

MAYOR JANEY ANNOUNCES MAJOR MILESTONE REACHED IN MAKING BOSTON'S STREETS AND SIDEWALKS MORE ACCESSIBLE

Agreement will add thousands of new and improved curb ramps annually

BOSTON - Tuesday, July 13, 2021 - Mayor Kim Janey and the City of Boston Public Works Department, working in conjunction with the Mayor's Commission for Persons with Disabilities, today announced a major milestone in the City's efforts to make Boston's streets and sidewalks more accessible to people with mobility disabilities.

Yesterday, United States District Court Judge Richard Stearns granted preliminary approval of the settlement in *Muehe, et al. v. City of Boston*. The class action seeks to ensure that the City's sidewalk corners comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. This settlement was reached through extensive collaborative conversation between all parties.

The City of Boston has over 23,000 curb ramps, less than half of which are currently in compliance with federal disability access requirements. In addition, many sidewalk corners are missing curb ramps altogether. These missing and noncompliant curb ramps represent a significant barrier to safe and convenient travel for all people, especially those with mobility disabilities.

"Boston is filled with vibrant commercial districts and diverse cultural attractions. One of our top priorities is to make sure that every resident and visitor to Boston can take part in and contribute to all that our city has to offer," said Mayor Kim Janey. "The investment in our curb ramps and sidewalks is a foundational step towards achieving a more welcoming and inclusive city. We appreciate the advocates, our Disabilities Commission and our Public Works Department who all worked on this settlement to set a more equitable and just course for our city."

This landmark settlement will take a major step forward. In accordance with the settlement's terms, the City of Boston will construct and/or upgrade approximately 1,600 curb ramps per year until every corner at a pedestrian crossing has an ADA-compliant curb ramp. The City has also agreed to survey all ramps for ADA compliance and establish a transition plan to map out how the City will ensure accessibility.

Importantly, during the course of the settlement conversations, the City already started the work. Boston funded and hired its first ADA coordinator who is focused on street capital improvements. The City also expanded investment in and oversight of sidewalk and curb ramp construction projects and has included \$57 million, a \$25 million increase, to meet its construction obligations under the proposed settlement in its recently-passed five-year capital plan. Additionally, the City started its survey and transition plan to ensure all ramps are brought into ADA compliance.

“Accessible curb ramps and sidewalks are necessary to achieving the integration and equal opportunity mandates of the ADA and other disability non-discrimination laws. We congratulate the City of Boston for its commitment to providing people with mobility disabilities equal access to the pedestrian right of way,” said plaintiffs’ counsel Raymond Wendell of Goldstein, Borgen, Dardarian & Ho.

“Federal and state disability access laws were enacted decades ago to provide persons with disabilities an equal opportunity to fully participate in civic life,” said Tim Fox, claimants’ counsel and Co-Executive Director of the Civil Rights Education and Enforcement Center. “Today, we stand together with the City of Boston to fulfill the promise of those laws by ensuring that people with disabilities can travel independently throughout their communities. Inaccessible curb ramps prevent persons with disabilities from being fully integrated in their communities. This settlement goes a long way toward addressing those issues in that it will result in new ramps being put in at corners where there are no ramps and it will result noncompliant ramps being brought into compliance.”

“As the Protection and Advocacy system for Massachusetts, Disability Law Center is proud to have partnered with our co-counsel to ensure greater access for all people with disabilities who live and work in Boston, and who wish to take part in each of the amazing cultural, educational, and civic opportunities that the ‘Cradle of Liberty’ has to offer,” said Thomas Murphy, a Senior Attorney at Disability Law Center who is co-counsel for the Plaintiffs. “The City of Boston should be commended for working cooperatively to finally reach this historic agreement.”

Boston resident Michael Muehe, one of the plaintiffs in the case, said, “I was thrilled to join with other fantastic disability advocates in this case in demanding action from the City of Boston to fix the widespread curb cut problems throughout my city. This comprehensive consent decree will go far in improving pedestrian access for disabled people. I congratulate the Plaintiffs and the City of Boston for reaching this historic agreement, and I look forward to its speedy implementation.”

“This settlement means a lot to me and to people with disabilities who want to live independently in our community,” said Boston resident Colleen Flanagan, another plaintiff. “I am hopeful that with this settlement, we will substantially improve the accessibility of Boston neighborhoods to people with mobility disabilities.”

Plaintiff Crystal Evans, who lives in Braintree but frequently visits Boston, praised the settlement: “In addition to thousands of new curb ramps, the City is improving how a person with a disability can request a new curb ramp or fix a broken curb ramp. We no longer have to figure out how to do this on our own or suffer the frustration of not hearing back from the City.”

People with disabilities are the largest minority group in the country – census figures estimate that 56.7 million, or 1 in 5, Americans have a disability.

With the preliminary approval granted, the members of the class will be notified of the settlement. At a subsequent hearing, a judge will rule on the final status of the settlement. This hearing is anticipated to take place on October 19, 2021.

The creation of the new and improved curb ramps builds on the City's previous efforts to increase sidewalk accessibility for residents throughout Boston. Launched in July of 2020, the Mayor's Commission for Persons with Disabilities started [an initiative to distribute ramps](#) to restaurants participating in outdoor dining to increase accessibility for those with mobility disabilities.

ABOUT THE MAYOR'S COMMISSION FOR PERSONS WITH DISABILITIES

The Mayor's Commission for Persons with Disabilities leads the City's collective effort to increase accessibility and inclusion of persons with disabilities. We work to increase opportunities for people with disabilities by facilitating full and equal participation in all aspects of life within the City of Boston. This includes reducing architectural, procedural, communication, and attitudinal barriers as well as promoting equity in housing, education, employment, transportation, and civic activities. The office works on systemic compliance with Title II of the Americans with Disabilities Act through close collaboration with other City departments. Staff also provide information and referral, architectural access review, and advocacy on disability issues.

ABOUT THE PUBLIC WORKS DEPARTMENT

The Boston Public Works Department (PWD) provides core services essential to neighborhood quality of life. PWD directs general construction, maintenance, and cleaning of approximately 802 miles of roadways throughout the City, supervises contracts for the removal and disposal of approximately 190,000 tons of solid waste, and operates Boston's recycling program with an annual diversion of approximately 45,000 tons. Follow them on Twitter [@BostonPWD](#).

Civil Rights Education and Enforcement Center (CREEC) is a nonprofit membership organization whose goal is to ensure that everyone can fully and independently participate in our nation's civic life without discrimination based on race, gender, disability, religion, national origin, age, sexual orientation, or gender identity. <https://creeclaw.org/>

Disability Law Center is the federally designated Protection and Advocacy system for Massachusetts. DLC advocates for the legal rights of individuals with disabilities through systemic advocacy on civil rights issues, and monitoring and investigation of allegations of abuse and neglect.

Goldstein, Borgen, Dardarian & Ho is one of the oldest and most successful plaintiffs' public interest class action law firms in the country. GBDH represents individuals against large companies and other entities in complex class and collective action lawsuits. The firm has three primary practice areas: employment discrimination, wage and hour violations, and disability access, and also brings other public interest cases, including voting rights, environmental protection, and consumer cases. The firm has a national practice, litigating cases in federal and state courts throughout the country. <https://gbdhlegal.com/>