



**Committee on Accessible Transportation
Business Meeting
Minutes
Wednesday, September 20, 2023
9:00 a.m. – 11:30 a.m.
Webex**

CAT Attendees: Annadiana Johnson, Claudia Robertson, Kris Meagher, Patricia Kepler, Dave Daley, Barry Lundberg, AJ Earl, Adam Kriss, Michael Sandell, Tre Madden, Ryan Skelton,

TriMet and General Public Attendees: Julius LaRosa, Shelley Devine, John DiLorenzo, Andrew Wilson, Karol Orozco, Inessa Vitko, Mary Hicks, Nick Anderson, Tony Tapley, Trieste Palmer, Jonathan Lewis, Justin Rossman, Mary Hill, Marti Magee, Charlie Clark, Kathryn Woods, Nathan Banks, Eileen Collins, Steve Hext, Lisa Strader, Pat Williams, Casey Goldin,

CAT Attendees Excused: Chair Jan Campbell, Director Keith Edwards

CAT Attendees Absent: Diana Keever

Minutes

Claudia called the meeting to order at 9:02

9:00: **A. Opening Remarks** – Claudia Robertson

1. Approval Of Agenda – Dave Daley motioned, Kris Meagher seconded; approved.
2. Approval of Minutes (July) – Barry Lundberg motioned, Kris Meagher seconded. Edit Required: Bottom of page 11 (focus areas and number of stops). Pg. 11 #2 says “sale” Eileen to correct.
3. CAT Application Review – Next Steps. Comments due 9/3/23
 - a. Mike Sandell – to clarify. The applications are to complete or review for best practices to include in a potential CAP application review?
 - b. Adam Kriss – What is going on? I was unaware of any issues.

- i. Claudia Robertson – reviewing the CAT application to see if any updates are needed
 - ii. Justin Rossman will resend digital packets to members for review and input.
 - c. Annadiana Johnson – I sent my comments to Eileen
 - d. Dave Daley – Applicant Process – I have always felt that interviewing everyone in the room together was peculiar. The first candidate has a tougher time, and by the end of the interviews, the last person has time to formulate their answers better.
- 4. Michael Sandell – so the paper form and the electronic form, will be the same?
 - a. Eileen – Yes.
- 5. Bylaw Review and Vote
 - a. Remove reference to June meeting in Section 5 – Mike, Kris, and Dave concurred
 - b. Barry Lundberg – Proposed a final change stating: The Committee’s annual cycle of meetings will begin with the July meeting and conclude in June the year following.
 - c. Dave Daley motioned to approve; Annadiana Johnson seconded. Approved by all.
 - d. Eileen will forward Bylaws to TriMet Board of Directors for resolution to approve (December Board meeting).
- 6. CAT FY24 Budget Priorities Letter – Discussion and Approval
 - a. Dave Daley – Fare Mitigation meetings – evaluating fare strategy for vulnerable populations. Probably needs to go in next year’s budget priorities. It is an issue we will need to keep an eye out for.
 - b. Annadiana Johnson - include that topic in work plan rather than budget priorities
 - c. Dave Daley motioned to approve; seconded by Kris Meagher. All approved
- 7. CAT FY24 Work Plan – Discussion and Approval
 - a. Approved by all

10:00 **B. Staff Updates**

1. Type 6 Trains – Open House for CAT on Sunday October 15th
2. Transportation to be made available to the event
 - a. Annadiana Johnson – Is there a schedule for removing Type 1 trains?
 - b. Mary Hill – the type 1 cars will be phased out as the new Type 6 cars come into service.

10:05 **C. General Public Comment**

Kathryn Woods – Fare mitigations. I know that the Federal Register says that we can charge twice the full adult fare on paratransit. I know that’s impossible for LIFT riders, so we made it twice the Honored Citizen Fares. That will be harder to manipulate if people are paying cash. What are we going to do about people who are on means tested programs who ride on LIFT? The fixed route charges half of the full fare. We should be looking at charging half the Honored Citizen fare on LIFT. We have LIFT riders who have money and LIFT riders who don’t. This will get people who are not connected to an agency to get fare supports.

10:15 **D. CAT Committee Issues**

Dave Daley – on the fixed route reports, we don’t have any information about how many mobility devices, how many pass-ups. Automated wheelchair securement device on the FX and its efficacy. My observations are that it is almost never used and we need a report on it to make sure we are procuring the right equipment. ADA requires that we provide service within 30 minutes if we pass them up.

