



**JUSTICE THROUGH
COMMUNITY POWER**

**Testimony by Christopher Schuyler, Managing Attorney
Disability Justice Program, New York Lawyers for the Public Interest
To the New York City Council, Committee on Transportation
On March 14, 2024
Regarding the Preliminary Budget for Fiscal Year 2025**

Thank you, Chair Brooks-Powers and Council Members, for the opportunity to present testimony.

Congestion Pricing

NYLPI supports the swift implementation of the Congestion Pricing plan. Congestion Pricing will bring many benefits to the City including reduced traffic in the central business district, air quality improvements, and a reliable funding stream for the MTA needed for a vast array of subway accessibility improvements.

That said, people with disabilities must not be required to pay the toll. While people without disabilities can avoid paying the toll simply by taking the subway, people with disabilities do not have that option. The subway system is only 30% accessible, saying nothing of whether elevators in those stations are operational, nor anything about the litany of other accessibility barriers in the subways including excessive gaps between the platforms and the trains. The inaccessibility of the subway system, often referred to as the lifeblood of the city, means that people with disabilities must rely on ground transportation to get to their jobs, school, medical appointments, friends and family – everywhere.

The MTA's history of deprioritizing subway accessibility caused the current unavailability of mass transit as an option for many people with disabilities. Therefore, the MTA cannot now expect people with disabilities, who due the MTA's own decision-making are left with only ground transportation, to pay the toll. Forcing people with disabilities to pay the toll would be insult to injury; first, the needs of people with disabilities were long ignored by the MTA, and now they are expected to pay for the fix to a problem caused by the MTA's own inaction. Shouldering people with disabilities with the burden to pay for subway accessibility is not right.

We recommend that the Council encourage the MTA to broaden its exemption, ensuring that people with disabilities are not charged the toll. To be clear, NYLPI is not advocating for delayed implementation of Congestion Pricing, but instead recommends that the MTA expand the disability exemption in a timely fashion as Congestion Pricing evolves. NYLPI recommends various changes to improve the disability exemption, including linking the exemption reader to a personal device rather to a vehicle, providing a remote option for applying for the exemption rather than requiring folks to appear in person at assessment centers, and expanding the exemption to cover all people requiring the use of wheelchair accessible taxis, Ubers, and Lyfts.

Access-A-Ride (AAR)

AAR, with nearly 170,000 users, is 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 – which funds 70% of the AAR system – to remedy these inequities, by advocating for improvement and expansion of the on-demand pilot 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. **Additionally, the Council must ensure that the users of the on-demand pilot are not charged the Congestion Pricing toll.**

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. 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 AAR.

The Council must also ensure that the MTA is held to its promise to allocate \$5 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.**

Fair Fares

We urge the Council to expand the Fair Fares program to New Yorkers with incomes under 200% of the federal poverty line, which will benefit over a million New Yorkers.

Additionally, while the Fair Fares program was introduced several years ago, according to a recent Community Service Society of New York report, more than half of eligible New Yorkers are still not enrolled in the program. The problem is especially true for AA users. **We urge the Council to mandate the implementation of an extensive advertising campaign – particularly targeted at eligible AAR users – to ensure that eligible New Yorkers are aware of the benefit and how to opt into it.** Additionally, people who contact the MTA and the City Human Resources Administration should be promptly screened for Fair Fares eligibility.

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 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.**

NYC Streets Plan

The Streets Plan, as mandated by Local Law 195, is a bold reimagining of the City’s surface level transportation networks and public spaces. However, only two years into the plan, the City Department of Transportation (DOT) has twice missed on several of its key benchmarks,

to the detriment of all New Yorkers including those with disabilities. In addition to the completion of fewer miles of protected bike land and bus lanes than required by law, the DOT has also failed to meet the required bus stop upgrades benchmark. With reduced funding being allocated to DOT in 2025 under the preliminary plan, NYLPI is concerned that DOT will continue its course of failing to meet its Streets Plan benchmarks. **We urge the Council to exercise oversight to ensure all promises within the NYC Streets Plan are met on time.** We also support the implementation of a Streets Plan projects “tracker,” as recently proposed by Speaker Adams, to increase transparency and further encourage DOT to make good on its promises.

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.**

Green Rides Initiative

We urge Council to encourage City Taxi and Limousine Commission (TLC) to meet with the MTA to determine how Congestion Pricing can be utilized to assist TLC in carrying out the Green Rides Initiative, which requires that all high-volume for-hire vehicles (HVFHV), including Uber and Lyft, be either wheelchair accessible (WAV) or zero-emission by 2030.

Further, NYLPI recommends that **the Council urge TLC to amend and enhance its Green Rides Initiative to require that all HVFHVs be both WAV and zero emission by 2030.** By permitting the industry to choose between WAV and zero-emission vehicles, the transportation needs of the disability community will be at risk. If given the choice, NYLPI foresees that inaccessible zero-emission vehicles will be purchased at far greater rate than WAVs, given the relative costs of each type of vehicles. Though WAV zero-emission vehicles are not currently available in the United States, the City can harness its immense market power to influence changes in this regard; TLC must consult with vehicle manufacturers to encourage the design of a marketable WAV zero-emission vehicle.

NYC Ferry

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 NYC Ferry funding be used to abate these accessibility issues.**

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

Christopher Schuyler, Managing 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 several 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.