

## Curb Cuts in NYC

BY PHIL BEDER



**C**urb cuts or sidewalk ramps at pedestrian intersections, were first installed, to help workers wheel clothing racks around New York City's garment district.

Over time, mothers with strollers and wheelchair users also found them useful, so in 1994 the United Spinal Association (then called the Eastern Paralyzed Veterans Assoc.) filed a lawsuit to insist that curb cuts be installed at every intersection.

The suit was settled in 2002 and in the 15 years since, 97 percent of the City's street corners are equipped with pedestrian ramps. While this may sound good, there are still almost 4500 corners without ramps. More important is the fact that 80 percent of the sidewalk ramps that have been installed are in disrepair or do not meet Americans with Disabilities Act (ADA) standards.

It is for this reason that Disability Rights Advocates (DRA), is pushing forward with their complaint about the persistent poor state of New York City's sidewalks. In June of this year, DRA, a nonprofit, disability rights legal center, based in California and New York, asked Judge George Daniels to clear the way for their complaint to proceed in Federal Court against objections by the City.

A special master was assigned by Judge Daniels to come up with recommendations and on August 10, Special Master Robert Burgdorf, Jr., one of the nation's leading experts on disability rights submitted a 285 page report finding that at the current rate, it could take another 20 years or more to bring New York City street corners into compliance. Special Master Burgdorf's report said that it would be "unconscionable" for the current situation to go on and recommended that changes be made to speed up the progress.

Court proceedings on Tuesday Oct. 10 started with prosecution lawyers jockeying for procedural advantage. But, when the city was asked to present its response to the Special Master's 14 point report, a litany of reasons were given to support the status quo. As the lawyers for the City explained the slow pace of curb cut remediation, Judge Daniels started calculating the time frame being proposed. When the Judge's estimates got to 32 years before the City would have its sidewalks fully accessible for people with mobility impairments, he seemed to have heard enough.

Judge George Daniels instructed New York City to come up with a firm timetable to address the recommendations in the Special Masters report. Those recommendations include completing a survey of all pedestrian crossings within 90 days; installing pedestrian ramps where there are none, within the next five years; and bringing all non-compliant ramps into compliance within the next eight years. The next court date is set for Dec. 19 at 10:30 a.m. Stay tuned for progress.