

DIA ACTIVIST

October 2003

ACCESSIBLE TAXIS AND CAR SERVICES NOW!

by Jean Ryan



July 23rd Accessible Taxis Press Conference

Photo by Karl Crutchfield

New York City desperately needs wheelchair-accessible taxis and car services if it is to truly be a modern, workable city. Buses and Access-A-Ride are not adequate for all the demand, especially at night, or when we are in a hurry, when we unexpectedly have to go somewhere, when Access-A-Ride doesn't show up, when our scooter breaks down, and when we need to go to another borough. London has figured out a way to have 100% wheelchair-accessible taxis, and we can, too.

The Bloomberg administration's plan to have 81 accessible taxis (out of the 900 new medallions to be offered) is unacceptable because we don't need a "start," we need access, and we need it now. The eighty-one number could be less because of a loophole allowing for the medallion price to dictate compliance with access. There is no plan, none, for further access. That would mean that we'd have the 81 plus the 5 currently accessible taxis out of almost 14,000 taxis on the street. Have you ever seen an accessible taxi here? I haven't.

What is the alternative?

Councilmember Margarita Lopez, the dynamic chair of the Committee on Disability, has introduced Intro 531 which has 3 key provisions:

- All 900 new taxi medallions have to be wheelchair-accessible with no loopholes on medallion price.
- Every taxi that is retired must be replaced with a wheelchair-accessible vehicle.
- When a medallion is sold, it must be used for a wheelchair-accessible vehicle.

This is a way for the NYC taxi fleet to become truly accessible within about five years, but it will never happen unless each and every one of us calls, writes, and meets with our councilmembers to tell them that we want them to co-sponsor Intro 531 with Margarita Lopez. To find your councilmember, call **212-213-5286** or go to www.lwvnyc.org/TRY_find.html.

You don't have to be an expert or a wheelchair user to lobby your councilmember. Your 60,000-plus wheelchair-using colleagues, friends and relatives need accessible taxis. Tourists need accessible taxis. We need to have a workable fleet of accessible taxis if we are to get the Olympics in 2012. Right after the Olympics is the Paralympics. Are we going to say to the contestants and their families that they have to take a bus everywhere, even inter-borough, that they can't quickly get to a Broadway show or a museum? We want to go to these events by taxi, too.

But we all know that taxis mainly operate in Manhattan. The rest of New Yorkers in other boroughs use car services that we call to come pick us up. Currently not one car service vehicle is wheelchair-accessible! John Liu, the chair of the Transportation Committee in the City Council, aims to remedy that and he is proposing a bill that will require car service bases to have at least one wheelchair-accessible vehicle. We want more, depending on the size of the fleet. We definitely do not want the alternative of only one car service base that would try to provide wheelchair-accessible service all over the city. The availability of cars would be too limited, and we don't want it to turn into Access-A-Ride, Junior. However, some 100% wheelchair-accessible car services might be popular because wheelchair users all over the City are desperate for a reliable way to get to the airport, go to a job, go to the doctor, go out at night, or get a ride when our scooter or wheelchair malfunctions, all the reasons that everyone else rides, too.

The Taxis for All Campaign and DIA urge you to contact your councilmember today.

Fuhgeddaboutit! Symphony Accessible Black Car Service Is an Abysmal Failure

The Symphony accessible black car service that we wrote about in our last issue finally got off the ground, months later than it was supposed to. People would call up and ask for a ride and would be told that no driver was available. After begging and trying to get to the right person, we were sometimes able to arrange for a ride for another day, but not in a timely fashion like other people take black cars. It was very expensive, too, and some of the drivers did not know where they were going. They did not arrive on time, either. Now, Symphony has been unavailable for all of August and September because they say they are using their cars for another purpose, whatever that might be. Is this what the TLC means when they say they will solve the easiest part of the problem first?

All Accessible Car Service to Start

In September, the NYC Council approved Local Law 555 to approve A Ride for All LLC for a license to operate a base station for an all-accessible car service at 41-10 24th Street in the borough

of Queens. It is expected that A Ride For All will be up and running in late October. It will start with 3 vehicles.

ACCESS-A-RIDE - RESTRUCTURE IT!

by Jean Ryan



Revamp Access-A-Ride Now

Photo by Philip Bennett

How long must extensive and serious problems go on with Access-A-Ride before the MTA gets the message that they have to:

1. Realize that AAR needs to be a good service
2. Accept the fact that the MTA has to run all aspects the service in order to have reliability and accountability
3. Appoint a VP of Paratransit who is committed to running a good system and who is not going to retire soon
4. Stop blaming people with disabilities for the poor service
5. Have pay parity for AAR drivers and bus drivers, and
6. Improve all aspects of the service.

Access-A-Ride, NYC's paratransit system for people with disabilities who cannot use the fixed-route system, has huge problems. They claim to provide 8,000 rides a day, but they merely schedule 8,000 rides a day. Many people end up not getting a ride at all because the van never shows up or it shows up so late that it's too late to leave or the would-be rider has managed to travel another way.

How do people travel another way? Ask Ilsa Lee, a DIA member who had a hard time getting to an AAR van in lower Manhattan because of street construction and was refused a ride when she knocked on the van door (even though that driver came to pick her up). The driver said he would

not pick her up because his dispatcher already said he could leave, and he did just that, leaving Ms. Lee without a way home from lower Manhattan to St. Albans, Queens. Refused her ride, Ms. Lee tried to walk down the subway steps by hanging onto the railing (no elevator in the station) but her wheelchair fell out of her home attendant's arms and broke. One subway train, 100 stairs, a bus, and hours later, they managed to get home, but Ms. Lee's condition was made permanently worse from the extreme effort. Ms. Lee is not the only person who has been refused a ride by a driver who is there.



We March to the Human Rights Commission

Photo by Philip Bennett

Another AAR rider who is afraid of retaliation is often owed hundreds of dollars in reimbursement for cab fares because her van regularly does not pick her up from work. She is one of many working people whose vans are so late all the time or do not show up at all. She can wait over an hour or spend her own money for a cab and wait to be reimbursed months later. She gets off work at 5:30 and routinely gets home at 8 p.m. because she is picked up late and gets driven all around Brooklyn and Queens on her way home. Why does she have to put up with shoddy service? Why can't AAR get their act together in the afternoon? [After complaining for way more than a year, she has gotten better service coming home, but like most improvements with AAR, it is probably temporary.]

Any doctor can tell you about Access-A-Ride because they see their patients waiting for hours to be picked up, and their office staff help people look for the vans, make calls, and figure out a possible alternate when the van doesn't show up. Some doctors have kept their office open for as long as five extra hours until their patients were finally picked up by Access-A-Ride.

Many people with visual disabilities are not picked up by Access-A-Ride even though they are at the correct spot at the correct time. Drivers are supposed to get out and find riders who are waiting on the sidewalk, but often riders with visual impairments are bypassed and thus are left without transportation and they are blamed and chastised by the command center personnel for missing their ride. This has got to stop.

It seems that AAR has a secret voucher system to provide car rides (through a livery company),

but why have they never notified any riders about it in writing or give vouchers when requested? It's catch-as-catch-can for anyone who tries to get a voucher ride, assuming they know about it and are ambulatory. Wheelchair users need not bother to ask because apparently there are no wheelchair-accessible voucher services. One rider was told that she could not get a voucher because Dennis Erkus, MTA Command Center Officer at 2 Broadway, was not around to give his okay. Doesn't he delegate responsibility?

If you've been reading the *New York Daily News*, you'll know that there have been at least eight big, well-written articles about Access-A-Ride scandals by investigative reporter, Greg B. Smith. More articles are forthcoming. Mr. Smith has uncovered mob ties in RJR, the carrier for Staten Island, yet the Transit Authority continues to use RJR. Why is that company still working with the MTA? What does it take for the MTA to finally get its act together?



Vans Are Unsafe

Photo by Philip Bennett

Let's clear up some myths about Access-A-Ride. Some say it is a federally funded program. The federal government does fund a small part of AAR, and the City funds part of it, too. Rider's fares also help. But the largest majority of the funds to run AAR come out of the regular MTA budget. AAR is a federally mandated service more than a federally funded service.

People say that there are a lot of people on AAR who should not be riding paratransit. Everyone who rides on AAR has to fill out an application. Many people are sent for face-to-face interviews before they are approved. The eligibility unit of AAR determines who gets accepted to the program. Who are we to judge who needs AAR? People can have invisible diseases that do not show like heart disease, emphysema, epilepsy, cancer, a neurological disease. The subways are inaccessible because of lack of elevators, nonworking elevators, and the vertical and horizontal gaps between the platform and the train. Even if the trains were accessible, many ambulatory people with disabilities could not walk to the train station, stand and wait, and then stand on the train while it is moving.

