

# DIA ACTIVIST

July 2005

## FRIEDA ZAMES 1932-2005

### Frieda Remembered

mild mannered but passionate  
the most determined person I ever knew  
tired but tireless  
she never gave up  
loving but tough  
humble but well-known  
and her smile lit up her face



*Frieda Zames*

*Photo by Fusun Ateser*

Frieda Zames, Disabled In Action's long-time leader, died on June 16, 2005, in her sleep while she was recovering from an appendectomy. It is easy to think that she's just out sick for awhile, not really gone. The impact of her death will take awhile to sink in, and we'll be taken aback that she's not here to write an article, go to meetings, demonstrate, go to a movie with, call, write a DIA flyer, go to a restaurant with, strategize with, give a talk, or visit.

I so wanted to call her after her memorial service on June 19th and say, "Frieda, guess who I saw today, someone you haven't seen in several years!" She would have delighted in the fact that so many people came together, but she would have wondered why all the fuss was about her. She probably would have assumed that only her family and a few close friends would attend her formal memorial service. So many people felt close to Frieda. She had a way of making us all feel like her close friend. And the fact that there were obituaries about her in the New York Times, the Sun, and Newsday would have floored her as she never seemed to think of herself as famous or influential.



*Frieda reading from their book with her sister Doris  
Photo by Philip Bennett*

Several hundred people with and without all kinds of disabilities came to Frieda's memorial service, and probably fifty were in wheelchairs and scooters. At the service, Doris Zames Fleischer, Frieda's sister and co-author of their book, "**The Disability Rights Movement: from Charity to Confrontation,**" talked about Frieda's early life after Frieda contracted polio at age 2 ½ and lived apart from her family in institutions for almost all of the next 10 years.

Frieda was an amazing woman. Her early education was spotty because of low academic expectations of children with disabilities and poor teaching in hospitals and "convalescent homes," where children with disabilities were sent. She had many early surgeries. But Frieda eventually lucked out and got a good teacher who realized her potential. It happened this way: Frieda would get a week's worth of homework from the teacher and she realized at a young age that if she did it all on Monday, she would have the rest of the week to read whatever she wanted in the library. The teacher found out and gave Frieda more work, really challenging her.

Frieda was smart in every school subject, but excelled in math, and instead of isolating her, it made her popular because she could help other kids, especially when she got out of the institutions and lived at home and went to public school.



*Frieda (pictured left-of-center, with hat) in group at a TLC hearing  
Photo by Philip Bennett*

Frieda earned her undergraduate degree from Brooklyn College. She was using crutches then and her mother went to college with Frieda to carry her books for her. The college was inaccessible and Frieda had to laboriously and precariously go up two steps to get into the buildings. It never occurred to her at that time that she had a right to access without steps.

In the seventies, Frieda's thinking changed, and she became a champion of disability rights when she wasn't teaching college math at New Jersey Institute of Technology. She had earned a Ph.D. in math at New York University by working during the day at an office job and going to school nights.

No longer was her disability and lack of access her own problem to deal with. It became a civil rights issue that was a societal problem, not just hers alone. Buildings should be made accessible to everyone instead of excluding people. She was instrumental in making her campus wheelchair accessible. Buses should be made accessible to everyone, not just people who could easily walk onto them, and New York City bus access was an early project that Frieda got involved in.

When Frieda got a car with hand controls, it gave her freedom to participate in society and have an active social life. She could go out of the city and to other boroughs with ease. Eventually, she would give up her crutches and use a scooter for mobility. Frieda delighted in her ability to speed around the sidewalks of New York, get on and off buses, and go where she needed to go, but she also continued to drive until about a year ago when she reluctantly gave up her car. Not having a car was frustrating because with limited and slow bus service, and no meaningful

accessible taxi service, she could not easily go to other boroughs or out of the City to visit friends or family and attend music festivals and The DIA Singers' practice.



*Frieda (pictured right-of-center) smiling with other activists  
Photo by Philip Bennett*

DIA (Disabled In Action) was Frieda's passion and she was very involved in every aspect of DIA. So many people found out about DIA through Frieda. Besides inviting many new people to attend DIA meetings, Frieda found people to do jobs within DIA, represent DIA at meetings and hearings, and write for the newspaper. If no one volunteered for a job, she would volunteer to do it on top of everything else she did. She regularly attended many meetings and hearings, sometimes three in one day.

Frieda and Robert Levine founded The One-Step Program, a program in cooperation with the NYC Commission on Human Rights to eliminate the barriers of single steps into doctors' offices, restaurants, stores, and office buildings (housing barrier complaints go straight to the Commission). That program is still going on in DIA (see our website – [www.disabledinaction.org](http://www.disabledinaction.org)). Among many other initiatives, Frieda was instrumental in Ferries for ALL and the Taxis For ALL Campaigns and was active in them at the time of her death. Senior issues, healthcare, and housing issues occupied her time, too. She was an active member of the Disabled In Action Singers. Frieda had been president of DIA more than once, and at the time of her death she was Vice President for Legislative Affairs. She volunteered on the CIDNY (Center for Independence of the Disabled in New York) board and the WBAI (Pacifica Radio) board, too, and was very involved in NYSILC (New York State Independent Living Council).



*Reading the ADA Proclamation  
Photo by Philip Bennett*



*Frieda getting a Proclamation from Speaker  
Miller and CM Lopez  
Photo by Philip Bennett*

One of Frieda’s great skills was her ability to bring people together to work on something or simply to have fun. She made so many friends.

We need to turn our grief into action. For Frieda’s sake, our own, and others’, we need to continue the struggle for disability rights. We need to put in One-Step Complaints (go to [www.disabledinaction.org](http://www.disabledinaction.org) to make a complaint). We need to continue to work for accessible ferries and taxis. We need D-SCRIE (senior citizens’ rent increase exemption for people with disabilities) and more accessible housing. We need affordable health care and medications. We need access to healthcare through accessible exam tables and equipment.

Frieda did not give up. She remained optimistic that positive change would happen with time and hard work.



*Frieda telling Speaker Miller, ““We need  
accessible taxis””  
Photo by Philip Bennett*



*Frieda testifying about accessible  
taxis at a TLC hearing  
Photo by Philip Bennett*

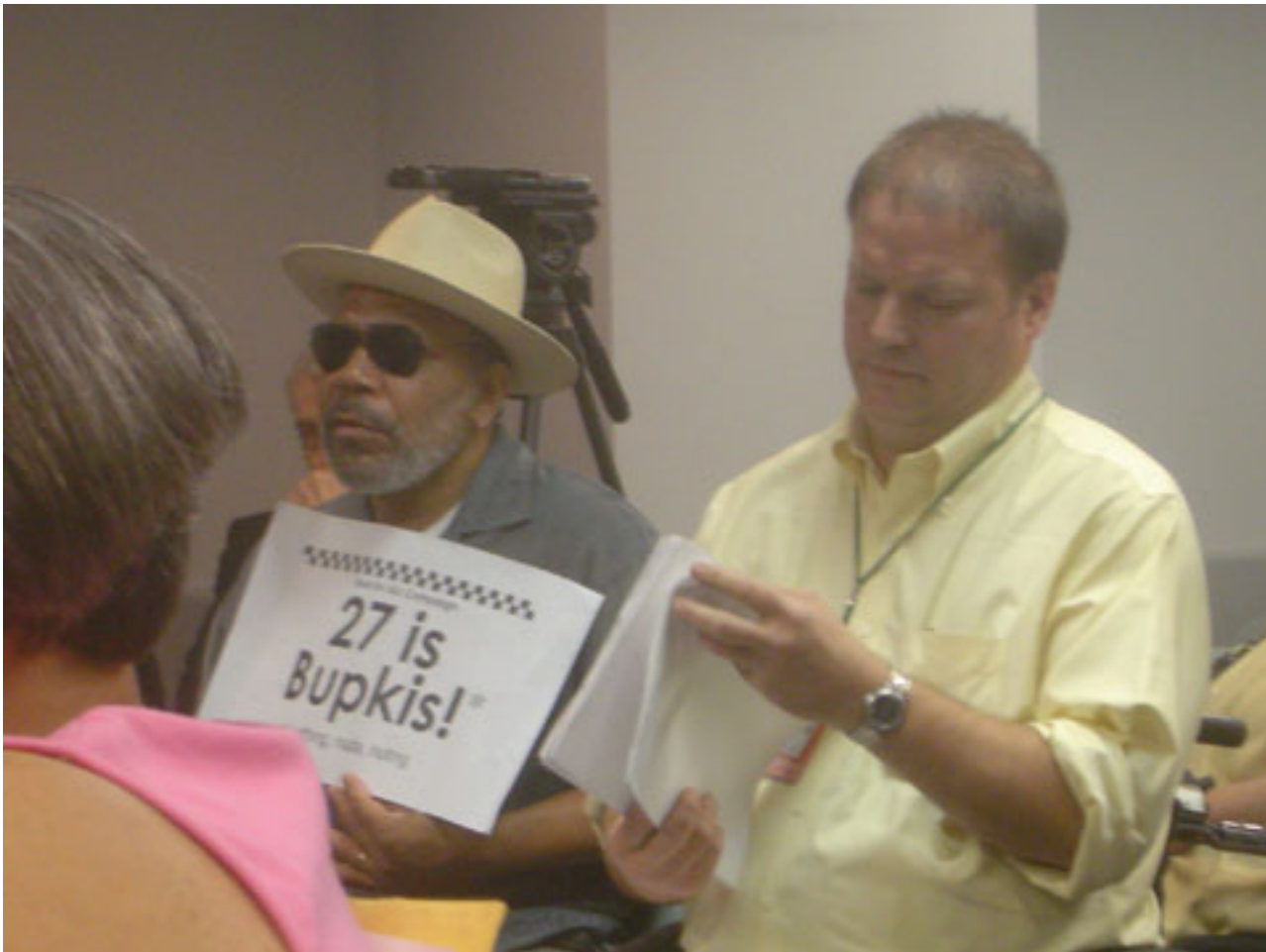
Frieda is survived by her partner of 34 years, Michael Imperiale. Frieda’s sister, Doris, her brother-in-law, Leonard Fleischer, niece Abby Fleischer, and nephew Joseph Fleischer also survive her.

