

# MBTA ACCESSIBILITY LAWSUIT UPDATE

GREATER BOSTON RESIDENTS WORKING TOGETHER FOR ADA COMPLIANCE BY THE MBTA

DANIELS-FINEGOLD ET AL. V. MBTA

SPRING 2004

FEDERAL COURT: CIVIL ACTION No. 02 CV 11504 MEL

ISSUE I

## Welcome to Lawsuit Update!

**W**elcome to the first edition of Lawsuit Update! This quarterly newsletter is your key to learning about the many developments in Daniels-Finegold v. MBTA. We welcome your comments and feedback and we'd love to print your stories in upcoming issues! Have you had a recent accessibility issue on the MBTA that you'd like to share? Contact Helen Hendrickson at the Boston Center for Independent Living (BCIL).

**Accesibilidad para el servicio de tren/bus es un derecho civil.** Ha tenido usted algún problema de accesibilidad con el tren/bus que le gustaría compartir? Por favor pongas en contacto con Helen Hendrickson al Boston Center for Independent Living (BCIL), (617)338-6665, x233. Nosotros tenemos información en Español para ustedes.

## Introduction:

### Daniels-Finegold v. MBTA

**T**his lawsuit is about people with disabilities who are prevented from using the MBTA's buses, trains and stations because of barriers they encounter when traveling. The named plaintiffs and the community of persons with disabilities they represent are demanding that all MBTA services must be accessible, usable and safe for everyone.

Because of the MBTA's failure to provide readily accessible, usable and safe public transportation services, the MBTA is in violation of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. By failing to comply with federal law, the MBTA is discriminating against people with disabilities. Many people with disabilities rely on the MBTA to carry out activities such as shopping, attending school, working, attending medical appointments, and traveling to community activities and social events. The MBTA's failure to comply with federal law, in essence, denies basic civil rights to people

with disabilities. This lawsuit aims to require the MBTA to comply with federal law.

## Case Update

**I**n April 2004, lawyers for both GBLS and the MBTA met before Judge Lasker in order to create a schedule for the case. For the next few months, both sides will be gathering evidence in preparation for trial. Stay tuned for future updates!

## We Need Your Help!

In order to carefully record the accessibility problems that this lawsuit addresses, we are currently conducting a study that allows riders to document accessibility problems. We encourage you to write down your own experiences in the "ride log," available at:

**<http://www.gbls.org/health/ridelog.htm>.**

Please contact Helen Hendrickson at BCIL if you need additional ride logs.

## Groups Take Action, MBTA Responds

**O**ne thing is for sure – people with disabilities are tired of being left out in the cold (literally) by the MBTA. Over and over activists recount horror stories of rides on public transit – and demand a fully accessible MBTA system.

BCIL's neighborhood action groups in the South End and the Jamaica Plain have taken to the bus lines to demonstrate the problems. Each group has staged "Ride-On" events – riding specific bus lines to test their accessibility. The groups then document their findings in a letter to the MBTA. The first action, held on March 10, gained the attention of the South End News and of the MBTA's **General Manager, Michael Mulhern**. On April 5, Mr. Mulhern wrote to the group thanking us for our observations and apologizing for the broken lifts and rude bus drivers encountered on this journey

Other actions were held on April 8 and on April 20. Groups are finding much to report to the MBTA through these rides – including the need to fix lifts on the #1 bus route (riders found four buses had broken lifts on this trip).

Activists are keeping the pressure on the MBTA, hoping they will begin the hard work of making the MBTA fully accessible. From the March 17 press conference to the letters from individual activists, the MBTA is taking notice.

## Understanding the ADA: Some Definitions

**Accessible:** All buses, trains and stations must be readily accessible and free of barriers.

**Useable:** The system must be understandable and easy to use.

**Safe:** The system must be secure and free of hazards.

*These definitions mean that the MBTA must maintain all accessibility devices, including:*

- \* All buses must have working lifts, safety tie-downs, signs that are readable and working public announcement (PA) systems.
- \* All bus drivers must use the lifts properly, pull to the curb, provide assistance when asked, announce stops and drive safely and behave in a professional and courteous manner.
- \* All stations must be easy to navigate, easy to find, and have clean, safe, and working elevators.
- \* All stations must have safe platforms and all platforms must have tactile warning strips.
- \* All stations must enable easy entry into trains and must have easy to open doors and gates.

## Other ADA Efforts:

### The RIDE Advocacy Project

**T**he RIDE Advocacy Project (RAP) is a grassroots community-organizing effort aimed at bringing THE RIDE, the MBTA's paratransit service for people with disabilities, into compliance with the ADA. RAP members, the majority of whom have disabilities or chronic illnesses, are deeply concerned about the poor quality of RIDE service and its impact on RIDE users. RAP is committed to bringing about

improvements in RIDE service by holding the MBTA accountable for providing safe, reliable, accessible service to all eligible riders.

THE RIDE is notoriously unreliable. People experience numerous problems with it, including: difficulty scheduling rides; RIDE no-shows and late pickups; unreasonably long travel times; inadequate training and support for drivers and dispatchers; unsafe loading and unloading practices; disabilities not accommodated properly; and dirty and unsafe vehicles. Without this transportation service, many RIDE users would be virtually homebound since they would be unable to take the T or buses - or have extreme difficulty doing so - due to the nature of their disabilities.

THE RIDE serves nearly 60,000 people in the 62 cities and towns within the MBTA service area. With well-trained drivers, consumer-friendly scheduling practices, high standards of vehicle maintenance, as well as a range of other significant improvements, THE RIDE could better the lives of these individuals and be a service that consumers and the rest of the taxpayers feel good about. For more information about RAP, please contact Pam Rogers, RAP Organizer, at (617) 566-3530.

## Contact Information

### **Boston Center for Independent Living (BCIL) Helen Hendrickson, Community Organizer**

BCIL works to promote the civil rights of all people with disabilities and to respond to the needs of persons with many different disabilities.

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### **Greater Boston Legal Services**

GBLS is the primary provider of free, civil legal services to low-income residents of the 32 cities and towns of greater Boston.

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