

MBTA ACCESSIBILITY LAWSUIT UPDATE

Greater Boston Residents Working Together for ADA Compliance by the MBTA

Daniels-Finegold Et Al. v. MBTA

Fall 2007

Federal Court: Civil Action No. 02 CV 11504 MEL

Issue XIV

Settlement Update – Independent Monitor Public Meeting

When Judge Patrick King held his second public meeting on November 5th as the MBTA settlement's Independent Monitor, he set a high goal for the MBTA. He highlighted the need for accessibility review at every level of the MBTA to ensure that "ADA requirements are not only met but exceeded so that you have the most accessible facilities in the world." While recognizing improvements in some areas such as elevator availability, Judge King also spoke of the further work to be done on several settlement requirements, including management system changes and improving the resolution of customer complaints. The new undercover bus study results should be ready soon, according to the judge, and will help set the standards for bus drivers. Judge King encouraged the audience to "speak loudly and often" and thanked everyone who had already sent him feedback about their experiences.

Gary Talbot also spoke about his first months on the job as the Assistant General Manager for System-Wide Accessibility, a position created by the settlement. His department grew in October with the addition of new staff members Laura Brelsford, System-Wide Accessibility Coordinator, and Sandra Belhaimer, Executive Assistant. MBTA employee Mike Festa is on special assignment to work with Gary's team and Chris Hart from Adaptive Environments is consulting on elevators. Gary emphasized that developing "a shared vision" for accessibility at the MBTA is one of the most important tasks ahead. He finished his talk by reviewing some MBTA accessibility projects, including:

- Refresher training for all bus drivers scheduled to start late 2007 (see below for more details)
- Drafting new bus driver procedures for passengers boarding and exiting buses
- New technology for bus drivers to report obstacles blocking bus stops, such as parked cars
- 155 new low-floor buses on the road in 2008
- Elevator availability up from 90% at the time of the settlement signing to 99% today, due in part to preventive maintenance and keeping spare parts in stock
- Developing "world-class" design specifications for all new elevators that exceed ADA standards
- Designing replacement and redundant elevators for Harvard Square, State Street, Porter Square, Park Street, and Downtown Crossing
- Laura Brelsford will assemble and lead the MBTA team on platform gap solutions
- Mini-high platforms in place at all the Green Line stops named in the settlement except for Coolidge Corner and Washington Square, where designs are still in progress

The ABC's of the ADA for bus drivers

In fulfillment of part of the settlement agreement, the MBTA will be holding a refresher course for all bus drivers on accessibility and ADA requirements. Bus drivers will be trained on handling different situations, like how to board and assist passengers when a bus stop is blocked by a parked car. Every bus driver will see a new training video that demonstrates various types of accessibility equipment on the buses.

Interested in being involved?

To give bus drivers direct experience with the proper procedures for assisting passengers and using accessibility equipment, people with disabilities are encouraged to participate in the MBTA training course. To sign up to attend one or more training sessions, please contact:
Laura Brelsford
System-Wide Accessibility Coordinator
lbrelsford@mbta.com, 617-222-1688



Rob Park, wearing a sign that says "Access is a Civil Right!!" and speaking at the 2006 celebration of the settlement signing.

Plaintiff Spotlight: Rob Park

"No matter what comes, we will never give up the fight."

As a commuter from Lynn to Boston, Rob Park encountered frustrating delays due to the MBTA's broken elevators, malfunctioning bus lifts, and rude bus drivers. As a plaintiff for the MBTA lawsuit, Rob transformed these experiences into an opportunity to advocate for civil rights. Joining the lawsuit, Rob says, "changed my perspective" and turned annoying travel delays into "more evidence to pile on for the lawsuit." Rob credits his frequent lateness as one of the reasons that his workplace, the Boston Center for Independent Living, became involved in the case.

The lawsuit also suited Rob's career ambitions. When Rob entered disability advocacy work ten years ago, he wanted to change the world. Over the years, Rob says his approach shifted to "Let me make a difference in my own corner of the world," a local change that could still have broader impact. When he became a plaintiff, Rob recognized that the MBTA lawsuit was "on the cusp of making history." As Rob proudly points out, "People will look back 25, 50, 100 years and say we did something."

Rob is currently a senior in the criminal justice program at Salem State College and aims to become a lawyer. Being deposed for the lawsuit and participating in settlement negotiations gave Rob a firsthand look at the legal process. Rob praises Daniel Grabauskas for how "the whole mood changed" at the MBTA once he started as general manager. "He wanted to sit down and talk to us," Rob says, a critical turning point.

Rob is focused on the improvements to come, stating, "Anger can be a useful emotion to get us going but anger needs to change to a spirit of resolve and cooperation to make the process work." Rob sees the determination and unity of the disability community as key elements for overcoming adversity: "No matter what comes, we will never give up the fight. . . [we will] continue to unite, the only way that injustice is going to be dealt with in the proper way."

Proposal to raise fines for Boston drivers parking in bus stops

Being able to pull a bus to the curb is important for boarding passengers safely. To deter drivers from blocking bus stop access, Boston City Councilor Felix Arroyo proposed increasing the fine for parking in Boston bus stops from \$55 to \$125. At an October 30 public hearing on the proposal, several MBTA named plaintiffs and class members testified in favor of the measure, with a letter of support from Gary Talbot. The proposal was not enacted this year, but can be introduced again next year. State legislation regarding bus stop parking fines is also pending.

Finding health care barriers?

- Not being transferred safely to exam tables
- Never being weighed at medical appointments
- Bathrooms lacking accessibility features

Problems accessing the MBTA?

- Difficulty using the new fare gate system
- Trouble boarding or riding buses
- Hard to find assistance at stations

GBLS and BCIL are working together to improve access to health care facilities and the MBTA for individuals with disabilities. To share your experiences and help us identify issues, please contact:

Laura Keohane, GBLS, 617-603-1564 (direct); 617-371-1228 (TTY); lkeohane@gbls.org

Karen Schneiderman, BCIL, 617-338-6665 ext. 216; kschneiderman@bostoncil.org