

**MINUTES OF THE
COMMITTEE ON ACCESSIBLE
September 17, 2008
9:30 a.m.-12:00 p.m.
TRIMET ADMINISTRATION BUILDING
4012 SE 17TH, PORTLAND, OR**

CAT minutes may be obtained in alternate formats by calling TriMet's Accessible Transportation Program Administrative Offices: (503) 802-8200/TTY 802-8058, 8:00 am to 5:00 pm weekdays

Attendees: Jan Campbell, Chair; Trish Baker, Lina Bensel, John Betts, Michael Levine, Stan Lewis, Jay Dionne Markey, Zoe Presson, Albert Rouse, Robert Williams, Terry Watson

Staff: Steve Banta, Josh Collins, Peggy Hanson, Kathy Miller, Allen Morgan, Ted Newton, Bob Pike, Ken Zatarain

Guests: Leon Chavarria, Claudia Robertson

Jan Campbell, Chair, called the meeting to order.

APPROVAL OF THE AGENDA AND 07-16-08 MINUTES

Jan asked for approval of the agenda.

Zoe Presson made a motion to approve the agenda. The motion was seconded and passed.

Jan asked for approval of the July 16th meeting minutes.

Trish Baker made a motion to approve the minutes. The motion was seconded and passed with one abstention.

ANNOUNCEMENTS FROM THE CHAIR

Jan announced there was a CAT vacancy due to the resignation of Margaret Stallman. It was agreed that a nominating committee would be established to fill the vacancy. John Betts, Lina Bensel, Zoe Presson, Trish

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Baker, and Jan volunteered to serve on the committee. The Executive Committee will determine next steps.

Stan Lewis commented on the disabilities represented on the committee and suggested the need for increased outreach, particularly to colleges and universities for individuals with medical training in a variety of disabilities. Jan responded that staff has done extensive recruitment, but at this time the nominating committee would most likely review applications that have already been submitted through the recruitment process earlier this year.

Stan suggested that in the future that CAT provide more outreach and not rely solely on sending letters of interest to individuals and organizations. Jan agreed and added that there had more representation of cross disability on past committees. Stan stated that the CAT needs people that have varying disabilities because the majority of expertise on the current committee is in the field of sight loss and mobility issues.

Jan announced that the Oregon Transit Association Conference would be held October 26-28 in Seaside. CAT members who are interested in attending the conference should apply through the Executive Committee. She suggested that newer members that have not attended previous conferences consider applying. Ride Connection may be providing transportation to the conference. Kathy noted that the conference runs from Sunday to Tuesday instead of Monday-Wednesday as in past years.

Trish Baker, John Betts, and Lina Bensel expressed interest in attending the conference. Jan asked that others interested in attending notify Kathy Miller by Friday, September 19.

Jan stated that the Regional Transportation Coordinating Council (RTCC) has three vacancies. The RTCC currently meets once a month on the second Friday at Metro and may begin meeting every other month. Claudia Robertson asked if the RTCC is going to change the day of the meeting because Clackamas County is moving to four-day workweeks. Jay Dionne Markey and John Betts voiced interest in joining.

Jan announced that the Special Transportation Fund Advisory Committee (STFAC) has openings as well. The first meeting is on October 31st from 9:00 to 12:00. There are six or seven meetings planned. Stan stated that he is interested in serving and had already notified staff.

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Jan reported that the Portland Citizens Disability Advisory Committee is presenting awards to individuals in the community that have made a difference. The awards will be given on October 21st at 4:30 at City Hall in the council chambers with a reception to follow.

WRITTEN COMMUNICATIONS

None

STAFF COMMENTS

Kathy commented that the work session meetings in October, November, and December would be held at the Portland Building. Advance notice of room location will be provided.

REVIEW OF AGENDA PACKET

Jan said that she would like to discuss the meeting with the ATU at the next CAT Work Session because there were some differences that need to be reconciled. Michael Levine agreed that the issue should be reviewed at the next work session.

