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When these three wonks speak, the MBTA listens

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## A new breed of advocacy

**THIS ISSUE HIGHLIGHTS** a new breed of advocacy that appears to be emerging here in Massachusetts, an advocacy driven more by data than ideology.

Our Conversation introduces you to Marc Ebuña, Ari Ofsevit, and Andy Monat. You've probably never heard of these three relatively young men from a group called TransitMatters. They aren't quoted regularly by reporters and they rarely meet with state policymakers. But they are starting to have a real impact on the MBTA, pushing a pilot project to introduce late-night service, convincing officials to throw out the completed design for a commuter rail stop in Newton, and questioning the time and expense involved with the way the transit agency shuts down service at night.

Our other "advocate" is Paul Schimek, the author of a feature article that suggests democracy isn't working well in Massachusetts. He analyzes voting results over the last two decades and concludes that too many officials are getting into office by winning over just a minority of voters in crowded primaries. Because most legislative districts are so lopsided in favor of one party (usually Democrats), these primary winners tend to easily win the general election and then remain in office as long as they want because of the power of incumbency.

I'm used to advocates who represent a constituency and push for policies and appropriations on Beacon Hill that benefit that constituency. Schimek, Monat, Ofsevit, and Ebuña are advocates, but they advocate using data and logic. The most amazing thing is that they advocate in their spare time.

I came in touch with the TransitMatters guys through James Aloisi, a former state secretary of transportation who has become a regular contributor to the magazine. He joined the TransitMatters board and I got to know the other members of the group through a series of articles they wrote for *CommonWealth*. The group also does wonky podcasts on transportation subjects that we post on our website.

At some point I came to the realization that these guys were actually having an impact on the T and I wanted to learn more about them. Ebuña, at 30, says he tries to live his life in a way that mirrors his advocacy. "I live in a new building built by three nonprofit developers that's right next to a T station," he says. "It's sort of this romantic lifestyle that I live that I wish other people could have."

Ofsevit, 33, lives life in the fast lane, usually on a bicycle. He's also a big runner, and you might remember him as the guy who ran the Boston Marathon in 2016 and collapsed about 100 yards from the finish line. Two fellow runners came along and helped/carried him across the finish line. He was rushed, delirious, to Tufts Medical Center and plunged into an ice bath to lower his dangerously high temperature. (He fully recovered, and says he plans to run the marathon again next year.)

Monat, 40, grew up in Indianapolis and came to Boston after going to school in Houston and working in Austin. Public transit is relatively new to him, but he's made up for lost time. He also illustrates with a quaint story how TransitMatters advocacy is different. A state rep recently invited him to the State House to discuss the redesign of the Auburndale commuter rail stop in Newton, and Monat discovered he didn't know where to go in. He had never been to the State House before.

Schimek, 52, submitted to us what I would call a white paper on the subject of elections in Massachusetts. It was full of data suggesting that democracy was out of whack in elections for seats in the Legislature. We worked with him to get the white paper down to a manageable size, but at all times we tried to let his data speak for itself.

"I would say that I am motivated by a faith in the democratic project, and a faith that the crisis in American democracy (on many levels) stems not from too much democracy but too little," says Schimek in an email. **CW**



**BRUCE MOHL**





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# inquiries

## Challenging DeLeo

House Speaker Robert DeLeo has a challenger—but it's not a member of the chamber he oversees.

The insurgency is coming instead from a 27-year-old Franklin resident who says he's grown weary of the consolidation of House power in the office of one man. "We don't think the speaker should have the amount of power he has, and it should be a more democratic system in terms of what bills get to the floor," says Maxwell Morrongiello.

Two years ago, DeLeo prevailed on House members to toss out term limits on his reign in power.

"There's a lot of legislation out there that the majority supports that isn't getting passed," Morrongiello says of the top-down structure in which DeLeo decides what bills get taken up by the House.

Morrongiello is trying to organize a citizen effort, Massachusetts Voters for Legislative Reform, to do something about it. Exactly how they'll push for change is unclear. Morrongiello says the group's members might start by lobbying their reps. He says they're also open to meeting directly with the speaker.

Morrongiello is active with the liberal group Progressive Massachusetts, but says the case for democratic reform of the House should appeal to residents across the political spectrum.

This is not his first stab at fixing what he thinks is broken on Beacon Hill. Morrongiello tried to organize a similar push five years ago, but threw in the towel when it made little headway.

Could his latest effort meet the same fate? "There's always a chance it might fizzle out," he says. "There's no guarantees."

► MICHAEL JONAS

## Nantucket, Martha's Vineyard face special pot challenges

► JACK SULLIVAN

**LIVING ON AN** island brings with it challenges many on the mainland don't grasp, from being locked in during storms to being overrun by tourists during the summer season.

But those on Nantucket and Martha's Vineyard are now facing a new question that their fellow Bay Staters won't encounter: What about pot?

Massachusetts voters, like the other states that have approved legal marijuana, gave the green light to retail sales despite the fact it remains illegal to sell or possess it under federal law. As long as marijuana stays within state borders—and as long as the Trump administration doesn't change the leave-states-alone approach adopted by the Obama administration—many believe there is little to worry about.

Not so for the islands off the state's coast. Because the sea and air are under the jurisdiction of the federal government, carrying even a bud of weed

### ISLAND POT PLIGHT

between Nantucket or the Vineyard and the mainland is technically a violation of the federal controlled substance laws. That means all marijuana there has to be grown, manufactured, tested, sold, and consumed on the islands.

Many think federal officials will look the other way when it comes to legal marijuana shuttling over on the ferries, but the Coast Guard warns that is a risk people may not want to take.

"Since marijuana is still federally illegal, we enforce federal law," says Petty Officer Andrew Baressi, a spokesman for the Coast Guard's Boston station. "We don't pick and choose what laws we enforce."

Given the cost of land on both vacation destinations—Nantucket, at \$2 million an acre, is the second most expensive place to buy land in Massachusetts—it will be a real test to find suitable sites for the full seed-to-sale process.

"It's a really kind of a fascinating issue in trying to allow the islands to have access to marijuana—and these are islands that voted overwhelmingly in favor of legalization," says freshman state Rep. Dylan Fernandes of Falmouth, whose district includes the Vineyard and Nantucket.

Year-round residents on both islands sent a strong message that they don't want to be left out when the smoking lamp is lit. Nantucket voters approved the ballot question last year by a 64-36 margin, while the six small towns on the Vineyard all resoundingly said yes. In three of the Vineyard communities, the ballot measure won approval from 70 percent or more of voters.

Fernandes, along with state Sen. Julian Cyr of Truro, who also represents the islands, successfully amended the state's recreational marijuana law to require the Cannabis Control Commission to come up with regulations to

address the special issues facing the two islands by the time retail pot goes on the market.

Testing and supply are the two biggest concerns. While the regulations have yet to be worked out, testing will be required on all pot grown and products manufactured for contaminants and potency. There are currently two certified testing labs in Massachusetts on the mainland and a few more may open up. Cultivators and manufacturers can truck their wares to the labs for testing with the cost being kept relatively low because of the number of outlets that will be using the centrally located facilities.

On the islands, however, growers and manufacturers will have to pay for their own independent labs and that cost will inevitably be borne by consumers. Geoffrey Rose of Oak Bluffs, whose nonprofit has been approved by the state to open a medical marijuana dispensary in West Tisbury and who is considering a retail operation as well, said part of his permit requires him to pay for testing on-island. Between testing and finding suitable sites for cultivation and manufacturing, Rose says the price he charges for pot is likely to be high.

"It all goes into the cost of operation," says Rose. "Everything costs more here."

Fernandes, the Woods Hole representative, is pushing to get the state to subsidize pot testing on Nantucket and Martha's Vineyard because of the hurdles stemming from the federal laws.

"How do you bring your marijuana to a testing facility if that testing facility is off-island?" Fernandes asks. "Are there ways for the state to subsidize testing facilities to come on island to shoulder some of the burden? I think we're going to have some creative piece around testing."

Another amendment to the law allows craft marijuana cultivators to produce marijuana for sale to retailers. The craft cultivators, similar to beer microbrewers, would be able to band together to grow marijuana plants and sell them wholesale, though not directly to consumers. How much marijuana craft cultivators could grow hasn't been determined yet because regulations haven't been written, but some on the islands hope local farmers would set aside some of their land for pot. "I think they're probably going to have a lot, if not all, of their marijuana, home-grown on the island," Fernandes says.

Many of the concerns percolating on Nantucket and Martha's Vineyard arose on the islands of Puget Sound in the state of Washington, which legalized adult use of marijuana in 2012. Washington addressed the concerns by largely ignoring them. No testing facilities exist on the islands and no arrests have been made for transporting marijuana on state-operated ferries.

"We had a lot of growing pains and a lot of talk about

what to do initially, but it hasn't had a big impact on us," says Ian Sterling, a spokesman for the Washington State Ferries. "If you have a box truck with a whole bunch of obvious markings about carrying marijuana, our people have to report it to the Coast Guard. But if people aren't flagrant about it, I don't think it's something that gets noticed. We're in the business of moving people, not moving pot."

In Massachusetts, the Steamship Authority, a quasi-independent state authority that operates ferry service between Cape Cod and the islands, will be under some scrutiny once the sale of pot begins. Robert Davis, the authority's general manager, says he and his crews have little leeway. "The guidance that the Coast Guard has issued is what we'd be adhering to," says Davis. "Any vehicles coming on the property are subject to searches."

At Hy-Line, which operates passenger-only ferries to the two islands out of Hyannis, officials toe the same line as the Coast Guard when it comes to what they'll allow on board. But Richard Bigelow, head of security for Hy-Line, says pot is not at the top of his priority list.

"Today, in this climate, I'm probably less concerned about someone who has a small amount of medical marijuana than I am somebody carrying on explosives or weapons," Bigelow says.

## Panera Cares, but for how long?

► NATASHA ISHAK

**FOUR YEARS AFTER** the Panera Cares community café opened at Center Plaza in Boston, it's still in business. But the restaurant's unorthodox approach to addressing hunger isn't working out exactly as planned.

The concept is simple. Customers walk into the café, pick their food, and pay whatever they can afford. The hope is that enough customers will pay more than the advertised price to offset the cost of serving those who pay less.

In the beginning, the community café did very well, ringing in a little over 100 percent of its retail costs daily. But the café's novelty started to wane after a few months and the collection rate took a dip. Today, roughly two-thirds of daily customers choose to pay at or above retail price, but those additional contributions are no longer enough. According to Bob Zykan, the café's general manager, the outlet now recovers only 85 to 95 percent of its retail costs.

The café functions under both the non-profit Panera



Bread Foundation and the for-profit parent corporation Panera, LLC, with the latter taking care of the café's business essentials, such as staff training, maintaining corporate standards, and kitchen support. Thanks to subsidies from its corporate parent, the Panera Cares community café is able to cover its retail shortfall and additional expenses, such as its job-training internship and volunteer program.

The financial support Panera Cares receives from its parent company, Zykan said, is important to maintain the brand's principle of "meals with dignity," offering the same standard of quality and service to Panera Cares customers as any other regular Panera store.

"We are not sustainable by the traditional sense of we collect everything we need to provide," Zykan said. "Panera subsidizes this program so we can provide those meals for everybody. We don't cut any corners."

Despite its flexible payment method, the café still has suggested guidelines to prevent people from abusing the pay-what-you-can setup. For example, customers who can't afford to pay full price are urged to take a meal no more than once a week, though orders of bread and coffee appear to be allowed more often. Those customers are also encouraged to volunteer one hour a week at the store.

Debbie Clarke, the café's volunteer coordinator, admits there are some who abuse the program, and it's not just low-income folks. "I do get mad when I see people come in day after day and they just don't pay their fair share," says Clarke, recalling two men dressed in business attire that put in \$1 for their meals. When Clarke confronted the men, they told her she was being rude.

Clarke said staffers used to be more diligent enforcing guidelines, but management has advised restraint. "Some people can get really nasty because they just feel entitled," she says.

In Massachusetts, there are a handful of independent

community cafes that serve meals under a pay-what-you-can system similar to Panera Cares, including the Stone Soup Café in Greenfield and All Are Welcome Community Kitchen in Middleboro. But because of the costs involved in maintaining these types of establishments, they are more akin to soup kitchens. They are largely dependent on donations and volunteers, open for limited hours (some only once a week), and serve a small variety of meals.

By comparison, the Panera Cares community café is open Monday through Friday with the same selection of items available at any of Panera's other 2,000 regular stores across the country. The café employs 20 full-time staffers, and draws on the operations system of the parent company, which recently was bought by a European company for \$7.5 billion.

The Boston branch of the Panera Cares community cafés is one of the two specialized cafés Panera has opened since 2010 that are still active. The other cafés, located in Portland, OR, Dearborn, MI, and Chicago, IL, have since closed.

According to Ken Hede, a regular customer at the Boston outlet, the café's welcoming environment is appreciated. "This place helps people who aren't financially stable to have a full meal and keep enjoying life," says Hede, who earns his living entertaining tourists with his bucket-drumming skills near Faneuil Hall and comes in to the café once every few weeks. "It's a really good atmosphere."

On his recent visit to the café, Hede paid \$8 for a meal worth more than \$14: a chipotle chicken with avocado sandwich (\$9.39), a Danish pastry (\$2.79) and coffee (\$2.29).

Besides its main mission of providing food for those in need, the Panera Cares community café runs a job training internship with Goodwill focused on training adults with learning disabilities. Interns go through 15 weeks of training to acquire both soft and hard-skills for the restaurant industry, learning about food security, professionalism,

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## inquiries

and hospitality. The training program has helped foster a welcoming and accepting environment at the café.

Jane Moscow, a regular who works at the nearby Suffolk County courthouse, enjoys lunches at the café with her daughter.

"She feels comfortable," Moscow says of her daughter, who has a learning disability. "And sometimes when we have learning problems, we have to find a place that feels comfortable and you're accepted. That's basically why we come here."

Stephan Wright, 28, graduated from the Panera-Goodwill partnership program two years ago and now works as a café staffer. Wright, who has ADHD and also helps kids with learning disabilities, is a favorite among regulars. He hopes to advance to a job as a café ambassador, someone whose duties include telling first-time customers how the pay-what-you-can system works.

Zykan is optimistic about the café's future, despite the corporate subsidies it relies on to make ends meet. "We have a lease here for another six years," the manager says with a smile. "So I'm hoping at least until then."

## Watching the games people play

► JACK SULLIVAN

**SECRETED ON THE** 12th floor of 101 Federal Street in Boston's Financial District is a windowless command center, manned 24 hours a day, seven days a week. Keycard entry is so restricted and the information so sensitive that even top level managers don't have access.

Four big-screen monitors are mounted on the wall with information constantly streaming about routers, servers, back-ups, and ever-changing data on more than 1,300 computer central processing units. Two people are always in the room, sitting for eight-hour shifts, each at a desk with three computer screens showing the same information being displayed on the big-screen monitors above.

Terrorist watch? Nuclear facility safeguard? Drug surveillance? No, casino game monitoring.

The Massachusetts Gaming Commission keeps constant tabs on each and every machine at Plainridge Park Casino—the state's one operating casino—and will also monitor the additional 6,600 machines that will come on line in the next two years when MGM Resorts in Springfield and Wynn Resort in Everett swing open their doors.



Floyd Barroga, gaming technology manager for the Massachusetts Gaming Commission, oversees monitoring of all operational slot machines in the state.

“Every day the system does a software check,” says Floyd Barroga, gaming technology manager for the commission. “If the casino makes a software change on the floor, we can monitor it here rather than sending an agent out, which can take several hours. We want to make sure the games are fair to the players.”

The monitoring system is actually operated by a private company, Rhode Island-based IGT, formerly known as GTECH, one of the largest video gaming companies in the world. IGT was awarded the 10-year, \$23.1 million

contract to design the software and staff the monitoring center. While the monitoring system is in use in other jurisdictions such as Maryland and Rhode Island, officials say Massachusetts is the first to voluntarily incorporate it without a legislative mandate.

The program is proprietary and the information so sensitive that officials turned off the monitors and would not allow *CommonWealth* to take photographs with the data displayed or the system operators at their stations, even from the back. Gaming commission officials declined to detail how many errant machines have been flagged by the program or even what the issues were, though they did acknowledge there have been incidents. A representative for IGT, who was present during the discussion, declined comment.

For officials at the Gaming Commission, it’s all about the money, both for bettors and the state. Under Massachusetts casino regulations, slot machines and video table games must return at least 80 percent of wagers to players. (Las Vegas casinos, by contrast, pay out a minimum of 75 percent by law.) In addition, the top prize in each game must pay out at least once for every 100 million “pulls,” the archaic term from the days of one-armed bandits meaning each time a game is played.



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The monitoring system keeps track of every machine's payout and the Gaming Commission has daily, weekly, and monthly printouts to ensure the minimums are being met. Plainridge, according to Derek Lennon, the commission's chief financial officer, pays out more than 92 percent of the money wagered there.

Lennon says the software program in each machine may have payout fluctuations in the short term, but the monitoring program stays on top of it. "We get printouts at 100,000 pulls, 250,000 pulls, on up," says Lennon. "Right around a million [pulls] is when it always normalizes out."

The state also has a vested interest in ensuring the machines are properly supervised to get an accurate tally of gross and net revenues. Plainridge pays 49 percent of its gross gaming revenues to the state by law and each casino will pay 25 percent of its revenue when they go into action.

The state has three data back-up centers, two in Chelsea and one in Springfield, to store the information, so none of the data are lost.

"If there's a disaster, the system will kick over," says Barroga. "It's very critical for the taxation of a casino."

The control command center shares space with a gaming lab where about a dozen slots and video gaming machines representing different manufacturers and games are regu-

larly "Frankensteined," in Lennon's words, to troubleshoot problems and ensure the computer and software are working properly. Before the games reach the casino halls, they are rigorously tested by the state's contracted test labs as well as in the commission's 12th floor set-up to make sure they meet the state's standards for payout algorithms.

"The test results are based upon millions upon billions of simulations and plays before that machine gets to the casino floor," says Barroga, who's adept at running the machines through their paces. Each machine takes about eight weeks of testing before it makes it to a casino floor. But if there is a new machine with a new software program, it can take three to nine months before testing is complete.

IGT, which makes its own lines of slot machines and video games, essentially is monitoring itself and its rivals in its role with the Gaming Commission. Lennon says the commission avoids potential conflicts by having any proprietary information about competitor's machines filtered out before it's seen by IGT's operators. He says the contract with IGT also can be voided if there's any indication that someone without proper clearance is trying to gain access to the system.

"It's a big gamble they're not willing to take," says Lennon. **CW**

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# Flying without a PILOT

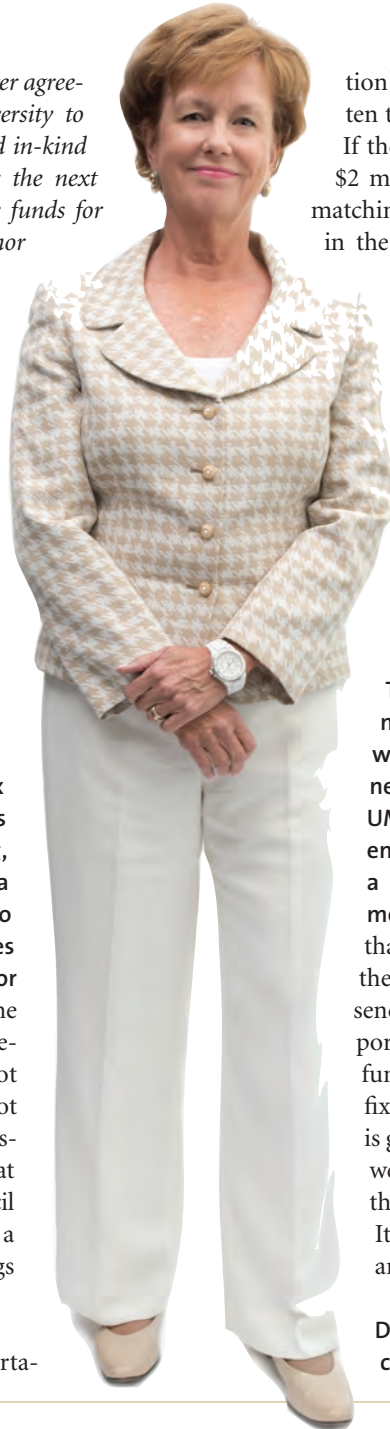
UMass Lowell Chancellor Jacqueline Moloney entered into a groundbreaking funding pact with the city. Just don't call it a PILOT.

BY JACK SULLIVAN | PHOTOGRAPH BY FRANK CURRAN

*Lowell and UMass Lowell signed a master agreement in August, committing the university to providing nearly \$8 million in cash and in-kind contributions for the community over the next 20 years. The agreement includes new funds for repair and upkeep of the city-owned minor league baseball field and a commitment to pay the city's local option lodging tax on rooms booked commercially by the school's hotel. The agreement documents UMass's responsibilities to remove ice and snow on sidewalks and bridges around the school and to landscape adjacent city-owned properties. It also commits the school to pay, over the life of the agreement, \$3 million for federal transportation matching grants and \$1.6 million toward repairs on a city-owned parking garage where the school maintains 320 parking spaces.*

**You bought an apartment complex before the master agreement was signed and made it student housing, taking it off the city's tax rolls. As a state school and nonprofit, you had no obligation to pay the property taxes yet you agreed to pay \$321,000 for 2017. Why?** I had been working with the city on a number of different arrangements. The city councilors were not happy, there was a lot of tension, a lot of displeasure that we were purchasing a large apartment complex. What became clear to me during City Council meetings was that there was not really a lot of awareness about the many things the university does for the city.

**Such as?** Such as the [federal transporta-



tion] Tiger grant. They never would have gotten that \$16 million without our partnership. If the university had not stepped up and paid \$2 million, they never would have gotten the matching grant. But it was so clear that people in the community really did not see the dollar value the university had invested. It became clear to me we had to do this master agreement.

