

# **2013 MBTA/BCIL Joint Assessment**

## **Executive Summary**

### **Background/Purpose:**

The 2013 Joint Assessment (“the Assessment”) outlines the major subject matter areas discussed in the Settlement Agreement (“the Agreement”) reached by Massachusetts Bay Transportation Authority Boston (“MBTA”, “the Authority”) and the Boston Center for Independent Living (“BCIL”) resulting from the class action lawsuit Daniels-Finegold, et al. v. Massachusetts Bay Transportation Authority. Further, the Assessment serves as an opportunity for both the plaintiffs and the MBTA (“the parties”) to collectively evaluate the MBTA’s progress toward improving accessibility in each of these areas. A previous Joint Assessment was issued in June of 2010.

### **Process:**

Throughout 2013, representatives from both the plaintiffs’ group and the Department of System-Wide Accessibility (“SWA”) met to review the MBTA’s status in each of the areas addressed by the Agreement. SWA and the plaintiffs (“the parties”) then drafted a narrative overview of each key topic which formed the basis of the Assessment. The MBTA and plaintiffs agree that, within 90 days of the signing of the Assessment, the parties will develop a concrete list of additional steps the MBTA intends to take in order to respond to recommendations made by the plaintiff’s group or to comply with the terms of the Agreement.

### **Structure of Assessment:**

Each topic is divided into four sections: “Introduction”, which briefly makes reference to related provisions of the Agreement; “Progress as of 2010”, which restates the MBTA’s progress as of

the 2010 Joint Assessment; “Progress to Date”, which outlines the MBTA’s accomplishments since the 2010 Joint Assessment; and “Challenges Remaining”, which identifies both next steps recommended by the plaintiffs or SWA and potential hurdles faced in attempting to further improve accessibility.

### **Findings:**

Both parties agree that the MBTA has continued its progress in improving access to its services since the 2010 Assessment, although perhaps at a slower pace than before. Both parties agree that a clear plan for defining and achieving full compliance must be developed for this process to be successful.

### **Key Settlement Commitments:**

The following section briefly summarizes progress made and challenges remaining in several key areas, which were first assessed during the 2010 Joint Assessment and which continue to warrant particular focus.

**Bus Operations.** Both parties agree that continued training and new enforcement measures have been effective in improving compliance in key topics; however, the parties must work towards defining performance benchmarks for assessing compliance with the Agreement. Also, the plaintiffs continue to urge the inclusion of riders with disabilities in personnel trainings.

**Bus Maintenance.** The parties acknowledge that bus maintenance has remained improved overall with no significant changes since the 2010 Assessment. The plaintiffs request that an updated monitoring system be implemented for tracking daily circle checks and that the schedule for cleaning ramps/lifts be revisited.

**Bus Purchase and Rehabilitation.** Both parties agree that the MBTA continues to fully comply with the terms related to this section, and they agree that they will work together to evaluate how high-floor buses are dispersed throughout the system for as long as those buses remain in the active fleet.

**Emergencies.** The parties agree that the MBTA has made significant improvements in its training and deployment of evacuation chairs throughout the system. However, both parties are committed to developing enhanced policies and procedures specific to people with disabilities.

**Performance Monitoring by the MBTA.** Both parties agree that the MBTA's Internal Access Monitoring Program has continued to improve, with several useful reports being issued since Quarter 1 of 2010. The parties also agreed to a revised schedule for issuing bus monitoring reports.

**Bus Service Planning.** The parties agree that the development of the Key Bus Routes Improvement Program is a positive step towards improving accessibility along those bus routes, and both parties are pleased that the MBTA is moving towards a fully accessible bus fleet. However, the plaintiffs urge an increased focus on the accessibility of bus stops and on further public outreach with relevant communities to determine particular areas of importance.

**Gaps.** Both parties acknowledge the unique and difficult nature of attempting to ensure that gaps between subway station platforms and vehicle floors do not exceed limits set by applicable regulations. Both parties recognize the dedicated, ongoing work of Engineering and others at the MBTA in this area. The parties agree that the bridge plate program has improved significantly since the 2010 Assessment; however, both parties would like to see further improvements to platform gaps.

**Rail Vehicle Engineering.** The MBTA sent specifications out to bid in January 2011 for next-generation Green Line cars, and has issued a Request for Proposals to procure new Red and Orange Line vehicles. The need to ensure maximum access for passengers with disabilities has been a key consideration in developing the plans for these procurements.

**Green Line/Mobile Lifts.** Both parties agree the MBTA has made significant improvements in Green Line accessibility, with at least one low-floor car being present on trains nearly all of the time. With single high-floor cars still occasionally in service, the plaintiffs stress the importance of fully functioning mobile lifts, fully trained personnel, and an updated monitoring system.

**AFC.** The MBTA has begun installing second targets on the inside arm of accessible fare gates based on a priority list developed by the plaintiffs. The MBTA also developed a design for an accessible CharlieTicket with plans for these tickets to be in circulation in 2014. Both parties agree these are important improvements, and the plaintiffs stress the need to continue implementing them without delay.

**Stop Announcements.** While internal stop announcements continue to operate at a high level, both parties acknowledge that external stop announcements on buses and Green Line vehicles have been infrequent despite the work of Vehicle Engineering. The plaintiffs urge continued focus in this area as they consider stop and destination announcements a critical element of compliance.

**Wayfinding.** The MBTA and the plaintiffs reached a compromise agreement to modify the wayfinding system recommended in 2012 by Bertaux + Iwerks, the architectural firm hired by the Independent Monitor, Judge Patrick King. The plaintiffs stress the

importance of consistently applying the approved systems and designs to new signage going forward, and of maintaining open communication among all parties involved.

**PA/VMS.** Both parties agree that the MBTA has taken the plaintiffs' concerns in this area seriously and that there has been a significant reduction of extraneous announcements over the PA/VMS system. The plaintiffs stress the importance of all future installations of PA/VMS equipment having dual-mode audio/visual capabilities.

**Station Platforms.** The MBTA completed its full repair of the North Quincy Station platform in August 2011. Both parties agree that the MBTA is fully compliant with all related terms in this area. The plaintiffs urge the MBTA to address station platform issues outside of those listed in the Agreement, as they believe these issues fall within the spirit of the Agreement.

**Elevators.** Both parties agree that the MBTA continues to be in compliance with all terms related to elevator availability and that the ongoing redundant elevator project has yielded excellent results. However, progress on the replacement elevator project has been slow, faced with mounting construction and financial challenges. The parties agree that developing a workable path forward for this program must be made a top priority.

**Access to Vehicles and Facilities.** The parties agree that the MBTA has made significant improvements in this area with further enforcement of the Bus Stop Law, removal of snow from all T-owned stops and stops along key bus routes, and implementation of the Key Bus Routes Improvement Program. The plaintiffs urge the MBTA to advocate with municipalities to buy into its plans for improved access in this area.

**Customer Assistance.** Both parties agree that significant improvements have been made in the bridge plate program and the functionality of the callbox system. The plaintiffs also look forward to the continued system-wide rollout of Customer Assistance Areas (CAAs). The parties acknowledge the importance of the continued successful operation of the bridge plate and CAA programs in recognition of the fact that employees are not always present at stations during all hours of operation.

**Alternative Transportation.** The parties agree that the MBTA has made significant progress in this area and is substantially compliant with all related terms in the Agreement. SWA and Operations have made accessibility an important consideration during mass diversions.

**Complaints.** Both parties agree that the MBTA has continued to improve in this area, particularly with the development of a detailed complaint-tracking log, from which draft reports are created that provide clear and helpful information. The plaintiffs acknowledge these improvements; however, they continue to express concerns about long response times experienced for many complaint investigations.

**Personnel Training.** The parties agree that the MBTA's Bus personnel trainings related to accessibility have been largely successful in improving access to and services on the fixed-route system. The parties acknowledge the need for SWA to review and renew accessibility training modules for Light and Heavy Rail personnel.

**Management.** SWA's first Assistant General Manager, Gary Talbot, left the MBTA in Summer 2011 and was replaced by Marie Trottier in September 2012. Dr. Beverly Scott was appointed General Manager of the MBTA in December 2012, and she has requested the development of a detailed, comprehensive project

and budget plan outlining all outstanding settlement-related issues; both parties agree that this plan is a top priority.

**Marketing, Outreach & Public Relations.** The parties agree that the MBTA's development of an online Access Guide and the implementation of a System Orientation Training program are significant improvements in outreach and marketing. The plaintiffs urge the MBTA to investigate targeted and larger-scale marketing campaigns focusing on the system's improved accessibility in order to attract more riders with disabilities and reduce dependence on THE RIDE.

**Independent Monitoring.** The parties agree that Judge King has played an integral role in the enforcement of the Agreement, particularly in the areas of wayfinding, review of management, strategic planning, and vehicle design requirements for Light Rail, Heavy Rail, and Commuter Rail. Both parties acknowledge the need to review the materials required to be given to the Independent Monitor by the MBTA as identified under Paragraph 92 and Addendum C of the Agreement.

**Communication Between Parties.** Both parties agree that significant improvements in communication had been made since the 2010 Joint Assessment, with two roundtable meetings held with senior MBTA staff and the plaintiffs and with open communication encouraged between the parties. However, despite some positive steps taken in open communication between the parties, plaintiffs feel that they experienced a decline in the quality and consistency of everyday communications throughout much of 2013.

**Revision of Rules.** The parties agree that the MBTA has fully complied with all relevant terms in this area, as all rulebooks have been revised and reissued.



**Miscellaneous.** Both parties agree that the MBTA has made significant improvements in making the stations along the Mattapan High Speed Line accessible. The parties acknowledge that further work is needed to develop a Guide to Access, and preliminary steps toward its development are underway in SWA.

## **Conclusion:**

The 2013 Assessment reveals that the MBTA has continued its progress in improving access to its fixed-route system; however, this progress has been more measured than the rather significant improvements documented in the 2010 Assessment. A renewed focus and further collaboration between parties are key to quickening the pace of success.

Both parties acknowledge that additional work remains to be undertaken, including issues related to Emergencies, Elevators, Gaps, and Stop Announcements. Despite the fiscal challenges faced in making the T a model transit system, the parties are dedicated to cooperating in good faith and to the best of their abilities in achieving compliance with the terms of the Agreement.

# 2013 MBTA/BCIL Joint Assessment

## Background

In 2006, the MBTA and the plaintiffs entered into a landmark Settlement Agreement which resulted from the class action lawsuit Daniels-Finegold, et al. v. Massachusetts Bay Transportation Authority. What began as an adversarial relationship between the parties developed into one of collaboration, with a shared vision to make the MBTA a model transit system accessible to all members of the public. The parties knew that building a strong partnership was integral towards achieving this goal of system-wide accessibility. During the early stages of enforcement, the plaintiffs were quite pleased with the progress made by the MBTA in several important areas and overall throughout the system. This assessment was captured in the initial Joint Assessment drafted by the parties in 2010.

Since then, the MBTA has made measured progress. However, at nearly eight years into the implementation of the Agreement, both parties recognize the need to declare and demonstrate a recommitment of the letter and spirit of the settlement:

[The Settlement Agreement] is based on a shared vision between plaintiffs and the MBTA to make the MBTA a model transit system accessible to all. There is a mutual commitment and desire to comply not only with the letter but the spirit of the Americans with Disabilities Act, with the complete understanding that all people with disabilities must have every opportunity to be fully participating members of our community and that fundamental to this opportunity is the right and

ability to use public transportation in an equal, effective and dignified manner.<sup>1</sup>

As such, System-Wide Accessibility (SWA) and the plaintiffs have again collaborated to jointly assess the MBTA's progress and to identify a clear working plan towards full compliance. While significant work remains, both parties are confident that the MBTA is capable of achieving such compliance if doing so remains a priority.