Stan added that he would like to talk about the safety problems for the disabled on MAX at the next work session because he has reviewed some possibilities for changes.

PUBLIC COMMENT

Trish commented on a pleasurable LIFT taxi ride. The operator was professional, and it made for an enjoyable trip. She mentioned that the waiting area at the Portland Airport still needs work regarding the LIFT pick-up location. She was informed that cab operators do not have to get out of their vehicles when picking up a person at the airport. The bench outside where the waiting area is for LIFT is next to the designated smoking area, and that she is working with Pam Elmore to connect with the Port of Portland.

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CAT REPORTS

EXECUTIVE COMMITTEE MEETING WITH ATU AND TRIMET STAFF – Jan Campbell, Facilitator

This topic will be considered for discussion at the next work session.

CAT RETREAT COMMENTS

Allen said that notes from the CAT Retreat on September 5 had been prepared and would be distributed to the CAT for review.

Stan suggested scheduling a debriefing in order to retain the value of the outstanding meeting. He feels as if all CAT members increased their knowledge and perspective while working with the many TriMet administrators that attended the retreat and he would also like to have more information about his fellow CAT members to know their direction and aspirations while working with CAT. He feels that CAT should have their own retreat for their self-development.

Trish stated that she felt as though CAT was getting back on track, and becoming team players with TriMet. She thought the facilitator was excellent.

Michael said that the retreat was good, but there is still room for closure. He agreed with Stan about the CAT itself having a retreat. Jan stated the Executive Committee would review the retreat notes and discuss next steps.

FIXED ROUTE OPERATOR PERFORMANCE – Peggy Hanson, Senior Manager, Transportation

Peggy Hanson, Senior Manager, Transportation, provided an overview on ADA call stop compliance. Highlights of the report included:

- TriMet has completed a total of 13 ADA call stop compliance missions for the month of August resulting in 449 operators being directly observed for compliance. Of those 449, 368 were found to be in compliance, and 81 were found to be in noncompliance or

inadequate compliance. Noncompliance is recorded as an ADA violation.

- Missions are formed and lead by transportation managers, which is an additional effort to the work performed by field personnel.
- District field supervisors' observed 561 operators for ADA call stop compliance in August. 553 were in compliance, and eight were in noncompliance. Those operators were contacted and reinstructed by the reporting supervisor.
- The first observations of noncompliance results in direct non-disciplinary action that can include counseling, reinstruction, reinforcement, or training in order to give the employee what they need to be successful.
- To date, 93 operators have been counseled, reinstructed, and/or reentered into training support. 72 operators are scheduled for counseling and/or for additional training.
- A continued failure for noncompliance for policy will result in progressive disciplinary steps and action. To date one operator has entered the progressive disciplinary process.

Peggy added that while staff has not yet had a formal review of the retreat, perspectives were shared informally, and it is likely that the retreat would become an annual event. She found the CAT members' objectives and experiences valuable information and this resulted in a renewed sense of commitment and enthusiasm for the work ahead. She thanked CAT members and staff for attending the retreat.

The independent auditing monitoring program with First Transit was initiated September 2nd. She will present the findings, and introduce some of First Transit employees at a future meeting.

Discussion

Trish asked about progressive disciplinary action. Peggy replied that progressive disciplinary action starts with a written reinstruction that advances to a written reprimand and suspension.

Michael stated that he is pleased that people are out in the field, but disappointed that CAT and TriMet are monitoring in different means. CAT invited management to join in four missions for exterior announcements, but there was no involvement from TriMet outside of Allen. He said that

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100 percent of the operators need to make stop announcements, and one half of the operators did not make an announcement and/or an announcement that could be heard. He has difficulty accepting the numbers that Peggy shared about mission success.

Peggy stated that the numbers that she reports in her role are accurate as a result of management-led, mission-based activity focused on call stop compliance. There are missions scheduled to be led by transportation managers scheduled through September 20th and the information has been shared with CAT. Michael replied that CAT had not yet received the information about the missions for September, and he does not believe that the figures are accurate.

