

DIA **ACTIVIST**

December 2002

We Demand Accessible Ferries!

by Robert Levine and Frieda Zames



DIA demonstrators near the ferry steps

Photo by Philip Bennett

Disabled In Action, a member of the Ferries for All Campaign (a coalition of advocates who are pushing for accessible ferry services), demands that New York City immediately remedy the lack of accessibility for people with disabilities by passing a local law. These inaccessible ferry services that provide interborough and inter- and intra-state transit have been operating in NYC since the mid-1990s. The disability community alerted the city and ferry owners to the necessity for access, but we were ignored.

When NYC first issued licenses for ferry service on city-owned piers in 1994, ferry service did not catch on. After 9/11 this new form of transit increased fivefold and soon after the Federal Emergency Management Agency (FEMA) agreed to provide billions of dollars to expand and increase the ferry system on the East and Hudson Rivers.

Councilmember Margarita Lopez - chair of the Committee on Disability (Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse, and Disability Services) -- held a press conference on

September 12, 2002 on Pier 11 to announce her plan to introduce a local law. This legislation sets specific guidelines and accessibility standards in relation to mandating accessible piers, docks, ferry and waterborne transportation services for people with disabilities. Barrier-free ferry services will benefit members of the public of all ages, particularly seniors who often have mobility or other disabling impairments.



Steps to the Brooklyn and Queens Ferries
Photo by John Gresham



Alexander meets a 4" step to the ferry
Photo by Phil Bennett



Man walking up 2 steps into ferry
Photo by Anne Emerman

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"This is 2001 construction," John Gresham of New York Lawyer for the Public Interest commented. "It's not like the subways that were built early in the 20th century." DIA board member and wheelchair user, Daniel Robert, pointed out "It's outrageous that in this time of rebuilding and civic pride, NYC should offer a new form of public transportation, namely ferry service that is not fully wheelchair accessible. What are we, chopped liver?"

At the same location as the press conference, DIA demonstrated for wheelchair accessible ferries. We wore signs, we chanted, and we sang "The Accessible Ferry Song," written by Daniel Robert and Nadina LaSpina, which starts: "O give me a boat/where my wheelchair can float/a ferry that's obstacle free!"

Just as we were about to leave, a ferry pulled up to an accessible slip. We all raced to get on

board. But the instant the captain saw us, he zoomed away. Then he docked at another accessible slip. Again, we all ran to get on the ferry, but he again ran away. Margarita yelled out, "'That's discrimination, let's go to the New York City Human Rights Commission and file complaints.'" Most of the protesters marched over to the Commission to file seventeen complaints and the Commission itself joined as a plaintiff.



Margarita Lopez with ferry demonstrators

Photo by Anne Emerman

Editor's Note: This is the proposed law before the NYC City Council. Call and write your council members and Mayor Bloomberg to ask them to sign on their support for this law.

Accessible Passenger Ferry Services Transportation Act ("APFSTA")

This new Local Law sets uniform standards to ensure that passenger ferry transportation services are accessible and safe for people with disabilities throughout the City of New York. Currently, people with disabilities attempting to travel by commuter ferry transportation are not assured that they can access all the passenger piers, docks, and ferry boats. This legislation will benefit all members of the public, and is particularly beneficial to seniors who often have mobility or other disabling impairments.

The specific standards for accessibility and safety provided by the APFSTA complies with the Americans with Disabilities Act's (ADA) mandate of reasonable accommodations for the disabled and addresses serious concerns of public safety and welfare as follows:

- At least one entry and departure point to the vessel must have a minimum clear width of 32 inches and this must be provided through bulwarks, lifelines, deck rails, and toe rails.
- Walking surfaces must have a non-slip surface and be properly maintained free of ice and

snow.

- Doors and doorways must have a minimum standard width of 32 inches.
- Door hardware protrusions must have a maximum of 4 inches from the door and a mounting height of 34 inches minimum and a mounting height of 43 inches maximum from the floor.
- Ramps must have a minimum clear width of 36 inches which are to be measured between the leading edge of handrails;
- Ramps must have a maximum running slope of 1:12 and a maximum with a cross slope of 1:48. Ramp landings must not slope more than 1:48.
- Ramps must have handrails and the clear width between handrails must be at least 36 inches wide.
- Ramps must have edge protection running along both sides of the ramp and floor and other barriers must be provided to protect the safety of disabled passengers using wheelchairs, canes, seeing eye service dogs or other aids to access vessels and facilities.
- Transition plates and/or ramps must be provided for access to inner cabins of vessels with any step or steps going into the inner covered cabins.
- Each vessel shall carry at least one evacuation chair suitable for use in an emergency situation to evacuate persons with disabilities and at least one crew member must be trained in evacuation.
- The APFSTA establishes a superior concern for safety, high quality service, and the need for fair treatment of people with disabilities in compliance with the ADA, important concerns to all New Yorkers in the 21st Century.

The Accessible Ferry Song
(tune: Home On The Range)
words by **Danny Robert and Nadina LaSpina**

O give me a boat
where my wheelchair can float,
a ferry that's obstacle free!
One that's easy to board -
Access can't be ignored.
We will ride side by side equally!

Ferries, ferries for all,
be you aged, disabled or small!

Where the doorways are wide
wheelchairs can go inside,
so we're sheltered in case there's a squall.

O give me a ferry,
a vessel that's very
compliant with the ADA!
So wheelchair users can ride,
true New Yorkers with pride,
from Brooklyn to Wall Street each day!

Ferries, ferries etc.

Margarita is smart
and she has a good heart,
she's fighting for you and for me.
With the law that she wrote
we'll all get on the boat
When all ferries are barrier free!

Ferries, ferries etc.

Coda for appropriate occasions, like 9-12-02:

Hail, hail, the gang's all here
For accessible gangplanks now!

TLC Sit-In

by Nadina LaSpina and Danny Robert

At 11 a.m. on Tuesday September 3, 2002, a small group of Disabled In Action activists assembled at the corner of Rector and Washington Streets in lower Manhattan. At 11:15am, after a brief strategy session, DIA's President Anthony Trocchia led the group single file down Rector Street to number 40. Trocchia, together with DIA Board Member and ADAPT organizer Nadina LaSpina, entered the building and began negotiating with the security personnel. "As planned, we told them we were all there with similar complaints to talk with the customer service department of the NYC Taxi and Limousine Commission (TLC)," said LaSpina afterward.

After checking with customer service, security allowed the group to enter, telling them to go to the eighth floor. "We tricked them," said Trocchia. "We all got in the elevators and went up to the 5th floor where the executive offices are."



DIA demonstrates for accessible taxis in September 2002

Photo by Philip Bennett

With Trocchia and LaSpina were activists Frieda Zames (DIA's Vice President), Alexander Wood (DIA Member and 504 Club's President), Carmelo Gonzales (DIA Board Member), Danny Robert (DIA Board Member), Carr Massi (DIA Member and 504 Club's Secretary), Anita Spaulding (DIA member), Robert Levine (DIA Board Member), all wheelchair users, and Philip Bennett (DIA Board Member) on foot. Also present were Carmelo's attendant Nelson and two National Lawyers Guild members, attorney Aaron Frischberg and his assistant Rebecca. The activists had predetermined to do whatever necessary up to and including arrest, hence the presence of an attorney.

They all quickly single filed into the TLC office and lined up in the corridor ignoring the protestations of the receptionist. They demanded to see Commissioner Matthew Daus.

Moments later several TLC functionaries led by Public Relations Director Allan Fromberg emerged. Trocchia presented Fromberg with a letter demanding that a meeting with Commissioner Daus be scheduled within two weeks. To be addressed at the meeting were DIA's demands, which included that all new taxi medallions be used for wheelchair accessible vehicles, and that monetary penalties be imposed for non-compliance with the Wheelchair Accessible For-Hire Vehicles (FHV) Policy, which was supposed to have taken effect 10/31/2001. "We're not leaving until Commissioner Daus sets a meeting date and signs this himself," said Trocchia.

Fromberg told the group that Daus was not there but agreed to attempt to reach him by cell phone. When he came back a half hour later, to inform the group that the commissioner had been contacted and had agreed to a meeting, Fromberg was all smiles. But when Trocchia repeated: "We need it in writing," Fromberg's visage darkened. "Our word is not good enough? You insult us!"

he exploded.

A lengthy discussion ensued during which the activists suggested alternative solutions.

“ “If the commissioner is not here, you can sign on his behalf,”” said Trocchia.

“ “Nobody is signing anything,”” responded Fromberg.

“ “If you don't want to sign our letter, write your own as long as it says the same thing,”” suggested LaSpina.

“ “Don't you understand? We won't be blackmailed!”” was the response.

“ “Was Dr. Martin Luther King blackmailing the city of Montgomery when he called for the bus boycott?”” asked Phil Bennett.

