Meeting Law process of the Massachusetts General Laws. Ms. Wolfe commented that she had consulted with the Attorney General's Office (AG) on this issue. She stated that the purpose of the Open Meeting Law is to make sure that a public body such as the AACT Executive Board of Directors shall conduct all their business in an open session; that means any negotiation, any discussion, and any deliberation that leads to a decision needs to be held in an open session of that body.

Members were encouraged to make sure that meetings are in compliance with the MGL Open Meeting Law. She handed out a summary and description of a compliant process for preparing correspondence.

She said that a quorum of a public body, like the AACT Executive Board, may not have a back-and-forth or give-and-take about draft documents over email or the telephone or outside of a public meeting of the body for the purpose of reviewing and commenting on a draft document or letter.

She then reviewed with the members the various ways they could work in compliance with the Open Meeting Law when they are preparing correspondence or comments in between AACT

Executive Board meetings. (*see pages 11 and 12*)

**IC White** asked if he would be in violation if he has a personal conversation with someone other than someone from AACT concerning his own personal beliefs; he would not be representing AACT. He stated that would be speaking with someone else who represents the disability community.

**P. Wolfe** explained that the Open Meeting Law would not apply in that instance. It applies to discussions among a quorum of the board members

**R. Morin** asked how the discussion came up.

**P Wolfe** said she had observed that members might appreciate a discussion of that topic.

**R. Morin** asked for a definition of a public body.

**P Wolfe** stated that she was familiar with term but wanted to give him an exact answer and would get back to him.

**IC White** thanked her for the information.

## **Committee Report**

### **Proposed No-Show/Cancellation Policy Report**

**R Morin** stated that he and BA Rock are working on a draft of the recommendations to the MBTA's No-Show and Cancellation Policy draft presentation and a proposed Customer Bill of Rights for THE RIDE. They are using the Disability Rights Education Defense Fund (DREDF) as a resource, which has published a series of Topic Guides Providing Technical Assistance for Transit Agencies, Riders and Advocates on the Americans with Disabilities Act (ADA) and Transportation. All seven of these guides can be obtained by downloading: <http://dredf.org/ADAatg>

He noted that the guides are written in the voice of the consumer and funded by the Federal Transit Administration. He stated that he and Ms. Rock will be evaluating the No-Show and Cancellation Policy and developing a Consumer Bill of Rights for THE RIDE Program using all seven topic guides on ADA Transportation.

**IC White** asked if there was any supporting information in the seven topic guides that gave recommendations on the no-show policy.

**R Morin** stated that the DREDF guide does address no-shows.

## **MBTA Office for Transportation Access-Paratransit Operations**

Ms. Melissa Dullea of the MBTA Planning and Scheduling Department gave a background briefing on the MBTA's plans for THE RIDE Program which is being developed by the procurement team. The new service contract will begin July 2015.

She discussed the following:

- THE RIDE Program (TRP) will have changes that will be seen immediately; others will come several years into the new contract.
- TRP will have service area changes that will improve passenger convenience.
- TRP will implement a Centralized Call Center (CCC) in the fourth year of the contract.
- The CCC if implemented will be managed by a paratransit call center management firm.
- The CCC will help improve driver run times, trip sharing, and reduce service duplication.

**IC White** asked if the In-Person Assessment Program had



exposed persons who are able to take fixed route.

**M Dullea** stated that impact was too early to gauge since the program just started last December 2012.

**IC White** explained that consumers avoid booking trips with certain vendors due their experience of poor service with those vendors. He also advised that in the new TRP when private cabs and private transportation carriers are contracted that they might be fully insured and trained, and that they make safety a priority for the consumers.

**M Dullea** stated that she agrees that safety, insurance and training are all priorities and noted that every trip may not be serviced by local providers. The payment plan has not been worked out.

**R Morin** asked why is the MBTA waiting to implement the call center until in the fourth year of the new contract?

**M Dullea** stated that they are unable to get a calling center up and running in fifteen months. She said that the delay is also to give a level playing field for new vendors who are investing in equipment.

**R Morin** stated that he would like to review a draft RFP of THE

RIDE contract before it is distributed to bidders.

**M Dullea** stated that the request for proposals is being written now and will be out to bidders this summer. She will look into the issue.

### **Open Discussion**

**MA Murray** stated that she is still having problems with Greater Lynn Senior Services transporting earlier than she should be and that she arrives to her destination far too early. She stated that she has complained but there has been no resolution.

**IC White** commented that while a staff member from Joint Venture who provided him with service on the day of the Marathon bombing went to great lengths to find and transport him home, the emergency service for persons with disabilities who depend on THE RIDE was in a state of confusion that day. He stated that there needs to be a better plan for sudden emergency preparedness for persons with disabilities. He believes there should be unified coordinated effort between the MBTA Transit Police, the Boston Police and THE RIDE dispatcher, with a set protocol to evacuate those who are stranded in an emergency.

**The meeting ended at 12:05 PM.**

April 24, 2013

## **Open Meeting Law – Compliant Process for Preparation of Correspondence from a Public Body**

Here is guidance gathered in a telephone conversation with the Attorney General's office concerning practices for preparing correspondence that comply with the Open Meeting Law:

All deliberations by a public body, such as the AACT Executive Board of Directors, must be done in open session.

Public bodies (a quorum of the body) may not have a back-and-forth or give-and-take about draft documents over email or the telephone or outside of a public meeting of the body for the purpose of reviewing and commenting on a draft document or letter.

A public body can, at a public meeting:

- decide it wants to write a letter
- decide on the content
- designate a person to write the letter
- decide to discuss and approve it at a subsequent public meeting

A public body can, at a public meeting:

- decide it wants to write a letter
- decide on the content
- designate a person to write the letter and send it

A public body can, at a public meeting:

- decide it wants to give a person the authority to write and send letters on behalf of the public body in between public meetings without discussing the letter or its content with the public body

The person designated to write a specific letter or given the authority to write letters on behalf of the public body may draft and send the letter to the recipient and could then send it to the other members of the public body so that they are aware of what was done.

The person designated to write a specific letter or given authority to write and send letters on behalf of the public body in between public meetings can consult with one member of the public body about the letter, or with any number of persons that is not a quorum, as that person prepares the letter.