But subways are the main way that New Yorkers go long distances, especially borough to borough! That puts us in a catch-22. We do not want to risk our lives trying to take the subway and there aren't many buses that go from borough to borough, and the ones that exist are only in some neighborhoods. Thus, we are forced to take Access-A-Ride.



No More Stress-a-ride

Photo by Philip Bennett

We've had press conferences with politicians and we marched to the Human Rights Commission to complain on March 13, 2003. Disabled In Action along with concerned politicians and people from other organizations will not give up. We are in this until we have good paratransit service and accessible transportation throughout New York City. Transportation for people with disabilities must be reliable!

The Office of Civil Rights of the Federal Transit Administration is going to conduct an assessment, more like an evaluation than an investigation, of Access-A-Ride in September 2003. We are keeping our fingers crossed that their findings will lead to lasting and significant improvement.



Children Can TOO Ride Access-A-Ride

Photo by Philip Bennett



Waiting to File a Complaint at the HRC

Photo by Philip Bennett



Human Rights Commission 3-13-03

Photo by Philip Bennett



No More Zig-Zags

Photo by Philip Bennett

ACCESS-A-MESS 1 *by Ricardo Maxwell*

ACCESS-A-MESS, oh yes!
You might not be the best,
Right now you're the only game in town,

So we'll put you through the test.

If you want to tour the town real cheap
ACCESS-A-MESS can't be beat.

If you want to see all 5 boroughs
And get a little sun,
ACCESS-A-MESS is the one!

If you have a valid driver's license
Come on down we'll give you a bus.
You really don't have to give a crap about the passengers
Helping them out is not a must.

Some drivers just lie to the dispatchers
And say you are a no show,
While some good drivers just call you up.
They simply say, "'We're here, let's go!'"

Some drivers, not all, do all they can
To get us there safe and as fast as they can.
Some drivers don't want to help you.
They have nothing pleasant to say.

Those are here for one reason, that's PAYDAY!
Some drivers, they know who they are, they want to get us there safe and sound
These certain ones strive to do their best
They say, "'TO HELL WITH THE MANIFEST!'"

Most times the trip schedulers are NITWITS!
When only allowing five minutes to point A to point B.
This is only a bus traveling busy city streets
Remember, this ain't no Concord, you see!

How did those out-of-town schedulers
Determine how we get around?
They have no idea what's going on here
In our town!

I'm not finished, just check your complaints
I speak for many others who have something to say
You need to get your act together, clean your house
We want to help; we are your payday!

If you ever want or yearn for that quiet killer called stress,
Just pick up your phone, ask for ACCESS-A-MESS.
Now finally the FEDS have joined our tough fight,
We can just hope that things will be all right.

If the MTA wants to clean up this mess
They better look around for Elliot Ness.



Access-A-Ride: Flawed and Mismanaged

Photo by Philip Bennett

HOUSING ISSUES FOR THE DISABILITY POPULATION

by Frieda Zames

Although many New York City residents are hurt by the scarcity of affordable housing, for those people with disabilities who need accessibility also, the problem is compounded. In the next few years, the demand for affordable and accessible housing will increase.

Mayor Bloomberg's recent announcement that he will be building 60,000 units of housing, many of them affordable, should provide some portion of the housing needed for people with disabilities. New York State codes require that all these units be adaptable, which means that a person with a disability, such as a wheelchair user, can make the unit completely accessible fairly easily and inexpensively. Many of these units can provide accessible housing for people with disabilities, some of whom may be coming out of nursing homes. The disability community must make sure that these units, in compliance with the law, are adaptable and that a significant number go to people with disabilities.

The US Supreme Court ruling, the Olmstead decision, mandates that people trapped in nursing homes against their will have the right to live in the community if they are able. The nursing home has the responsibility to provide these released inmates with the services and supports they need as well as appropriate housing. Each state must set-up a process to ensure compliance with Olmstead that satisfies the federal government.

In addition to the availability of new housing for people with disabilities, it is essential that

disabled residents be able to afford to remain in their apartments. The Senior Citizen Rent Increase Exemption (SCRIE) allows people on limited incomes who are 62 and over living in rental and Mitchell Lama housing to remain in their own homes because the rent increases are paid by NYC government.

Extending SCRIE to people with disabilities under 62 would enable many of them on limited incomes to stay in their own homes. In fact, SCRIE would ultimately save city and state governments money because the cost of nursing homes and shelters is dramatically more expensive.

During the Mayoral campaign, Bloomberg promised that he would support SCRIE for people with disabilities. Now he is reneging on his pledge because of the city's budget problem. The disability community must conduct a SCRIE campaign, first targeting Mayor Bloomberg to get him to recognize the seriousness of the problem.

A little known fact is that disabled residents can file complaints for reasonable accommodations in housing with the NYC Commission on Human Rights for the following:

1. access in and out of your apartment building or house
2. access to public areas within your residence
3. interior apartment accommodation (does not include cooperatives)
4. parking rights
5. modification of rules such as the right to have a guide dog or service animal

If you have any questions about your rights in the NYC Commission on Human Rights, call Ted Finkelstein at **212-306-7450** or email <tfinkelstein@cchr.nyc.gov>. If you want to file a formal complaint, call **212-306-7450**. Finally, if the Commission hasn't worked for you, call Olga at DIA at **718-261-3737** or call me at **212-260-0423**.

Lack of Transportation for People with Disabilities

August 2003 - WASHINGTON - The National Council on Disability (NCD) today released an excerpt from its annual report, National Disability Policy: A Progress Report, which highlights a number of issues related to transportation, including barriers to accessible transportation and the status of statutory and regulatory provisions designed to advance access and equity in the nation's transportation systems.

According to NCD member Joel Kahn, "'The lack of accessible transportation is a major barrier to independence for people with disabilities. Many people with disabilities are desperately trying to improve the quality of their lives, but are frustrated by a lack of services including accessible transportation.'"

The Building Code Must Be Enforced

by Frieda Zames

Appropriate accessibility of housing and public accommodations is of paramount importance to the New York City disability population. We want to make sure that our population will experience

no accessibility loss by a change of codes from ANSI to the IBC or NFPA. We have been assured that there will be no loss of accessibility.

We want to not only participate in the process of the change of code but also in protecting the access achieved. For example, we want to be able to contact the Department of Buildings when we notice a violation. Furthermore, we want our information to be taken seriously and to be acted upon.

Now, I would like to discuss my two pet accessibility peeves. One is the accessibility of bathrooms. Why are bathroom doors heavier or have more force than other doors inside a building, and why do bathrooms often have high sills in the doorways? Why can't they be beveled? They are supposed to be. Accessible cubicles are often too small. Even when cubicle doors can swing in or out, the locks are often placed so that the door opens into the cubicle only eliminating privacy. Soap and towels are often out of reach for a person in a wheelchair, especially those who cannot raise their arms very well. Finally, toilets are sometimes too low and sometimes too high.

My other pet peeve deals with ramps versus lifts. Let me give an example. Instead of a ramp for which there is plenty of room, Trump Tower at Columbus Circle has two lifts. We tried to use the lifts ourselves but failed. The doormen had trouble finding the key and then still had difficulty but finally did get us up. This is not the independent access required by Local Law 58.

It seems nondisabled architects love lifts. There are rare exceptions. Why are ramps better than lifts? Lifts are exclusionary, they are only for people with disabilities. Ramps welcome everyone. Lifts break down so then you have no access. You often have to wait in the cold or in the rain while someone looks for the key. Lifts make you feel like a patient except when you can operate them independently, which is rare. Now, I recognize there are times when a ramp just won't work and a lift is necessary, but this should be rare in new construction. Yet, new buildings are going up around the city with lifts at the entrances.

My final suggestion is that the Building Department work with people with disabilities. Groups like Eastern Paralyzed Veterans Association can give important technical advice. Members of Disabled In Action can be useful, too. I can go into a bathroom and tell you immediately if it is accessible to most people in wheelchairs. You are working with rules, but we have hands-on experience.

This is based on testimony I gave on February 14, 2003, at a public forum to the Mayor's Advisory Commission on the Adoption of a Model Building Code.

Disabled least likely to use Internet, says study

Almost three quarters of Americans who report having a disability also do not use the Internet, says a new study from The Pew Internet & American Life Project. Over a quarter of these respondents say their disabilities make it difficult or impossible to go online. "Currently, the disabled are less connected than many other groups of Americans," says the report.

"Just 38 percent of disabled Americans use the Internet," says the study. This compares to the

58 percent of all Americans who use the Internet.

Some 18 percent of survey respondents said they had disabilities -- “a percentage that is very close to the 20 percent of Americans that the U.S. Census Bureau reports with disabilities,” says the study.

Read The Ever-Shifting Internet Population: A new look at Internet access and the digital divide - <http://www.pewinternet.org>

DIA Wins An Award!