“ “That was different,”” Fromberg said dismissively. ““That was a matter of civil rights!””

“ “And this is not?”” yelled Danny Robert.

A babble of outraged responses filled the corridor.

“ “Now you are insulting us!””

“ “Are you saying that our movement is not a civil rights movement!””

When Frieda Zames, co-author of *The Disability Rights Movement: From Charity to Confrontation*, said: ““You should read my book. You need to learn about our movement,””

Fromberg turned on his heels and disappeared into an inner office without another word.



Luda demonstrates for accessible taxis

Photo by Philip Bennett

persons with disabilities...””

““We didn't see hide nor hair of a single TLC executive for the next two hours,”” said Carr Massi. ““We figured they would wait until 5 p.m. and then have the police arrest us all.”” Carmelo Gonzalez added.

But at 3 p.m., Alan Fromberg reemerged and handed Trocchia a piece of paper. ““Would this suffice?”” Fromberg asked almost humbly. It was a letter which began: ““On behalf of TLC Chair/Commissioner Matthew W. Daus, I, Alan J. Fromberg, agree that the TLC Chair will meet with those individuals identified below...”” At the meeting, scheduled for September 18 at 3 p.m., the participants ““will discuss planned implementation and enforcement of Rules requiring accessible transportation for

After carefully scrutinizing the letter, the activists agreed that they had achieved their aim. They filed out triumphantly. On Rector Street they joined a small group of DIA activists who had been demonstrating in support of the sit-in. Nadina LaSpina read the Fromberg letter aloud. The reading

was punctuated by cheers of victory. With a determined expression, Anthony Trocchia commented: "We'll see what happens at the meeting. If we don't get satisfaction, we'll have to take action again."

Tackling The Taxi & Limousine Commission

by Anthony Trocchia

Some members of DIA met with TLC Commissioner/Chair Matthew W. Daus on September 18, 2002. What began as Daus speaking grandiosely about the TLC's commitment to wheelchair accessible taxis and livery cars soon evolved into a confrontation. I didn't mince words letting Daus know how disappointed we've been with the TLC's slow pace. At one point, Daus threatened to walk out. He abruptly got up and started to walk out. I then said to the members of DIA, "Activists, stay put and we'll proceed with Plan 2 as planned."

Daus turned around and thought twice about leaving. He realized we were serious. Truth is, several people in attendance were prepared to engage in a sit-in. We had brought food and drinks to sustain us. Suddenly, Daus' tone changed. He requested from us that he wanted no more demonstrations or protests. Of the four points (demands) we had given him to review at an earlier date, he somewhat committed to two: designating two people at the TLC as liaisons to the disabled population, and meeting with the disabled population exclusive of the TLC's Disability Advisory Board.

Daus is a smooth talker and quite the charmer. It was difficult not getting sucked in by his endearing speech. Nonetheless, DIA stood firm. By the end of the meeting, Daus was taking pictures with several members of DIA.

There were two demands Daus danced around:

- ensuring the TLC will enforce implementation of the rule applicable to For-Hire Vehicles which pertain to livery cars (i.e., car service).
- promising to sell any medallions (for yellow taxis) with the condition they be wheelchair accessible based on universal design principles.

I would have liked to leave the meeting knowing a major victory was achieved. I suppose nothing comes easy, especially for our community. I believe, however, the TLC now knows how serious we are and they're nervous. I can't promise Daus that DIA will refrain from demonstrating. Sometimes it's the last resort when all else has failed. At the next meeting, I will attempt to gain some promises from Daus. People with disabilities in New York City have been waiting patiently. The time has come for the TLC to show results. I don't expect it will be a smooth ride, but I am confident that folks at TLC know we mean business.

I want to thank everyone who attended the meeting on September 18.

Editor's Note: The next meeting was held on November 19th. The TLC was cordial, but we still did not have any accessible black cars or liveries or taxis, and the TLC would only talk about

black cars. The TLC passed around a brochure about the new accessible black cars. There was some discussion about giving out cell phone numbers of the five current wheelchair-accessible medallion taxicabs, but everyone realized the drivers pick up hails and would be quickly inundated with calls if the numbers were widely disseminated, so nothing was done about this idea.

Accessible Taxis Song

by Danny Robert

(to the tune "This Land Is Your Land" by Woody Guthrie)

Chorus:

This ride is your ride, this ride is my ride
From Times Square Broadway to the Lower East Side
I'll take a taxi, you'll take a livery
These cabs were made for you and me!

Verse 1:

Now we've been waiting seems like forever
For the TLC to get its act together
But we're not waiting a minute longer
We want accessible taxis now

Chorus

Verse 2:

When we invaded the TLC
We had a vision of what could be
but then we met with Commissioner Daus
and we found out that he's a louse!

Chorus

Verse 3:

The second time we met with Daus
He was an even bigger louse.
We warned him that we'd get him back
And now we're ready to attack.

Chorus

Accessible Black Cars Coming Soon

800-253-1443

by Jean Ryan

In an interview on October 14, 2002, with Victor Dizengoff, Executive Director of the Black Car Assistance Corporation (a trade association for the black car industry), the Activist learned that,

finally, the disability community would soon have access to wheelchair-accessible black cars we can call for door-to-door service. As noted elsewhere, this solution is not going to service most people with disabilities because black cars are about three times more expensive than cash-accepting car services (livery) which most people use when they need door-to-door for-hire service. But, car services are not now wheelchair accessible.

Who would use accessible black cars? Someone who is desperate enough to go somewhere and pay a small fortune to get there because there is no other reliable way, perhaps to an important family event, a funeral, the airport, a meeting. Many big employers pay for black car rides for their employees. Access-A-Ride will reimburse riders for black car rates but the rider has to have an AAR authorization number, a receipt, and lay out the money in advance through a credit card. A functioning accessible black car service could possibly pave the way for vouchers for back-up service and to provide rides when AAR has no rides. Other cities do this.

“I just learned today that we have an insurer. Maybe we can start operation the first part of next week,” [around October 21] Mr. Dizengoff said. It turns out that his statement was overly optimistic because as of December 13th, the service still is not up and running and the 800 number (above) is still in the process of being transferred over to the new company. Mr. Spiro Neokleous, Director of Driver Relations and Training at Golden Touch Transportation, predicts that the service will be running within a few weeks. Don’t hold your breath.

The four wheelchair-accessible vans which were used for several years by Symphony in a collaboration between Executive Transportation and Easter Seals will also be used by this new service set up by the Black Car Assistance Corporation. The new company is going to be called Symphony Transportation, LLC, and will be under the auspices of Golden Touch Transportation, Inc. in Flushing, and also with Easter Seals. Easter Seals will be responsible for training drivers and marketing the new service to the disability community. Golden Touch will maintain the vehicles, provide drivers, and do the billing. Golden Touch already provides van service for airline pilots and flight attendants. The drivers have been trained, but the four vehicles need a little more time to be refurbished for service. Details like what the charges will be and training the phone operators have not yet been worked out. The Symphony vans hold one wheelchair, two if one is very small.

Additionally, two new accessible vans have been ordered for the new Symphony black car service. They will be made by Starcraft of Goshen, Indiana, and should arrive in early 2003. Mr. Neokleous said they will be rear entry vans, and they will not have a lift. Like the Symphony vans, they will be low-floor ramp vehicles and they will have room for two wheelchair users, or, hopefully, two scooter users plus ambulatory passengers. They have a Mercedes engine and are supposed to be very comfortable. If the demand is there, Symphony will order more vans in the future.

There are pros and cons to both side and rear-entry wheelchair accessible vans. On a side-entry van, if there are cars parked at the curb, or if you are on the driver’s side of a one-way street, you cannot easily get to the ramp. With a rear-entry van, you have to go into the street to get into the van. What if there aren’t any curb-cuts nearby?

One of the big complaints of the disability community, besides the cost of black cars, is that

credit cards or accounts (tied to a credit card) must be used. Black cars do not take cash. Mr. Dizengoff explained this by saying that one requirement to be a black car service is that most or all of the rides are paid by credit card. However, the black car companies cannot require riders to have an account with them.

At the September 18, 2002, meeting between the TLC, Black Car Assistance Corporation, and the disability community, activists were given a list of 50 black car companies who had been required to have wheelchair-accessible service by **September 3, 2002**. Several DIA members divided up the list and called the 50 companies in late September. *No one* was providing accessible service.

By late September, about 38 of the companies had signed on to the Black Car Assistance Corporation accessible service (which wasn't working yet), but due to activist's complaints and the fear of TLC enforcement/reprisals, more companies had signed on by mid-October, and Mr. Dizengoff expected to have at least another 30 signing on. He said that there are 50 black car companies that the TLC recognizes as black car companies according to TLC standards, but there are 60 other companies, limousine companies, which, in a loophole, are not now required by the TLC to provide wheelchair accessible service. The limousine companies seem identical to black car companies to the average observer. Only the 50 companies recognized by the TLC as black car companies must provide wheelchair-accessible service, but they do not have to do it through Symphony. If they want to, they can provide their own wheelchair-accessible service.

