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# Center for Disability Rights, Inc.

## Testimony of Center for Disability Rights before the Joint Budget committee hearing on Transportation 2/15/17

Thank you to the Chairs and the Joint Budget Committee for this opportunity to testify on how the transportation proposals in the Governor’s 2017-2018 Budget will affect disabled New Yorkers. My name is Gregg Beratan and I am a Policy Analyst at the Center for Disability Rights. The Center for Disability Rights (CDR) is a disability led, not-for-profit organization headquartered in Rochester, New York. CDR advocates for the full integration, independence, and civil rights of people with disabilities. CDR provides services to people with disabilities and seniors within the framework of an Independent Living Model, which promotes independence of people with all types of disabilities, enabling choice in living setting, full access to the community, and control of their life. CDR works for national, state, and local systemic change to advance the rights of people with disabilities by supporting direct action, coalition building, community organizing, policy analysis, litigation, training for advocates, and community education.

### Transportation

The transportation section of the Governor’s budget is an excellent example of what happens when the Governor treats accessibility for disabled people as an afterthought.

### **Ridesharing without Accessibility is Discrimination, not Innovation!**

The Governor has proposed to allow ridesharing in all of New York State.<sup>1</sup> The Governor’s proposal includes anti-discrimination protections for disabled passengers in the form of requiring ridesharing drivers to obey all applicable nondiscrimination laws relating to disability, including not charging extra for accessible rides and following the law regarding service animals. Our community’s concerns about discrimination in ridesharing are earned by experience, and the application of existing nondiscrimination laws is not sufficient to ensure accessibility. In the cities where ridesharing companies have operated, they have resisted their responsibility to provide accessible rides to disabled people. Ridesharing companies and taxi operators alike discriminate against our community by refusing to provide accessible rides. From our

<sup>1</sup> TED Article VII p. 33 et seq.

perspective, ridesharing – even under the existing legal framework – is not the future of transportation upstate: it is the same old discrimination and exclusion that our community has experienced for decades. This means that language which calls for compliance with existing language will not ensure that disabled people have access to ridesharing services.

The Governor's call for a task force to review, study and make recommendations regarding accessibility needs in the rideshare industry is inadequate.<sup>2</sup> Providing accessible rides to disabled people does not require further study: it requires enough accessible vehicles to ensure that a disabled person receives equivalent service as a nondisabled person. Rather than a task force, the State should require that ridesharing companies include in their fleets enough accessible vehicles to ensure that people who use wheelchairs, power chairs, scooters, and other forms of adaptive equipment have equal access to this service in every part of the state. Assembly Member Weprin introduced legislation last year to require exactly that (AB 10520, 2016), and we call on the Legislature to include the language from that legislation in its own ridesharing proposal. The Senate website says that it is bringing Ridesharing to All New Yorkers, but unless disabled New Yorkers are included, the Senate is lying to the people of New York. All means all.

Adding accessibility after the fact is not effective, even in the rare cases in which it happens. If ridesharing companies will not provide equal access to people with disabilities on day one, what will make them provide equal access after six months, or a year, or a decade? If the State is not willing to require equal access at the time ridesharing is legalized, there is no reason to believe that it will require equal access in six months, or a year, or a decade. The time to require ridesharing companies to be accessible is now. It is almost 27 years since the passage of the American's with Disabilities Act, and !

## **The Olmstead implications of upstate transportation systems**

The Supreme Court's 1999 ruling in *Olmstead v. L.C.* recognized the right of disabled people to live in the community. New York has had an Olmstead implementation plan since 2013, which expressly calls for the co-ordination and expansion of accessible transportation networks. Accessible transportation is very much a lynchpin to the success of New York's Olmstead plan implementation. Without it, life in the community becomes untenable; people with disabilities cannot get to our jobs or to the store to buy groceries; we cannot be active in our communities.

Accessible transportation in upstate cities is largely provided through paratransit, which in turn is tied to the regular bus routes. Transit operators provide paratransit because they have to under the ADA, but the economic incentives of paratransit cause them to provide as few rides, using as few drivers and as few vehicles, as possible. It is not uncommon to wait over 45 minutes on hold to call to try to book a paratransit ride in Rochester, NY, and have to book a ride that arrives three hours before our appointment because that is what works for the operator. How is a person with a disability supposed to get a job if she has to wait on the phone for 45 minutes just to get to work the next day, and if the only ride she can book forces her to sit idle for three hours?

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<sup>2</sup> Id. p. 100 et seq.