Michael commented that on a recent ride, the operator was relying on the ASA, and he could not hear the announcements. Of the monitoring completed by CAT members, 40 percent of the low-floor buses had ASA's that were either not functioning or the volume was too low to be heard. He stated that the operator on his ride today relied on his PA system, and did a great job making announcements. He believes that some of the issues are equipment issues.

Peggy asked about the CAT members' observance of 40 percent noncompliance. Michael responded that the effort was September 3rd on the corner of 4th and Alder between 3:30 and 5:00 p.m. Jay Dionne added that at 4th and Washington two buses had passed the stop.

Bob Williams asked what constitutes non-compliance. Peggy answered that noncompliance is recorded in direct response to the operator's noncompliance, inability or nonperformance. The missions in the field are focused on the operator and ADA requirements and audible levels of the ASA-equipped buses are also monitored. When nonfunctioning equipment is discovered in the field, the operator is to record and capture the information with on the operator's gray card.

Allen stated that a subcontractor had been used to complete some of the work, and radio techs were currently adjusting the volume to a higher level that had been set by the subcontractor.

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Bob said that this issue has been in process for several years and through several staff changes. He suggested documenting all the work for future reference for staff.

Terry Watson asked Peggy if the missions were for both internal and external announcements. Peggy replied that the missions are monitoring external announcements only.

Jan suggested that CAT and Peggy discuss to ensure that the missions are being conducted in the same way. She said there had been discussion about using people with disabilities in the monitoring process and she would like both CAT and TriMet to follow the same monitoring criteria. She also suggested discussing the issue at a future Work Session.

Peggy agreed that criteria should be set and the missions be shared jointly. She recognized that it has been frustrating to have different sets of numbers, but it is important for her to know immediately if the failures reported are equipment based.

Michael stated that he realizes that it is not all operator error, and the equipment errors have been discussed for years. He said that CAT has asked management to join the CAT missions but they have not participated. Peggy responded that she and her staff had not been invited but Allen had attended. She agreed that CAT and TriMet should move forward in full partnership.

Bob pointed out that the numbers that TriMet and CAT are observing are not far apart. He does not expect the issue to be resolved quickly, but he expects improvements will be made. He suggested giving staff additional time to work on the issue.

Peggy thanked Bob for his comments, and said that she is aware that the failure rate is unacceptable and there is work to do to resolve the issue. She said that the ATU's commitment to the success of the operator work force is aligned with hers and staff looks forward to working with the CAT and the ATU to address the issue.

Stan said that the buses are in a constant state of change due to traffic and passenger loads. It is not going to be an easy problem to solve.

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Jan asked if persons with disabilities are involved with the independent auditing monitoring program through First Transit and how individuals could get involved. Peggy replied that she has not met the full staff yet and would report back on the team.

Jan stated that CAT should move forward on stop announcements. There are still differences from what is being reported, and it is important to be in compliance. She would like to review the criteria at a work session to try to start working with the missions to come to agreement on compliance reports.

ADA GRIEVANCE POLICY AND GRIEVANCE PROCEDURE – Allen Morgan, Manager, Training

Allen reviewed TriMet's ASA Grievance Policy and Grievance Procedure and said that the information is posted on TriMet's website. He added that all grievances would be tracked through the CSI system.

The ADA states that an agency has to have a grievance procedure and offers guidelines on developing the procedure.

The TriMet's ADA grievance procedure includes the following:

- Policy statement
- How to submit a Title II grievance (i.e. by mail, phone, fax, and e-mail)
- Within 15 days a designee would meet with the complainant to gather any additional information that is needed.
- After the meeting, within 21 days, there should be a written response.
- If one is dissatisfied with the response, the issue may be addressed with the general manager. There should be a response within 21 days from the general manager, plus an additional 7 days to contact the complainant for additional information.
- All grievances and the information connected to them remain on file for three years.