**Why do you think there was such a lack of awareness?** I think we were going about our business and we never thought to go public and tell the public about it, about all the contributions we make to the city. In discussions with the city manager, it was agreed that we put all the transactions in writing.

**The way you describe the master agreement sounds like it was more to codify what is already being done, that it's not new money but rather documenting what UMass will do anyway. What's the difference between this master agreement and a PILOT [payment in lieu of taxes] agreement?** These are agreements around work that has to be done to improve the city and the university. We could never randomly send \$500,000 to the city of Lowell to support the police or fire department. This is funding that is going to fix our bus routes by fixing the city's bridges. This is money that is going to fix the parking garage at the hotel we own. This is funding that is going to fix the ballfield where our baseball team plays. It is very different. This is not a PILOT by any stretch of imagination.

**Does the agreement preclude any other contribution?** It does preclude the city

coming after us to tax us. It prevents the city from coming after us every year looking for additional money.

**What happens in 8 years, 10 years, if you decide to step away and the capital plan changes? Do you revisit the master agreement? Does it bind your successor?** We actually wrote into the agreement that, annually, the chancellor will provide the city and the city manager with our five-year capital plan so the city will not be surprised by any expansion. We agreed that we would not buy any additional residential buildings in the next five years. That was a specific concern of the city and the city council. We were able to do that because we know our five-year plan and we won't need any more housing in that time.

**I've heard both you and the city manager call it a first-of-its-kind agreement. What makes it so unusual?** I talk with chancellors and regents around the country looking for examples and best practices and I am not aware of any [agreement like this]. The closest would be Clark University in Worcester. In a similar way, Clark worked with the city to create these win-win opportunities to benefit the neighborhood that they're in. We learned a lot from Clark.

**You talked about these funds coming from tuition. What was the reaction from students?** If I went to our students and said I'm giving \$500,000 from your tuition money to the city, or \$50,000, or whatever amount, they would have been very resentful of that. I think our students saw a really smart strategic approach. I think that our students are very embedded in the city.

**Do you live in Lowell?** I do not. I live in the next town over, but I started my career here as a social worker. I've served on about 10 different nonprofit boards. I love this city, too. I've been a big part of what the city has been about. I share that passion about lifting it up. But in this role, I've shifted gears somewhat. I have to make sure it works for both of us.

**There's always some town-gown friction between universities and their host cities. How does this master agreement affect that relationship?** I think it's enabled us to get back to a very positive relationship. There's always that give and take, but I think I'm very well known in this city and I think people respect me. It paved the way for both institutions to do better. When you look at it, we've kind of pooled the funding to let both institutions do well and move forward. **CW**

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## Diversity data gaps

Secretary of State Galvin, some agencies don't track minority hiring

BY COLMAN M. HERMAN

**EVERY YEAR, THE** governor's Office of Diversity and Equal Opportunity publishes a detailed report on the diversity of the workforce at each of the executive branch secretariats, now numbering nine. But many other parts of state government—the constitutional officers, the Legislature, the judiciary, and the various state authorities—rarely, if ever, release any diversity data on their employees.

So we decided to ask them for the information.

What we found is that many of these government agencies don't appear to track diversity data as a matter of course. Some assembled the information in response to our request; others had no interest in gathering the data.

Count the Legislature, Secretary of State William Galvin, Inspector General Glenn Cunha, the Pension Reserves Investment Management Board, and the Massachusetts State College Building Authority in the latter category.

"We have no real reason to collect the data," says Edward Adelman, executive director of the college building authority. "We hire the most highly qualified people to do the work without regard to what we would call, you know, sort of non-merit factors."

Galvin and Cunha both declined comment on why their offices don't gather diversity data.

Some of the diversity data provided by the government agencies wasn't very detailed. For example, some agencies listed the number of minority employees but failed to provide a breakdown by race, ethnicity, or job category. The absence of a breakdown by job category made it impossible to assess whether minorities were employed throughout the organization or concentrated in low-level positions.

Rep. Byron Rushing, the House assistant majority leader and a member of the Legislature's Black and Latino Caucus, says he was surprised agencies didn't collect the data or only collected

if asked for it. "You can't take diversity seriously and not collect the data," says Rushing. "Statistics are important."

Unlike his predecessors going back to at least Mitt Romney, Gov. Charlie Baker doesn't include diversity information on his own office in the report he issues on the workforce of the state secretariats. In response to *CommonWealth's* request, however, Baker reported that his 69-member staff is 21.6 percent minority, with 10.1 percent Hispanic, 7.2 percent black, and 4.3 percent Asian. The governor's office provided no breakdown of minorities by job category.

Baker's overall minority number was slightly better than the 20.7 percent target he set for the nine secretariats and 1.3 percentage points higher than his predecessor, Deval Patrick. Patrick, the state's first black governor, who was well known for his strong emphasis on a diversified workforce, increased minority representation in his office by 15.1 percentage points compared to his predecessor, Romney.

Among current constitutional officers, Treasurer Deborah Goldberg's office had the highest minority representation at 29.6 percent, followed by Baker at 21.6 percent, Auditor Suzanne Bump at 19.5 percent, and Attorney General Maura Healey at 17.5 percent.

Healey offered no breakdown of her employees by race, but she did analyze where minorities are located in the job hierarchy. Of the 272 lawyers working in Healey's office, 12.5 percent are minorities. Of the 61 supervisory lawyers, 13.1 percent are minorities. She also reports that minorities make up 21.6 percent of the 315 non-lawyers and 13.3 percent of the 45 supervisory non-lawyers.

The judiciary declined to provide diversity data on its employees, but some limited information has surfaced as a result of a lawsuit filed

in 2016 by the Lawyers’ Committee for Civil Rights and Economic Justice. In response to the lawsuit, the Trial Court turned over data on court officers that suggested wide disparities among individual courts within Suffolk County. Minority representation among court officers ranged from a low of zero percent at the John Adams Courthouse to a high of 67 percent at the Boston Housing Court. For all 11 courthouses, the minority average was 34 percent.

We surveyed more than 40 quasi-public state agencies, 15 regional transit authorities, the State Ethics Commission, the Massachusetts Gaming Commission, and the Inspector General. All of the data provided by the agencies are available on the *CommonWealth* website, but some statistics stood out.

The most comprehensive diversity data from any state authority—and for that matter from all the entities contacted—came from the MBTA, which agreed to revamp its employment practices in an anti-bias agreement with the federal government in 2014.

The data indicate 44.8 percent of the T’s 6,369 employees are minorities—more than double the target used by the state in its diversity report on the secretariats. The top employment category at the T, consisting of 1,203 workers, is 32.3 percent minority, with 21.6 percent blacks, 4.6 percent Hispanics, and 3.7 percent Asians.

The Massachusetts Housing Finance Agency reports 30.3 percent of its 333-member workforce are minorities. The minority percentages at the Massachusetts Water Resources Authority, the Massachusetts Port Authority, the Convention Center, and the Steamship Authority are 21 percent, 21.2 percent, 22.2 percent, and 10.6 percent, respectively.

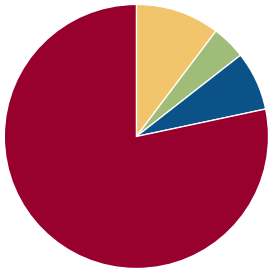
The Massachusetts Life Science Center says 40 percent of its workers are minorities. It is also the only quasi-public state agency with a minority official in the top job.

The 15 regional transit authorities employ relatively few workers directly, but four of them (Cape Ann, Franklin, Merrimack Valley, and Worcester) have no minorities. The largest regional authority, located on Martha’s Vineyard, says 7.4 percent of its 109 workers are a minority.

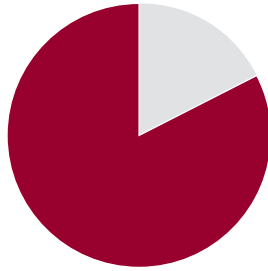
Rep. Russell Holmes, a member of the Black and Latino Caucus on Beacon Hill, says all areas of state government should be a role model for diversity.

“Otherwise, how can we go to folks like our state vendors and insist in our contracts with them that they need to have a diverse workforce? How can we go and ask someone to do something that we’re not willing to do ourselves?” Holmes asks. “If diversity were a priority in state government, it would get measured. And what gets measured gets done.” **CW**

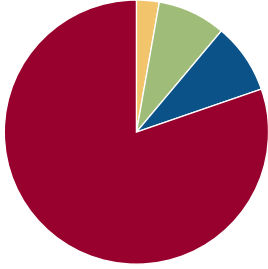
DATA REPORT: CONSTITUTIONAL OFFICERS



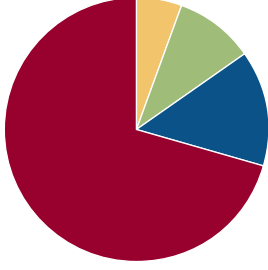
<b>CHARLIE BAKER</b> Governor	
White	78.3%
Black	7.2%
Asian	4.3%
Hispanic	10.1%



<b>MAURA HEALEY</b> Attorney General	
White	82.5%
Minority	17.5%



<b>SUZANNE BUMP</b> Auditor	
White	80.4%
Black	8.4%
Asian	8.4%
Hispanic	2.7%



<b>DEBORAH GOLDBERG</b> Treasurer	
White	70%
Black	14.2%
Asian	9.5%
Hispanic	5.5%
Other	0.4%



<b>WILLIAM GALVIN</b> Secretary of State	
No data provided	

White Black Asian Hispanic





## All quiet for Baker on the DC front

Democrats in congressional delegation give him high marks

BY SHAWN ZELLER

**FOR RICHARD NEAL**, the 15-term congressman from Springfield, the reopening in June of the city's Union Station was a deeply moving moment. Neal, in 1977, had launched his first campaign for a seat on the Springfield City Council there and had at the same time promised to rehabilitate the decaying landmark.

It took a while, but years of scraping for funds, both in Washington and on Beacon Hill, had finally paid off. So it meant a lot to Neal, a Democrat, when Gov. Charlie Baker, a Republican, showed up for the reopening and lavished him with praise. "I wanted to be here to have an opportunity to congratulate all of you, especially the congressman," Baker said.

Baker, Neal says, played a key role in securing state funds for improvements to the train station to make it accessible for people with disabilities. Neal keeps a coffee table book in his Washington office with photos of the reopening, including one of him and Baker admiring the new space.

Neal also applauds Baker's efforts to extend broadband internet service to western Massachusetts. "When I call him, he calls back," Neal says. "He is mindful that he can't be just Boston-centric."

At a time when leading Democrats in the state might be expected to pummel the governor to weaken him for next year's gubernatorial race, the 11 Democrats representing Massachusetts in Washington are instead noting how well Baker has worked with them and at the same time maintained a rapport with the Republicans who actually run things in Congress and the White House.

No one would argue that Baker has particular cachet in Washington—he says he did not vote for Donald Trump and is far to the left of the GOP majority in Congress—but he has also approached

the new administration diplomatically.

Trump, as a result, hasn't cut off a fellow Republican with whom he doesn't see eye to eye. "I think the Trump administration has to be careful, too," in order to set Baker up for re-election, says Jim McGovern, the US representative from Worcester. "They would prefer a Republican governor over a Democratic governor, so I think there is still an open line of communication."

There's no better evidence of that than Trump's decision in May to appoint Baker to a White House commission that's seeking ways to combat the opioid epidemic. If the commission yields more funding for Massachusetts, it'll help the state, which ranks fifth among all states in its death rate from opioid overdoses, according to a Kaiser Family Foundation analysis of Centers for Disease Control and Prevention data.

Having a Republican to advocate for the state, considering that Massachusetts's all-Democratic congressional delegation has little sway with Trump or Republican leaders in Congress, is a useful thing so far as the state's representatives and senators are concerned. "I'm hopeful that he can influence Donald Trump," says Ed Markey, the US senator who has served in Congress since his 1976 election to the house.

It's a reversal of fortunes that Markey hopes will work as well with a Republican president as it did when a Democrat, Barack Obama, was in the White House. Then, it was Baker who needed entrée to the administration to secure federal funds to cover costs from the state's brutal winter of 2015. Markey and Neal set up a meeting for Baker with then-Vice President Joe Biden at which Baker requested federal emergency funds and received more than \$120 million.

Baker has already helped some, says McGovern. The GOP effort to repeal and replace the Affordable Care Act, vehemently opposed by every member of the Massachusetts congressional delegation and Baker, fell, in part, because Republican senators balked at slashing federal funds used to expand the Medicaid insurance program for the poor.

McGovern gives Baker credit for joining governors such as John Kasich in Ohio and Brian Sandoval in Nevada in opposing the GOP health care bill. “I think it sends a signal to people all across the country that thoughtful Republicans think this is a bad idea,” he says. Baker’s position as vice chair of the National Governors Association’s Health and Human Services Committee has also offered him a platform to influence and motivate other state chief executives.

The failure of the health care bill, which would also have cut funding for the traditional Medicaid program that preceded the 2010 law, also preserves the arrangement Baker reached with the Centers for Medicare and Medicaid Services last year, before Trump took office, to change the way the state manages the care of Medicaid enrollees. Billions of dollars were at stake.

With big budget cuts on the GOP drawing board,

Markey says now is not the time to pick unnecessary fights with the governor. “We as a state are advocating at a time when a lot of what we stand for is under assault,” he says.

Baker also enjoys a better rapport with the Massachusetts Democrats in Washington than some past Republican governors, such as Mitt Romney, because he’s approached the job differently.

“I think he has been extraordinarily non-political,” says Frank Micciche, who ran Romney’s Washington office. “It seems to me he does everything he can to avoid taking shots, political shots, and it’s not all out of the goodness of his heart. It makes sense. It’s not to his advantage to snipe at Democrats, either nationally or locally.”

Micciche points out that Baker has perhaps learned from Romney’s failed 2004 effort, dubbed “Team Reform,” to increase GOP representation in the state Legislature. (The Republicans lost seats that year despite Romney’s efforts.)

“Romney was running against the system. Baker hasn’t done that,” says Micciche. “He’s made himself part of the system. He’s working with [House Speaker Robert] DeLeo and [Senate President Stan] Rosenberg. His idea is to improve the brand for the party by getting results and not being super political.”

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Gov. Charlie Baker, US Rep. Richard Neal, and Springfield Mayor Dominic Sarno at the reopening of Springfield Union Station in June.

**ONE AREA WHERE** there could be friction between Baker and the Washington delegation is over the MBTA. The T's machinists union has enlisted the congressional delegation in its fight to stave off privatization of their jobs. At one event in Jamaica Plain in August, union officials specifically blamed Baker for the privatization effort. But US Rep. Michael Capuano, who appeared at the event, avoided mentioning Baker during his remarks. Asked about the omission after the event, Capuano acknowledged he wasn't interested in bashing Baker, saying sometimes more can be gained with honey than vinegar.

## Democrats may be holding their fire out of self-preservation.

Part of the reason Democrats are holding their fire is self-preservation. Baker, like state GOP governors past, has demonstrated a strong appeal to the more-than-half of the state electorate that is not affiliated with a political party, and he's shown crossover appeal to Democrats, particularly urban Catholics.

"That independent voter he appeals to, they hate the hyper-partisanship," says Neal.

And the reluctance of high profile state Democrats to jump into the gubernatorial race—US Reps. Katherine Clark, Seth Moulton, and Joe Kennedy, as well as Attorney

General Maura Healey have ruled out runs—indicates the widespread view that Baker's prospects for another term look good. "It looks like it would be a losing battle," says Peter Ubertaino, a political science professor at Stonehill College. "You risk losing your seat to wage battle against a fairly popular governor. It could be the end of your career. They are thinking they will try four years hence when it's probably an open seat."

There's also no recent history of a Massachusetts lawmaker in Washington going on to the governorship. You have to go all the way back to Democrat Foster Furcolo, who won the governor's race in 1956, to find someone who served in Congress ascending to the position. And Furcolo didn't do so directly, having served as state treasurer in between. His predecessor, Republican Christian Herter, was the last to make the leap directly, having served in the House before his election as governor.

Baker declined an interview request. His spokeswoman, Elizabeth Guyton, provided a list of Baker's efforts to defend the state's health care system and to win federal funds for opioid treatment. Those efforts have borne some fruit, in the form of a \$12 million grant from the federal Substance Abuse and Mental Health Services Administration this year to help treat people addicted to opioids.

But that's a modest accomplishment, so when Baker starts campaigning, he might look to the Democratic congressional delegation for character references.

"He's really an independent in the manner in which he's administered the state," says Neal.

"His work with our office has been very strong," adds Kennedy, citing back and forth between his office and Baker's on legislation that came out of the Energy and Commerce Committee establishing clear lines of authority between the states and federal government on regulation of self-driving cars. "He has been helpful and we expect he will continue to be," says the Brookline lawmaker.

The coming year, of course, will bring a renewed focus on politics. As the days tick down to the election, and especially after Democrats select a candidate to take Baker on, the niceties may well give way. But that time has not come yet.

"I'm not averse to criticizing people when we're at odds," says McGovern. "But on a lot of the stuff very important to me—economic development issues, transportation issues—where we need to have a close working relationship, we do. I'm a Democrat, but look, there is a time for elections and there's a time for governing." **CW**





Hakeem Jackson:  
A “hothead” looking to  
take a different path.



# Trading gangs and guns for a future

Can we get young men to give up the dead-end life of the streets?

BY MICHAEL JONAS | PHOTOGRAPHS BY MARK OSTOW

Hakeem Jackson doesn't mince words. "Just a couple of years ago I was shooting at people," he says.

A wiry 20-year-old with an affable bearing, Jackson is sitting at the Boston offices of Roca Inc., a nonprofit that works with young people who have been in and out of jail and run the streets with gangs. He was put on probation two years ago for selling marijuana on the condition that he enroll in school or find a job. A youth worker from Roca reached out and Jackson has been part of the organization's program to help gang members and other young people at the

margins turn their lives around. He's now part of a work crew at the agency that does landscaping and other projects and is working on getting his high school equivalency diploma—he dropped out of South Boston High School in 10th grade.

He's doing well, but the Roca youth workers and Jackson himself know that one small slip could change that. "If I fall back with them and go to jail again, I'm starting over," Jackson says of the crew he ran with in his Dorchester neighborhood near Franklin Park. "I'm not looking to start over again."

Plenty of programs target "at-risk" youth in

tough neighborhoods. These efforts focus on keeping young people who could be tempted by the lure of gang life or the fast money of drug dealing from starting down that road. Roca and a set of other programs operating in Boston and other Massachusetts cities are taking on a much steeper challenge: getting those already involved with gangs and guns to shift onto a more productive—and peaceful—path.

The logic behind focusing on this population is straightforward. To make a meaningful dent in the havoc of urban gun violence, programs have to deal with those doing the shooting, not just those who could be drawn into that world. But getting this group to make sustained change is not easy. These are young people who already failed to respond to any earlier interventions that may have been tried.

When it comes to gun and gang violence in Boston, the situation today is a far cry from the bloody 1990s, when the city's streets were overrun by gang wars fueled by the crack epidemic. In 1992, the city witnessed 152 homicides. Last year there were 46. But that number was up from 2015, when the city recorded a 10-year low with 40 homicides. And through mid-September of this year, homicides were up 40 percent over the same period last year, and total shootings, fatal and nonfatal, were up 18 percent, with 186 compared to 158 for the same period in 2016.

An array of programs like Roca are now in place to work with those who have been part of the gang-driven “noise,” which is believed to account for as much as half of the gun violence in Boston. They are employing a range of strategies that go beyond Band-Aid solutions, with lots of careful thinking and research evidence behind their programs. With palpable concern about an increase in gun violence, the stakes for these efforts seem particularly high.

Rev. Jeffrey Brown, who was part of the clergy effort in the 1990s that helped drive down gun violence in Boston, says today's far lower homicide rate is little consolation to those in the swath of poor, largely minority areas where violence is heavily concentrated. “It may continue now in smaller circles than it did 20 years ago,” he says. “But it still continues, and you have families torn apart by it. It does not bode well for the health of neighborhoods and the health of the city.”

## CHANGING NORMS

Growing up in the Lenox Street public housing development in Roxbury in the 1990s, Matt Jackson says drugs were a mainstay of neighborhood life. “If somebody wasn't doing them, they was selling them,” he says. “Drugs was the norm.”

For Jackson, the norm was selling. He started dealing when he was 13. When he was 17, Jackson (who is not related to Hakeem Jackson) was arrested with a handgun

and enough crack cocaine to trigger a serious trafficking charge. He served five-and-a-half years in state prison.

“When I got out, of course I tried to work, but drugs was the norm,” he says. “I didn't learn my lesson.” Jackson, who is now 34, worked various entry-level jobs, but was often dealing drugs at the same time. That changed three years ago when his girlfriend—the mother of his three-year-old daughter—was killed by gang crossfire while sitting in a car in the Lenox Street projects.

“From that point on, I just knew I couldn't do anything to go back to prison,” says Jackson, who is raising his daughter as a single father. “I never cared for nothing the way I care for my daughter.” He stayed out of the drug business, but a series of low-paying jobs were not always convincing him he made the right call. That changed when he learned about an unusual program at a Dorchester organization.

Mark Culliton, a veteran nonprofit leader, says he was frustrated by what he saw as half-measures in many programs that aim to get former gang members and high-risk young men on track. Help often meant getting them into minimum wage jobs, but with inadequate support to gain the skills or education credentials to move up and earn a family-sustaining income. “We kept trying to give them low-level jobs that they fail out of and then keep the cycle going,” says Culliton.

The organization Culliton leads, College Bound Dorchester, launched a program last year with an audacious goal. Combining extensive support and high expectations, it aims to get young men like Matt Jackson through

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**‘When I got out, of course I tried to work, but drugs was the norm. I didn't learn my lesson.’**

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a two-year community college program. The program hires former gang members—it calls them “college readiness advisers”—to provide intensive mentoring and support. And it makes use of research on what works and doesn't work with community college students, who are often the first person in their family to attend college.