- Eileen Collins– we have pass up complaints listed in the current Fixed route report provided to the committee, and next month we will be providing the ADA Pass Up and ADA Tied Up reports in the monthly packet.

Mike Sandell – email from TriMet on October 7. Citing and excluding problematic riders. How do we define “problematic”? Other than relying on Driver Discretion? It’s worth discussing.

Ryan Skelton – also a policies and procedures issue for when security is engaged in a situation like that. I read an article on the TriMet website that a high

percentage of MAX trains were testing positive for meth. In my view, that is a safety concern.

Dave Daley – Stop accessibility planning. Critical to get engaged before stops are designed, not after it is built.

Annadiana Johnson – for the fixed route sub-committee, I would prefer to stick to our priorities, not having non-prioritized issues crop up. Having those standing meetings allows members to join and contribute to the conversation when they can.

Mike Sandell – I would like to discuss SOPs for ramp deployment on trains. I think it's worth having an understanding of what the SOP is so we can report it when it's not followed.

Claudia Robertson – is this a fixed route committee issue or something to bring to the whole committee? I know that since the beginning of the MAX trains, there have been issues about how long the doors are open and the ramp deployed.

Annadiana Johnson – at our first fixed route sub-committee meeting, we asked to have copies of all fixed route SOPs. We would still like to have copies of all of those, but we were told that TriMet could not provide them.

Ryan Skelton – at the Lloyd Center MAX stop, there are barriers near the platform and the doors line up with one of the obstructions, and I can't board the train because of the obstruction,. Is this an issue of operator training to ensure better alignment? Or barrier removal.

Tre Madden – Echoing issues heard about on-boarding with MAX operators. Looking out for chair users to make sure they are able to get on. Also, the elevator buttons at Hollywood Elevator are not accessible for people with limb impairments. On the issue of drugs on the system – it's something being brought up in the general public. Are we so focused on meth residue but not COVID precautions? No longer making masks available on trains and buses is an issue. Masks make a mess on-board? Seems like BS to me. I like being on the blue line when people are lighting up. Why aren't they measuring COVID in the same ways? I feel like that's a choice and distressing.

Patricia Kepler – I want to second what Tre is saying. Masks are not being offered. People who are complaining about exposure are not being heard.

Claudia Robertson – I don't know about masks being made available. I have noticed a lot more people wearing masks publicly. I know there are traces of meth and fentanyl on transit, and that the US money supply has trace cocaine on it.

Tre Madden – Do we just wait for the CDC to come around? The CDC has different priorities than immunocompromised individuals. This is an uphill battle to be

fighting for these things. Public Transit – bringing back what I learned in Japan – keeping everything clean, allow 30 extra seconds to ensure people are all on-board safely. Cultural differences. I see people coughing all day long. I can mask, but if others aren't it's a moot point; an uphill battle.

Adam Kriss – We need to continue talking about this because it's an important topic. The discussion about the MAX trains and doors. The discussion can start in the fixed route committee. Dave and Annadiana can decide that. I was discussing with TriMet customer service. Are the doors and ramps operator-deployed, or automatic? The customer service agent said that the driver pushes a button to open the doors and deploy the ramps, but then there is an automatic timer for the duration of deployment. When the train is given the go ahead to move through the intersection, the signal is sent to close the ramp and doors. On the newer trains, there seems to be more of an issue. The older trains (type 2 & 3) the door and ramp seem to stay open for significantly longer to get out of my seat. What is the timing of the doors? Can the driver see inside the cars to see if people are using the ramp? What happens if there are multiple people who need the ramp? There are a couple of concerns that we need to have answered. I am not sure who can answer these questions. Not the outside button, but the inside ramp request.

Casey Goldin – Our doors open when the operator pushes the open button, and has a timer attached. The yellow push buttons, if the door is put on request mode, the only person who controls the opening is the operators. We do not have them on Request mode. They should open at the same location within inches, at each location. I'll get the minutes and answers to you for next months meeting.

Mike Sandell – based on the answer that Adam received from TriMet customer service, the concern for me is: How quickly can the operator leave a stop if a rider with a mobility device is there? I always request the ramp because I need the time to stand up and alight. What I am wondering is, in this instance when the door is closed very quickly, contacting rail operations to say I'm ready to go, but what is the requirement for the operator to stay at the stop until the rider who has requested the ramp can disembark. My understanding is that they are supposed to wait 30 seconds after arriving at the stop, and ADA deployments are completed, before departing. That is the meat of what I am wondering. When someone has requested the ramp (inside the train) the driver should then know to not request to depart the stop until whoever needed the ramp has gotten off the train.