### **Process for Drafting the 2013 Joint Assessment**

In March 2013, a group consisting of representatives from the plaintiffs, representatives from the MBTA's Department of System-Wide Accessibility, and the Agreement's Independent Monitor began meeting regularly to do the following:

- The abovementioned group worked to review the progress made by the MBTA and note plaintiffs' concerns about compliance with the terms of the Agreement. Similarly to the drafting of the 2010 Joint Assessment, the group sought to provide updated information illustrating the MBTA's progress to date in reaching compliance in important areas from the Agreement and the challenges remaining in accomplishing this goal.
- The group composed a draft narrative overview for each respective section by using internal data from the MBTA as well as feedback from the plaintiffs and the Independent Monitor.

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<sup>1</sup> MBTA/BCIL Settlement Agreement, 2006

- SWA reviewed each section with the impacted MBTA departments before, during, and after drafting. The group then worked to incorporate the feedback from these departments into the respective sections of the document.

The plaintiffs then reviewed the suggested additions and edits incorporated in the document. Once a draft was composed, the document was again returned to SWA for review.

- At the end of 2013, as revisions were underway, both parties agreed to “freeze” the content within the Assessment such that all Progress to Date discussed would be related to events occurring before 2014.
- Once the final review and negotiation process was completed, and the jointly created and agreed-upon Assessment was finalized, System-Wide Accessibility and the plaintiffs signed the 2013 Joint Assessment and submitted it to the Independent Monitor, Judge Patrick King.

This document provides an overview of the progress that has been made and some of the challenges that still remain. However, it is intended to serve as more of a narrative of the overall effort to achieve improved accessibility than an authoritative determination of the MBTA’s compliance with the Agreement. Despite the lack of definitive determinations of compliance, this Assessment was developed in order to guide the parties in their work towards the goal of compliance. After the issuance of this Joint Assessment, both parties are committed to work to develop a clear definition of full compliance under the Agreement, as well as to reach shared determinations regarding the MBTA’s progress towards compliance. Specifically, within 90 days of the signing of this assessment, the parties are committed to developing a clear work plan which lays out further steps the

MBTA intends to take and which documents requests for further action from the plaintiffs. The parties will subsequently delineate their shared understanding of what more will be required to reach full compliance under the Agreement.

## **Assessment of Settlement Commitments**

### 1) BUS OPERATIONS

a) Introduction. Providing ready and safe access onto buses for people with disabilities is one of the core issues of the Agreement. Compliance with this section of the Agreement, as well as with sections relating to subway access, is the ultimate measure of success. Among other duties, the Agreement requires MBTA personnel to follow procedures in areas such as assisting passengers with disabilities upon request, proper operation of lifts and ramps, and providing securement devices for passengers using wheeled mobility devices.

b) Progress as of June 2010. In the Fall of 2007, SWA and the Bus Operations Training School developed step-by-step procedures for providing optimal customer service to passengers with disabilities on both low-floor and high-floor buses. These procedures became the basis for a full-day accessibility training for all MBTA Bus Operations personnel. The program incorporated significant hands-on experience securing a variety of wheeled mobility devices and operating on-board accessibility features. Both the procedures and training represented a major accomplishment for the MBTA. The training was met with considerable acclaim by all parties, and the plaintiffs appreciated the MBTA's invitation to participate in the training process.

All parties agreed that the MBTA's compliance with its own Bus Operations rules would be effectively measured by the testing program administered by the Independent Monitor, Judge Patrick

King. Results from the independent testing that was conducted in Fall of 2008 indicated that the MBTA had made significant progress on key measures. These measures included Operators properly pulling up to the curb to ensure correct lift deployment, as well as Operators properly securing wheeled mobility devices.

In the Spring of 2010, the MBTA's Bus Operations Training School took preliminary steps in developing the second phase of Recertification Training. All parties agreed that ongoing monitoring activities would continue to assess the MBTA's compliance.

c) Progress to Date. Since June 2010, the second phase of Bus Operators Recertification Training has been finalized. As of the end of 2013, 1,191 out of just over 2,000 Bus Operations personnel have attended the training. Additionally, the Bus Operations Training School has conducted a series of access-related "training blitzes" during which instructors provide training on key topics at individual bus garages. Recent training blitz topics have included reporting blocked bus stops, manual ramp deployment, lap/shoulder belt application and programming the manual head sign.

The Internal Access Monitoring Program has continued to play a pivotal role in the monitoring of service and enforcement of requirements. In April 2013, SWA issued a report that analyzed monitoring data collected throughout 2012. The data revealed high rates of compliance with specific issues such as pass-bys/failures to board, securements, and stop announcements, but called for continued improvements regarding external announcements and lap/shoulder belt application.

In April 2013, the MBTA also issued new discipline guidelines regarding serious access-related infractions and made improvements to the way accessibility complaints are tracked and

resolved. Both parties are hopeful that these measures will result in continued improvements in compliance.

d) Challenges Remaining. The MBTA's second phase of training is currently in progress and is just over halfway complete. Though Phase III's implementation is down the road, the plaintiffs want to ensure that training will remain ongoing. The plaintiffs acknowledge the budgetary issues facing further training programs; however, they stress the importance of consistent training for Bus Operations personnel as a vital tool to promote and maintain compliance. Consistent and effective training must remain a critical priority for the MBTA regardless of any roadblocks that may be encountered.

In addition, the plaintiffs encourage the inclusion of riders with disabilities in Bus Operations personnel trainings. The plaintiffs acknowledge the logistical difficulties in ensuring that this request be met for all trainings and would seek to work with the MBTA in developing similar or alternative measures. Incidents of intolerance towards riders with disabilities by Bus Operations personnel still occasionally occur and must be completely eliminated. SWA and the plaintiffs have agreed to work together to develop an "Accessibility Ambassador" program, in which members of the disability community can apply and be trained to assist in Bus Operations personnel trainings.

The plaintiffs are concerned with whether circle checks are occurring consistently and are being performed thoroughly by Bus Operators prior to starting service each day (see "Bus Maintenance"), as well as three ongoing issues related to stop and destination announcements (see "Stop Announcements" for more details).

Additionally, the parties must work towards defining performance benchmarks for Bus Operations as a means of assessing future compliance.

Further, the plaintiffs urge the MBTA to develop a plan for installing security cameras on all buses over time. The plaintiffs view security cameras as an efficient way to promote the safety of riders and MBTA employees and allow for easier investigation of complaints and incidents.

Finally, both parties recognize the MBTA's need to develop a solution for providing the Bus Operator's badge number in an accessible format.

## 2) BUS MAINTENANCE

a) Introduction. The Agreement states that all accessibility equipment on buses shall be cleaned and serviced on a regular basis to ensure proper functioning. To improve accountability, the MBTA agreed to create a system of record-keeping to document the maintenance and servicing process.

b) Progress as of June 2010. All parties believed that bus maintenance had noticeably improved. Results from the internal and external monitoring programs had echoed this observation. One focal point of the lawsuit was the quality of lift maintenance on high-floor buses. However, the MBTA's purchase of numerous low-floor buses has resulted in a significant abatement of this problem.

c) Progress to Date. No significant changes to Bus Operations maintenance procedures (as related to accessibility) have been made since 2010.

Bus Maintenance continues to complete monthly cycling and cleaning of all ramps and lifts in addition to regularly scheduled Preventive Maintenance Inspections.



In 2013, SWA's Monitoring Program began entering service requests into the appropriate database as soon as an equipment problem is observed in order to expedite repairs.

d) Challenges Remaining. The plaintiffs are particularly concerned with whether circle checks are occurring consistently and are being performed thoroughly by Bus Operators prior to starting service each day. Plaintiffs feel the current system is unacceptable, as the inspection cards are out of date and little to no monitoring data can be meaningfully gathered. An updated system needs to be developed that will allow for circle checks to be appropriately monitored. The plaintiffs stress the importance of circle checks in ensuring that buses are accessible.

In addition, as addressed in Paragraphs 4 and 5 of the Agreement, the plaintiffs are concerned with the current cleaning schedule for bus interiors, Q'Straint tie-downs, as well as the lack of vacuuming of ramps and lifts. The plaintiffs also note that the weekly (or more if needed) cleaning of destination and route signage did not occur consistently during the winter of 2012-13 and would like to know of the MBTA's plans to address this issue in future winters. Also, the plaintiffs note that some of the older low-floor buses have partially failed destination signs as well as broken or missing ramp request buttons and pressure tapes; the plaintiffs would appreciate understanding how the MBTA is monitoring and repairing those elements.

Finally, plaintiffs are very concerned about the high failure rate of external speakers on buses, fleet-wide (see "Stop Announcements" for more detailed information).

### 3) BUS PURCHASE AND REHABILITATION

a) Introduction. The Agreement sets out a schedule for the MBTA's phasing-out of its inaccessible bus fleet and the purchase of new low-floor buses.

b) Progress as of 2010. The parties agreed that the MBTA was in full compliance with all components of this topic in the Agreement. All buses identified for retirement within the settlement were no longer in service. Lift-equipped buses still in service had been outfitted with an upgraded lift as required. The MBTA had also purchased a number of additional low-floor buses in recent years, such that 90% of the fleet was comprised of low-floor buses and only 10% of high-floor buses. Further, as called for by the Agreement, the MBTA expressed its intention to seek the plaintiffs' participation in future discussions regarding the design of newly procured buses.

c) Progress to Date. Currently, 97% of the MBTA's active bus fleet is low-floor. However, a number of high-floor buses remain in the spare fleet and are used when needed (e.g. during diversions or when repairs are made to buses within the active fleet). The T is currently working to procure additional low-floor buses, and is hopeful that it will have an entirely low-floor active fleet by 2015 (high-floor buses will remain in the contingency fleet beyond this date).

c) Challenges Remaining. The plaintiffs note that the use of low-floor buses has been a major access improvement for the MBTA; however, they are concerned about the "clumping" of high-floor buses on particular routes. The parties will work together to evaluate how high-floor buses are dispersed throughout the system.

Parties continue to agree that plaintiffs must have the opportunity to participate in the design phase of buses to be procured

#### 4) EMERGENCIES

a) Introduction. Under the Agreement, the MBTA agreed to develop Bus and Rail procedures for the evacuation of persons with disabilities in the event of an emergency.

b) Progress as of 2010. The MBTA had purchased 367 evacuation chairs and was in the process of procuring six electric carts (MEC-4 carts) designed to be deployed within subway tunnels in the event of an emergency. SWA began working with the Safety Department and Operations Control Center to develop evacuation policies and procedures related to those chairs and carts. The MBTA also committed to including individuals with disabilities in its emergency drills.

c) Progress to Date. All evacuation chairs have been deployed across the system. Specifically, chairs have been installed at all Red, Orange, Blue and Silver Line stations and at all Green Line Central Subway stations (12 stations from Lechmere to Kenmore to Symphony). They have also been installed throughout the Heavy Rail car fleet (such that three chairs are available per each 6-car consist.) As of October 2013, just over 1,000 employees across the MBTA were trained on their use. Since 2010, six large-scale emergency evacuation drills have been held and four have included the evacuation of individuals with disabilities (staff from SWA). Additionally, Operations' rulebooks were modified to include sections regarding "Emergency Evacuation of Customers Requiring Special Assistance." SWA has set the development of comprehensive enhanced emergency preparedness procedures related to customers with disabilities as one of its key goals for 2014.

d) Challenges Remaining. The plaintiffs are pleased with the MBTA's improvements in training and deployment of evacuation chairs as evidenced by the above-described data. However,

plaintiffs are disappointed that SWA has not taken additional steps towards developing enhanced policies and procedures specific to people with disabilities. While the plaintiffs are pleased that SWA has committed to making this issue a top priority in FY14, they emphasize that immediate action must be taken. Specifically, the plaintiffs request that SWA take on a leadership role in developing a timeline as soon as possible that outlines the MBTA's target dates for completing the various portions of the enhanced evacuation policies and procedures for Bus and Rail. Plaintiffs believe that SWA must lead the way in developing a plan of action to establish emergency procedures system-wide. Both parties are committed to working together to develop such a plan that will make the MBTA a model of truly inclusive emergency preparedness.

