

MBTA ACCESSIBILITY LAWSUIT UPDATE

GREATER BOSTON RESIDENTS WORKING TOGETHER FOR ADA COMPLIANCE BY THE MBTA

DANIELS-FINEGOLD ET AL. V. MBTA

WINTER 2005-2006

FEDERAL COURT: CIVIL ACTION NO. 02 CV 11504 MEL

ISSUE VII

Case Update: Laying Groundwork For Real Change

Currently, GBLS is in negotiations with the MBTA to reach agreements to ensure that the MBTA will comply with the ADA and provide a firm commitment of good customer service to all passengers. These negotiations will help lay the groundwork so that the MBTA will be able to provide its customers with safe, reliable and dependable public transportation. Several meetings with the General Manager of the MBTA, Dan Grabauskas, and Heads of the Rail and Bus departments concerning access features and guidelines have already taken place.

On January 19, 2006 the named Plaintiffs met to discuss settlement issues. GBLS, BCIL and the Plaintiffs discussed the bus system: the use of old buses and new buses; maintenance of elevators; issues with ramps lifts on the Green line. The importance of improved wayfinding was also discussed. Plaintiffs actively participated in reviewing the proposed settlement language and made suggestions regarding settlement details.

The goal of a settlement is to receive a commitment from the MBTA and also an understanding that access is an ongoing, evolving process. The process will require continued community involvement to truly bring about meaningful change in the transportation system. GBLS will continue to gather information and keep the community informed and involved to further the goals of the lawsuit.

Spotlight: One Plaintiff's Story

Persistent and patient is one way to describe Madelyn Joan Golden, a resident of Malden, Massachusetts and a named plaintiff in Daniels-Finegold Et. Al. v MBTA. Ms. Golden, Joan to her friends knew something had to be done about accessibility problems with the MBTA but she did not know how to get involved until she heard a news story on television. Immediately, Joan called Greater Boston Legal Services and joined the

class action law suit and she has been active ever since.

The class action lawsuit is not the first time that Joan has dealt with the MBTA legally. In 1998, she was seriously injured while exiting a bus using a bus lift. Joan uses a manual wheelchair for mobility. When the lift malfunctioned, it left Joan dangling with her wheelchair over her head. Joan filed a private suit which since settled but she knew that one private suit would not be enough to see the changes that were needed on the "T."

Now, Joan does not use the train very often...and who can blame her? Her accident occurred on a bus but the fear of being trapped underground should equipment fail is even scarier to her. Joan's situation is one of the problems of accessibility that GBLS is confronting in the law suit. From 1998 to 2006 Joan has continued to have concerns about the "T." "It has taken a long time," yet Joan has persisted in her demand for accessibility. Now she patiently waits for the positive outcome that this lawsuit is capable of bringing.

"If I could rely on the MBTA buses and train to take me to and from my destinations in a safe and timely manner, I would certainly use it more than I do now," Joan said. When asked how she feels about settlement negotiations, she could not express in words how happy she was that soon accessibility would no longer be an "IF" but a definite reality for all people with disabilities.

Not everything that is faced can be changed, but nothing can be changed until it is faced.

-James Baldwin
Author and Playwright

Charlie Tickets Are Here!

Charlie Tickets are here to replace tokens, turnstiles and monthly passes. On the Blue Line, Silver Line and Red Line. They are already in use in some stations. February 2006: All

stations from Braintree to South Station on the Red Line. The Green Lines, Mattapan line and buses will not be completely converted until the end of Spring, 2006. The remainder of the system will be converted from April through next winter which includes buses.

There are two new cards: The Charlie Ticket and the Charlie Card. The Charlie Ticket will contain a stored value or "T" pass and will function much like weekly and monthly passes do today. The Charlie Card can be reused and passengers will be able to add value to the cards at fare boxes which will work with cash or credit cards.

The Charlie Ticket is meant to streamline fare collection and is similar to the systems in place in New York City, Washington D.C. and London. Passengers with a disability have voiced their concerns that the new automated systems will create a lack of personnel to assist passengers. The MBTA states that CSAs (Customer Service Agents) will provide service and assist passengers with information.

The Charlie Ticket requires all passengers with a disability to acquire a Transportation Access Pass (TAP) to receive the discounted fare. A Medicare Card or Commission for the Blind Identification Card will no longer be sufficient to receive the reduced fare. To receive information on how to obtain a TAP you may call (617) 222-3200 or visit www.mbta.com and click the picture that looks like the Charlie Card. There is information under the heading: Information for Blue Line Senior/TAP Customers.

Currently the new fare collection system is only operating on the Blue Line at: Airport Station, Aquarium Station, Beachmont, Orient Heights, Revere, Suffolk Downs, Wonderland and Wood Island and on the Silver line at the Washington Street branch. Buses, Green Line and Mattapan lines will begin to install the new systems in Spring of 2006.

What is Wayfinding and how is it involved in this case?

Wayfinding simply refers to what people see, what they think about and what they do to find their way from one place to another. There is more to wayfinding than just signs. Wayfinding is how the MBTA

communicates with their passengers from the time passengers start using the "T" until they reach their final destination.

All passengers, including people with disabilities, are aware that the MBTA does not communicate effectively with its riders. A good wayfinding system should clearly identify accessible paths of travel, identify the location of track trains, buses, ticket windows, fare equipment, elevators and escalators. It should include station announcements regarding pending service delays or emergency communications and should be clear. More importantly, the information that is being announced on the public address system should be simultaneously displayed visually.

Class members have reported in their affidavits that the MBTA is difficult to navigate. Some concerns regarding the MBTA's wayfinding system include: the poor quality of Public Address Systems on trains, buses and stations; consistency between announcements and LED screens; blocked signs; unclear signs; and lack of maps that clearly state a route. These problems need to be corrected to ensure that passengers have the correct information to plan their trip. One important goal of the lawsuit is to ensure that the MBTA hires a wayfinding expert to evaluate the "T's" system. The wayfinding expert will then present a comprehensive wayfinding plan to the "T" and the "T" will implement that plan. A consistent, comprehensive plan can be developed to create a more user friendly MBTA for all passengers and provide the highest quality services to persons with disabilities.

Contact Information

Problems with the MBTA? Contact Us!

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.

Phone: 617-312-1234

TTY: 617-371-1228

Case Website:

<http://www.gbbs.org/health/access.htm>.

Boston Center for Independent Living

BCIL works to promote the civil rights of all people with disabilities.

Phone: 617-338-6665