*By Jean Ryan, whom Frieda brought into DIA, welcomed to the newspaper committee, and then in typical fashion soon invited to be editor. Frieda was my mentor in disability rights after I had become disabled later in life. She took me*

*under her wing as she did many others. Frieda brought me to meetings, introduced me to people, and became my friend.*

## **WE WANT 100% ACCESSIBLE TAXIS!**

*by Jean Ryan*



*27 is Bupkis! at August 2004 taxi hearing  
Photo by Philip Bennett*

Taxis For ALL Campaign (TFAC) has been in a state of high gear for well over a year. The TFAC steering committee, headed by Terry Moakley, includes the groups of DIA (Disabled In Action), USA (United Spinal Association), 504 Democratic Club, Disabilities Network of New York City, the MS Society, and CIDNY (Center for the Independence of the Disabled in New York), as well as DIA's lawyer from NYLPI (New York Lawyers for the Public Interest), and a consultant. As of the time of writing of this article (mid-July, 2005), we understand that the accessible taxi bill, Intro. 84, is being revised by Councilmember Margarita Lopez, and we are seeking to have input into the content and wording of the bill.

We agree with Councilmember Margarita Lopez that New York City needs to have a 100% accessible taxi fleet in order for people with disabilities to successfully use cabs which are exclusively a hail system in our city. As of this writing, only 29 cabs out of 12,787 taxis are wheelchair-accessible. They are minivans which have been specially converted to be accessible to wheelchair users. We liken an accessible cab sighting to an Elvis sighting because they are now almost that rare. We seek to have a law which will mandate that all NYC taxicabs, as they wear out and need to be replaced, only be

replaced with accessible vehicles, not sedans like the Crown Victorias.

For more than a year, the Taxis for ALL Campaign has held a weekly conference call to exchange information, plan strategy and divide up work. We have attended meetings with politicians and the taxi industry, we have written letters, and we made many phone calls. In 2004, we met with the Commissioner of the NYC Department of Transportation (DOT), Iris Weinshall, who is also a Commissioner of the Taxi and Limousine Commission, but she did not offer support for our efforts even though many other U.S. cities have accessible cabs and London's entire taxi fleet is wheelchair-accessible. Weinshall serves as special advisor to Mayor Bloomberg on transportation. The TLC's position is that a change to 100% accessibility would be too drastic and should wait until a special taxi vehicle is designed and built. We disagree with these positions as being obstructive to change.



*No Accessible Taxis in 2 Hours!*  
*Photo by Jean Ryan*

We have had 3 roll-ins (two in Manhattan and one in Queens) where we tried to hail a cab at a taxi stand but only saw inaccessible sedans. We spoke up for wheelchair accessibility at a taxi design conference at the New School and testified at Taxi and Limousine Commission (TLC) hearings. One of our posters said, "'27 is Bupkis!'" (Yiddish slang for nothing) because only 27 accessible medallions were going to be offered for sale out of 300 medallions. We even marched in a Queens parade and handed out leaflets about accessible taxis to spectators and urged them to call Speaker Miller about the taxi bill.

At roll-ins and at other times, we give interviews to the press about converting the taxi fleet to wheelchair accessibility. Cable TV news station NY1 has covered the issue, as have some network TV stations and several radio stations, including WBAI and WNYC.



*Group demonstrating at Taxi Roll-In April 2005  
Photo by United Spinal*

““Make taxis accessible for all,”” a NY Daily News editorial demanded in May, 2004 with a similar sentiment in a second editorial. The New York Times published a lengthy overview article on accessible taxis that was largely favorable to our cause. It read, ““The issue with yellow cabs is spontaneity,”” said Edith Prentiss, an advocate for the disabled and a Manhattan resident who uses a motorized wheelchair. ““I don't need to make a plan like I'm invading Europe, which is really what it often feels like.””

We are hopeful that a revised bill which includes 100% conversion of the fleet over time as well as the designation of the upcoming 300 new taxi medallions for accessible vehicles will be presented and passed by the NYC Council in July, 2005 or very soon after. It would be a fitting tribute to Frieda Zames' memory and her struggle for a taxi she could finally get into with her scooter. Ten years ago, she was one of the founding members of the Taxis For ALL Campaign along with Robert Levine and Marvin Wasserman. We want this for Frieda's memory as well as for all New Yorkers and visitors who need accessible taxis. No more delays! No more excuses! No more discrimination! Taxis are a form of mass transit and it is our civil right to use mass transit.

**Note:** On June 30th, 2005, the New York City Council passed a budget which included 1.3 million dollars for taxi conversion. Text of Budget Item for Accessible Taxis:

Taxi and Limousine Commission

Disabled Accessible Taxi \$1,302,000

In an effort to promote and encourage equal accessibility of yellow medallion taxicabs to the disabled public, the Council allocated \$1.3 million in funding to subsidize a Disabled Accessible Taxi program. This initiative would subsidize the cost of converting current yellow taxi medallions to disabled taxicabs by providing a cash grant to current taxi



owners and operators to retrofit and place in service accessible vehicles or by reducing the medallion cost during auction.

## **MTA, Not Going Our Way – June 2005**

*How token booth closings will make the already daunting task of riding the subway even harder for disabled riders*

*by Michael A. Harris*

Over one million people ride the New York City subway system on a daily basis, however many people with disabilities avoid the subways due to concerns over accessibility. Gaps between trains and platforms, elevator breakdowns and a lack of accessible stations serve as deterrents to potential riders. Now the Transit Authority has introduced yet another obstacle for disabled riders; the closing of token booths.

On May 22nd the New York City Transit Authority closed token booths at eight subway stations (including three at accessible stations); by the end of 2005, 81 booths will be shuttered and by the middle of 2006 that number will be up to 158. Transit Authority President Lawrence Reuter says that he would like to see all booths closed within the next two to three years. Rather than progressing towards greater subway accessibility, booth closings are demonstrative of regression on the part of the TA.

Token booth clerks are lifelines for riders with disabilities as they are often needed to buzz disabled riders in and out of stations. Additionally, elevator intercoms, used in emergency situations currently connect to token booths.

The loss of clerks will make the already daunting task of riding the subways even harder. Many disabled riders have been stuck trying to get out at the World Trade Center (E), Canal Street (Southbound 6) and Church Avenue (Southbound 2 & 5) stations, often for extended periods of time. None of those accessible stations have token booths.

Transit Authority spokesman Paul Fleuranges says that disabled riders will not be affected by the closures as none of the eight shuttered token booths are in locations where disabled riders in wheelchairs or scooters enter or leave the subways ““We are very sensitive to their concerns, but at the same token, their concerns aren’t valid,”” he said. Disabled riders beg to differ.

Fleuranges ignores the fact that riders using wheelchairs or scooters are not the only disabled riders who need to use service gates. Riders who use service animals and some people who use walkers, crutches or other mobility aids are able to use stairs and frequently use non-accessible stations, but can’t enter through a regular turnstile and therefore must be buzzed through a service gate.

While none of the eight booths closed so far are at entrances that are accessible to riders in wheelchairs, the closings sets a dangerous precedent. It is a slippery slope, particularly with 150 additional closings already announced and plans in the works to close all booths; it is only a matter of time before they close those at accessible entrances. Upcoming closings at three accessible stations (Penn Station [A, C, E]; World Trade Center [E]; Crown Heights – Utica Avenue [3, 4]) may have a direct impact on riders who use wheelchairs.

So how will service gates be opened to let disabled riders in and out once all booths are closed? According to Fleuranges, “If a customer can only use the service gate, but the agent is not in the fare control area, the customer can contact the full-time booth location by using the passenger intercom.” He admits, however, that at the present time station agents can only open service gates from inside of token booths.

The problem with this is that such intercoms are not available at all stations. Furthermore, intercoms are technological devices and like all technological devices they frequently break down; station agents don’t.

Instead of sitting in the booths, station agents, now re-designated as “*Station Customer Assistants*” or *SCAs* wearing burgundy vests will roam the platforms and provide “personalized assistance to customers.” Disabled riders should be concerned about the ability to locate an SCA when assistance is needed.

Riders who are blind or visually impaired depend on the token booth operators for information that is otherwise only available in the form of maps and posted notices that they can't read. At a recent meeting of the MTA’s New York City Transit Committee, Lynn Zelvin, a blind rider from Manhattan, asked, “What good is someone in a burgundy vest to a blind person?” The response: dead silence.

It is bad enough that less than 9% (50 out of 468) of stations are wheelchair accessible, but now the TA is taking actions that will diminish the ability of disabled riders to use those stations and that is simply inexcusable. We should be progressing toward greater accessibility; instead disabled riders are seeing regression.

Perhaps the MTA should change its slogan from “Going your way” to “Going the wrong way”?

When it comes to subway accessibility that is certainly the direction in which they are headed.

*The author is Campaign Coordinator for the Disabled Riders Coalition.*

**ADDITIONAL CONCERNS ONCE TOKEN BOOTHS ARE CLOSED**

*Other concerns with regards to which the TA has declined comment include:*

- NYCT policy entitles PCAs to ride free of charge when accompanying a disabled rider, however ID must be presented to a station agent and access authorized from inside the booth.
- Persons with disabilities who have a reduced-fare ID , Medicaid Card or Access-A-Ride card and pay full fare are entitled to a free “*Return Trip Slip*”. Such slips are issued out of token booths.
- Many riders with low vision or poor manual dexterity find it difficult or impossible to use MetroCard vending machines. Once booths are closed that will be the only way to purchase MetroCards.
- Station Customer Assistants will be limited in their ability to assist such riders in purchasing MetroCards as union policy prohibits them from handling money or fare cards outside the confines of token booths.
- The closed booths are painted red and have signs indicating that fare cards are not sold there, however such signage is not provided in Braille making it difficult for blind riders to identify such booths.

## **TWO UPCOMING BOOTH CLOSINGS AT ACCESSIBLE STATIONS TO BE PARTICULARLY CONCERNED ABOUT**

**AUGUST 28TH, 2005 - PENN STATION (A, C, E)**

**LIRR CONCOURSE (BOOTH # N068)**

**Reason:** There is no AutoGate (a system which allows riders with a special card to independently open a service gate) at this entrance nor is there an intercom. While the TA says that this is not an accessible entrance (due to a ramp that is slightly too long to meet ADA standards), it is practically accessible and infinitely more convenient than the “accessible entrance” designated by the TA.

**January 29th, 2006 – World Trade Center (E)**

**Church Street & Fulton Street (Booth # N094)**

**Reason:** While this booth is not at the accessible entrance, there is NO BOOTH at the accessible entrance. Thus the elimination of a 24-hour booth at this station should be cause for concern.

**For more information or to request a complete list of upcoming booth closures,**

- Michael A. Harris

## **ACCESSIBLE COMMUTER FERRY BILL PASSED ON JUNE 30, 2005**

On June 30th, after several years of hard work on the part of activists and Councilmember Margarita Lopez, the Accessible Commuter Ferry bill, Intro. 398-A, passed the New York City Council by 50 pass votes to 1 excused vote. Hip, hip, hooray! Frieda Zames worked so hard for this bill, and she died on the day it passed out of the joint Disability and Transportation Committees in the City Council.