Community college students who arrive needing to take non-credit-bearing remedial education courses often never graduate. So College Bound Dorchester provides remedial courses to those who need them at its offices, with lots of support and tutoring, and only lets students enroll at community college when they're ready for credit-earning courses. There is also a wealth of research showing students are much more likely to graduate from community college

After lots of slips, Hakeem Jackson is now a “team leader” on his Roca work crew.



if they attend full-time, rather than mix part-time studies with work. That led to the program's boldest element: requiring that all the students go to community college full-time—and paying them a weekly \$400 stipend while they do.

The organization calls its program “Boston Uncornered.” The name refers to its literal goal of getting young men off the street corners where nothing good takes place, but it's also a nod to the idea that these people often feel cornered by the choices they've made and circumstances they've grown up in.

Jackson is now one of about 40 students in the program; the organization hopes to ramp up and get 250 former gang members through a two-year college program. Jackson, who got his high school GED while in prison, finished his first semester at Bunker Hill Community College over the summer.

“I want to do some type of social work, targeting in my mind Department of Youth Services,” he says. “I could work with kids I could really relate with and they could relate to me and just keep them off a path of picking up a gun or thinking drugs are cool or any of that. Because I'm telling you, man, it's a dead end. And it takes somebody real to really tell you that.”

The ambitious goal for participants reflects the organization's belief that those causing the chaos in violence-plagued neighborhoods need a real ladder of opportunity in order to make lasting change. But it's also about lifting up whole neighborhoods. The organization has dubbed the trouble-prone young men they work with “core influencers.” Though they may be small in number—the orga-

nization says about 400 to 600 hardcore players among the city's 2,600 gang members cause most of the trouble in Boston—they have an outsized influence on the trajectory of entire neighborhoods.

Their turnaround, says Culliton, will have ripple effects that extend to everything from property values to economic development, to say nothing of relieving the psychic toll of fear they inject in neighborhoods. “It's a small group of individuals that nobody ever effectively deals with that hold back whole communities,” he says. “This is, for me, the way to end intergenerational urban poverty.”

The program's success will be evaluated by researchers from MIT and Northeastern University. Of the 40 who have enrolled since Boston Uncornered started in January 2016, 85 percent have not been arrested and 78 percent have remained with the program.

Jackson's fall course schedule includes a statistics class, college writing, and an introduction to human services. A lot of the fieldwork for the human services class is going to involve visiting various programs around Dudley Square, not far from where he grew up. “I'm going to see a lot of people that I know that watched me grow up,” he says. “It's going to feel really cool to be out there and people see me doing something different,” he says of the turn he has taken. “To this day, people that know me, they don't believe it.”

### COOLING DOWN HOTHEADS

For Hakeem Jackson, the Roca program has provided the first glimmer of stability and support in what has been an untethered life of repeated trauma. Gang violence claimed



his father, a member of the city's notorious H Block gang, when Hakeem was three, and an older brother was gunned down in the house where he still lives when he was nine. His mother has a drug problem and he had lots of contact with state social service agencies as a child. "My mom never put us first. She was getting high," he says. "I come in here, I have a peace of mind that I never had my whole life."

Roca's model for the hardcore population it targets is a four-year program that starts with "relentless outreach." The organization looks to pull in gang members even before the young men are necessarily committed to trying to change. And once someone enters the Roca fold, the youth workers pull them back in if they fall off, something Jackson has done repeatedly, once disappearing for four months.

Now he's a "team leader" on his work crew and talks about starting a landscaping business with the skills he's acquired. "It took him forever to finally get on track," says Shannon McAuliffe, the director of Roca's Boston program. For most of those the organization works with, she says, "relapse is required."

Roca has also incorporated extensive use of cognitive behavioral therapy into its work. The approach involves getting participants—nearly all of whom have experienced lots of trauma—to change patterns of behavior that are often driven by distorted thoughts. Cognitive behavioral therapy is based on the idea that thoughts, emotions, and actions are interconnected and that positive behavioral change often requires helping individuals develop healthier, more balanced thinking and emotional regulation. Research with criminal offenders has shown it is one of the most effective approaches to reducing recidivism.

"I really was a hothead. I was a wild boy—knives, guns, shot at people and all that," says Jackson. "Some of them—they really do work," he says of the set of 10 cognitive behavior skills Roca has put at the center of its program. "Like 'flex your thinking'—how to turn a bad situation into a good situation," says Jackson. "Don't let your emotions take control of it."

One of the most daunting obstacles to the work done by Roca and other organizations is that those they engage with are often living in two worlds—the new one they're trying to form and the one they come from, filled with all the influences that have led to so much trouble. "They are still in their environment while you're trying to help them with the tools to move past it, essentially," says Luciana Sousa, the Roca youth worker assigned to Jackson.

"I'm not going to lie—sometimes I do chill with the old crowd," says Jackson, whose girlfriend had a baby six months ago. "But every time I find myself getting pulled back in by my collar, I separate myself for a little while

and come back to work every day. I work my full week. Probably go chill with them for the weekend, don't get me wrong. Drink a bottle, smoke a couple of joints. You feel me? As far as them being like, 'Oh, it's time to go shoot somebody,' I'll be like, oh, no, that's not for me. I'll be like, I got a job, I got a daughter now. I got too much to lose."

Roca's approach, which uses two years of intensive contact followed by two years of gradually reduced follow-up, is now the subject of a massive study being underwritten by an innovative social service funding model. Under the country's largest "pay for success" experiment to date, public safety officials are directing to Roca about 1,000 young men like Hakeem Jackson, who are already connected to the state's criminal justice system. Their recidivism rates and employment status over time will be compared with those of 1,000 control subjects with similar backgrounds. A set of philanthropic and for-profit investors are funding the 8-year, \$28 million project, which started in 2014. The investors will be repaid—and receive added payments—based on the program's success on its two key outcome measures.

In preliminary data, the program has an annual retention rate of about 80 percent, so two-thirds of those initially enrolled are still taking part after two years. More than 90 percent of them have not had a new arrest, and 85 percent of those placed in jobs have held them for at least six months.

"Our hope is we can demonstrate what it takes to do

## **'I have a peace of mind I never had in my whole life,' Hakeem Jackson says of the stability the Roca program has provided.**

it," says Molly Baldwin, Roca's founder and executive director.

Boston Mayor Marty Walsh, who has emphasized that gang and gun violence ultimately can't be curbed by law enforcement alone, says programs such as Roca and College Bound Dorchester are exactly the right long-term approach. For Walsh, the idea of second chances and redemption isn't just something he believes in; he has lived it. Walsh has been very public about his battle with alcoholism and the years in recovery during which he rose from Dorchester labor official to state representative and then mayor of Boston.

He's put his own stamp on the growing set of pro-



**Matt Jackson is in his second semester at Bunker Hill Community College through the Boston Uncornered program at College Bound Dorchester. "People that know me, they don't believe it," he says.**

grams to help gang members make a positive turn with Operation Exit, an initiative Walsh launched soon after taking office that works to pull young Bostonians with gang backgrounds and criminal records into apprenticeships leading to skilled, union jobs in the building trades. There is also a component that trains young people for work in the technology sector.

Operation Exit has graduated four classes of nearly 80 people. "There's no question that people can turn around their lives," says Walsh, emphasizing the middle-class wages that the program can lead to. "I've seen too many success stories. We have to believe that every person can get on that path in life."

### **SUMMER SHOOTING SPREE**

The roster of well-thought-out programs in Boston shows some early promise of offering more than just stopgap approaches to gang and gun violence. But the programs don't intervene directly in the ongoing conflicts on the city streets.

This summer, following a spate of shootings over the long Fourth of July weekend, Walsh convened a group of community leaders and law enforcement officials to consider ways to respond. After the closed-door meeting, which drew several dozen people to the mayor's City Hall office, the participants emerged for a press briefing.

William Evans, the city's police commissioner, said saturating known "hot spot" areas with added officers had

failed to prevent a bloody weekend. "We had a lot of extra officers out there. Obviously that didn't do the trick," he said. Walsh spoke of a range of ideas aired in the meeting, including assigning a police car to city community centers at night to ensure safety there and other efforts targeting younger teenagers.

The fresh worries about violence raised the question of whether police were doing all they could to head off gang violence before it occurs. "My biggest concern is we seem to show up after the shootings," Mattapan state Rep. Russell Holmes told the *Boston Herald* at the time. "We do peace walks after it happens. We really need to be addressing the tip of spear, addressing gang members in advance."

In the 1990s, when the city was reeling from the crack-fueled gang battles and Boston regularly recorded more than 100 homicides annually, police and criminal justice researchers devised a novel approach to suppressing gun violence. Operation Ceasefire involved a targeted message and carrots and sticks directed at those driving the gun violence. Gang members were brought in for "call in" sessions with police, prosecutors, clergy, and various social service providers. They were told that police had them squarely in their sights and would use every tool and pursue every possible charge against gang members if anyone in their crew was caught using a gun. Clergy and service providers offered the carrots, vowing help with school or jobs for those ready to give up gang-banging.

Operation Ceasefire was credited with helping to



**"I know there's kids who want out," Matt Jackson says of gang life. "There's hundreds of me out there."**

drive a steep decline in homicides after its introduction in 1996. In its first year alone, the city saw a 40 percent decrease in homicides, from 96 in 1995 to 59 in 1996. By 1999, homicides in Boston bottomed out at just 31.

Ceasefire went on to gain national acclaim and has been used in a number of cities. In a review last year of research evidence on reducing urban violence, Christopher Winship and Thomas Abt of the Harvard Kennedy School concluded that "focused deterrence"—the law enforcement approach used by Operation Ceasefire—"has the largest direct impact on crime and violence, by far, of any intervention in this report."

Rev. Ray Hammond, chairman of the clergy-led Ten Point Coalition that formed in the 1990s to help address gang violence, was at the July summit at City Hall. He said Ceasefire, which the city has shown an on-and-off attachment to, came up in the meeting, with a particular focus on how it might be updated for the social media age, where gang beefs sometimes now play out first on Snapchat and groups are less geographically rooted than in the past.

"I think people have moved more to the carrot side, so you have things like Operation Exit—really focused on getting kids out of gang life, into unions, into jobs," Hammond said following the meeting. "We also could do more on the soft-stick side," he said, referring to the Ceasefire message about the swift and certain law enforcement consequences of gun violence.

Dan Mulhern, a former prosecutor who led the gang unit in the Suffolk County district attorney's office, now

directs the mayor's Office of Public Safety. Mulhern took part in Ceasefire "call ins" as a prosecutor and says he always felt the lack of well-developed paths out of gang life was a downside of the effort.

Not only are things like Operation Exit now in place, Mulhern says the program really represents "the evolution of Operation Ceasefire." Twice a year, he says, the city convenes "call in" meetings in which those who have been involved in gang activity are told about the opportunity to get into a union apprenticeship. With police quietly standing in the back of the sessions, he says, the alternative for those not interested in a more positive path is clear.

"We didn't get away from that," Evans says of the Ceasefire message. "Maybe the tactic isn't calling them into a room, but that dialogue's going on every day on the street between our gang officers and kids."

Evans, who has made outreach to the heavily-minority neighborhoods most impacted by gun violence a top priority, says he's reluctant to employ Ceasefire's tactic of an explicitly delivered threat in formal sessions. "We don't want to ruin the trust and respect we have with the kids," he says. "I don't think we have to be going to drastic means to terrorize kids in these neighborhoods."

Police command staff convene a weekly meeting to review current intelligence on gang activity, and Mulhern's public safety office holds a monthly session with representatives of roughly 30 nonprofit agencies and public safety offices to review recent trends.

"We've had an uptick in shootings, but we'll get a hold on that," says Evans. "It's not like the city's out of control."



Gerard Bailey, the deputy superintendent who oversees the police department's 70-member gang unit, says this summer's spate of shootings prompted some worry, but he also thinks it's important not to view everything through the lens of dry statistics. "We're always concerned. There's victims' families that are affected by this and the people that are committing these crimes—their families are affected by this," says Bailey. He echoes Evans' view that violence in the city isn't on a sudden upward spike. But when it comes to the toll of gun violence, Bailey says, "zero's the goal and one is too many."

### A QUESTION OF STAYING POWER

After 20 years on the streets, Matt Jackson says he's lost track of the number of people he knows whose lives have been lost to gang gunfire. "Too many to count," he says, lamenting the fact that funeral directors in the city's black community know the various gangs because they are so often handling burial arrangements for their members. Even more dispiriting, says Jackson, is the fact that lots of those caught up in the violence don't want to be.

"A lot of these kids don't want to do this stuff," he says. "It's all about leadership and who younger guys have to look up to as role models. We're basically destroying our communities out here."

Despite the brutal toll taken by gang and youth violence in urban areas, the commitment to comprehensive efforts to deal with it isn't always clear. In 2012, the state launched a program directed at those young people most likely to

on the program in Boston and Springfield yielded about \$7 in crime-related savings in police, court system, and other costs.

In the 2018 budget passed this summer, however, the Legislature cut the program by 35 percent, reducing its funding to \$4.25 million.

Gov. Charlie Baker, who has been a strong supporter of SSYI, filed a supplemental budget proposal in August that would restore its budget and even increase it slightly over the 2017 appropriation with an additional \$3 million. The cut by the Legislature "was disappointing," says Marylou Sudders, Baker's secretary of health and human services, who oversees the program. But she chalked it up to the tough budget climate and said she did not view it as a "philosophical questioning of the importance of the program" by lawmakers. Sudders says the administration is hopeful that legislators will restore the funding. In the meantime, she says, she is holding off on executing cuts to the programs that rely on the funding.

Culliton, the College Bound Dorchester director, says when people question the idea of paying gang members to go to college, "The first thing I say is, we're already paying more than we'll ever pay" through our program. Culliton says that between the cycling in out of prison—at a cost of more than \$50,000 per year—and demands on public safety, courts, and the probation and parole systems, research shows that the young men his organization is targeting cost the state about \$100,000 a year. "And the outcome of that is that they're a gang-involved youth the next year and the next year and the next year," he says.

"We're spending money on these kids," says Culliton. "The question is how do we want to spend it?" He says College Bound Dorchester had identified 65 "currently active guys" in Boston gangs who it could have brought into the Boston Uncornered program this summer, but only had funding to add 10 new students.

"These guys are ready to choose a different way and start giving to the Commonwealth instead of taking," he says. "Even if you don't care about them," he says of those who have often been the cause of considerable mayhem, "if you

care about the grandmother or the kid growing up in their neighborhood, we have to deal with this population. Whether you believe they are deserving or not, if you care about the other people that they are impacting in the community, you have to do something to engage them."

"I'm not going to say everyone is going to stop what they're doing and just run to the program," Matt Jackson says about College Bound Dorchester. "But I know there's kids who want out," he says of the dead-end life of the streets. "Trust me. I'm here, but there's hundreds of me out there." **CW**

## Even if you don't care about these guys, if you care about those in their neighborhood, you have to engage them.

be involved as perpetrators or victims of gun violence. The Safe and Successful Youth Initiative (SSYI) funds outreach programs in 12 Massachusetts cities targeting "proven risk" young residents, aged 17 to 24. College Bound Dorchester and Roca programs in Chelsea and Springfield are among the recipients of SSYI funding.

An early evaluation by outside researchers in 2014 showed that those engaged in an SSYI-funded program were 58 percent less likely to face incarceration than those with similar backgrounds who were not reached by one of the programs. The analysis also said each \$1 spent



Each of these elected officials won primaries with far less than majority support and then cruised in the general election and incumbency. Going top down and then left to right, Rep. Daniel Donahue, Sen. Joseph Boncore, Sen. Sal DiDomenico, Rep. Jeffrey Sanchez, Rep. Michael Moran, Rep. Rady Mom, Sen. Patrick Jehlen, Rep. Robert Koczera, Sen. William Brownsberger, Sen. Michael Barrett, Rep. David Nangle, Rep. Theodore Speliotis, and Rep. Thomas Golden.

# Democracy isn't working in Massachusetts

Crowded winner-take-all primaries, the power of incumbency, and special elections subvert will of the voters.

BY PAUL SCHIMEK

**ON SEPTEMBER 15,** 1998, David Nangle, then a State House aide, was effectively elected to the Massachusetts Legislature even though 76 percent of the voters in the district where he ran chose someone else that day. Nangle won the Democratic primary for an open Lowell-based seat in the House of Representatives by garnering just 24 percent of the vote in a field of six candidates. Two months later, Nangle easily defeated his Republican opponent in the November general election to become the state

representative for the district—seemingly for life, if he so chooses.

Nangle is hardly alone in claiming a seat in the Legislature with something less than a clear mandate from voters. Last fall, William Driscoll won a seven-way Democratic primary for an open House seat representing Milton and part of Randolph with only 21 percent of the vote. He was unopposed in the general election. And last April, Joseph Boncore won a special election Democratic primary for a state Senate seat by capturing 26 per-





Rep. David Nangle won the Democratic primary for his Lowell seat in 1998 with 24 percent of the vote. He defeated his Republican opponent in the general election with 61 percent of the vote and has not faced a serious challenger since.

cent of the vote in a seven-person field. The victory sealed his election to the Senate, as he faced no opposition the following month in the general election for the seat representing his hometown of Winthrop along with Revere and parts of Boston and Cambridge.

These elections all failed a basic test of democracy: respecting the will of the majority. But that shortcoming is only the last in what is often a series of cascading steps that contribute to an election system that has atrophied badly and is not serving our democracy well.

The Lowell-based district that Nangle represents, like most Massachusetts legislative districts, rarely sees primary challengers to an incumbent officeholder and is not competitive in general elections. By 1998, the year Nangle won the seat, it had been held by Democrats for 24 years in a row. In the nearly 20 years since then, Nangle has sought reelection nine times, but has faced no significant opponent. He has been unopposed in every primary but one, when he faced a token challenger, and he had a Republican opponent in just three of nine general elections, with none of them winning more than 23 percent of the vote.

Incumbency carries such outsized advantages that sitting legislators are almost never defeated. Indeed, as Nangle's election history underscores, they often don't face opposition at all, or only nominal challengers.

The only real opportunity for voters to weigh in on who represents them on Beacon Hill often comes with elections for open seats with no incumbent running. Because most districts in Massachusetts have a clear partisan tilt (the overwhelming share of them toward Democrats), most races for open seats are effectively decided in party primaries, which draw a lower turnout of voters. As in the three examples above, candidates often win with far less than majority support as votes are split among a crowded field.

What's more, a sizeable number of open-seat legislative races over the last two decades have been decided in special elections prompted by the mid-term resignation of a lawmaker. These contests tend to draw fewer voters

than regularly scheduled elections and their timing tends to favor political insiders who can quickly assemble a campaign operation for the short sprint to a special election date set by legislative leaders. That further distorts an already compromised electoral structure.

It all adds up to a dispiriting reality: We have a system for electing members of the Massachusetts Legislature that has strayed far from democratic principles.

Not surprisingly, the problem isn't something on the radar screens of incumbent lawmakers on Beacon Hill. But some activists are starting to push for change (see p. 36, "Pushing ranked choice with beer (and pie)"). No reforms will necessarily convince more candidates to run for office or compel more voters to go to the polls, but some of the proposals being floated hold the promise of encouraging more political competition and strengthening the principle of majority rule. Isn't that what elections are supposed to be about?

### INCUMBENT PROTECTION

David Nangle's electoral success in the years since he won his House seat is typical for Massachusetts legislators. Once in office, there is little likelihood a challenger will push them out. When incumbent state representatives run for reelection, they win 96 percent of the time. Incumbent state senators have an even better track record, with a 99 percent reelection rate.

Massachusetts needs more candidates in order to have elections that are worthy of the name. Yet when an incumbent is running, there is only one name on the ballot in 62 percent of general elections and 91 percent of primaries. Massachusetts ranked dead last in Ballotpedia's measure of 2016 state election competitiveness based on percentage of open seats, incumbents facing primary opposition, and general elections with major party competition.

The state's lack of political competition was the focus of a 2009 feature in *CommonWealth*, which attributed

**TABLE 1: MASSACHUSETTS SENATE ELECTIONS, 1998-2016, SELECTED STATISTICS ON COMPETITIVENESS**

	Total Elections	Unopposed			Non-competitive*			Incumbent Win	Switched Party
		General	Primary	Both	General	Primary	Both		
Open Seat	56	11%	22%	2%	54%	37%	20%	0%	13%
Incumbent Running	362	62%	91%	57%	91%	98%	90%	99%	1%
Total	418	56%	82%	50%	87%	90%	81%	86%	2%

\*Non-competitive means that the margin of victory was 20 percentage points or more.

**TABLE 2: MASSACHUSETTS HOUSE ELECTIONS, 1998-2016, SELECTED STATISTICS ON COMPETITIVENESS**

	Total Elections	Unopposed			Non-competitive*			Incumbent Win	Switched Party
		General	Primary	Both	General	Primary	Both		
Open Seat	199	17%	24%	4%	52%	43%	19%	0%	17%
Incumbent Running	1453	65%	88%	57%	90%	95%	86%	96%	2%
Total	1652	59%	80%	51%	85%	89%	78%	85%	3%

\*Non-competitive means that the margin of victory was 20 percentage points or more.

**TABLE 3: SHARE OF ELECTIONS WHERE THE WINNER HAD A PLURALITY BUT NOT A MAJORITY, 1998-2016**

	Massachusetts Senate Plurality Winner			Massachusetts House Plurality Winner		
	Primary	General	Either	Primary	General	Either
Open Seat	37%	2%	37%	37%	6%	41%
Incumbent	0%	0%	0%	1%	1%	1%
All	5%	0%	5%	5%	1%	6%

the dominance of incumbents on Beacon Hill to the entrenched power structure there, the view of legislating as a profession (something strengthened earlier this year with a much higher pay structure), and the general acceptance by voters of a Legislature where turnover is rare. One line in the article stands out: “Without elections, we’re not a democracy. But without candidates, we’re not much of a democracy either.”