“We need to call TLC Commissioner Matthew Daus (**212-646-1003**) to urge him to require limousine companies to provide wheelchair-accessible service, too! No exceptions! Otherwise riders will be playing roulette trying to find an accessible ride,” insisted Carr Massi, an activist who needs rides to and from the airport.

The Activist wondered how the members of the Black Car Assistance Corporation will know about the accessible Symphony service and how people will access it. Good communication is key. The black car companies will be notified by fax, e-mail, and a general meeting about how to book a ride. When people with disabilities call the black car companies for a ride, the dispatcher will take their phone number and give it to the Symphony dispatcher who will call them back with a pick-up time (black cars are quite accurate with pick-up times). People with a credit card can also call the 800 number for Symphony and deal with the dispatchers directly. People who have black-car vouchers from their job will have to work something out with their company and Symphony.

It will be up to the disability community to call companies and find out if they are really offering rides and complain to Barbara Schechter at **212-676-1010** with details if the company is not providing rides. Black car companies who do not participate in Symphony will have to provide their own wheelchair accessible transportation or face enforcement by the TLC. All companies are supposed to provide "comparable" wheelchair-accessible service, so we should not have to wait any longer than ambulatory people do for rides.

Anthony Trocchia, Vice Chair of Taxis for All and President of DIA, said, “This is a start. It appears that the black cars are a trial run for what should come next, accessible car services. It's up to us to continue to push for this.”

In the future, when the livery owners are required by the TLC to provide wheelchair accessible service, they won't have the advantage of a ready-made fleet of four cars to start with, although four would seem to be a totally inadequate number for liveries considering how many people need affordable transportation and how many car services there are in the five boroughs.

Access-A-Ride customers drive home point: Service is poor

But Transit official tells Council committees that program has improved

By Michael Wagner

Staten Island Advance - December 06, 2002 - Access-A-Ride officials were grilled for more than two hours yesterday by City Council members determined to get answers about the problem-riddled alternate transit system for the disabled.

Between 15 and 20 Access-A-Ride users showed up at the hearing and at least six gave impassioned testimony about their trials in getting rides. One man described Access-A-Ride as worse than walking "down a back alley at 3 a.m. in Kabul."

The joint hearing by the Council's committees on disability services and transportation was a follow-up to an April 23 hearing on the same topic.

Officials seemed less than pleased with the progress reported since the spring by New York City Transit, which administers the program.

"I am receiving complaints from everybody you can imagine," said Councilwoman Margarita Lopez (D - Manhattan), chairwoman of the Disability Services Committee. "I have every reason to believe these complaints are real because the complaints I am getting in the Bronx are identical to the complaints I'm getting on Staten Island and these people don't know each other."

Howard Ende, vice president of paratransit for New York City Transit, argued the program, mandated by the Americans with Disabilities Act, has made huge strides. A new computer system coordinating scheduling and reservations has been brought online, and ridership is up 20 percent since April, he said.

Complaints also have dropped from eight for every 1,000 trips to four, the national average. And the city's paratransit fleet is growing, with 100 more vehicles due to be delivered by January, Ende noted.

A new global positioning satellite system may be in use within two years, giving commuters -- according to Ms. Lopez -- "a ray of hope."

Customers are left on hold on the telephone for only 40 seconds on average now -- compared to eight minutes in April -- and vehicles show up on time 90.3 percent of the time, Ende said.

"Are we perfect? No," said Ende. "But with the traffic conditions we face in New York, we can never be perfect."

But users, part of the city's most vulnerable population, described a far different picture of Access-A-Ride, one filled with perpetually late arrivals, rude and uncooperative dispatchers, and punitive policies that hurt clients.

“It's making me sick,” said Karen Potaker, an Access-A-Ride user. “I can't wait four hours for a ride. The last time I was picked up on time was three months ago.”

At Ms. Lopez's behest, Ende promised yesterday to establish a committee to field complaints directly from riders.

Michael Wagner covers transportation issues for the Advance. He may be reached at wagner@siadvance.com

Yes, It's "Accessible" You Just Can't Get There

by Randy Kennedy

New York Times - July 23, 2002 - When people speak of having a bad subway day, it is generally understood that the day in question took place in the subway.

For Anthony Trocchia, this is not exactly the way it works. In fact, he explains, having trouble in the subway - on the subway, dare he dream - would be a kind of minor victory, something to be savored while stuck in the tunnel.

It was just after 9 a.m. yesterday, and he was explaining this in a humid corner of the Jamaica Center subway station, laughing the way people sometimes laugh to emphasize how thoroughly unfunny something is. This was because Mr. Trocchia had found himself, once again, in the role of the subway Moses.

Not to conflate platforms with the promised land, but if you make your way around New York in a wheelchair, as Mr. Trocchia does, and you would like to do so in the subway - using the 38 stations that transit officials have spent hundreds of thousands of dollars over the last decade to make accessible for disabled riders - reaching the platform is the minimum requirement.

Mr. Trocchia would not be able to do that yesterday morning. He would look down a short staircase and see the platform stretching out in front of him. He would see the E train pulling in. Then he would look at the elevator door in front of him, the one with the ragged red plastic tape stretched in front of it. And he would slowly turn his motorized wheelchair around for a trip back to the street.

“Welcome to my life,” he said, “and all its dysfunction.”

In the interest of full disclosure, Mr. Trocchia, 33, who has muscular dystrophy and has been unable to walk since he was 11, is not just any guy in a wheelchair trying to use the subway. He is

president of an advocacy group, Disabled in Action of Metropolitan New York, and he had invited a reporter to meet him in Jamaica yesterday to explore the workings, or nonworkings, of the subway from the perspective of a wheelchair seat.

He had not set out hoping to find dysfunction. In fact, Mr. Trocchia - who regularly rides city buses and praises how well they work for passengers in wheelchairs - had chosen one of the most accessible stretches in the subway, three stations in a row along the E line in Jamaica.

Before he left his home in Brooklyn, he had called the New York City Transit hot line that provides information about broken elevators and had learned that no problems had been reported at any of the three stations.

And indeed, at Jamaica Center around 9, it seemed as if things had improved since the last time he had tried, and failed, to use the subway: The elevator from the street worked when he pushed the button. (Mr. Trocchia rolled into it with the caution born of experience. "You never know what the odor du jour is going to be," he warned.) But the mezzanine, and the all-too-literal red tape before the entrance, turned out to be a kind of harbinger for the rest of the morning.

Stoically patient, cracking jokes in a musical voice, Mr. Trocchia made his way back to the street and rolled eight blocks down Archer Avenue to the Sutphin Boulevard station, which is listed as being wheelchair accessible on New York City Transit's Web site (www.mta.nyc.ny.us). And indeed, in theory, one might concede that it is accessible, except that the elevator is in the middle of a construction project and has been shut down for several months.

Mr. Trocchia began buttonholing employees to see if they knew of another elevator, but his question was met mostly with blank stares. A helpful New York State Police officer offered to get a partner and carry the wheelchair down the stairs, until he was told that it weighed 300 pounds. "Oh," he said, and then added, when asked about the elevator situation: "I have no official comment."

Mr. Trocchia rolled on. ("Thank God for Paxil," he said.)

His last attempt was made at the Jamaica-Van Wyck Station, where the elevator was working, but the button at street level was not. Mr. Trocchia waited for the elevator to be brought up from the mezzanine, where the button did work. But upon reaching the platform - at 10:20, more than an hour after he started trying to take the subway - he was finally defeated by the obstacle he had known he would find.

When E trains arrived, their thresholds were about 4 inches higher than the platform, making it virtually impossible for Mr. Trocchia to enter the train without his chair flipping over backward. A platform riser, which has been installed in some other accessible stations, was absent at Van Wyck, meaning that the elevator did little more than provide a sightseeing trip to the platform.

Mr. Trocchia, smiling a little sarcastically, mentioned that an elevator was scheduled to be installed in the subway station nearest his home in Williamsburg. "I think it's supposed to be done in 2012," he said, his smile widening. "I guess I'll put my plans on hold until then."

Transportation Website Links

U.S. Department Of Transportation Accessibility Page

<http://www.dot.gov/accessibility/>

The DOT's online resources on accessible transportation, and contacts for inquiries or complaints.

Easter Seals Project ACTION (Accessible Community Transportation In Our Nation)

<http://www.projectaction.org/>

Project ACTION works with transit, disability and consumer organizations and federal agencies to improve transit accessibility. The site includes a database of accessible transit services throughout the United States. It also provides materials to train transit personnel to work with customers with disabilities.