While overarching preparedness plans are essential, specific emergency-related issues exist which the plaintiffs would like to see improved upon. In particular, while planned re-routes are generally handled well, plaintiffs have observed that actual emergency diversions are sometimes met by too much confusion and difficulty for passengers. With a limited number of CSAs and limited emergency-related signage in many stations, it can be difficult for riders to locate the shuttles in the event of an emergency. The plaintiffs again stress that safety for all riders of the T's fixed-route system is of utmost importance, and therefore these broad and specific issues must be addressed.

## 5) PERFORMANCE MONITORING BY THE MBTA

a) Introduction. The Agreement calls for the MBTA to devise a monitoring system to ensure its employees' compliance with internal procedures, regulations, and special orders regarding passenger service. This system would allow for accessibility-related changes to be implemented based on new observations

made by internal monitors, as well as by complaints from customers.

b) Progress as of 2010. SWA had established a new and expanded Internal Access Monitoring Program reinforced by improved disciplinary procedures for accessibility-related violations. The parties were optimistic about the implementation of this program and believed that it would be a critical element of the MBTA's efforts to reach full compliance with the Agreement. The MBTA committed significant personnel and resources to systematically monitor the accessibility of Bus, Subway and Commuter Rail services. New Scantron hardware and software was purchased in order to greatly facilitate input and analysis of monitoring data, and draft reports based on this data were in progress. The new procedures for the immediate investigation of serious violations reported by Internal Access Monitors were a clear improvement in the way the MBTA addressed and ultimately prevented accessibility violations.

c) Progress to date. Since 2010, SWA has continued to improve upon its Internal Access Monitoring Program. Currently, 12 monitors are on staff. In 2012, 1,597 bus trips were monitored as well as a number of subway trips. Since 2010, reports covering Quarter 1 of 2010 to Quarter 3 of 2013 have been issued.

d) Challenges Remaining. The plaintiffs are generally pleased with the positive results shown throughout much of the performance monitoring report for 2012. Going forward, however, the plaintiffs stress that they require consistent access to the reports in order to make accurate judgments regarding the MBTA's sustaining or improving performance in providing accessible services. As for the schedule for issuing monitoring reports for buses, the plaintiffs and SWA have agreed on a revised schedule.

The plaintiffs would also like to see performance monitoring reports organized based on the garage area for specific bus routes, in order to potentially target less compliant garages. A targeted approach of this type could allow for resources to be funneled to particularly troublesome areas.

## 6) BUS SERVICE PLANNING

a) Introduction. The Agreement requires that the MBTA proactively address the transportation needs of passengers with disabilities through outreach efforts. Additionally, the settlement requires the MBTA to measure the ridership patterns of customers with disabilities and take this information into account when developing service plans.

b) Progress as of 2010. The parties recognized that because the MBTA owned a more accessible bus fleet than it had when the settlement was signed, this issue had become fundamentally different in nature. The plaintiffs acknowledged the MBTA's current efforts to focus on accessibility in the bus service planning process.

c) Progress to Date. In 2010, the MBTA began developing a Key Bus Routes Improvement Program aimed at improving service along the 15 busiest routes. The project will result in a variety of improvements to over 600 bus stops, including accessibility upgrades; new benches, trash barrels and shelters; sidewalk reconstruction; bus stop consolidation; and corollary enhancements to overall bus service reliability. The improvements will occur in nine communities served by the key routes. Project planning and engineering commenced in 2010 and included over 50 public meetings. Construction of improvements commenced in May 2013 and will be complete by the Spring of 2014.

d) Challenges Remaining. The plaintiffs are pleased that the MBTA is moving towards providing a fully accessible bus fleet; however, the accessibility of bus stops must now become a priority. Stops such as that under McGrath Highway at Washington Street in Somerville and stops along Morton Street, Columbia Road, and Blue Hill Avenue in Mattapan/Dorchester either lack curb ramps to reach the stops or lack accessible sidewalks altogether. Further, the plaintiffs are concerned about further important destinations for riders with disabilities being removed from various routes, or no longer being easily accessible, due to the elimination of bus routes and/or stops.

The plaintiffs believe these concerns should be addressed through public outreach and discussions within the relevant municipalities to determine particular areas of importance. While they are aware that the MBTA has encountered poor attendance at public meetings where some of these subjects have been discussed, the plaintiffs stress the importance of this issue for riders with disabilities and hope that the MBTA will continue seeking feedback to address these concerns. Additionally, the plaintiffs note that the MBTA needs a method to readily address known inaccessible bus stops and shelters at non-key bus route locations such as Waverly Station in Belmont, various stops along Mystic Avenue in Somerville, Newport Avenue in Quincy, and locations in the North Shore including along Route 1A and many in Lynn and Salem.

Finally, the plaintiffs suggest the T overlay THE RIDE trip demand data over the MBTA's service areas to see if there are particular opportunities to improve access to bus service and potentially reduce paratransit demand.

Going forward, the plaintiffs would like to have an active role in optimizing reliability and coverage for riders with disabilities on all

bus routes. In addition, the plaintiffs believe that the proposed “Accessibility Ambassador Program” could help the MBTA address some of the outreach and community contact issues it has encountered. Further, the plaintiffs request that the MBTA perform a complete audit and catalog of all MBTA bus stops and shelters in order to develop a multi-year plan to make all stops accessible. Accordingly, the plaintiffs will work with the MBTA and Independent Monitor to establish an effective approach to accomplish this plan.

## 7) TRAIN OPERATIONS

Prior to the lawsuit, and for much of the duration of the lawsuit, the problems associated with elevators at MBTA stations presented a severe obstacle to use of the entire subway system. However, because the elevators have been performing reliably well and customers are better able to access the subway system, the priorities regarding this issue have shifted. In particular, this area of the Agreement is now principally focused only on the following key issues: Gaps, Vehicle Engineering, Green Line/Mobile Lifts, Automatic Fare Gates (AFC), and Alternative Service.

### a) GAPS

i) Introduction. In many transit systems, the gaps between train cars and the station platform can be a substantial deterrent to use of the subway system by persons with disabilities, especially those who use wheeled mobility devices. While the significant improvement in elevator operations at the MBTA has made the subways more accessible, until the gap problem is resolved, a number of people will remain unable to use the system. These gap problems most frequently occur on the Orange and Red Lines. Under the Agreement, the MBTA agreed to conduct quarterly inspections at stations to identify whether any repairs or adjustments need to be made to address excessive



gaps. The Agreement further calls for the MBTA to address excessive gaps by any other necessary means.

ii) Progress as of 2010. The MBTA assembled a team of engineers to systematically analyze the factors that were creating gaps and to develop a long-term remedy to the problem. The work that was initiated in the Summer of 2008 at certain Blue Line stations represented a substantial step forward in the MBTA's efforts to close gaps. In particular, while performing work at certain Blue Line stations to replace or improve the platforms, the MBTA also modified the adjacent tracks in order to reduce the gaps. This represented a more comprehensive approach than previously undertaken. Additionally, the Authority embarked upon an initiative to extend the platform edging, or "nosing", to reduce excessive horizontal platform-to-vehicle gaps at Red, Orange, and Blue Line stations. The MBTA's FY11-FY15 Capital Investment Program (CIP) included funding to complete this project.

The parties believed that the inclusion of a gap compliance test as part of routine track maintenance would also be beneficial, and that a sustained collaborative approach to the gap problem would lead to a workable solution. As an interim measure, the MBTA created a bridge plate program to enable people using wheeled mobility devices to safely board the cars despite the existence of a platform gap. This technology consists of a portable platform which spans the gap, allowing direct access onto the car floor by wheeled mobility device users. While bridge plates were available at all Blue, Red and Orange Line stations, plaintiffs felt that the overall program could be made more effective. They specifically felt that Customer Service Agents and all appropriate MBTA personnel must be more frequently available to deploy the plates and should be further trained in how to use the equipment. For this reason, the new Customer Service Agent (CSA) training included instruction on proper bridge plate use. The parties

agreed, however, that the bridge plate program did not represent a long-term solution to the gap issue.

iii) Progress to Date. As of August 2012, the MBTA has made all adjustments to the infrastructure (specifically the alignment of the platform and tracks) as are technically feasible without a complete rebuild of the platform and tracks. In addition, nosing or “gap filler” was installed at key locations throughout the Red and Orange Lines where excessive horizontal gaps had been documented. Also, in October 2013, the plaintiffs and the MBTA had an in-depth discussion regarding platform gaps, the progress made, and the challenges ahead. As a result of that meeting, the T will be piloting a study at six stations, during which the gaps between the train and platform will be measured at every car door over a 24-hour period. The hope is this data will provide insight to the variability of the gaps and potentially expose some areas where improvements could be made to the infrastructure.

Significant improvements have also been made to the bridge plate program. In 2012, new procedures were developed to ensure better communication between front-line and Operations Control Center (OCC) personnel. Additionally, emphasis has been placed on the fact that Motorpersons are responsible for deploying bridge plates if CSAs and/or Inspectors are not available. Customers should now expect that, if they request a bridge plate via a callbox, they will be assisted onto the next available train.

iv) Challenges Remaining. The plaintiffs are pleased with the detailed information shared with them regarding gaps at the October 2013 meeting and look forward to the data yielded from the upcoming pilot study. The plaintiffs are aware that quarterly inspections of all platforms has not been occurring as stated in the settlement and, based on results of the pilot study, will work with the MBTA to adjust the frequency of this requirement. With

this in mind, the plaintiffs ultimately seek a plan to address the large vertical gaps at the northern ends of Orange Line platforms at Haymarket Station, North Station, and any other stations where inspections identify significant gaps.

The plaintiffs are pleased to see the positive results from a Delta study examining the bridge plate program. The study overall found that the program has worked; however, the plaintiffs stress that the bridge plate program remains a temporary solution to the gap problem with a strong likelihood that the entire process in itself is a deterrent to regular use of the system for many people. Specifically, with this program in place, riders with disabilities remain reliant upon assistance from MBTA employees in order to board and exit trains, rather than being able to use the trains independently. Just as in 2010, at present the bridge plate program functions to reduce the gap problem, while the long-term goal is to eliminate the problem altogether.

In sum, the plaintiffs recognize the dedicated work of Engineering and others to address the gap barrier but would emphasize that barriers remain and that consistent attention will need to be given to this concern.

## b) RAIL VEHICLE ENGINEERING

i) Introduction. The MBTA has elected to examine the design and engineering of future rail vehicles as a means of reducing excessive platform gaps. Such next-generation vehicles under investigation by the MBTA may include a feature such as an on-board bridge plate to address excessive platform gaps. The bridge plate would either be automatically deployed at all doors or deployed on demand by passenger intervention. Ultimately, this feature would facilitate boarding and exiting for passengers who have difficulty maneuvering over platform gaps, especially those passengers using wheeled mobility devices.

ii) Progress as of 2010. MBTA Vehicle Engineering and Subway Operations, in consultation with the Rail Vehicle Ad Hoc Committee, had begun to develop specifications for next-generation Red and Orange Line cars, as well as for Type 9 Green Line cars. These specifications not only addressed automatic bridge plates, but spelled out clear expectations for door widths, on-board passenger communication systems, stanchions and handrails, priority seating, and wheeled mobility spaces.

iii) Progress to Date. Shortly after the issuance of the 2010 Joint Assessment, the Rail Vehicle Ad Hoc Committee, led by SWA, finalized its recommendations. Due to funding constraints, the procurement of new vehicles has not yet occurred.

