

# Center for Disability Rights, Inc.

Testimony of the Center for Disability Rights  
before the Joint Committee Budget Hearing on  
Transportation  
January 30, 2019

## Introduction

Committee Chairs Magnarelli and Kennedy, thank you for this opportunity to provide testimony on transportation and its importance to disabled people across the State.

The Center for Disability Rights is a disability-led, not-for-profit organization headquartered in Rochester, with satellite offices in Geneva, Coming, Albany, and Canandaigua. 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.

## The State must maintain and expand accessible transportation systems.

In order for disabled people to be independent, integrated into the community, and realize our civil rights, there must be accessible transportation in our communities. Accessible transportation is practically necessary for us to commute to work, get to school, make doctor appointments, and go out with friends. Safe and reliable transportation is essential to community-based living. Without access to accessible, affordable, integrated transportation options, people with disabilities are confined to their homes, creating institution-like segregation. Being confined to our homes is counter to our desire to live in our own homes, and for our elders to be able to age in place. Access to transportation is especially critical to those of us who require attendant services like home care and consumer-directed personal assistance (CDPA). Our attendants are typically women, immigrants, and low income (attendant services through Medicaid Managed Long term Care (MLTC) are reimbursed at a very low rate, and so wages are necessarily quite low). If potential workers to do have access to reliable, affordable transportation, it makes it nearly impossible for disabled people to hire and retain the number of workers we need to live independently and in the community.

Ensuring accessible, affordable, and integrated transportation options for all disabled New Yorkers has therefore been a prime goal of the Center for Disability Rights. Basic principles of accessible transportation are available for all to view in our policy position paper on

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transportation.<sup>1</sup> The Center for Disability Rights thanks the joint committees for their consideration of our concerns and recommendations to address transportation in the FY 2019-2020 State budget.

### **The Legislature must act to improve TNC accessibility.**

One of the most pressing threats to accessible, affordable, and integrated transportation is transportation network companies (TNCs).

Currently, TNCs are largely inaccessible to significant portions of the Disability Community. 6.7% of New Yorkers have ambulatory disabilities<sup>2</sup> that may require the use of assistive technology such as wheelchairs or walkers. While TNC do provide service to some people who use assistive technology for mobility, TNCs broadly refuse to serve people who cannot safely transfer from their manual wheelchairs into the vehicle, who use power wheelchairs, use manual wheelchairs which could collapse but are not "lightweight"<sup>3</sup>, or use other mobility devices such as walkers which cannot be collapsed into the vehicle trunk or backseat. The reasons for the refusal of service include blatant discrimination and not maintaining a fleet capable of serving people who cannot transfer from their wheelchairs. Wheelchair-accessible TNC rides are available in New York City only because of a settlement that put wait-time requirements on the companies.<sup>4</sup>

Meanwhile, the popularity of TNC services among physically nondisabled people means inaccessible transportation is expanding at the expense of accessible public transportation. A recent study found that TNCs entering a large city market negatively affected bus ridership by causing a 1.3% decrease in heavy rail ridership and 1.7% decrease in bus ridership each year.<sup>5</sup> For the vast majority of communities that don't have heavy rail systems or extensive bus systems, this is obviously very concerning.

Without accessible ridesharing, TNCs are not only being allowed to shirk their obligations to disabled passengers, but disabled people lose out on opportunities to travel throughout their communities any accessible public transportation they might have had access to is being threatened.

This week, the TNC Accessibility Task Force is scheduled to release recommendations on how to address TNC inaccessibility. The Center for Disability Rights submitted recommendations to the Task Force including requirements on TNC to offer rides in wheelchair accessible vehicles. We supported various methods of ensuring access, including a TNC Accessibility Fund and fines for noncompliance. We urge the Legislature to look at the formal recommendations of the Task Force when they are available and incorporate those recommendations into the State Budget this year. The allowance of inaccessible TNC operations was included in the 2017 State Budget; the Legislature, and especially your committees, must take corrective action in the Budget this year.

<sup>1</sup> Center for Disability Rights. "Policy Position: Transportation," available at <http://cdrnys.org/wp-content/uploads/2015/07/CDR-Policy-Position-Transportation-070611.pdf>.

<sup>2</sup> Northeast ADA Center. "Infographic: 2016 New York Disability Statistics- Prevalence by Disability Type." <http://www.northeastada.org/infographic/2016-new-york-disability-statistics-prevalence-by-disability-type>.

<sup>3</sup> See Lyft's policy here: <https://help.lyft.com/hc/en-us/articles/115012926827>.

<sup>4</sup> Politico. "New York City and Uber reach settlement on wheelchair accessibility." <https://www.politico.com/states/new-york/city-hall/story/2018/06/13/new-york-city-and-uber-reach-settlement-on-wheelchair-accessibility-466459>.