<http://www.projectaction.org/resources.html>

DRIVING:

Fact Sheets on Driving with a Disability

<http://www.driver-ed.org/public/articles/index.cfm?cat=2>

from the Association for Driver Rehabilitation Specialists

Adapting Motor Vehicles for People with Disabilities

<http://www.nhtsa.dot.gov/cars/rules/adaptive/brochure/brochure.html>

An online brochure detailing the process of selecting and installing assistive devices for drivers with disabilities.

BUSES:

Accessible Bus Service, a fact sheet from the U.S. Department of Justice

<http://www.usdoj.gov/crt/ada/greyfact.htm>

Serving Bus Customers with Disabilities from Easter Seals Project ACTION

http://www.projectaction.org/Factsheets/motorcoach_fact_sheet.html

AIR TRAVEL:

DOT Airline Hotline: **1-800-778-4838** (voice) or **1-800-455-9880** (TTY)

The Air Carrier Access Act <http://airconsumer.ost.dot.gov/rules/382SHORT.htm>

New Horizons: Information for the Air Traveler with a Disability from the Aviation Consumer Protection Division of the U.S. Department of Transportation

<http://airconsumer.ost.dot.gov/publications/horizons.htm>

"Passengers with Disabilities", a summary of the Air Carrier Access Act from the DOT's Aviation Consumer Protection Division

<http://airconsumer.ost.dot.gov/publications/disabled.htm>

Air Carrier Access Act: Common Questions and Answers About Air Travel for Wheelchair Users from the Eastern Paralyzed Veterans Association

http://www.epva.org/Disability_Issues/airaccess.html

The Air Carrier Access Act: Make It Work For You, a 7-page PDF document from the Paralyzed Veterans of America

http://www.pva.org/NEWPVASITE/publications/pdf/aca_a_makeitwork.pdf

Additional information on the Air Carrier Access Act from ICan Online

http://www.icanonline.net/channels/travel/law_rights/index.cfm

U.S. DOT's toll-free hotline to assist air travelers with disabilities

<http://airconsumer.ost.dot.gov/hotline.htm>

Source: <http://www.nod.org/>

Pataki Signs Most Integrated Setting Bill September 17, 2002

The Most Integrated Setting bill (A.9913b, S.7342) was signed into law by Governor Pataki on September 17, 2002. It will establish a Council to develop a comprehensive, statewide plan for providing services to people of all ages with disabilities in the most integrated setting.

“We need this legislation because NYS has not developed a plan for Olmstead Implementation. We've been demanding that the state develop such a plan since September 2000. Now New York State will have to do the right thing,” said ADAPT organizer Bruce Darling.

“Many organizations have been working on getting Olmstead implemented in New York State,” said ADAPT organizer Nadina LaSpina. “ADAPT works in coalition with other organizations, but unlike other organizations, ADAPT is willing to do whatever it takes and use direct action tactics when necessary.”

It was after one of ADAPT's actions in Albany, on February 6, 2002, when 8 activists were arrested for sitting-in in the Governor's office, that Assemblyman Cahill, Chair of the Assembly Task Force on People with Disabilities, introduced the Most Integrated Setting Bill. The bill was passed unanimously by the Assembly on June 12, 2002.

The Senate version of the bill, introduced by Sen. Maziarz, seemed to be fated to die in committee. But on June 20, 2002 ADAPT activists occupied Majority Leader Bruno's office demanding he get the bill out of the Aging Committee and bring it to the Senate floor for a vote. Bruno gave in, and the bill was passed unanimously by the Senate that same day.

On August 22, 2002 it was announced that the bill was being sent to the Governor for review. Knowing he would have to either sign it or veto it in the next ten days, about 50 ADAPT activists occupied the Governor's reception room from Noon until 3 p.m.. “We just wanted to make sure Pataki understood how important this bill was to us,” said Chris Hildenbrandt of Rochester ADAPT.

But, due to bureaucratic delays, the bill didn't get to the Governor's desk until September 5. Ten business days later, on September 17, NYS ADAPT was back in Albany. "We knew this was it. We had to make sure the bill became law!" said Nadina LaSpina.

"We knew the Governor had made some changes to the bill that Assemblyman Cahill did not approve of," said Bruce Darling. "We were afraid they would play political ping-pong at our expense."

The ADAPT activists split into two groups. One group went to the Governor, the other to the Assembly. "We just lined up against the wall and waited, while the two sides negotiated," said Debbie Bonomo of Rochester ADAPT. "They all knew we were ready to act up if the bill wasn't signed into law."

Finally, at 6 p.m., John Fetterman of the Governor's office announced that the Governor was signing the bill. The activists burst into applause. "How do you spell POWER?" yelled Bruce Darling. "A-D-A-P-T," they all yelled so loud they were heard throughout the Capitol.

City Agrees to Spend 218 Million to Make Sidewalks Accessible to Wheelchair Users

By Randy Kennedy

September 13, 2002 - *New York Times* - A group representing thousands of New Yorkers in wheelchairs announced yesterday that it had reached a settlement in a protracted lawsuit against the city, and that the Bloomberg administration had agreed to set aside almost \$218 million to speed the installation of concrete ramps at the city's 158,000 curb corners.

The agreement was hailed as an important victory for the city's wheelchair users, who - despite a federal requirement put in place a decade ago to compel cities to install such ramps - still must contend with 61,074 corners, most outside Manhattan, where the curbs might as well be ramparts, because wheelchairs cannot be rolled over them.

"It's very simple," said Robert B. Stulberg, a lawyer who represents the Eastern Paralyzed Veterans Association, which sued the city in 1994, contending that it had made no plan to comply with the federal law. "If you're in a wheelchair and you pull up to a corner that's not ramped, you literally cannot get to the other side of the street."

The veterans' group, which successfully sued the Metropolitan Transportation Authority in 1979, leading to wheelchair-accessible buses and some subway stations, praised the city for settling the curb suit, which had dragged on throughout the Giuliani administration.

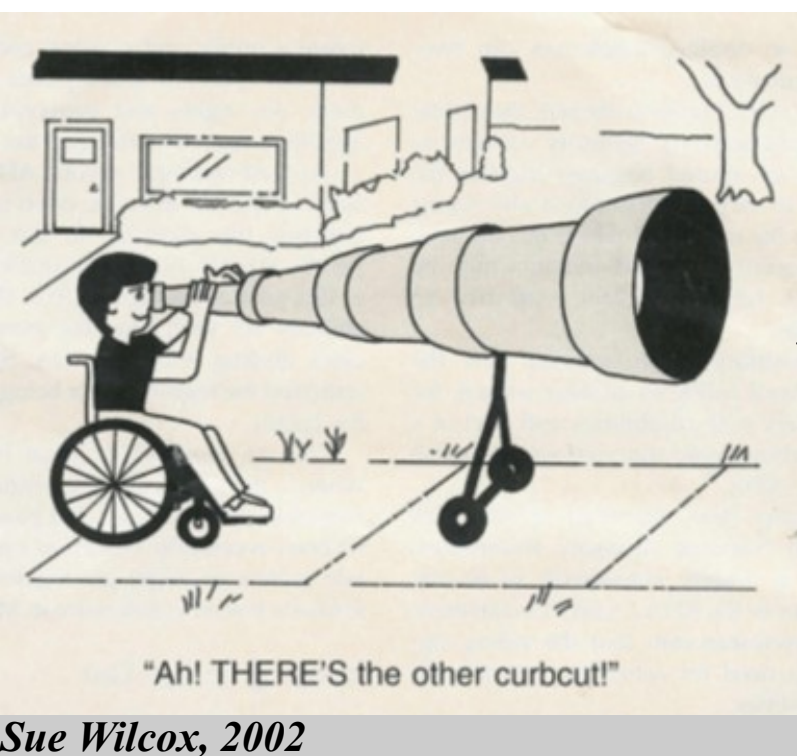
The group said that the agreement was particularly heartening in light of the fact that the city's Department of Transportation, which is responsible for installing the ramps, has seen its resources stretched thin as it has dealt with post-September 11 street rebuilding in Lower Manhattan.

"There were many years in which there was little good faith," said James J. Weisman, the general counsel for the veterans' group. "We have that now. I think the city understands the

importance of this.”

Under the agreement, which was approved on Monday by Judge Thomas P. Griesa in Federal District Court in Manhattan, the city will commit \$217,862,000 for installation of ramps on 61,074 corners that remain inaccessible - 27,747 in Queens; 13,008 in Staten Island; 10,710 in Brooklyn; 7,007 in the Bronx; and 2,602 in Manhattan.

Instead of adding the ramps in an ad hoc fashion, as the city has long done, transportation officials have agreed to engage in what is called blitz construction, concentrating on large areas where curbs have no ramps. The method is faster and saves money - \$2,500 per corner for a standard ramp, versus \$3,000 per each ramp built individually. Under the agreement, most of city street corners will have ramps by 2008.



