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CID-NY
Center for Independence
of the Disabled, NY

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**UNPRECEDENTED DUAL CLASS ACTION SUITS FILED TODAY CHALLENGING THE
NEW YORK CITY SUBWAY SYSTEM'S ILLEGAL DISCRIMINATION AGAINST
WHEELCHAIR USERS AND OTHERS**

New York, NY—April 25, 2017— Two class action lawsuits were filed today against the Metropolitan Transportation Authority (MTA), accusing it of systematically excluding people with disabilities. One suit, filed in New York state court, is the first case to ever challenge the fact that over 350 of New York City's subway stations are unusable by people who can't traverse stairs, making it the least accessible subway system in the nation. This affects hundreds of thousands of New York City residents and visitors such as those using wheelchairs, with arthritis, or having certain heart or lung conditions. It alleges that the MTA's failure to install elevators in stations throughout the city is in flagrant violation of the New York City Human Rights Law. The second suit, filed in federal court, accuses the MTA of not maintaining the few elevators that do exist, leading to frequent breakdowns.

Both suits were filed by Disability Rights Advocates (DRA), a national nonprofit legal center, on behalf of a broad coalition of disability groups, including lead plaintiff Center for Independence of the Disabled NY, and Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, New York StateWide Senior Action Council, Inc., and three individuals who use wheelchairs for mobility. The law firm Sheppard Mullin Richter & Hampton LLP is co-counseling with DRA.

New York City has the largest, most used subway system in the country. Yet almost 80% of its stations are not accessible, virtually making the system unusable to residents and visitors to the city who use wheelchairs, walkers, scooters or are otherwise unable to traverse flights of stairs

(see [map of New York City's inaccessible subway stations with disability prevalence data](#)). This exclusion is devastating to people with disabilities.

Moreover, the inaccessibility is heightened when the few existing elevators are frequently unusable. The suit charges that 25 subway station elevators are out of service on any given day, sometimes for long periods of time, and the elevators are frequently littered with trash and urine. The MTA also fails to provide effective notice of outages or offer alternatives to those who rely on the elevators.

Plaintiff Sasha Blair-Goldensohn's trip to work requires a transfer and four elevators because the direct route is not accessible. He remarked, "The lack of elevators doubles my commute time, at best. And if just one elevator is out of service, I'm stuck. I never know when I'll have to ask strangers to carry me up the stairs in my wheelchair. It's nerve-wracking, dangerous and degrading."

"Both the lack of elevators and the frequent breakdowns make wheelchair users like myself very vulnerable," stated plaintiff Dustin Jones. "And to make matters worse, when an elevator is non-operative, there are rarely any warnings or announcements in stations and no contingency plan to assist people in my situation."

Plaintiff Chris Pangilinan, observed "The very limited number of stations has complicated every aspect of my life; from where I live, to the extra time for travel. I want the New York City subway to achieve the same level of accessibility that I have seen in every other major city in the U.S."

New York City's subway system is the least accessible in the country; approximately 360 of New York's 472 service line stations lack vertical accessibility. Michelle Caiola, DRA's Director of Litigation, said "the MTA's actions are both short-sighted and a disgrace to New York. Subway station inaccessibility does not just affect people who use wheelchairs, but also everyone unable to use steps. It is dangerous for older people and those who resort to carrying baby strollers precariously up and down stairs. Unfortunately, the MTA has been derelict in its duty to ensure the basic right to its transportation for all. Its disregard and negligence should not be tolerated any longer."

Susan Dooha, Executive Director of Center for Independence of the Disabled, New York (CIDNY), says, "Subway accessibility is about more than just getting around for people with disabilities. It's about dignity and respect for our civil rights. It's about getting to work and living in the community. So long after the passage of the ADA and the New York City Human

Rights law, we should not have to go to court to insist that subway elevators work and are safe and clean. It's time for the MTA to obey the law.”

“People who use wheelchairs or other assistive devices have few options for transportation in the city. This makes it difficult to carry out everyday activities such as work, shopping, and medical appointments, and leads to social isolation,” explains Brett Eisenberg, Executive Director of the Bronx Independent Living Center (BILS). “The options are even further limited in the boroughs outside Manhattan.”

Christina Curry, Executive Director of the Harlem Independent Living Center explains, “At HILC, we focus on getting equality, accessibility and accommodation for individuals with disabilities. Use of the subway system provides an important part of that mission and provides an independence that cannot be overstated.”

