

An Open Letter to HART

February 12, 2024

Dear HART Board of Directors, Management, and Consumers – especially its disabled consumers,

I realize the following is quite long and necessarily so! Despite its length, the policies and practices this correspondence addresses is but a slice of a much broader systemic challenge within Hillsborough Area Regional Transit. It is not meant to be exhaustive but to serve as a catalyst toward a significant shift in the paradigm of HART's culture of disregard for its patrons, especially those of us who are disabled. Please take the few minutes this important correspondence requests and personally commit to achieving the goals of this message.

My name is Marion Gwizdala. I am a member of the Hillsborough Area Regional Transit (HART) ADA Accessibility Committee. I was elected to the position as the result of more than thirty years of increasingly responsible advocacy for persons with disabilities, specifically for disabled individuals who use service dogs. I have specialized educational and practical experience in the field of psychosocial aspects of disability, as well as in public policy making concerning the use of service animals. I currently serve as president/CEO for Advocates for Service Animal Partners Inc. I am blind and use a guide dog.

In my last public comments before being elected to this committee, I told HART and the committee that I realize "The squeaky wheel gets the grease; HART would be well advised to stock up on grease!" There are many reasons a door may squeak and tending only to the squeak rather than identifying the reason can often lead to a more severe problem beyond just the squeaking door. In the most severe of causes, there may be a catastrophic compromise of the very foundation. If we know it is the result of the foundation and just keep greasing the squeak, the entire structure is at risk.

I am writing to offer my perspective on a recent study by the Florida Department of Transportation that found that HART is effective despite challenges. As a disabled user of HART, I wanted to know how the study defined "effective", since my real-life experience and those of my disabled colleagues reveal a very different reality. In an effort to support their contention HART is effective, the study cited National Transit Database metrics that show ridership recovering to pre-pandemic levels. Is this the only metric of effectiveness? Well, the study did interview what they referred to as "stakeholders". Who were these stakeholders? They were current and past CEOs, board members, legal counsel, elected officials and personnel at peer transit agencies. Can effectiveness be measured without input from consumers who use the service? Let me share my truth as a blind person who uses public transit as my primary form of transportation, the input I have received from my disabled peers, and my perspective of HART's effectiveness.

For thirty-three years, the Americans with Disabilities Act has mandated that individuals who are disabled must have fair and equitable access to public entities and private businesses that provide public accommodations. Covered entities are required to modify their policies, practices, and procedures to remove artificial barriers faced by the disabled. Most companies are aware it is easier to build accessibility into products and services than to retrofit them to comply with the law. HART is not one of those companies, in spite of the fact that HART has heard from numerous disabled individuals

about the ineffectiveness and lack of accessibility of their services. I have repeatedly advised HART officials and their boards that “customer service and accessibility are afterthoughts for HART” and “when HART is unreliable it makes us look unreliable”. Whenever we bring our concerns to HART officials, we are met with excuses and placations but no accountability. Without accountability there will be no substantive change.

There is an adage in the disability rights community, “Nothing about us without us!” In an effort to ensure the disabled community’s voice was heard, disabled advocates pressed to create the HART ADA Accessibility Committee. Such a committee exists but HART does not seem to seek or heed its advice.

On September 28, 2023, I received an email invitation from HART inviting me to “A Celebration of HART for All”. Within the email was a link labelled, “Open Invitation”. When I opened the invitation, it was a visual animation completely inaccessible to my screen reader software. This is a copy and paste of the accessible elements of that invitation. The only difference between what is below and the original invitation is the line verifying my RSVP.

Card Content please join us for a CELEBRATION OF TUESday OCTOBER 24, 2023 10:00 AM - 12:00 pm SEMINOLE GARDEN center 5800 N CENTRAL AVE TAMPA, FL 33604 PLEASE RSVP BY OCTOBER 18, 2023

You are attending [VIEW RSVP](#)



I have attempted to reproduce this invitation as best I can but cannot attest to the visual elements it contains. I realize there are spelling and format errors and those errors are those of the document I received, not my errors. I correctly assumed -- and this assumption was confirmed after-the-fact -- I was invited because of my service on HART's ADA Committee but I had no idea what this event was about. I sent a message to the sender with my original RSVP asking for more details about the event. The only reply I received was another confirmation of my RSVP and an inquiry asking if my message meant there would be two in attendance. I confirmed this and again asked for more details and received a nearly identical response. The failure to respond to my questions seemed secretive.