The Ferry Bill provides for safe access to slips, piers, docks, floats, gangplanks, and the commuter ferries themselves, as well as to the terminals and the shuttle buses which go to and from some ferries. When the bill takes effect (after Mayor Bloomberg signs it or there is a council over-ride if it is vetoed by the mayor), ferry companies and the NYC Department of Transportation will have until the end of 2008 to make all ferry facilities accessible. Three-fourths of the shuttle buses must be accessible by March 1, 2007, and the rest must be accessible by the end of 2008. Many ferry shuttle buses have not been wheelchair-accessible at all.



*June 20, 2005, Ferries for ALL, with Margarita Lopez after Intro 398A was passed out of committee  
Photo by Donny Vasquez*

This bill is important because commuter ferries are a form of mass transit in New York City and they are not currently covered under the ADA (Americans with

Disabilities Act). As a result, people with disabilities have not been able to reach the ferries because of inaccessible shuttle buses, terminals, piers, floats, docks, slips, or gangplanks, or because the boats themselves are inaccessible. Sometimes there are steps or steep ramps or a huge vertical or horizontal gap between the pier or float and the boat (see photos in December 2002 Activist - <http://www.disabledinaction.org/activist/2002-12/index.html#ferries>).

To see the complete Ferry Bill, go to:

<http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=442522&GUID=DC88B66C-F8A0-4181-A200-6E464B418608&Options=ID%7CText%7C&Search=>

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## **TRANSPORTATION AND HUMAN RIGHTS TESTIMONIES**

*by Edith Prentiss*

DIA members give testimony at City Council hearings, NY State legislative hearings, City agency hearings such as the TLC (Taxi and Limousine Commission), and MTA (Metropolitan Transportation Authority) hearings. Edith Prentiss, a DIA board member, has often given testimony on a variety of issues, including healthcare issues, senior issues, human rights, and transportation issues. Here follows a sampling of her testimonies on transportation and human rights issues.

### **February 24th, 2004 City Council Committee on Transportation, Oversight - Local and express bus service in New York City: What is the responsibility of the MTA and has that responsibility been fulfilled?**

In the most simplistic terms, the MTA's responsibility is to provide equitable service throughout their entire service area with all riders paying the same proportion of the expense. I believe the MTA has failed.

Disabled franchise bus riders receive totally disparate levels of service. For numerous reasons, many elderly and disabled passengers prefer surface transit rather than the subway. The MTA has failed miserably in providing surface riders with service equitable to subway riders.

At a time when more disabled people are using mass transit, reducing the number of wheelchair slots seems stupid. Upper East Side wheelchair users rarely if ever encounter not being able to get on a bus, but those of us at the far terminus of any of those lines have experienced buses that can't pick them up.

Franchise passengers envy our route map/schedule poles. Have they ever read them? Most are illegible, faded or rain damaged. Try reading the schedule on the pole way over your head.

Many times when bus stops are obstructed, drivers don't bother curbing and drop us on the street. We've heard about the NYCT/NYPD pilot program on Lexington photographing and ticketing. We've also seen how efficiently Fifth Ave gets towed weekday afternoons. How about the rest of us?

Sanitation and DOT plows throw snow in curb cuts, along and on sidewalks. No one, not even the MTA, cleans their sidewalks and curb cuts, The MTA cleaned a 12-inch path off the curb cut for people to cross the street. When a bus stop is cleared, it's usually a small area near the pole or in the shelter, not where the back door will open.

Is this any way to run a transit system?

### **February 18th, 2004 - MTA Riders Council Subway Forum**

Before getting to the subway elevator, I usually call the Elevator / Escalator Service Outage line). Why does the tape tells you to press one but then drones on for 68 seconds?, Not being listed on the tape is no guarantee that an elevator will be working, even though the tape says its updated during the day. [Editor: The MTA now says it updates the elevator hotline 4 times a day: 6 a.m., 10 a.m., 3 p.m., and 10 p.m.]

You quickly learn alternate routing, if any. The real problem is when you're stuck in a station where there is no next accessible station.

The agent answering the intercom often has no idea where or how you can exit the system. At one time, the MTA posted paper signs by every elevator that listed an alternate route. It would be helpful if that information could be permanently mounted at the elevator and in the booth. The cuts to the MTA NYC Transit Information Line to 6 AM to 10 PM leaves you without access to information on what bus if any would get you where you're going from 10 PM to 6 AM.

What happened to AutoGates? It seems as if few stations have them. And those that do are often poorly designed so that the agent is unable to see us swiping our card. Some agents insist you wait in line and then we do the swipe the card routine. Then there are the one that eat cards, forget trying to get an autogate card replaced! [ Editor: Call 646-252-4703 to have a card replaced.]

Why does it seem the LIRR & MetroNorth elevators break down less frequently and are repaired faster? Why is the MTA so dependent on elevators? There must be places where a ramp/elevator combination, would be appropriate.

The MTA's publication, Accessible Connection, advises us to board in designated

areas and states that such signs are posted in all accessible stations, but we all know they don't. I never mentioned the gap, which make all travel and transfers problematic. If you use a station often enough, you learn its gaps, ignoring the boarding area. But unknown stations can be a problem. Getting off is easy, just plop down to the platform, but good luck getting on a train. The first hurdle is that the time is against you as you try to enter the train without running over passengers who step in and stop, while you're jumping the gap.

Is this any way to run a subway?

## **August 25th, 2004 - New York City Taxi And Limousine Commission**

Taxis are part of New York City's transit continuum, except for those of us whose chairs or scooters do not fold or who cannot transfer into a cab. At recent meeting, it was said that yellow cabs focus on airport and midtown, both places disabled New Yorkers and visitors go!

As a disabled New Yorker, whose chair does not fold, I am mostly limited to long hours waiting for and riding buses, as every subway trip is fraught with the possibility of getting stuck when elevators break down. Not being able to simply go out onto the street and hail a cab is a major problem. The lack of accessible transit options affects all aspect of our lives, including professional, recreational, religious, and medical.

It is unacceptable that it is close to impossible to travel without advanced planning and sometimes even with advance planning. The solution is a requirement that medallions may only be affixed to accessible vehicles. At the present rate of turnover of cabs, it would rapidly jumpstart an accessible fleet. This would transform New York City from an inaccessible one-option transportation wasteland.

At the same time, it is essential that the Taxi and Limousine Commission (TLC) rigorously enforce the "accessible vehicle rule" in all for hire vehicles and post the information on their web site. There are 12 livery bases in my community, Washington Heights & Inwood. Why do I need to call all 12 when I need a car?

It is ironic that while the TLC drags its feet on accessible cabs, they're mandating credit card machines and put out a RFP (request for proposal) for high tech usage in cabs. They propose GPS (global positioning system) for driver and passenger and text messaging in the back seat. Please, if you need money - stop at the ATM, to figure out where you are - look out the window, if the driver can't figure out where they're going - look in the map book and go back to training, if a passenger needs to text message - use your phone.

Neither Access-A-Ride nor a Ride for All (an accessible car service) are the sole solution to the problem. Like many disabled New Yorkers, I am not registered for AAR, as it did not meet our needs for spontaneous travel. With only 3 or 4 vehicles, it is

unrealistic to expect A Ride for All to be able to fill New York City's need for accessible transportation. Separate but equal is unacceptable in education, so why is it okay when transporting the disabled?

Only by requiring all new medallions and existing medallion replacement only be sold or placed on accessible vehicles and by rigorously enforcing the "accessible vehicle rule" will disabled New Yorkers have transit options as required by law.

## **September 22, 2004, New York City Council Committee on General Welfare - Intro 22 Human Rights Laws**

By passing Intro 22, the Council has the opportunity to make a substantive contribution to redeem the promise of New York City's Human Rights Law. With the exercise of leadership, there is simply no reason why this measure should not become law promptly.

The Human Rights Commission does some work in seeking accommodations for people with disabilities. But there were only 144 accommodation cases reported in the latest Mayor's Management Report for an entire year, in a city where hundreds of thousands of housing units and commercial establishments continue to have barriers to accessibility. No agency is going to be able to go after all violators of the law. It is only if people understand that there are consequences to violating the law that more landlords and businesses will voluntarily make the accommodation that are necessary.

The City Human Rights Law offers a means independent of federal law by which to vindicate the rights of qualified applicants. But it will only work if the law is amended, as is proposed by Intro 22, to require courts to interpret the local law independent of federal law, with a view towards liberally interpreting the statute to accomplish its broad objectives. Intro 22 is designed to make sure that we have the tools necessary to wage an effective fight against discrimination. It should be passed without delay.

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# **ACCESS-A-RIDE ALERT! LATE CANCELLATIONS ARE NOT PUNISHED**

**AAR officials recently said that they do not punish people for late cancellations, but they do send out warning letters and temporarily knock people off the service for having repeated no-shows, although their cut-off is way more than the 7 in six months that they say is their cut-off.**

While this is good news, AAR's policies should be revised to have a 2-hour late



cancellation cut-off and riders should be notified that they will not be punished for late cancellations, which are usually beyond people's control, anyway. Why should disabled people have to plan our days and weeks with military precision. Who lives like that? No one, and we should not have to, either. AAR's practice of saying one thing in print and actually having a more lax policy creates undue stress on AAR riders who are worried about canceling late if our plans change. The current stated policy is that it is a late cancellation if we cancel after 5 p.m. the day before a scheduled ride. This must be changed and riders must be notified.

## **AAR Pick-up Sites Listed**

A frequently updated list of AAR pick-up sites is on the DIA website at [www.disabledinaction.org](http://www.disabledinaction.org). Click on the AAR button on the left. (Or go here: [www.disabledinaction.org/aar.html](http://www.disabledinaction.org/aar.html))

## **Taxi Authorizations and Savings**

Access-a-Ride officials reported that the AAR strike of half the carriers in the spring of 2004 provided an opportunity to test the practice of using taxicabs as supplementary AAR vehicles. In fact, all ambulatory riders were given taxi authorizations instead of a van pick-up and the vans were used exclusively for people, mostly scooter and wheelchair users, who could not take inaccessible taxicabs. This practice meant that some people could not go where they needed to go because they did not have the funds to lay out in advance, before reimbursement. Some people were spending \$400 a week just to go to work by taxi. AAR officials discovered that by authorizing taxis, they were able to order about 20 less vans, and now they authorize taxis more than they used to. Just think of the savings and the convenience if we had a usable amount of wheelchair accessible taxis!