The New Jersey Polio Network gave an award to Disabled In Action for our activism on ferry accessibility. Obviously, ferry accessibility is very important to people on the other side of the Hudson River, too. On April 27, 2003, Frieda Zames and Nadina LaSpina went to the 13th Annual Conference on Post-Polio Syndrome in Trenton, New Jersey to receive the award and to represent DIA.

Personal Testimony of Daniel Robert at Special/Secondary Hearing on Award of HRA Consumer Directed Personal Assistant Service Contract -- August 13, 2003

by Danny Robert

For twenty years I worked as a prop man and set decorator in the New York City motion picture industry. I was fiercely independent. I always hated to ask for help. When I became disabled, in 1988, I had no clue that my independence would become problematic. By the time I needed help with my personal care -- washing, dressing, getting into bed...I was poor enough to qualify for Medicaid and be awarded home care. I was grateful...until the first personal care attendant (PCA) sent by the newly -- designated home care agency stole \$500 from me and left me sitting naked on the shower chair in my bathtub.

It took me two more years to find out that there was an alternative to the traditional medical model home care agency. During those years, I had many bad experiences with supposedly trained PCA's. I didn't even know that I was considered a consumer, let alone that there was such thing as consumer directed personal assistant services. I did get lucky with one worker and persuaded him to come with me to Concepts of Independence

At the time, and for all these years, Concepts was the only game in town. Concepts and CDPAS worked for me. I was able to do all the things I wanted to do, including fall in love, work as an extra in movies and TV shows, organize large marches and demonstrations and do lots of disability rights advocacy. I didn't have to worry about who was going to assist with my personal care. I was in control.

I worry about losing control. It is gratifying to me that New York City HRA has decided to award a second CDPAS contract. But I worry that the new agency has no background in working directly with self-directed consumers. Choice is a wonderful thing. It would be great to be able to choose between two or more agencies that offer CDPAS. But each agency would have to establish credibility with the disability community. The contract must mandate that the awardee will include

recipients of services in developing and overseeing their operational procedures. The contract must specify that we consumers be responsible for selecting, managing and, when necessary, dismissing our PCA's. In other words, "Nothing about us without us!"

What I'm asking is that you put yourselves in my shoes. If you were severely disabled, wouldn't you want to feel secure in the knowledge that when you wake up in the morning, the person whose job it is to assist you is the person you selected and trained rather than a stranger? Wouldn't you want to know that the agency that administers your services understands who in you are and what you want out of life? I urge you to reopen the R. F. P. and solicit bids from agencies whose sole mission is fostering the independence of people with disabilities.

Barbara Knowlen spoke at a DIA Meeting

Anthony Trocchia reports:

Barbara Knowlen of Barrier Breakers spoke at the June meeting of Disabled In Action of Metropolitan New York. She was terrific. She knows everything and anything about entitlement programs. I want to share the following from one of her booklets about self-advocacy.

"You don't get much out of the system if you wait in line for them to decide what they think you deserve, and then they tell you what they have, and what of it you can, and mostly can't, have."

"You get the most out of the system when you go to them and tell them what you need, and know, and show, that you are entitled to it by law--and enforce it."

"Not only do you get more out of them, but instead of shaming yourself by begging for their crumbs, you have empowered yourself by demanding your rights."

Barrier Breakers has served the Disability Rights Movement since 1990, selling posters and manuals about disability issues. Since 1994, we have empowered people with disabilities to gain control of their lives using the PASS - Plan for Achieving Self-Support - a Social Security work incentive program that generates money under your control to get what you need to go to work or start a business. Barb Knowlen's contact information: (315) 821-2460 www.barrierbreakers.com.

A Community-based Alternative to Nursing Homes and Institutions for People with Disabilities - ADAPT'S MiCASSA bill has been reintroduced in Congress

The MiCASSA bill has been re-introduced in Congress. We have to work to make sure it finally gets passed this year! On September 17, ADAPT held a huge rally in Washington, DC to push for passage of MiCASSA. A number of people from NYC went to the rally.

For decades, people with disabilities, both old and young, have wanted alternatives to nursing homes and other institutions when they need long term services. Our long term care system has a heavy institutional bias. Every state that receives Medicaid MUST provide nursing home services, but community based services are optional. Seventy five percent of Medicaid long term care dollars pay for institutional services, while the remaining 25% must cover all the community based

waivers, optional programs, etc.

Families are in crisis. When support services are needed there are no real choices in the community. Whether a child is born with a disability, an adult has a traumatic injury or a person becomes disabled through the aging process, they overwhelmingly want their attendant services provided in their own homes, not nursing homes or other large institutions. People with disabilities and their families will no longer tolerate being forced into selecting institutions. It's time for Real Choice.

ADAPT has drafted a bill which will fundamentally change our long term care system and institutional bias that now exists. Instead people with disabilities and their families will be able to choose where and how they receive services.

MiCASSA, the Medicaid Community Attendant Services and Supports Act, is that alternative! Instead of making a new entitlement, MiCASSA makes the existing entitlement more flexible.

MiCASSA establishes a national program of community-based attendant services and supports for people with disabilities, regardless of age or disability. This bill would allow the dollars to follow the person, and allow eligible individuals, or their representatives, to choose where they would receive services and supports. Any individual who is entitled to nursing home or other institutional services will now have the choice where and how these services are provided. The two million Americans currently residing in nursing homes and other institutions would finally have a choice.

To see if your congressperson has signed onto it, go to ADAPT's website at www.adapt.org. If your representatives have not signed onto MiCASSA, contact them and urge them to support MiCASSA (in the House: #H.R. 2032) now. Both NY senators are co-sponsors of MiCASSA.

DIA Singers Launch CD!
...and the Parking Spots Are Nothing But the Best

The DIA Singers launched their second CD with a big party at a Chinese restaurant. The songfest, which featured a buffet and two sets of singing and playing by the DIA Singers and special guests, was great fun. If you haven't heard the CDs, you don't know what you're missing! Each one comes with a booklet. Eric Levine also launched his CD and an accompanying 142-page songbook of original songs and writing. To buy any of the CDs, contact Frieda Zames at 212-260-0423 or Marcia Bernstein at 718-796-6668.

Accessible Ferry News

The amended Accessible Ferry bill, Intro. 261A, which was featured in the December issue of the *Activist* is going to have another hearing in the fall on October 1st at 10 a.m. in the City Hall Council Chamber. It is expected to pass. Councilmember Margarita Lopez and her staff have worked tirelessly to write this bill and to work on getting support for it.

Get your ballot into Olga Hill by October 15th. If you did not receive your ballot, call Marty Sesmer at 212-684-6287. DIA is a democratic organization and we need to participate in our organization to keep it strong.

Study: Disabled Losing Nearly All Employment Discrimination Cases

June 19, 2003-Chicago Daily Law Bulletin-Victories continue to be scarce for disabled people who contend they were the target of discrimination in the workplace, according to an American Bar Association publication.

The ABA's Mental & Physical Disability Law Reporter says in its [June 2003] issue that employers prevailed in 94.5 percent of 327 cases decided in federal courts across the United States last year.

The margin of victory was even greater within the 7th Circuit - which covers Illinois, Wisconsin and Indiana -- with employers winning a whopping 98.3 percent of the cases that were resolved.

Employers did not fare quite as well when it came to charges resolved before the Equal Employment Opportunity Commission.

But they still came out with a decision in their favor in 78.1 percent of those matters.

The survey of 2002 court and EEOC decisions produced findings that tracked those of earlier surveys, according to the study.

"The results clearly show a continuation of the pattern of employers prevailing and employees losing in an overwhelming majority of the final court outcomes and in a substantial majority of the administrative decisions," the study said.