Sue Wilcox, 2002

In a written statement, city officials defended their past efforts, saying they had focused on curbs in highly traveled areas, and that as a result, 80 percent of the intersections in Manhattan had ramps in place. “Given its 12,750 miles of sidewalks, the city has done an excellent job of providing access to people with disabilities,” said Iris Weinshall, the transportation commissioner.

But Mr. Stulberg said that the city's commitment of money, and its agreement to a timetable, were essential because the city had greatly slowed its rate of converting the curbs in recent years.

For example, from 1994 - when the lawsuit was filed - to 1998, ramps were installed at a rate of about 7,800 a year. But then it slowed to only about 700 a year. And at that rate it could have taken until 2017 or later to make all the sidewalks fully wheelchair-accessible.

Many cities converted their curbs relatively quickly after Congress, in 1990, passed the Americans With Disabilities Act, part of which called for the building of curb ramps.

Jerry Kelly, the deputy executive director of the veterans' association, said that where he works, in Jackson Heights, Queens, he is often able to use residential driveways as makeshift ramps when he cannot find one on a corner. But almost as often, he said, he gets his chair up onto a sidewalk only to find that at the other end of the block, he is trapped, unable to descend again to the street because there is no ramp.

“It's dangerous,” he said. “And sometimes it's just completely impossible.”

Editor's Note: Another big problem is the poor quality of curb cuts which are already done either because there is a hole in the street at the bottom of the curb cut or because the street is several inches below the curb ramp. When the DOT recently redid streets in my neighborhood, they did not bring most of them up to the level of the ramp. Now, the curb cuts are worse than they used to be. Better supervision and training of DOT personnel is the answer to this problem.

Court hands victory to disabled

Cities Must Make Public Sidewalks Accessible, It Rules

by Bob Egelko

June 12, 2002 - *San Francisco Chronicle* - Cities must make public sidewalks accessible to wheelchair users and other disabled people, a federal appeals court in San Francisco ruled today in a case that could affect every city in the nation.

A disabled-rights advocate said the ruling would force cities to draw up plans to fix big cracks in sidewalks, keep tree branches out of the way and do something about driveways that create dangerous slopes for wheelchairs.

A sidewalk is a government "service, program or activity" covered by the Americans With Disabilities Act, which requires access for the disabled without discrimination, said the U.S. Circuit Court of Appeals for the Ninth Circuit.

"Maintaining public sidewalks is a normal function of a city," said the three-judge panel. "Maintaining their accessibility for individuals with disabilities therefore falls within the scope" of the ADA.

The law does not require government agencies to take measures that would impose an "undue financial and administrative burden." But a lawyer for 76 California cities and the National League of Cities predicted a multibillion-dollar cost in the state alone.

"There's not a city in the country that would meet the strict requirements," said attorney Gregory Hurley. He said cities have taken the position that access is required only for specific programs or services -- for example, the sidewalk in front of City Hall.

The ruling, in a case from Sacramento, is binding on federal courts in California and the eight other Western states covered by the circuit. As the first federal appellate decision on the issue, it will be influential elsewhere, Hurley said.

"We hope this sends a message to cities throughout the country that disabled people need to have the same safe access as others," said attorney Larry Paradis of Disability Rights Advocates in Oakland, who represented the plaintiffs.

He said the ruling requires cities to survey their sidewalks for barriers to access. For wheelchair users, those would include wide cracks; benches, utility poles and other obstructions that make the walkway too narrow to get through; and slopes created by driveways that cut into the sidewalk and cause wheelchairs to tilt dangerously.

Obstacles also include tree branches, signs and other protruding objects that could be dangerous to blind people, Paradis said.

"A plan is needed to fix the most severe barriers first and do it over time," Paradis said. He said the cities' multibillion-dollar estimate wrongly assumed that every sidewalk would have to be

orn up immediately.

“We don't expect 100 percent access, and we don't expect it to be done instantaneously,” he said. “It's one priority among many, and a reasonable amount needs to be allocated.”

The ADA also requires cities to put curb ramps at street corners. Paradis said disability-rights groups have negotiated ramp installation with Sacramento and other cities.

Editor's Note: In November, 2002, Sacramento officials announced that they will appeal this decision. The city of Sacramento, California will petition the U.S. Supreme Court to hear a case it lost in June, *Barden v. City of Sacramento*, when the 9th Circuit Court of Appeals ruled that it was required under the Americans with Disabilities Act to ensure its sidewalks were passable and usable by people in wheelchairs. Advocates question why the city would rather spend money fighting access than using it to make the city's sidewalks accessible. But City Attorney Sam Jackson told the Sacramento Bee that the city doesn't make litigation decisions based on cost. Yet, a Sacramento official has said that it would cost too much to make the sidewalks passable! Advocates are only demanding a plan and they are willing to give the city 40 years to fix the sidewalks. Whew. Even more disturbing is news that New York City signed on in an amicus brief to support the City of Sacramento. More details are available at www.raggededgemagazine.com

Remembering Justin - A Conversation

by Nadina LaSpina and Danny Robert



Justin Dart 1930-2002

Photo by Tom Olin

Nadina - The last time I saw Justin was at the NCIL (National Council on Independent Living)

Rally at the Capitol on June 13, 2002, a week before he died. I had seen him the month before in the Russell Senate Building when he spoke at the MiCASSA kick-off to a hearing-room packed with 500 ADAPT activists. I was shocked at the change a month had made. He seemed so much weaker. His usually resonant voice broke several times as he spoke to the crowd, under a light drizzle, which soon after turned to pouring rain. When he was wheeled off the stage I held back and watched as the usual long line of people made its way to greet him. But Yoshiko noticed me and waved me over: "Look who's here," she said to him. And I went and hugged them both. Yoshiko asked: "How is Danny?" and, as usual, I explained why it would have been too hard for you to be there. Justin didn't speak. He smiled and that famous twinkle in his eyes, though still there, seemed to have melted into a softer, infinitely tender expression. He took my hand and held it for a long time even as other people came over to speak to him. It was when he finally let go of my hand that he spoke. "I won't see you again," he said softly. I chose not to acknowledge the meaning of those words. I quickly turned them around and said: "Oh, I'm sure I'll see you again real soon, Justin!" The rain was getting heavier and Yoshiko started wheeling him away from the crowd. I cried out: "I love you, Justin!" as I waved goodbye and all around me others echoed: "Love you, Justin."

Danny - The first time I saw Justin was at our March (the Disability Independence Day March - DIDM), in July '93. You and I and Jerry Nuzzi (DIDM co-chairs) and many others worked hard to make the '93 March a really great event. I had only been disabled for 3 years - I became disabled in 1990, the year of the passage of the ADA - and I embraced disability rights as my new reason for living. Seeing Justin on the stage, bigger than life, with his cowboy hat and cowboy boots, hearing him speak of our ADA, exclaiming: "Halleluiah, I'm a human being!" while over two thousand people cheered was the culmination of a dream. When I heard him say our names, acknowledging our roles as "leaders," it affirmed my new and proud identity, my happiness at being part of the disability community and also - since, working together we had fallen in love - our love for each other. I still couldn't believe that I had come so far, from the initial feelings of despair and powerlessness at becoming disabled to 'this'! Justin had played such a pivotal role in my transformation. I had been speaking to Justin on the phone for about a year already; it was Justin who made me believe I could be a 'leader.' He, the father of the disability rights movement, gave me, a newborn cripp, his home phone number, encouraged me to call him anytime...

Nadina - Justin took that title - father of our movement - very seriously, especially as he got older. He always made himself accessible to disabled people who wanted to be part of the disability rights movement. His home number was always available to any of us. One of Justin's greatest talents was to immediately see your potential and to nurture that potential in every way, to make it bloom into real leadership. No matter who you were, how little you had accomplished and how little you knew, he made you feel that you were vitally important to our movement and made you believe that you could be a leader and should be a leader. Whenever and wherever he made a speech he always asked for the names of the people that worked to make the event happen so he could name each one. He wanted us to feel proud of the work we did so we would keep doing more and more work.

Danny - Because the March was such a success, in the years to follow, I felt sure that Justin was disappointed in me for failing to keep up the momentum. But he never showed any disappointment. He knew we did the best we could. He always praised us for whatever we did and encouraged us to do more.

Nadina - Through the years we didn't always agree with Justin and at times we confronted him. We had a few confrontations during the health care reform years.