Casey Goldin – there are no cameras that operators have access to, in order to see who may have access or functional needs on board the trains. They will not know that if someone with a mobility device may still need the use of the ramp to

exit the train. That process does not exist, yet, as far as I know. I will investigate and see if there is additional information available.

Mike – there are times when the ramp is requested and it is not deployed, or it is deployed too quickly and then closed without providing

10:40 **F. Break**

10:50 **G. City of Portland ADA Lawsuit – Accessible Sidewalks – Next Steps –** Shelley Devine, Executive Director, TriMet Legal Services Division (General Counsel) and John DiLorenzo – Portland Attorney, Davis, Wright, Tremaine Law Firm

Presentation provided in email and sent to paper packet recipients.

Comments:

Annadiana Johnson – is there any kind of provision that sites people are relocated to are near transit? The houseless need extra services and those sites are located along transit lines.

John DiLorenzo – during settlement discussions, we pushed the City to identify accessible camping areas. The City attorney did not want us to micromanage the camping areas. A court would not have allowed us to get into those issues that you raised. I tried to, but I think I was viewed as an interloper.

Tre Madden – I've been following this for a minute now, this case, and I find it very interesting that at a time when there are such a push to sweep houseless people off the streets to begin with. The majority of those who are houseless have disabilities themselves. Do you not think that this prioritizes some disabled people's access over other people's access? Especially when it is easier to sweep homeless people off the sidewalks rather than to fix sidewalks. Sweeping people's homes is an interesting priority?

John DiLorenzo – Let me explain why I took this case. I was asked to meet with a group of people with disabilities about a year ago, at the Society Hotel on 4th. I walked, from 4th and Jefferson, and I could not navigate without going into traffic. When I met with this group, I objectively knew that it would be difficult to navigate sidewalks if you were wheelchair bound. The humiliation. How they have to navigate around these obstructions, and then through the filth and debris, and how they have to clean their wheelchair when they can't get out of their wheelchairs. I understand that there are people in the tents in that have disabilities. There is nothing in the ADA that says that people with disabilities are allowed to create barriers for other people with disabilities.

Tre Madden– it definitely answers the question from your perspective.

Claudia – you take the case you are offered. I heard Mr. DiLorenzo state that this is the first step.

John DiLorenzo – I felt like I could win this case, and have a catalytic effect to encourage more change. This is not the end, I am trying to figure out what our next step should be. I don't think that people in the tents are the nuisances. I think politicians are the nuisance. They have condemned people to 50 years on the street if they can survive it. I can't find a federal judge who will take the case against a jurisdiction for incompetence. Now we need to figure out what's next.

Mike Sandell – I wish we could read the comments from chat. I am very passionate about this topic. I was homeless for many years, on the street for many years. As someone who is now housed and does outreach for people on the streets...I have seen the campsites that are sanctioned. It is disgusting to think that just because someone is houseless they have less rights than someone with disabilities. People get disabilities even if they start out being non-disabled. It is a much larger issue that the sidewalks are dilapidated, no curb cuts, no tactile strips, that's disruptive, that's humiliating. I am more frustrated by the City's inability to maintain its infrastructure than to pursue this option. It's no surprise that the City so easily settled.

Ryan Skelton– I am cognizant that I cannot give a complete answer around my thoughts. In my view, as an advocate, there are very few people thinking about ADA access and obstructions in the actual campsites themselves. If someone has a disability at a sanctioned campsite, there are conflicts on both sides of the issue, and it's very complex. I have been personally jeopardized by having to be in traffic in a wheelchair. I think so many of the points made are good.

Dave Daley – Thanks a lot for the presentation. I want to push back on one thing. I don't think this a a coordinated campaign with the City to clear the sidewalks. We had to close the mobility center because it is not safe to have customers arrive safely. We had a member of the committee who had to move out of the same building because it was not safe. This is complicated, and we are trying to navigate the best we can.

Adam Kriss: John I really appreciate that you took this case. A very hard case to take. Lots of extremely passionate people on both sides. Balancing the access idea and homeless idea. How we deal with both effectively. I wanted to ask if you could quickly...in the lawsuit itself, was there any provision for the City to put together... they remove a campsite and then the next day it goes back to the status quo. Enforcement is the question.

AJ Earl: I do have a question regarding the process of finding this case? Where were the plaintiffs "recruited" from? I want to push back on the notion that there is anti-homeless mindset to this approach. The vast majority of cases where I have had to go to the street in lieu of sidewalks was because of poor sidewalk condition, not the encampments.

Meeting was adjourned at 11:37 am.

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