<sup>5</sup> Business Insider. "Uber and Lyft are having a devastating effect on public transportation, new research shows." (Jan. 24, 2019) <https://www.businessinsider.com/uber-lyft-having-devastating-effect-on-public-transportation-study-2019-1>.

**The Legislature should take similar action to ensure all for-hire services are accessible.**

In addition to not being able to use TNCs, physically disabled people are often excluded from other for-hire vehicle services – taxis. In considering the recommendations of the TNC Accessibility Task Force, the Legislature should consider applying some of the recommendations to all for-hire vehicle companies. While a TNC accessibility fund, for instance, would be of immense help in developing wheelchair accessible TNC fleets, taxicab fleets could benefit from it as well. Even when taxi fleets do include some wheelchair accessible vehicles, those vehicles are tied up providing Medicaid Non-Emergency Medical Transportation (NEMT) rides.

**The State must increase support to transportation systems statewide.**

Public transportation is critical to disabled people and is in sore need of funding to maintain and expand service. The threat of ridesharing to the ridership and revenue of public transportation systems is especially distressing to disabled people because any decrease in service will negatively affect complementary paratransit services in that area. A minimum level of paratransit service is required by federal law in relation to the fixed route, and when the fixed route services shrink, so does the paratransit the public transit authority is required to provide.

In Rochester, we are feeling the effect of stressors, including the competition of ridesharing, on our fixed route services The Regional Transit Service (RTS) is restructuring – shrinking – its fixed route service, and so we expect a decrease in paratransit service as well.

While fixed route systems can be and are very accessible, paratransit is a necessary service for those of us who cannot use the fixed route system. This need is especially apparent this time of year, when ice and snow and cold make paths of travel and bus stops inaccessible to people with physical disabilities and those of use whose disabilities mean we cannot handle extreme temperatures for long periods. Paratransit remains necessary, and public transportation systems need to offer more of it, not less, in addition to maintaining and expanding fixed route. CDR is therefore supportive of the proposed budget measure to expand the Supplemental Auto Rental Surcharge to the entire state and use the revenue to support upstate transportation systems.

At the same time, CDR cautions that the need for transportation funding going to areas outside the MTA service area is even greater now that public transportation systems are competing against TNCs.

As things stand in upstate New York towns where transportation is actually available, the options are severely limited: fixed routes have limited reach and hours, paratransit is similarly limited in service area and operating hours, medical transportation is too expensive, and TNCs and taxi companies rarely offer wheelchair accessible rides, if at all.

**Fund the MTA without Penalizing Disabled People**

The NYC subway has always failed to serve customers with physical disabilities equitably, and remains the most inaccessible subway system in the world with only 24% accessible stations. There are veritable transit deserts where accessible subway stations are nonexistent. Furthermore, even when track and signal repairs have been accomplished, inadequate response to frequent elevator outages and maintenance needs means even more stations are inaccessible.


You know the MTA needs funding and the NYC subway needs to be addressed now. The Disability Community asks for you to focus on the need to not only fix and maintain the system,

but improve it as well. Disabled New Yorkers and tourists from all over the world need a system demonstrating New York's greatness. In accomplishing this, please direct multiple, adequate funding streams to accomplish the tasks at hand in the *Fast Forward* plan. If the State chooses to direct revenue from a congestion pricing scheme to fund the MTA, to which the Center for Disability Rights does not object, it must not penalize disabled people who drive into the congestion zone. Sometimes driving a private vehicle is the only feasible way to ensure accessible transportation in New York City given the many challenges including the inaccessible subway, crowded buses and sidewalks, and non-ADA compliant sidewalks. A congestion pricing scheme must exempt drivers who have accessible parking placards or license plates, so that they are not penalized for taking the only accessible option available to them into New York City.

Furthermore, the Legislature must not expect the MTA to look to increasing fares to cover the costs of fixing the system. Increased fares would place the costs of improvement on those who can least afford it especially people with disabilities who could be made to pay more than the base subway fare for unequal paratransit service. Other funding streams must be used.

### **Conclusion**

Lack of access to transportation keeps disabled people from living in our own homes, in the community and from holding jobs, going to school, visiting family, visiting doctors, and going out with friends. It keeps older adults from aging in place, and is a barrier to developing an attendant workforce, which we rely on to live our daily lives. While accessible, affordable, and integrated transportation options are sometimes available they are threatened by lack of funding and competition by inaccessible options so that we are forced to take separate and unequal options, be confined to our homes, or worse, forced into nursing facilities. The Center for Disability Rights calls upon the Legislature to appropriately fund the MTA, adequately fund other public transportation systems statewide, and adopt recommendations of the TNC Accessibility Task Force to ensure disabled people are able to benefit from for hire vehicle services, including TNCs.



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