TriMet does not have elected officials because the governor appoints the Board of Directors.

Discussion

Jan asked about the difference between a complaint and a grievance. Allen stated that a grievance is a systemic problem, but a complaint is an isolated incident. Jan responded that a grievance is at a higher level than a complaint.

Michael stated that one of the differences in TriMet's grievance procedure from the ADA guidelines is that six days are allowed for a response. He said that the procedure also indicated that if one is not pleased with the response, it is to be directed to Fred Hansen, General Manager. He believes that it would be counterproductive to file a grievance with him considering his position. Michael said that the guidelines indicate that issues should be directed to an elected official and doesn't say anything about a general manager. He feels this part of the procedure should be readdressed.

Michael said that there should be a brief statement as to the rights that people with disabilities have under Title II and a copy of TriMet's grievance procedure posted within TriMet buildings and also in bus and MAX shelters. Allen responded that there should be a copy available at all TriMet facilities. Michael stated that the items are to be posted.

Jan inquired if the procedure had been reviewed through the legal department. Allen responded that it had.

Bob asked what happens if after a person goes through the general manager is still wanting another course of action. Allen responded that a person could either take the grievance through the legal system, or file a grievance to the FTA. Michael stated that a person could also file the grievance with the governor.

Stan asked if this policy is replacing another policy. Allen replied that the policy predates his tenure as ADA coordinator but has been existence for a while and was recently reviewed and posted.

Stan asked what is causing the change in the accessibility of the procedure. Allen responded that the receipt of grievances over the summer necessitated the change.

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Stan inquired what is recommended for the grievant to do if he is unsatisfied with TriMet's responses. Allen stated that they could go to local officials, the FTA, or go through the legal system.

Stan asked if the offices have a list of those options available and to what extent the procedures are made public. Allen replied that there is currently not a list, but noted the suggestion. He added that TriMet records could be obtained by making a public records request through the legal department.

Michael stated that once the postings are in the facilities, including shelters, individuals would be referred to the ADA coordinator for information on grievances. He said the ADA guidelines specifically mention shelters.

Jan asked staff to report back on the status of the postings.

OPERATIONS UPDATE – Steve Banta, Executive Director, Operations

Steve Banta extended an invitation to the CAT to attend TriMet's Employee Recognition Week activities. A schedule will be sent to committee members.

Transit Tracker. Steve reported that there would be some aspect of audible available for Transit Tracker at every station on the transit mall. Various options are being reviewed as to what information would be announced, and how it would be accessible. He said that it may be distracting to have both external announcements and Transit Tracker announcements simultaneous so one option might be to have the Transit Tracker be available as a self-actuated option.

Third Securement Area on Fixed Route Buses. Steve said that TriMet is not going to exercise the third securement area on the fixed route buses. He said that the option would require that the rear door be equipped with a ramp and boarding from the rear would have many implications from an operations standpoint. Three double bench seats would also have to be removed and replaced with three single seats and the additional cost per bus would be \$5700.

Steve said that TriMet is aware of the issue of passengers in mobility devices being passed up due to when overcrowding or the securement

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areas are in use. Staff is considering a process to reduce wait times for customers in those instances.

Discussion

Jan asked if the whole system including LIFT operators would be recognized at the Employee Recognition events. Steve replied that everyone would be included.

Michael suggested using a button for the self-actuating device for the audible, and asked if the placement is to be the same at all stops. Steve responded that the location and placement of the equipment would be consistent from stop to stop.

Michael inquired if articulated buses are being considered for the busier lines. Steve replied that there have been discussions about introducing articulated buses on some of the busier lines and maintenance issues.

Albert suggested having a keypad similar to a telephone available for the audible announcements, so the buses would not have to make announcements all of the time.