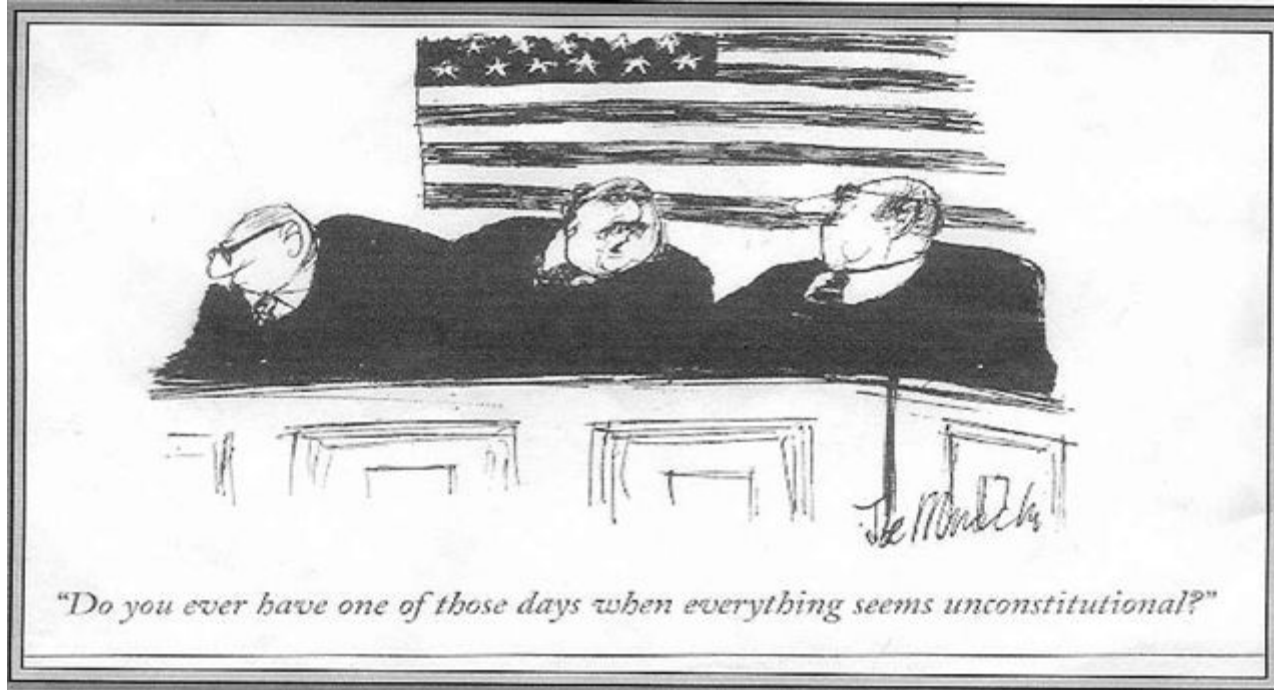
The study looked at both court decisions and EEOC determinations in 2002 concerning claims pursued under Title I of the Americans With Disabilities Act.

Title I of the ADA, 42 U.S.C. sec12101, bars employers from discriminating against a "qualified individual with a disability" because of that disability.

Read more about the study: <http://www.abanet.org/disability/reporter/employment.pdf>

NY State to Require College Textbooks to Be in Electronic Format

In early 2004, NY State will require college textbook publishers to make their textbooks available in electronic format to college students with disabilities.



The National Council on Disability released a Policy Briefing Paper on September 4, 2003 titled: Tennessee v. Lane: THE Legal Issues and the Implications for People with Disabilities. This document can be viewed online at: <http://www.ncd.gov/newsroom/publications/legalissues.html>

The following excerpt is taken from the Introduction and Overview of this Paper:

In 1998, George Lane and Beverly Jones brought a lawsuit against the State of Tennessee under Title II of the Americans with Disabilities Act (ADA) alleging that several courthouses in the state were inaccessible to persons who use wheelchairs. They filed suit under Title II, which prohibits governmental entities from denying public services, programs and activities to individuals on the basis of their disability. In addition, it provides that persons who have been harmed by discrimination can seek damages from governmental entities, including the states. This case, Tennessee v. Lane, will be considered by the Supreme Court during its next term.

The Lane case raises an extremely important issue: Does Congress have the power to "abrogate," i.e., override, the states' immunity from suit and authorize Title II plaintiffs to seek damages from the states? This policy briefing paper discusses Tennessee v. Lane and the constitutional and policy issues it raises. The paper examines the Lane case in the context of the recent trend in Supreme Court decisions limiting the power of Congress to regulate the states. It argues that the Supreme Court should decide that Title II does override the states' sovereign immunity and that these plaintiffs can seek damages from the State of Tennessee.

Additionally, from ADAwatch.org: Tennessee ADAPT members and advocates from California visited Tennessee Governor Bredesen's office and the office of Tennessee Attorney General Paul Summers Monday, August 25th, as part of a campaign to persuade the State of Tennessee to withdraw the Tennessee v. Lane and Jones appeal to the U.S. Supreme Court. Tennessee is asking the Supreme Court to declare that the Americans with Disabilities Act (ADA) is unconstitutional and a violation of states rights.

ADAPT members and the California contingent were able to secure meetings with Deputy Governor Cooley and Attorney General Summers. They hope to persuade the Governor and the Attorney General that Tennessee should not become known as the state that destroyed the ADA.

The Tennessee v Lane and Jones appeal originates from a suit brought by George Lane and Beverly Jones. Mr. Lane had to crawl up the stairs to defend himself against criminal charges because the state court house lacks an elevator and the state refused to conduct the proceedings in an alternate accessible location. Ms. Jones who is wheelchair mobile is a court reporter and was unable to get to the courtroom to do her job because of a similar refusal by the state to provide reasonable accommodations.

“"That Tennessee would not only refuse to provide to someone due process unless they crawled up the stairs is outrageous," says Suzanne Colsey, a Tennessee ADAPT member who works at the Memphis Center for Independent Living. "What is even more horrific is that Tennessee would go all the way to the Supreme Court in an effort to deny not just Mr. Lane and Ms. Jones their rights to equal access to the courts, but to deny that right to every person with a disability in the country."”

Unfortunately, not all members of the disability rights community support the withdrawal of Tennessee's appeal. Several important disability rights organizations centered in Nashville have not acted to express any opposition to Tennessee's action. Because of the obvious constitutionality issues at stake, they hope that the U.S. Supreme Court will rule that the ADA is constitutional.

“"I'm concerned that the likelihood that the Supreme Court will rule in our favor is very low,"” says Sarah Bates, board member of Independent Living Services of Northern California. “"The Court has already ruled in a previous case, the University of Alabama v Garrett, that congress erred when it passed the ADA in that it did not document sufficiently that there was a prevailing pattern of discrimination against people with disabilities by states. We must fight this appeal. We would be foolish to think that the Supreme Court has changed its mind since they made the Garrett decision in 2002."”

Brooklyn Advocate, Gerard Nuzzi Dies

by Allison Howe



Ellen and Jerry Nuzzi

(September, 2003 *ABLE News*) Gerard Nuzzi, President of the Brooklyn Center for Independence of the Disabled (BCID), passed away on July 17 at his home in Brooklyn Heights, where his home attendant discovered him. He was 52 years old. He is survived by his wife Ellen Nuzzi, his parents, his brother, and goddaughter.

Nuzzi, who had cerebral palsy, began his association with BCID as a board member and then served as president for the past six years. "He was very dedicated to protecting the civil rights of the disabled and really wanted to make a difference," says Zainab Jama, director of BCID. "Mr. Nuzzi was a friendly person to everyone he met. He will be missed greatly."

Nuzzi was past president of the 504 Democratic Club. He started out as vice president, with Marvin Wasserman as president in 1985. A year later Nuzzi became President when Wasserman stepped down. The two remained close friends over the years. Wasserman brought a favorite "wheelchair access" pin to the Aivoli Funeral Home in Brooklyn and had it pinned on Nuzzi's lapel for the viewing. "He was a very passionate advocate for the disabled," says Wasserman.

Nuzzi was the Chair of the Special Populations Committee of Community Board #2 and the Disabilities Independence Day March (DIDM). He also provided youth counseling and tutoring.

Ellen Nuzzi, his wife of 25 years, who has the neurological disorder dystonia, is Vice President of BCID and former treasurer of the 504. July 26 would have been their 26th wedding anniversary. The two met at LIU where she taught disability studies and he was one of her students, according to Wasserman. Later on, Nuzzi taught math at Long Island University. Ellen Nuzzi is currently residing at the Florence Nightingale Home in Manhattan following neck surgery. [Ellen has since returned home.]

"The best wedding anniversary we ever had in our 26 years together was our 12th, which we spent in Washington for the signing of the ADA," said Ellen Nuzzi.

Nuzzi was under a great deal of stress recently due to the failing health of his wife Wasserman said. Visiting her every day using public transportation to Manhattan's upper east side was a huge undertaking, especially on the subways. Over the years, Nuzzi was a strong advocate for transportation for the disabled and wheelchair access, including curb cuts.

Alexander Wood, Executive Director of the Disabilities Network of New York City was an associate of Nuzzi's. They worked together on the Disability Independence Day March (DIDM) for several years starting in 1993, which was always held on a date close to the anniversary of the signing of the American Disabilities Act (ADA). As a lobbyist, a highlight of Nuzzi's career was attending the signing of the ADA in Washington, D.C. in 1990.

According to Wood, Nuzzi was in declining health recently. "He was a good role model for the disabled because he was so involved in the community. You could always count on him and Ellen to be in Washington for demonstrations," says Wood. "Jerry was a strong advocate who will be sorely missed."

A memorial fund has been set up in Gerard Nuzzi's name, which will finance sending people with disabilities to demonstrations. All contributions should be made out to the "Gerard Nuzzi

Lucy Birbiglia Named New Director for Queens Independent Living Center

In June, Lucy Birbiglia became the new director of the Queens Independent Living Center. Lucy is also the chair of the Paratransit Advisory Committee. We wish you many successes at QILC, Lucy!

Air Travelers' Hotline for People with Disabilities - Use it!