Specifications for Type 9 Green Line cars developed by the Rail Vehicle Ad Hoc Committee were sent out to bid January 2011. Technical proposals are currently under review. It is anticipated to have the evaluations completed for this procurement by the end of 2013/early 2014.

Specifications for the Red and Orange Line fleets were completed and an RFP was issued in the Fall of 2013. The MBTA and plaintiffs met to review the procurement process and the opportunities for their feedback that would be throughout that process.

iv) Challenges Remaining. Vehicle Engineering will continue to meet with both SWA and the plaintiffs to ensure their involvement in the design phase of all access-related elements. The potential on-board bridge plate will be a key consideration, as will the other aforementioned interior vehicle elements.

Also, the plaintiffs are aware that the MBTA's current work on the Red Line No. 1 and Orange Line No. 12 cars will not result in

major rebuilding or in altering the nature of systems which would affect accessibility. However, in the future the plaintiffs want to be involved in all preliminary and major discussions regarding potential design work on vehicles.

c) GREEN LINE/MOBILE LIFTS

i) Introduction. Prior to the settlement, train cars on the Green Line (Type 7 cars) were inaccessible; mobile lifts and mini-high platforms were therefore needed to enable passengers with disabilities to board. The Agreement requires the MBTA to implement a regular maintenance program of all lifts to ensure their ongoing operation, as well as mandatory usage training for all responsible personnel. A monitoring system was to be created by the MBTA to track any difficulties encountered with the lifts. Further, to directly address this issue, within the settlement the MBTA agreed to include a low-floor car (Type 8 Breda) in each train set on the Green Line when such cars were available.

ii) Progress as of 2010. The MBTA had established new step-by-step procedures regarding the use of mobile lifts. Videos demonstrating the proper implementation of these procedures were created for use in trainings for Customer Service Agents (CSAs) and Train Operators. All parties believed that both the development of these procedures and their use in training represented an important step forward.

Parties also believed that the MBTA had made impressive progress in deploying the Type 8 Breda cars into service in dramatically greater numbers. Furthermore, the MBTA had completed significant work to begin running the cars along the C Line, the E Line, and--after considerable effort and investment in 2007--the D Line. A special order was written and released by the MBTA (S.O. #09-65, Type 7/Type 8 Cars Running Tandem) requiring that there be at least one Type 8 vehicle in each train set, and that if a single-car train is run, it must be a Type 8 car.

The MBTA's Internal Monitors had begun evaluating this new requirement in addition to the proper functioning of mobile lifts and the accessibility of Type 7 cars.

Finally, the MBTA invited the plaintiffs' participation in the planning process for the next generation of Green Line cars (Type 9), and parties agreed that this cooperative effort would be a critical component of the long-term plan to make the Green Line fully accessible. In the same vein, the plaintiffs appreciated and welcomed the T's decision to make Symphony and Science Park fully accessible Green Line stations.

iii) Progress to Date. The use of mobile lifts has continued to be a key topic in reoccurring trainings for Green Line personnel and in early 2013 the Green Line provided an in-field hands-on training on mobile lifts to 125 Green Line employees. Additionally, mobile lifts continue to be inspected each day by station officials. Defects that are discovered are called into both OCC and the Maintenance Control Center. In addition, thorough testing and preventative maintenance is performed on each unit annually.

Additionally, a heightened effort has been made to help ensure that a Type 8 vehicle is part of each consist whenever possible. However, it is important to note that the MBTA currently owns 91 of the Type 7 cars and only 85 of the Type 8 cars. Even with several 3-car consists comprised of two high-floor cars and one low-floor car, it has proven nearly impossible to ensure that a low-floor car is present at all times during peak ridership hours. Despite this challenge, Operations data reveals that it is accomplished 99% of the time on average. SWA's own Internal Monitoring data regarding this issue, also collected during peak hours, shows that it is accomplished 97-98% of the time on average.

iv) Challenges Remaining. The Green Line remains a challenging area as far as ensuring accessibility, though the MBTA has made significant improvements. The plaintiffs are pleased with the improved deployment of Type 8 vehicles and expect that the MBTA will continue to make their availability a priority. A recent Delta study showed promising results overall, with at least one Type 8 car present in nearly all situations where two cars were attached. However, the plaintiffs remain concerned with the continued use of single-car Type 7's, a circumstance which was also observed during the Delta study. Further, the plaintiffs are concerned that the Type 9 Green Line procurement appears limited in number, such that the MBTA will still not be able to ensure that 100% of its rush hour trains have one accessible car per train. With that being the case, the continued maintenance of mobile lifts for Type 7 cars is of particular importance. While the MBTA has stated that inspections are performed daily on the lifts, plaintiffs believe the current system does not allow for this claim to be satisfactorily substantiated through meaningful and reliable data. Much like previously-discussed issues with the bus circle check system, a system should be developed that allows for the MBTA to monitor whether mobile lifts on the Green Line are being thoroughly inspected each day and at acceptable levels.

d) AUTOMATED FARE COLLECTION (AFC)

i) Introduction. The Agreement requires that MBTA fare collection procedures are readily accessible and usable by people with disabilities. All parties recognize that access through fare gates is an important new area of interest that has arisen during the settlement implementation period. At the time of the settlement, the automated fare collection system had not yet been fully installed. While the AFC system, which consists of fare gates and ticket vending machines, has brought significant improvements in many respects, it has created some new concerns as well. For example, because fare gates require

tapping of cards and insertion of tickets, they present difficulties for persons with limited use of their arms and hands. Further, the location and slant of screens at ticket machines present visibility problems for people in wheeled mobility devices.

ii) Progress as of 2010. The parties had discussed, and the MBTA was considering, several improvements to the AFC system to improve accessibility. For example, the plaintiffs appreciated the Authority's decision to make its Transportation Access Pass (TAP), as well as its Blind Access, THE RIDE, and Senior CharlieCards, usable at all fare gates. This constituted a welcome improvement, especially for passengers with vision impairments. Additionally, all parties recognized that the MBTA's decision to redesign its CharlieTickets to include an orientation cue (a small hole in the bottom left-hand corner) was an essential step towards ensuring all fare media is accessible.

iii) Progress to Date. In 2010, the MBTA devised a means of installing a second target on the inside arm of accessible fare gates, a long-standing request of the plaintiffs. To date, this additional target has been installed at 24<sup>2</sup> locations (based on priorities developed by plaintiffs). Additionally, a design for an accessible CharlieTicket has been developed and new tickets should be in circulation during 2014.

iv) Challenges Remaining. The plaintiffs are disappointed that not more has been done to address accessibility issues with AFC since the last Joint Assessment. Little progress has been made towards procuring accessible CharlieTicket cardstock. Further, the plaintiffs are concerned that not all fare gates contain a second CharlieCard target for riders with disabilities who are unable to reach the original target. While the plaintiffs are aware that the MBTA has begun installing these second targets, they

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<sup>2</sup> As of 1, October 2013



want to make sure that the project is not delayed or drawn out, as it is instrumental in guaranteeing access to the T for all riders. Currently, the MBTA has been installing second targets in accord with a priority list of locations prepared by the plaintiffs.

Relatedly, due to concerns expressed by members of the community, the plaintiffs request that an audit be performed to identify fare gates which are located in inaccessible areas (e.g. on non-compliant slopes). An audit is essential in preventing trouble down the line for riders attempting to use the second targets once they are installed.

In addition, the plaintiffs request that the MBTA form a committee composed of passengers with disabilities and appropriate MBTA personnel to develop innovative improvements to the automated fare system--for example, a means by which customers with disabilities could use their CharlieCard without needing to tap it.

## 8) STOP ANNOUNCEMENTS

a) Introduction. The Agreement states that buses and trains must either include a functional automated stop announcement device, or the Operator of the bus or train must make manual stop announcements using the installed PA system. The MBTA is required to ensure that automated stop announcement devices and PA systems are fully operational, and to discipline Operators who fail to comply with stop announcement policy.

b) Progress as of 2010. The MBTA made an impressive commitment to this issue by effectuating stop announcements not only for stops mandated by the Americans with Disabilities Act (ADA), but for all stops. The parties recognized that the MBTA's efforts on this issue surpassed the requirements of the Agreement. Notably, a new mechanism was being installed on each bus that would enable the Operator to prompt a

computerized announcement of each stop by pressing a button, if/when the automated system wasn't working. Stop announcements were being monitored internally by SWA on all modes of transportation. All parties were pleased with the new procedures and their inclusion in Bus Operator Recertification Training, and all were optimistic about the potential of these initiatives to bring about improvements in this area.

c) Progress to Date. As part of Phase II of Bus Operators Recertification, Operators are currently being provided hands-on training with the new mechanism that can prompt stop announcements. Discipline guidelines related to stop announcement violations on Bus and Subway were issued in April 2013. SWA's Internal Access Monitoring Program has continued to monitor announcements across all modes.

Based on monitoring data, the MBTA has recognized a persistent challenge in maintaining external stop announcement equipment on both Bus and Green Line fleets. In January 2012, Vehicle Engineering audited the external speakers on all buses and replaced those found to be defective. Further, an internal progress review was conducted in June 2013. The results showed that seven service requests related to internal and external speakers were generated between January and June, and that 24 speakers were replaced as a result of preventive maintenance inspections and random audits during that same time period. In addition to regularly scheduled preventive maintenance inspections, Bus Maintenance has recently implemented a bi-monthly speaker audit program to ensure any defective stop announcement equipment is identified and repaired. This audit is tracked by utilizing the Maintenance Control Recording System. A similar fleet-wide audit of external speakers occurred on the Green Line throughout 2012-13.

Overall, Vehicle Engineering has worked with SWA to improve communication; specifically, SWA is now capable of entering maintenance requests for vehicles that Internal Monitors discover are in some way defective.

d) Challenges Remaining. The plaintiffs consider effective stop and destination announcements a critical element of compliance. Despite Vehicle Engineering's auditing of the entire bus fleet and replacing any damaged external speakers, and despite the fact that those speakers are now checked and maintained roughly every eight weeks, external announcements continue to be made infrequently or are inaudible. The MBTA has expressed plans to further study the issue and determine the extent of the problem. The plaintiffs request that in order to prevent reoccurrence the MBTA address this issue in a timely manner, which they suggest could be accomplished through more frequent and rotating inspections. While the plaintiffs are pleased the MBTA has begun addressing external announcements, both parties recognize that more work is needed in this area. Monitoring data from the MBTA Internal Access Monitoring Fixed-Route Bus Report reveals only 72.68% compliance with external announcements on Buses from Q1 of 2012 through Q2 of 2013. On the Green Line, monitoring data from Q3 of 2013 shows that external announcements were only made 68% of the time with 14% of those announcements made reported as being unclear. In situations where the automated stop announcements are not functioning or are unavailable, the manual announcements are often inaudible, particularly on the Orange Line. Plaintiffs urge the MBTA to re-emphasize the importance of destination and stop announcements in future Subway trainings, and to ensure that the relevant personnel are held accountable for this responsibility.