MALL OPERATIONS SERVICE PLAN – Ken Zatarain, Director, Service Planning

Ken Zatarain provided information of how LIFT will use the mall to serve destinations along the 5th and 6th Avenue transit mall. Highlights of the report included:

- On-line surveys were given to customers with key route changes. TriMet has met with several interest groups, neighborhood groups, and other stakeholders to talk about the plan.
- Steve Kautz and Tom Mills presented routing suggestions in the preliminary plan at the April CAT Business meeting and June Work Session.
- A series of open houses will occur between September 30th and the first week of October to discuss some of the more significant route changes that are being considered.
- A comprehensive proposed plan should be available by the end of October or early November.

- Public hearings would occur in November.
- The goal is to substantially complete the plan by the end of the calendar year in time for operator training on the new mall and final schedule writing.

Ken stated that LIFT vehicles would serve the mall. He said there was an earlier miscommunication at a CAC meeting that the LIFT would only serve cross streets.

Four considerations were identified for LIFT vehicles stopping on the mall.

- Some of the blocks are rail platforms with track along the curb line.
- There are different bus stop configurations along the mall and several variations in the layout of bus zones.
- The capacity of the stops in terms of how many buses can fit in the zones. The majority of the stops on the mall have a three to four bus capacity.
- The impact of using a bus zone for a LIFT vehicle in the bus zone on the fixed route service. The intent would be to stopping on the blocks where it would not significantly compromise the liability or safety of fixed route.

Ken reported that if there are cases where it is not practical to have a LIFT vehicle stop at a fixed route stop, TriMet is committed to working with the City of Portland to identify locations on the cross streets to accommodate the LIFT vehicles.

If a LIFT bus were stopped in one of the bus zones on the mall, the capacity of that stop would be reduced by one bus. The key operating impact of having a vehicle stopped in the bus zone would be that following buses would have to wait in the travel lane.

Of the 28 blocks on 5th Avenue on the mall, eight blocks are expected to accommodate LIFT buses without a significant impact on fixed route. Of the 28 blocks on 6th Avenue on the mall, nine blocks are expected to accommodate the LIFT.

Field testing has been conducted to confirm the capacity figures in field operations, training, and LIFT operations. Staff will be taking a closer look at the remaining stops to evaluate the interaction between LIFT buses and

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fixed route. Part of that would involve computer modeling to assess how often there would be more buses than capacity at the stops.

The key is balancing the potential impacts to fixed route customers with the benefits to the LIFT customers. If there would be a case where LIFT may not be able to stop at a bus zone, TriMet would make that a priority for considering a cross street location.

Ken said staff would like to attend the October 7th work session to provide more details on the project, and also report back on the results of the open houses. Follow-up presentations would be scheduled November thru January.

Ken said that staff would like to schedule a field trip for CAT members to view the configurations and layouts of the various bus stops.

Discussion

Jan commented that the field trip would be helpful.

Michael inquired how a customer is to reach a point of destination or origin if the LIFT vehicle can't park in right in front of the location. He stated that there are times that LIFT buses are not supposed to be out of the view of the operator, and if the bus has to park around the corner to let a customer off that it could raise a problem.

Ken responded that the City of Portland staff is working with TriMet on the inventory of all accessible doorways that would factor in to individual stops for LIFT buses. If there were an individual that cannot be left unattended either a LIFT supervisor or a fixed route supervisor would be contacted to attend to the vehicle while the operator escorts the other customer. There are several fixed route supervisors in the area of the mall that would be able to assist when necessary.

Michael asked if there would be wheelchairs available for the individuals who may not be able to walk to the door when the LIFT bus is parked around the corner. Ken replied that most who are unable walk distances they have some sort of mobility device to assist them.

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Michael stated that the mall is going to leave people with disabilities behind, and that it is TriMet's obligation to go above and beyond to correct the issue. He added that people with disabilities have the same right to travel to the downtown area and do so in the manner that paratransit was designed to accommodate people with disabilities.

Ken agreed that TriMet does not want to deprive anybody of accessibility to downtown. Over the coming months a complete plan will be devised to meet those needs, and deal with issues on a case-by-case basis to accommodate an individual when necessary.

