



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

Introduction

The Manhattan Borough President's Office (MBPO) has many responsibilities, and one of them is a commitment to ensuring that the borough's streets and sidewalks, public venues, and its subways and buses become fully accessible to persons with a physical disability. As a practical ideal, we believe that every mobility-challenged or vision impaired New Yorker shall have equal access and opportunity in employment, housing, education, transportation, and in their time with family and friends. To believe in, and do less, is an affront to the larger ideal of New York as a fully inclusive city that believes in the equality of all its residents.

In this regard, one of our most serious shortcomings is in the condition of the ramps at crosswalks that enable residents with impaired vision, and those who rely on wheelchairs, walkers, and other aids to transition safely and conveniently between street and sidewalk. When a ramp is missing, blocked, in disrepair, or improperly constructed residents with disabilities cannot fully participate in many activities and opportunities for enrichment that other New Yorkers take for granted.

The City's Administrative Code, Section 19-152, assigns responsibility for installing, maintaining, and repairing sidewalks along the borough's streets and avenues to the owner of the property bordering the sidewalk. However, the presiding entity responsible for ensuring that ramps are kept in a state of good repair is the City Department of Transportation (DOT). Beginning in 2015, after many constituent complaints, the MBPO surveyed the condition of the ramps along Broadway. Our report found that only 9.5% of hundreds of ramps we examined were fully compliant with the Americans with Disabilities Act (ADA). The present 2020 report re-examines the condition of the ramps, extends the scope of our 2015 findings, and makes new recommendations to DOT to improve the safety, design, and accessibility of the ramps, and bring the city into ADA compliance.

In this current report we also address closely-related accessibility issues involving the Metropolitan Transit Authority (MTA). A 2019 MBPO report highlighted accessibility issues in the subway system that impact persons with disabilities, such as unreliable elevators. The current MTA capital plan begins to address the notorious lack of access to the subways documented in the 2019 report for persons with a physical disability, as well as chronic elevator breakdowns, a lack of signage for those who are blind or have impaired vision, and the system-wide issues of cleanliness (I hope the Federal government will support this effort with funding.).

The confluence of MTA efforts to improve subway accessibility with new elevators and other measures, and the City's continuing struggle to install ADA compliant pedestrian ramps, has led us to focus this report on the condition of ramps located near subway entrances, and to identify how a coordinated approach to accessibility would best serve persons with disabilities.

The Role of the ADA

This opportunity is heightened in significance by the 30th anniversary of the ADA on July 26, 2020. In the context of the profound challenges to mobility still faced by Americans with disabilities, the Act's anniversary reminds us that its ceremonial signing only announced the struggle for disability rights, and that we must remain vigilant and active in protecting and expanding those rights. Thirty years on from their establishment, they have become basic to the formation of a just society, and of benefit to all Americans.

In New York, the first class action under the ADA was brought on behalf of the disability community by the Eastern Paralyzed Veterans Association (EPVA) in 1994, citing a disparity in equal access to the city's sidewalks. A subsequent settlement between the EPVA and the City established the City's responsibility to create curb cuts and pedestrian ramps at all unramped intersections. However, in ensuing years the rate of installation stalled and many ramps deteriorated, prompting a second class action brought by the Center for the Independence of the Disabled New York (CIDNY) together with individual residents. In time the two suits were consolidated and resolved through a new agreement in July, 2019. The settlement establishes a 30-year remedial scheme for systemic installation and

upgrades at all street corners where ramps are currently lacking or out of compliance with the law.

Goals

First, to actually improve access to streets as well as subway stations for those with disabilities, it is not enough for the MTA to install elevators if the city's pedestrian ramps are not functional or ADA non-compliant. Thus we emphasize, first, how all components of an accessible city- ADA compliant ramps; unobstructed ramps, streets, and sidewalks; reliably functioning elevators; and clear, easily located signage for both the sighted and vision impaired- must be planned and maintained to work together or they will not succeed. Second, planning and implementation of projects to increase accessibility must involve all concerned parties, maintain a high degree of public transparency, and emphasize close consultation on the priority, design, and duration of accessibility improvement projects.

Method

Given the MTA's focus on increased accessibility at subway stations, and the need for the City to coordinate its own compliance efforts with those of the MTA, we observed and evaluated the condition of 248 street corner pedestrian ramps near currently accessible subway stations. With the assistance of the Center for Independence of the Disabled, New York (CIDNY), we trained a team of ten staff members and interns to accurately measure the width of a ramp and determine the degree of its slope, along with other ADA specifications. The team was then dispatched to evaluate and record data on the condition and ADA compliance of the 248 ramps.

The ADA requires state and local governments to provide ramps that meet the following criteria for accessible design.

- There must be a pedestrian ramp where any crosswalk connects with the curb
- The slope in the direction of pedestrian travel must have a rise ratio of 1:12 or less
- The ramp must have at least a 36" width
- Detectable warnings must exist along the ramp

- There must be a level transition from the ramp to the roadbed
- The ramp must be kept in a state of good repair and not have cracks or crumbling concrete
- The area leading up to the ramp must not have potholes
- The ramp must be clear of any obstructions

Findings

Of the 248 ramps surveyed, only 14 (5.65%) were found ADA compliant. Of the remaining 234 ramps, 85 had one ADA violation; 83 had two violations; 38 had three; 19 had four; and 3 ramps had five violations.