Plaintiffs note that the MBTA is performing preventive maintenance work on Orange and Red Line cars that lack automatic stop announcement equipment. The plaintiffs are also

aware that the MBTA has investigated the availability and costs associated with retrofitting stop announcement equipment for the Red and Orange Line cars and the Type 7 Green Line fleet. The resulting opinion from the MBTA is that such a project would be extremely challenging, due to the age of vehicles, technical challenges, cost, and the length of time required to complete the project. The plaintiffs acknowledge and appreciate such challenges; however, visual and auditory stop announcements are of vital importance in making the MBTA's services fully accessible and are a top priority for the plaintiffs. Therefore, the plaintiffs request that the MBTA further investigate the cost and feasibility of moving forward with this project. With this in mind, the plaintiffs do acknowledge that new Red and Orange Line cars as well as Green Line Type 9 cars will be equipped with automated stop announcement equipment (see "Rail Vehicle Engineering" for more detailed information).

The plaintiffs have experienced additional challenges related to stop announcements; specifically, the following: 1) issues with both visual and auditory stop announcements being out of sync with each other and with their corresponding stops on buses and trains 2) insufficient amounts of time between some stop announcements and arrival at/passing of the corresponding stop on buses, and 3) the unreliability of manual stop announcements by Operators when the automated system is out of service.

## 9) STATION MANAGEMENT/COMMUNICATION WITH PASSENGERS

### a) WAYFINDING

i) Introduction. The Agreement requires the MBTA to develop and implement an improved and consistent system of signage and architectural design in its stations to enable passengers to

effectively navigate the system. This concept of “wayfinding” is crucial in ensuring accessibility for customers with disabilities.

ii) Progress as of 2010. The MBTA had assembled an internal ad-hoc wayfinding committee comprised of System-Wide Accessibility; Design and Construction architecture, graphics and wayfinding staff; Engineering and Maintenance sign shop; Office of Diversity and Civil Rights (ODCR) Limited English Proficiency (LEP) task force; Safety; and Marketing. The group was broadly inclusive in an effort to ensure comprehensive evaluation and ownership of new guidelines by all parties. The purpose of this committee was to review the MBTA’s original wayfinding manual and identify areas that needed to be updated. The committee worked together to draft guidelines for MBTA signage and began addressing issues such as color contrast, character size, brush thickness, etc. The committee also worked towards developing tactile and Braille signage, including Braille “You Are Here” maps. Signs developed by the committee were installed at Alewife Station for review by the plaintiffs in early 2009.

The MBTA added the architectural firm Bertaux + Iwerks to the team in 2009. The team developed initial guidelines that introduced the concept of the entering and exiting passenger journey, and the strategy to clarify the accessible path. Lessons learned from this initiative were applied to signage projects then underway (e.g. Science Park Station, South Station Silver Line, etc.). Parallel to this effort in 2009, the Independent Monitor, Judge Patrick King, had contracted with Bertaux + Iwerks to update the wayfinding manual. The wayfinding manual would be used by internal and external staff as a system-wide guide for the development and placement of wayfinding signage. Chris Iwerks was tasked with identifying existing signage within the MBTA system, as well as with analyzing key features at each station (e.g. elevators, entrances, etc.). As part of the initial phase, Mr. Iwerks was asked to identify future phases and to forecast their

cost and timing. The first phase of this initiative was due to be completed in Spring of 2010.

iii) Progress to Date. In early 2012, after input from the plaintiffs, they, along with MBTA staff and the public, approved the wayfinding system recommended by Bertaux + Iwerks. However, after the agreement was reached, plaintiffs learned that the MBTA had concerns regarding certain aspects of the consistency and effectiveness of the system, such as having eliminated the color band at station entrances while retaining them at platforms. After additional meetings with the plaintiffs, MBTA staff, Judge King, and Bertaux + Iwerks, a compromise agreement was reached in the Spring of 2013 to modify the plan to retain the use of color bands at the entrances to the single-line stations, and to make minor improvements to graphics.

In addition to a written sign manual, Bertaux + Iwerks has created software named "SIGNmaker" which generates sign designs with standardized message layouts and letter spacing. The wayfinding designer first modifies construction document plans, identifies accessible and non-accessible paths, and develops message content. While preparation of plans, elevations, and sign and frame schedules are all performed manually outside the use of SIGNmaker software through the use of templates, the use of SIGNmaker software and templates including those for standardized frame details will increase design production efficiency and consistency.

The use of this software, in combination with consolidated responsibility for design within the MBTA, will result in the implementation of uniform standards throughout the system and will eliminate the ad hoc, non-ADA-compliant signs frequently deployed in the past. One employee in the MBTA's Design and Construction Department has been trained in the use of the new software and will be able to train additional staff as they become

available. An additional employee has been trained on the process and is qualified to develop the strategy to identify accessible and non-accessible paths, as well as to develop message content. Both employees are preparing to train a consultant team.

The following projects incorporate the new wayfinding standards and use of SIGNmaker.

- Science Park Station – Green Line (opened with new temporary vinyl signs)
- Wonderland Station – Blue Line (under construction)
- Orient Heights Station – Blue Line (under construction)
- Government Center Station – Green and Blue Lines (starting construction next year)
- South Weymouth Station – Commuter Rail (under construction)
- 15 Key Bus Routes – new signage for 600 stops

Finally, the position of “Manager of Wayfinding and Graphics” was publicly advertised and filled in 2013. It is anticipated that additional positions will be posted this year. While sign design work had previously been performed by several different departments, it will now be centralized in one department. Consolidation of design responsibility within the MBTA will lead to development of a standard operating procedure that will ensure compliance with the new guidelines.

iii) Challenges Remaining. With a compromise reached in 2013, the plaintiffs look forward to it being reduced to writing and signed by the MBTA. Going forward, plaintiffs urge the MBTA to ensure that the approved systems and designs are consistently applied to new signage, and to avoid situations where MBTA employees make unilateral decisions that deviate from such approved

systems and designs. This has unfortunately been the experience with the signage system approved by the MBTA in the past.

Also, the plaintiffs stress that the MBTA needs to provide sufficient staff to implement the new wayfinding system. Design and Construction currently has two full-time employees assigned to wayfinding. Plaintiffs believe that this may be insufficient for the resources needed to place new signage at the more than 30 stations that are being renovated, let alone to expand the system to stations that are not being renovated. If station naming contracts are entered into in 2014, the demands for new signage will increase dramatically, so the plaintiffs strongly urge the MBTA to address the staffing issue as soon as possible.

Further, the plaintiffs recognize the fact that the MBTA has serious financial constraints in implementing the new wayfinding standards throughout the system; however, they believe it is essential that a timetable be generated for consideration.

In addition, Bertaux + Iwerks completed Phase IVB of the wayfinding project in December 2013. The plaintiffs believe that there needs to be a Phase V of this project to provide the MBTA with the support it needs including, among other things, training staff in the use of the SIGNmaker software, and the finalization of the next-generation spider map.

The plaintiffs stress that communication among the MBTA, SWA, plaintiffs, and Judge King can be improved in this area. For example, earlier this year the MBTA proceeded with the selection of the person primarily responsible for wayfinding, pursuant to paragraph 58 of the Agreement. However, this appointment was made without any notice to or consultation with SWA, Judge King, or the plaintiffs. This lack of communication was also exemplified in the contest run by the MBTA in 2013 to design a new system



spider map. Based on the votes cast, the MBTA announced that the winner of the contest was a proposal submitted by a designer from Moscow, Russia. The General Manager was quoted as saying that “the new map will be a great symbol of the changes and updates we are working on as a whole.” This process for choosing a design for a new spider map is in violation of Paragraph 46 of the Settlement Agreement. Despite the major wayfinding implications of this project, Judge King and the plaintiffs first learned of the contest through the media. Plaintiffs are now reviewing the winning spider map design and their feedback will be incorporated.

The plaintiffs stress that SWA must be made aware of activities that potentially have implications for compliance with the Settlement Agreement. To address these concerns, both parties are committed to scheduling regular reoccurring meetings going forward with relevant stakeholders to monitor progress on the MBTA’s wayfinding obligations to ensure that this project continues to move forward with all deliberate speed.

b) PA/VMS

i) Introduction. Under the Agreement, the MBTA agreed to install a new public address (PA) system to allow for announcements to be simultaneously displayed on variable message sign (VMS) systems in stations. When feasible, these “PA/VMS” boards are to be installed in a perpendicular direction in relation to the station platforms to ensure that signs are not obscured by incoming trains.

ii) Progress as of 2010. The MBTA had installed approximately 225 PA/VMS boards throughout 45 stations along the Red, Orange, Blue, and Green Lines. These boards supplied useful information to customers at MBTA stations, including updates regarding the approach and arrival of trains (on the Red, Orange, and Blue Lines).

iii) Progress to Date. Within the 2010 Joint Assessment, the plaintiffs expressed concern that the PA/VMS system was being used for broadcasting various messages unrelated to transportation issues. Since then, the MBTA has significantly reduced the number of announcements made, limiting them to transit- and safety-specific announcements. At the end of 2012, the MBTA began displaying real-time countdown information on the boards at all heavy rail stations. With input from SWA, the project team included a way to broadcast the information audibly by announcing the countdown information every five minutes, in addition to the audible “Next train is approaching/arriving” announcements.

iv) Challenges Remaining. Overall, the plaintiffs are pleased with the implementation and operation of the PA/VMS systems in MBTA stations. There have also been markedly fewer instances of extraneous announcements being made using these systems, with the announcements instead primarily limited to train status and notifications of emergencies. With such improvements made, the plaintiffs stress the importance of remaining vigilant in the maintenance and upkeep of the PA/VMS systems to continue their success.

The plaintiffs recently became aware that LED signs displaying the next Green Line train arriving were installed at Kenmore Station without an audio component. Since their installation, a solution for incorporating audio was identified and is currently being implemented. The plaintiffs strongly request that the deployment of new systems be fully accessible as doing otherwise represents a clear violation of the Agreement and a sharp turn from otherwise focused efforts towards making the implementation of dual-mode PA/VMS equipment a priority.

c) STATION PLATFORMS

i) Introduction. The Agreement requires all platform edges with detectable warnings to be maintained in safe condition. It further specifies the stations at which platform repairs are to be made.

ii) Progress as of 2010. The MBTA had completed significant platform work, including the installation of new detectable warning strips at Wood Island, Beachmont, Revere and Wonderland Stations (all specifically identified within the settlement) in Summer of 2008. The MBTA continued to repair detectable warnings as needed throughout the subway system.

iii) Progress to Date. North Quincy Station's platform was fully repaired by August 2011. As of this date, work on all platforms identified within the Agreement has been completed.

iv) Challenges Remaining. Both parties agree that the platforms at the specific stations identified in the Agreement have been fixed. According to the Agreement, going forward the MBTA shall promptly repair any future defects in detectable warnings as they occur.

While the MBTA has complied in this area, the plaintiffs remain concerned about certain issues which they believe fall within the spirit of the Agreement. There remain over thirty Green Line platforms where detectable warnings have yet to be installed, and the plaintiffs urge the MBTA to install these warnings to help ensure the safety of its customers. Further, though not explicitly required by the Agreement, SWA stated that it would make improving access on Commuter Rail a priority, and therefore, the plaintiffs encourage the MBTA to install detectable warnings at the many Commuter Rail platforms that do not currently have them.

Like several other MBTA monitoring systems, the plaintiffs strongly urge the development of a comprehensive method for monitoring stations and platforms, and for tracking issues as they are reported. The plaintiffs suggest establishing a catalog on the MBTA intranet of semi-annual photos of individual stations to provide a quick reference point for viewing the recent status of the stations and platforms.

