

MBTA ACCESSIBILITY LAWSUIT UPDATE

GREATER BOSTON RESIDENTS WORKING TOGETHER FOR ADA COMPLIANCE BY THE MBTA
DANIELS-FINEGOLD ET AL. v. MBTA
FEDERAL COURT: CIVIL ACTION No. 02 CV 11504 MEL

FALL 2004

ISSUE III

Case Update

The Daniels-Finegold litigation team has been very busy over the last few months. We are currently in the midst of discovery, the fact-finding stage of a lawsuit. This stage includes reviewing key documents, interviewing class members, and questioning officials and experts from the MBTA. The case may go to trial in the summer of 2005; however, due to the complexity of this lawsuit, this date may change in order to accommodate the needs of both parties.

Accessible Transportation is a Civil Right

In enacting the Americans with Disabilities Act of 1990 (the ADA), Congress found that society tends to isolate and segregate people with disabilities and that individuals with disabilities continually encounter various forms of discrimination. The ADA was passed in order to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities. Because of the MBTA's failure to provide readily accessible and usable transportation services, the MBTA has violated the ADA – and your civil right to accessible transportation.

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.

Bostonians Voice Their Concerns about Accessing the MBTA

On September 14, 2004, approximately 70 people with disabilities came together to report problems that they have had with the MBTA. Over 10 top MBTA officials attended the meeting, including General Manager Michael Mulhern, Chief Operating Officer Anne

Herzenberg, and Kathy Cox from the Office of Transportation Access.

MBTA riders voiced a wide-range of problems, from broken bus lifts and elevators to bus drivers who won't stop for passengers in wheelchairs. Top officials have noted that the meeting helped to show them how much more they have to do. Advocates from the Boston Center for Independent Living have been meeting with the MBTA's safety director to follow-up on some issues raised by riders during the meeting.

We Need Your Help!

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

<http://www.gbils.org/health/ridelog.htm>.

Please contact Helen Hendrickson at BCIL if you need additional ride logs. Make sure to report to BCIL or to GBLS if you have any concerns regarding MBTA accessibility.

MBTA: No Strangers to Lawsuits

Filed in 1994 by the Disability Law Center (DLC), Hasbrouck v. MBTA was a class action suit to require the MBTA to comply with the Americans with Disabilities Act (ADA) by: making key stations accessible; providing directional signage, telecommunication access, and accessible parking; requiring drivers to announce stops; and taking other actions required by the Americans with Disabilities Act. The DLC and the MBTA settled out of court and agreed that the MBTA would comply with the ADA no later than January 1, 1997 in its operation of key stations, commuter rail services, maintenance, and stop announcements. Despite having signed a settlement agreement, the MBTA has not yet met its obligation to comply with the ADA. Because of the MBTA's

ongoing failure to comply with the ADA, people with disabilities continue to encounter widespread problems in accessible MBTA-provided public transportation. The Daniels-Finegold litigation hopes to stop the MBTA's systemic failure to provide basic and necessary public transportation to persons with disabilities.

Spotlight on the Boston Center for Independent Living

The Boston Center for Independent Living (BCIL) is a consumer controlled nonprofit organization, which has been providing services, community education, advocacy and employment for individuals with disabilities since 1974. Over the years, BCIL has been a leader in advocating for the rights of persons with disabilities both on a state level and with the federal government through the passage of the Rehabilitation Act of 1973 and ADA legislation in 1990. On the state level, BCIL advocated for the creation and expansion of the Personal Care Attendant (PCA) program, for the Home Modification Act, the CommonHealth Program, and many others.

Legislative advocacy, advocacy for individual rights, and general support for healthcare are ongoing. BCIL has been active in the fight for accessibility on public transportation and telecommunication. BCIL is also working with the private sector to help them understand how the ADA can be implemented to make it possible for all persons to have access to any work place as well as any civic, public, or recreational facility. BCIL consumers are taught how to advocate for themselves when it comes to meeting certain basic independent living needs. However, there are still many sites, programs, and services that are closed off to persons with disabilities. These need to be made accessible both physically (architecturally) and programmatically (spoken, print, auditory information) so that we all have equal rights and can be truly involved and instrumental in shaping social change.

BCIL is a member of the group of named plaintiffs in the Daniels-Finegold litigation due to the fact that access to the MBTA's fixed route public transportation system is vital to meeting

BCIL's mission and goal of full access to the many life activities that exist in the community at large.

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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Getting Out the Vote: Access to Polling Stations

According to a story in the September 9 issue of the Boston Globe, a new government survey recently found that 60 percent of the 1,488 voting locations in Massachusetts do not comply with state law and are not fully accessible to voters with disabilities. Although many locations have been working to increase accessibility since the study's release, many polling stations face penalties from the state attorney general if their alterations have not been completed by the November 2, 2004 presidential election.

The Boston Center for Independent Living has been working hard to guarantee that polling station accessibility issues have been appropriately remedied. Election Day volunteers have been trained to monitor polling stations that have been previously found to have many problems in order to see if any progress has been made. Because of BCIL's efforts, Boston's community of people with disabilities is one step closer to obtaining access to the most fundamental of rights: the right to vote.