The U.S. Department of Transportation is calling on all disability organizations to promote public education about its Toll Free Hotline for air travelers with disabilities through their organization newsletters, list-serves and sponsored events.

The Toll Free Hotline for disabled air travelers has been in operation since August 2002 and is available for callers from 7 a.m. to 11 p.m. Eastern Time, seven days a week. It is currently not being fully utilized. The Hotline serves two main purposes: (1) education and (2) assistance in resolving disability-related air travel problems.

- Many disabled air travelers are not aware of their rights and the Hotline, in part, exists as an educational service to inform air travelers with disabilities about their rights under the Air Carrier Access Act and the Department's implementing regulations 14 CFR Part 382 (Part 382). Hotline operators are well versed in the ACAA and Part 382 and can provide callers with on the spot general information about the rights of air travelers with disabilities. The Hotline operators also respond to requests for printed consumer information about air travel rights of the disabled.
- The Hotline can also assist air travelers with disabilities in resolving real time or upcoming issues with air carriers. The purpose of "real-time" assistance is to facilitate airline compliance with DOT's rules by suggesting to the passenger and the airline involved alternative customer-service solutions to the problem. The airline remains responsible for deciding what action will be taken to resolve the issue in accordance with the ACAA and Part 382. Generally, if a caller has a real time problem or an upcoming issue with an air carrier, a Hotline Duty Officer will contact that air carrier and attempt to resolve the issue. For example, there have been a number of incidents in which Hotline Duty Officers have contacted air carriers and convinced them to accept service animals and electric wheelchairs on board flights, to stow folding wheelchairs in the cabin, and to provide requested wheelchair assistance.

Air travelers who want information about the rights of persons with disabilities in air travel or who experience disability-related air travel service problems may call the Hotline to obtain assistance at: 1-800-778-4838 (voice) or 1-800-455-9880 (TTY).

Air travelers who want DOT to investigate a complaint about a disability-related issue still must submit their complaint in writing via e-mail at airconsumer@ost.dot.gov or postal mail to: Aviation Consumer Protection Division; U.S. Department of Transportation; 400 7th Street, S.W.; Washington, D.C. 20590.

Editor's Note: If you fly, it would be prudent to call the hotline before you go to learn of your rights and to bring the number with you so you can get help if you need it.

Super Shuttle to Improve Access

[Editor's note: Since we do not have accessible taxis and car services, Super Shuttle is more important than ever.]

The DOJ and SuperShuttle International, Inc. signed a settlement agreement to ensure that the nation's largest door-to-door airport shuttle company provides the same level of service to wheelchair users as it provides to the general public. This is the first agreement reached by the DOJ with a national company that provides transportation on demand, as opposed to transportation along a fixed route on a fixed schedule. Under the agreement, the company will have two accessible vehicles at each of its 11 corporate locations nationwide within a year from April 26, 2002, as well as standing subcontracts with accessible transportation providers to meet overflow demand. These locations include Phoenix, Los Angeles, Sacramento, San Francisco, Orange County, California; Denver, Colorado, Washington, DC; Tampa Bay, Baltimore, New York, and Dallas/Fort Worth.

Supreme Court News

The Court let stand a Ninth Circuit ruling that public sidewalks are a service, program, and activity of a city within the meaning of the Americans with Disabilities Act Title II, 42 U.S.C. §§12131-165, and the Rehabilitation Act §504, 29 U.S.C. §794. Accordingly, plaintiffs with mobility and/or visual impairments could sue the city for failing to remove accessibility barriers to sidewalks. The case was called *Barden V. City of Sacramento*. Shamefully, New York City and the Bloomberg Administration sided with the City of Sacramento, but, luckily, they did not prevail.

We Will Miss You, Mr. Cooper

by Danny Robert

New York City's disability community lost one of its fiercest warriors on Aug. 6, 2002, when Edwin Cooper died, 5 days before his seventieth birthday. When we think about him one year later, he was way before his time in fighting for his civil rights to live as a free man.

Known to one and all as Mr. Cooper, Edwin spent a great deal of his life in institutions. He had experienced seizures from childhood, was diagnosed as mentally retarded in his teenage years, and spent 15 years in Letchworth Village, a state school in Rockland County. At age 32 he was able to leave Letchworth and for about 16 years he lived in a rooming house in New York City and held jobs as messenger, orderly and elevator operator. In 1980 he had a stroke which left him partially paralyzed and no longer able to work. He was sent to a nursing home, Daughters of Jacob in the Bronx.

What distinguished Mr. Cooper from many other institutionalized people was his tenacity verging on obsession for the goal of living independently. He used the phone and his high-pitched rasping voice as a tool to bring him justice.

In 1993 he contacted the Disability Independence Day March Committee looking for assistance in getting from his nursing home to the March and back. When he found out that there was an activist community, he realized that he was not alone. Soon many of us became active in his fight for freedom. It took a number of years for him to achieve his goal. But in 1999 he secured release from Daughters of Jacob and moved to an apartment in Woodstock Carter Houses, NYCHA Senior Housing, in Brooklyn. Unfortunately his health did not permit him to remain in the community. Within months he was back in a nursing home, River Manor in Brooklyn.

He never accepted institutionalization. He fought with every ounce of ingenuity that he could muster calling every elected official, every organization, every social service agency that he could think of, filing complaints with the Department of Health, with Senator Schumer's office, then with Sen. Clinton's office, making phone call after phone call until he succeeded in getting himself out of River Manor and back in his own apartment.

He would call me every Friday to say Shabbat Shalom and during the week, many times a week, for various reasons or for no reason at all. Many of us found him annoying. But there is a void. No one will ever take his place. We'll miss you Mr. Cooper.

Cynthia Says for testing web site accessibility

Washington, May 21, 2003 -- The American Council of the Blind (ACB) announced that, as the leading organization of blind and visually impaired Americans, ACB endorses and recommends HiSoftware Company solutions Cynthia Says™ as well as AccVerify Cynthia Says™, as excellent tools for guaranteeing that web sites will be accessible to people who are blind and visually impaired.

““Because of their scalability, cost effectiveness, and usefulness in web site accessibility testing,”” says ACB President Christopher Gray, of San Francisco, California, ““these products offer a wonderful, affordable solution to web masters for making their sites accessible to people with disabilities.””

Cynthia Says™ provides testing of web sites for compliance with Section 508 and World Wide Web Consortium (W3C) web accessibility standards. Cynthia Says™ tests web sites and reports accessibility issues immediately through simple and easy-to-understand web browser based reports.

Through its endorsement, the American Council of the Blind will also be promoting the downloadable version of the software, AccVerify Cynthia Says™ Edition. This solution, which is available at no cost to all K-12 schools and at a nominal cost to others, helps educate and assist web content developers to make their Internet content accessible to computer users who rely on assistive software, such as screen-reading and magnification programs and refreshable Braille displays, to access information on their computer screens.

Cynthia Says™ enables anyone to test a web page, and it also educates the tester about the underlying technology behind accessibility and promotes accessible web design.

Cynthia Says™ allows users to quickly receive an immediate "pass/fail" for automated checks of their web site accessibility along with direct links to the technical rule passed or violated. It also directs and assists users to validate human testing requirements as required. Accessibility issues are detected within web sites from web-based applications, dynamic pages, or static HTML pages. Cynthia Says™ utilizes HiSoftware's AccMonitor Server technology and deploys USER Agents (crawlers/scanners) to collect individual page or dynamic page accessibility data. This information is then sent to the central server where actual accessibility verification is performed. The output of the accessibility verification results in easy-to-read reports that can then be viewed securely over the Internet through a user's own web browser. More information is available at <http://www.cynthiasays.com>.

[Editor's Note: In the last Activist, we published a remembrance of Justin Dart by two DIA/ADAPT members. Justin Dart was so important to the disability rights movement that we are printing another obituary from last summer.]

Justin Dart, an Obituary
by Fred Fay and Fred Pelka,
written at Justin Dart's request



Justin Dart
Photo by Tom Olin

June 22, 2002 - Justin Dart, Jr., a leader of the international disability rights movement and a renowned human rights activist, died last night at his home in Washington DC. Widely recognized as "the father of the Americans with Disabilities Act" and "the godfather of the disability rights movement," Dart had for the past several years struggled with the complications of post-polio syndrome and congestive heart failure. He was seventy-one years old. He is survived by his wife Yoshiko, their extended family of foster children, his many friends and colleagues, and millions of disability and human rights activists all over the world.

Dart was a leader in the disability rights movement for three decades, and an advocate for the rights of women, people of color, and gays and lesbians. The recipient of five presidential appointments and numerous honors, including the Hubert Humphrey Award of the Leadership Conference on Civil Rights, Dart was on the podium on the White House lawn when President

George H. Bush signed the ADA into law in July 1990. Dart was also a highly successful entrepreneur, using his personal wealth to further his human rights agenda by generously contributing to organizations, candidates, and individuals, becoming what he called “a little PAC for empowerment.”

