

## **Advocates for Persons with Disabilities File Amicus Brief Demanding Compliance with Accessibility Regulations of New York City “For-Hire Vehicles”**

*For-hire vehicle industry’s lawsuit seeks to continue non-compliance with the Americans with Disabilities Act*

New York, NY – April 10, 2018 – Disability advocates today filed an amicus brief in opposition to a lawsuit brought by New York City for-hire vehicle base owners that have violated the Americans with Disabilities Act and the New York City Human Rights Law, by failing to provide wheelchair-users with equivalent service. The lawsuit was filed in opposition to rules passed by the New York City Taxi and Limousine Commission on December 13, 2017 to increase the availability of wheelchair accessible vehicles. Starting on July 1, 2018, all for-hire vehicle base owners are required to dispatch at least 5% of their rides in wheelchair accessible vehicles. The new regulations also require the for-hire vehicle industry to provide 25 percent of their rides in wheelchair accessible vehicles by July 1, 2022.

The brief, filed by New York Lawyers for the Public Interest and Mobilization for Justice on behalf of themselves and United Spinal Association and Disabled in Action, underscores the difficulties faced by New Yorkers with disabilities in accessing public transportation and describes how the plaintiffs have failed to comply with existing law. The advocates also call on the City to enforce its existing and newly-adopted regulations which mandate equivalent services, and to increase its oversight and enforcement of the for-hire vehicle access mandates.

“We are appalled that for-hire vehicle companies are flagrantly advocating to continue their violation of the Americans with Disabilities Act,” said Ruth Lowenkron, Director, Disability Justice Program at New York Lawyers for the Public Interest. “People living with disabilities have for too long faced undue burdens when trying to accomplish the simple task of traveling in this city. The City should not only continue to enforce their current and new regulations, but also increase the required percentage of accessible rides to ensure that all New Yorkers have access to transportation.”

Nearly 1 million New Yorkers have some type of disability which requires the use of a wheelchair or other mobility devices, and these individuals are regularly excluded from New York City’s public transportation services. The challenges faced by New Yorkers living with disabilities are only continuing to worsen:

- Only one in four subway stations are wheelchair accessible. Even in stations with elevators, outages are frequent, with more than 14,000 elevator outages reported in 2015 alone.
- While every one of the City’s 5,700 buses is technically wheelchair accessible, passengers with disabilities report drivers often refuse to operate the ramp or claim the bus is too crowded for them to ride.
- Access-A-Ride, the city’s paratransit service, fails to provide equivalent service. Riders consistently face unreasonable lengths of travel time, late or “no-show” rides, and a general lack of travel flexibility.

“For-hire vehicles, including black cars and ridesharing apps, are providing a growing portion of rides in New York City,” said Daniel A. Ross, a senior staff attorney at Mobilization for Justice, Inc. “We can’t allow a cynical industry lawsuit to exclude people who use wheelchairs from one of the most important transportation options.”

“Wheelchair users seeking access have negotiated unsuccessfully with the for-hire vehicle industry leaders for years,” said James Weisman, Executive Director at the United Spinal Association. “Rather than comply with TLC regulations they have chosen to sue to perpetuate their discriminatory behavior and operate only inaccessible vehicles. We need the court to hear from people with disabilities, not just for hire vehicle owners and the City. If the industry succeeds access will be denied for years to come.” Edith Prentiss, president of Disabled in Action, put it most succinctly: The industry's refusal to provide accessible services to wheelchair users is a Civil Rights violation.”

The lawsuit was filed in the U.S. District Court of the Southern District of New York by many of the City's black car for-hire companies against the New York City Taxi and Limousine Commission, the CEO of the Commission, and the City of New York. The amicus brief can be found [here](#).

#### **About New York Lawyers for the Public Interest**

New York Lawyers for the Public Interest (NYLPI) advances equality and civil rights – with a focus on disability justice, health justice, and environmental justice – through the power of community lawyering and partnerships with the private bar. NYLPI puts its legal, policy and community organizing expertise at the service of New York City communities and individuals, and NYLPI's partnership with the private bar strengthens its advocacy and connects community groups and nonprofits with critical legal assistance.

#### **About Mobilization for Justice**

Mobilization for Justice (formerly MFY Legal Services) envisions a society in which there is equal justice for all. Mobilization for Justice's mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised or have disabilities. Mobilization for Justice does this by providing the highest quality direct civil legal assistance, conducting community education and building partnerships, engaging in policy advocacy, and bringing impact litigation.

#### **About United Spinal Association**

United Spinal Association is a national membership organization of 53,000 persons with spinal cord injuries or disorders. Approximately 4,000 reside in or around New York City, the vast majority of whom use wheelchairs. United Spinal Association has represented the interests of the wheelchair using community in litigation for decades.

#### **About Disabled in Action**

Disabled in Action of Metropolitan New York (DIA), founded in 1970, consists primarily of people with disabilities (PWDs). DIA's mission is to: raise consciousness among people with or without disabilities concerning “ableism,” paternalism and derogatory attitudes, and laws and customs that oppress PWDs; enact and enforce effective legislation and budget initiatives promoting our ability to live independently; provide the organizational basis for activists with disabilities to join in effective unified political action; educate government officials, community leaders, and administrators of established institutions and the general public; work for the passage of laws that affirm and defend the rights of PWDs; plan and participate in public demonstrations; and initiate/join lawsuits to enforce existing legislation.

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