To appear on the ballot in Massachusetts, candidates must collect 150 signatures for state representative and 300 for state senator. Although this may seem to be a small barrier, tight deadlines and hyper-technical rules sometimes keep legitimate candidates off the ballot. In 2016, 96 percent of legislative races in Minnesota and 100 percent in Michigan included both Republican and Democratic candidates. In those states, major party candidates are allowed to pay a \$100 filing fee in lieu of collecting signatures.

In the relatively rare cases in Massachusetts where there is a choice between an incumbent and a challenger,

usually it is only token opposition. In 86 percent of House races and 90 percent of Senate elections with incumbents between 1998 and 2016, the election was non-competitive, with the winning margin of victory greater than 20 percentage points. When there is an open seat, by contrast, only 20 percent of elections are non-competitive and only a handful have only one candidate.

Despite the long odds, about 50 challengers managed to defeat incumbent state representatives over the course of 1,453 elections since 1998, or about 4 percent of the time. Only two incumbent state senators were defeated in 362 attempts.

### **ELECTORAL FREE-FOR-ALL**

Potential challengers know that the most realistic chance of being elected to the Massachusetts Legislature is to wait for an open seat—when an incumbent takes another job, retires, or dies. But open seats are a rarity: Only one

bent-free. Thus, the typical voter gets a realistic chance to pick his or her legislator only once every 16 years.

When legislative seats do open up, the elections to fill them often defy the principle of majority-rule. The winner fails to win majority support in 40 percent of open-seat contests, most often in the primary but sometimes in the general election. (See Table 3.)

Of course, most winners of legislative races do claim a majority of the votes, but that's only because any competition at all is so rare. In general elections, even when there is an open seat, there is almost always a majority winner because typically there are only two candidates on the ballot. Not only are the Democratic and Republican parties usually the only game in town, in most districts one of the two parties is dominant, so *all* of the meaningful competition occurs within the party primary.

Although primaries are often the more important election for legislative races, primary turnout is much lower than general election turnout, and it has been declining. In recent presidential elections, 60 to 70 percent of those eligible to vote in Massachusetts cast ballots. However, state legislative primary election turnout is low even in presidential years, because the presidential primary is not held at the same time as the state primary. In November 2016, general election turnout was the highest in decades, but fewer than 8 percent of eligible voters turned out two months earlier for the September primary, the lowest yet recorded.

General election turnout in recent gubernatorial elections has rarely exceeded half of those eligible. As in presidential years, primary turnout is far lower, and hit a new low of 15 percent in 2014. Even in 1982 and 1990, when there were close races in both the Democratic and Republican primaries for governor, primary turnout was still barely more than one third of those eligible, lower than any general election.

### ISN'T THAT SPECIAL

In 2010, Christopher Speranzo, the state representative for the Third Berkshire District, decided to run for reelection despite the knowledge that he was likely to be offered a better-paying, lifetime appointment as a court clerk magistrate. After newspaper coverage of the Pittsfield politician's less-than-full commitment to serving out a new term, Speranzo's only opponent on the November ballot, a Green-Rainbow Party challenger, drew 45 percent of the vote in the general election. Speranzo won with 55 percent of the vote, but resigned his seat half a year into the new term after being tapped by then-Gov. Deval Patrick for the court post, triggering a special election in the fall of 2011 to fill the seat. (Speranzo himself had first been elected to the Legislature in a special election in 2005 when the previous incumbent also resigned for a better job.)

**TABLE 4: AVERAGE TOTAL VOTES IN OPEN SEAT ELECTIONS, MASSACHUSETTS HOUSE OF REPRESENTATIVES, 1996-2016**

	Primary	General
Special	3,451	4,397
Regular	4,332	16,307
% difference	-20%	-73%

In the 2011 special election to succeed Speranzo, Tricia Farley-Bouvier won the Democratic primary with 37 percent of the vote in a three-way race. She then defeated three opponents (Republican, Green-Rainbow, and United Independent) to win the general election—but with only 33 percent of the vote. Despite having been nominated by a minority of Democratic voters in a low turnout special election primary and then elected by a minority of voters in a low-turnout general election, Farley-Bouvier faced no primary or general election opponents in her first two reelection races.

Fifty of the 199 open-seat elections for state representative over the past two decades, or 25 percent, and 18 of the 56 open-seat elections for state senator, or 32 percent, occurred in special elections—held other than at the usual dates of September and November of even-numbered years. Special elections often draw less media coverage, and many voters are not even aware that an election is occurring. On average, special elections have 20 percent fewer primary voters and 73 percent fewer general election voters than other open seat contests, as shown in Table 4.

Special elections are called by the leaders of the House or Senate when a vacancy occurs sufficiently in advance of the next regular election. A compressed calendar to collect signatures, raise funds, and run a campaign favors candidates closely tied to the political establishment. A total of 70 House and Senate special elections were called between 1997 and 2016, spread out over 49 different dates. In 1999 alone, there were nine special election dates, all but one of which involved only a single electoral district. The extremely low turnout in special elections, and primary elections generally, further facilitates this insider game.

### RESTORING DEMOCRACY

Since they appear to value democracy highly, why aren't more Massachusetts citizens speaking out about its failures in their own backyard? Voters may not be aware of the pervasiveness of the lack of competition and incumbent advantage, thinking that the lack of competition may be peculiar to their own district, rather than a general feature of the system. They also may not be aware that there are solutions.

Sen. Joseph Boncore won a special election Democratic primary in April 2016 with 26 percent of the vote. He faced no Republican opponent in the general election.



In an election that only requires that the winner receive the most votes (a plurality), not necessarily a majority of votes, the number and mix of candidates can significantly affect the outcome. For example, if there are two or more candidates who appeal to the same group of voters, splitting their vote, the preferences of this group may be effectively ignored, even if it constitutes a majority of those voting. In plurality-rule elections, voters are often afraid to express their true choice lest it mean that their least favorite candidate gets elected. This dynamic—the spoiler problem—has certainly held back support

for third-party and independent candidates in general elections and it can hurt primary candidates who aren't considered to be in the top tier of contenders

In recent years, four states have sought to address the plurality-rule problem by abandoning party primaries in favor of a two-round system of elections. In these states, all candidates are listed together on the same ballot in the first round (rather than having separate party ballots). In California, Nebraska, and Washington, the top two finishers in the first round, which is held months earlier, advance to the November general election. In Louisiana,

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all candidates appear on the November ballot, and anyone who wins an outright majority is elected; if no candidate has a majority, the top two compete in a December run-off. Although two-round systems reduce the spoiler effect, there is often a huge turnout difference between the two rounds. The 2016 gap in percentage points was 28 in California, 38 in Louisiana, and 44 in both Washington and Nebraska. California's was less because it holds its state and presidential primaries on the same day. Still, this is a major difference in the size of the electorate.

When there are many candidates in a race, however, a two-round run-off system does not entirely address the problem of plurality-rule or spoiler candidates, and limiting the final choice to the top two finishers can distort the preferences of the overall electorate. A two-round system has been used in nonpartisan Massachusetts municipal elections for decades. In the 2013 open race for mayor in Boston, which drew 12 candidates, 65 percent of vot-

ers in the September preliminary did not choose either Marty Walsh or John Connolly, the top two finishers who advanced to the final election.

An alternative to run-off systems is ranked-choice voting, which was first proposed by MIT Professor William Robert Ware in 1870 and has been used in Ireland and Australia for decades. Ranked-choice voting eliminates the spoiler problem, but without the problems of a two-round system seen in the 2013 Boston mayor's race.

As in the four states that have adopted two-round systems, party primaries are not needed under ranked-choice voting. All candidates appear on a single ballot, and instead of being limited to a single choice as they are today, voters can select multiple backups in case their first choice does not receive enough support.

Voters rank candidates from first to last. If there are four candidates, for example, voters rank the candidates 1-4 in order of their preference for them. The ballots are

## Pushing ranked choice with beer (and pie)

► ADAM FRIEDMAN AND GREG DENNIS

**AMERICANS ARE ALL** too familiar with the divisive saga of the 2016 presidential contest, but few are aware of the quiet revolution that blossomed in Maine and is now taking flight in Massachusetts. On November 8 last year, Maine voters enacted Question 5, making Maine the first state in US history to upgrade its voting system to ranked-choice voting. The new system will be used in Maine beginning in 2018 for all federal and state elections, including party primaries. The system has been in use for years in cities such as San Francisco, Oakland, and Minneapolis.

Massachusetts should be next. Our state is among the most innovative in the nation, but our voting system hasn't seen an upgrade in decades. We founded Voter Choice Massachusetts to change this. Over the past eight months, we've been crisscrossing the state to educate the public on the benefits of ranked-choice voting and how it can improve our lives. We're signing up supporters at community festivals, political conventions, protests, and even the St. Patrick's Day parade in South Boston. We're speaking to advocacy organizations, unions,

businesses, and election officials. And we're training public speakers, publishing research reports, and adding content to our website and social media pages.

Our hard work has paid off. What started as an informal list of 200 supporters of ranked-choice voting one year ago has grown to 7,000 members and 1,500 volunteers organized into seven regional chapters around the state. We've raised more than \$40,000 from over 250 individual donors. Bills to advance ranked-choice voting have garnered more than 30 co-sponsors in the State House. In June, the Massachusetts Democratic Party voted to add ranked-choice voting to the party platform and the approach has been endorsed by many prominent Massachusetts organizations, such as the League of Women Voters, Boston NAACP, Our Revolution, Common Cause, and MassVOTE.

Our biggest challenge ahead is education, so we've found a fun way to introduce people to ranked-choice voting: beer elections. Friends and neighbors gather in a local bar or brewery to sample a few beers on tap, listen to our presenta-

tion, and rank their preferences on their ranked-choice voting beer ballot. We then tally the results. It's fun and it's educational. Last September we even hosted a "pie election" event, where the salted chocolate pie narrowly beat out blackberry ginger in the final round. These events have attracted a broad audience, and we're looking forward to a proliferation of similar elections in the coming months.

In the aftermath of a divisive and chaotic presidential election, voters across the political spectrum are coming together to fight for a better way forward. Ranked-choice voting paves the way for a democracy that works, one in which every vote counts. It will enliven our elections with more voices and choices and spur more positive, issue-focused campaigns, all while ensuring the winning candidate earns a majority of support. We invite those who share our vision of better voting to sign up, volunteer, and donate at [voterchoicema.org](http://voterchoicema.org).

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*Adam Friedman is executive director and Greg Dennis is policy director of Voter Choice Massachusetts.*

1-4 in order of their preference for them. The ballots are counted by computer as a series of run-off elections. At each stage, a majority is required to declare a winner. If a majority threshold is not reached, the lowest-ranked candidates are removed, one at a time, and their ballots are redistributed to that voter's next-place choice. That process continues until a winner emerges with the support of more than half the voters. Had this system been in place for the 2013 Boston election, a candidate who did not finish in the top two among first preferences might have emerged as the winner after the rounds of candidate eliminations and vote transfers.

With ranked-choice voting there is also no need for a low-turnout first round; all the balloting takes place in a single election. Voter participation would likely jump from the 10 to 15 percent seen in today's primaries to the 50 to 65 percent range typical of recent general elections. Having one election instead of two also means that the cost of running elections would drop significantly.

Voter participation could be further improved by finding alternatives to special elections. Currently, half the states do not use special elections to fill legislative vacancies. In these states, typically the political party that last held the seat either selects a candidate or provides a list of

possible candidates to the governor or other public officials charged with appointing someone to fill a vacancy.

Another option is simply to hold some empty seats vacant longer. Since 1997, almost 39 percent of special elections for the Legislature have been held in even-numbered general election years, one as late as June. Instead, the election could be delayed to the regular November election, particularly since the Legislature does not hold regular sessions after July of an election year.

Massachusetts has a venerable tradition of democracy and self-government, and we proudly claim the world's oldest functioning Constitution. But today the state's voters frequently face Soviet-style, single-candidate elections. When they do have a choice, it is often a decision settled in a primary or special election by a small fraction of the eligible voters. Against that backdrop, adopting rank-choice voting, easing access to the ballot, and rethinking special elections may not be radical disruptions as much as necessary first steps to renew the participatory, democratic spirit the Commonwealth was founded with. **CW**

*Paul Schimek is a data scientist and researcher living in Boston with a longstanding interest in voting and democracy. He is a member of Voter Choice for Massachusetts.*



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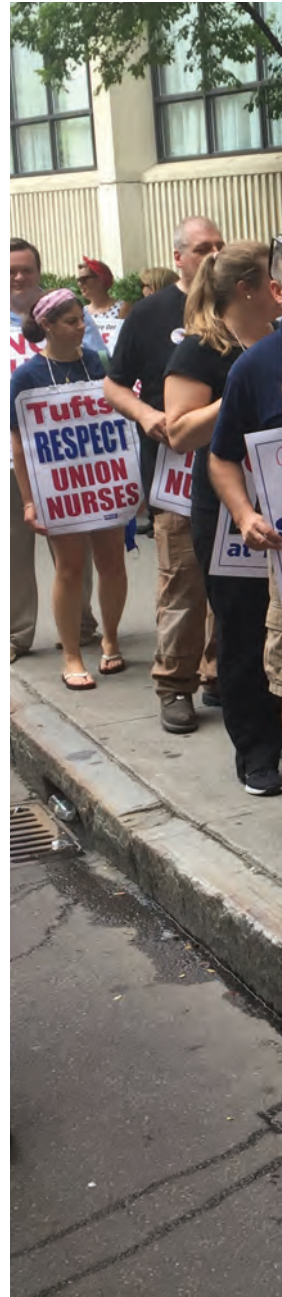
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# Nurses, hospitals tangle over staffing levels

Union skirmishes foreshadow  
a ballot campaign over who gets  
to the make the call

BY LINDA ENERSON

**MARK BRODEUR**, a nurse at Berkshire Medical Center in Pittsfield, says his unit, which serves patients recovering from anesthesia post-surgery, is usually staffed pretty well. But not long ago he says he found himself struggling to care simultaneously for three patients all requiring critical care.







Nurses picket outside Tufts Medical Center in July.

“I had one incoming patient, so I’m hearing the report on that one at the same time I’m holding another patient’s airway open, at the same time my third patient is having an allergic reaction to the anesthesia and throwing up all over the floor,” Brodeur says. It was a nightmarish situation, he says, because he

couldn’t attend to the vomiting patient without leaving the patient whose airway he was keeping open. “Nobody can be in more than one place at one time,” he says.

While every workplace has its pinch points, Brodeur says that nurses have a unique and critical role in the high-stakes hospital environ-



ment. When nurses are not available to monitor vital signs of a critically ill patient who takes a turn for the worse, or provide care instructions to those being discharged, or assist frail patients getting in and out of bed, their absence puts the recovery, safety, and welfare of those patients at risk.

Amber VanBraden, one of Brodeur's colleagues at Berkshire, says nurses have a duty to take care of and protect their patients. "We need the resources to do that to the best of our abilities," she says. "We're not flipping hamburgers here."

Brodeur and VanBraden are among hundreds of unionized nurses who are pushing for increased staffing levels in their contracts with hospital administrators at Berkshire, Baystate Franklin Medical Center in Greenfield, Baystate Noble Hospital in Westfield, and Tufts Medical Center in Boston. Some of the nurses have called one-day strikes, which were followed by management lockouts that hospital officials say were necessary to accommodate the contract terms of replacement nurses.

All of the nurses at these facilities are members of the Massachusetts Nurses Association, the largest nurses union in the state and an organization that has been pushing for higher staffing levels for more than 15 years. The union nearly took the issue to the ballot in 2014, but backed off when it agreed to a last-minute legislative compromise that established minimum staffing levels in intensive care units. Now it's gearing up for another ballot fight next year that would extend minimum nursing staffing levels to all units of every hospital in Massachusetts.

Hospital officials say nurses are not walking picket lines and preparing for an expensive ballot question fight to protect their patients; instead, they are looking out for their own self-interest. The hospital officials say claims of unsafe staffing are inaccurate, unfair, and misleading and that the reports are invented as a way to engage the public and legislators in what has become an ongoing labor dispute over money. While the staffing issue is currently part of MNA contract negotiations, that would all change if voters approve the question being readied for the 2018 ballot.

The ballot initiative in several key ways takes staffing authority away from hospital administrators and gives

it to nurses. The question would establish limits on how many patients a nurse can take on in every unit of the hospital. In many of the units, that number would vary depending on the status of the patient. For example, the number of patient assignments in the emergency department would vary from one to five per nurse, depending upon the patient's status (critical, non-stable, non-urgent, and stable). The law gives nurses power in assessing where patients fall along this continuum.

More than anything else, this shift in management control envisioned by the nurses and their ballot question is what drives passions on both sides of the debate. David Schildmeier, a spokesman for the Massachusetts Nurses Association, says administrators at many hospitals across the state shave their operating costs by staffing at a "bare bones" level.



**"We are the ones who have to look patients in the eyes when we can't be there to help them," says Mary Havlicek, an operating room nurse at Tufts Health Center.**

"This is why we need a law to hold hospital administrators accountable," he says. "Otherwise they are going to cut costs by trimming the patient care budget in ways that an ever-growing body of evidence shows will hurt patients."

Michael Wagner, the CEO of Tufts Medical Center, scoffs at any suggestion that his hospital is skimping on patient care. "We have spent a lot of time developing an evidence-based practice in patient care," he says. "Nurses are in the middle of all that, but to say that quality of care is dependent on the number of nurses is so monochromatic, so incorrect. Patient care quality has nothing to do with the number of nurses. To connect the two is moronic."

## TWO VIEWS AT TUFTS

In mid-July, Wagner looked out his office window onto a scene that was arguably a hospital administrator's worst nightmare—at least one of them. Hundreds of Tufts nurses walked in a picket line outside the front entrance of the hospital wearing sandwich boards and talking to reporters, patients, and anyone who would listen about why the facility was unsafe for patients.

Wagner says the claim that more nurses would equal better patient care is a false argument. He says the ballot initiative to mandate minimum staffing levels is based on nonscientific thinking, would cost hundreds of millions of dollars, and accomplish little beyond swelling the ranks of the MNA. "It's a lot easier for them to talk about patient safety out there than it is for them to say that they want higher salaries and more benefits," Wagner says.

Terry Hudson-Jinks, the chief nursing officer at Tufts, says that if the ballot initiative becomes law the quality of

They say flexible staffing works well by allowing them to adjust in nearly real-time to subtle changes in patient numbers and needs.

Mary Havlicek, an operating room nurse at Tufts who was walking the picket line that day in July, says the stress of too many short-staffed shifts has lowered morale at Tufts. While the hospital says it hired more than 150 nurses in recent years to account for attrition and higher patient needs, Havlicek says nurses are leaving faster than new ones are coming on board. "Many of the younger nurses get trained here, then they leave for better paying jobs across town," she says.

When a nurse calls in sick or goes out on leave, Havlicek says, managers send out "blast texts" to nursing staff looking for help filling the gaps. But Havlicek says many of these efforts are in vain, as the per diem nurses who ordinarily would be the ones to fill gaps are already working in the hospital when the texts go out.

"It makes me want to burst into tears when I think of what is going on. We are the ones who have to look the patients in the eyes when we can't be there to help them," she says.

Schildmeier, the MNA spokesman, says nurses and doctors are also the ones on the hook legally if something goes wrong.

"We are not asking for that much," says Havlicek, her voice cracking with emotion. "Imagine if you're an ICU nurse and you're getting all these texts from your manager as you're driving in, saying, 'We need help. Can anyone cover ICU?' It's terrifying. You're thinking what situation am I going to be walking into."

To illustrate what sort of situations might occur, Havlicek recounted an incident in what she described as an understaffed Tufts intensive care unit, which is already regulated by a state law requiring set nurse-patient staffing ratios. More patients were hooked up to a high-tech filtration machine than could be monitored by the available staff, she says, so one of the nurses was asked by her supervisor to call the doctor to ask if one of the patients could take be temporarily withdrawn from the machine.

"That question should never have been asked," Havlicek says.

On that point, Wagner, the Tufts CEO, is in full agreement. "That didn't happen in this institution," he says incredulously. "We don't withdraw patients from the resources they need because we don't have staff to monitor them."

If the incident did in fact take place, he says, the nurse involved should have reported the incident through the process that all staff are trained to follow if patient safety is threatened. "That she was talking to a reporter instead is disgraceful. That nurse takes an oath," he says.

## Michael Wagner of Tufts Medical Center says the ballot question is based on nonscientific thinking.

care in the hospital would actually suffer. She says the law establishes a rigid staffing model with a fixed number of patients per nurse, an approach that does not take into account all the different variables that occur in the everyday operation of a hospital. The acuity and number of patient needs is constantly changing, and to meet those needs a staffing model needs to be flexible, not fixed, she says.

The administration at Baystate's two hospitals and Berkshire Medical Center share the same philosophy.





To meet patient needs, a flexible staffing model is needed, says Terry Hudson-Jinks, chief nursing officer at Tufts Medical Center.

### BACK AND FORTH ON STAFFING

Nurses and hospital administrators argue endlessly over staffing issues, with neither side willing to concede any ground. This dug-in mentality surfaced at Tufts and BayState, but nowhere was it more evident than at Berkshire Medical Center.

Nurses at the Pittsfield facility recently compiled a spreadsheet documenting over 400 instances of unfilled shifts and other staffing concerns. Brodeur, whose unit deals with patients emerging from anesthesia, says the problem has gotten worse since the closing of North Adams Hospital.

Diane Kelly, the chief operating officer at Berkshire, says she doubts the veracity of the situation outlined on the spread sheet. “That data was collected for political purposes,” she says. “If these were real concerns, they would be reported through the quality tracking system.” She says none of the concerns were reported through the system, even though all employees are trained and tested on the system to ensure that unsafe situations are identified and addressed.