In 1998 Dart received the Presidential Medal of Freedom, the nation's highest civilian award. “Justin Dart,” said President Clinton in 1996, “in his own way has the most Olympian spirit I believe I have ever come across.”

Until the end, Dart remained dedicated to his vision of a “revolution of empowerment.” This would be, he said, “a revolution that confronts and eliminates obsolete thoughts and systems, that focuses the full power of science and free-enterprise democracy on the systematic empowerment of every person to live his or her God-given potential.” Dart never hesitated to emphasize the assistance he received from those working with him, most especially his wife of more than thirty years, Yoshiko Saji. “She is,” he often said, “quite simply the most magnificent human being I have ever met.”

Time and again Dart stressed that his achievements were only possible with the help of hundreds of activists, colleagues, and friends. “There is nothing I have achieved, and no addiction I have overcome, without the love and support of specific individuals who reached out to empower me... There is nothing I have accomplished without reaching out to empower others.” Dart protested the fact that he and only three other disability activists were on the podium when President Bush signed the ADA, believing that “hundreds of others should have been there as well.” After receiving the Presidential Medal of Freedom, Dart sent out replicas of the award to hundreds of disability rights activists across the country, writing that, “this award belongs to you.”

Justin Dart, Jr., was born on August 29, 1930, into a wealthy and prominent family. His grandfather was the founder of the Walgreen Drugstore chain, his father a successful business executive, his mother a matron of the American avant garde. Dart would later describe how he became “a super loser” as a way of establishing his own identity in this family of “super winners.” He attended seven high schools, not graduating from any of them, and broke Humphrey Bogart's all-time record for the number of demerits earned by a student at elite Andover prep. “People didn't like me. I didn't like myself.”

Dart contracted polio in 1948. With doctors saying he had less than three days to live, he was admitted into the Seventh Day Adventist Medical University in Los Angeles. “For the first time in my life I was surrounded by people who were openly expressing love for each other, and for me, even though I was hostile to them. And so I started smiling at people, and saying nice things to them. And they responded, treating me even better. It felt so good!” Three days turned into forty years, but Dart never forgot this lesson. Polio left Dart a wheelchair user, but he never grieved about this. “I count the good days in my life from the time I got polio. These beautiful people not only saved my life, they made it worth saving.”

Another turning point was Dart's discovery in 1949 of the philosophy of Mohandas K. Gandhi. Dart defined Gandhi's message as, “Find your own truth, and then live it.” This theme too would stay with him for the rest of his life. Dart attended the University of Houston from 1951 to 1954,

earning his bachelor's and master's degrees in political science and history. He wanted to be a teacher, but the university withheld his teaching certificate because he was a wheelchair user. During his time in college, Dart organized his first human rights group -- a pro-integration student group at what was then a whites-only institution.

Dart went into business in 1956, building several successful companies in Mexico and Japan. He started Japan Tupperware with three employees in 1963, and by 1965 it had expanded to some 25,000. Dart used his businesses to provide work for women and people with disabilities. In Japan, for example, he took severely disabled people out of institutions, gave them paying jobs within his company, and organized some of them into Japan's first wheelchair basketball team. It was during this time he met his wife, Yoshiko.

The final turning point in Dart's life came during a visit to Vietnam in 1966, to investigate the status of rehabilitation in that war-torn country. Visiting a "rehabilitation center" for children with polio, Dart instead found squalid conditions where disabled children were left on concrete floors to starve. One child, a young girl dying there before him, took his hand and looked into his eyes. "That scene," he would later write, "is burned forever in my soul. For the first time in my life I understood the reality of evil, and that I was a part of that reality."

The Darts returned to Japan, but terminated their business interests. After a period of meditation in a dilapidated farmhouse, the two decided to dedicate themselves entirely to the cause of human and disability rights. They moved to Texas in 1974, and immersed themselves in local disability activism. From 1980 to 1985, Dart was a member, and then chair, of the Texas Governor's Committee for Persons with Disabilities. His work in Texas became a pattern for what was to follow: extensive meetings with the grassroots, followed by a call for the radical empowerment of people with disabilities, followed by tireless advocacy until victory was won.

In 1981, President Ronald Reagan appointed Dart to be the vice-chair of the National Council on Disability. The Darts embarked on a nationwide tour, at their own expense, meeting with activists in every state. Dart and others on the Council drafted a national policy that called for national civil rights legislation to end the centuries old discrimination of people with disabilities -- what would eventually become the Americans with Disabilities Act of 1990.

In 1986, Dart was appointed to head the Rehabilitation Services Administration, a \$3 billion federal agency that oversees a vast array of programs for disabled people. Dart called for radical changes, and for including people with disabilities in every aspect of designing, implementing, and monitoring rehabilitation programs. Resisted by the bureaucracy, Dart dropped a bombshell when he testified at a public hearing before Congress that the RSA was "a vast, inflexible federal system which, like the society it represents, still contains a significant portion of individuals who have not yet overcome obsolete, paternalistic attitudes about disability." Dart was asked to resign his position, but remained a supporter of both Presidents Reagan and Bush. In 1989, Dart was appointed chair of the President's Committee on the Employment of People with Disabilities, shifting its focus from its traditional stance of urging business to "hire the handicapped" to advocating for full civil rights for people with disabilities.

Dart is best known for his work in passing the Americans with Disabilities Act. In 1988, he was

appointed, along with parents' advocate Elizabeth Boggs, to chair the Congressional Task Force on the Rights and Empowerment of Americans with Disabilities. The Darts again toured the country at their own expense, visiting every state, Puerto Rico, Guam, and the District of Columbia, holding public forums attended by more than 30,000 people. Everywhere he went, Dart touted the ADA as "the civil rights act of the future." Dart also met extensively with members of Congress and staff, as well as President Bush, Vice President Quayle, and members of the Cabinet. At one point, seeing Dart at a White House reception, President Bush introduced him as "the ADA man." The ADA was signed into law on July 26, 1990, an anniversary that is celebrated each year by "disability pride" events all across the country.

While taking pride in passage of the ADA, Dart was always quick to list all the others who shared in the struggle: Robert Silverstein and Robert Burgdorf, Patrisha Wright and Tony Coelho, Fred Fay and Judith Heumann, among many others. And Dart never wavered in his commitment to disability solidarity, insisting that all people with disabilities be protected by the law and included in the coalition to pass it -- including mentally ill "psychiatric survivors" and people with HIV/AIDS. Dart called this his "'politics of inclusion,'" a companion to his "'politics of principle, solidarity, and love.'"

After passage of the ADA, Dart threw his energy into the fight for universal health care, again campaigning across the country, and often speaking from the same podium as President and Mrs. Clinton. With the defeat of universal health care, Dart was among the first to identify the coming backlash against disability rights. He resigned all his positions to become "'a full-time citizen soldier in the trenches of justice.'" With the conservative Republican victory in Congress in 1994, followed by calls to amend or even repeal the ADA and the Individuals with Disabilities Education Act (or TTY), Dart, and disability rights advocates Becky Ogle and Frederick Fay, founded Justice for All, what Dart called "a SWAT team" to beat back these attacks. Again, Dart was tireless -- traveling, speaking, testifying, holding conference calls, presiding over meetings, calling the media on its distortions of the ADA, and flooding the country with American flag stickers that said, "ADA, TTY, America Wins." Both laws were saved. Dart again placed the credit with "the thousands of grassroots patriots" who wrote and e-mailed and lobbied. But there can be no doubt that without Dart's leadership, the outcome might have been entirely different.

In 1996, confronted by a Republican Party calling for "'a retreat from Thomas Jefferson, Abraham Lincoln democracy,'" Dart campaigned for the re-election of President Clinton. This was a personally difficult "decision of conscience." Dart had been a Republican for most of his life, and had organized the disability constituency campaigns of both Ronald Reagan and George Bush, campaigning against Clinton in 1992. But in a turnabout that was reported in the New York Times and the Washington Post, Dart went all out for Clinton, even speaking at the Democratic National Convention in Chicago. The Darts yet again undertook a whirlwind tour of the country, telling people to "'get into politics as if your life depended on it. It does.'" At his speech the day after the election, President Clinton publicly thanked Dart for personally campaigning in all fifty states, and cited his efforts as "'one reason we won some of those states.'"

Dart suffered a series of heart attacks in late 1997, which curtailed his ability to travel. He continued, however, to lobby for the rights of people with disabilities, and attended numerous events, rallies, demonstrations and public hearings. Toward the end of his life, Dart was hard at

work on a political manifesto that would outline his vision of "the revolution of empowerment." In its conclusion, he urged his "'Beloved colleagues in struggle, listen to the heart of this old soldier. Our lives, our children's lives, the quality of the lives of billions in future generations hangs in the balance. I cry from the depths of my being. Humanity needs you! Lead! Lead! Lead the revolution of empowerment!'"