## 10) ELEVATORS

### a) AVAILABILITY

i) Introduction. Prior to the settlement, the issue of out-of-service, or “unavailable”, elevators was one of the largest areas of concern to the plaintiffs. Under the Agreement, the MBTA committed to implementing a new elevator management plan in order to provide continuous, uninterrupted service during all hours of T operation.

ii) Progress as of 2010. At the time of the initial Joint Assessment, the MBTA had experienced at least 18 consecutive months of over 99% availability. All parties believed that the MBTA’s performance on elevator availability rates had been excellent; this success was particularly noteworthy during the winter months. It was important to acknowledge that in 2005, the MBTA had secured a new elevator maintenance contractor, which led to considerably improved elevator performance. The issue of out-of-service elevators had been one of the largest areas of concern prior to the settlement, and the progress was outstanding.

iii) Progress to Date. A new elevator maintenance contract was awarded in November 2011, again with a focus on preventive maintenance. In the 35 consecutive months following the 2010 Joint Assessment, monthly averages have remained above 99%.

An Electrical Engineer position was created and filled within SWA to provide additional oversight of the management of the Kone contract; however, as of January 2014 the position is unfilled.

iv) Challenges Remaining. While both parties continue to be impressed with the high rates of elevator availability, the plaintiffs are concerned that recent and upcoming changes may potentially have a negative impact on service. Specifically, significant changes were made to the management team at Kone (the current contract holder) during the Summer of 2013. The plaintiffs are also aware that the MBTA has made changes to its upcoming cleaning contract and are concerned that this may result in a downgrade in elevator cleanliness. In response, the MBTA has stated that it is committed to ensuring these changes do not have a negative impact on service.

Additionally, while the hiring of an Electrical Engineer in SWA in 2011 was a positive step towards compliance with the T's obligation to provide objective oversight of those overseeing the maintenance contract, the plaintiffs are concerned that the position is now vacant and that the Mechanical Engineer position, which was committed to in 2011, remains unfilled.

Finally, as discussed below, the plaintiffs are very concerned regarding how slowly the replacement elevator program is moving, given the age of the current units in place.

## b) REPLACEMENT & REDUNDANT ELEVATORS

i) Introduction. In the event that elevators go out of service, it is important that back-up, or "redundant", elevators are available to ensure uninterrupted access. Under the Agreement, the MBTA agreed to install redundant elevators and to replace several old elevators at a number of stations.

ii) Progress as of 2010. The MBTA completed construction of the new elevator at State Street Station. As this was the first of many new and renovated elevators planned under the Agreement, the event marked an important milestone. Further, the parties' cooperation in developing a state-of-the-art design standard and specifications for the new elevators was a significant achievement, so much so that it was thought such a standard would, in the future, likely serve as a model to be considered by other transit systems confronted with similar issues. Also, design was in progress to understand the feasibility of elevators at Symphony, Hynes, and Wollaston Stations, with design of redundant elevators at Park, Harvard, Porter, and Downtown Crossing Stations underway as well. Further, replacement elevators were identified for design at Alewife, Forest Hills, Quincy Center, Quincy Adams, Ruggles, Tufts Medical Center, and Andrew Stations, with the latter two stations the farthest along in the process.

From the plaintiffs' perspective, the efforts to add new and replace old elevators were progressing very well. All parties recognized, however, that true success would be measured by the efficacy with which the new equipment was transitioned into full operation. The MBTA was taking steps to maintain the momentum and ensure the proper execution of this process, which would involve the coordination of engineering, technical, architectural, legal and political activities. All parties acknowledged the daunting challenges ahead.

iii) Progress to Date. Redundant Elevators: Since 2010, new and improved elevators have opened at stations identified in the settlement--State Street, Harvard, and Park Street. Both parties appreciated the chance to celebrate the opening of redundant elevators at Park Street Station in December 2012, as the project symbolized the successful partnership between the MBTA and the plaintiffs. The opening of the redundant elevators and

replacement elevators at Porter Station occurred in the Fall of 2013. Design work has progressed on Downtown Crossing Station's redundant elevators and the plaintiffs have been fully engaged in the process.

Replacement Elevators: Design has reached 100% for Tufts Medical Center Station and Andrew Station replacements, although code, wayfinding, and path of travel upgrades are required prior to bid advertisement slated for 2014. Replacement elevators are expected to be advertised for bid at Harvard and Central Square Stations in the first half of 2014. Once those projects are completed, the only elevator identified in Paragraphs 55 and 56 that will not have been addressed is Elevator No. 802 at State Street Station, which has a new redundant elevator located only feet away. The plaintiffs request that they and the MBTA will meet to agree upon a schedule for 802's replacement.

Further, the MBTA has proactively incorporated new elevator standards and specifications into projects in progress during and initiated since 2010. The standards have been rolled into 25 other MBTA station projects totaling 30 new elevators, including Arlington, Copley, Science Park, and Maverick Stations, among others. Recent and upcoming construction projects include but are not limited to: Wonderland Garage, opened July of 2013; Orient Heights Station, which is due to open in Fall 2013; Yawkey Station, which is due to open in early 2014; garages at Beverly and Salem commuter rail stations, due to be completed in January 2014 and October 2014 respectively; New Brighton Landing commuter rail station, due to be completed in 2015; Hingham Intermodal Center, due to be completed in June of 2015; Government Center Station, due to be completed September 2016; Assembly Square Station, due to be completed October 2014; and seven Green Line Extension stations, due to be completed in 2018.

iv) Challenges Remaining. Both parties agree that the slow and steady progress of designing and constructing redundant elevators has yielded excellent results. With respect to the redundant elevators at Downtown Crossing Station, the plaintiffs recognize the immense complexity of the project and appreciate remaining apprised of its progress. The plaintiffs request a meeting to discuss the timeline for conducting the elevator evaluations described in paragraph 59 (NEMC, Chinatown, Oak Grove, S. Station) as well as at cooperatively identified stations in the 2007-8 SWA elevator prioritization process.<sup>3</sup> Additionally, the plaintiffs stress the importance of the MBTA including them in preliminary discussions with future developers to ensure that opportunities for elevator installations are not missed; to that end, the plaintiffs propose a meeting to discuss the matter. The plaintiffs also urge the MBTA to develop internal processes as well as involve plaintiffs in securing assistance from nearby development projects to fund elevator installations. The plaintiffs note several major development projects which could be leveraged to improve overall accessibility.<sup>4</sup>

In terms of the replacement elevator project, plaintiffs are extremely disappointed with the lack of progress to date. Since the signing of the settlement, out of the 23 units identified in 2008 for prioritized replacement, none have yet been replaced outside of stations where redundant elevators were also under construction.<sup>5</sup> The scope of the replacement elevator projects has expanded greatly from what was initially envisioned, requiring shaft reconstruction for enlarged cabs, path of travel improvements, code compliance, fire alarm upgrades, and more

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<sup>3</sup> Back Bay; Kenmore; North Station; Forest Hills; Hynes; JFK/UMass; Quincy Center; Copley; Ruggles; World Trade Center; Ashmont; Chinatown; Symphony; Government Center; Davis; Alewife; Arlington

<sup>4</sup> Boston Garden, Government Center Garage, Copley Place tower, Berkeley College of Music/MassPike, Circle Cinema Reservoir/Cleveland Circle, Landmark Center Redevelopment Fenway, Bayside Expo Center

<sup>5</sup> In 2008, Units 814-5, 872, 879, 880, 869-70, 841-43, 857-59, 806-7, 810, and 872 were identified for modernization/replacement in a briefing to then General Manager Grabauskas and the MBTA BOD. As of today none have been modernized and only units 872, 879, 880 at Andrew and units 857, 858, 859 at NEMC/Tufts have nearly complete bid packages.



permitting and coordination efforts leading to a greater demand for funding. While staffing and budgetary constraints are understandable, both the MBTA and the plaintiffs agree this program must be made a top priority.

The current CIP from FY14-18 includes \$74.58 million budgeted overall towards the elevator program, which is a significant sum and does display the MBTA's commitment to improving access to its services. However, with the numerous replacements still required under Paragraph 57 of the Settlement Agreement; at least 51 elevators built before 1990 and operating beyond their 25-year service lives;<sup>6</sup> and commitments made to additional redundant or replacement elevators as was required under Paragraph 59, the plaintiffs are extremely concerned that the current financial allotment as well as the lengthy design processes will prove too little to accomplish the great deal of work that is still left in this massive project. The MBTA has maintained a standard of reliable elevator operation at over 99% for several years. Still, if a robust replacement plan is not enacted, it is only a matter of time before the elevator reliability rates begin to drop. To avoid such an outcome, the MBTA has initiated development of a dual-track comprehensive plan that schedules installation of redundant elevators, as well as repairs and replacement of existing units to avoid large-scale accessibility issues. In cooperation with the plaintiffs and with MBTA/MassDOT Board of Directors' approval, the plan will provide for a steady budgetary outlay for the next five to ten years. The plaintiffs request that this plan be developed and approved in 2014. Both parties are committed to restarting bi-monthly elevator meetings with both MBTA SWA and Design and Construction departments beginning in Spring of 2014.

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<sup>6</sup> Red Line has 25 elevators, Orange Line has 23 elevators, Commuter Rail has 3 elevators for a total of at least 51 units built before 1990.

c) OUT-OF-SERVICE NOTIFICATION

i) Introduction. The Agreement sets out requirements for the MBTA to ensure that customers are properly notified of any elevator outages. Specifically, the MBTA agreed to create a system for distributing outage information to all train stations and to provide information on alternative routes. The new system would provide notifications to passengers at the street entrance as well as at each platform.

ii) Progress as of 2010. The plaintiffs recognized that the dramatic improvement in availability rates had, to some extent, reduced the pressing need for out-of-service notices. However, the implementation of clearly visible notices remained necessary to ensure maximum accessibility. Since the time of the settlement, the MBTA had developed and launched a much-improved website which enabled customers to easily access information regarding accessibility. Additionally, the MBTA launched T-Alerts, a system capable of sending accessibility information to customers' mobile devices in the form of text messages. The plaintiffs noted that the phone notices appeared to be reasonably accurate and timely.

iii) Progress to Date. In 2012 and 2013, SWA collaborated with Operations Control Center (OCC) to develop a master spreadsheet of each and every potential elevator outage and what alternative routes would be available to customers during that outage. This spreadsheet also identifies which outages necessitate a bus shuttle (the shuttles are automatically coordinated by OCC when the corresponding outages occur). This detailed routing and (where applicable) bus shuttle information is posted on the accessibility hotline and website, as well as in station lobbies and via T-Alerts.

iv) Challenges Remaining. Overall, the plaintiffs are pleased with the improvements made to the notifications regarding out-of-

service elevators; however, plaintiffs would request that alternative service language be posted in places that are easily viewable in the unpaid lobby area. Further, the plaintiffs are aware that the MBTA is currently monitoring announcements made on trains and buses alerting riders that elevators at approaching stations are out of service. The plaintiffs request the results of this monitoring project once they become available. SWA has agreed to look into the feasibility of displaying dual-mode digital display boards near station entrances for immediate updates, and is committed to doing this in a way that would also provide the information audibly for customers with vision impairments. The plaintiffs are aware of some of the challenges involved in implementing such dual-mode display boards throughout the system; however, the plaintiffs urge the MBTA to continue exploring this possibility.

## 11) ACCESS TO VEHICLES AND FACILITIES

a) Introduction. The Agreement requires the MBTA to collaborate with local governments and private entities to address issues such as road repairs, signage on public roads, snow removal and illegal parking in bus stops, and sidewalk accessibility. The plaintiffs were particularly concerned about inadequate snow removal and illegal parking in bus stops.

b) Progress as of 2010. All parties celebrated the 2009 enactment of the Bus Stop Law. This statewide legislation had increased the fine for illegal parking in a bus stop and facilitated the MBTA Transit Police's ability to issue citations. The MBTA Transit Police increased its enforcement efforts after the new law went into effect: between April and December of 2009, 1,536 tickets were issued, as compared to the 290 tickets issued throughout all of 2008. Also, all MBTA Bus Operators were instructed to report obstructed bus stops, and monthly reports were issued that identified the stops blocked most frequently.