In interviews, six nurses at Berkshire Medical Center say new hires receive training on the quality tracking process, but insist there is no mandatory annual train-

ing or testing. The nurses say they have been bringing unsafe staffing concerns up in monthly labor/management meetings for years and filing reports with managers with a copy to the union. But the nurses say administrators have not once suggested these concerns be reported through the quality tracking system. Indeed, one nurse, Jody Stefanik, says she asked administrators during one of the meetings whether she should use the quality track-

## Nurses and hospital administrators argue endlessly over staffing with neither side willing to give ground.

ing system to report staffing concerns and was told no.

Michael Leary, a spokesman for Berkshire Medical, says use of the quality tracking system is mandatory. “Any employee who sees, experiences, or feels there is a risk for a



quality incident must report that incident using the form,” he says in an email. “Also, the hospital requires ALL employees to complete mandatory education, which includes the Quality Tracking system. I myself took my mandatory education test last week, and there were multiple questions in regard to the use of the Quality Tracking Form and how and why it is used. If an employee does not pass that mandatory test yearly, they cannot report to work.”

Schildmeier, the spokesman for the Massachusetts Nurses Association, accuses Berkshire Medical Center of “blatantly lying about the nature of the process that is used by nurses to report unsafe situations. BMC management’s response is a cynical ploy to divert attention from the fact that nurses, on hundreds of occasions, have been reporting dangerous situations that jeopardize the safety of their patients, and in the face of those reports, management has refused to address nurses’ concerns.”

The back and forth between Berkshire Medical Center and its nurses is not only confusing but troubling. If the managers are right, the nurses are concocting hundreds of incidents to solicit the sympathies of the public as they buck their managers for a raise. If the nurses are right, the hospital administrators are denying that units are short-staffed in a way that may impact the safety or even the survival of their patients. Neither scenario is particularly comforting.

### LESSONS FROM CALIFORNIA

California in 2003 became the first and only state in the nation to pass a minimum nurse staffing law, which created nearly ideal circumstances to study whether increasing the number of nurses improved patient outcomes or was a waste of hospital resources. Suddenly, one and only one variable had changed in only one state. Once the law was fully implemented, nursing researchers interested in staffing issues found an experimental group (California hospitals), an ample supply of control groups (non-rural states with similar demographics and mix of hospitals), and baseline data for all these groups.

Initially, the research was not conclusive or showed little or no improvement in California. But over time a growing number of peer-reviewed studies have shown a variety of positive outcomes linked to lower patient assignments per nurse. The research suggests Tufts CEO Wagner was wrong when he said “patient care quality has nothing to do with the number of nurses.” A large number of the studies, however, have also suggested that nurse staffing levels alone are not enough to make a difference.

A 2011 study in *Medical Care* indicated that lowering patient-nurse ratios in hospitals where the nurse work environment is positive had a sizeable effect on patient mortality. But where the work environment was poor, increased nurse

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Judith Shindul-Rothschild of Boston College is a lightning rod in the debate over minimum staffing levels.

staffing levels had no impact.

A 2013 study in *BMJ Quality Safety* compared hospitals in California, New Jersey, Pennsylvania, and Florida, and found that each additional pediatric patient per nurse was associated with an 11 percent increase in the odds of readmission within 15–30 days after discharge for medical patients and a 48 percent increase in the odds of readmission within 15–30 days after discharge for surgical patients.

One Massachusetts-based researcher, Judith Shindul-Rothschild of Boston College, has collaborated on a number of studies published in peer-reviewed journals suggesting a correlation between nurse-patient ratios and patient outcomes. A psychiatric nurse, Shindul-Rothschild has come under fire because she is a member of the Massachusetts Nurses Association and a past president of the union. She has also testified on Beacon Hill in favor of minimum nurse staffing levels.

“You have to consider the source,” says Michael Sroczyński, the vice president for government advocacy at the Massachusetts Health & Hospital Association. “That researcher frames things in a way that benefits that organization,” he says, referring to the nurses’ union.

Shindul-Rothschild says she often uses data about Massa-

chusetts hospital staffing and quality measures that is available on the website [patientcarelink.org](http://patientcarelink.org), which is maintained by the Massachusetts Health & Hospital Association.

“It’s their data,” says Shindul-Rothschild. “They can run the reports just as well as anyone else. I invite them to replicate what I did and tell me what’s wrong with it. If they want to refute my findings, I have no problem with them writing a letter to the editors of the publication. That’s the professional way to do this.”

A 2016 article by Shindul-Rothschild and others published in the *Journal of Nursing Administration* compared California to New York and Massachusetts. “When compared with states that do not have mandated nurse-to-patient ratios, California, which limits the number of patients assigned to RNs, has significantly lower pneumonia readmission rates,” they concluded.

The group’s 2017 study in the *Journal of Nursing Care Quality* showed that higher patient assignments to nurses as well as poor communication between nurses and patients and a higher incidence of patient falls are all factors associated with a nurse failing to remove catheters in a timely manner, which often leads to urinary infections.

A 2016 study published in the *Journal of Emergency*



*Nursing* by the same team focused on 67 Massachusetts hospitals and concluded that emergency room wait times increase with each additional patient added to a nurse's caseload. Shindul-Rothschild, who has met with policy-makers in different states, says they all want to know what the "magic number" of nurses is. "I show them the data,

## Shindul-Rothschild says hospital data show Tufts was an outlier in nursing staffing.

and ask them: 'What do you want [emergency department] wait times to be? 15 minutes? Half an hour?'"

Schindul-Rothschild says that the staffing data posted on the MHA site indicate that Tufts was an outlier in Massachusetts in terms of nurse staffing levels from 2012 to 2016.

In the Tufts medical surgical unit, according to Shindul-Rothschild, Tufts nurses had an average of 4.74 patients, or .67 additional patients compared to nurses at other Massachusetts teaching hospitals. Step-down nurses at Tufts had an average of 3.53 patients, or .47 additional patients, and emergency room nurses had an average of 12.65 patients, an additional 1.71 patients. Tufts Medical Center says the year-to-date staffing data in 2017 show markedly lower nurse-patient ratios.

Using the same data, Shindul-Rothschild says Berkshire Medical Center had, on average, the second highest number of patients assigned to a nurse in the medical surgical unit (5.27) of all Massachusetts hospitals in 2016. Baystate Medical Center (Baystate Healthcare's non-unionized hospital in Springfield) had the highest number, an average of 6.24 patients per nurse.

The back-and-forth struggle between hospitals and nurses over staffing levels is already intense. Between now and next fall, when minimum nurse staffing levels may go to the ballot, the battle lines are likely to harden. With hospital control, patient safety, and millions, perhaps hundreds of millions, of dollars at stake, the fight has just begun. **CW**



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# On both sides of the table

Eversource and National Grid could end up awarding billion-dollar clean energy contracts to themselves.

BY BRUCE MOHL | ILLUSTRATION BY RICHARD MIA

**IN MID-MAY**, the MBTA hired a Colorado company to help the agency manage the \$2 billion extension of the Green Line into Somerville and Medford. Less than three months later, the Colorado firm was acquired by Jacobs Engineering Group, a key player on one of the three construction

teams vying for the Green Line contract.

T officials said it would create the potential for conflict of interest if the project construction manager was affiliated with one of the companies seeking to land the Green Line contract, so they severed ties with the advisor and hired the second-place finisher





from the original contracting process.

The circumstances are a bit different, but state officials are taking a very distinct approach in their push for clean energy. Under a measure passed last year by the Legislature and signed by Gov. Charlie Baker, the state's two major utilities, Eversource Energy and National Grid, are charged with procuring billions of dollars worth of clean energy through two separate contracting processes. But the utilities are also part of groups bidding on the clean energy deals, which means Eversource and National Grid could end up awarding contracts to themselves.

A number of steps have been taken to minimize self-dealing. The utilities adopted standards of conduct that bar company officials on one side of the table from talking to their colleagues on the other side of the table. An independent evaluator is monitoring the contracting process and is charged with making sure everything is on the up and up. And the two utilities are both vying for the contracts, so there is a good chance they will blow the whistle if they witness any self-dealing by the other firm.

But the truth is no one knows what's going to happen as the contracting process moves forward. Billions of dollars are at stake and there are a lot of subjective judgements that will go into picking the winners. Officials at Eversource and National Grid say the procurement process will be fair and impartial, but those assurances haven't put to rest the concerns among some of the companies vying for the contracts.

Donald Jessome, the CEO of TDI New England, a bidder on one of the clean energy contracts, likes his project's chances, largely because he has already obtained most of the permits he needs to begin construction. But he knows he is facing a lot of competition, including from affiliates of Eversource and National Grid. Jessome is appreciative of the steps Massachusetts officials have taken to make sure the contracting process is fair, but he admits the situation makes him nervous.

"At the end of the day, I'm being graded by my competitors," he says. "I can't help but be concerned. It's not the best place to be in a competitive process."

#### HOW WE GOT HERE

Dan Bosley runs the North Adams SteepleCats baseball team today, but 20 years ago he was a state rep on Beacon Hill pushing through legislation deregulating the electricity industry. Instead of vertically integrated utilities that both generated electricity and distributed it to customers, Bosley's legislation divided the industry into two parts. Regulated utilities would continue to handle the delivery of electricity to homes and businesses, and power generators would battle against each other in a competitive

wholesale market. Competition meant the power generators—and not ratepayers—would be on the hook for any financial losses if a power plant failed or if it produced electricity nobody wanted to buy.

Deregulation worked well. Power generators responded to a falloff in natural gas prices by building plants that produced electricity using natural gas. Plants that relied on coal and oil gradually found themselves being priced out of the market, and forced to shut down. Nuclear plants also fell victim to the market shift toward gas.

Greenhouse gas emissions have declined as the region's reliance on natural gas has increased. But policymakers are now seeking steeper cuts in emissions to meet ambitious targets for 2030 and 2050. With the competitive wholesale electricity market unlikely to embrace the risk associated with higher-cost forms of renewable energy, policymakers in Massachusetts and across New England began intervening directly, using Eversource and National Grid as proxies to purchase clean energy.

Cape Wind was an early example. National Grid negotiated a long-term, power-supply contract with the offshore wind company in 2010, and Eversource followed suit in 2012. The deal collapsed in 2015 when Cape Wind was unable to complete its financing.


As the state began considering more ambitious clean energy deals, key players on Beacon Hill quietly started discussing what role the state's utilities should play.

**'At the end of the day,  
I'm being graded by  
my competitors. I can't  
help but be concerned.'**

According to those familiar with the discussions, there was concern that the utilities might end up on both sides of the negotiating table. Some wanted to create a new authority or designate an existing one to negotiate long-term clean energy contracts on behalf of the state. New York and Texas adopted this approach, and some insiders wanted to try it here.

Ultimately, however, the state decided to stick with Eversource and National Grid. One participant in the discussions said the utility arrangement was the best of several imperfect choices. The utilities offered expertise and institutional memory; they also wielded lots of clout and handed out lots of campaign contributions on Beacon Hill. Benjamin Downing, a former state senator who specialized in energy issues, says he was never totally comfortable with the utilities taking the lead role. "It was and remains





a troubling aspect of the entire arrangement," he says.

The clean energy bill that emerged from the Legislature last year put the utilities in charge of two major procurements—one for clean energy (hydroelectricity, wind, and solar) and one for offshore wind. At the urging of Attorney General Maura Healey, the legislation also called for the appointment of an independent evaluator to monitor the contracting process for any signs of self-dealing.

Both Eversource and National Grid, through nonregulated subsidiaries, are bidding on the state's clean energy contracts. Eversource's proposed Northern Pass transmission line would deliver hydroelectricity produced by Hydro-Quebec to southern New England. With partner DONG Energy, Eversource is also one of three likely bidders for the offshore wind contract. National Grid, in partnership with Citizens Energy, is pushing two clean energy projects, one that would bring wind power from Quebec and another that would deliver wind, solar, and hydroelectricity from New York.

Twenty years ago, lawmakers deregulated electricity generation to promote competition and take utility customers off the hook for costly energy projects that don't pan out. Now, to promote the development of clean energy and meet the state's emissions targets, ratepayers are being asked to pony up for 20-year contracts negotiated by the utilities.

Bosley never envisioned such a change in the market when he was pushing for deregulation 20 years ago. "The market has changed," he says.

"We're gradually moving back toward re-regulation," says Peter Shattuck, Massachusetts director of the Acadia Center, an environmental advocacy group. "It's less than ideal."

Ian Bowles, a former secretary of energy and environmental affairs under Deval Patrick, says putting the utilities in charge of the procurements means the Baker administration has to be vigilant. "The core idea of the 1997 utility restructuring was to require competition and merchant developer risk to drive down power prices," he says in an emailed statement. "This fact pattern challenges that construct and puts particular pressure on Gov. Baker and his team to ensure fair, merit-based competition and police the natural inclination toward self-dealing."

Baker administration officials declined interview requests, but a spokesman for the Department of Energy Resources issued a statement suggesting the pressure is on the independent evaluator. "The Department of Energy Resources, along with the attorney general's office, have fulfilled our legislative requirement to select an independent evaluator to ensure that the solicitation process is open, fair, and transparent and is not unduly influenced by an affiliated company," says Kevin O'Shea.

### HOW IS IT WORKING?

Duncan McKay, the chief compliance officer at Eversource, says he is confident the Massachusetts clean energy procurement process is being run impartially because his company has years of experience guarding against such conflicts.

"This isn't our first rodeo," says McKay, pointing to prior instances going back to deregulation when the regulated part of the company was dealing with an unregulated part. "It can be done. We've been doing it a long time."

Eversource and National Grid each identified evaluation and bid teams for both contracts, plus a separate group of subject matter experts who can be called upon for information by either team. Under a standard of conduct the companies signed, information can not be shared between the evaluation and bid teams, and the subject matter experts cannot act as information conduits.

National Grid declined comment on the procurement process other than to say the utility was "complying with all required regulations and statutes."

McKay says the bid and evaluation teams at Eversource use separate, secure databases and members of the teams wear colored badges to identify themselves—green for the bid team and red for the evaluation team. "If I'm a green badger and you're a red badger, I can't be talking to you about confidential information," McKay says.

Beyond the steps taken by Eversource to guarantee a fair procurement process, McKay says there are a lot of other parties watching, including the independent evaluator and officials from the Department of Energy Resources and the attorney general's office. He also notes that Eversource and National Grid are competitors on the bidding side,

# HEADLINES FROM ACROSS THE STATE.

## ANALYSIS TO MAKE sense OF IT.

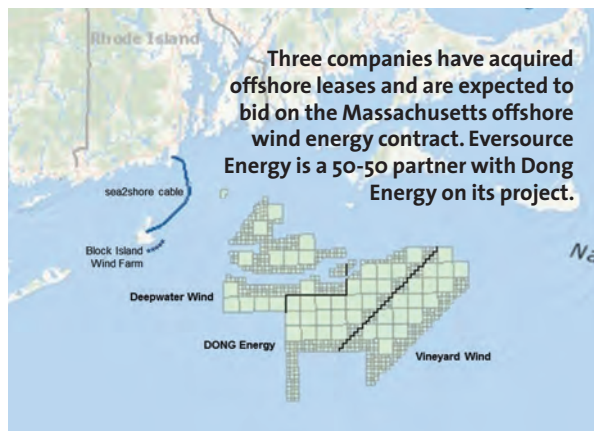
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with no interest in seeing a rival get a leg up.

"It is very difficult to conceive of a way you would do something inappropriate because you have so many participants and observers," McKay says.

The independent evaluator plays the key watchdog role during the procurement process. While the name implies a single individual, the evaluator is actually a team of energy, accounting, and law firms operating under the direction of the Peregrine Energy Group of Boston. According to the firm's application, two members of the Peregrine team have partnered on eight previous independent evaluator projects. Peregrine's \$749,820 contract with the state runs through the end of 2018.

State officials declined to make officials from Peregrine available, so the only available look inside the contracting process comes from reports issued by Peregrine and proceedings of the Department of Public Utilities, which must approve the final contracts. The procurement for the clean energy contract began in November 2016 and Peregrine started work at the end of December. The offshore wind contracting process is still in its early stages.

A red flag was raised early on with the utilities' initial request for proposals (RFP) on the clean energy contract. Environmental advocates and several companies participating in the procurement said two provisions in the RFP favored all-hydro projects and would have made it nearly impossible for wind and solar to compete. New Brunswick Power Co. said in a filing with the DPU that the two provisions would "favor one technology (firm hydroelectric generation) over other technologies, are not required by the law, and actually contravene the law's intent to favor wind and/or solar in conjunction with hydro."

The dispute was resolved when the RFP was amended to remove the controversial provisions. None of those raising objections singled out Eversource, which at the time was pushing Northern Pass as a hydro-only project. Months later, when bids on the clean energy contract were submitted, Eversource filed both hydro and wind-hydro options.

The DPU rejected two recommendations from the



independent evaluator, one that would have allowed the Peregrine team to directly monitor contract negotiations between the utilities and bidders and one that would have disbanded the utility subject matter experts to avoid concerns about information sharing.

The DPU also rejected a suggestion that the utilities should not collect payment of up to 2.75 percent of any contract award if the winning bidder is an affiliate of one of the utilities. Emera Inc., one of the companies vying for the clean energy contract, said in a filing with the DPU that allowing the utilities to collect the annual payments if one of their affiliates is selected would allow the affiliate “to price that remuneration in its bid, providing an unfair competitive advantage.” The DPU said it would make a decision on utility remuneration once the bidding process is completed.

Cynthia Arcate, president and CEO of Power Options, a nonprofit energy-buying consortium, urged the DPU to ignore the wording of the energy diversity law and remove the utilities from the procurement process. “There will be no way of knowing for sure that the winning bidder was chosen based solely on merit,” Arcate said in her filing. “Even with an independent evaluator, there is still the possibility that affiliated companies may have undue influence

on the procurement process.” The DPU kept the utilities in charge.

What makes everyone nervous is that the procurement process is not cut and dried. The utilities can’t just open the bids, arrange them in order by price, and award the contract. Most of the projects vying for contracts still face a host of regulatory hurdles. Eversource, for example, has said its Northern Pass project could be completed a year ahead of most of its rivals, but that’s only if it obtains all the necessary permits. It now seems likely the project will not have a key New Hampshire permit in hand when one-on-one contract negotiations are scheduled to start January 25, and there is no guarantee the permit will be awarded by the time the contract is slated to be awarded on March 27.

Dan Dolan, the president of the New England Power Generators Association, is no fan of the way Massachusetts and other states are contracting for energy directly outside of the wholesale markets. But he really dislikes turning the contracting process over to the state’s utilities.

“We simply don’t see a way for it to be an open and truly competitive process when you have that sort of structure in place,” he says. “It’s hard to claim that a company that writes the RFP, bids on the (request for formal proposal), and decides who wins the RFP is unbiased.” **CW**

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# Shadow transit agency

Marc Ebuña, Andy Monat, and Ari Ofsevit advocate for change at the MBTA in a radically new way

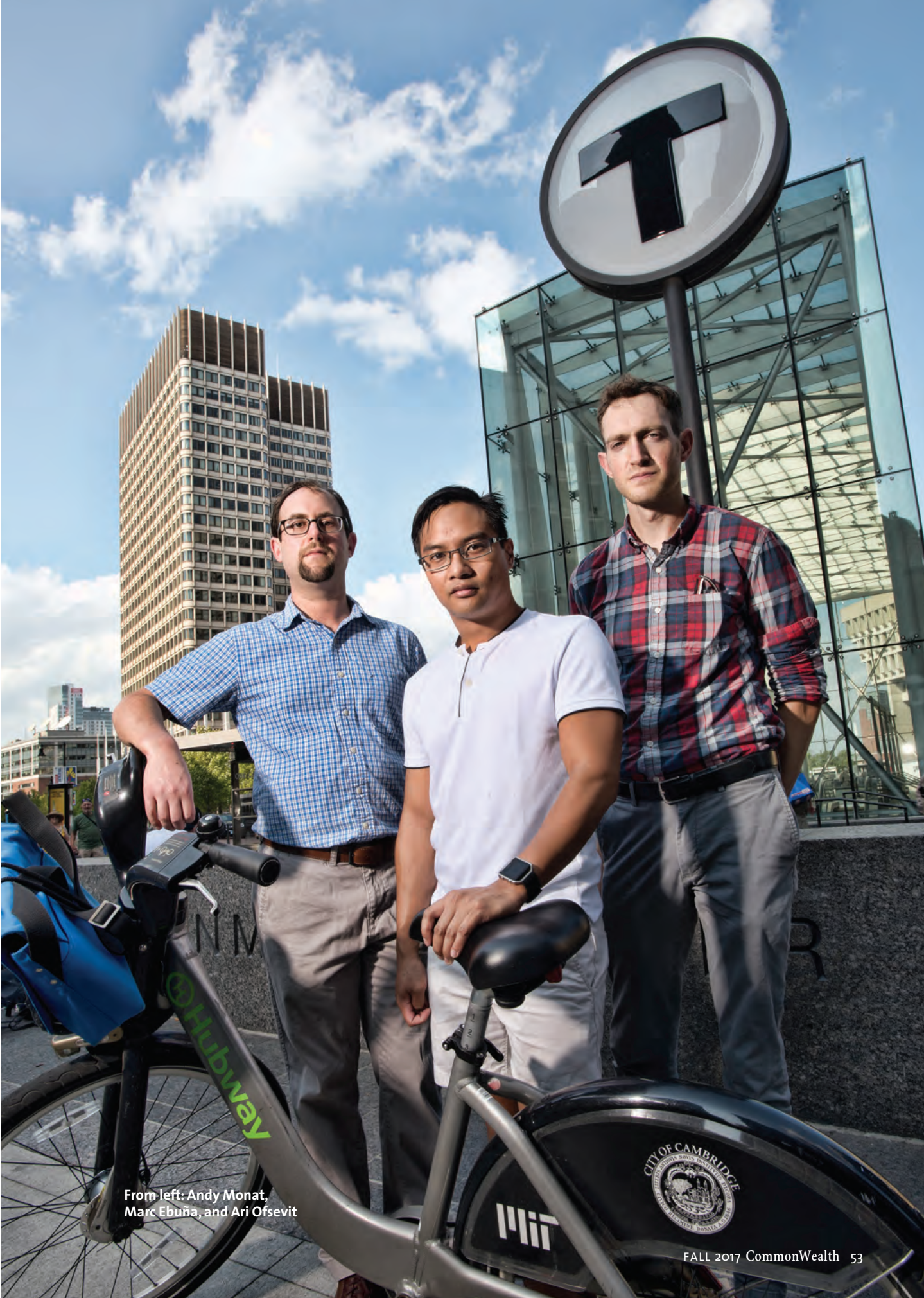
PHOTOGRAPHS BY FRANK CURRAN

**LOOKING AT THESE** three guys, you wonder what they have in common. Marc Ebuña is a 30-year-old information technology worker who dresses fashionably, lives in Jamaica Plain, and sports a Fitbit. Ari Ofsevit is a 33-year-old graduate student studying engineering and city planning at MIT; he lives in Cambridge, bicycles nearly everywhere, and seems oblivious to fash-

ion. Andy Monat is the grownup of the group, a 40-year-old software developer from Melrose who owns two cars and at press time was about to become a father.