Instead of being a celebration, I felt it was one of the most offensive displays of ablism I have witnessed in a very long time! My wife and I sat in a room filled with politicians, agency representatives, HART executives, and, of course, the media. My wife commented on how out-of-place we must appear dressed in business casual. We sat listening to politicians, agency personnel, and HART staff touting the false narrative about their commitment to excellent customer service to its disabled patrons.

One of the most telling parts of the program seemed to be lost on others in attendance, mesmerized by a slick marketing video and the contradiction that followed. Within the video, the subject's employer exclaims, "he is never late for work!" Following the video, the subject's mother tells the audience how great the para transit system is, how much independence it gives her disabled son, and how much more freedom it gives his parents. Then she shares that getting him to work on-time became a challenge, so they take him to work and HART brings him home. This is a great alternative for those who have family or volunteers willing to take you to work every day so you are not late. Most disabled individuals live and work independently and are unwilling to burden others with the routine elements of daily life. There is dignity in making one's own way and disabled individuals value their dignity and self-respect in spite of the public misconceptions and attitudes this dog & pony show reinforced and the media was urged to amplify. Disabled individuals utilize this service to conduct their business, including keeping professional appointments, engaging in social activities, accessing health care, and getting to work. Should we be able to apply for a job requiring "reliable transportation" if we utilize HART? After all, "when HART is unreliable, it makes us look unreliable!"

If HART is so committed to the quality of service provided to its disabled patrons, why were the very skills, talents, and input of their own ADA Accessibility Committee not effectively utilized? This was a meticulously planned event to the extent there was a logo created for the campaign and a bus wrapped in "HART for All!". One after another Merry and I listened to what HART does for "them" and their words did not resemble our reality! Did anyone ever tell them it was impolite to talk about someone in the third person when they are in the room? "Nothing about us without us!"

Title II of the Americans with Disabilities Act (ADA) requires HART to provide specialized transportation to individuals who, because of their disability, face challenges riding the fixed route system. In order to use this service, an individual must complete an application and present documentation of their disability. The ADA also requires public entities such as HART to make their websites, documents, and services accessible to individuals with disabilities, including those who use alternative techniques, such as screen reading software for the blind and voice input and navigation for those with disabilities affecting manual dexterity. In addition, as a recipient of federal funding, HART is required to comply with § 508 of the Rehabilitation Act by ensuring their information and services are

accessible to persons with disabilities. The Revised 508 Standards include electronic content such as documents, web pages, presentations, social media content, blogs, and certain emails.

Though the creation of accessible documents should be a very fundamental skill and one would think that an organization required to comply with federal accessibility guidelines would require those responsible for such content demonstrate competency in applying these guidelines, consider the fact that no one within the organization has or is required to have familiarity with Web Content Accessibility Guidelines (WCAG) published by the World Wide Web Consortium (W3C), the main international standards organization for the Internet. Accessibility is an afterthought for HART.”.

HART is required by law to provide specific transportation to those who are disabled and are unable to use the fixed route system or for whom using the system would create a safety issue. Even the basic process of applying for this transportation service has been inaccessible to those of us who are blind. Though HART has been advised numerous times over the past ten years their application is inaccessible, it was not until two blind patrons demanded HART comply with § 508 and provide them with an accessible document that they began to finally work on their compliance. Though creating such a document is a very fundamental skill to someone with competency in WCAG, ten years later we are close but not yet there. One with such competency should be able to create an accessible, useable form while it is being created and with little extra effort. At the time of this letter, it has been more than two months since the first request for an accessible application was made but they are using a hammer to quiet the squeak and refuse to admit the problem is at the foundation due to poor engineering. Without relying upon metaphor, there have been several iterations of this simple fillable form and they have not passed the human accessibility test. “Accessibility is an afterthought for HART!”

Neither those who pressed for compliance nor those who struggled to comply should have ever been in a position to do either. It is far easier to build accessibility into a product by design than to be forced to retrofit it. If it took this struggle to avoid another, it was worth the effort. Time will tell and we will be there to force compliance. “Nothing about us without us!”.

During the “HART for All” event, we were told how HART goes above and beyond to ensure disabled individuals their services are accessible by making sure all operators receive disability awareness training, stops are fully accessible, all buses are wheelchair accessible, and Location announcements are made on all fixed route vehicles. These comments seem to indicate that HART makes the effort out of their own good will. The fact is that all these services are required by law yet HART frequently is noncompliant. In addition, very basic customer service decorum is generally ignored and excuses made to justify the pervasive problems.

