

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

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Issue XVII

Parked in a bus stop? That will be \$100

With enthusiastic support from passengers with disabilities, the Massachusetts legislature recently passed a bill to increase the fine for parking in posted bus stops to \$100. Governor Deval Patrick signed the bill into law on January 8, 2009. The new law also makes it easier for the MBTA police to ticket illegally parked cars in bus stops across all the cities and towns that the MBTA serves. When the MBTA issues tickets, the fine will be split between the MBTA and the city or town where the ticket was issued.

A car parked in a bus stop can completely block access to public transportation for people with disabilities. If a bus stop is blocked, people with mobility impairments or visual impairments might not be able to safely navigate around the illegally parked car to wherever the bus driver is able to stop, especially if the bus can only stop in the street. The ramps used on the MBTA's low floor buses are designed to lower down to the level of the sidewalk and a bus driver may not be able to find another place to safely deploy the ramp.

Passengers with disabilities are hopeful that a larger fine and more effective enforcement will discourage drivers from parking in bus stops. Plaintiff Tom Gilbert was one of several plaintiffs who lobbied at the State House for the bill's enactment. He says, "I think it's a really big milestone in the history of the lawsuit. It will guarantee safe access to all the buses on all the routes."



"No Parking" signs at bus stops will be backed up by a steeper fine.

Fair policy: Fare gates now more accessible

In response to recommendations from passengers with disabilities and the efforts of the MBTA's System-wide Accessibility office, the MBTA decided to improve its fare policy at subway stations. When the MBTA first rolled out the new Charlie Card system, passengers with disabilities that used a Transportation Access Pass (TAP), Blind Access, RIDE or Senior card could only use these passes at the fare gates that were labeled "Reduced Fare." These gates are not consistently located in the same place at each station across the system, which made it difficult for passengers with visual impairments to find them and distinguish them from the other gates. If the "Reduced Fare" gates were out of service, it could block entrance for passengers who used these type of passes. To increase accessibility, the MBTA's general manager Daniel Grabauskas changed the MBTA's fare policy in November so that the passes can now be used at all fare gates, making it much easier to navigate subway stations.

The MBTA plaintiffs are also advocating for more improvements to address access issues for passengers with mobility impairments who cannot insert or swipe their Charlie Cards at fare gates.

Local filmmaker presents young passengers' take on the T

Alexander Freeman's choice of title for his documentary about the experiences of young adults with disabilities riding on the MBTA captures their opinions perfectly: "Accessible Boston Now in Popular Demand." Freeman appears in the film himself, recognizing that the MBTA is making improvements but he emphasizes, "There is still a lot of work to be done. It is not enough."

The documentary, which was sponsored by Easter Seals and the Boston Center for Independent Living, was a chance for Freeman to use his film experience as an advocacy strategy. His interest in film dates back to childhood when he was on set as an actor in a commercial. Ultimately, it was being a director of films that appealed most to Freeman: "If I could have control over one scene and the structure, then I could have control over my life," he says. When he was fourteen, he started writing, directing, editing and producing films. His productions range from a recent short film based on the poem "The Raven" to a recruitment documentary for City Year. Freeman is currently studying communications at UMASS Amherst while continuing to create films, including his first feature-length film and a training documentary for personal care attendants.

In 2007, Easter Seals approached Freeman about editing interviews of youth group members discussing how the MBTA could be more accessible. Freeman took the initiative to shoot more footage, documenting experiences like using a mobile lift on the Green Line. "I almost sacrificed my life," Freeman says, by waiting at a track edge to capture the opening shot of a commuter rail train

pulling into a station. He decided to mix riders' descriptions of problems with telling scenes from the MBTA system to underscore the issues in what he calls "humorous, but subtle ways." For example, there's one shot from a T station of a sign with a wheelchair symbol placed right below a "Danger No Passing" sign. "I wanted to make [the film] cinematic so that it would be effective and catch people's attention," Freeman says.

Freeman spent hours editing the film while also juggling a college course load. "I put my classes in jeopardy in order to get it done," Freeman says. "I put everything into it because we must make a change. I thought that was more important." The film premiered last winter at the Boston Public Library.

Quotes from the film:

"The MBTA allows me to get to and from where I need to go... I need to get around without basically waiting for others."

- David Brewington

"They need to make sure that there are spots on the trains that are set for people with wheelchairs or walkers or whatever because I've gone onto a train and there wasn't a space for my wheelchair to go."

- Alexandria Richard

"More employees or officials at the gates – not just at one station, it should be every station."

- Siomon Escobar

Barriers to accessing health care?

- Inpatient rooms without accessible bathrooms
- Not being weighed at doctor's appointments
- Service dog not allowed in hospital

GBLS and BCIL are working together to improve accessibility at health care facilities and the MBTA for individuals with disabilities. To share your experiences, please contact:

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Finding problems on the MBTA?

- Gaps between platform and train
- No staff assistance available at stations
- Problems boarding buses