What unites the three of them is a fascination with data and transportation. They have found a way, in their spare time, to advocate for change at the MBTA in a radically new way. Instead of





From left: Andy Monat,  
Marc Ebuña, and Ari Ofsevit



testifying before the T's Fiscal and Management Control Board or knocking on doors at the State House, Ofsevit, Monat, Ebuña, and a handful of other like-minded individuals from a group called TransitMatters make their case using analysis, logic, and data—usually the MBTA's own data.

This loose confederation of self-described nerds, launched initially in 2009, has become almost a shadow transit agency. They don't just advocate for pet projects and policies; they actually roll up their sleeves and dig into the data. That's what sets them apart; they know what they're talking about.

When the MBTA completed the design for a new Auburndale commuter rail station in Newton earlier this year, TransitMatters gave it a failing grade. In a piece for *CommonWealth*, Monat wrote that the T was rebuilding the station in the worst possible way, by making it compliant with the Americans with Disabilities Act in a way that would degrade service and hinder the future potential of the Worcester Line. The T ended up scrapping the nearly \$1.3 million design and is now trying to figure out what to do next.

The early design for a new North Washington Street Bridge, which runs from Charlestown into the North End, offered nice bike lanes and pedestrian sidewalks. But Ofsevit and others raised the alarm that the bridge also needed a dedicated lane for the buses that carry thousands of people into Boston and often end up being stalled in traffic. A dedicated bus lane is now part of the design and likely to be one of the first of its kind in the state.

The MBTA scrapped a two-year experiment with late-night (until 2 a.m.) service on Friday and Saturday nights in March 2016. It was too little bang for the buck, officials said. But now TransitMatters is pushing a pilot project that would usher in all-night service every day of the week using buses. State transportation officials were initially resistant, but that hesitancy has evaporated in the face of data showing the new service will cater to low-income employees who often have no way of getting to work in the early morning or home late at night when the T is shut down. It hasn't hurt that Boston, Cambridge, Somerville, Chelsea, and Revere are backing the TransitMatters plan.

Perhaps the most interesting exchange between the T and TransitMatters was the debate a year ago over how the transit system shuts down at night. Ebuña, Ofsevit, and Monat, using T data and some personal sleuthing, discovered that a well-meaning system designed to prevent any passenger from being stranded was wasting a lot of time and money, as much as \$3.8 million a year by their estimates. They said the cause of all of this waste was the decision to put subway lines and the buses that connect to them on hold, often for close to a half hour, waiting for the system's last Green Line train from Heath

Street to arrive at Park Street Station.

Jeffrey Gonneville, the T's chief operating officer and now its deputy general manager, could hardly contain himself when TransitMatters laid out its concerns in an article in *CommonWealth*. He fired back that the article was full of errors, particularly the assertion about the Green Line train. He also said the cost estimates were way off base. "The shutdown is a deliberate, impressive, and well-synchronized process, which is managed by dispatchers each evening," he said.

Nearly three months later, however, Gonneville informed the Fiscal and Management Control Board that he was moving up the departure time of that last Green Line train from Heath Street by 10 minutes to "allow for a more prompt release of other connecting trains from the downtown core." He also acknowledged that the last train from Heath Street typically carried only one passenger on weekdays.

At the T, which rarely admits a mistake, there is a growing sense of respect for TransitMatters. Joseph Aiello, the chairman of the Fiscal and Management Control Board, says he appreciates what the group does. "They are an organization composed of very, very smart people," he says. "I'm delighted that they're incredibly public spirited and that they dive into very, very specific technical matters and supplement the good work the T does on a regular basis. I hope they keep at it. We're a better T because of them."

James Aloisi, a former secretary of transportation and the senior statesman on the TransitMatters board, says he is amazed at how much time his young colleagues put into what, for them, is a sideline. "That's the thing

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**TransitMatters is composed of 'very, very smart people,' says Joe Aiello, head of T oversight board.**

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I've found remarkable," he says. "It's a shared passion. It's indicative of a new generation that thinks very differently about their own personal mobility and the importance of mobility to their lifestyle."

Ebuña grew up in Queens, New York, went to college at Rensselaer Polytechnic Institute in Troy, New York, and then made his way to the Boston area. He doesn't own a car and recalls with some pride a three-hour work commute that required him to board the first train of the day at 5 a.m. "I try to live my life by the things that I advocate," he says. "I live in a new building built by three nonprofit developers that's right next to a T station. It's sort of this romantic lifestyle that I live that I wish other people could have."





"I try to live my life by the things that I advocate," says Marc Ebuña.

Ofsevit grew up in Newton, attended Macalester College in St. Paul, Minnesota, and then returned to the Boston area, where he worked for the Charles River Transit Management Association before heading back to school at MIT. For the past six years, he's been tracking every mile he travels, logging distance and mode. The data convinced him it would be more cost-effective to buy a car rather than renting one or using Zipcar for his frequent weekend hiking and skiing trips. "It's just really nerdy, but it's kind of cool at the end of the day," he says.

Monat grew up in Indianapolis, so public transit really didn't show up on his radar screen until he moved to Boston after attending Rice University in Houston and working at a software development firm in Austin. Now he's into public transit big time, but like many of his colleagues he's still a novice when it comes to Boston politics. On a recent visit to the State House to meet with Rep. Kay Khan of Newton about the Auburndale commuter rail station, he discovered he didn't know how to get into the building.

"That was actually the first time I had ever been to the State House, which is kind of funny," he says. "You just go around the side entrance. The front is always closed, right?"

I interviewed Ebuña, Ofsevit, and Monat at *CommonWealth's* offices. What follows is an edited transcript of our two-hour discussion.

— BRUCE MOHL

**COMMONWEALTH:** How did you guys meet?

**ANDY MONAT:** I met Ari first. He was speaking at a Livable Streets Alliance event, talking about the Longfellow Bridge, about how he had done his own bicycle and pedestrian counts because the ones the state had done were not believable.

**ARI OFSEVIT:** I biked across that bridge every day to work and I was thinking, boy, they're saying there are 80 bikes going across every hour. But every time I got to the light at the other end of the bridge, there were 15 cyclists there and that light fires 40 times an hour. I did the quick math and said it's a lot more than 80 bikes, so I decided to sit on the bridge one morning and just count the bikes. It turns out they were using 10-year-old, outdated data.

**CW:** Andy, how did you come in contact with TransitMatters?

**MONAT:** Around 2010, the T was coming out with the arrival information for the subways. So I spent a couple of days and put together a fairly basic website ([www.mbtainfo.com](http://www.mbtainfo.com)) that lets you

check arrival times on your phone. Bus information was added later. I set up a Twitter account and started communicating with people about various transportation things and I think that's how I met the TransitMatters people.

**OFSEVIT:** The T was one of the first transit agencies to make its information available. We need to give the T some credit there. We yell at the T a lot but they did the right thing on that. Transit agencies are generally very protective of their data.

**CW:** Marc, you're a cofounder and president of TransitMatters. How did TransitMatters come about?

**MARC EBUÑA:** I made a name for myself through Twitter when I first moved to Boston because the MBTA at the time didn't have a Twitter account. I was listening to people complain about the T and I tried to connect frustrated people to articles and newspaper links or whatever to help them understand why their commute is so screwed up but also who to complain to about this stuff. I started a blog in 2009 that was originally called Transit On The Line.

Somewhere in the middle of 2010 I changed it to TransitMatters.

**CW:** TransitMatters, which is a non-profit, has raised about \$8,000 over the last two years. Do you take a salary as president?

**EBUÑA:** We're not paying any wages. I work on TransitMatters unpaid full-time and work part-time on the side for my personal expenses. I do put my IT skills to use at TransitMatters, but I see my work here as a transition out of IT—a critical part of my career pivot into public policy.

**CW:** What makes you guys do this kind of work in your spare time?

**EBUÑA:** My natural personality is wanting to fix things. I get angry and then my coping mechanism is to try to fix the problem to get over the anger. For me, simply knowing that there are places that do it better has made me make the leap beyond simply being angry and frustrated and wanting to bring that external expertise and knowledge to the public.

**OFSEVIT:** I see something that's not working and my first inclination is not to be angry but to think, why isn't this working and how can we make this work better? I call it constructive frustration.

**MONAT:** You look at all the benefits we get from public transportation. It's hugely important to the economy and education. You get access to jobs. It's a big deal for people in poverty. If we did a better job at this, think about the additional benefits we could get.

**OFSEVIT:** We're all at relatively young places in our lives so it comes down to what is our vision for the next 10, 20, or 30 years. The road system served Boston relatively well for 50 years, and the Big Dig bought us some time and definitely made the city better and more livable. But we're getting to the point where rush hour is five hours in the morning and five hours in the evening. Boston is one of the best places to live. You have natural amenities, cultural amenities, and a really strong economy. But if the



traffic gets worse and the roads continue to be overburdened, none of that is going to be accessible.

**CW:** How would you describe what you do?

**MONAT:** People have used the term technical advocacy.

**EBUÑA:** The big thing we do is look at the small things. We sweat the small stuff and try to make a difference. I also have an issue with the way the T presents itself. It's often not willing to talk transparently and honestly and clearly about its challenges. These guys have been focused on the T's operations, but in my view you can make all the operational changes that you want but if you can't communicate them to the rider then what difference does it make?

**OFSEVIT:** I would say it's real politick.

**CW:** Give me an example.

**OFSEVIT:** The North Washington Bridge is falling apart and needs to be replaced. This is a city of Boston project. They came out with their design that said it's going to be a multimodal bridge. It had a nice, wide sidewalk with a view of the city and they had a separated bicycle facility—a 7-foot cycle track, which is fantastic. And they showed a bus in free-flowing traffic. I happen to know that a bus in free-flowing traffic on that bridge going into the city is the exception rather than the rule. Roughly 50 percent of the people who use the bridge ride buses. And they were going to continue to have them stuck in traffic. So I'm looking at this bridge and saying, it's bicycle and pedestrian friendly, but it's going to be terrible for transit users. So when they had a public meeting, we got six people to show up and press for bus lanes. It turns out nobody from the city had thought to talk to the MBTA. Nobody from the MBTA had talked to the city.

**CW:** So they ended up putting in a bus lane?

**OFSEVIT:** Yeah. And once we got across the kernel of the idea, people were able to jump on it. The T wanted the bus lane to go back as far as possible so buses coming from Route 1 would have a clear path into the city. The Boston Transportation Department looked at it and said we can take out the 12 parking spaces here and give the buses a clear path all the way into Haymarket Square. So now the buses will come across the Tobin Bridge and have a straight shot into Haymarket. Instead of sitting in traffic, they can move into downtown quickly. This does two things. One, it will provide a much better experience for riders. The other thing this will do is, if this works, and I don't see any reason it won't work, is allow us to point to this as a concrete example of what can be done. So the second and third time we do bus lanes it will be easier.

**CW:** Is a lot of your motivation driven by anger with the T?

**EBUÑA:** I didn't grow up to be angry at the T and to assume malevolence. I come from the world of information technology, which has a lot of parallels with transportation. They're both sort of a back-end infrastructure service. Nobody cares what you do as long as it's not broken. The moment that it's broken everybody is wondering why you haven't been doing that thing you were supposed to be doing. So I empathize a lot with not just the T as an organization but with everybody who works there because I know what it's like to work in a department that is an after-thought for most people.

**OFSEVIT:** There is malevolence and there is incompetence in the current state administration, but I think this goes way back. If the T doesn't want to do something, they will make it cost so much that they can say that it's not worthwhile. As far as the competence of the organization goes, I think there are a lot of really good people working at the T. But I think there are some internal structural issues and management issues. And there are some people who work for MassDOT and the T itself who really could [pauses]. How do I put this?

**EBUÑA:** Accept a retirement package?

**MONAT:** Benefit from following some new ways of thinking?

**OFSEVIT:** Yeah, following some new ways of thinking. One of my favorite things to say about transit agencies is what [sports columnist] Bill Simmons wrote, that every sports team should have a vice president of common sense. This would be someone who would say for any decision, like trading our most popular player or raising the price of beer \$3, what are you, nuts? I think that could be brought to transit agencies, where you have someone, internal or external or a group of rider advocates, someone who could come in and say this is going in the wrong direction.

**CW:** Do you feel like the T is resistant to change?

**There is malevolence  
and incompetence  
in the current state  
administration, but  
it goes way back.**

**EBUÑA:** The underlying reason the T puts up a lot of resistance is the fear that there's going to be a backlash from stakeholders. If we shut down the system minutes earlier, the fear is we're going to be leaving people out in the cold, which is why our proposal on how they shut down the system dovetailed into our overnight service proposal. What if we could save some of that money spent extending rail service for a few extra minutes at X millions of dollars? Why not put that money into running an overnight service network for the people who are out and trying to get home. But the pushback, again not necessarily malevolence, but the T pushes back on different types of equipment and pilots because there is an uncertainty about where the money is going to come from. There's



this operational thinking that's not only siloed by line and by district but heavily focused on cost-cutting. There is anxiety about using the money we have today in a way that is strategic and efficient because there is always the concern that the budget may not be as liberal next year.

**CW:** On late-night service, it seemed like your biggest achievement was changing the terms of the debate. Instead of talking about college kids, you talked about the people who work at the airport, restaurants, bars, and other businesses that are open at night.

**OFSEVIT:** Overnight service, when it ran with trains, the T said no one used it. But it was wildly popular. If you got on a train at 1:30 in the morning at Park Street, there were 50 other people in the car. It was used by a lot of people, but it was serving the wrong population. It was serving drunk college kids. It wasn't serving people working at restaurants washing dishes.

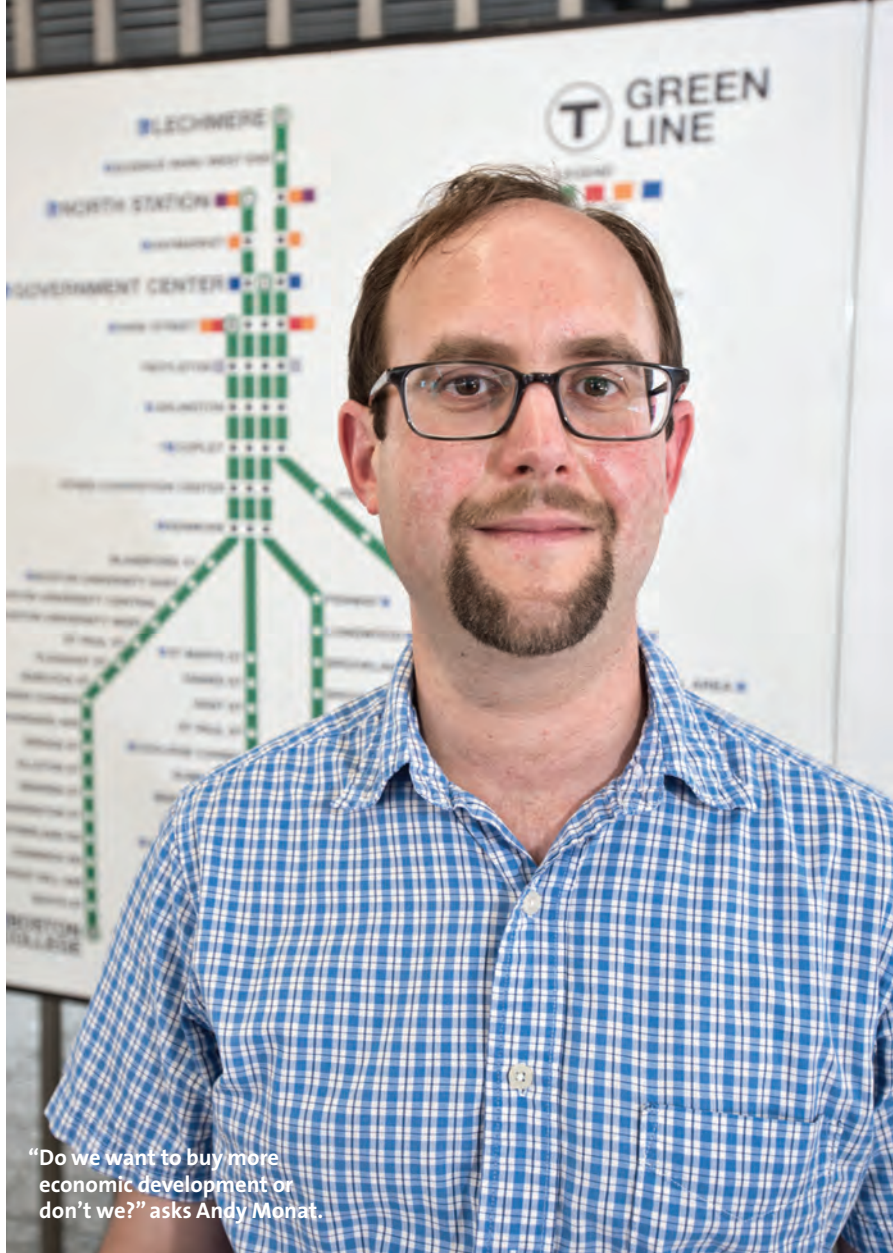
**MONAT:** It was like 25 percent of the workers who live in Chelsea leave for work before 5:30 in the morning, which is a crazy statistic. A quarter of all the workers in Chelsea go to jobs too early to be able to use most of the existing transit.

**OFSEVIT:** Most other cities have some sort of skeletal late night service, but Boston doesn't. I think it's Boston, Houston, and Atlanta that don't have that kind of service. What we're saying is this shouldn't be about Friday and Saturday nights. This should be 24 hours a day.

**CW:** Do you think the T needs more money?

**EBUÑA:** Yes. What underscores all of this is equity and resiliency and all of the other issues that are going to be challenging for us in the latter half of the century. You cannot reform your way to a water-resilient subway system.

**OFSEVIT:** That's what the Big Dig was all about. If we still had the elevated artery, a lot of what we see in South Boston and the Financial District would not be happening because traffic would be so bad and it would be a lot less desirable. We're getting close to a half-century beyond the [start of the] Big Dig now and we really need to be think-



"Do we want to buy more economic development or don't we?" asks Andy Monat.

ing about the next 20 to 30 years. At least for the first few years of this decade, Massachusetts has grown at the same rate as the rest of the country for the first time in 100 years. A lot of what TransitMatters does is look at those small operational pieces, but we also have that larger-scale view of what we want to do in the long term. How is the region going to look in 10 to 20 years?

**EBUÑA:** That was the chief argument with Auburndale and why we intervened to try to change the conversation about the way they were redeveloping that station. What is service going to look like on the Worcester Line in 20, 30, 50 years? If we do build regional rail, the station we were designing was not going to work.

**MONAT:** In my mind, good transit produces economic development. Do we want to buy more economic development or don't we? And that's what investing in regional rail is.

**CW:** Does the T ever say thanks—like with the Auburndale station?

**MONAT:** I am naïve in the ways of government, I guess. I thought that some day not too long after that the T would make some announcement that we've looked it over and that project plan was mistaken and we're going to reorient it this way. I'm not sure to this day there's been any public acknowledgment of that.

**CW:** You're right. I had to chase after them to find out the original design was being scrapped.

**OFSEVIT:** This was not malevolence. This was incompetence. We went to a public meeting on the station and asked the designers whether they had talked to rail ops. After a bit of back and forth, it turned out they hadn't talked to rail operations. They went and talked to rail operations and rail operations took one look at it and said there's no way we can run this. I don't know if they've said so publicly, but it's now going in the right direction.

**CW:** Do you think part of the problem with the T is that the folks there just don't have enough bandwidth to deal with everything?

## There are departments at the T that are drowning in the work they have to do and ridiculously understaffed.

**MONAT:** Absolutely. There are departments in the T that are drowning in the amount of work they have to do and ridiculously understaffed. So, yeah, when someone comes to them and says you should do something that looks like more work, even if it better accomplishes your mission, they say why are you bothering me.

**OFSEVIT:** It's sort of a spend money to make money thing. Right now, if there's an old way of doing something that works but is inefficient, if you start doing that more it just makes it more inefficient. That's one of the problems with the South Station expansion that the state is advocating for. It takes the current operating structure of North and South stations, which are the chief constraint on capacity on the commuter rail, and it just makes it worse. It means that every train you run has to pull into North Station and then pull out. It's time consuming. What it really means is

that that train can make only one trip during rush hour.

**CW:** Are you saying the folks at the T are lazy?

**OFSEVIT:** I don't really blame people at the T who are overworked and probably under-compensated and have seen budgets cut. The T is really in a place where they are trying to put the service on the road every day. In their defense, that's something that's hard to do, especially with the political process here and the aging fleet. There needs to be someone saying, what's this going to look like in 5 to 10 years, and 10 to 20 years? There probably needs to be better strategic planning at the agency. That's an area where we need to be more active.