The implementing regulations of the ADA require operators of fixed route systems to announce “connecting routes, major intersections, points of interest, and intervals along a route sufficient to allow an individual who is blind to maintain their orientation. 49 C.F.R. Section 37.167(b). HART buses are outfitted with a GPS system known as an enunciator programmed to make these announcements. When the enunciator malfunctions, it is the operator’s responsibility to make these same announcements; however, operators generally fail to make the mandated announcements, even when advised the system is not working.

Locating a specific stop along a long stretch of road with no announcements is very difficult for a blind person and the regulations require operators to make requested announcements. Many of us have encountered operators who take exception to such requests. I have even been told by an operator that he cannot be bothered with keeping everyone's stop announcements in mind. "Accessibility is an afterthought for HART!"

After the Fall mark-up three years ago, several announcements dropped off of the enunciator, including the announcement at my westbound route 8 stop at Palm River Road and 78th Street. This is a major intersection, had an announcement in the past and now it is deleted. Several other significant announcements along this one route are still not in place, in spite of the fact that I have filed several reports concerning this. On a recent trip, only two of the eight regular announcements I would expect on my thirty minute trip were made by the enunciator. "Accessibility is an afterthought for HART!"

HART seems to offer lip service to their commitment to equitable treatment of the disabled but words without action are empty. Individuals who are blind or have low vision have challenges locating bus stops, as their shape and size resemble other forms of traffic signs. In downtown Tampa there is a distance of approximately seven blocks between stops on the Route 8, despite the fact that there is a stop approximately midway that does NOT (emphasis added) include the Route 8. This route has a one-hour frequency. I was once doing business in downtown Tampa, wasn't sure where the Route 8 bus stop was located, and no one around to offer directions. Knowing the bus would be arriving soon and not wanting to miss an hourly route, I stood on the side of the curb with my guide dog sitting beside me at a distance I knew would provide a safe stopping distance for a bus, prominently holding my bus pass. As I thought I heard a bus approaching, I raised my hand obviously holding my bus pass. Since I was not at a bus stop, Route 8 passed me by. Shortly afterward a mail carrier came by and helped me find a bus stop. This was the aforementioned bus stop along the Route 8 that – I found the hard way - does not include that route. I again stood prominently as before, this time directly under a bus stop sign the mail carrier helped me locate, raised my hand to signal a stop request, and again was passed by the route 8. Frustrated that I have wasted two hours on a very busy work day, I went to the board of county commissioners' office and shared my experience with my commissioner's assistant.

During the holidays the management of the Brandon Mall allowed HART buses to approach the bus stop only once each run. Understandably, HART buses did not approach the stop to drop-off patrons but required them to disembark at their staging area. My wife – who is also blind -- and I disembarked from the Route 8 at the staging area, found the Route 38 WITH which we were connecting directly in front of us, and the operator was on a break. When the driver returned, we approached the bus to board and we were told we could not board and must walk fifty yards across the parking lot to the designated bus stop. We confirmed this statement with HART officials. Walking across a busy parking lot can be very dangerous for pedestrians and crash statistics support this fact. Imagine how busy this mall's parking lot was two days before Christmas! A blind person who cannot see a car backing out of a parking space or a person who uses a wheelchair who has a very low profile increases the risks. In addition, the drop-off location required patrons traverse about twenty feet of sloping grass, also not a very safe proposition for someone using a wheelchair, scooter, or walker, not to mention the lack of an accessible route to the mall entrance. HART's policy of not allowing passengers to board at the staging area under these circumstances has no other explanation other than little consideration for the safety and accessibility of their patrons. "Accessibility is an afterthought for HART."

Even those whose professional titles include customer service seem to lack a fundamental understanding of what this really means. For several months the introductory recording patrons heard from HART first advised all callers that the customer service lines close at 9:00 p.m. on weekdays and 8:00 p.m. on the weekends; patrons were told they “should call back before those times.” Would it have been too much to share what time they opened? The recording then went on to advise HART Plus patrons who have an emergency to refer to the number in their rider handbook. Again, is it too much to give us that number? If I am at work and have an emergency, chances are I will not have my rider handbook. When I brought this to the attention of HART staff, the reaction was, “I wrote that. What’s wrong with it?” Really? When I explained it might be good customer service to let callers know what time customer service lines were open and share the number or offer a transfer option in case of an emergency, I was told that would create a lot of unnecessary calls from those who were not para transit patrons. We certainly would not want to inconvenience someone if we have an emergency! “And we do tell you to put the number in your contacts!” was the final suggestion shared with me. Thanks for listening! Customer service is an afterthought, as well!