Today, disabled people across the country and around the world will grieve at the passing of Justin Dart, Jr. But we will celebrate his love and his commitment to justice. Please join us at in expressing our condolences to Yoshiko and her family during this difficult time. Keep in mind, however, that it was Justin's wish that any service or commemoration be used by activists to celebrate our movement, and as an opportunity to recommit themselves to "'the revolution of empowerment.'"

JUSTICE FOR ALL -- A Service of the American Association of People with Disabilities
[www.aapd-dc.org] [www.jfanow.org]

Anthony Trocchia and QILC Block Green Lines Bus

On July 26, 2003, DIA President Anthony Trocchia was patiently waiting for a bus, and a bus, and a bus because they had no working lifts, and finally, when the fourth bus came, he rolled in front of the bus and sat there in protest. Then he called the members of the news media for them to come and see a good story. Green Lines, who has a franchise with the NYC Department of Transportation to ply that route in Jamaica, Queens, has many buses without lifts or without working lifts. In the extreme heat, Trocchia lost his patience. Soon, workers from nearby Queens Independent Living Center (QILC) joined him in protest.

Green Bus Lines is not the only DOT-franchise bus line in New York City that does not have working lifts on all its buses. The other six lines are also not all wheelchair-accessible like the MTA buses are. This causes great frustration and delays for people with mobility disabilities who need to get around the city.

Trocchia said, "'We should do this every day until they remedy the situation.'"

The MTA is likely going to take over the private bus lines in New York City, but there have been talks for months and months, and so far, it has not happened.

Gallaudet President Talks about Deaf Culture, ADA *by Karen Correll*

iCan News Service- July 26, 2002- Dr. I. King Jordan is the first deaf president of Gallaudet University, the world's only university in which all programs and services are specifically designed to accommodate students who are deaf or hard of hearing. Jordan, who has headed Gallaudet for 10 years, spent a couple days in Michigan to show support for David Bonior, who serves on Gallaudet's Board of Trustees and is making a bid for Michigan's governor. While in town, he sat down with iCan! reporter Karen Correll to talk about deaf culture, the university and the 12th anniversary of the Americans with Disabilities Act.

iCan!: “How has the ADA most benefited the deaf community?”

Jordan: “Access. The big difference between the deaf and people who can hear is communication. The ADA mandates interpreter support for communication. If I go to a public event at a public place, they have to provide me an interpreter. Here, in my hotel room, I have a TTY, a flashing smoke alarm, a flashing doorbell. Before the ADA, no hotels had that. Also, there's the telephone relay service, where I would call the relay operator who would call you and type your communication back to me. That's so important to have.”

iCan!: “Twelve years after the ADA passed, what still needs to happen for people who are deaf to be fully included and accepted in the community?”

Jordan: “The barriers are more attitudinal than physical. There are many who still think people who are deaf are less able or less intelligent than people who can hear. That's my mission - to change that way of thinking.”

iCan!: “Many times it seems that people who are deaf prefer to focus on deaf culture and being part of the deaf community, almost to the exclusion of the larger community. Why is this?”

Jordan: “Because of American Sign Language. People who use ASL to communicate are members of a special community. Most of their friends use ASL. If I don't have an interpreter, it would be very difficult for us to communicate. You would probably have to write your questions for me to read and then I could respond. People who can hear can get tired of this type of communication. It's relaxing to do ASL with other deaf people. It's a very natural phenomenon based on language and communication.”

iCan!: “Why do many people who are deaf not identify themselves as part of the disability community?”

Jordan: “Many people who are deaf, including myself, think of ourselves as more culturally different than having a medical condition. Deafness is often seen as a medical disability or deficiency. I consider myself a normal person who can't hear. Having said that, the rights and access that come to us through the ADA are very important. I would include myself as a soldier in the war against inaccessibility for people with disabilities.”

iCan!: “What are the benefits for students who are deaf attending an all-deaf college as opposed to a mainstream college?”

Jordan: “An all-deaf college provides all access to every facet of the college experience. In a mainstream school, you would have an interpreter with you in your calculus class. When calculus is over, the interpreter goes somewhere else during break and you are on your own. It's harder to go to committee meetings or be in a play. Here at Gallaudet, you get all the leadership opportunities and learning experiences both inside and outside the classroom.”

iCan!: “Does Gallaudet get applications from students who can hear?”

Jordan: “The Gallaudet grad school is open to all students. We offer a lot of programs in fields

where people will graduate and go out and work with people who are deaf. In the undergraduate program, we have a pilot program in its second year for students who can hear. They must be skilled in ASL and have a plan to work with people who are deaf. Many of these students have deaf parents. At first, there was opposition to the program from the student body, but we explained what goals these people were after and it's really been working well.”

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????(718) 261-3737????

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by Olga Hill

In the Autumn of 1978 I was asked by Frieda Zames of Disabled in Action if I would handle the DIA phone calls in my home; I told her that I had never heard of DIA and I wouldn't know what information to give callers. Within a week Frieda, Paula and Michael came to my home, Paula gave me a red phone, Frieda gave me a notebook full of resources for people with disabilities and an important lesson about DIA, the telephone installer put the red phone on my dining table. I was set for my first call.

Two people called the first day, their problems were very different from each other. The first caller: a young male, hurt in a swimming pool accident had become quadriplegic; he was sure he could teach swimming to children but the Red Cross was reluctant to issue a license. I gave him the number of a disability attorney, next: a woman called she was crying and claiming her life wasn't worth living, I calmed her down, her problem ... tennis elbow. I advised her to speak to a mental health professional because I thought her reaction was extreme.

The majority of our incoming calls are during cold, wet days when people are home, then, we sometimes receive 7 - 9 calls daily. This is the sunny, summer so we are receiving 3 - 4 calls a day. Often calls come from people who just want to vent their problems, the answering machine is always on, and the DIA phone is the recipient of strange stories. Yesterday a woman called to report her landlord for releasing swarms of flies and fleas into her apartment, also bags of garbage and stray cats all because he wanted her to leave the premises, but she didn't disclose her name or return number.

I am sure most of our calls are about housing ... people want to move to accessible housing or they want their landlord to make their homes accessible. We get many complaints about Access-A-Ride, architectural barriers, and a numerous assortment of other issues. I always encourage people to join DIA and make their voices heard. I have a large file of resources and I usually am able to help, if not I call on a vast group of knowledgeable friends. I was lucky to hook up with DIA in 1978, I find the job of information and referral (I&R) person for Disabled in Action very rewarding and always interesting.

I am not available to answer all calls live but I will call back ASAP.

UPSTATE NEWS: ARISE Takes Lead Getting County Visitability Ordinance Passed

ARISE, the CIL in Syracuse, recently led the way to get an ordinance passed in Onondaga

County encouraging visitability in new homes for people with disabilities. This is the first county in NY State to do so.

The measure applies to single, double, and triple unit homes built with government funds. County officials have noted that about forty such homes are built each year. The ordinance recommends the following:

1. At least one no-step entrance served by a slope or ramp no greater than a 1:12 ratio.
2. 32-inch interior doorways.
3. A 36-inch wide level route through out the unit with beveled changes at thresholds.
4. Reinforcement in bathroom walls for future grab bar installations.
5. All light switches, electrical outlets, thermostats, and other environmental controls placed in accessible locations, no higher than 48" and no lower than 15" from the floor.
6. An accessible first floor kitchen, bedroom, and bathroom with maneuvering clearances as specified by ANSI.

Kathleen Rapp, chair of Onondaga County's Planning and Economic Development Committee, referred to the measure as a "common-sense practice." She added that it only costs about \$200 to include such access into the design of a new house up front versus several thousand dollars after the fact. Frederick Murphy, director of the Syracuse Housing Authority, verified this savings by citing how his agency has spent at least \$5,000 per apartment to make similar accessible modifications.

ARISE developed a brochure on visitability. They outline several benefits to encourage this practice:

1. Visitable homes in the community can welcome people of all ages including people with disabilities.
2. Visitable homes adapt easily to the changing needs of people during their lives.
3. Visitable homes are very marketable because of a growing senior population and will only expand further when "baby boomers" age.
4. Visitable homes add very little to the up front construction cost and minimize the cost of accessible modifications.
5. Visitable homes provide an aesthetic appearance and makes neighborhoods welcoming and attractive to live in.

For more information, contact ARISE at 1065 James Street, Syracuse, NY 13203, (315) 472-3171 Voice, (315) 479-6363 TTY, or (315) 472-9252 Fax.

Behind the Scenes at DIA

by Jean Ryan

You might not know it, but there are many people in the background in DIA who keep our organization functioning smoothly. You'll have an opportunity to meet a few of them here, with more next time.

