

N Y L P I

**JUSTICE THROUGH
COMMUNITY POWER**

**Testimony by Christopher Schuyler, Senior Staff Attorney
New York Lawyers for the Public Interest, Disability Justice Program
To the New York City Council, Committee on Transportation
On March 9, 2023
Regarding the Preliminary Budget for Fiscal Year 2024**

Good afternoon.

Thank you, Chair Brooks-Powers and Council Members, for the opportunity to present testimony today. My name is Christopher Schuyler, and I'm a Senior Staff Attorney with the Disability Justice Program at New York Lawyers for the Public Interest (NYLPI).

To begin, we commend the Council for its proposal to expand the income eligibility of the Fair Fares program, which will lighten the costs of transportation for those most in the need of the help – which disproportionately includes people with disabilities. With that said, we call on the Council to continue defending other vital city services and investments. With the Council's revenue forecasts for FY23 and FY24 totaling \$5.2 billion more than the Office of Management and Budget predictions, and with the Independent Budget Office's announcement of a virtually identical surplus this year, now is not the time to retreat from our City's equity goals, including – critically – our goal for accessibility for the disability community.

Access-A-Ride Funding

We call on the Council to oppose the Governor's proposal to increase the City's funding of the Access-A-Ride (AAR) paratransit system from 50% to 100%. AAR is fraught with service issues as it is, and putting full funding responsibility on the City – which can't independently raise taxes to pay for it – is a recipe for worse service still. AAR is a legally required and vital component of the MTA's complete transportation portfolio; the MTA cannot be permitted to drop the costs on the City alone. Moreover, the current heavy reliance on AAR is in large part due to the years of the MTA failing to make the subways more accessible. That was

and continues to be the responsibility of the State. Due to the State's neglect, AAR has continued to grow. It's wrong to now thrust the problem, which was created by the State, onto the City.

Access-A-Ride Improvements

AAR, with nearly 170,000 users, remains a dysfunctional system: rides must be booked at least one day in advance, rides are chronically late, and riders often endure long, unpredictable, shared rides to get to their destination. **We urge the Council to remedy these inequities, by advocating for expansion of the on-demand pilot – without service rationing – and by eliminating AAR assessment centers and instead requiring proof of eligibility to be submitted by treating physicians.** Notably, this latter recommendation would offer great savings to the City and State, is utilized by paratransit providers across the state, and was previously used by the City prior to the MTA taking over the AAR system.

NYC Streets Plan

Last year, the Mayor funded the NYC Streets Plan up to nearly \$1 billion, but benchmarks are already being missed, particularly with respect to bus and bike lanes. **The Council must exercise oversight of the City Department of Transportation (DOT) to ensure all promises within the NYC Streets Plan are met on time, including the promises to build and install accessible public spaces, bus stops, accessible pedestrian signals, and upgraded intersections.**

Moreover, **the Council must ensure that the City's Open Streets and Open Restaurants programs are accessible.** In far too many cases, Open Restaurant sheds block the sidewalk and Open Streets barricades create access barriers for the disability community, both in that Access-A-Ride drivers refuse to move the barricades to pick-up customers at their doors, and with drivers with disabilities who are not able to move the barricades without assistance. DOT told NYLPI that it is working on the problem, including by adding phone numbers on the barricades, which people in need of help can call and a nearby attendant will assist. DOT plans to add these phone numbers to the 34th Avenue Open Streets in Queens. **The Council must ensure that this is completed expeditiously – both at this location and all other Open Streets locations throughout the City.**

Bikeshare

The proposed budget shows that Citibike revenue is part of the Mayor's Program to Eliminate the Gap, with nearly \$10 million of revenue over the next four years going to pay down the deficit. With this proof of the success of the bikeshare program, DOT has little reason to further delay providing accessible, adaptive bicycles for people with disabilities. Disability laws require equal access to transportation services, including the City's bikeshare program, yet options for people with disabilities have so far been limited to narrow pilot programs – from which little to no information has been made publicly available. **The Council must mandate that DOT provide accessible bikes for people with disabilities, and insist on transparency with respect to DOT's pilot program findings.**

NYC Ferry

NYLPI is pleased that the preliminary budget allocates \$500 million to improve boats and terminals. The budget does not specifically state what improvements will be prioritized, however. Members of the disability community have reported that NYC Ferry suffers from various accessibility issues, including lack of signage, particularly important for those who are deaf and hearing impaired, as well as a lack of clear and accessible paths from street to landing. **The Council must ensure that this significant funding promise is used to abate these accessibility issues.**

Fair Fares

We commend and support the proposal to expand the Fair Fares program to New Yorkers with incomes under 200% of the federal poverty line, which will benefit over a million people in our city.