Additionally, during Winter 2007-08, the MBTA engaged in discussions with various municipalities to enhance coordination around snow removal. Lastly, the MBTA began to develop a full listing of all bus shelters in its inventory to ensure better coordination of snow removal among the responsible parties. This list, once completed, would be posted to the MBTA website.

c) Progress to Date. Transit Police have continued to enforce the Bus Stop Law: 2,266 tickets were issued in 2010; 1,961 in 2011; 1,908 in 2012; and 1,839 in 2013.

In the winters of 2011-12 and 2012-13, the MBTA took on the enormous feat of removing snow from as many bus stops as possible, committing to removing snow from all T-owned stops and stops along each of the Key Bus Routes (the 15 highest-ridership routes). This represented a dramatic shift in procedure-- in previous years, snow removal had been left to the property owners (most often the cities and towns). In the winter of 2012-13, the MBTA cleared 1,250 stops and/or shelters.

Finally, beginning in 2011, the MBTA began planning for the Key Bus Routes Improvement Program, aimed at improving service and accessibility along the 15 highest ridership routes. Improvements to many stops will include bus stop consolidation (which may result in the elimination or relocation of some bus stops), bus stop lengthening (so buses can pull to the curb more easily), accessible landing pads, path of travel improvements, transit signal priority and designated queue-jump lanes, curb extensions, re-grading of slopes, installation of curb ramps, improved signage, new shelters, etc. Construction on the applicable stops began in Summer of 2013 and will be completed by the Spring of 2014. Additionally, the MBTA is in the early stages of developing a plan to audit and prioritize alterations to inaccessible stops.

d) Challenges Remaining. The plaintiffs recognize that the MBTA has taken strides towards improving access to stations and bus stops through increased ticketing, better snow removal, and modifications to certain stops. However, to achieve compliance with this section of the settlement, plaintiffs believe a more holistic approach is needed, with significant buy-in from the municipalities. The plaintiffs strongly encourage the MBTA to work towards developing a comprehensive list of criteria that must be met in order to ensure accessibility, and to work with each city/town to determine responsibility for meeting those criteria. To increase accountability, this information should then be made available to the public.

## 12) CUSTOMER ASSISTANCE

a) Introduction. Under the Agreement, the MBTA agreed to establish a customer assistance system to be available to persons with disabilities at all stations and during all hours of operation. Customer assistance was to provide help in areas such as boarding and exiting trains and buses, using accessibility features, and arranging for alternative transportation when necessary.

b) Progress as of 2010. Critical customer service roles such as responding to elevator outages, facilitating accessibility of fare gates, and administering the bridge plate program had been assigned to CSAs. The MBTA believed that its CSA training program would help to address the plaintiffs' accessibility concerns at stations. Furthermore, SWA's Internal Monitoring Program would serve to provide the MBTA with better information regarding performance of the CSA system.

c) Progress to Date. Although the MBTA has not been able to provide staffing coverage to ensure that an employee is present at a given station during all hours of operation, it has continued to

ensure that assistance is readily achievable to customers when needed. For example, the T has begun piloting a new security initiative that ties station callboxes to security cameras at certain stations, so that when a customer presses the callbox, OCC staff can remotely monitor the situation until assistance arrives. Relatedly, when issues arise regarding access to a fare gate, customers can now use the callbox to request that the fare gate be opened remotely at any station.

Also, as discussed above, significant improvements have been made to the bridge plate program to make it easier to request and receive assistance. Specifically, in 2012, new procedures were developed to ensure better communication between front-line and OCC personnel. Additionally, emphasis has been placed on the fact that Motorpersons are responsible for deploying bridge plates if CSAs and/or Inspectors are not available. Customers should now expect that, if they request a bridge plate via a callbox, that they will be assisted onto the next available train.

The MBTA also constructed a pilot “Customer Assistance Area” (CAA) on the southbound platform at South Station which received positive reviews from the plaintiffs. The CAA, located centrally on the platform, will feature additional seating, enhanced lighting, tactile indicators, a callbox, and a bridge plate, and will serve as a convenient and safe location for customers to request and await assistance. System-wide roll-out of CAAs began in Summer of 2013.

Training for CSAs and all front-line staff has continued regularly since 2010 and SWA’s Internal Access Monitors currently assess station personnel’s ability to deploy bridge plates effectively upon request.

d) **Challenges Remaining.** While the plaintiffs are pleased with the enhancements made, they stress the importance of having an

employee physically present at each station whenever possible. Additionally, the plaintiffs note that callboxes (outside of the CAAs) are often difficult to find, especially for those with vision impairments. They request that the MBTA develop an inventory of callbox locations and post it on the website.

### 13) ALTERNATIVE TRANSPORTATION

a) Introduction. In accordance with the ADA, the Agreement states that the MBTA must provide alternative transportation to persons with disabilities when the fixed-route system is unavailable. The MBTA must provide suitable vehicles and provide alternative service in a timely manner.

b) Progress as of 2010. All parties believed that when the Porter Square Station elevators were out of service for extensive maintenance in 2008, the alternative service had been successful, and that that experience could serve as a good model for future alternative transportation situations. Additionally, SWA had begun drafting a policy regarding the provision of alternative service during planned elevator outages (long-term or short-term). The draft policy addressed the need for adequate notification of passengers and appropriate training for MBTA personnel regarding accessible alternative routes. The draft policy further required that all shuttles terminate at accessible stations.

c) Progress to Date. As discussed above, in 2012 and 2013, SWA collaborated with OCC to develop a master spreadsheet of each and every potential elevator outage and what alternative routes would be available to customers during that outage. This spreadsheet also identifies which outages necessitate a bus shuttle. Shuttles are now routinely provided to mitigate elevator outages (note: shuttles are not provided in the event that using an alternative route within the system is deemed faster, such as when a redundant elevator is nearby). Also, announcements

regarding specific out-of-service elevators are made on trains and buses approaching the affected station for customers who might not otherwise be aware of those outages.

Additionally, in 2012, SWA and Operations issued a joint policy regarding ensuring accessibility during mass diversions. This policy emphasized the need for the provision of accessible paths to/from the shuttles, as well as the need to provide shuttle service to accessible stations.

d) Challenges Remaining. Both parties feel the MBTA has made significant progress in this area and is substantially compliant. However, the plaintiffs request that a greater emphasis be placed on using accessible stations as end points for all customers during mass diversions, as opposed to terminating at an inaccessible station and then continuing on to an accessible station only upon request. Second, plaintiffs request that information regarding elevator outages be broadcast on affected subway trains and buses for those customers who might not have seen the service alert and/or station posting.

#### 14) COMPLAINTS

a) Introduction. The Agreement calls for the MBTA to maintain a system for receiving complaints and providing effective remedies to persons with disabilities. The parties are to cooperate on the development of a satisfactory complaint system.

b) Progress as of 2010. All parties believed that the MBTA had made significant progress through the creation of the new Customer Support Services Center and the development of new complaint management software. The parties believed that this was a significant improvement in the MBTA's capacity to input, track, and report information regarding certain categories of complaints. Cooperation among SWA, the Office of Diversity and



Civil Rights, and Operations supervisors were considered critical steps to establishing a more comprehensive approach to complaint response.

c) **Progress to Date.** In 2012, SWA began collaborating more closely with Operations, as the latter took the lead in addressing accessibility-related complaints. Additionally, SWA has developed a detailed complaint-tracking log that allows SWA and Operations management to categorize complaints and track investigations and outcomes. The complaint-tracking log also enables SWA to identify employees who are appropriate candidates for further internal monitoring due to their association with particular complaints. In June of 2013, SWA developed a draft comprehensive report regarding all complaints filed, as well as what action (e.g. discipline, training, etc.) was taken at the conclusion of the investigation.

d) **Challenges Remaining.** Plaintiffs are impressed with the draft reports regarding accessibility-related customer complaints and feel the data is presented in such a way that is both informative and easy to understand. The MBTA has committed to submitting these reports to plaintiffs on a quarterly basis.

While all parties believe that SWA's utilization of the complaint data to identify trends and address future problems is a long-term effort, initial reviews of the data reveal concerns that should be addressed more quickly. Specifically, the data shows that not all complaints are being fully investigated, and that some that are investigated are not being handled in a timely manner. The plaintiffs are also concerned that customers are not always receiving updates after their complaints are filed.

## 15) PERSONNEL TRAINING

a) Introduction. The training of MBTA staff is a vital component of ensuring a fully accessible system. Under the Agreement, the MBTA committed to reviewing its entire training program to ensure compliance with ADA requirements. Further, the MBTA agreed to cooperate and consult with the plaintiffs to ensure that accessibility issues for persons with disabilities are properly addressed. The Agreement also calls for a stronger system of disciplinary procedures to ensure accountability for violations of accessibility rules.

b) Progress as of 2010. As discussed above, the Bus Operator Recertification Program was an excellent step forward in this area of the Agreement. All parties were hopeful that the MBTA would achieve comparable success in the years to come as it initiated similar training for Subway officials and other MBTA personnel. The plaintiffs felt it was essential that individuals with disabilities play an active role in all future MBTA training pertaining to customer service.

c) Progress to Date. As discussed above, Phase II of Bus Operators Recertification Training launched in 2010 and is still ongoing. In addition, SWA developed a disability module for MassDOT's "How Can I Help You Today?" customer service training for all front-line personnel, including MBTA employees. This class debuted in 2011 and it, too, remains ongoing. Finally, in 2011, a full-day customer-service training for senior staff was conducted by an outside consultant.

d) Challenges Remaining. As discussed above with respect to Bus Operators Recertification Training, though Phase III's implementation is down the road, the plaintiffs want to ensure that training will continue. The plaintiffs acknowledge the budgetary issues facing further training programs; however, they stress the importance of consistent training for Bus Operations personnel as a vital tool to promote and maintain compliance.

Both parties acknowledge that SWA must review and revise accessibility training modules for Light and Heavy Rail personnel. The plaintiffs also stress the need to develop a management-level training that is given to all senior staff and to new senior staff as they are hired or promoted.

Also as discussed above, the plaintiffs encourage the inclusion of riders with disabilities in Bus Operations personnel trainings. The plaintiffs acknowledge the logistical difficulties in ensuring that this request be met for all trainings, and would seek to work with the MBTA in developing similar or alternative measures. Incidents of intolerance towards riders with disabilities by Bus Operations personnel still occasionally occur and must be completely eliminated. The MBTA and the plaintiffs have agreed to work together to develop an “Accessibility Ambassador” program in which members of the disability community can apply and be trained to assist in Bus Operations personnel trainings. Consistent and effective training must remain a critical priority for the MBTA regardless of any roadblocks that may be encountered.

## 16) MANAGEMENT

a) Introduction. As a part of the Agreement, the MBTA committed to designing management systems and creating a budget that would ensure compliance with all aspects of the settlement. Further, the MBTA agreed to establish the position of Assistant General Manager of SWA, who would report directly to the General Manager of the MBTA.

b) Progress as of 2010. All parties believed that the creation of SWA and the hiring of a new Assistant General Manager for the department had represented critical steps in implementing the Agreement. In contrast to past efforts to address problems with

accessibility, the high-level status of this department was a significant improvement.

