

# MBTA ACCESSIBILITY LAWSUIT UPDATE

GREATER BOSTON RESIDENTS WORKING TOGETHER FOR ADA COMPLIANCE BY THE MBTA

DANIELS-FINEGOLD ET AL. V. MBTA

SPRING/SUMMER 2014

FEDERAL COURT: CIVIL ACTION No. 02 CV 11504 MEL

ISSUE XXI

## 2013 Joint Assessment Signed!

It has been eight years since Plaintiffs, the MBTA, Boston Center for Independent Living (BCIL), and Greater Boston Legal Services (GBLS) signed the Settlement Agreement in *Joanne Daniels-Finegold, et al. v. MBTA*. A lot is still being done to make sure that the MBTA meets the requirements of the agreement. On March 14, 2014, Plaintiffs, the MBTA, BCIL, GBLS, and the Independent Monitor, Judge King, finished and signed the 2013 Joint Assessment.



The Joint Assessment is the MBTA's accessibility report card. It looks closely at the MBTA's progress and the challenges that remain. The purpose of the Joint Assessment is not only to make sure that the MBTA is keeping its promises, but also to give the MBTA important feedback on the usability of its system from people who ride the T every day. The MBTA's general manager, Dr. Beverly Scott, said that "...it is the goal for these changes and improvements to be mainstreamed and to be incorporated in everything we do."

Areas that remain of particular concern to Plaintiffs include:

**Elevators:** Without access to working elevators, people who can't take the stairs or escalators can't use the T. The MBTA has met the Settlement

Agreement's goals for addressing issues of out-of-service or "unavailable" elevators and ensuring that there are secondary elevators available should a primary elevator break down. However, Plaintiffs are concerned by the lack of progress towards replacing and modernizing elevators identified in the Settlement Agreement.

**Gaps:** If gaps between platforms and trains are too wide, passengers may be unable to board or exit the train. In some stations, the MBTA has installed bridge-plates to cover the gaps, but this is only a temporary fix. Bridge-plates don't allow people to board and exit without help.

**Stop Announcements:** Passengers who are visually impaired rely on stop announcements to know when to get off of the train or bus. The stop announcements inside of trains and buses are working well, but external stop announcements on buses and the Green Line are infrequent and hard to understand.

**Emergency Procedures:** It is very important that all passengers can safely evacuate trains or buses if there is an emergency. The MBTA has made progress in training staff on how to evacuate people with disabilities and there are now more evacuation chairs. Still, the Plaintiffs want the MBTA to strengthen their efforts to ensure that people with disabilities can be evacuated quickly and safely.

Completing the Joint Assessment is another milestone towards full accessibility. The Assessment will be the basis of a 90-Day plan, set up by the MBTA, which gives a concrete timeline of future projects and the resources allocated to them. The General Manager of the MBTA, Dr.

Beverly Scott, complimented the Plaintiffs on their knowledge of the vast MBTA system and the rights of people with disabilities.



*Named Plaintiffs at Broadway Emergency Training Center.*

According to Dr. Scott, “it is very easy to be theoretical, but they put in the work of getting to know the system in detail and show a remarkable amount of perseverance.”

For the full 2013 Joint Assessment, see our website : <http://www.gbls.org/impact-advocacy/mbta-accessibility-lawsuit-ensuring-access-to-public-transportation-for-people-with-disabilities>

## Plaintiff Spotlight

### *Joanne Daniels-Finegold*

Since signing the Settlement Agreement in 2006, the Plaintiffs’ group continues to work with the MBTA towards accessibility. Most recently, the



plaintiffs reviewed the changes to be made at Forest Hills station as part of the nearby Casey Arborway Project and they are working to develop emergency procedures for bus operations.

Joanne Daniels-Finegold recently shared her thoughts on the case and the progress that has been made:

**Most memorable moment:** “The most memorable moment in the case for me was when Judge Lasker accepted the Settlement Agreement. All of those who were named plaintiffs felt a great deal of

responsibility for the role we played. The agreement itself charges us to work with the MBTA in order to get it implemented.”

**Changes since the settlement agreement:** “I have seen the MBTA make slow but significant change in the commitment to change on the part of many MBTA employees. At the time of the settlement, some employees recognized the need to meet the requirements of the [Americans with Disabilities Act]. Many, however, were resistant to change. We now work together amicably with some who were resistant.”

**Future Developments:** “In the future, I believe that every department in the T should without question consult their System-Wide Accessibility department when planning projects. Administrators need to prioritize what remains to be accomplished in order to fulfill the settlement agreement.”

**Why I am still involved:** “I never thought about giving up. I like me, and giving up would be giving up on myself and many others.”

### **Congratulations Laura Brelsford!**



In February 2014, the General Manager of the MBTA, Dr. Beverly Scott, announced that Laura Brelsford has been appointed Assistant General Manager of System Wide Accessibility (SWA).

The Plaintiffs, Greater Boston Legal Services, and Boston Center for Independent Living are very pleased to see Laura in this position. She has tirelessly worked on the enforcement of the Settlement Agreement and we are confident that, under her leadership, progress can be made towards our shared vision of access for all.