

UNITED SPINAL_{NOW}

Historic Curb Ramp Agreement Reached

BY JAMES WEISMAN
CHIEF EXECUTIVE OFFICER



United Spinal Association and the Center for Independence of the Disabled in New York (CIDNY) have reached a Settlement Agreement with the City of New York and submitted it to the court for preliminary approval in a class action that requires the completion of curb ramp installation and upgrades at each of over 160,000 corners in New York City.

United Spinal Association, then Eastern Paralyzed Veterans Association (EPVA), sued New York City in 1994 for its failure to install curb ramps. The case was settled in 2002, requiring the City to install ramps at all corners lacking ramps and to spend hundreds of millions of dollars to accomplish that goal.

Pursuant to the 2002 agreement, the City installed ramps throughout the five boroughs and established a Working Group to share data and resolve disputes. EPVA raised concerns, through the Working Group, about remaining installations, ramp upgrades and unresolved complaints.

In 2014, CIDNY filed suit alleging, among other things, that the City violated state and federal non-discrimination laws by failing to install and maintain pedestrian ramps within three lower Manhattan community boards.

In January 2016, United Spinal Association entered into a stipulation approved by the Federal court updating the 2002 agreement. CIDNY and other disability groups objected to the 2016 stipulation at a fairness hearing and the court appointed a Special Master to evaluate the stipulation.

After his report was issued, counsel for the City, United Spinal Association, CIDNY and the objectors engaged in approximately two years of negotiations and reached a proposed settlement. Should the agreement be approved by the Court, United Spinal and CIDNY will be class representatives and their attorneys will be class counsel for the length of the agreement.

The Agreement's provisions include:

Surveys: The City will survey all corners by October 2019. The results will be publicly available and set forth the schedule for installation of upgrades. Two additional surveys will be conducted in 2023 and by 2046.

Deadlines: The Agreement sets out long-term and short-term deadlines for the installation of all remaining, missing ramps and upgrading of non-compliant ramps.

Installation of pedestrian ramps at corners that have never been ramped (approximately 424) will be completed by 2021, except for those described as "complex" – i.e., requiring unique design work (approximately 2,736 corners), which will be completed by 2030.

Upgrades of non-compliant standard ramps (damaged, too steep, ramped but without tactile underfoot warnings (approximately 18,580 corners) will be completed by 2032.

Upgrades of non-compliant, complex pedestrian ramps (approximately 5,500 corners) will be completed by 2034.

Remaining complex upgrades will continue at a rate of approximately 815 corners per year, starting in 2035.

Maintenance: The Agreement requires the City to maintain its pedestrian ramps so that people with disabilities can use them safely and independently.

Resurfacing: The Agreement requires the City to install or upgrade ramps at both standard and complex corners whenever it resurfaces adjacent streets.

Complaint Program: The Agreement requires the City to maintain a complaint program to allow the general public to request installations and repairs.

The program will require the City to permanently install or upgrade pedestrian ramps as soon as possible and have a full-time, in-house construction crew to respond to complaints.

They will provide temporary accessible solutions if possible, provided such solutions are compliant with accessibility laws.

Associate Deputy Commissioner: The NYC Department of Transportation will employ an Associate Deputy Commissioner to head the pedestrian ramp program.

Independent Monitor: An independent monitor will oversee implementation of the Agreement for a period of up to 15 years.

The monitor will assess the surveying process, the progress of installation of upgrades, the maintenance program and the complaint program. Semi-annual reviews will be conducted for the first five years, to be followed by annual reviews for the remainder of the monitoring period.

A Fairness Hearing will be held at 10 a.m. on July 23, 2019 before Judge George Daniels of US District Court for the Southern District of New York regarding the Agreement.

The proposed Settlement Agreement may be viewed at www.brostul.com or <https://dralegal.org/case/center-independence-disabled-new-york-cidny-et-al-v-city-new-york-et-al/>.