## **AAR reduces turnaround waiting times in another borough and within the same borough**

AAR used to require riders to stay in another borough for up to 2 ½ hours before a return ride could be scheduled. Now riders can return in one hour. We think turnaround time should be reduced to 15 to 30 minutes to be more like fixed transit.

## **Free Travel Training**

Any customer who is eligible for AAR may apply for free travel training to use buses and subways. For more information, contact Michael Levy at 718-393-4148. This includes how to get on (including practice) a bus with a wheelchair or scooter or walker, etc., as well as which routes to take and general tips, especially if your route is complicated. People with any kind of disability can take travel training.

## **Continuing Full Eligibility**

Since September 2004, applicants undergoing certification and customers being

recertified for paratransit service have been considered for a new status – continuing full eligibility. Applicants or customers given this status will not need to be recertified every three years. Instead, customers need only complete a one-page form updating their information.

Continuing full eligibility will be considered for persons who cannot use regular transit bus or subway service under any condition, whose disability is unlikely to improve and/or whose disability is of such severity that successful travel training would be unlikely.

Applicants must participate in an in-person assessment at an assessment center located in their borough and may be required to provide medical documentation that his or her disability is unlikely to improve.

### **AAR Pick-up Window Changed**

AAR changed the window for waiting for AAR to be the exact pick-up time to 30 minutes later. This change has resulted in less confusion and fewer no-shows on the point of the carriers and the customers since everyone knows when the passenger has to be at the pick-up location and when the van can leave (5 minutes after the pick-up time). However, some dishonest dispatchers and drivers lie and say that they were there when they were not or they drive by without stopping. If this happens to you, be sure to call your complaint in to 718-330-3322 and to write a complaint to Paratransit, 2 Broadway, 11th Floor, New York, NY 10004.

### **AAR Will Move to Long Island City**

Access-a-Ride is planning to move to new offices in Long Island City on July 25, 2005. Their toll-free number will remain the same: 877-337-2017. Local number: 718-393-4999. TTY for reservations – 718-393-4149. Their address will be: Access-a-Ride/Paratransit, 33-00 Northern Boulevard, Long Island City, NY 11101.

### **AAR Committee Is Brought Late to Meetings**

It is interesting, sad, and a reflection of the problems with lateness that AAR has, especially in the afternoons, that frequently AAR cannot get paratransit advisory committee members to meetings on time. Members have been brought to the meetings from 15 minutes to 90 minutes late. At a recent meeting, three members were 90 minutes late to a two-hour-long meeting. The MTA seems helpless to control whatever the carriers do. Why?

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# **FEDERAL TRANSIT ADMINISTRATION ISSUES REPORT ON ACCESS-A-RIDE**

*by Jean Ryan*

As a result of DIA's activism in documenting and publicizing the woes of Access-a-Ride (AAR), the City Council hearings, the NY Daily News articles by Greg Smith, and the activism and persistence of many AAR riders, the Federal Transit Administration (FTA) assessed the policies and practices of Access-a-Ride, and issued a report in October 2004. The entire report is available on DIA's website at [www.disabledinaction.org](http://www.disabledinaction.org).

On the whole, the Federal Transit Administration (FTA) found Access-a-Ride (AAR) to be a well-run system, but they picked up on some problems which riders have been complaining about for years, and ongoing reports and negotiations between the FTA and AAR have been and will continue to occur until the issues have been resolved. It is important to note that this report was an assessment, a snapshot at one time, not a deep investigation.

The main body of the report is long, 150 pages, with a list of 17 attachments that were not included in the publicly issued body of the report. The assessment was done on-site in September, 2003 by an independent consultant for the Office of Civil Rights of the FTA, but data was also collected for the six months previous to the onsite visit. The MTA is continuing to give the FTA information in regular reports.

The information obtained might seem to be too old to be relevant now, but the FTA looked at policies and practices of AAR, too, and those affect our AAR experiences even now. Some of the findings have been corrected and some are still waiting for a resolution.

### **Late cancellation and suspension policies**

Perhaps the largest FTA recommendation is that AAR change their late cancellation policy to allow cancellations without penalty up to several hours of the ride. The FTA also recommends that the public should have input on this policy change. The Bay Area (near San Francisco) paratransit system and Chicago paratransit allow cancellations without penalty up to 2 hours before the ride. Changing the cancellation policy would reduce a lot of stress amongst all riders and would still make AAR an efficient service. How many times have we taken an AAR ride when we really did not feel well but we did not want to get penalized for a late cancellation? Too many times to count. And AAR, like all transit agencies, counts on late cancellations to help them keep their schedules.

The FTA also recommended that AAR revise its policy for service suspensions, taking into account the frequency of use of service and the percentage of no-show or late cancellations. Again, the FTA says AAR should obtain public input on this policy revision. It seems that AAR is recommending that the period of time that six no-shows

or late cancellations would be allowed would be shortened from 6 months to 3 months, but it still does not take into account how many times a person rides during that time.

## **Eligibility**

The assessment uncovered an eligibility problem with AAR contractors who were often giving eligibility for a PCA (personal care attendant) only if an applicant could not travel alone. They failed to give eligibility to a PCA if an applicant needed a PCA at the point of origin or destination. The contractors have been instructed to be more inclusive. Several other issues with eligibility, such as stopping the clock during the application process and some unrealistic eligibility categories have been corrected.

## **Service Parameters**

AAR provides service throughout New York City, but AAR does not provide service to portions of Nassau or Westchester Counties that are within  $\frac{3}{4}$  mile of NYCT local bus routes as the ADA requires. Thus, AAR customers have to call both paratransit systems, arrange 2 rides, and pay 2 fares. The FTA recommended changing this policy and including areas which fall within  $\frac{3}{4}$  mile of the bus routes which are outside NYC limits. Some MTA buses go well into Nassau County but AAR does not do that. So far, AAR has been resistant to doing this. Perhaps the answer would be to integrate all the paratransit systems in NYC and the surrounding suburban, metropolitan counties. Getting rides from one paratransit jurisdiction to another is a persistent, difficult, stressful, and often time-consuming undertaking for paratransit riders.

## **Reservations**

The reservationists appeared to be well-trained and phone answering times were satisfactory. A problem that has recurred especially since the FTA assessment has happened when the reservationists apparently don't complete the reservation process properly and we are told we did not make a reservation for the ride we are expecting. This happens even when we go through the confirmation process over the phone. Perhaps an adjustment to the software could be made to greatly minimize this problem because it is disruptive to our lives, it creates undue stress, and it ends up being a form of denial. Anytime we are offered a ride but actually don't get one, it is a denial.

The FTA found that limiting the times riders can book return trips by making them wait an hour or an hour and a half does not provide service that is comparable to fixed route service. The FTA suggests that AAR shorten the turn-around time more than AAR has. Now it is one hour for another borough or the same borough. It used to be 2  $\frac{1}{2}$  hours for another borough and 1  $\frac{1}{2}$  hours for the same borough. Activists are pushing for 15 to

30 minutes turnaround time.

Reservationists only offer one pick-up time and do not negotiate times as the ADA intends. The FTA also does not approve of making customers call back to get a different pick-up time.

## **Dispatch and Command Center**

Customers were rerouted from one person to another and told to call back instead of being able to have one person handle their problem. For example, it took one call to cancel and another call to rebook a trip. The FTA suggests that it be more of a one-call service.

The FTA consultant noticed that command center personnel wasted their own and the carrier dispatcher's time by calling during the window to see what the status of the ride was. This caused too much inefficiency. Riders would disagree with this.

Some dispatchers called customers and told them the vehicle was outside. This implied that they better get out there and board early. The FTA says that customers need to be told they need not board early. We know from experience that drivers often do the same thing and sometimes want to leave if you don't get on the van immediately.

Command center personnel will not let riders call more than an hour before their scheduled pick-up time to say they will be late and will need a later pick-up. The FTA thinks that AAR should allow riders to cancel their ride early and ask for a different pick-up time.

Dispatchers at MV were not on top of things and did not poll drivers often enough.

## **Vehicles**

MV had too many vehicles out of service on some days.

## **Performance**

Taxi Authorizations and black car vouchers -- Black car vouchers and/or taxi authorizations are offered, but only 20% are used. The FTA said, ""This appears to indicate that the vouchers have limited effectiveness in reducing the number of missed and late trips.""

Late pick-ups – The FTA wants AAR to reduce late pick-ups and pick passengers up sooner. This is a continuing problem as the day progresses.

There were “performance issues” with MV on the weekend. The MTA removed MV from weekend service after a long delay of bad service.

AAR does not have a performance standard for drop-offs with an appointment time and the FTA would like them to have one.

The FTA would like AAR to have a better system of back-up or rescue vans so riders do not get stranded for a very long time. The percentage might be small, but a large number of people are affected each day, and it can be traumatic. Editor’s note – This is a long-standing problem for Access-a-Ride and the riders. There is no excuse to make a person wait more than 30 minutes. It is just too difficult.

Long trips – Some trips are too long. What can AAR do to prevent this from happening?

The FTA suggests that dispatchers call all customers who are going to be no-showed before the van leaves.

The FTA found that complaints are not responded to within 60 business days. Editor’s note – Many riders never have their complaints responded to. Some are responded to 9 months later.

The FTA advised AAR to analyze the computer system to identify and eliminate slowdowns or to allow other functions to be performed on the system while run times are being updated.

No Fault No Shows -- (p. 30) “It appears that more than 50% of the trips categorized as No Fault No Shows, or 0.2% of scheduled trips may be missed trips.” This is common anecdotal complaint for riders.

## **Drivers**

Oversight - AAR needs to monitor the adequacy of the driver work force for each carrier and provide assistance, as appropriate, in driver recruitment.

Manifests – Not all drivers understand the difference between estimated time and negotiated pick-up times on the manifest. They need training.

No-shows -- Some drivers leave without talking to their dispatcher first when a customer is a no-show.

Disabled In Action hopes that these kinks can be worked out with the least fuss possible so that Access-a-Ride will be a more reliable, user-friendly service. AAR has improved from where it was five years ago, but it still needs more improvement.

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# **GOOD AND BAD NEWS: DRIE (Disability Rent Increase Exemption) PASSES**

Under newly passed City and State legislation, people with disabilities will now have DRIE, Disability Rent Increase Exemption, but it will only cover incomes up to \$17,000, not \$24,000 like the cut-off seniors have under SCRIE (Senior Citizens Rent Increase Exemption).

It took a huge effort on the part of the housing groups Coalition for the Homeless as well as Tenants and Neighbors, the disability groups of CIDNY (Center for Independence of the Disabled in New York) and Disabled In Action (represented by Frieda Zames and Michael Imperiale). These groups formed the Fair Housing Coalition and worked with Matt Sapolin of the Mayor's Office for People with Disabilities, legislators (especially bill sponsors Scott Stringer and Alexander "Pete" Grannis), and City Councilmember Margarita Lopez to get the DRIE legislation passed.