The Independent Monitor, Judge Patrick King, had hired David Rishel of Delta Services, Inc., a transit consulting firm specializing in service and management analysis and ADA compliance. Mr. Rishel was to examine the effectiveness of the MBTA's organizational structure and its impact on accessibility initiatives. His review began in December 2009, but was halted due to a significant overturn in management that was happening at the time.

c) Progress to Date. Gary Talbot, SWA's first Assistant General Manager, left in the Summer of 2011. In September 2012, Marie Trottier was appointed to the position. In December of 2012, Dr. Beverly Scott was appointed General Manager of the MBTA. Shortly thereafter, Dr. Scott requested that a detailed needs assessment and budget be pulled together regarding all outstanding settlement-related issues; both parties aim to fulfill this task by the Spring of 2014. In December of 2013, Marie Trottier announced her resignation from the SWA Assistant General Manager position.

d) Challenges Remaining. The Agreement calls for the MBTA to produce a detailed management plan and budget for the implementation of all plans, programs, and activities necessary to comply with the Agreement. The plaintiffs are aware that GM Scott has called for the development of a detailed, comprehensive project plan, including a timeline for the plan's progression and an estimate of necessary funding. Developing this plan requires collaboration between the plaintiffs and SWA; however, the plaintiffs are concerned that a recent period of decline in the quality of everyday communications (please see "Communication Between Parties" above) may cause the project plan to be further delayed. Given that the advancement of so many projects is tied

to the development of this comprehensive plan, the plaintiffs believe it essential that communication is fluid between parties and that the GM's plan is developed as soon as possible.

## 17) MARKETING, OUTREACH & PUBLIC RELATIONS

a) Introduction. Under the Agreement, the MBTA is required to conduct a marketing campaign to educate customers with disabilities about all existing MBTA accessibility services and to encourage greater use of the fixed-route system. The MBTA must also develop a public relations effort to educate all customers about its plans for providing services to persons with disabilities.

b) Progress as of 2010. In June 2009, the MBTA launched its enhanced accessibility webpage, [http://www.mbta.com/riding\\_the\\_t/accessible\\_services/](http://www.mbta.com/riding_the_t/accessible_services/), the cornerstone of an extensive effort to promote the creation and sustained use of accessible fixed-route services. During the years 2008 and 2009, two other marketing tools were launched-- the Access in Motion newsletter and an annual wall calendar-- both designed to provide updates on various efforts underway with regards to the Agreement. The newsletter and calendar were distributed internally and to various local agencies and stakeholders that were committed to improving accessible services at the MBTA. Both were also posted on the MBTA accessibility webpage.

Further, efforts were ongoing to publicize the implementation of the Bus Stop Law and to spread awareness of the consequences of violations. This process had begun with a press conference held in April of 2009 and the subsequent creation and installation of informational posters on a number of MBTA vehicles. The MBTA also took steps to develop an online Access Guide that

would serve as an illustrated “how-to” manual for fixed-route services by highlighting the accessibility features system-wide.

c) **Progress to Date.** In 2012, the MBTA launched a comprehensive online Access Guide that provides step-by-step instructions for customers with and without disabilities on using each mode of the fixed-route system. Since then, the MBTA has produced a printed Access Brochure with similar information for customers without internet access; it is currently being translated into Spanish, Chinese, and Portuguese.

Most notably, throughout 2012, the MBTA worked on developing a System Orientation Training program with input from the plaintiffs. These trainings officially began in January 2013 and provide customers with an overview of fixed-route accessibility, along with hands-on experience riding a bus and subway train. In addition, the MBTA has partnered with a local not-for-profit organization that provides more intensive hands-on travel training for customers who may need additional practice mastering the system. Both parties are extremely optimistic that these trainings will encourage more customers with disabilities to use the fixed-route system.

Finally, SWA has begun to develop a robust outreach plan to identify numerous agencies and stakeholders that could help disseminate information regarding the MBTA’s significant improvements to access.

d) **Challenges Remaining.** Both parties recognize the MBTA’s obligation to conduct a comprehensive marketing campaign focused on accessibility. The system orientations and not-for-profit partnerships are certainly strong steps towards educating many potential riders about how to access and use the MBTA’s services. The plaintiffs are hopeful and optimistic that such programs can greatly ease the transition to the fixed-route system

for new riders. However, with financial challenges surrounding THE RIDE in particular, the MBTA should be eager to share with the public the major improvements to the system which allow much-improved access to its services since the settlement was reached. Targeted campaigns may be effective, but all riders should know of the advancements made. Encouragement from the entire community could have a strong impact on those riders with disabilities who remain unsure about their ability to use the MBTA's fixed-route system.

## 18) INDEPENDENT MONITOR

a) Introduction. The Agreement mandates the appointment of an Independent Monitor to oversee and assess the MBTA's compliance with the terms of the settlement. The parties, together with the Independent Monitor, are to develop a reliable testing program that uses anonymous testers with disabilities to determine compliance. Based on this data, the Independent Monitor is to recommend solutions to identified access problems. Further, the MBTA is to provide the Independent Monitor with reports gathered from the various monitoring programs under the Agreement and share the information with the plaintiffs. Finally, the Independent Monitor is to hold public meetings every six months to report on his or her activities and on the progress of implementation.

b) Progress as of 2010. All parties supported the selection of Judge Patrick King, a former Massachusetts Superior Court judge, for the role of Independent Monitor. Judge King focused his efforts on overseeing Bus Operations performance monitoring in collaboration with Delta Services Group. He hosted a series of public meetings to gather feedback from passengers about their experiences with the MBTA, and to provide an opportunity for SWA to report on their work. Through site visits to the MBTA's facilities and meetings with appropriate MBTA personnel, Judge

King examined the MBTA's progress in settlement implementation. Finally, he did significant work in regards to Bus Operations, the oversight of management, and wayfinding issues. The plaintiffs looked forward to a formal assessment from the Independent Monitor about the overall progress of settlement implementation.

c) Progress to Date. Judge King has worked extensively on wayfinding issues in collaboration with Berteaux + Iwerks, including playing a key role in reaching a compromise agreement for the design and implementation of the new wayfinding system. He has also continued his work in overseeing Bus Operations performance through monitoring surveys with Delta Services Group. Judge King has also played an important role in the review of management, in the MBTA's strategic planning, and in the development of vehicle design requirements for Light Rail, Heavy Rail, and Commuter Rail. In addition, Judge King has held public meetings every six months to discuss the MBTA's progress in complying with the Agreement, with the last meeting held on December 13, 2013.

d) Challenges Remaining. With many important details discussed and questions asked at the public meetings, the plaintiffs suggest that Judge King have written transcripts of the meetings developed. Also, the plaintiffs note that Judge King has encountered difficulties recently while attempting to obtain needed information and set up meetings with MBTA management. In light of these concerns, the parties agree to meet and review the MBTA materials to be provided to the Independent Monitor as required under Paragraph 92 and Addendum C of the Settlement Agreement. The parties are in discussion in regards to Paragraph 89, which requires the Independent Monitor to issue findings on a quarterly basis.



## 19) COMMUNICATION BETWEEN PARTIES

a) Introduction. The Agreement calls for all parties to maintain open communication regarding implementation of the settlement and to hold meetings on a regular basis. The MBTA agreed to provide the plaintiffs with information related to the Agreement upon reasonable request.

b) Progress as of 2010. Overall, communication between the parties had been satisfactory. However, the pattern for communication was still evolving as all parties adjusted to the current phase of the Agreement. The parties believed there was a need to establish regularly scheduled meetings with the Assistant General Manager of SWA, the Independent Monitor, and the plaintiffs. The summit meeting held in April 2009 with the MBTA and named plaintiffs was an excellent model of how the MBTA could discuss accessibility improvements with passengers and gather feedback for future work.

c) Progress to Date. In early 2012, the MBTA hosted two roundtable meetings with senior staff and the plaintiffs, meetings which both parties felt were valuable and informative. The MBTA has also recently developed timelines for the issuance of reports related to monitoring data and customer complaints so that the plaintiffs can keep track of progress. In October 2013, the MBTA and plaintiffs had an extremely productive meeting regarding platform gaps and the procurement of Red and Orange Line vehicles.

d) Challenges Remaining. Despite some positive steps taken in open communication between the parties, plaintiffs feel that they experienced a decline in the quality and consistency of everyday communications throughout much of 2013. All of the plaintiffs have expressed disappointment with their level of involvement in important access-related decisions during this period, as well as with lengthy response times from SWA in

following up with both requests for required information and general concerns. The plaintiffs believe that improved communication is necessary so as to maintain a strong level of confidence between parties and to allow for the open sharing of ideas and concerns; meetings with MBTA officials beyond SWA (e.g. key managers from Bus and Subway Operations) would especially be encouraged.

Both parties agree that much has been accomplished in improving access to the MBTA's services due to the collaborative work of the MBTA and the plaintiffs. It is through this collaboration that the MBTA and the plaintiffs hope to ultimately satisfy the shared vision set out in the Agreement--that the MBTA will become a model transit system accessible to all. SWA is optimistic that such progress will continue and is committed to the ongoing improvement of open and prompt communication between the parties.

## 20) REVISION OF RULES

a) Introduction. The Agreement requires the MBTA to revise its Bus Operations Rules for Operators to bring it into compliance with the ADA. Further, all parties were to cooperate in reviewing and updating rules for Heavy and Light Rail Operations.

b) Progress as of 2010. The plaintiffs believed that the initial requirements had been complied with. Though revised, the new Bus Operations rulebook had not yet been finalized and implemented. The Light Rail rulebook was revised and implemented in July 2009. The Heavy Rail rulebook remained under review.

c) Progress to Date. All rulebooks have been revised and reissued.

d) Challenges Remaining. The MBTA believes it has fully complied with this section of the settlement and is committed to updating each rulebook every four years. In the spirit of the Agreement, the plaintiffs hope to be involved in reviewing draft comments prior to the issuance of new rulebooks.

## 21) MISCELLANEOUS

a) Introduction. Two key commitments were not addressed within the 2010 Joint Assessment—specifically, the obligation to update the Design Guide for Access as well as the need to research the feasibility of making the Mattapan High Speed Line accessible.

b) Progress to Date. Seven out of eight stations along the Mattapan High Speed Line have been made accessible via mini-highs. It was technologically infeasible to make the final station accessible due to the topography of the surrounding land.

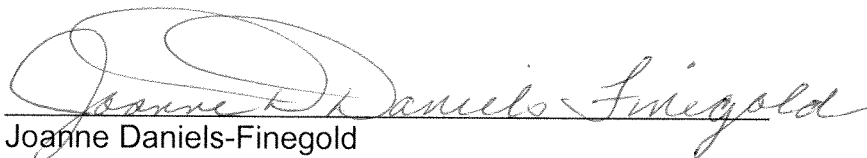
SWA has taken preliminary steps towards developing a scope of work for the Guide to Access with involvement from the Independent Monitor.

c) Challenges Remaining. While the Ashmont Station stop on the Mattapan High Speed Line has a mini-high platform, the MBTA has been boarding customers using a mobile lift at this location due to serious safety concerns regarding the placement of the mini-high. The MBTA is committed to identifying potential solutions and the plaintiffs urge them to do so.

Additionally, plaintiffs request the opportunity to be involved in the development of the scope of work and any future RFP for the Design Guide.

Signatures

For Plaintiffs:

A handwritten signature in cursive script that reads "Joanne Daniels-Finegold". The signature is written in black ink and is positioned above a horizontal line.

Joanne Daniels-Finegold  
Named Plaintiff

A handwritten signature in cursive script that reads "Taramattie Doucette". The signature is written in black ink and is positioned above a horizontal line.

Taramattie Doucette, Esq.  
Greater Boston Legal Services

For MBTA:

A handwritten signature in cursive script that reads "Laura Brelsford". The signature is written in black ink and is positioned above a horizontal line.

Laura Brelsford, Acting Assistant General Manager  
Department of System-Wide Accessibility

March 14, 2014