

## For Immediate Release

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### **Unanimous Appellate Court Upholds Ruling That MTA is Subject to NYC Human Rights Law and Can be Held Liable for Discriminating Against Subway Riders with Disabilities**

**June 8, 2020—New York, NY**—A unanimous panel of four Judges from the Appellate Divisions of the Supreme Court affirmed a ruling by the lower Court, decided almost exactly a year ago on June 5, 2019, holding that the Metropolitan Transportation Authority (“MTA”) and the City of New York (“the City”) can be held accountable under the New York City Human Rights law for the widespread inaccessibility of the New York City subway system. Less than 25% of the New York City Subway’s 472 stations provide stair-free access, meaning the MTA excludes hundreds of thousands of New Yorkers with mobility disabilities each day from this vital system. This decision allows a civil-rights lawsuit filed by a broad coalition of disability rights groups to go forward and guarantees that the MTA is not above the law when it comes to discrimination happening in the system it operates.

The MTA had argued it was not subject to the city’s anti-discrimination law and that the suit was barred by a statute of limitations because it was built decades ago. The Appellate Court found otherwise and noted, “the lack of access to the subway system, a place of public accommodation, continues every time a person seeks to use the subway system, but is prevented from doing so based upon their physical disability.” To read the decision, click [here](#).

The class action lawsuit was filed in April 2017, by Disability Rights Advocates and co-counsel Sheppard, Mullin, Richter & Hampton LLP alleging the MTA and the City of New York are discriminating by maintaining a vastly inaccessible subway system. The plaintiffs are made up of a coalition of six disability rights organizations- Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, 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. To read the complaint, click [here](#).

“Finally, it has been made clear to the MTA and the City of New York that they cannot continue to ignore the hundreds of thousands of people shut out of the subway system because they cannot use stairs,” said Michelle Caiola, Disability Rights Advocate’s Managing Director of Litigation. “Instead of wasting more time and money fighting lawsuits brought by people with disabilities, the MTA needs to focus on elevator installation at the large number of currently inaccessible stations,” she added.

Susan Dooha, Executive Director of Center for Independence of the Disabled, New York, says: “The MTA told the Court that they are above New York City Human Rights law. The Court told them that they are not. It’s past time to take down the long-standing barriers to accessibility to subways so that all can ride. The Court’s decision puts us one step closer to that goal.”

"Hallelujah! This forceful Appeals Court decision shows that the MTA can't hide behind decisions made years ago but instead must reverse decades of discriminatory practice that keep hundreds of thousands of New Yorkers out of the subways," said Joe Rappaport, executive director of the Brooklyn Center for Independence of the Disabled, a plaintiff in the case. "It comes at a particularly appropriate time, as New Yorkers take to the streets to protest other government practices that keep people down. The state, city and the MTA must now get working to make the subways accessible to all."

"We are delighted with this decision," said Jean Ryan of Disabled in Action New York. "We want all subway stations to be accessible so we can reliably use the subways which are the fastest way to get around our city."

"BILS is thrilled with the courts' decision," said Brett Eisenberg, Executive Director of Bronx Independent Living Services. "No entity or agency should ever be above the law and we are glad that the MTA will have to answer for an inaccessible subway system. BILS continues to believe that being able to take public transportation is a right not a privilege and stations should not only be accessible but also maintained. We will not stop our pursuit of having people with disabilities being treated equal. We look forward to the case moving forward and advancing the rights of people with disabilities."

"We are not surprised that the appellate court affirmed that the lack of accessible subways is a human rights violation," said Daniel Brown of Sheppard, Mullin, Richter & Hampton LLP. "It's a great decision for all New Yorkers and its visitors."

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**About Bronx Independent Living Services (BILS):**

Founded in 1983, Bronx Independent Living Services (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 [www.bils.org](http://www.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. For more information, visit [www.bcid.org](http://www.bcid.org).

**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. For more information, visit [www.cidny.org](http://www.cidny.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 [www.disabledinaction.org](http://www.disabledinaction.org).

**About Disability Rights Advocates (DRA):**

Disability Rights Advocates is one of the leading nonprofit disability rights legal centers in the nation. With offices in Berkeley, California and New York City, DRA's mission is to advance equal rights for people with all types of disabilities nationwide. DRA's work in New York City has resulted in making half of the City's yellow taxi fleet accessible to wheelchair users, a federal court order requiring the City to make its voting sites accessible, and a victory at trial in a class-action lawsuit challenging New York City's failure to plan for the needs of persons with disabilities in disasters such as Hurricane Sandy. More information can be found at [www.drlegal.org](http://www.drlegal.org).

**About Harlem Independent Living Center (HILC):**

Harlem Independent Living Center was incorporated on May 31, 1990 to 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 [www.hilc.org](http://www.hilc.org).

**About Sheppard, Mullin, Richter & Hampton LLP:**

Sheppard Mullin is a full-service Global 100 firm with more than 900 attorneys in 15 offices located in the United States, Europe and Asia. Since 1927, industry-leading 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 almost half of the Fortune 100. For more information, please visit [www.sheppardmullin.com](http://www.sheppardmullin.com).