Next year, we will have to work to have income eligibility parity with seniors, and state legislators have promised to make it a priority. It is arbitrary and unfair that people with disabilities who have low incomes are forced to spend more of their money on rent than seniors do. What makes this particularly galling is that over a period of the next five years, the income limit will be raised from \$24,000 to \$29,000 for seniors!

The legislation applies only to rent-controlled and rent-regulated residents and awaits the Governor's approval before becoming law.

The bill places an income cap tied to the wage limits under the Social Security Income (SSI) benefit. It is estimated that this expanded eligibility will apply to between 15,000 and 20,000 disabled New Yorkers. People with disabilities who receive SSI, SSDI, disability compensation from the United States military, or Medicaid buy-in program within the income limits would be eligible.

Stringer responded: "'It's about time. The City's disabled bear, just as Senior Citizens do, the burden of higher costs of living, especially when it comes to their health. Affording them this benefit is long overdue.'"

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**MACY'S - ONE PERSON CAN MAKE A DIFFERENCE!**

*by Maureen Green*

The next time you think “So, what can I do about it” think about this: One of our DIA members got tired of trying to get around his local Macy’s in Flushing, Queens. So he contacted his council members, the store executives and the Human Rights Commission. He got results. It wasn’t quick and it wasn’t easy but it was worth it.

I joined him and two people from the Human Rights Commission, Bob Tilley and Ted Finkelstein, Director of Project Equal Access, for a tour of the Flushing store. There is now a wheelchair-accessible push-button entrance by the third door closest to Union Street. Upon entering there is a store directory that lists the accessible bathroom and the elevators. The wheelchair insignia is small, the same color as the rest of the sign and difficult to find so they have agreed to replace it with the traditional blue insignia. Directly in front of you above the merchandise with the other store signage is a sign pointing out the elevator.

As we went through the store we found most of the aisles were passable with the exception of the sale racks. They agreed to take a wheelchair and try to go through the sale racks to make sure they were passable. In two departments we found what is a classic problem in all department stores. The management wants to comply with the ADA but the department heads and sales people in an effort to sell more of their merchandise put things in our way. The head of the store agreed to talk to his people about wheelchair access, and Rachael Stern, Associate Counsel of Federated Department Stores (the parent company of Macy’s), who was working with us for all Macy’s stores, agreed to pass the message along.

The Flushing store has two departments that are on sublevels accessible by a small staircase, so they put in a lift. We have to go to the nearest cashier to get the key (this is a problem so they are going to put in a phone that goes to the department). The lift is dangerous and when we pointed this out they agreed to fix it immediately.

The accessible restroom is in the basement and is totally accessible but there are only 3 stalls in the ladies’ room including the accessible stall, so be prepared for a long line. The restroom was very clean.

They are working on their other stores and continuing to work on this one. They are willing to work with us and have invited us to give them a little time and return to this store and visit their other stores.

If you have an access problem with any Macy’s store within New York City, please call Ted Finkelstein of the Commission on Human Rights at 212-306-7330 or e-mail him at [tfinkelstein@cchr.nyc.gov](mailto:tfinkelstein@cchr.nyc.gov). Recently, he got a complaint about a Macy’s store in the Bronx.

The same DIA member had problems accessing merchandise in Modell’s. After a series of meetings, Modell’s agreed to improve access and has hired a disability consultant to survey their stores and come up with solutions to access problems.



# **THE LAWSUIT AGAINST NYC AND GREEN BUS LINES IS SETTLED**

*by Martin J. Coleman*

DIA and several of its individual members entered into a settlement agreement with the City of New York and Green Bus Lines in April of 2005. The agreement was reached less than one year after DIA and its individual members filed a federal lawsuit against the City of New York and Green Bus Lines.

The lawsuit alleged that Green Bus Lines routinely discriminated against DIA members and the plaintiffs by refusing to pick up passengers who use wheelchairs and by operating a fleet of buses that are extremely old and subject to frequent lift breakdowns.

The City of New York was sued because it owned the buses and contracted with Green Bus Lines to provide the fixed route bus service. For about two to three years before the lawsuit, the City of New York also sat on tens of millions of dollars in mass transit monies it obtained from the federal government to buy new buses. Although the City would not admit it, the plaintiffs believed that the City wanted to use the monies to sweeten the deal it wanted to make with the MTA to take over Green Bus Lines and the other private franchise bus lines which also contracted with the City Department of Transportation.

It would be routine for three to four buses to pass by an individual who uses a wheelchair before an accessible bus picked them up. This problem was greatly compounded in bad weather. This problem demoralized riders who used wheelchairs and hurt their ability to get to work, school and to necessary medical treatment.

The agreement provided for a number of changes:

1. Green Bus Lines has begun replacing lifts on a small class of buses built after the effective date of the Americans with Disabilities Act.
2. Green Bus Lines resolved a funding dispute with the City that held back necessary repairs to the buses, including the lifts.
3. Green Bus Lines changed the way it reported lift problems, whether they be from a malfunctioning lift to a refusal by a bus driver to engage the lift or stop the bus for a passenger using a wheelchair.
4. Green Bus Lines hired additional permanent employees to perform repairs on lifts.
5. Green Bus Lines implemented a policy to perform more rigorous inspections

of its lifts.

6. Green Bus Lines served written notice on its bus drivers of stepped up disciplinary actions for unfounded refusals to pick up passengers who use wheelchairs.

The buses that Green operates are so old that these changes may not be able to prevent a substantial number of lifts from failing while in service. One of the reasons for this is that the majority of the buses are 1985 and 1986 GMC buses with lifts that were made at a time when more people used lighter manual wheelchairs. The lifts on these buses break down much more frequently now because they were not designed for the heavier chairs now commonly in use.

Unfortunately, the Americans with Disabilities Act did not require private or public bus companies to buy new buses in order to make their service accessible to riders who use wheelchairs. It merely required them to buy accessible buses when they replaced the buses at the end of their life.

For this reason, the plaintiffs could not use the ADA to force the City or Green Bus Lines to replace the old pre-ADA buses with new buses. The ADA only allowed the plaintiffs to force the City and Green Bus Lines to repair the buses promptly and to replace lifts on the smaller percentage of buses purchased after the effective date of the ADA that had chronic, defective lifts.

This case may have put pressure on the City to move faster with its negotiations to replace Green Bus Lines and the other private franchise lines with the MTA. The City also released for expenditure the millions of dollars to be spent on new buses that it sat on for so long. These buses will take up to two years to make and come into use.

The future looks brighter for Queens County residents who use wheelchairs and ride public buses. Until these new buses come into use there will continue to be inevitable problems due to the age of so many of the buses used by Green Bus Lines and the other private franchise bus lines and due to those bus drivers who are prejudiced and recalcitrant.

*This article was written by Martin J. Coleman, the attorney for DIA and the individual plaintiffs in this case.*

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**CITY HALL IS MORE ACCESSIBLE NOW**

*by Jean Ryan*

After three years of concerted advocacy from Disabled In Action, first with Mayor Bloomberg's staff, and then with Matt Sapolin of the Mayor's Office for People with Disabilities (MOPD) and experts from Eastern Paralyzed Veteran's Association (EPVA, now known as United Spinal Association or USA), City Hall is more accessible to people with disabilities.



*Ramp to City Hall Platform  
Photo by Jean Ryan*

We initially sought five changes:

1. A smooth path from the sidewalk on Park Row and also Broadway to the ramp leading into City Hall.
2. Signage directing people into City Hall after the guard entrance on the Park Row side.
3. A safe, ADA compliant ramp to the platform in front of City Hall (where news conferences are held).
4. Independent access through the door at the foot of the ramp leading into City Hall (i.e. a wider door with an automatic feature).
5. Truly accessible bathrooms in City Hall basement.

More people with disabilities have been participating in Council activities than ever before, partly because of earlier changes in NYC council structure and the advent



four years ago of full committee status for the council Committee on Disability (formally known as Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services) headed by Margarita Lopez. Many issues which affect people with disabilities have come before the council such as accessible ferries, accessible taxis, Access-a-Ride, senior citizen rent increase exemption for people with disabilities (D-SCRIE), other housing concerns, and mental health issues. The advent of the Disabilities Network of New York City several years ago has also helped to create interest in disability policies and legislation, and the Independent Living Centers, especially CIDNY (Center for Independence of the Disabled in New York), have become involved in working for disability rights in legislation.

*New Accessible City Hall Doors*  
*Photo by Jean Ryan*

Now that some of the basic accessibility changes have been made to City Hall, we will be pushing for more changes such as a smooth and independently accessible entrance from the Broadway side of City Hall, ADA-compliant (i.e. safe and low) door saddles to offices and conference rooms, an accessible entrance to the dais in the City Council Hearing Room, and accessible access to the "porch" at the top of City Hall steps. These are not frills. They are necessary if we are to make sure that people with disabilities -- visitors, staff, and councilmembers alike -- participate fully in the governmental process.



*Sign on women's restroom  
Photo by Jean Ryan*

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## **ACCESS BOARD UPDATE: NEW GUIDELINES PUBLISHED UNDER THE ADA AND ABA**

July 23, 2004 - The U.S. Access Board announces the release of new design guidelines that cover access for people with disabilities under the landmark Americans with Disabilities Act (ADA) of 1990. The guidelines update access requirements for a wide range of facilities in the public and private sectors covered by the law. “These guidelines are our guarantee that when a building is built or renovated anywhere in the nation, its doors are wide open to our citizens with disabilities,” noted Jan Tuck, Vice Chair of the Board. It is estimated that 54 million Americans have some type of disability.

The Board's guidelines detail how accessibility is to be achieved in new construction and alterations and provide specifications for various building elements and spaces, including entrances, ramps, parking, restrooms, and telephones, among others. The new design document is the culmination of a comprehensive, decade-long review and update of the Board's ADA Accessibility Guidelines, which were first published in 1991. Revisions have been made so that the guidelines continue to meet the needs of people with disabilities and keep pace with technological innovations. For example, new provisions for ATMs specify audible output so that people with vision impairments are

provided equal access, and reach ranges have been lowered to better serve people who use wheelchairs and persons of short stature. The guidelines also feature a new format and organization and have been extensively edited for greater clarity. “This new version of the guidelines will not only improve access, but will also enhance compliance by making it easier to achieve,” said Tuck.

