

# MBTA ACCESSIBILITY LAWSUIT UPDATE

GREATER BOSTON RESIDENTS WORKING TOGETHER FOR ADA COMPLIANCE BY THE MBTA

DANIELS-FINEGOLD ET AL. V. MBTA

SPRING (MAY) 2007

FEDERAL COURT: CIVIL ACTION No. 02 CV 11504 MEL

ISSUE XII

## Case Update—T Hires New AGM for System Accessibility

We are pleased to report that the MBTA has hired Gary Talbot as its new Assistant General Manager (AGM) for System Accessibility. As stipulated in paragraph 81 of the Settlement Agreement, Gary's job will be to assist the General Manager in implementing the settlement; to develop further means to improve accessibility to T services; and to ensure that all departments and components of the MBTA understand and comply with all disability access requirements (from the Settlement, as well as state and federal law).

Gary is an engineer by training and has a variety of experiences working with access issues. He has worked for General Motors and the Disney Corporation. He has also been a member of the U.S. Access Board since 2004 and the Florida Commission for the Transportation Disadvantaged since January 2007.

Plaintiffs, class members and counsel are excited to have someone with vast knowledge about access issues in the position of AGM. All parties look forward to working with Mr. Talbot to implement the settlement and ensure accessibility on the T.

## Independent Monitor Update

*By Judge Patrick King*

During the first four months of my work as the Independent Monitor under the Settlement Agreement (Agreement), I have familiarized myself with the terms of the settlement agreement and set priorities for the balance of this calendar year. Among other activities, I have:

- Met with members of plaintiff class
- Presided over a public hearing on April 11 where I listened to concerns of persons with disabilities
- Attended an AACT meeting

- Met with General Manager Daniel Grabauskas and his management team
- Met with BCIL staff
- Ridden buses, subways and the Green line to observe obstacle to access
- Engaged an expert to conduct bus study
- Reviewed T reports concerning compliance activities
- Met with counsel for the parties regarding a variety of compliance issues
- Visited other transit systems to observe steps taken to overcome access impediments
- Visited T control, maintenance and training facilities

My primary goals over the next few months will be to establish a protocol for and implement a bus observer/testor program to assess current compliance with the settlement agreement. This study will also provide information that will assist in the creation of objective performance criteria for bus drivers.

Although many of the past bus access problems will be helped with the replacement of the older buses over the next few years (155 new buses are now being delivered and an additional 155 new buses are on order), the replacement of the existing bus fleet will not solve all of the bus access problems. To accomplish the objectives of the Agreement, it is also essential that the T establish driver performance standards, monitor compliance with those standards and improve driver training programs.

Members of the plaintiff class have provided me with invaluable information regarding the T's compliance with the Agreement. It is extremely important that all members of the plaintiff class be alert to compliance problems and that they continue to bring those problems to my attention and to the attention of the T management. You should feel free to contact me by email at [mbtamonitor@gmail.com](mailto:mbtamonitor@gmail.com) or by telephone at 617.228.9125.

## Emergency Preparedness—A Plaintiff's Perspective

*By Joanne Daniels-Finegold*

One of our chief concerns in negotiating a settlement with the T was the safety of all disabled riders in the event of an emergency. A disaster drill, in which I participated, called into question the readiness of the T.

The drill, which took place on March 25, involved a simulation of an accident on a Red Line train in the tunnel between Broadway and J.F.K. stations. The T recruited four people with mobility disabilities to take part in the drill (one cane user and, including myself, three wheelchair users). The passengers were to be assessed for injuries, triaged and evacuated from the train.

I found several aspects of the drill disconcerting. First, announcements were neither made in Spanish nor were they made visually. In addition, there were no first aid kits on the train and in a real emergency, the Transit Police would have been unable to provide basic assistance (pads to stop bleeding, defibrillators, etc.). Most upsetting was the fact that the other woman using a wheelchair and I were both left on the train; no attempt was made to evacuate us.

Based on my experiences with the fire drill, I cannot help but think that the T's emergency procedures need to be reevaluated.

### Plaintiff Spotlight

*Mrs. Rogera Robinson*

Mrs. Robinson, a named plaintiff in Joanne Daniels-Finegold et al. v. MBTA, has been involved in this lawsuit from its inception and has been a steady voice throughout the process. A participant in the formation of the final Settlement Agreement, Mrs. Robinson strongly believes in the Agreement's potential to bring about real change for people with disabilities.

About 18 years ago, Mrs. Robinson was injured and forced to wear a cast on her left leg. It was the first

time in her life that her mobility was impaired in any way. Mrs. Robinson began to notice the inadequate services available to people with disabilities; she started asking questions about how she could improve public transportation and other services for people with disabilities.

After meeting Attorney Tara Doucette at a community gathering, Mrs. Robinson became a named plaintiff in Daniels-Finegold et al. She has since devoted significant energy and focus towards gaining equal access for people with disabilities.

The problems Mrs. Robinson encounters with the MBTA arise not only from issues related to equipment or technology but also problems with treatment and service. Mrs. Robinson's main goal throughout this process has been to ensure that people with disabilities are treated with respect. The MBTA, she says, needs to focus on its employees to improve the system for everyone. "Better service – that's the first thing. Any system that is dealing with the public has to train their personnel."

Mrs. Robinson encourages all of us to remember the positive things during this long implementation stage: "Remember, if you see something good on the MBTA, call them and let them know, because we're so quick to judge negatively. It's important to remember the positive as well." Mrs. Robinson says she is already starting to notice some changes, especially in the attitudes of the bus drivers on her normal routes. The bus drivers are becoming more helpful and respectful, which is certainly a welcome change. It may be a long road ahead, but things will improve with time, and Mrs. Robinson is sure everyone's hard work will pay off in the end.

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

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

Please Contact:

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