Additionally, while the Fair Fares program was made available to AAR users nearly three years ago, only a very small percentage of eligible AAR users have actually opted into the program. **We urge the Council to mandate the implementation of an extensive advertising campaign – targeted at eligible AAR users – to ensure that this group is aware of the benefit and how to opt into it.**

Notably, the Fair Fares program – which is administered by the City not the MTA – serves as only a bandage over the MTA's discriminatory practice of excluding AAR users from the discount programs available to subway and bus riders. Subway and bus

riders who have disabilities or are senior citizens have available to them a half-price MetroCard. They – and all other subway and bus riders – also have the option of purchasing 7-day and 30-day unlimited MetroCards, which provide significant savings to frequent users. AAR users are excluded from each of these discount programs.

The City, as evidenced in this preliminary budget, contributes enormous funding to the MTA, and is entitled to make demands on the MTA. **We, therefore, urge the Council to exercise oversight and compel the MTA to include AAR users in the same discount programs available to all other mass transit riders.**

Subways

We urge the Council to exercise robust oversight over the MTA to ensure that it keeps and expands upon its promises to improve the accessibility of the subway system. NYLPI acknowledges the MTA's current budgetary and ridership challenges, but asserts that a more accessible MTA system will ultimately benefit the interests of both New Yorkers and the MTA alike. Modernizing the system and making it accessible for the many who have long been shut out of the system, including people with disabilities, the elderly, and parents and caregivers, will encourage increased overall subway ridership – and less of a need for paratransit.

The Council must also ensure that the MTA is held to its promise to allocate \$10 billion of the \$55 billion 2020-2024 Capital Plan to subway accessibility projects. Moreover, in addition to planned elevator and stair-free access, **the Council must ensure that the MTA addresses platform accessibility issues, including the gap between the platforms and trains and the installation of detectable warning surfaces along all platform edges.** Just as stair-free access from the street to the platform is essential to accessibility, so too is platform accessibility.

Additionally, **the Council must mandate that the MTA make accessibility improvements serving the needs of riders who are deaf and hard-of-hearing.** For example, when train conductors make verbal announcements, both in routine ways like when a train goes express, or in serious, unpredictable ways including emergencies like active shooter scenarios, riders with hearing disabilities have no way of receiving the message other than to read the faces of fellow riders. This is not equal access to transportation. At a minimum, **the Council must direct the MTA to**

ensure that a screen on all train cars contemporaneously relays messages as conductors announce them.

Congestion Pricing

The Council must pull all the levers available to accelerate the passage of the Congestion Pricing plan. The MTA's Capital Plan is dependent on it, with the MTA relying on Congestion Pricing to raise \$15 billion of the total Capital Plan. That notwithstanding, **the Council must ensure that all people with disabilities traveling into the Central Business District are exempt from the toll.**

Currently, the Congestion Pricing law provides, vaguely, that "qualifying vehicle[s] transporting a person[s] with disabilities" will be exempt. Without further clarifications and assurances, many people with disabilities, including those who rely on non-qualifying vehicles (e.g., caregivers driving personal vehicles) to travel to medical appointments within the Central Business District are at risk of being unfairly impacted. Lastly, **the Council must ensure that of the \$15 billion raised from Congestion Pricing, a proportionate amount of that funding will go to making all MTA transportation accessible.** Passage of Congestion Pricing is also crucial because it will improve air quality, reduce traffic gridlock, and encourage return to the mass transit system.

Thank you for hearing my testimony today. I am happy to discuss any of these recommendations.

**Christopher Schuyler, Senior Staff Attorney
New York Lawyers for the Public Interest
151 West 30th Street, 11th floor
New York, NY 10001
cschuyler@NYLPI.org
(212) 244-4664**

About New York Lawyers for the Public Interest

For nearly 50 years, New York Lawyers for the Public Interest (NYLPI) has been a leading civil rights advocate for New Yorkers marginalized by race, poverty, disability, and immigration status. Through our community lawyering model, we bridge the gap between traditional civil legal services and civil rights, building strength and capacity for both individual solutions and long-term impact. Our work integrates the power of individual representation, impact litigation, and comprehensive organizing and policy campaigns. Guided by the priorities of our communities, we strive to achieve equality of opportunity and self-determination for people with disabilities, create equal access to health care,

ensure immigrant opportunity, strengthen local nonprofits, and secure environmental justice for low-income communities of color.

About NYLPI's Disability Justice Program

NYLPI's Disability Justice Program works to advance the civil rights of New Yorkers with disabilities. In the past five years alone, NYLPI disability advocates have represented thousands of individuals and won campaigns improving the lives of hundreds of thousands of New Yorkers. Our landmark victories include mandating that the MTA equitably provide its Access-A-Ride services to all applicants and riders with limited English proficiency. We have worked together with the MTA to bring about an "on demand" Access-A-Ride program and to enable New York's most indigent residents to obtain Fair Fare discounts when using Access-A-Ride. We recently filed a class action lawsuit seeking to permit all Access-A-Ride users to access the same discount programs available to all other MTA transit users, as well as a class action to remedy the enormous gaps between subway cars and subway platforms system-wide.