As part of this update, the Board has made its guidelines more consistent with model building codes, such as the International Building Code (IBC), and industry standards. It coordinated extensively with model code groups and standard-setting bodies throughout the process so that differences could be reconciled. As a result, a historic level of harmonization has been achieved which has brought about improvements to the guidelines as well as to counterpart provisions in the IBC and key industry standards, including those for accessible facilities issued through the American National Standards Institute (ANSI). The Board believes that this achievement will greatly facilitate compliance.

The updated guidelines are based largely on recommendations from an advisory committee the Board established for this purpose. The ADAAG Review Advisory Committee represented a cross section of stakeholders, including representatives from disability groups, the design profession, and building codes organizations. The final version was further shaped by input received from the public, including over 2,500 comments received in response to a previously published draft.

As part of this update, the Board also revised its guidelines for Federal buildings under the Architectural Barriers Act (ABA) of 1968. The ABA requires access to facilities designed, built, altered, or leased with Federal funds. Under the new guidelines, a more consistent level of access is specified under both the ADA and the ABA.

The Board's guidelines serve as the baseline for standards used to enforce the ADA and the ABA. These standards, which are maintained by other Federal agencies, such as the U.S. Department of Justice under the ADA, will be updated according to the new guidelines. It is these standards, not the Board's guidelines, that the public must follow.

Copies of the new ADA and ABA Accessibility Guidelines and other information are available on the Board's website at <http://www.access-board.gov/ada-aba/index.htm> or call 202-272-0080 (voice) or 202-272-0082 (TTY).

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## **TIPS FOR TESTIFYING AT A CITY COUNCIL HEARING**

*by Alena Weller*

Lobbyists, civic and non-profit groups, and everyday citizens can testify at most City

Council hearings. Testimony helps the council members better understand the issue and it becomes part of the official record. The rules are simple: bring 30 copies of your written testimony; arrive a few minutes before the scheduled time; sign in with the Sergeant at Arms; wait your turn; present your view.

However, there are also unspoken rules about what works best. We asked a group of experts at City Hall to give their advice for those who testify at City Council.

“Try to make a human connection, as difficult as that may seem, with the council members.” - Beatrice Lopez, Welfare Rights Initiative, Hunter College.

“Be funny. Keep it simple, short and sweet. Visuals are good” - Allison Wenger, Parks and Recreation

“It's like writing a newspaper story. Try to deal with the major points, who, what, when, and where. You don't want your punch line to be your last line.” - John F. McHugh, Attorney

“The key is to leave them with something. You should express your opinion but be factual about the information you're supplying.” - Beverly Fedorko, New York Shipping Association

“Testifying is important. It's the only time the city gets to hear from the public. Go in, speak your mind, and try to be as clear and concise as possible.” - Rocco D'Angelo, Staff for Councilmember Sears

“Don't read your testimony. The most boring testimony is one that the administration gives and they read it word for word.” - Dan Baylor, ACORN

“If people are not paying attention to you, say it out loud and embarrass them, because they should be listening.” - David Greene, Hudson Guild of Manhattan

“Say whatever you believe in. You can do it as long as you have faith in yourself.” - Giovana Rankin, Family United for Racial Economic Equality

“Don't be concerned if not all the council members are there, as long as the staff stays. The staff is important in helping frame the policy and issues.” - Anita Marton, Legal Action Center

“If the meeting is supposed to start at 10 a.m., it will start no sooner than 10:30. Council members operate under a clock not used by other people. You know how Enron has fuzzy math? Well, we have fuzzy time.” - Councilmember James Oddo

# PERVASIVE DISADVANTAGES

Washington, D.C. June 24, 2004 – Americans with disabilities are at a critical disadvantage compared to other Americans in ten key areas of life, according to the 2004 National Organization on Disability/Harris Survey of Americans with Disabilities, but there is slow progress in the indicators, which Harris has tracked since 1986. Some findings:

- Only 35 percent of people with disabilities reported being employed full or part time, compared to 78 percent of those who do not have disabilities.
- Three times as many live in poverty with annual household incomes below \$15,000 (26 percent versus 9 percent).
- People with disabilities remain twice as likely to drop out of high school (21 percent versus 10 percent).
- They are twice as likely to have inadequate transportation (31 percent versus 13 percent), and a much higher percentage go without needed health care (18 percent versus 7 percent).
- People with disabilities are less likely to socialize, eat out, or attend religious services than their non-disabled counterparts.
- Although 22 percent of employed people with disabilities report encountering job discrimination, this is a dramatic drop from 36 percent four years ago.
- The severity of disability makes a significant difference in all of the gap areas, and people with severe disabilities have much greater disadvantages.

“Progress is too slow, and the gaps are still too large,” said National Organization on Disability President Alan A. Reich, “... Our goal of full participation is a dream deferred. I hope that the findings we are releasing today will inspire legislators, public officials, and the American people to rededicate themselves to this goal. A fifth of Americans have disabilities; everyone knows people with disabilities; and anyone can acquire a disability at any time. Everyone has a stake in these findings.”

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## Moving Right Along

2003 Census Data for Persons with Disabilities 9/04



The United States Census Bureau, in its recently released 2003 American Community Survey (ACS) Data Profile, breaks down “*Disability Status of the Civilian Noninstitutionalized Population*” for every state in the Nation by State, city, county and even census tract for persons 5 years and older. This information is very helpful in local organizing and should be used to convince local/state officials of the need for increased accessible housing, as well as for voting accessibility, employment, transportation services, SSI/SSDI, and other issues. It should be used to ask HUD to increase the percentage of accessible units above the existing 5%. The data is available on the Census's webpage - [www.census.gov](http://www.census.gov), click on American Community Survey, click on 2003 Data Profile, click on you specific state, county and census tract.

**For the entire United States in 2003:**

- Population 5 - 20 years was 63.5 m of whom 4.1 m (6.3 %) had a disability.
- Population 21-64 years 165.2 m of whom 19.9 m (12.0 %) had a disability.
- Population 65 and over 33.9 m of whom 13.5 m (39.9%) had a disability.

Total population 5 and over was 262.6 m of whom 37.5 m (14.3%) had a disability.

Even though the 2003 ACS data did not break down disabilities by either type or condition (this data will be released after September), the 2000 Census did and found 3.6% of the population had a sensory disability involving sight or hearing, 8.2 % with a condition limiting basic physical activities, e.g., walking, climbing stairs, reaching, lifting or carrying, and other 2.6% had difficulty in dressing, bathing or getting around inside the home and 8.6% had difficulty going outside the home to shop or visit a doctor.

The 2003 ACS data did provide an employment breakdown: whereas 77.5 % of the 21 - 64 population without a disability were employed, only 37.8 % of the disabled were employed. (Steve Gold)

## **Hugh Gallagher Dies; Crusaded for People with Disabilities** *by Adam Bernstein*

July 16, 2004 – Adapted from the *Washington Post* -- Hugh G. Gallagher, 71, who died of cancer July 13 at Sibley Memorial Hospital, wrote an early civil rights law affecting the disabled and a praised biography of former president Franklin D. Roosevelt's struggle with polio.

Mr. Gallagher, stricken with polio at age 19, played a major role in the 2001 decision to add a statue of Roosevelt in a wheelchair to the Franklin Delano Roosevelt Memorial in Washington. For years he told reporters, ““Don't let them steal our hero!””

While working as an aide on Capitol Hill, he developed and drafted the language of what became the Architectural Barriers Act of 1968, a lauded precursor to the sweeping Americans With Disabilities Act of 1990. His legislation mandated that buildings funded with federal dollars had to be accessible to the disabled, which many opposed because of expense and aesthetic appeal.

“Hugh's most outstanding contribution to the quality of life of people with disabilities was to successfully place disability rights on Congress' agenda for the first time,” former Senate majority leader Robert J. Dole (R-Kan.) wrote for an event honoring Mr. Gallagher in 1995.

By far his best-known book was “*FDR's Splendid Deception*” (1985), about the president's ability to radiate hope and confidence while living in great physical stress. Many critics hailed the book's unsentimental approach to a long-overlooked aspect of Roosevelt's life. [Editor's Note – This is a great book.]

Mr. Gallagher found that among the 35,000 photographs of Roosevelt at his presidential library, only two featured him in his wheelchair.

## Project Vision - Proyecto Vision

Project Vision - Proyecto Vision is the first bilingual National Technical Assistance Center for U.S. Latinos with disabilities. Latinos with disabilities face higher rates of unemployment and often have less education and, therefore, fewer opportunities than other disabled Americans and non-disabled Latinos. For information, call 1-866-367-5361 or 212-369-2371.

## Hotline for Airline Travelers

It is amazing how often airline personnel tell me I must let them put my small, lightweight wheelchair in the cargo hold by checking it at the gate, but I know from the Air Carriers Access Act (access it by going to [http://www.dlrp.org/html/guide\\_to/aaa.html](http://www.dlrp.org/html/guide_to/aaa.html)) that if I am the first wheelchair user to arrive at the gate, I can fold up my wheelchair and put it in the plane's closet.

Nevertheless, I hear excuses from flight attendants that the crew's luggage and jackets are in the closet or my wheelchair is too heavy (it isn't) or it won't fit (they don't want to try). A wheelchair takes priority over any other stuff in the closet and at least one closet in every new (built after 1990) plane over 100 seats is required to have a closet that fits a wheelchair. I now politely ask to speak to the airline's complaint resolution official (CRO - each airline has to have one at each airport). If that does not work, I can

call the Department of Justice aviation consumer disability hotline at 1-800-778-4838 (voice) or 1-800-455-9880 (TTY).

I have decided that even if asserting my rights mean the plane takes off late, I will persist because recently an airline damaged my wheelchair by putting it in the cargo hold and it would not work when I got it back. When they brought it to me, it had 2 heavy golf bags on top of it and the battery was damaged.

There are many requirements for various disabilities in the Air Carrier Access Act. It pays to know what it says.

## Supermarket Barriers

Did you know it is illegal for a supermarket to lock out a wheelchair user by having a locked gate or some other kind of gate system such as metal stanchions (to keep shopping carts in) which prevents wheelchair users from independently accessing the store. No one should be required to carry a key to get into the store unless everyone has to, and, of course, they do not. If you have a complaint like this, the Human Rights Commission can help. Call Ted Finkelstein at (212) 306-7330 or e-mail him at [tfinkelstein@cchr.nyc.gov](mailto:tfinkelstein@cchr.nyc.gov).