Olga Hill answers the DIA phone line, 718-261-3737. She gets about 5 calls a day and they

range from simple calls for information about DIA meetings to calls for help with disability issues. Olga refers callers to independent living centers or other resources, and sometimes she will put them in touch with DIA members. See Olga's article in this issue about the types of phone calls she gets. Olga also is responsible for counting the election votes every year.

Irma Shore coordinates the One-Step Program that we have in conjunction with the Human Rights Commission (HRC). She just wrote a One-Step brochure, too. Along with her husband, Marty Shore, she receives mailed-in One-Step Complaints about stores, apartment buildings, medical offices, restaurants, theaters, etc. which can't be entered by a wheelchair user because they have one step to get in. In 2002, more than 115 one-step complaints were reported, and 46 one-steps were completed. It is not necessary for the person making the access complaint to talk to the business owner or the landlord. Irma sends out letters to the businesses and building owners, and works closely with people at the Human Rights Commission to have the One-Steps removed. Investigators from the Human Rights Commission go to the site and the complainants do, too. Sometimes businesses will put in a ramp right away, and other times they refuse or promise but never do it, so we have to file a formal complaint with the HRC or sue them privately. We have a lawyer who has been suing some uncooperative places for access for us. One-Step forms can be downloaded from the DIA website (www.disabledinaction.org) or obtained by calling Olga Hill at 718-261-3737.

City Settles 4-year-old Lawsuit

by Pete Bowles

Newsday - January 8, 2003 - After four years of litigation, the city has agreed to arrange for mental health care for thousands of mentally-ill inmates who are released from city jails each year.

Under a settlement announced by Corporation Counsel Michael Cardoza, mentally-ill inmates will continue to receive assistance - including medication, Medicaid, public assistance benefits, mental health treatment and housing - on their release.

The settlement, which is subject to court approval, is the result of a lawsuit filed against the city in 1999 by seven mentally ill inmates at Rikers Island.

In a ruling in July 2000, Justice Richard Braun of State Supreme Court in Manhattan issued a preliminary injunction requiring the city to line up treatment for mentally ill inmates before they are released from city jails. He also gave class-action status to the lawsuit.

The city had continued to challenge the ruling through appeals and lengthy settlement discussions.

In announcing the settlement, Cardozo said the city did not agree that state law required such services but said it ""recognized the benefit that such discharge planning services provide both for the released inmates and for society in general.""

The lawsuit contended that the 25,000 inmates who are treated for mental illness each year while in Rikers and other city jails are being released without proper provision for treatment in the

community, in violation of state law.

“"In our view, the law was never intended to apply to inmates receiving care but rather to people receiving such care in hospitals,"" Cardozo said Wednesday.

He said the discharge planning will involve a number of city agencies, including the Health and Hospitals Corp., the Correction Department, the Human Resources Administration, the Department of Health and Mental Hygiene and the Department of Homeless Services.

The lawsuit, which was brought by the Urban Justice Center and New York Lawyers for the Public Interest, contended that mentally ill inmates released from Rikers Island are often treated like other prisoners: dropped off at Queens Plaza between 2 a.m. and 6 a.m. with little more than \$1.50 in cash and a two-fare MetroCard.

Black, Puerto Rican, and Hispanic Legislator's Caucus Holds Roundtable Discussion

The Association of Black, Puerto Rican & Hispanic Legislator's Caucus of New York State held a roundtable discussion on inclusion of people with disabilities in New York State on February 15, 2003 in Albany. The forum was titled, "How the Disability Community & Public Policymakers Can Work Together Towards a More Accessible Future for All," and it was sponsored by Sen. David A. Paterson, NYS Senate Democratic Leader, SD#30, Harlem, NY.

The forum's agenda included:

- Organizing Around the Budget
- Independent Living, Self-Direction
- Disability Rights & Enforcing the Laws on the Books
- A Round-up of the Usual Issues with a Focus on How Disability Affects these Policy Areas: Higher Education, Housing, Election Reform, Employment, Transportation, Health Care, etc.
- The Political Scene: Church, Labor, Business, Non-Profits, Education Citizens & Public Officials

DOJ has FREE updated CD available

The Department of Justice (DOJ) has a free updated CD available which includes all their regulations, technical assistance documents and ADA Status Reports since 1994. Everything is available in HTML format, text, and WordPerfect format, and many are also available in Acrobat PDF format. Order the CD-ROM via the Internet at <http://www.usdoj.gov/crt/ada/cdrequestform.htm> or by calling the ADA Information Line at 1-800-514-0301 (voice) or 1-800-514-0383 (TTY), 24 hours every day. This CD not only has technical regulations, but also has helpful suggestions for looking at and improving accessibility which are written for people who are not already familiar with the technical regulations.

City, state settle home care lawsuit

by Mary Sisson

Crains - January 14, 2003 - The city and the state of New York have settled a class-action lawsuit brought by a group of patient advocates charging that the city was providing insufficient home care for Medicaid recipients.

The suit, filed by the New York Legal Assistance Group and other advocates, argued that the city's home care program was not properly providing care that patients needed in a periodic fashion throughout the day, such as help with eating meals or going to the rest room. Instead of sending a health care provider to a patient's home several times a day, the city was providing care only once a day.

The city and the state, which admitted no wrongdoing, agreed to alter how home care is provided to patients with recurring needs.

Senate Confirms Sutton, 52-41

On April 29th, the Senate narrowly (52-41, with seven Senators not voting) confirmed President Bush's nomination of Jeffrey Sutton to the Sixth Circuit Court of Appeals.

Although the disability community "lost" the final vote, the closeness of the vote is a sign that our message was heard.

The Largest Minority Radio Program on WBAI 99.5 FM

The Largest Minority Radio Program, which is heard monthly on WBAI, 99.5 FM, is moving toward having a regular time of 11 a.m. on the second Thursday of the month. Phil Beder works with other people and has an interesting mix of news, humor, interviews, music, and information. Listen for it!

City Hall Hearing Held on Potential Transfer of NYC's Private Bus Lines to the MTA

On October 10, 2003, the City Council held a hearing on the Potential Transfer of New York City's Private Bus Lines to the Metropolitan Transit Authority (MTA)/New York City Transit (NYCT). Several DIA members who are regular riders of the seven private bus lines testified to the poor, non-comparable service for people with disabilities.

(from the DOT website) "'The New York City Department of Transportation's bus system carries over 114 million people annually through a mix of local and express bus service provided by the following seven private, franchised bus companies: Command Bus Company, Inc., Green Bus Lines, Inc., Jamaica Buses, Inc., Queens Surface Corporation, Liberty Lines Express, Inc., New York Bus Service, and Triboro Coach Corporation. This system has a fleet of 1,289 buses, making it the 9th largest transit bus fleet in the United States and Canada. There are a total of 82 local and express routes which operate in Queens, Brooklyn, the Bronx, and Manhattan.'"

Although the service is provided by seven private bus operators, the City of New York owns most of the buses, subsidizes the cost of operations, and covers the general financial risks of providing bus transportation. The City also owns two bus depots." More information on the history

of the companies is at <http://www.nyc.gov/html/dot/html/masstran/buses/introbus1.html>

It is unfair that many of the private DOT-franchise buses do not have lifts at all or do not have working lifts compared to the MTA whose entire fleet has lifts. This forces people with disabilities to call 24 hours in advance for a bus with a lift when they need to ride the private buses, or, on some lines, to wait for 3 or 4 buses to go by. Can you imagine arranging a local or express bus the day before? It isn't a charter! We have no flexibility when we can leave work or go anywhere. There seems to be absolutely no plan by DOT to make the buses fully accessible, at least not in our lifetime. If the MTA takes over these DOT franchise buses, and they should because they are the transportation agency for the whole city, they must develop a plan to replace the buses with ones which have working lifts or ramps. If the MTA does not take over the private buses, then the DOT must have a published plan to make all their buses wheelchair-accessible!

As it stands now, for people with disabilities, the private DOT buses provide substandard service and are not comparable to the service that people get who do not have disabilities. That is not fair. Disabled In Action demands that these inequities be remedied soon.

Voting Technology Fair Held

On January 29, 2003, Manhattan Borough President C. Virginia Fields and the Center for Independence of the Disabled in New York (CIDNY) held a Voting Technology Fair at Selis Manor. It was a good opportunity for people with disabilities to take a first hand look at new state-of-the-art voting technology. At least six different vendors of voting machines were there displaying their wares for people to test, evaluate, and make suggestions. A report was issued in the spring on the evaluations.

ADA Celebration at City Hall

On August 19th, members of the disability community gathered to celebrate the 13th anniversary of the ADA with councilmember Margarita Lopez and Speaker Gifford Miller. Hopefully by the time of the next celebration, City Hall, especially the restrooms, ramp door, Broadway entrance, and the dais in the Council Room will be accessible to people with disabilities. We're working on it with Eastern Paralyzed Veterans' Association (EPVA), the Mayor's Office for People with Disabilities, as well as two city agencies.
