

# MBTA ACCESSIBILITY LAWSUIT UPDATE

GREATER BOSTON RESIDENTS WORKING TOGETHER FOR ADA COMPLIANCE BY THE MBTA

DANIELS-FINEGOLD ET AL. V. MBTA

WINTER (FEBRUARY) 2007

FEDERAL COURT: CIVIL ACTION No. 02 CV 11504 MEL

ISSUE XI

## Case Update— Independent Monitor Appointed

We are extremely pleased to report that on January 31, 2006, Judge Lasker appointed the Honorable Patrick J. King (ret.) as Independent Monitor (IM) of the settlement agreement. The MBTA and the plaintiffs had jointly nominated Judge King as IM, and everyone involved in the case is excited to collaborate with Judge King in ensuring that the T is accessible for everyone.

In his role as Independent Monitor, it will be Judge King's job, with the help of experts whom he chooses, to assess whether the T is living up to its obligations under the settlement agreement and to report those findings on a regular basis to the parties and to the Federal Court. Every six months, the IM will issue a report on the T's activities, telling us what they have been doing right and what they have doing wrong. Judge King will also be a resource for the plaintiff class and the MBTA in identifying steps that can be taken to make the T accessible to all patrons as soon as possible.

## Spotlight on Judge Patrick J. King

Judge Patrick J. King's professional career has long been devoted to helping citizens realize their rights under the legal system. Judge King served as an Associate Justice of the Massachusetts Housing Trial Court for 12 years and as an Associate Justice of the Massachusetts Superior Court for 14 years. For the past four years, he has been working as a mediator and an arbitrator helping litigants resolve all types of disputes.

Judge King also has a long history of involvement in legal services. Before becoming a judge, he was a trial attorney for the Civil Rights Division of the U.S. Department of Justice, as well a Managing Attorney at Boston Legal Assistance Project (a precursor to Greater Boston Legal Services). King was

also a founding member of the Volunteer Lawyers Project (VLP) of the Boston Bar Association.

Judge King sees his career thus far as an asset in his role as the IM. He believes that his background working to help citizens realize their full rights under the law will enable him "to assist the parties in reaching the objectives set forth in their agreement."

King says that his number one priority this year will be to work on the provisions of the agreement that deal with improving bus services. Another priority, according to Judge King, is to develop a way to maximize his ability to communicate with members of the plaintiff class. "I plan to work closely with members of the plaintiff class and to meet with them on a regular basis," said King. "Those are the individuals who are in the best position to know where the problems are and whether the T is doing what it agreed to do."

Judge King has been using the T for most of his life and now uses the T about six times a week. As a frequent user of the system, he is well-aware of the challenges faced by all T users and especially those with disabilities. He is excited to take part in the process that will result in extending accessibility to all users of the T. "The plaintiff class and the T have entered into an historic agreement," said Judge King, "and I am excited that as Independent Monitor I will have the opportunity to help the parties reach the goal of making the T fully accessible to all people with disabilities."

## Elevator Update

The elevator steering committee, comprised of plaintiff representatives, as well as MBTA officials and consultants, has been meeting monthly to discuss locations and design options for redundant elevators at Porter Square, Harvard Square, Park Street, State St., and Downtown Crossing. A redundant elevator, is a completely new (additional) elevator in a station where there already exists at

least one of them. The goal of the elevator steering committee in its choice of design and location of the elevators is to create easy transfer for passengers, both between lines and between the surface level and platforms. Once the “redundant” elevators are installed and in service, they will be the primary elevators used by passengers and the old elevators will be backup.

The plaintiff elevator committee is also collaborating with the MBTA and its consultants regarding design specifications of replacement elevators.

## Plaintiff Spotlight *Maureen Cancemi*

Maureen Cancemi is a named plaintiff in the lawsuit Joanne Daniels-Finegold, et al. v. MBTA. Maureen was a strong proponent of involving the community in the negotiation process for the Settlement Agreement. She strongly believes the Settlement will improve the lives of all passengers with disabilities who use the T.

According to Maureen, she became involved in this case “because I use the system and it was very inadequate.” Prior to this case, she and other people with disabilities had to fight to be heard. This case, says Maureen, provided her with “opportunity to express [her] opinions and hopefully make [the MBTA] better for other people to use.”

Maureen thinks that access barriers arise from a combination of technological and worker-related problems. She feels that on the one hand many MBTA employees demonstrate “a lack of training and sensitivity,” and on the other hand, the MBTA as a whole “lacks the technical equipment” to make travel more convenient for passengers with disabilities. The Settlement Agreement addresses both of these kinds of problems, and Maureen is confident that in time, real changes will take place that will reflect both of these issues.

Maureen is thrilled about the formation of the Settlement Agreement itself, especially about the terms detailing the new equipment the MBTA will

purchase. Maureen knows this new equipment will open up new doors, both literally and figuratively, that will give people with disabilities increased access and mobility.

Maureen recognizes that the Settlement Agreement will require all the parties involved to work together. Although it won’t be easy, she is confident that the parties can find ways to work together effectively. For her part, Maureen is willing to be a part of this collaboration with the T.

Maureen has noticed a few small changes already since the case was settled. She notes especially the new stop announcements on the subway. However, she is still waiting to see the tangible effects of the other terms. Of course, Maureen recognizes that the process will take time and cooperation, but the Settlement promises such sweeping changes that Maureen feels as though there will be something to anticipate at each step of the way.

### **WE NEED YOUR HELP!!!!**

**Have You Encountered ANY Barriers to Either Access to the MBTA or Access to Health Care?**

#### **MBTA ACCESS**

*We need to continue hearing about any access problems so that we can ensure that the T is addressing those issues.*

#### **HEALTH CARE ACCESS**

*GBLS, in collaboration with the Boston Center for Independent Living, is in the initial stages of a project to address systemic barriers to healthcare access that exist for people with disabilities.*

**If You Have Encountered Barriers to MBTA Access and/or Health Care Access,  
We Want to Hear Your Story!**

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