Danny - Yes, I remember in '94, Justin, who had been a Republican, jumped on the Clinton bandwagon, and became the disability spokesperson for the Clinton version of universal health care, which many of us saw as an unsatisfactory solution. We wanted real health care reform. We both were single payer advocates and couldn't understand why our greatest leader didn't see it our way. Remember? Justin invited us to go to the White House for one of Clinton's Health Care Reform events. You wouldn't go but I really wanted to. So you said: "'If you go, at least make a statement. Interrupt and say: 'What we need is real reform, Mr. Clinton!'"' I went but didn't have the guts to do that. Afterwards, though, I confronted Justin. Because I was feeling very frustrated, I came on real strong. But Justin was not angry.

Nadina - When you disagreed with him and confronted him, he never argued against you, never tried to prove you wrong. He always said: "'I respect your opinion. I'm just doing what my conscience is telling me to do right now. And you should do what your conscience is telling you to do.'"'

Danny - Remember, in that same summer there was a Clinton Health Care Rally in Liberty Park, NJ. Justin wanted us to be there, but that morning my attendant didn't show up and you went without me.

Nadina - Yes, quite a few of us went from NYC though most of us were single-payer advocates. I got to the rally in a terrible state. I was angry because I didn't like what was happening and angry because of the attendant not showing up, not to mention worried because I had left you alone. As soon as he saw me, Justin asked: "'Where's Dan?'" "'His attendant didn't show up this morning,'" I answered. Justin, with a blank look on his face, said: "'So... is he coming?'" Suddenly all the anger that had accumulated inside me came pouring out. "'His attendant didn't show up, Justin. That means he's stuck in bed. Alone. He can't even get his face washed, can't get anything to eat... You, with all your money, Justin, you don't know the first thing about the real life of real cripples!'" Justin took it all in. He kept nodding as I yelled. I later realized how my words must have hurt him. He was very aware that his money had insulated him from the daily hardships that most of us face.

Danny - Because he was so aware of the advantage his wealth gave him over most of us, he chose to live modestly and he used his fortune as a tool to advance the cause of disability rights. He traveled incessantly, to spread the gospel of empowerment.

Nadina - He was always there at every disability event - every rally, every demonstration, every ADAPT action... He was a strong ADAPT supporter, always called us soldiers and patriots. He may not have gotten arrested with us, but he always showed up in solidarity. After his heart attacks, when he stopped traveling, he would send his old fashioned wheelchair, his cowboy hat and cowboy boots (after his leg was amputated, one boot) and a statement which would be read to us. You could say it was a melodramatic gesture, and some would chuckle when the empty chair was wheeled on to the stage. But it was so wonderful for us to know that he cared so much, that he wanted to be with us so much. The empty chair was a concrete reminder of his presence among us, of his love for us.

Danny - I didn't see him as often as you did because I can't travel as you do. But the few times I saw him he made me feel so wonderful. I remember, at the Olmstead Rally in DC in '99, the heat really made me sick (that's what happens when you have MS). I was reclined in my chair in the shade, totally out of commission, just listening to the speeches. All of a sudden I opened my eyes, and saw Yoshiko's face, bending over me to kiss me. I turned my head and Justin was right there beside me. Our great leader, the father of the ADA, the Martin Luther King of our movement, he had just gotten off the stage after making the most wonderful speech, hundreds of people were trying to get to him to give their regards, and he had come to me, he was taking my hand, he was worried about me... I felt so moved, I felt so important, I felt so loved...

Nadina - Oh, Justin really did love us, all of us. Some might have thought that all that talk about love - the "Yoshiko and I love you" at the end of every speech - was for rhetorical effect. But, no, the love was real. Justin taught us to always lead with love, never with ambition. He taught us the importance of love to our movement, to our culture. Love must be the bond that unites our community.

Danny - When he received the Presidential Medal of Freedom in '98, he sent each of us a replica because he believed that the Medal was ours collectively, that each of us deserved the recognition. He didn't want to be singled out. He didn't want to be seen as the hero. He called himself a soldier among soldiers.

Nadina - Yet he is our hero. Our movement really needs heroes and no one ever fit that heroic mold better than Justin. In his cowboy hat and cowboy boots he'll be forever the icon of our movement, forever part of our disability history. The lessons he taught us benefit all, disabled and nondisabled alike. The lessons he taught us in life about empowerment, solidarity, and love as well as the lessons he taught us in dying about death itself, which -just like disability - is not a tragedy, not an evil, but a natural part of life, full of mystery, majesty and profound beauty - these lessons we will cherish forever. Justin is our hero, and as he promised in his last message, he will "always be with us," always urging us to "lead on!"

Editor's Note: The next issue of the Activist will carry a detailed obituary of Justin Dart.

DIA Sues Trump

When the Trump International Hotel & Tower opened in 1997, Donald Trump proclaimed that it "is the City's most desirable address -- a site where the commerce of midtown converges with the culture of Lincoln Center and the beauty of Central Park." The 52-story skyscraper, designed by world-renowned architect Philip Johnson, is a 21st century showpiece.

But not everybody is invited by Trump to enjoy his opulent venue. DIA members Bob Levine and Freida Zames could not find a way into the Trump International. It is situated on a plaza approximately four feet above the sidewalk that surrounds the hotel and condominium tower.

Mr. Levine and Ms. Zames tried to go to a café on the plaza after getting off a bus at a Broadway stop on the west side of the building. They assumed there would be a ramp along this block-long side of the property. But there was no wheelchair access from Broadway so they rolled

east on West 61st Street to Central Park West and were again surprised that there was no ramp. They proceeded south on Central Park West toward the lavish hotel entrance and asked one of the cluster of valets, doormen and bellhops how they could get to the café.

Mr. Levine and Ms. Zames were directed back to West 61st Street where there was a wheelchair lift hidden in plain sight. It, and another lift on West 61st Street, closer to Broadway, had tall, smoked glass doors with no signage, switches or keys. So, they discovered that the plaza, which is accessible by stairs on three sides, is wheelchair accessible only on the north side of the property and, there, only by platform lifts that are not independently operable.

DIA along with Mr. Levine and Ms. Zames sued Trump International Hotel & Tower for violations of the ADA and the New York State and New York City Human Rights Laws. Soon after the lawsuit was filed Trump placed a key in the door of each lift and filed a Motion to Dismiss Complaint. Trump's motion argued that the case is moot because the keys have made the lifts independently operable and that the Plaintiffs (DIA, Levine and Zames) do not have standing to sue because they did not suffer an "actual injury."

Edward Kopelson, Esq., who is representing the Plaintiffs, argued that there are several reasons why the lawsuit should not be dismissed. First, the keys did not enable operation of the lifts. When Mr. Levine and Ms. Zames returned to Trump International they were again unable to independently enter Trump's property. They had to summon assistance because the keys didn't work. Second, even if the lifts worked as the ADA required, there were other barrier-free design flaws at Trump International: the absence of signage on the lifts and to the lifts, the isolation of wheelchair access from the principal entrances, the failure to locate wheelchair access as close as technically feasible to bus or subway stops, and the absence of a path of travel for wheelchair users to get from the west to east side, or vice versa, of the plaza.

And third, it was argued in opposition to Trump's contention that the Plaintiffs suffered only minor inconveniences, that Mr. Levine and Ms. Zames were made to feel unwanted, conspicuous, and foolish -- "like second class citizens" said Mr. Levine -- by Trump's non-compliance with barrier-free design codes and violations of civil rights laws. "They have been deterred from returning to a café, restaurant and public plaza, and," asserted Mr. Kopelson, "the Plaintiffs therefore satisfy the requirements of standing."

The Plaintiffs' and Defendant's arguments are under consideration by the Chief Judge of the US District Court for the Southern District of New York, the Hon. Michael Mukasey. A decision is expected soon.

Helping Hands for the Blind of New York City

Helping Hands for the Blind is a grass-roots, volunteer organization of blind people helping blind people. Our goal is to provide services to blind persons with special emphasis on the totally blind. Services we want to provide are:

1. Friendly visitor
2. Escorts for shopping

3. Doctor's appointments
4. Personal trips
5. Financial assistance
6. Referrals to agencies
7. A place where blind persons can speak about any problems

All information is confidential and there are no fees for our services. Any person who is legally blind may request our services by calling any of the numbers listed below. We are also looking for volunteers who can help us with our project. Disabled persons are welcome to volunteer.

Helping Hands for the Blind of New York City
P.O. Box 9174
Long Island City, NY 11103

Alice Crespo: **718-545-1529**

Lucia Marett: **646-486-1649**

Kathy Perillo: **212-727-7597**

Barbara Schwimmer: **212-929-0223**

Editor's Note: These people are fantastic! They have gotten at least one person out of a nursing home and into the community. They will tackle any problem, large or small, with a can-do attitude.

National Council on Disability Releases ADA and the Supreme Court Policy Paper

Washington - The National Council on Disability (NCD) released A Carefully Constructed Law, the newest addition to the ongoing policy brief series analyzing and responding to certain problematic aspects of the Americans with Disabilities Act (ADA) decisions of the U.S. Supreme Court.

