

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

WINTER 2004
ISSUE IV

Case Update

As the Daniels-Finegold litigation nears trial (the trial is expected to take place sometime in the summer of 2005; however, due to the complex nature of this lawsuit, this timeline may change), the Daniels-Finegold legal team is in the discovery phase of trial preparation. Discovery, which is the fact-finding stage of a lawsuit, can be broken down into four parts:

1. Interrogatories:

Interrogatories are a set of written questions that must be answered by the opposing party.

Interrogatories are used as a tool to find out information from the other side of a lawsuit.

2. Requests for Production:

According to Black's Law Dictionary, (8th ed. 2004), a request for production is a request that the opposing party provide documents or other items for inspection and/or copying.

3. Depositions:

A deposition is when a witness is questioned, under oath, outside of the courtroom. Transcripts from depositions help lawyers to decide what issues are important in a case, what documents are critical to understanding these important issues, and what questions should be asked if the case goes to trial.

4. Requests for Admissions:

A request for admission is when one side of a lawsuit makes a statement and then asks the opposing party to admit, deny, or object to the statement made by the first side.

Accessible Transportation is a Civil Right

The Americans with Disabilities Act prohibits discrimination on the basis of disability by public transportation entities. If you are a person with a disability and you are experiencing problems accessing the MBTA's buses, trains, elevators, and/or stations, your civil rights may be being violated! Stand up for your rights and make sure to report these violations. For more information, check out our website at:

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

Accesibilidad para el servicio de tren/bus es un derecho civil. Ha tenido usted algún problema de accesibilidad con el tren/bus que le gustaría compartir? Por favor pongas en contacto con Helen Hendrickson al Boston Center for Independent Living (BCIL), (617)338-6665, x233. Nosotros tenemos información en español para ustedes.

Have You Had Problems Using the MBTA?

Have you missed stops due to mumbled stop announcements?

Have you had difficulty using MBTA elevators?

Have you had problems due to poor lighting?

Have you tried to access buses with broken lifts?

Have you had any accessibility problems on the MBTA?

GBLS Wants to Hear Your Story!

We encourage you to document your experiences in the "ride log," available at:

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

Please contact Helen Hendrickson at BCIL if you need additional ride logs. Make sure to report to BCIL or to GBLS if you have any concerns regarding MBTA accessibility.

The ADA: Its Origin and Meaning

The Americans with Disabilities Act (ADA) was enacted in 1990 in order to forbid some discrimination against persons with disabilities. The ADA prohibits disability discrimination much like the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, national origin, sex and religion. The ADA prohibits discrimination in five areas:

- Employment
- Places of public accommodation
- Services provided by the state and local government
- Public transportation

- Telecommunications services
- Title II of the ADA covers public transportation services, such as the MBTA. In order to comply with the ADA, the MBTA must:
 - Make stations accessible
 - Provide directional signage
 - Provide telecommunications access
 - Replace or fix elevators
 - Prevent bus drivers from failing to stop for consumers with disabilities because of their disabilities
 - Keep wheelchair lifts in working condition
 - Use wheelchair lifts safely
 - Eliminate gaps on train platforms
 - Report broken bus lifts and elevators
 - Provide transportation for people with disabilities during street renovations and construction
 - Require drivers to announce stops
 - Stop drivers from being rude to passengers with disabilities because of their disabilities

The MBTA has violated the ADA because it does not meet all of these requirements. The Daniels-Finegold legal team is working to have the MBTA comply with the law.

For more information, visit the Federal Transit Administration's ADA website at:
www.fta.dot.gov/14524_ENG_HTML.htm

We must scrupulously guard the civil rights and civil liberties of all citizens, whatever their background. We must remember that any oppression, any injustice, any hatred, is a wedge designed to attack our civilization.

--Franklin Delano Roosevelt

Greeting to the American Committee for the
 Protection of the Foreign Born,
 Washington, D.C.,
 January 9, 1940

Remembering Michael Warshawsky

On November 12, 2004, the Daniels-Finegold v. MBTA team lost a dear friend and advocate, Michael Warshawsky. Mike was

born in Lynn, Massachusetts in 1952 and graduated from Lowell High School. Next, he earned bachelor's and master's degrees from Tufts University in engineering. Mike later worked for Raytheon for over thirty years.

In addition to being a very active member of the National Spinal Cord Injury Foundation, Mike was the former chairman of Andover's Commission on Disabilities and was part of numerous organizations that worked to improve accessibility for people with disabilities. Mike, a C5 quadriplegic, used an electric wheelchair for mobility. He came to the Daniels-Finegold team after being frustrated by his regular use of MBTA transportation. Like many other people with disabilities, Mike regularly encountered broken subway elevators and malfunctioning bus lifts. Mike worked closely with members of the Daniels-Finegold team to document his problems with the MBTA, as well as to brainstorm ways that the MBTA could be made more accessible.

Mike was an avid sports fan and was loyal to the Red Sox, Bruins and Celtics. Mike's enthusiasm, dedication, and activism will truly be missed.

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.

95 Berkeley Street, Suite 206

Boston, MA 02116

Phone: 617-338-6665, x233

TTY: 617-338-6662

Fax: 617-338-6661

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