

## **For Immediate Release**

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### **Court Report Confirms Dismal State of Sidewalks for Disabled New Yorkers**

**New York, NY—August 10, 2017**—Special Master Robert L. Burgdorf, Jr., one of the nation’s leading experts on disability rights, issued a 285 page report finding that it could take another 20 years or more to bring New York City street corners into compliance with the Americans with Disabilities Act, if a proposed class settlement is upheld. Concluding that such a result would be “unconscionable,” Special Master Burgdorf recommended that the New York federal judge presiding over the suit reject the intended class settlement as unfair, unreasonable and inadequate for people with disabilities.

The report stems from a lawsuit filed by Eastern Paralyzed Veterans Association (EPVA) against the City in 1994 and settled in 2002 to address sidewalk and pedestrian ramp accessibility. Confirming the disability community’s ongoing complaints, the detailed report states that 27 years after passage of the ADA and 15 years after settlement was reached in the EPVA suit, 80% of curb cuts are not ADA compliant. The City’s data reveals that 75% of curb cuts have defects related to slope, width, etc., and 25% have no detectable warning tiles used primarily by people who are blind. The parties entered a new agreement in 2016 to address the continued state of non-compliance and disrepair across the five boroughs.

Believing the new agreement, like the old agreement, to be highly deficient and ineffective, a broad coalition of disability rights organizations, strenuously objected to approval of the settlement. The objecting organizations include Center for Independence of the Disabled New York, Brooklyn Center for Independence of the Disabled, Bronx Independent Living Services, Harlem Independent Living Center, Disabled In Action of Metropolitan New York, American Council of the Blind, American Council of the Blind of New York, and United for Equal Access. The coalition is represented by Disability Rights Advocates and Cravath Swaine & Moore LLP.

“People with disabilities have already been forced to deal with decades of unequal access to New York City sidewalks,” said Michelle Caiola, Director of Litigation at Disability Rights Advocates. “The Special Master’s report calls the City out for this ongoing discrimination and recognizes that lip service does not yield results.”

“We applaud the Special Master for a very thorough report,” said Sid Wolinsky, Co-Founder and Supervising Attorney at Disability Rights Advocates. “We also applaud the work of the Objector organizations as without their dedication and perseverance the City’s massive failure to comply with federal law requiring sidewalk accessibility would not have come to light.”

“People with disabilities put their lives at risk on the sidewalks every day,” said Susan Dooha, Executive Director of Center for Independence of the Disabled New York. “When there are no ramps, or the ramps

are defective, we are denied access to community life in New York City. We expect that this report will lead the City to take swift action to protect our rights.”

The report provides 12 recommendations that are necessary to fix the settlement and ensure that people with disabilities will be able to access sidewalks and curb cuts in New York City, including the following:

- The City should complete a comprehensive survey of all pedestrian crossings for ADA compliance within 90 days.
- The City should develop a detailed plan for installing ADA-compliant pedestrian ramps at all corners within the next 5 years and bringing all non-compliant ramps into compliance within the next 8 years.
- The settlement should require the court to appoint a monitor to ensure that the City is making progress toward installing and upgrading curb ramps.

The report can be found here: <http://www.cidny.org/resources/Special%20Master%20Report%20pdf.pdf>