## Supreme Court Rules that ADA Covers Foreign Flag Vessels

In June, 2005, the Supreme Court ruled in a split decision that cruise ships, including those of foreign registry, are covered by the Americans with Disabilities Act (ADA). The case, *Spector v. Norwegian Cruise Line*, involved claims concerning barrier removal and discriminatory policies by a foreign-flag cruise line. The Court ruled that cruise ships fall within the ADA's definitions of "public accommodations" and "specified public transportation." On the question on whether the ADA applies to foreign-flag cruise ships, the ruling opinion upheld coverage of the ADA to the extent that it does not interfere with the internal affairs of a foreign-flag cruise ship. For example, discriminatory practices such as charging passengers with disabilities higher fares and special surcharges would be barred under the ADA since they have no bearing on a ship's internal affairs. Other requirements of the ADA, such as removal of barriers to access where readily achievable, would apply only to the extent that a ship's internal affairs were not affected. The decision notes that barrier removal would not be considered "readily achievable" where it conflicted with international legal obligations or threatened shipboard safety.

The full text of the ruling and dissenting opinions are available on the Supreme Court's website at <http://www.supremecourtus.gov>.

## NYC Has No Plans to Fix Broken Curb Cuts

On August 6, 2004, Shawn Rae, Citywide Director of Pedestrian Ramps for the NYC Department of Transportation (DOT), was interviewed by this paper. She is only in charge of pedestrian ramps (the official name for what are commonly called curb cuts), not sidewalks, and they are only doing new curb cuts right now as a result of the lawsuit settlement a few years ago with EPVA (now known as United Spinal Association). Soon they'll be doing Community Board 2 in the Village. Then Board 1 in lower Manhattan. It's hard to find contractors to do Chinatown and lower Manhattan because of the congestion and because they get so many parking summonses.



*Hole at foot of curb cut  
Photo by Jean Ryan*

When I re-interviewed her in July, 2005, she said that there are no immediate plans to do Board 1 in lower Manhattan because of the World Trade Center construction. She said that 80% of Brooklyn, the Bronx, and Manhattan curb cuts have been done and most that are left are complex (very difficult) ones. Community Board 2 in the West Village was recently done and the undone corners there are mostly complex ones. She said that where there are vaults under the sidewalk, a curb cut may never be made because of the difficulty and the liability issues involved if the vault is damaged. She is hopeful that, with time, improved technology and improved procedures will help to solve the vault problem. Subways under corners can be a problem, too. According to Ms. Rae, a regular ramp costs about \$3,000 and a complex one costs \$15,000 and up.

When the contractors start to make curb cuts, according to Ms. Rae, they are finding that there are many more complex corners than they originally thought there were, and she said United Spinal is agreeing with the DOT that the best way to deal with them is to tweak the process and perhaps put the ramp in a different spot or make an apex ramp (diagonal one). I told her that DIA would reluctantly agree with that, too, but only if it was the difference between no ramp at all or a non-traditional one. It's very, very difficult for blind people and people with low vision, especially wheelchair users with low vision, to safely navigate intersections when the curb cuts can be anywhere. But if there is NO curb cut at all, then a wheelchair user cannot get up onto or off of the block

and must go in the street. The DOT is still identifying contractors to do the complex corners.

In 2005, work will begin in Queens to do simple corners. Staten Island will be the last borough to be done.

I asked when this phase (simple curbs) will be done and Ms. Rae said 2008-2010. She said that a capital project is needed to see which ramps need more asphalt or fixing in some other way. At the present time, because of limited budgets and priority for corners which have no curb cut at all, the City is doing almost nothing about curb cuts that are already made and are defective in some way or where the street is defective such as a hole at the base of the curb cut or when the curb cut is a few inches higher than the street.

In fact, notifications and requests to the DOT to fix a curb cut are met with a form letter from the DOT Borough Commissioners saying that they are not at the present time fixing any curb cuts. We could try calling 311 to report asphalt defects at the base of a curb cut as a pothole. It is difficult to patch a hole in the tar and make it last very long.



*Eroded curb cut  
Photo by Jean Ryan*

We must, as an organization, and as individuals, demand that nonfunctional and dangerous curb cuts, whether it is a problem with the sidewalk, the curb cut, or the street, be fixed in a timely manner. As one who has twice fallen over backwards in my wheelchair on bad curb cuts, I know firsthand what can happen, and I don't want to press my luck with a third one.

## Secretary Mineta Unveils Council's Transportation Report to the President

U.S. Transportation Secretary Norman Y. Mineta, Chair of the Federal Interagency Coordinating Council on Access and Mobility (CCAM), announced in late May 2005, the release of a report to the White House on Human Service Transportation Coordination. The unveiling took place at the annual Community Transportation Association of America (CTAA) Expo. Prepared by the CCAM in response to an Executive Order by the President, the report outlines what it takes to coordinate human

service transportation in order to meet fundamental needs, CCAM member's action plans, and five broad recommendations. CCAM is composed of ten Cabinet-level members from the U.S. Departments of Transportation, Health and Human Services, Education, Labor, Veterans Affairs, Agriculture, Housing and Urban Development, Interior, Justice, as well as the Commissioner of the Social Security Administration, and the Chair of the National Council on Disability.

The National Council on Disability's recommendations outlined in the report are targeted to strengthen existing transportation services to be more cost-effective and accountable, and to help providers be more responsive to people with disabilities, lower incomes, and older adults.

The recommendations address:

1. Coordinated transportation planning
2. Vehicle sharing policies
3. Cost allocation between agencies
4. Mechanisms for reporting and evaluation
5. and, a consolidated access transportation demonstration program.

For a full copy of the report, visit <http://www.unitedweride.gov/>.

## Access Currents

Access Currents is a free newsletter issued by the Access Board every other month by mail and e-mail. To subscribe or to send questions or comments to the Access Board, e-mail them at [news@access-board.gov](mailto:news@access-board.gov) or call (800) 872-2253 ext. 0026 (voice) or (800) 993-2822 (TTY). Mailing address: 1331 F Street, N.W., Suite 1000; Washington, D.C. 20004-1111.

## TSA Posts Updated Tips for Air Travelers with Disabilities

The Transportation Security Administration (TSA), a division within the Department of Homeland Security responsible for protecting the nation's transit system, has posted updated guidance for air travelers, including those with disabilities, on security screening procedures. This information explains the rights of passengers with disabilities and details necessary screening procedures. Guidance is provided concerning different types of disabilities and assistive devices. These tips are posted on TSA's website at <http://www.tsa.gov/public/display?theme=156>

# Disabled New Yorkers Say City Still Hasn't Learned From 9/11

*Adapted from [NY1](#) – July 5, 2005* - There have been so many lessons learned after 9/11, but one group says there are more to learn when it comes to dealing with disabled New Yorkers. Susan Jhun has the details in the latest NY1 For You report.

Roberta Galler has been disabled since she was 10-years-old, and she says she moved to Battery Park City in large part because of its accessibility, something that changed dramatically on September 11, 2001.

Things like finding curb cuts in the streets or an accessible bathroom were hard to find.

Galler was not alone. She was just one of hundreds of disabled New Yorkers that the Center For Independence of the Disabled In New York assisted after 9/11.

CIDNY took experiences of disabled New Yorkers like Galler and compiled a report entitled “*Lessons Learned From the World Trade Center Disaster.*”

The findings in CIDNY's report offer two primary recommendations. “One is to continue working with the broad array of social service agencies and first response agencies to ensure that they try to incorporate into their emergency and evacuation planning specific needs of people with disabilities,” says CIDNY Director of Administration, Sharon Fong. “Another thing that we're trying to do is just to get more social service agencies to train their own staff in disability awareness.”

CIDNY is currently presenting these recommendations to a special advisory task force that's part of the city's Office of Emergency Management.

## Governor Approves Bill for Community-Based Alternative to Nursing Facility Placement

On October 20, 2004, Governor Pataki signed the Nursing Facility Transition and Diversion Waiver Bill (A.11798/S.7715) into law.

The bill authorizes the creation of a Medicaid Waiver program serving Medicaid recipients over 18 years old who are eligible for nursing facility placement. Essentially the waiver will allow enrolled individuals the flexibility to use funding that would previously have been restricted to nursing facility care for in-home services.

“We're thrilled that the Governor signed this bill,” remarked Bruce Darling of the

Center for Disability Rights and an organizer with New York State ADAPT.

Advocates for seniors and people with disabilities have been working for nearly five years to move New York State forward in offering the types of community-based services that will be made possible by this Medicaid waiver.

Based on a previous Medicaid waiver for individuals with traumatic brain injuries, the new waiver could potentially save state taxpayers \$96 million annually.

Advocates worked closely with Senator Meier (R - Utica), co-chair of the Senate's Medicaid Reform Task Force, to develop the legislation, which was passed unanimously in both the NYS Senate and Assembly. Assemblyman Kevin Cahill (D - Ulster), the Center for Disability Rights, and the Resource Center for Independent Living were also involved in getting this bill passed.

## Study to Keep Medicare Costs Down

The Centers for Medicare and Medicaid Services (CMS) will launch a new demonstration project in 2005 to try to determine how to keep costs down for the Medicare consumers costing the system the most. "Care Management for High-Cost Beneficiaries," a three-year program stipulated in last year's Medicare overhaul law, targets the 15 percent of older adults and people with disabilities who, according to CMS, account for 75 percent of Medicare expenditures. While CMS Administrator Mark McClellan and others are optimistic about this demonstration, the solutions it may generate have not been explicitly articulated. (MEDICARE WATCH, Medicare Rights Center Vol. 7, No. 19: October 6, 2004)

## President Signs Assistive Technology Act, A Victory for Millions of People with Disabilities Who Strive for Independence

October 26, 2004 - (Washington, DC) President Bush yesterday signed the Assistive Technology Act of 2004, which will ensure that millions of people with disabilities have access to the technology they need to help them be independent in school, at home, the workplace and in the community. Every state and US territory has an Assistive Technology Act Program (AT Program) funded under the provisions of the Technology-Related Assistance Act of 1988. Legislation supporting the State AT Programs was scheduled to sunset on September 30, 2004. The AT Act of 2004 supports the continuance of State AT Programs and eliminates the sunset provision.



# Online Conversion Tools for Adobe PDF Documents

This website was designed to help visually impaired users by converting Adobe Portable Document Format (PDF) files into HTML or ASCII text.

There are two easy ways to do this. The reader can either cut and paste a link into the online form, or submit it via email.

To access the conversion tool, use the following link:

[http://www.adobe.com/products/acrobat/access\\_onlinetools.html](http://www.adobe.com/products/acrobat/access_onlinetools.html)

## Consumer-Directed Health Care: How Well Does It Work?

This report provides extensive recommendations for policy, program, and research initiatives regarding the interaction of consumer-directed health care and the needs of individuals with disabilities. “Taken as a whole, these recommendations imply a major shift in the way government, private agencies, and even to some extent consumer organizations think about organizing and locating, and managing health care for people with disabilities.”

Full Report:

National Council on Disability, Consumer-Directed Health Care: How Well Does It Work? (Oct. 26, 2004).