Trish inquired where MAX would be located on the new mall. Ken replied that MAX would stop at the right-hand curb similar to the way the buses used to stop.

Lina asked if the length of time it takes to board/deboard a LIFT passenger was taken into consideration when looking at the fixed route stops on the mall. Ken responded that it does cause a potential issue for a fixed route bus when a LIFT bus is at a stop, and that issue is being carefully assessed. The average stop for a LIFT bus varies, and that is a key issue because the capacity for fixed route would be impacted for the duration of time that a LIFT bus is present.

Lina inquired if the possibility of having two LIFT buses at a stop had been taken into consideration. Ken replied that it had not been considered and that occurrence would lessen capacity. He added that there are a lot of dynamics at work that need to be reviewed.

Lina asked if the customers that regularly travel on the mall have been contacted. Ken stated that all of the LIFT customers in the area were advised of where the new locations would be when the mall moved to 3rd and 4th, and they will be contacted again when the mall shifts back to 5th and 6th.

Albert stated that congestion is inevitable because accidents will happen. Ken said that there is a full set of emergency procedure for both bus and rail.

Terry asked how many LIFT trips are taken to the mall on a daily basis. Kathy responded that currently there are approximately 16 trips per day.

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She added that prior to construction, there were about 12 or 13 LIFT trips per day. Terry said that the numbers sound manageable because the rides are spread out throughout the day.

Stan expressed concern that there would be large amounts of congestion on the new mall when LIFT vehicles are thrown into the mix. Ken stated that TriMet is confident that the new mall will work and that TriMet would figure out how to best accommodate LIFT on the mall to provide the maximum benefit to LIFT clients.

Lina commented that she is happy to hear there is more cooperation between LIFT and fixed route than there has been in the past. She stated that it would be good for LIFT and fixed route to be intertwined a little more.

Bob asked where current Line 6 service begins and ends and the proposed change. Ken responded that on the north end it begins at Jantzen Beach Mall on Hayden Island, and it ends at Collins Circle, SW 18th and Jefferson. It travels down Luther King Jr. Boulevard to the Hawthorne Bridge, and across the Hawthorne Bridge to Goose Hollow.

Ken stated that Line 6 would go to Milwaukie to what is presently line 70. It would provide a full eastside connector, and potentially provide transportation from North and Northeast Portland on Line 6 closer to the Lloyd Center Mall, which is a major destination. It is the largest single route change under consideration.

Zoe asked if Line 6 discontinues coming into Southwest Portland, what access would be provided for people that live west of I-405 on the weekends. Ken responded that there are several bus lines that are on Columbia and Jefferson and consideration is being given supplementing the service on those lines to make up for the loss of Line 6. There has also been growth in ridership in the area, so that is being taken into consideration as well.

Jan asked if LIFT on the mall is going to be included as part of the agenda at the open houses. Ken stated that open house discussions would target the fixed route changes. LIFT service would not be discussed yet but staff would be prepared to respond if people were questions.

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Jan inquired if Bob Pike is involved with the process regarding LIFT on the mall. Ken replied that Bob Pike is providing assistance in terms of evaluating the operations plans and helping if necessary.

GENERAL

Michael announced that he is resigning from CAT, and moving to California to be closer to family. He thanked all those that he had worked with over the years for their efforts.

Allen voiced appreciation for his service and keeping TriMet's attention and awareness at a high level.

Jan stated that Michael is a strong individual that has led CAT to discuss many issues that probably would not have been addressed, and that he has been a true advocate.

Bob said that although he and Michael have been strong adversaries over the years, they had shared the same goals and that he will be missed. Michael responded that Bob was helpful when he first moved into the area by listening and going to the board with his concerns. He thanked Bob for doing that.

Jan said that Michael's resignation would create a second CAT vacancy and the Executive Committee would address at their next meeting.

ADJOURNMENT

The meeting adjourned at approximately 12:00 p.m.