A Carefully Constructed Law

(<http://www.ncd.gov/newsroom/publications/carefullyconstructedlaw.html>) responds to the supposed uncertainties and ambiguities that the Supreme Court has perceived that the ADA was not carefully considered nor carefully written by explaining how the Congress carefully considered, negotiated, and fine-tuned the ADA before enacting it, as well as the 25 years of methodical Congressional study that preceded its passage.

In future papers in this series, NCD will examine various specific substantive aspects of the Court's rulings that have weakened or restricted the impact of the ADA, including the highly restrictive interpretation of the ADA's definition of "disability." Another major area to be addressed concerns Constitutional limits on the power of Congress to enact disability rights laws such as the ADA and other civil rights legislation.

NCD plans to address some limitations the Court has imposed on the remedies available in ADA cases and take a cross-issue look at the consequences of the Supreme Court's decisions by contrasting the state of the law before the decisions were rendered with the legal situation after the

decisions, to identify undesirable and unjust results in the decisions of the lower courts as a result of the Supreme Court's rulings. NCD will also summarize instances of unaddressed discrimination and injustices stemming from the Court's rulings that do not result in reported court decisions.

NCD will then develop legislative proposals for addressing those issues that appear appropriate for legislative correction, and present those proposals, along with pertinent supportive material from the previous papers in a final, comprehensive report, *Righting the ADA*. For more information, contact Mark Quigley or Joan Durocher at **202-272-2004**.

Moving Right Along

DIA President Sued His Family Doctor for Access

DIA President Anthony Trocchia sued his family physician, Dr. P. Scotti, for refusing to make his office wheelchair accessible. After asking the doctor on many occasions to ramp a 4" step at the office entrance, Mr. Trocchia filed a lawsuit charging Dr. Scotti with violations of the New York City Human Rights Law and the Americans with Disabilities Act.

Upon receipt of the formal Complaint, Dr. Scotti had a ramp installed at his office. But it did not comply with the requirements of city or federal barrier-free design codes, so Mr. Trocchia rejected the doctor's half-hearted attempt to resolve the lawsuit.

The case was settled, however, when Dr. Scotti agreed to have a code compliant and permanent ramp constructed, to pay \$500 damages and all legal fees. Mr. Trocchia donated the \$500 to DIA. He was represented by Edward Kopelson, Esq. of Kopelson & Westreich.

Thank You Nadina

A thousand overdue public thanks to Nadina LaSpina who does the DIA website at www.disabledinaction.org. The Activist is on our website going back to January 2001. Take a look. You'll also see announcements and meeting dates, and you can download the latest One-Step form. The website is a lot of work, and Nadina is one of our unsung volunteers working behind the scenes.

Website for the Federal Employment of People with Disabilities

The Office of Personnel Management has updated and expanded their website for the federal employment of people with disabilities. It can be located at: <http://www.opm.gov/disability/>

DIA SPEAKS COLUMN in *ABLE NEWS*

If anyone has an article you think should be in DIA's column in ABLE NEWS, please call Frieda Zames at **212-260-0423** or e-mail her at friedazames@erols.com to submit it. Frieda is in charge of the DIA SPEAKS column in *ABLE News*.

Great News! An Access-A-Ride Sign at Hunter College

In a great spirit of cooperation, Hunter College Facilities Director, Julio Vasquez and his associate, Peter Plevritis, installed a sign on the West Building of Hunter College so that Access-A-Ride vehicles and passengers will have a good chance of meeting each other. The sign says: "'904 LEX - Access-A-Ride,'" and it can be seen both from 68th Street and from Lexington Avenue. The stop is located right on Lexington Avenue between 67th Street and 68th Street. Previously, people had to give a Park Avenue address for the college and be picked up on other streets. This led to lots of strandings for riders and confusion for reservationists and drivers.

This is an example of how working with facilities directors can lead to improved Access-A-Ride service. The new address will be publicized with Access-A-Ride and will be put into their reservation computers as well as publicized at Hunter College.

Housing First!

Look this up! Informative and fascinating articles on problems that people with all kinds of disabilities face with housing and possible solutions to the problems. www.npr.org/news/specials/housingfirst/nprstories/020806.kansas/index.html

Have an Airline Complaint?

The U.S. Department of Transportation has established a Toll-Free Hotline to assist air travelers with disabilities. The hotline will provide general information to consumers about the rights of air travelers with disabilities, respond to requests for printed consumer information, and assist air travelers with time-sensitive disability-related issues that need to be addressed in "real time." The line is staffed from 7 a.m. to 11 p.m. Eastern time, seven days a week. Air travelers who experience disability-related air travel service problems may call the hotline at 1-800-778-4838 (voice) or 1-800-455-9880 (TTY) to obtain assistance.

A Handbook for Small Businesses

EEOC Small Employer Handbook: <http://www.eeoc.gov/ada/adahandbook.html>

Check it out!

Justice For All - A Service of the American Association of People with Disabilities:

<http://www.aapd-dc.org/> <http://www.jfanow.org/>

The U.S. Department of Justice has posted the following updated documents to their web site:

Enforcing the ADA: A Status Report from DOJ, April - June 2002 (Posted August 29, 2002)

<http://www.usdoj.gov/crt/ada/statrpt.htm> (HTML Format)

<http://www.usdoj.gov/crt/ada/aprjun02.pdf> (PDF Format)

Title II Highlights (Updated August 29, 2002)

<http://www.usdoj.gov/crt/ada/t2hlt95.htm>

Questions and Answers about the ADA (Updated August 29, 2002)

<http://www.usdoj.gov/crt/ada/q&aeng02.htm>

ADA Information Services (Updated August 29, 2002)

<http://www.usdoj.gov/crt/ada/agency.htm>

A New Website for Disability Information

A new, comprehensive web site for disability information relating to national laws, regulations, and programs for people with disabilities: <http://www.disabilityinfo.gov/>

Talking ATM's

Chase Bank and Citibank have talking ATM's in some New York City branches. Ask your branch for a list of the locations.

DOJ updates Tax Incentive Packet on-line

The U.S. Department of Justice has updated their reference materials for Tax Incentives. This includes information and forms for IRS Code 44 (Disabled Tax Credit) and IRS Code 190 (Architectural or Transportation Barriers Removal). The new packet can be accessed on-line at:

www.usdoj.gov/crt/ada/taxpack.htm

Housing Complaint

On June 17, 2002, the New York Legal Assistance Group (NYLAG) filed a class action complaint on behalf of individuals with mobility impairments, who have been granted Section 8 vouchers and need assistance in finding appropriate, accessible housing, but because they have not been provided with assistance, have been unable to make use of their vouchers. If you have any clients with mobility impairments, who have not been able to make use of their Section 8 vouchers because they need (but have not been given) assistance in finding appropriate, accessible housing you can contact, Jane Stevens at (212) 750-0800 ext. 207, or Laura Davis at (212) 750-0800 ext. 210.

Bothered by the cold weather?

There is a new leg-warmer product out for motorcyclists that also works well for people who use wheelchairs or scooters or also for people who are ambulatory, as well. It's a padded leg warmer called Knee-Necks® that attaches with Velcro around your lower legs. There's also something called Wrap-Chaps® to wrap around your entire leg to keep out the cold and wind. More information can be obtained at <http://www.kneenecks.com/index.html> or by calling 1-877-584-5633. The JC Whitney car and motorcycle accessories catalog (in print and online) also has them listed in more detail. Go to: <http://www.jcwhitney.com/JCWMotorcycle.jhtml> and click on Biker Apparel on the left, or call (877) 927-7427.

Section 8 Housing Vouchers

NYCHA now has real estate brokers to deal with Section 8 Vouchers in reference to apartments. For help, you can call Rafaela Puerto at (646)-742-0231 or fax (646) 742-0231 or e-mail acesjoule@aol.com.

DOT Supports NEXT DAY Paratransit Service

The U.S. Department of Transportation and the Solicitor General's Office submitted a brief on October 25, 2002 to the U.S. Court of Appeals for the Second Circuit firmly establishing the right of ADA eligible paratransit users to next day service. The brief states unequivocally that DOT's ADA regulation requires transit agencies to “design, fund, and implement a next-day service to meet the foreseeable needs of all ADA-eligible individuals.” The pro-consumer content of the brief is a clear victory for disability advocates.

The brief was prompted by a request to DOT from the U.S. Court of Appeals for the Second Circuit to interpret its ADA regulation in the case Anderson v. Rochester-Genesee Regional Transit Authority. The brief goes on to state that the DOT ADA regulation “prescribes the [next day service] obligation in unqualified terms. The regulation accordingly forecloses any planned non-coverage. A transit provider cannot, for example, plan to deny next-day service to some 'insubstantial' number of eligible individuals. The DOT has consistently advised transit providers

that they must design, fund, and implement their programs to meet 100% of the anticipated demand for next-day paratransit service from eligible individuals."”