**CW:** Do people at the T view you guys as pains in the ass?

**EBUÑA:** I think that depends on the person and the department.

**OFSEVIT:** When we're making work for someone, they probably don't like us.

**CW:** But when the T puts all of its data out on the table, isn't that an invitation for people like you to use it?

**MONAT:** Auburndale was a good example of that. You get the data, but we're not in a position to just call up and get a meeting with the transportation secretary or the T's general manager to listen to our ideas. Sometimes that means you put it out in a public forum where people can think about it. The T is a large organization. Different people at different times see things differently. Our goals are in general alignment with theirs. Our goal is to get better service for riders and improve the region.

**OFSEVIT:** And, if possible, save money while doing it. I don't think any of us are averse to saving money, but we're also not averse to spending money in the long run. We look at the most efficient use of funds.

**CW:** Isn't it easy to whack the T?

**OFSEVIT:** It is really easy to go on Twitter and to say something either mean, angry, or snarky at the T. I've done it myself.

**EBUÑA:** We all continue to do that.

**OFSEVIT:** Yeah, we all continue to do that. It's pretty easy to write a blog post about something you see on the T. It's hard to write a blog post that actually has good data behind it. There are places for everything, but we

don't want to be making snarky comments on Twitter. Hopefully, we've sort of graduated from that to the more analytical stuff.

**EBUÑA:** The snark does have its use, and that's getting people to recognize in your Twitter post that it validates an experience they have. It's a level of humanity that allows us to relate to other people. That's something the T could learn. Other agencies do have a level of humility that relates well to their customers.

**OFSEVIT:** Look at BART. [Bay Area Regional Transit]

**EBUÑA:** BART, LA Metro, Chicago Transit Authority. It's a level of humility, saying we are not an infallible agency. We do make mistakes and we recognize that there are citizens out there who are trying to make a difference and we appreciate it. That would be a nice response.

**OFSEVIT:** LA and San Francisco wrote transit haikus at each other on their Twitter accounts and it was informative, it was funny, and I think it humanized them. It made people realize that there are people behind this big machine that gets you to work.

**EBUÑA:** That's the problem. We recognize that there are people who work at the agency, but a lot of people don't and that makes it easier to vilify them as an incompetent, malevolent, monolith.

**CW:** Jim Aloisi, the former secretary of transportation, is on the board of TransitMatters. What role does he play?

**EBUÑA:** He's been an asset to TransitMatters because of his past relationships and familiarity with the MBTA staff and being able to get us in a room to have some conversations. There is a respectful but somewhat tense relationship with some of the T staff. We'll casually crack jokes but it feels like you have to cut the tension with a steak knife in some of the rooms in which we have meetings.

**CW:** Aloisi is also someone who is familiar with Beacon Hill and the political process. He must know the backchannels.

**EBUÑA:** In many ways he is the backchannel.

**OFSEVIT:** Part of politics is knowing when to push and where to push, and where to lay off. That can be hard for us. **CW**

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# Colleges can't be bystanders on opioids

Campuses need to step up to avoid overdose tragedies

BY JANIE L. KRITZMAN

**THE OPIOID CRISIS**, rooted in the overprescribing of painkillers, has seized the attention of public officials from Beacon Hill to Capitol Hill. So, too, has the inadequacy of mental health services on college campuses become well documented. But so far, neither policymakers nor college administrators have connected the dots between the painkiller epidemic and the crisis of young people on campus with more access to narcotics than to care, although the connections are right before their eyes.

The dots were connected for me and my husband Larry a decade ago, in the most horrible way possible.

Our son Jeremy was 21 years old and a junior at Indiana University in 2007 when he fatally overdosed. Jeremy was found in his apartment, rushed to the hospital, and pronounced dead. The coroner's report claimed cardiac arrest due to an overdose. Toxicology studies found high levels of hydrocodone and cannabis. Where did the drugs come from? How long had Jeremy been taking them?

It would be 13 months before Larry and I knew how unmonitored pain medication, following a back injury at school a year earlier and complicated by alcohol use ignored by the clinicians treating him, led to his death.

Getting answers was not easy. We started at the university, meeting with two deans and the newly appointed associate provost. Jeremy's professors reported he had been showing up to class and keeping up with assignments and quizzes, though it was only a month into the term. As that was all the information these administrators had, the meeting was short. Jeremy lived off campus—less than a mile from school—which made investigating his death a matter for the local police. That

was a relief to the university, I suspect.

That same afternoon, we met with the chief of the Bloomington Police Department and a detective. The chief let loose with a mini-tirade about drug addicts, and the detective asked about hydrocodone, which confused us. We had not yet seen the coroner's toxicology report, but in retrospect, it was clear that he had. We were urged to keep in close contact, and the detective said that he would do the same.

Yet, for weeks, we heard nothing. The police department ignored phone calls and emails. Just before Thanksgiving, we FedExed letters to the



university, the police, and the mayor of Bloomington. Our complaints got the case assigned to a new detective, but she made little headway. She interviewed some of Jeremy's friends and focused in on a young man who had spent time with Jeremy before he died, but she could not track him down. She tried to locate him on campus, but the dean of students refused to provide information as to his whereabouts and couldn't say why. Neither could the associate provost. We asked the detective why a university official wouldn't cooperate. "Sometimes they do, and sometimes they don't," she said.

Access to information about college students is covered by the federal Family Education Rights and Privacy Act of 1984, or FERPA. The FERPA law, which applies to institutions of higher education receiving federal funding (they all do), protects students' educational and personal information from disclosure without prior consent. It also guarantees confidentiality of student medi-

cal records, as most university health services neither maintain electronic records nor rely upon third party payments, and therefore are not governed by the Health Insurance Portability and Accountability Act, or HIPAA.

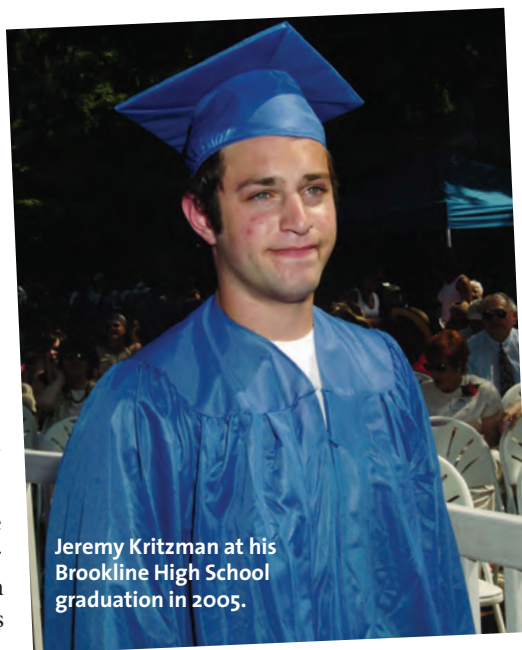
In the event of health emergencies and campus drug and alcohol violations, which may be considered matters of public safety, the law permits institutions of higher education to contact parents of a student until he or she is 21 years of age and/or if he or she is claimed as a dependent on parental income tax. Universities vary, however, in how they interpret the law, and integrate federal and state law into school policy. Some schools telephone parents as soon as there is any violation or health emergency. Others call only if, beforehand, parents and students sign a waiver requesting notification. To do nothing and/or just wait is also not unusual.

### LEARNING WHAT HAPPENED

It was more than a year before we gained access to Jeremy's medical records. In October 2006, while at school, Jeremy was diagnosed with a herniated disk. Hanging out with friends, he had fallen off a barstool—which should have been a bright red flag. As a teenager, Jeremy had had a problem with alcohol, but he and we thought that was behind him. In his Brookline High School graduation speech in 2005, he spoke proudly of having overcome his “inner demons.”

Jeremy's back injury was followed by numbing down his left leg. He called home worried and we urged him to see a doctor, which he did, readily granting us permission to consult with health care providers. No surgery was necessary, we were told, by a doctor there. Outpatient treatment would include epidurals, massages, and some medication.

When I asked a nurse for additional details about the injury, she was evasive. She never mentioned he might have blacked out, which I only learned afterward from his medical records. These same documents confirmed that Jeremy told his doctors about the alcohol he consumed at college, including that night, in addition to Adderall, prescribed for attention deficit disorder since he was in middle school. There was ample reason for a cautious approach to treatment, and close monitoring. But that is not what Jeremy got.



Jeremy Kritzman at his Brookline High School graduation in 2005.

During the first 12 days of treatment, the Indiana University Health Service prescribed 70 doses of narcotic painkillers, including hydrocodone and propoxyphene, in addition to 30 prednisone (steroid), 20 Skelaxin (muscle relaxant), and 20 Naproxen (anti-inflammatory)—a total of 140 pills in less than two weeks. Within a month, the campus health service referred Jeremy to a psychiatrist at Indiana Rehabilitation Associates in Bloomington, where the narcotic regimen continued for seven months. All

prescriptions were filled at the Indiana University pharmacy.

Jeremy returned home in May 2007. The year had not been easy. It showed. Irritable and frustrated because his grades had dropped, he worried about getting himself back on track academically. MRI in hand, he consulted a specialist in spinal and back injury at Brigham and Women's Hospital in Boston. The doctor prescribed anti-inflammatory medication and muscle relaxants, but no narcotic painkillers.

The summer went well. Jeremy was invigorated, calmer, and eager to return to school, which he did on August 20. He was supposed to join us in New York City on October 6 to celebrate Larry's 60th birthday. But in mid-September, he telephoned, asking to come home sooner, insisting it was important. We made an airline reservation at once. But on the morning of September 19 Jeremy overslept and missed his flight—in retrospect, another red flag. That week he missed two doctors' appointments. Eight days later he overdosed and died. He should have told us about all the narcotics prescriptions; it cost him his life.

### A CAMPUS CRISIS

Drug overdoses are the leading cause of accidental death in the United States. Since 1999, fatal overdoses have increased 167 percent for the population at large and 224 percent among young adults aged 18 to 24. These appalling rates are traceable to the opioid epidemic, fueled by the overprescribing of opioid analgesics and the recent availability of cheaper heroin and illegally produced fentanyl, according to the Centers for Disease Control and Prevention.

According to the federal Substance Abuse and Mental

Health Services Administration (SAMSHA), in 2014 18-to-25 year-olds used more prescription medications—psychotherapeutics, pain relievers, sedatives, tranquilizers and stimulants—than other cohorts, older or younger. For every overdose death in this age group, there were 119 emergency room visits and 22 treatment admissions associated with these medications. SAMSHA also found 18-to-25 year-olds were less compliant with doctor's instructions than other age groups, misusing medication for pain relief, relaxation, sleep improvement and enhanced concentration.

The situation appears worse on residential college campuses. Research comparing college-enrolled 18-to-24 year-olds to peers not in college has found rates of binge drinking, intoxication, and misuse of stimulants significantly higher among those in college. Stimulants such as Vyvanse, Adderall, and Ritalin—sometimes referred to as “study drugs”—are passed around freely, with ample supplies due to overprescribing. (Overdose deaths caused

students, faculty, and administrators at numerous high schools and colleges, including Boston University, Dartmouth, Harvard, Stanford, and George Washington University. College administrators were willing to discuss efforts to curb binge drinking on their campuses. But when it came to health and mortality data, they were defensive.

“Families don’t need to be informed, they know about this troubling state of affairs already, it’s all in the newspapers,” one counselor remarked. A campus medical director said sharing data about student deaths from alcohol poisoning and overdoses, and emergency room visits to campus infirmaries and hospitals off-campus would scare parents away.

When I told a prominent college president that a Yale sophomore had recently died from prescription painkillers obtained from an athlete being treated for a sports injury on his floor, his naïve response was “that doesn’t happen here.” He pronounced alcohol the designer drug of choice

among college students. Afterwards, the mother of the young man who died at Yale reminded me tragedies like his are often portrayed as random, convincing us that prevention strategies can’t work.

## Drug overdoses are leading cause of accidental death.

by stimulants, prescription and non-prescription, have doubled since 2010.) The chemical culture of alcohol, drugs, and prescription medication on campus and in the doctor’s office are colliding, leaving in their wake a trail of pain and undue harm.

In the midst of this growing crisis, colleges and universities do almost nothing. The federal Clery Act requires campuses to log alleged crimes. The Safe and Drug Free Schools and Communities Act of 1997 targets unlawful possession, use, or distribution of drugs and alcohol. Good Samaritan laws encourage students to call 911 in the case of a medical emergency by granting immunity for illegal possession. But none of these legal measures requires, or even inspires, these institutions to keep track of, let alone act on, the deadly mix of chemicals in circulation among their students.

Institutions of higher education provide little education and guidance to families and young adults about public health and health care services at their institutions for students living either on or off campus. Families are kept in the dark about overdose deaths, ER visits, and prescribing laws and practices in the states where institutions are located. They’re also often given no details about the availability of medical professionals for students, access to pharmacies and standards of care, and university laws and policies, including waivers of federal privacy rules under FERPA so that parents can be informed about what happens to their child.

In the years following Jeremy’s death, I spoke with

In the midst of this studied ignorance, institutions of higher learning take little responsibility for health and mental health services. The death of seven students in five months from suicide or overdose at Columbia University led senior Jacqueline Basulto last February to initiate a petition calling for improved mental health services at Columbia and 20 other schools. Within two and half months, close to 1,000 signatures were collected across these campuses. The Columbia administration set up a task force to expand services, the only one of the nearly two dozen schools to respond so far.

A recent survey of 50 colleges by STAT found long delays in obtaining initial counseling appointments. Jacqueline Basulto herself was told to wait two weeks at Columbia counseling when she was suicidal, claiming it was the support of her parents nearby and expensive therapy outside the institution that got her through. She attributes student stress to academic pressure and competitiveness and the stigma of needing help. At Indiana University, where Jeremy attended, as well as several other large schools, STAT found one counselor employed for every 1,500 undergraduates.

The National Survey of College Counseling Centers found in a sample of 275 institutions of higher education that just 58 percent have access to on-campus psychiatrists, despite sharp increases in students arriving on campus on medication already and an increase in medication referrals initiated by counseling departments at those schools. Roughly one in four college students who



seek mental health services are on medications that need a psychiatrist's supervision.

Without enough providers, parents may be forced to mail psychiatric medication to their sons and daughters since out-of-state prescriptions for controlled substances such as stimulants are often difficult to fill. Pill shipments contribute to an unmonitored glut of medications which may be shared, bought, and sold on campuses.

### A BETTER WAY FORWARD

It was during my generation in the 1960s that student protests for free speech and civil rights challenged university authority and the presumption that colleges would act *in loco parentis*. What followed in its place, according to Peter Lake, who directs the Center for Excellence in Higher Education at Stetson University College of Law in Florida, was the "bystander" era, in which universities felt "no duty to respond" to the risks present on their campuses, including the unsupervised use of alcohol and prescription medications.

Lake calls this a broken system, where administrators often feel powerless, young people feel unprotected, and families feel ignored. He thinks we need to steer a different course, using cooperation, compromise, and strategies based upon science (and hopefully neuroscience).

That won't be easy. But certainly American universities have the technological capacity to collect data regarding student deaths, hospitalizations and injuries, analyze the results, and come up with new ideas for better programs and policies.

Today's students arrive on campuses from all over the country, filled with excitement and enthusiasm about their future, but with no one to monitor medications they may be taking already and with inadequate access to counseling and mental health services. Young scholars who turn their ankles, sprain their wrists, or tear their ACLs find themselves with a bottle of narcotics that turn them into addicts or suppliers of dorm-room drug swaps. Aspiring doctors, lawyers, and entrepreneurs have their lives turned upside down—if not lost forever—by the smorgasbord of drugs in their midst.

A friend once told me that someday I would wake up and my early morning thoughts would not be of Jeremy. I know that will never happen. But I do hope that someday I will awaken and know that young people like Jeremy are having their health, including mental health, nurtured along with their intellects at those ivy-covered institutions their families entrust them to.

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*In loving memory of Jeremy and all the others. Janie L. Kritzman is a clinical psychologist living in Brookline.*

## Drugs best treatment for opioid abuse

Relying on medication is not a morally compromised approach

BY EDWARD M. MURPHY

**THE OPIOID ADDICTION** crisis in the United States has prompted leaders at the state and federal level to promise more money, new laws, and greater focus on the problem. That focus is needed but so far the policy goals lack clear definition. Even as attention on the problem has ramped up, we have continued to treat addiction in ways that have historically not worked well. Doing more of something that's not working will not correct the problem. If the policy goal is to create treatment interventions that reduce abuse, lower the rate of relapse, and restore patients as much as possible to normal living, there is extensive medical research and practical clinical experience suggesting medication-assisted treatment, or MAT, is the way to go.

Aside from emergencies, traditional addiction treatment in the United States is often not medical in nature

but guided by the principles derived from 12-step programs. The goal of these programs, which are characterized by admirable spiritual and moral ideals, is complete abstinence driven by self-discipline and support from peer groups. This approach does not work well for people with opioid dependence. As long ago as 1997, National Institutes of Health experts concluded that "opioid addiction is a treatable medical disorder and explicitly rejected notions that addiction is self-induced or a failure of willpower." The approach recommended by the National Institutes of Health and virtually all other medical and scientific sources is medication-assisted treatment.

Medication-assisted treatment means using one or



more pharmacological agents to relieve the symptoms and risks of addiction, enabling patients to begin returning to normal life and to benefit from other behavioral therapies. The treatment is not a magic bullet and MAT does not guarantee success, but it has a substantially higher rate of positive outcomes than traditional non-medical treatment programs. A team of physicians writing in the *New England Journal of Medicine* likened medication-assisted treatment to the care needed for “other chronic diseases such as diabetes and hypertension,” where “effective treatment and functional recovery are possible.”

Because of the stigma associated with drug abuse and the traditional stereotype of the addict, some people find it counter-intuitive to use medication to treat addiction. But when scientists explain how the brain responds to the excessive use of heroin or pain pills, the logic of addressing the pathology with an appropriate medication is persuasive. Opioids attach themselves to receptors in the brain and artificially generate excessive quantities of the neurotransmitter dopamine, producing feelings of euphoria. Addiction is the result of the brain “learning” this new behavior through excessive repetition until it becomes dependent on the artificial effect and craves more.

The argument that experts make for medication-assisted treatment is that managing the brain’s new habit and mitigating the effects of withdrawal will not happen just because a person wants to stop abusing opioids. The process requires a kind of neurological reverse-engineering that can relieve the brain’s urgent need for more drugs. In the absence of appropriate medication, a significant majority of addicts who go through short-term detox will relapse, often multiple times.

There are three medications used in treating opioid

## Drugs help relieve risks, symptoms of addiction.

addiction. The best known is methadone, which was initially developed in the 1940s as a pain reliever. Because it works by changing the way the brain perceives physical and psychological pain, methadone was soon used to provide people dependent on heroin with a way to manage their withdrawal and to stabilize their lives. Methadone is a synthetic opioid although it does not produce the same high as abused opioids. It is effective but often poorly perceived in the wider community because of its long association with heroin and because people suffering from an addiction disorder normally must go to a registered clinic daily to receive their dosage.

A second medication, buprenorphine, is now gaining

wider acceptance among experts. Buprenorphine is called a “partial agonist,” which means that it activates the same receptors as abused opioids but produces a much weaker effect. Essentially the brain is fooled into believing that its opioid craving is met but this happens without the pattern of withdrawal and euphoria that is typical of addiction. The medication is delivered via a daily pill or a strip placed under the tongue and can be prescribed by physicians who have special authorization and training. Patients normally have a month’s supply to take at home. The most common form of this medication, sold under the trade name Suboxone, has a second element that causes unpleasant symptoms in a patient who relapses and takes another opioid.

The third current option is called naltrexone, sold under the trade name Vivitrol. This is an “antagonist” medication that works in a different way than buprenorphine. Instead of fooling the brain receptors, it blocks them so that a patient who relapses cannot trigger those receptors and experience a high. It is administered by monthly injection and can only be given to patients who are already completely detoxed. Vivitrol is increasingly used in criminal justice settings, particularly for previously addicted inmates who will shortly return to their communities.

Each medication has various dosages, side-effects, advantages, and disadvantages depending on the condition of the patient and the arc of his or her addiction history. Only a physician who fully understands the patient’s needs, matches them to the characteristics of the medications, and carefully monitors the ongoing results should make the decision about how best to exploit medication-assisted treatment for the benefit of individuals who need it. Many patients also need to receive psychosocial counseling to help them build on the opportunity provided by the medication.

The National Institute on Drug Abuse summarizes the available research by concluding that medication-assisted treatment has multiple advantages over other forms of treatment and “decreases opioid use, opioid-related overdose deaths, criminal activity, and infectious disease transmission.” Further, MAT “increases social functioning and retention in treatment.” One important study, a randomized, controlled trial published in 2015 by a researcher associated with Harvard Medical School and McLean Hospital, demonstrated that MAT “at least doubles rates of opioid-abstinence” compared with other forms of treatment.

Unfortunately, the treatment endorsed by experts as offering the highest probability of success in moderating the impact of the opioid crisis is not widely available. A health care system normally driven by evidence of clinical efficacy has not organized itself to deliver the care needed

by the millions of Americans who suffer from opioid-use disorder. A report issued by the Pew Charitable Trust found a “treatment gap” in which only 23 percent of publicly funded addiction treatment programs and less than half of private sector programs offer MAT. This lack of availability was attributed to inadequate funding and a dearth of qualified providers.

There are additional reasons for the gap. One is the persistent opinion that relying on medication to treat addiction is a morally compromised approach. A psychologist writing last year in *Psychology Today* articulated this view by saying that “recovery should be about breaking free from all substances.” He also raised the so-called crutch argument, asking if MAT isn’t simply “transferring from one drug to another.” According to this line of thinking, using any drug to aid in treatment is simply switching dependency from one substance to another and is a sign of weakness. This perspective rejects the analogy that using medication to treat addiction is like using insulin to treat diabetes.