“New York City wouldn't be New York City without the subways, but without the subways, people with disabilities find it tough to take in all the city has to offer,” said Joseph G. Rappaport, Brooklyn Center for Independence of the Disabled's (BCID) Executive Director. “Just getting to a job or from one neighborhood to another becomes an incredible hassle, which is why we've joined these lawsuits.”

“At the MTA's current rate of elevator installation, it would take the MTA more than 100 years before 100% accessibility would be achieved. Clearly, we can't wait that long for equal access rights,” says Anthony Trocchia, President of Disabled in Action (DIA).

The [state suit \(PDF\)](#) demands that the MTA undertake a concentrated effort to install elevators at stations over a reasonable period of years. The [federal suit \(PDF\)](#) calls for a plan to address the dangerous rate of breakdowns and the lack of contingency planning for closures. A copy of this press release and both suits is available [here](#).

About Disability Rights Advocates (DRA)

Disability Rights Advocates is the leading national nonprofit disability rights legal center. With offices in Berkeley and New York City, DRA's mission is to advance equal rights and opportunities for people with all types of disabilities nationwide. In recent years, DRA has brought successful suits in the City of New York, challenging the exclusion of people with disabilities from taxis, polling sites, and emergency preparedness plans. For more information, visit <http://dralegal.org>.

About Sheppard, Mullin, Richter & Hampton, LLP

Sheppard Mullin is a full service Global 100 firm with 780 attorneys in 15 offices located in the United States, Europe and Asia. Since 1927, companies have turned to Sheppard Mullin to handle corporate and technology matters, high stakes litigation and complex financial transactions. In the U.S., the firm's clients include more than half of the Fortune 100. For more information, please visit <https://www.sheppardmullin.com>.

About Center for Independence of the Disabled, New York (CIDNY)

The Center for Independence of the Disabled in New York is a leading advocate for people with disabilities in New York City. It was founded in 1978 to ensure full integration, independence and equal opportunity for all people with disabilities by removing barriers to the social, economic, cultural and civic life of the community. CIDNY has led the fight for accessible transit for people with disabilities since its founding. In 2016, CIDNY served nearly 23,000 New Yorkers. For more information, visit <http://www.cidny.org>.

About Bronx Independent Living Services (BILS)

Bronx Independent Living Services (BILS) is an independent living center located at 4419 Third Avenue, Bronx, New York. Founded in 1983, BILS is a consumer-based, non-profit organization providing services and advocacy for independent living for individuals with disabilities. BILS's mission is to ensure full integration, independence, and equal opportunity for all people with disabilities by removing barriers to the social, economic, cultural, and civic life of the community. For more information, visit <http://bils.org/>

About Brooklyn Center for Independence of the Disabled (BCID)

The Brooklyn Center for the Independence of the Disabled, founded in 1956, is part of the independent living movement, which seeks to empower all people with disabilities to live full, independent lives. Our staff, composed largely of people with disabilities, offers services and runs advocacy campaigns to make housing, transportation and other aspects of daily living accessible to all. BCID has worked closely on several accessibility campaigns with Disability Rights Advocates. DRA represents us in *BCID v. Bloomberg*, which forced the City of New York to agree to new evacuation procedures for people with disabilities after Hurricane Sandy; and *Taxis For All Campaign v. Taxi and Limousine Commission*, a landmark decision requiring 50% of New York City's yellow taxis to be accessible by 2020. For more information, visit <http://bcid.org/>.

About Disabled in Action of Metropolitan New York (DIA)

Founded in 1970, Disabled in Action of Metropolitan New York is a democratic, nonprofit membership organization consist primarily of and is directed by people with disabilities. DIA is a civil rights organization committed to ending discrimination against people with disabilities.

DIA fully embraces the empowering motto "Nothing about us, without us!" For more information, visit <http://www.disabledinaction.org/>

About Harlem Independent Living Center (HILC)

Harlem Independent Living Center was incorporated on May 31, 1990 provide access to independent living services to these un-served and underserved individuals and to expand the system of independent living available to all New Yorkers. HILC assists the communities of people with disabilities in achieving optimal independence through culturally and linguistically appropriate services by advocating, educating, empowering and being a community change catalyst. For more information, visit <http://www.hilc.org/>

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