The brief can be read in full at dredf.org/DOTBrief.html or downloaded as a PDF file at www.apta.com/GOVT/OTHER/civil_rights_div_ltr.pdf

Editor’s note: Many disability rights activists called and wrote the U.S. DOT about keeping next-day paratransit service. Way to go everyone! We’ll be anxiously awaiting the decision of the U.S. Court of Appeals for the Second Circuit.

Matthew P. Sapolin Appointed New MOPD Director

Mayor Michael R. Bloomberg appointed Matthew P. Sapolin to be the Executive Director of the Mayor's Office for People with Disabilities on October 15, 2002. Before this, Matthew Sapolin most recently served as Co-Executive Director for the Queens Independent Living Center. The members of Disabled In Action wish Matthew well in his new job. On the same day, along with others, Susan Scheer, a former Director of the Center for Independence of the Disabled in New York (CIDNY), was appointed for a three-year-term to the NYC Commission on Human Rights. Now all the Commission positions have been filled.

A “War” of Love and Truth

In the fall of 2001, Justin and Yoshiko Dart wrote a Declaration of Conscience, declaring “war on violence and injustice everywhere - a war of love, truth and principles first, of bombs and bullets only as a last resort.” Some people in the disability community strongly suggested that the Darts not publicize their “war” and they did not issue the statement. After Justin’s death, Yoshiko issued the two-and-a-half page statement which called for, among other things, “a ‘war’ of love and truth, not only to defeat terrorists, but to destroy the causes of terrorism.” They (Justin and Yoshiko Dart) went on to say, “We support a ‘war’ to create a world that empowers all people - with and without disabilities - to live lives of quality, dignity and choice. People who live free and well are unlikely to become terrorists.”

DIA Receives Grant

DIA received a grant of \$5,000 from Manhattan Borough President C. Virginia Fields for continuing our activism work. The grant runs from July, 2002 through June, 2003. One of DIA’s biggest expenses is the newspaper, which goes to all DIA members, some Independent Living Centers, all City Council members, other organizations and people who network with us, and several local libraries.

We Remember Betty Kapetanakis

Sadly, Betty Kapetanakis, Executive Director of the North Star Fund*, was tragically killed in an accident on July 29th, 2002. Betty's commitment to social justice brought her to the North Star Fund 15 years ago, and she worked hard to nurture the ongoing partnership between donors and community activists committed to social justice. She was always responsive to individuals and organizations across the city, and everyone she knew benefited from her warmth, intelligence, generosity, and tireless devotion. During this time of assaults on civil liberties, lack of government accountability, corporate malfeasance and global war, Betty worked passionately to challenge oppression rather than succumb to cynicism and complicity.

* The North Star Fund generously helps fund DIA and organizes workshops to support grassroots activism.

To donate to the Betty Kapetanakis Memorial Fund, please send your note and check to North Star Fund, Betty Kapetanakis Memorial Fund, North Star Fund, 305 Seventh Avenue, 5th Floor, New York, NY 10001-6008. Or you can donate online at www.northstarfund.org or call **212-620-9110** for more information.

Become a Volunteer - Your Work Is Valuable!

The value of volunteer time is now \$16.05 per hour as calculated by Independent Sector (www.independentsector.org). Forty-four percent of adults or 83.9 million people in the U.S. did volunteer work in 2000, the latest year for which figures are available.

The Largest Minority Hits the Airwaves

A radio show focusing on the news and views of the community of people with a disability had its first airing on Monday November 4th at 10 a.m. The show titled "The Largest Minority" was heard on The Pacifica Network's New York station, WBAI, 99.5 FM, available throughout the New York metropolitan area including Long Island, New Jersey, Connecticut and the northern suburbs.

The show was produced by a group of people representing a number of disability organizations including: Disabled In Action (DIA) and the Disabilities Network of New York City. The premier edition featured an interview on the history of the disability rights movement with Chris Rosa of Queens College, followed by a call-in opportunity for listeners to question in studio guest Frieda Zames, current Vice President of DIA. A highlight of the program was a witty commentary by Brendan Costello, castigating the media for its role in helping Chris Reeve paint himself into his "image corner" of the disability world.

"The Largest Minority" will be a radio magazine reflecting the whole spectrum of disability and opinions in this community. It will be a forum for the different groups within the disability community to talk with each other as well as our non-disabled friends. Regular segments will

include national, state and local reports from the disability rights front lines, community announcements, and commentary. The show will feature the music of composers and performers with disabilities, making for a large and varied play list.

The next show aired in December and celebrated the International Day of Disabled Persons. Be sure to tune in to the Largest Minority on WBAI, 99.5 FM. Announcements for the show are on WBAI and on the DNNYC e-mail list.

Baruch College Computer Center for Visually Impaired People

If you are visually impaired and in need of adaptive computer equipment recommendations or training, call the CCVIP at **212-802-2000** or write for details at Baruch College, Computer Center for Visually Impaired People, 151 East 25th Street, New York, NY 10010.

Disabilities Network of New York City (DNNYC)

The Disabilities Network of New York City was established early this year to create “a physical disabilities impact network” of individuals and organizations in NYC. The network’s aim is to present a unified front to public policymakers and organizations in New York City by working together to find creative solutions to problems affecting the disability community. DNNYC’s start-up is fully funded by United Way of New York City. To join DNNYC, call Alexander Wood, the director, at **212-251-4071**, and join DNNYC’s listserve by going to <http://groups.yahoo.com/group/dnnyc>.

12th Anniversary of the Americans with Disabilities Act (ADA)

On July 23rd, NYC Council Speaker Gifford Miller and Council Member Margarita Lopez and other members of the City Council hosted a program and a reception for people with disabilities to celebrate the 12th Anniversary of the ADA. Way to go, City Council! You are our elected officials, too!

Access-A-Ride Hearing December 5, 2002

On December 5th, 2002 Councilmember Margarita Lopez, of the Disabilities Committee, held a joint hearing at City Hall on Access-A-Ride with Councilmember John Liu of the Transportation Committee. The hearing, which was a continuation of a hearing held in April, looked into the improvements that the new scheduling system was supposed to provide. Access-A-Ride officials said that the new scheduling system had brought improvements and that more people were riding the system, but riders complained that they are still being picked up late or not at all, that rides are overly long and zig-zag throughout the boroughs and between boroughs, and that customer service is nonexistent. Activists called on the MTA to completely overhaul the paratransit system.

One shocking development has been Access-A-Ride's suggested use of a large foam finger glove like those that fans use at sporting events. Access-A-Ride gives these out to blind riders and those with low vision so that perhaps the drivers will see the person waving the foam glove indefinitely in the air until the van finally shows up. Alice Crespo, a blind Access-A-Ride rider, decried the use of the glove, saying, "If the drivers can't find their passenger standing out in front of the correct address with a white cane or guide dog, they aren't going to find the passenger waving a blue glove."

The hearing will be continued until 2003 so riders and Access-A-Ride officials can report back on improvements or lack of them. Activists feel that continued pressure on Access-A-Ride and on elected officials is the only way that substantial and lasting change will occur within Access-A-Ride. Officials within the MTA privately say that the MTA never wanted to run paratransit and is not happy doing so. This attitude will have to change before any substantial change occurs with Access-A-Ride's service to people with disabilities.

New Book on Disability Rights

Make Them Go Away: Clint Eastwood, Christopher Reeve, and the Case Against Disability Rights by Mary Johnson of the Ragged Edge. This book analyzes why disability rights are so disliked and why the ADA's detractors glibly insist that it's a bad law. And, Johnson lays out the case for disability rights. It's available for \$16.95 including shipping from The Advocado Press, P.O. Box 145, Louisville, KY 40201 or order online at www.advocadopress.org

City Council Meetings Live on the Web

Anyone with a computer can enjoy all mayoral events held in the Blue Room at City Hall, as well as the stated City Council meetings, which are generally held every other week, because they are being broadcast live on the Internet.

Mayoral news conferences, announcements and bill signings can be viewed at <http://www.nyc.gov/>.

Council meetings in chambers are available at <http://www.council.nyc.ny.us/>.

Help America Vote Act (HAVA): Resources for advocates

The recently approved federal election reform bill, the Help America Vote Act (HAVA), presents important opportunities to expand participation and improve elections, while at the same time demanding vigilance on the part of advocates to protect voting rights and ensure fair implementation in the states. Democracy reform advocates must begin immediately to organize around implementing the bill. A new Demos website, <http://www.demos-usa.org/HAVA>, is the first stop for advocates to receive up-to-date information and resources on the HAVA.

Be sure to check the website periodically for updates and new information. We will continue to add resources over the next few months.