It is a sad commentary on our approach to opioids that addicts have easy access to quality medical care when they overdose but not before. According to the Centers for Disease Control and Prevention, more than 1,000 people are treated in US emergency rooms every day for misuse of prescription opioids. Many more are treated in emergency rooms for the use of such drugs as heroin and fentanyl. The trend is strong in Massachusetts, which ranks at the top among states when measured by opioid-

related emergency room visits. Approximately 64,000 Americans, including 1,933 in Massachusetts, died from overdoses in 2016. Hundreds of thousands more were saved by the intervention of clinical professionals. Our health care system is improving at helping people dependent on opioids to survive emergencies, but it is still weak in helping them to recover and live normal lives.

As important as it is to save people’s lives, we will not have a successful policy responding to the opioid crisis until we mitigate the psychological, economic, and societal consequences suffered by living victims of opioid use disorders, their families, and their communities. That requires a highly organized system for quick and comprehensive delivery of the best clinical interventions available. Some people receiving medication-assisted treatment will fail to comply with the recommendations of their physicians, just as some diabetics do when they consume too much sugar or neglect to take their insulin. The correct response is not to punish them by denying medication and thereby subjecting them to the torment of their disease. The best antidote is sustained availability of high-quality care designed to bring each patient as close as possible to normalcy.

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*Edward M. Murphy was head of three state agencies between 1979 and 1995—the Department of Youth Services, the Department of Mental Health, and the Health and Educational Facilities Authority. He subsequently ran several health care companies in the private sector before retiring.*

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## Are homes only for the upper-class?

Reduction in middle-class homeowners is a threat to Mass. economy

BY TIM SULLIVAN

**HOMEOWNERSHIP HAS TRADITIONALLY** been a marker of middle-class life, and a tool for vaulting families solidly into the middle class. Sustainable homeownership builds family wealth, and helps stabilize neighborhoods. But over the past decade, the nature of homeownership in Massachusetts has shifted drastically.

Middle-class families in Massachusetts are increasingly struggling to access homeownership—especially in greater Boston, where the bulk of the state’s jobs are located.

The past 10 years have seen a sharp erosion in middle-



class homeownership across Massachusetts. There are now far fewer middle-class homeowners in Massachusetts than a decade ago, and the average Massachusetts family can no longer afford to buy the average Massachusetts home.

This shift is deeply concerning, because it challenges long-held assumptions about what homeownership looks like in the Commonwealth, who it’s for, and what role homeownership plays in the state’s economic life. Without a concerted policy response to increase home production in Massachusetts and bring down home prices, homeownership is in danger of becoming an upper-class luxury.

The number of owner-occupied homes has essentially been flat for the past decade: Massachusetts has 1.6 million



owner-occupied homes, but the state added just 12,000 home-owning households between 2005 and 2015, the most recent year for which Census data are available.

This overall flatness in homeownership masks some seismic shifts, though.

Massachusetts lost roughly one in every four lower-income home-owning households between 2005 and 2015. That is, Census data show that the number of homeowners with household incomes under \$50,000 has shrunk by nearly 25 percent over the past decade.

Additionally, over the last decade, the state lost nearly one in every five of its middle-income homeowners—those with household incomes between \$50,000 and \$100,000. In 2005, two-thirds of Massachusetts homes

## Restrictive zoning keeps housing supply down.

were occupied by households earning below \$100,000; that share has now fallen to slightly more than half.

At the same time that middle-income and moderate-income homeownership are being crowded out of the housing market, Massachusetts has seen a dramatic homeownership expansion at the upper tier of the income spectrum. Nearly all the state's growth in homeownership is happening among the top 20 percent of wage-earners, and among those households with incomes that are at least twice the state's median wage.

This sorting of homeownership by income is a national phenomenon, but the swing away from moderate- and middle-income homeownership has been far more exaggerated in Massachusetts than in the country at large.

The growing inability of working Massachusetts families to afford homeownership—reflected in the shrinking ranks of moderate- and middle-income homeowners in the Commonwealth—is a symptom of this state's long-standing housing production dysfunction.

Massachusetts has struggled, for decades, to deliver the kind of housing residents want to live in, in the quantity residents demand. The pace of overall housing construction is now roughly half what it was during the 1960s and 1970s.

Because Massachusetts is a home-rule state, where each city and town controls its own pace of development, housing growth has been extremely uneven. A handful of fast-growing communities are shouldering much of the Boston region's growth. Data compiled by the Metropolitan Area Planning Council show that, over the past decade, more than half of the multi-family housing construction in Massachusetts has occurred in just five communities—Boston, Cambridge, Chelsea, Everett, and Watertown—while 207 of the state's municipalities did

not permit any multifamily housing development.

The planning council estimates that by 2040 cities and towns in the 101-municipality metro Boston region will need to add up to 435,000 new housing units to keep up with housing demand. Two-thirds of this future housing demand is for multifamily housing, appropriate for younger residents, young families, and empty nesters.

Massachusetts already has a significant stock of single-family housing, and the Metropolitan Area Planning Council estimates that two-thirds of the future demand for single-family homes can be met with existing homes. But this math only works if the households who want to live in smaller townhomes and town centers have access

to the type of denser, more walkable housing they demand. Cities and towns aren't currently building enough new multifamily housing to keep up with demand. As a result, the gears of the housing market are getting gummed up.

When families aren't able to cycle between the types of housing they demand, households get locked in place, and a shortage of homes for sale drives up prices. This is happening right now, across Massachusetts. The inventory of homes for sale is historically low, and has been declining for five straight years. For-sale inventory over the five years has been falling, and home prices have shot up by 30 percent.

Slow multifamily housing development is compounded by the large-lot, single-family zoning that's common across much of Massachusetts. The average lot required by local zoning is far larger in Massachusetts than across the rest of the country. Large-lot zoning promotes suburban sprawl, and creates perverse incentives for homebuilders to build large, expensive homes that are unaffordable to the average family. Nationally, homebuilders are building far fewer starter homes than they did even a decade ago; minimum lot sizes in Massachusetts exceed what zoning across the rest of the country requires, making it even more difficult to build modestly-sized, modestly-priced starter homes.

Restrictive zoning keeps the supply of new housing from meeting regional demand. These restrictions have caused the price of housing in the Commonwealth to spike: since 1980, home prices have risen twice as quickly in Massachusetts as they have in the rest of the US. As a result, moderate- and middle-income homebuyers are increasingly being pushed to the sidelines. Research released last year by the Urban Land Institute and sponsored by MassHousing found that very few towns in eastern Massachusetts remain affordable to middle-income families. Data from the Metropolitan Area Planning Council show that fewer than one in every three home sales between 2014 and 2015 in metropolitan Boston

were affordable to an average family.

It is not economically sustainable to have substantial homeownership growth only happening at a level that's at least twice the median income, while the broad middle class is crowded out of the housing market. If housing price burdens fall heavily on the Massachusetts workforce, and particularly on recent college graduates and young families, the state won't be able to continue to attract the educated, talented workforce needed to grow the economy. Highly-educated workers are mobile, and many of the Bay State's economic competitors already offer broader housing choices, at more affordable prices.

Housing affordability challenges also lead to more income inequality. Last year's Urban Land Institute report found that eastern Massachusetts has been steadily losing middle-class residents, while gaining residents at both extremes of the income spectrum. By pricing middle-class buyers out of the housing market, high housing prices contribute to the hollowing out of the region's middle class.

Policy decisions created Massachusetts's middle-income affordability crunch. And strategic policy responses can ease it, and create meaningful homeownership opportunities for residents across the Commonwealth. Here are three places for policymakers to start.

**Create new opportunities for suburban multifamily construction:** Boston can't carry all of the Commonwealth's new housing supply, and there's strong demand for new suburban apartments, condominiums, and townhomes for residents of all ages. Cities and towns outside Boston can help meet this demand, and strengthen their own footing, by thinking creatively about how to harness new housing to drive broad-based community development.

For instance, MassHousing is partnering with Beverly to transform a vacant MBTA parcel at the Beverly Depot commuter rail garage into a mix of market-rate and subsidized housing for those who don't qualify for traditional affordable housing but who still cannot afford market rents. At a groundbreaking ceremony earlier this year, Beverly Mayor Michael Cahill argued that the new downtown housing would improve business for the city's small retailers. Similar initiatives are taking place in Medford and Plymouth.

In each of these cases, municipalities are growing their housing stock to boost local tax revenues, create new jobs, and create a greater diversity of housing options for their residents. And these types of opportunities—to promote healthier town centers, and to revitalize tired retail strips through the development of new housing—exist across the state.

**Build more starter homes for young families:** To increase middle-class homeownership, Massachusetts needs to create homeownership opportunities that are affordable to middle-class buyers. The zoning in many communities actively works against that outcome, though. The mature suburban streets that exist in communities across Massachusetts likely wouldn't be able to be built today, thanks to decades of downzoning and today's large-lot requirements. In Falmouth, for instance, a developer looking to replicate the single-family development pattern adjacent to his project site is pursuing building permits under Chapter 40B, the state's anti-snob zoning statute; current zoning only allows for the construction of three new homes, on a site that contains 4.6 acres of buildable land.

Communities now have an opportunity to break this pattern, and encourage homebuilders to deliver single-family homes affordable to first-time homebuyers. In last year's economic development legislation, Gov. Charlie Baker secured passage of a new incentive under the Chapter 40R smart growth law to encourage the development of smart growth starter home subdivisions. By adopting new overlay zoning that promotes the development of modestly-sized homes on quarter-acre lots, communities can now provide an alternative to large-lot sprawl. By shrinking lot sizes and home footprints, this new zoning will put downward market pressure on new home prices.

**Promote sustainable borrowing:** As the state's affordable housing bank, MassHousing finances homeownership opportunities for low-, moderate- and middle-income homebuyers in Massachusetts, on behalf of the Commonwealth. MassHousing makes homeownership possible to residents, including many first-time homebuyers, by offering conventional mortgages with low down payments and affordable rates. Last fiscal year, MassHousing financed \$662 million in total homeownership lending, including \$197 million in mortgages for low- and moderate-income buyers (with incomes 80 percent of the area median income), and \$232 million in lending to 1,100 buyers in the Gateway Cities.

This work—helping working households attain long-term, sustainable homeownership—is a core component of MassHousing's mission-driven work. It's even more consequential today, with broader forces pulling against it.

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*Tim Sullivan is the executive director of MassHousing, an independent, quasi-public agency charged with providing financing for affordable housing in Massachusetts.*

# Time to put pedal to the metal

Utilities are the key to electric vehicle expansion

BY JOHN DEVILLARS

**WE GENERALLY THINK** of Eversource, National Grid, and other utilities as the providers of the electricity we need to keep the lights on. That they are, but over the next 20 years they will also increasingly become the folks we rely on to power our cars, buses, autonomous vehicles, and pretty much all other means of transportation. When it comes to how we move people and goods, tomorrow's public utilities and electric vehicle charging stations will replace the oil companies and gas stations of today.

There is broad consensus in the scientific and climate research community that transformative change in the “fuel” we use to run our transportation system is critical to avoiding the most damaging consequences of climate change. Carbon emissions from the US transportation sector now exceed those from all the coal- and gas-fired plants in the country combined. In Massachusetts, transportation represents 40 percent of our greenhouse gas emissions. It is increasingly clear that the emissions goals established in the Paris Climate Accord and the dramatic greenhouse gas reduction standards required by Massachusetts law cannot be achieved without a fundamental transformation in how we power our vehicles. Electric vehicles—in combination with renewable, carbon-free electricity generation—represent the most economically efficient and environmentally impactful near-term opportunity to achieve that transformation.

Electric vehicles also represent a tremendous opportunity for electric utilities to deploy new, sustainable business models at a time when they face a declining customer base, shrinking revenue, and an uncertain and, potentially, perilous future. The estimated annual net present value of electricity sales for electric vehicles could total more than \$100 million in new utility revenue by 2030, according to Michael J. Bradley and Associates. That's good for the utilities and their shareholders. And it's good for their residential, industrial, and commercial customers who will share in those benefits in the form of reduced electricity prices and a cleaner, more reliable grid.

For utilities to achieve the full benefits of the electric vehicle lifeline, however, they need to step up their game and put forward considerably more meaningful approaches to advancing clean energy transportation technology than they have to date. And there is an immediate need—and opportunity—for the Massachusetts Department of Public Utilities to write rules that will encourage, reward,

and, in some cases, require them to do so.

Utility commissioners and industry executives are working together elsewhere in the United States and the European Union—sometimes happily, sometimes not—to develop business and regulatory models for the “utility



of the future,” including those models that will define the utilities' role in accelerating and sustaining electric vehicle adoption. In New England, Rhode Island Gov. Gina Raimondo, her energy policy leadership team, National Grid, and other stakeholders are deeply engaged in this effort.

Fortunately, current regulatory proceedings now provide the Commonwealth's utilities and the Massachusetts DPU an opportunity to join the party and meaningfully advance our own electricity vehicle efforts here, and, by doing so, to write the next chapter in what has been the Commonwealth's quite remarkable, decade-long, clean energy success story.

Electric vehicles are coming. There are going to be a lot of them and they are likely to be here sooner than most people think. In just the last few months, England, France, and India have all put in place a ban on the sale of new carbon-powered vehicles by 2040. China, where electric vehicles sales were up 70 percent last year, is about to do the same. In the United States, sales of electric vehicles have roughly doubled year-to-year each of the past five years. Most industry analysts believe they will account for more than one-third of all vehicles on the road well before mid-century.

There are a number of reasons why. The cost of batteries, the single most expensive component in an electric vehicle, has been reduced by two-thirds in the last five years. Costs are being driven lower and are forecast to make unsubsidized electric vehicles cost-competitive with internal combustion engines in the next decade. Car manufacturers across the globe see the electric vehicle future. BMW and Jaguar will have an electrified option for every one of their models by 2020, a year after Volvo and two years before Mercedes. VW alone plans on introducing 50 new 100 percent electric models by 2025 with an electric vehicle version for all of its more than 300 models by 2030. Improvements in vehicle range (the Chevy Bolt goes 230 miles per charge), performance (Porsche and McLaren are track-testing 600-plus horse-



power road cars), and growing consumer awareness that operating and maintenance costs are already lower than those for internal combustion engines (the drivetrain for the Chevy Bolt has 120 fewer moving parts than in a conventional car) are all forces leading to rapid electric vehicle adoption.

The state's utilities and the Massachusetts DPU are way behind in taking advantage of these market forces. It has been five years since the DPU began efforts to modernize the grid and to investigate the path toward the utility's role in a cleaner, smarter, more efficient delivery of electricity at a lower cost to ratepayers. So far there has been plenty of talk but precious little action.

It took two years for the state's utilities to submit their initial modernization plans—including more than \$1 billion in near-term investments. Key elements of those plans, with substantial benefits and costs to ratepayers, include efforts to advance the adoption of electric vehicles. Now, three years later, things are finally coming to a head. The DPU is expected to issue its findings on the electric vehicle portions of the plans in the next several months.

The utility plans take us only a short distance and at a slow pace when the road is long and the need to reach our destination speedily is critical. While the utilities propose some preliminary steps to accommodate electric vehicles, in a number of important ways they fail to fulfill the full measure of the economic, environmental, and societal benefits electric vehicles provide. The DPU has a number of steps it can take to do something about that.

One of these steps—allowing utilities to own the charging station infrastructure itself and not just the wires, as they have proposed in Massachusetts—will go a long way to reducing one of the principal barriers to further electric vehicle adoption—range anxiety.

Numerous surveys in the United States and Europe indicate that range anxiety and a perceived lack of available charging stations are the top concerns of potential electric vehicle buyers. The charging station infrastructure that is most critical to relieving range anxiety is a network of Direct Current-Fast Charging stations, which can simultaneously provide multiple vehicles with charges of 100-plus-miles in less than 30 minutes. These are the stations we need to serve large multi-family dwellings, fleet vehicle operators, interstate travelers, and other motorists.

Over the past year, a team of graduate students at Harvard's Kennedy and Business schools began analyzing the economics of public charging stations in Rhode Island. The researchers focused on the utilization of charging stations, specifically how often people would use them and how much money they would generate

in sales. Among the study's findings: utilization rates in Rhode Island would need to be at least five times higher than they are today for public fast-charging stations to be economically viable and attractive to private investors. This creates a chicken-and-egg scenario where motorists will come if you build the stations, but no investor will build them because no one is coming. The researchers concluded that if the objective is to reduce range anxiety by creating a network of accessible, time-efficient, meaningfully scaled charging stations, the private marketplace alone is not the answer.

The right answer is a greatly expanded role for utilities, including ownership of the charging stations them-

## The utilities and Mass. DPU are way behind.

selves. Ratepayers are among the principal beneficiaries of a well-planned, cost efficient, environmentally effective charging infrastructure. And, in a state with a no-new-taxes ethos, ratepayer investment is the only practical way to pay for that infrastructure.

Utility ownership of the charging infrastructure has proven controversial and vexing for regulators in other states. Private equipment and service providers and many clean energy advocates, including the Northeast Clean Energy Council and the Acadia Center, fear that allowing utilities to own the actual charging infrastructure will provide utilities a competitive advantage and inhibit the private marketplace. But ownership of the fewer than 500 public charging stations in Massachusetts today is by and large dispersed among dozens, if not hundreds, of entities—from Whole Foods to universities. Virtually all of these stations serve fewer than three vehicles at one time and have a charging time at least three-times those of fast-charging chargers. This isn't the critical infrastructure we need. And, importantly, the station owners don't want to be in the business of owning and servicing the kind of large-scale charging stations required for an accessible, efficient station network. A competitive, transparent, carefully structured procurement in which utilities own the stations and procure the necessary equipment will bring structure to the equipment marketplace and, with it, lower costs for system users. And, it will get those stations built on an accelerated timetable and thereby make a meaningful difference in reducing anxiety about electric vehicle owners running out of juice.

Utilities are uniquely positioned to address several other substantial challenges facing cost-effective electrification of transportation, challenges where unfettered market forces are also insufficient to achieve the full societal benefit of electric vehicle adoption. Two of them

are where to deploy charging infrastructure and how to maximize its use. Utility ownership is the surest road to meeting these challenges and maximizing charging station value, but the DPU needs to use these proceedings to hold the utilities to a higher standard than they have set for themselves.

Electric vehicles use a lot of electricity. Charging just three electric cars is the equivalent of adding an extra household to the grid. If projections on electric vehicle adoption come true, the nation will need more than 1 trillion kilowatt hours of electricity to keep them moving. Increasingly, this will be renewable, carbon-free energy from off-shore wind facilities; in-state expansion of solar; and imported hydro. All are needed to meet the state's legal obligations to generate 25 percent of its electricity from renewables by 2025 and 80 percent by 2050. This demand for electricity will create the need for expensive distribution system upgrades to maintain grid reliability. Getting the locations for large-scale charging systems right has multiple benefits, including a smoother daily demand curve, a reduction in the need to off-load renewable resources during peak production times, an increase in the sale of off-peak energy, and cost-effective integration of a greater percentage of renewables into the distri-

bution system. Achieving these benefits is not easily done.

It won't be done well, if at all, if the utilities are not in the lead. No one knows the grid better, and no one is better positioned to develop a state-wide charging station network plan, in consultation with key stakeholders. The DPU should exercise its authority to require such an effort.

Similarly, the temporal benefits of using charging stations for load management, including peak shaving and energy storage capability, are best realized through full utility engagement. In particular, time-of-use rates are key to encouraging charging at times when surplus generation capacity is available and discouraging charging when demands on the utility grid are high. The utilities have failed to include time-of-use pricing and other critical demand-management tools in their plans. Here, too, the DPU should exercise its authority to require them to re-file with plans to do so.

Many of the benefits associated with greater utility leadership are related to capabilities that utilities already possess. Their lower cost of capital and longer return expectations position them as the most cost-effective means of financing the network infrastructure for fast-charging stations. Servicing the charging infrastructure

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for electric vehicles is a natural extension of the existing operations and maintenance capabilities of utilities. The relationships utilities have with their customers can also be leveraged to great advantage in terms of consumer education, financial incentives, and customer billing. It's time for them—and the DPU—to put these efforts into gear and step on the “gas.”

Research efforts at the Kennedy School and nascent programs elsewhere in the country are pointing the way for the use of performance-based incentives to spur utility efforts for clean vehicle adoption. These incentives have been used effectively for the state's energy efficiency programs, programs that are run by the utilities and consistently ranked in the top three most impactful efficiency programs in the country. Incentives can and should also be used to reward utilities for their critical role in helping Massachusetts achieve best-in-class status for environmentally effective, cost-efficient adoption of electric vehicles.

One of several opportunities for doing so—and one of the fastest near-term means of getting more electric vehicles on the road—is by rewarding utilities for accelerating efforts to electrify their own fleet vehicles. National Grid's fleet of nearly 10,000 vehicles

alone travels more than 70 million miles a year consuming some 11 million gallons of fossil fuel. Edison Electric Institute has set the modest goal for its utility membership of annually replacing 5 percent of fleet vehicles. National Grid is seriously assessing options for exceeding those goals. But the DPU should require and reward all of the state's utilities for achieving measurable advances well in excess of the voluntary standard. Similarly, DPU should incent the utilities to develop and execute on plans that will help spur adoption of electric vehicles by other fleet operators.

Over the last decade, Massachusetts has written a remarkable clean energy success story and has the carbon reductions and clean energy jobs to prove it. It's time to write the next chapter. **CW**

*John DeVillars is chairman of BWC Holdings LLC/BlueWave Solar. He recently concluded a senior fellowship at the Harvard Kennedy School's Mossavar-Rahmani Center for Business and Government where he explored the enhanced role utilities can play in a clean energy economy, including leading a study group entitled “How to Get Out in Front of the Mob and Call it a Parade: What Utility Executives and Those Who Regulate Them Can Do to Advance Clean Energy.”*

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