The culture of poor customer service is fairly pervasive throughout HART and filters down to the grassroots operators and their attitudes toward customers, in general, and disabled customers, in particular. In order to allow passengers boarding clearance through the front door, HART frequently makes announcements on their vehicles that patrons should exit through the rear door. In addition, whenever a patron makes a stop request, the vehicle announces, “Please exit through the rear door.” On a recent trip, my wife and I sat in front of the rear door. When we stood up and attempted to exit, the operator refused to open the back door because of our blindness and she stated as much. “I cannot let you out! There’s grass and you might trip on it!” Thanks for telling a bus load of people that blind people cannot walk on grass. We stood our ground and refused to exit until she opened the back door for us. To the amazement of everyone on that bus, we walked across the grass safely! HART claims to provide “sensitivity training” (the terminology alone is ableist) but who provides this training and what is being said about “them”? “Nothing about us without us!”

Merry Schoch is a Licensed Clinical Social Worker employed by a contractor with the Department of Juvenile Justice. Ms. Schoch is also a blind para transit patron who works about fifteen minutes from her home. Over a two week period during the summer, Ms. Schoch was late for work five times – one day by 1.5 hours!

Ms. Schoch has also had the opportunity to experience a bit about how those who use wheelchairs are treated by HART staff. On January 29, Merry had hip surgery causing her to be non-weightbearing, thus requiring the use of a wheelchair. Merry has shared with me accounts of operators who are impatient, rude, or engage in very unsafe practices. As an example, within a few days of using her wheelchair at work, a para transit operator demanded Ms. Schoch navigate her wheelchair off the sidewalk through a mulched area, a practice unsafe for even a very experienced wheelchair user. When she advised the operator that she is blind, a very new wheelchair user, and requested she move the vehicle so she could safely maneuver down the sidewalk to the lift, the operator told her she did not have the time to move the vehicle. When Ms. Schoch finally arrived home, the operator put the lift in place and reached into the vehicle from the outside, pulling the wheelchair by its footrests onto the lift. One day before leaving for work, Merry commented in an exhausted voice, “I hope I get someone nice today!” We should never need to utter such a prayer!

HART's willingness to exploit the fear and sympathy toward the already marginalized disabled community speaks volumes about THEIR propensity TO TELL A FALSE NARRATIVE IN ORDER TO SHIFT PUBLIC PERCEPTION. The fact that they did not even consult with their own advisory board THEY HAVE empaneled to, well, advise on disability matters illustrates, in no uncertain terms, that they do not intend for us to give advice, only unwittingly participate in the subjugation of others in our community. In another culture, this is called "Uncle Tom"! I intend to give voice to those whose voice others ignore. This is my purpose for the path of service I have chosen and my motive for service on this committee.

HART's current approach is to do "just enough" or make something "good enough", but these half-hearted efforts are only minimum placations graphically illustrating how HART minimizes an already unfairly marginalized social group. The disabled community knows that when we are told something is "good enough", it generally means, "It's not good and it's not enough, but it is the best you are going to get from us!" We have learned from our challenges; HART has not! HART is in a state of transition and it is my goal for that transition to truly include everyone, including the disabled community. "Nothing about us without us!"

Until HART decides that effectiveness is defined by more than objective statistical outcomes and must necessarily include subjective intangibles such as reliability, trust, and equity, HART will never be effective in the minds of the consumers. In addition, those of us working to remove the barriers of fear and misconception about our value and potential as disabled individuals will not allow HART to exploit us in such blatantly ableist ways by reinforcing public fears and misconceptions in order to enhance public perception and convince us of the false narrative. "Nothing about us without us!"

Individuals who are disabled are taxpayers who support HART through property and income tax, as HART operations rely upon local, state, and federal grants; fare revenue is a very small piece of overall income. Disabled individuals are unemployed at a higher rate than their nondisabled peers, not because we lack the skills, talents, or education but because of the misunderstandings and misconceptions that create artificial barriers to our full participation in society on terms of equality. HART's exploitation of those fears and misconceptions only served HART's need for some positive news during a time when the news cycle was not very positive toward HART. . An unchallenged lie can easily become truth. "Nothing about us without us!"

The next meeting of the HART ADA Advisory Committee will be held on Thursday, February 15, 2024 beginning at 1:30 p.m. in the HART Board Room, located at 1201 E. 7th Avenue on the third floor. Members of the Tampa Bay Chapter of the National Federation of the Blind will be in attendance wearing their bright yellow shirts in solidarity with these comments; I will wear my yellow shirt to demonstrate my commitment to them. Please wear a yellow shirt to demonstrate your solidarity with us!

In service,

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