

Deal Increases Subway Station Access

Disability advocates in New York signed a settlement agreement in June that will make the New York City subway accessible for more than half a million people with disabilities who cannot use stairs to access the system.

At present only 25 percent of stations (113 stations) have elevators or ramps and are usable by people with disabilities, affecting their mobility.

Plaintiffs Center for Independence of the Disabled, New York (CIDNY), Brooklyn Center for Independence of the Disabled (BCID), Bronx Independent Living Services (BILS), Harlem Independent Living Center (HILC), Disabled In Action of Metropolitan New York (DIA), New York Statewide Senior Action Council (“StateWide”), Sasha Blair-Goldensohn, Dustin Jones, Jessica De La Rosa, and Jean Ryan have, with the Metropolitan Transportation Authority, signed a Settlement Agreement that will make at least 95 percent of the NYC subway’s 364 currently inaccessible stations accessible by 2055. Only 113 stations have been made accessible since the subway was built in 1904.

The Settlement Agreement

provides that the MTA commits to dedicating 14.69 percent of each of its 5-year Capital Plan budgets to station accessibility, barring unexpected critical needs. Should such unexpected needs arise, the MTA commits to devoting no less than 8 percent of its total Capital Plan to station accessibility. Never before has the Capital Program mandated a minimum, let alone such a significant investment, in making stations accessible to people with disabilities.

Two Suits Settled

Additionally, the agreement ensures that stations will be made accessible as part of many renovation and rehabilitation projects. In total, the MTA commits that in addition to the 81 stations currently slated for accessibility in the 2020-2024 Capital Program, 85 more stations will be accessible by 2035, another 90 by 2045, and the final 90 by 2055.

The plaintiffs are involved in two lawsuits brought against the MTA by Disability Rights Advocates (DRA) and Sheppard, Mullin, Richter & Hampton LLP (Sheppard Mullin). The first lawsuit, filed in 2017 in New York State Supreme Court, alleges violations of the New York City Human Rights

Law because of the vast inaccessibility of the current subway system.

Last year, the court-appointed plaintiffs representatives for a certified class of all people with disabilities affecting their mobility who are unable to access the subway. The second lawsuit, filed in 2019 in federal court in the Southern District of New York, alleges that the MTA consistently renovates and rehabilitates subway stations without adding stair-free access as part of those renovations. This Settlement Agreement will resolve both lawsuits and the settlements must be approved by both courts before it takes effect.

Plaintiffs React

“Everyone who lives, works, or visits New York City and our amazing state will benefit from the promise of universal access that our work with the MTA on this settlement agreement will afford our community,” said Sharon McLennon-Wier, executive director of the Center for Independence of the Disabled, New York.

“Hallelujah! Finally, some good news.” said Joe Rappaport, executive director of the Brooklyn Center for Independence of the Disabled. “This extraordinary agreement en-

sures that no one will be shut out of the fastest, best way to get around town.”

“The Harlem Independent Living Center is pleased and excited to be part of this historic achievement regarding the MTA and assisting in making the subway transit system accessible to the disabled community and to everyone in general,” said Christina Curry, executive director of Harlem Independent Living Center.

“I’ve been waiting for this moment since I was 15 years old,” said Jessica De La Rosa, who uses a wheelchair. “I am thrilled that the subways will be more accessible for the next generation of 15-year-old disabled children to ride the subway in their city like every other New Yorker”

DRA Represents

“Disability Rights Advocates is honored and privileged to represent these trailblazing activists who have secured a more just and accessible future for everyone who uses the subway,” said Torie Atkinson, staff attorney at Disability Rights Advocates. “We look forward to working with the MTA to swiftly implement these commitments.”