

# MBTA ACCESSIBILITY LAWSUIT UPDATE

GREATER BOSTON RESIDENTS WORKING TOGETHER FOR ADA COMPLIANCE BY THE MBTA  
DANIELS-FINEGOLD ET AL. V. MBTA

SPRING

2005

FEDERAL COURT: CIVIL ACTION No. 02 CV 11504 MEL

ISSUE V

## Case Update

The lawsuit to increase MBTA accessibility is moving forward and is currently in the *fact discovery stage*. We are continuing to gather facts and evidence, including personal stories. We plan to complete this by **July, 2005**.

### Schedule of Future Events:

- We plan to complete *expert disclosures* by **September 2005**. Authorized experts have been employed by both sides to review and report on MBTA equipment and services. We will disclose our expert findings by **August, 2005**. The MBTA should be disclosing their expert findings by **September, 2005**.
- We plan to complete *expert depositions* by **October, 2005**. Expert depositions involve the questioning and recording of sworn testimony of the experts, admissible at trial.
- At the end of the discovery process, we plan to complete filing and/or responding to *dispositive motions* by **December, 2005**. Dispositive motions are motions made to the court which may decide all or part of the lawsuit, without the need for a trial.

## A Fighter's Story

Joanne Daniels-Finegold has been a fighter for her entire life. However, her battles do not take place in a ring. Ms. Daniels-Finegold is an active advocate for individuals with disabilities. She also teaches jewelry making and knitting.

Ms. Daniels-Finegold uses an electric wheelchair for mobility and has been concerned with the accessibility of MBTA services from her personal experiences. After reading her local papers, which include the Quincy Patriot Ledger and the Boston

Globe, her concern increased as she noticed that accessibility had gone from bad to worse. She summarized the information below:

**“Elevator and escalator malfunction on the T has hit a five-year high in the recent months.**

Maintenance and response has been admittedly *below standard*. Outages have been numerous and some of long duration. For example, at one point, the Quincy Center station escalator and two of the three elevators remained broken for nearly *3 weeks*. There have also been up to *11 broken elevators* on the Red Line, and times when all elevators were inoperable at the busy North Quincy station, which services a local Massachusetts Rehabilitation office, North Quincy High School, and a large State Street Bank complex. The effects are particularly harsh during the winter season.”

Joanne Daniels-Finegold has never remained idle in the face of adversity. The MBTA has not responded adequately and she has taken her fight to the courts. As the first named plaintiff in our current class action suit, *Joanne Daniels-Finegold, et al v. MBTA*, she hopes that this lawsuit will finally bring a stop to these on-going problems and help those who have been burdened by its effects.

## 13 Individuals File a Class Complaint Reporting Atrocious Elevator Conditions to the FTA

The Boston Center for Independent Living (BCIL) is a private non-profit organization operated by persons with disabilities. The organization seeks to promote full and equal participation of persons with disabilities within the community. BCIL and GBLS have collaborated and filed a complaint with the Federal Transit Administration (FTA) regarding the issue of inadequate MBTA elevator services. The complaint seeks a formal investigation of the MBTA's elevators and an order that the MBTA comply with

the standards required by the Americans with Disabilities Act and the Rehabilitation Act. Specific MBTA violations include failure to maintain elevators in operating condition, unsanitary elevators, inadequate signage and directions, inadequate notice of malfunctions, failure to provide alternate transportation in the event of malfunction, failure to respond to reported problems, and failure to employ adequate personnel to ensure equal access. In some instances, people have even been trapped within malfunctioning elevators. These violations have resulted in delays, inconvenience, and embarrassment to those who require operating service.

The complaint has been delivered and discussions have already begun. BCIL and GBLS hope that this will provide additional support and increase pressure on the MBTA to make necessary change.

## Spotlight: Community Action Makes a Difference at Savin Hill

**T**he Savin Hill station has been closed since Memorial Day, 2004 for repairs. The list of repairs include bringing the station up to the minimum standards for full access. Despite this deficiency, the MBTA has attempted to continue operations. The MBTA has a terrible track record on access, and disability advocates became concerned that permitting operation would diminish pressure to fix the problems in a timely manner. On **April 25<sup>th</sup>, 2005**, over 20 disability rights advocates attended the Massachusetts Architectural Access Board (AAB) hearing, to oppose the MBTA's proposal to open Savin Hill without full access. These advocates achieved a victory as the AAB voted unanimously to deny the MBTA's request.

## We Need Your Help; Community Activism Needs to Continue

**G**etting the MBTA to bring full access to our public transit system for people with all types of disabilities is a big job! It will involve the courts (through *Daniels-Finegold*), but will also require continued public pressure on the MBTA until all of the problems are resolved. Those of you who have experienced

miserable service, broken equipment, and overwhelming neglect by the MBTA are not taking it quietly and we hope that you continue to be loud. The MBTA and all of greater Boston needs to hear about these problems.

We also need allies. BCIL has begun to contact our state legislators and our Boston city councilors to make them aware of the serious access problems at the MBTA. Let your elected officials know that real access on the MBTA is important to you - call them! For more information about ongoing advocacy efforts or for help finding out who your elected officials are, refer to the contact below:

### 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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TTY: 617-338-6662

Fax: 617-338-6661

E-mail: [hhendrickson@bostoncil.org](mailto:hhendrickson@bostoncil.org)

#### **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.

197 Friend Street

Boston, MA 02114

Phone: 617-312-1234

TTY: 617-371-1228

Fax: 617-371-1222

## Have You Had Problems Using the MBTA? GBLS Wants to Hear Your Story!

Have you had any accessibility problems on the MBTA, e.g. faulty elevators, poor lighting, inaudible stop announcements, or broken lifts? We encourage you to document your experiences or concerns in the "fixed route ride log," available at:

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

Please contact Helen Hendrickson at BCIL if you need additional "*fixed route ride logs*".