Common violations and non-accessibility issues included:

1. No Pedestrian Ramp

These pose a significant danger to persons with disabilities. In addition to being a tripping hazard, they may require a wheelchair user in a busy street or crowded sidewalk to search for an alternative crossing, or place them at risk of injury when maneuvering down a steep curb. Six locations lacked a ramp.

2. Ramp Too Steep

The proper degree of slope on a ramp is critical to the safety of a user, whether ascending to the curb or descending to the street. The ADA specification of a slope with a 1:12 ratio keeps ramps safe for wheelchairs, minimizing the chance of a tip-over that would endanger the wheelchair user or passers-by. Of the ramps we surveyed, 152 (61.29%) had a slope steeper than the ADA recommended angle.

3. Ramp Insufficiently Wide

In order for people with disabilities to safely utilize a ramp, the ADA requires it to be at least 36” wide. Of the 248 ramps we examined, 43 (17.34%) were less than 36” wide.

4. No Detectable Warnings

A symbol in the shape of a truncated dome, placed in or on pavement, is designed to alert people with impaired vision that they are approaching a crosswalk. If not for the presence of these symbols, visually impaired individuals may wander into

oncoming traffic or unexpectedly encounter the edge of a ramp. Of the sites we surveyed, 158 (63.71%) lacked such detectable warning symbols; in other cases, the warning symbol was very damaged. This was the most frequent violation of ADA compliance.

5. The Joint of the Ramp and Paving Not Level

A ramp must provide a level transition from the sidewalk paving to the street. Even a small gap or bump presents a trip hazard or obstacle for people using walkers or with impaired vision. Such changes in elevation may not exceed ¼". 36 (14.52%) of ramps we examined had bumps that exceeded ¼".

6. Crumbling Concrete

Cracked or crumbling concrete creates similar trip hazard or an obstruction of the ramp. Of those surveyed, 49 (19.76%) had surfaces that were cracked or broken.

7. Potholes Obstructing Ramps

Even if a ramp is fully ADA compliant potholes in the adjacent pavement may obstruct access to the ramp or present a danger to users, requiring them to seek another accessible ramp through street traffic or crowds of pedestrians. Of the ramps surveyed, 44 (17.74%) were found to have a pothole obstructing the approach.

8. Ramp Blocked

Unplanned physical barriers may restrict or obstruct access to a ramp. 16 (6.45%) ramps we examined were fully or partly obstructed by construction barriers or equipment, deep standing water, or private or Sanitation Department trash baskets.

Newly Constructed Ramps

At the request of Disability Rights Advocates (DRA), a national non-profit disability rights leader, we sought to identify ramps that appeared to be newly-constructed, and to evaluate the quality of their construction and compliance with ADA requirements. However, NYC DOT does not make available a list of newly-constructed ramps. Instead, we used our best judgment to determine the newest

ramps on the basis of their appearance. Of the 248 total ramps surveyed, we judged 55 to be new, of which 47 (85.45%) were found non-compliant. This finding of a large number of new, non-compliant ramps finds corroboration in a correspondingly large number of complaints that our office and DRA have received about the poor quality of newly-constructed ramps.

Conclusions and Recommendations

The 30th anniversary of the ADA offers a unique opportunity to refocus on issues of disability rights, and to recommit ourselves to identifying and addressing areas of persistent discrimination against New Yorkers with disabilities. A program to repair and renew pedestrian access ramps and sidewalks is a great place to start. Because the City of New York has agreed to a legally binding settlement with advocates for those with disabilities, we will be able to work effectively over the next several decades to remove many long-standing physical obstacles that have restricted those with disabilities from participating fully in the city's life. The failure of many past and current practices and unconscionable delays should cause us to remain vigilant in ensuring that the City's paper commitment is matched by tangible reforms and improvements. To this end, the City should take several steps to help fulfill its promises.

1. Prioritize the accessibility of ramps around subway stations (as well as other transit hubs)

As this report details, problems with the condition or absence of pedestrian ramps around accessible subway stations remains deeply concerning to advocates, those with disabilities who await integrated solutions to accessibility issues, and to this office. However, it is encouraging that the MTA is now committed to make all subway stations accessible. NYC DOT should embrace the importance of a holistic approach integrating all aspects of accessibility to transportation by a first step of prioritizing the improvement of ramps near accessible subway stations.

2. Greater transparency on ramp status and construction

Currently the City does not provide the public with a database detailing construction schedules for pedestrian ramps. Although the City has created a

website that provides information on the effort to bring every pedestrian ramp in the city into ADA compliance, the site fails to include real-time data (as it should) on the schedule for construction or repair of specific ramps, and does not include the criteria or guidelines used by DOT to determine whether a ramp can be classified as ADA compliant.

3. Accountability for the work of City contractors and other third parties

As noted above, this survey found that many ramps which appeared to have been recently rebuilt were actually out of compliance with ADA standards. Whether a city agency or a third party did the work, they should be held accountable and required to bring their work into compliance.

4. Establish a program of maintenance for all ramps now in compliance

Preventing deterioration and repairing damage to existing ramps is as essential as the reconstruction of ramps that are out of compliance. The City should publicly relay and explain how it expects to maintain every one of its ramps in a state of good repair in perpetuity.

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