

A Big Win for DIA & Subway Accessibility

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On Monday March 5th Federal Judge Edgardo Ramos said that the New York City Metropolitan Transportation Authority (MTA) violated the Americans with Disabilities Act (ADA) when it renovated the Middletown Road train station and did not make it accessible to the community of people with a disabilities.

The MTA must now go back and finish the job, starting with doing a feasibility study to provide access. Disabled In Action and one of our board members, Robert Hardy, were two of the plaintiffs against the MTA and they were represented by Disability Rights Advocates (DRA), a New York and California based civil rights law firm.

This case is important for a bunch of reasons. The ADA has a lot of complicated language about providing access when renovations are made to public facilities, but the language is general. It is lawsuits like this that set specific standards for where, when and how access must be provided. And because this is a federal case, these standards will apply to the entire country.

The ruling talked about what kind of renovations “trigger accessibility obligations” and in this case it was alterations that “affect the usability of the station.” The renovations at the Middletown Road station on the number 6 line in the Bronx were large in scope, costing more than 20 million dollars and closing the station for seven months. The work included replacing and reconstructing floors, platforms, staircases, the mezzanine and lighting.

Because the reconstruction was major, it was clear that installing elevators should have been considered and they were not. The judge’s opinion has many references to the work replacing the staircases and it seems this was an important trigger for mandating accessibility. There is even a footnote that mentions a Federal Transportation Administration guideline “that specifically addresses what accessibility obligations a public entity triggers by replacing a staircase.”

What is clear in Judge Ramos’ order was how the MTA did everything in its power to wiggle out of providing access. Middletown Road was part of a bigger plan that started in 2003 to renovate the last 10 stations on the 6 line. Over the years, the “rehabilitation” was redefined as a “renewal” in order to make the project seem smaller and avoid ADA compliance. Grassroots activism and help from DRA prevented that from happening.

The most striking example of the MTA’s resistance to providing access was reported in DIA’s online news letter, “The Activist,” in March of 2018 (www.largestminority.net/activist). The U.S. Department of Justice agreed with DIA, Bronx Independent Living Services and grassroots activists and signed onto the DRA lawsuit against the MTA. So Judge Ramos’ partial summary judgment on March 5 of this year should not really be a surprise.

Hopefully the MTA’s past behavior toward ADA compliance is history and the agency will start moving in the right direction. Andy Byford, the new president of New York City Transit has expressed a strong commitment to providing access and has even hired Alex Elegudin as the first Senior Advisor for Systemwide Accessibility. The real question is whether the governor and mayor can find the money.