Because paratransit is tied to the regular bus route, operators can make strategic decisions to cut paratransit costs by changing the bus route. When a bus route is cut, a person who relied on paratransit to get to work, to the grocery store, or to their health care provider, becomes stranded in their home. They lose their job, or they have to find another place to live that is accessible and is near a regular bus route, and hope that that bus route will not change, either. Many of us cannot move to another accessible house because there is a great shortage of accessible housing.

Paratransit is hardly the only issue the disability community has with upstate transit systems. The lack of accessible busses and trains, as well as poor training of transit staff on accommodating disabled commuters, are still serious concerns in 2017. Bus drivers still pass stops rather than pick up a disabled passenger. All of this points to the need for improved training for all transportation workers. Another far less considered barrier many people with disabilities upstate face is that snow removal systems often leave bus stops and sidewalks inaccessible.

It is possible that inaccessible transportation systems are costing the State millions of dollars that it could be recouping through Community First Choice (CFC), a Federal incentive which provides states additional funding for services to disabled people in the community. Where inaccessible transportation prevents disabled people from living in the community, the State loses out on CFC funding.

#### **All EZ –Pass systems must be accessible**

The Governor proposes to transition to cashless tolling by mail and EZ-Pass.<sup>3</sup> Any changes to New York's tolls and EZ-pass system must be accessible to disabled people who do not have a credit card or a bank account, as well as people with disabilities affecting executive function who may incur expensive fines if they fail to mail check payments out in a timely manner. The State should provide a cash alternative for payments.

The Governor also proposes to reduce wait times at the DMV by making more services available online.<sup>4</sup> While shorter wait times at physical DMV locations would benefit all New Yorkers, with multiple inaccessible DMV locations, shortened wait times do nothing to help disabled New Yorkers who cannot even get in the door. The State should prioritize DMV accessibility and compliance with federal law over changes for convenience.

#### **Infrastructure that doesn't make accessibility explicit will not be accessible**

The Governor's proposed budget includes plans to invest heavily in infrastructure across the state. Some of the state's existing infrastructure sites demonstrate the danger of not making accessibility central to the infrastructure development. The NYC subways system is one of the least accessible transportation systems in the country with, only 17% of its stations fully accessible to disabled people. As the state develops the Woodbury Transit & Economic Hub,<sup>5</sup>

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<sup>3</sup> FY 2018 Executive Budget - Briefing Book p.118

<sup>4</sup> FY 2018 Executive Budget - Briefing Book p. 122

<sup>5</sup> FY 2018 Executive Budget - Briefing Book p.44

The Long Island Railroad,<sup>6</sup> The Empire State Trail,<sup>7</sup> and its many Airport renovations,<sup>8</sup> accessibility must be a primary focus. Further, Amtrak has consistently shirked their responsibility to make their stations accessible. The Governor must ensure that any current renovations or new Amtrak stations created will live up to ADA standards.<sup>9</sup> In order to avoid having to retrofit accessibility features at great expense, the State must include people with disabilities in the planning process for all of these projects from the beginning.

### **Modernizing New York's Airports**

The Governor proposes to renovate several of New York's airports both downstate and upstate.<sup>10</sup> There is significant potential to improve accessibility at airports for disabled travelers, and we call on the Governor to include wheelchair users, blind people, Deaf people, autistic people, and other disabled people in the planning and execution of all proposed airport modernizations. In particular, our community experiences problems with baggage handlers and others breaking our wheelchairs, power chairs, and other adaptive or durable medical equipment when loading or unloading them from airplanes. The Modernized New York Airports can be a model of proper, accessible handling of these items, and we call on the State to make these things a priority in the modernization of our airports.

### **Conclusion**

As we approach the 27th anniversary of the ADA we should not have to remind the state of New York to make disabled people's access a part of everything it does, but it repeatedly fails to even consider disabled New Yorkers. We are now four years into the state's Olmstead transition plan and we are seeing little evidence that New York is even close to meeting its targets for moving people into the community. A lack of accessible transportation options is a significant reason for this. People cannot thrive in the community if they cannot get around the community. It is not our disabilities that keep us in institutions it is the state's failure to consider our access as a standard part of its planning. This is unacceptable and cannot continue. CDR calls on this Committee, and the Legislature as a whole, to insist that accessibility be included in all of these proposals before they go forward.

Thank You



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<sup>6</sup> FY 2018 Executive Budget - Briefing Book

<sup>7</sup> FY 2018 Executive Budget - Briefing Book p.58

<sup>8</sup> FY 2018 Executive Budget - Briefing Book p.120

<sup>9</sup> TED Part P

<sup>10</sup> FY 2018 Executive Budget - Briefing Book p.120