HTML Version:

<http://www.ncd.gov/newsroom/publications/2004/consumerdirected.htm>

PDF Version:

<http://www.ncd.gov/newsroom/publications/2004/pdf/consumerdirected.pdf>

A print version or alternative format versions are available by calling 202-272-2004.

## Justice Department Announces Resolution of Lawsuit with Regal Entertainment Group

On June 8, 2005, the Justice Department announced the resolution of a lawsuit with Regal Entertainment Group filed under the Americans with Disabilities Act. The lawsuit challenged the construction of stadium-style movie theaters that fail to provide persons

who use wheelchair seating and line of sight comparable to that of the general public. Regal, the largest movie theater chain in the country with 3,500 screens, agreed to place wheelchair seating near the middle of the auditorium in all future construction, and to make changes to nearly 1000 existing stadium-style theaters by moving wheelchair seating further back from the screen.

## “"Face"” Phone Helps Hearing Impaired

A new device is currently in development that will help individuals with hearing impairments, particularly those who lip read, to communicate over the phone.

The device resembles a laptop computer and uses speech recognition software to relay the conversation to the display where a digitized face will speak the words, enabling the user to read the lips.

The following quotation reveals one of the reasons behind this new technology: “"This technology helps confirm what they thought they were hearing. When a person loses their hearing one of the things that suffers is their confidence in making telephone calls."”

While there are some similar technologies currently on the market, such as video phones, this new device offers a dramatic advantage: only the user has to have one, whereas with video phones, both parties need to have a compatible device.

To read more about the device, as well as see a picture detailing what the device looks like, use the following link:

<http://www.cnn.com/2005/TECH/03/17/spark.lipread/index.html>

## Change Happens with the One-Step Program

Is there a store, medical office, museum, haircutter, restaurant, deli, bank, theater, or other public place you'd like to be able to get into but can't because there is a step? Don't just kvetch about it. Do something! Fill out an easy One-Step form which is available in two ways on the DIA website at [www.disabledinaction.org](http://www.disabledinaction.org). You can print it out and mail it in (details on our website) or you can fill the complaint out right on our website in a secure form - no stamps or envelopes required. If you don't have a computer and you want to have One-Step forms sent to you, call the DIA telephone number at 718-261-3737 and leave a message (with your name and address) asking to have the One-Step form sent to you. Irma Shore of DIA administers the One-Step program in conjunction with the Human Rights Commission. Irma says, “"For many years, DIA has been helping New Yorkers gain access to establishments in their neighborhoods and

across the City. How many times have we wanted to go into a building and have been stopped by just one step?"

## Study Links Low Caregiver Pay & Poor Benefits to Abuse of Consumers

According to *Violence and Abuse against People with Disabilities: Experiences, barriers and prevention strategies*. "a report by Laurie E. Powers and Mary Oschwald from the Center on Self-Determination Oregon Institute on Disability and Development. They found the leading ways to stop abuse of people with disabilities by personal assistance services (PAS) workers to encourage individuals to have multiple personal assistance service providers; Make back-up emergency personal assistance providers available to all individuals with disabilities who use PAS (paid / unpaid, family member / friend / formal provider); Allow individuals to choose who provides their personal assistance services; and Make it possible for individuals to pay their personal assistance providers at a competitive wage and to offer benefits."

To download the paper, go to:

<http://www.directcareclearinghouse.org/download/AbuseandViolenceBrief%203-7-04.pdf>

## *Murderball* Movie about Quad Rugby

MURDERBALL, winner of the Documentary Audience Award and a Special Jury Prize for Editing at the 2005 Sundance Film Festival, is a film about tough, highly competitive rugby players. Quadriplegic rugby players. Whether by car wreck, fist fight, gun shot, or rogue bacteria, these men have been forced to live life sitting down. In their own version of the full-contact sport, they battle each other in custom-made gladiator-like wheelchairs, pursuing gold medals and proving to themselves and to anyone who sees them in action that there is life after disability. The movie opened in NYC on July 8, 2005, and nationally later in the month. See [www.murderballmovie.com](http://www.murderballmovie.com)

## MOMA Accessibility

Recently MOMA (Museum of Modern Art) had a huge expansion and renovation, but they did not alter their auditorium where movies are shown. After the NYC Commission on Human Rights received two complaints, MOMA officials made some

wheelchair spaces in the auditorium and renovated the restrooms to be wheelchair accessible.

## Paul Reiss Dies

*by Philip Bennett and Jean Ryan*

Paul Reiss died on June 29, 2005, and a service was held for him on July 13th at Selis Manor. Paul was born severely deformed to conservative parents who didn't want, or have the means, to deal with so imperfect a son. Paul, who had arthrogryposis (a muscle disorder that causes multiple joint contractures at birth), was raised since infancy in a series of institutions. His parents kept him isolated from real human kindness, even refusing to allow other families a chance to adopt him. Paul learned early how to use the little he had, to make himself more helpless than he really was so workers would spend more time with him.

Paul knew at an early age he had to read, write and do math, so he found visitors who'd bring him books and slowly taught himself. He managed to learn academics and get his GED. Eventually, at age 22 he found housing, personal assistant service and a power chair welded in a bicycle shop to fit his body. Then he signed himself out of the last institution and entered the world. He tried college and acting but it did not work out. Paul had problematic relationships with people. He had learned how to live in an institution but he could not function well in the real world. His health started to fail in 2002 and, although he fought hard to live and tried to change his ways, he lost his struggle.

The official attitude that a public facility is better than one's own home must be wiped out. We must stop telling the parents of severely disabled babies that their children are always better off raised by the state. Families must have the support they need and not be torn apart.

## Technology Helps Blind, Learning Disabled Students Read at Eastern Michigan

Eastern Michigan University is using a new device called E-text to help people translate books and other text based materials into Braille. This device can convert a written test into an audio format and can take a 100 page book and turn it into Braille in 15 minutes.

<http://www.detnews.com/2004/schools/0410/10/schools-298260.htm>

# New Standard Expected to Help Students Who Are Blind, Print-Disabled

Beginning in July 2004, a new voluntary standardized format for electronic files for textbooks was agreed to so that students with blindness, low vision and print disabilities could gain improved access to textbooks. The event was co-sponsored by the Departments of Commerce and Education in Washington, D.C.

When textbooks and classroom materials are produced using this voluntary standard, they will be in a standard electronic format that can be adapted to products ranging from Braille editions of textbooks to on-screen displays of text and graphics. In past years, the lack of a standardized format meant that publishers had to produce materials in multiple formats - often causing delays that meant students with disabilities did not receive their textbooks in time for the beginning of the school year. The Department of Education will fund two centers to support further development and assist states with implementing the voluntary standard, thus improving academic results for students with disabilities.

For more information on the National Instructional Materials Accessibility Standard, please visit:

<http://www.cast.org/NCAC/NFF>

Students with disabilities from the City University of New York (CUNY) have been working with officials to work out the kinks.

## Book – The Lives of Dwarfs

*The Lives of Dwarfs: Their Journey from Public Curiosity toward Social Liberation*, by Betty M. Adelson, Ph.D. ([bettyadelson@hotmail.com](mailto:bettyadelson@hotmail.com)), was just published by Rutgers University Press.

The book is a social history of persons with dwarfism, chronicling their lives from ancient Egypt to the present day, with special attention given their appearance in the arts. It describes the group's ongoing struggle to cope with ridicule, as well as the lives of ordinary and eminent individuals throughout history. The Library Journal has called this book "perhaps the definitive study of the subject. Beautifully written. Totally absorbing."

# Audible Beeping at Two 23rd Street Crosswalks

*by Adam Nichols and Pete Donohue*

July 9, 2004 - *NY Daily News* - If you hear voices at the corner of Sixth Ave. and 23rd St., and no one is standing nearby, you may not be losing your marbles. In a pilot program aimed at increasing pedestrian safety, the Department of Transportation recently installed a high-tech audio system on two corner lampposts that tells pedestrians to "wait...wait...wait" while traffic is flowing on the avenue.

Then, when the traffic light turns red, a computerized voice from the boxes shouts, "Sixth Ave., walk sign is on to cross Sixth Ave."

The boxes beep until the voices are activated by pressing a button.

"I had no idea what it was," Russ Lawrence of Murray Hill said. "I heard the robotic beeping and thought it was a Geiger counter. I thought I was radioactive."

The sound systems were installed at the intersection because it's near Visions Services for the Blind at Selis Manor - a community service center and residence for the visually impaired, DOT spokesman Tom Cocola said.

The talking signals are helpful but the DOT should turn up the volume, said Hava Weiss, the center's volunteer coordinator.

"A lot of our clients are also hearing-impaired, and they say they can't hear the voice," she said. "This could be a great thing for them, but it needs to be louder."

There are five other intersections in the city that give audible alerts - buzzing noises or even birdlike chirping signaling the all clear to cross. But this is the first intersection that talks, Cocola said.

The DOT may place the talking boxes at other crossroads near senior centers or other facilities used by the visually impaired, Cocola said.

## Major Time Warner Cable Stations to Carry Public Service Announcements

A DIA member has worked to get 30-second public service announcements on the topics of not blocking wheelchair accessible parking spaces or curb cuts (pedestrian ramps). The announcements will reach up to 10 million people and will be shown statewide in mid-fall on major stations which Time-Warner carries.

**Note from Edith Prentiss** -- The Medicare wait is a major issue in the disability community, along with the fact that New York State's EPIC program, a program to assist seniors with purchasing medications, excludes the under 65. Until now, NYS has also left those of us under 62 out of the SCRIE (Senior Citizen Rent Increase Exemption) program but includes disabled home owners and cooperators.

## Report Recommends Eliminating Medicare Waiting Period for Disabled Beneficiaries

New York City, October 18, 2004 — Some of the most medically needy individuals in our society—uninsured disabled adults—are further challenged in obtaining needed health care by Medicare's two-year waiting period for the disabled, says a new report, *Waiting for Medicare: Experiences of Uninsured People with Disabilities in the Two-Year Waiting Period for Medicare* from The Commonwealth Fund and the Christopher Reeve Paralysis Foundation. There is no waiting period for a 65-year-old Medicare beneficiary. The report recommends that the waiting period for people with disabilities be eliminated and that coverage begin when a person is determined to have a serious disability and qualifies for SSDI.

An estimated one-third of the 1.2 million disabled Americans currently in the waiting period for Medicare lack health insurance. Nearly half have incomes below the federal poverty line, often because their disability leaves them unable to work. Many can't obtain care that could help them better manage their conditions, remain healthy and possibly work. See the report at [www.cmwf.org](http://www.cmwf.org).