

An Inaccessible Ride

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From crowded, sweaty subways, to slow buses packed to bursting with riders, the MTA's public transportation services frequently hear complaints from its customers, on a number of subjects; late trains and buses, unclean stations, and all sorts of problems making riding transit a pain for the many kinds of people who call the city home.

But of all these people, perhaps, no one has it harder than disabled users, forced to deal with excruciating issues and problems that make traversing the city that much more of an ordeal. Take for example the experiences of riders like Nolan Ryan-Trowe, a 27 year old award-winning photographer residing in New York City.

"The subway does provide a different outlook on life, on the city" explained Trowe, who traverses the city on trains as his main form of transportation. Having been a writer and videographer even before becoming disabled, the focus of Ryan's lens aims on the disabled community that he belonged to after 2016, when a spinal injury and a paraparesis diagnosis inspired the photographer to chronicle the experiences of disabled New Yorkers dealing with a multitude of transportation issues. In many cases, those issues are the same as his own.

For him, along with the nearly 1 million disabled residents, navigating the subway is often a frustrating, tiring experience. In New York City, according to 2019 census data, one million disabled people are traversing the city's myriad of trains and buses, trying to deal with the MTA's bureaucratic mistakes and missteps on a daily basis, poor maintenance, improper driver training, and a lack of options making city wide travel a painful process for many disabled people.

For frequent subway riders like Ryan, charting his course by looking up accessible MTA stops that he can safely enter and exit isn't a problem, having been traveling on the city's trains ever since 2017, when he moved to the city to pursue a degree in NYU. Others, however, often have to look into accessible stops with features that allow them to safely use them, such as useable elevators and gates to exit and enter from, often while they're on the train itself.

While looking for information can be of help, disabled riders often find that even seemingly accurate information can become useless in an instant, arriving at a seemingly usable station only to be faced with inaccessible stations. Most of the time, said inaccessibility comes from broken elevators, keeping disabled riders stranded in a subway system where only around

25% of stations have elevators to begin with, with around 33% of them being unsanitary and unusable on any given day.

“I don’t know why the elevators break down as often as much as they do, but it’s so infuriating.” Trowe said. As of 2019, according to the MTA¹, only 120 of the city’s 472 subway stations, around 25% of all city trains stations, have elevators. For disabled riders, elevators act as an essential resource to be able to utilize the system, and without them, riders like Ryan are struggling to get around the subway system adequately. Many times a disabled rider can end up having to travel several long hours in the worst case, all just to travel to their destination, in far more time than an able-bodied person, just because of a single lacking elevator, or non-functioning subway exit gate.

In a 2019 study led by William Milczarski of Hunter College’s Department of Urban Policy and Planning, along with Peter Tuckel of the Department of Sociology and Colin Wright, a writer for transit advocacy organization TransitCenter, a team of student researchers found a significant number of elevators that were either broken, or unusable due to other issues, ranging from inadequate lighting, to issues with maintenance that cause elevators to become stuck, sometimes stranding riders in hot elevator cars. Additionally, the study found the elevators, strewn with garbage, and in some cases reeking of urine.

“More than two-fifths of the elevators were labelled as malodorous and a third were viewed as unclean,”² the study noted, adding that the elevators surveyed frequently faced issues with proper ventilation as well, making them unpleasant at best, and barely usable at worst. Taking elevators out for hours, or sometimes an entire day, makes the situation untenable for most disabled riders.

“To make the subway system more accessible, the MTA needs to not only install added elevators but to make the existing ones more hospitable places” the study said.

As a result of these problems, disabled riders frequently find themselves having to go out of their way to find other stations they can use, having to travel around, scrambling for a usable station, potentially adding hours to their commutes.

With these issues in mind, the city's buses may seem like a more appealing option, with their accessibility touted by the MTA as a key feature of their operation. Based on the MTA’s

¹ “MTA Guide to Accessible Transit.” Mta.info, MTA, web.mta.info/accessibility/stations.htm.(web.)

² “Access Denied.” TransitCenter, TransitCenter, transitcenter.org/publication/access-denied/.(web.)

own records, with 5,725 of its buses equipped with lifts and ramps for the disabled³, getting around should be easy.

However, regular bus rider Dustin Jones, who is disabled, said to me in a recent interview, that using the buses is anything but easy, despite the MTA's claims.

"Most of the time the bus drivers act like it's a hassle to let me on the bus." Jones said. For an example he mentioned the 149th Street station in the Bronx, only three blocks away from his home, but inaccessible to disabled riders like him. Instead of simply hopping on the train Jones has to rely on traveling on two buses and an additional train just to get home.

Jones described the extra four blocks on his wheelchair as "tiring", even more so when he has to go through it day after day, making what should be a simple ride into a stressful journey.

"No one told me how to do any of that." Jones said of his commute. "I had to learn how to get home on my own, And for Jones, that extra journey often takes around two full hours, and sometimes even longer. For the able-bodied commuter, the journey would only take around an hour.

"They act like it's an inconvenience to deal with me, even though I'm just going about my day, and trying to live my life just like everyone else." an angered Jones said, also noting the ways in which his wheelchair makes travel in general difficult.

What makes matters worse is the state of the sidewalks Jones deals with, a minor detail for able-bodied persons being a hurdle for Jones.

In his travels, he frequently comes across cracked, jagged pavement, making it difficult for him to even get to a bus stop on time, often causing him to be late for his medical appointments, meetings, and work.

Complicating matters are the conditions of both the buses, and the drivers themselves. Sometimes his route will be rendered unusable by snow, either blocking his ability to use his wheelchair or, especially when he was first learning, making certain routes unrecognizable.

Other times he describes having to deal with uncooperative bus operators, looking to make their lives easier at the cost of Jones' comfort.

³ "Buses." Mta.info, web.mta.info/nyct/facts/ffbus.htm.(web.)

“I used to see the drivers double park,” recalls Jones, describing a method that drivers would use to refuse disabled customers service.

Sometimes bus operators would feign ignorance about how to use the lifts, citing mechanical failure or a lack of knowledge, Jones recalled, himself recalling an time when an operator tried to argue him down, trying to convince Jones that a functional lift was unusable, all to keep from serving an “inconvenient” passenger.

Plagued by run-down elevators and uncooperative drivers, disabled riders like Trowe and Jones find travel difficult, causing them immense stress. Recognizing the issue came up with a third option, created in January of 1990 and still used today; Access-A-Ride.

With its signature white and blue buses often seen cruising city streets, the system was created ~~i~~ specifically in response to frequent complaints regarding accessible transportation, the program is thought to be, and was created as, a saving grace for disabled New Yorkers. However, in the year 2020, the service is anything but THAT for many of its users. A 2015 audit, performed by City Comptroller Scott. M. Stinger found a system struggling to service its riders.

“In 2015, self-reported data from Access-A-Ride bus and car providers showed passengers were stranded 31,492 times,” states the audit⁴. To put that into context, 22.49 percent of riders found themselves taking rides that never took place or were never completed, representing around one out of every 5 customers.

The comptroller’s report also went into detail regarding the multiple failings of the service, including manipulated data and mismanaged spending due to misreported ride data, causing inappropriate spending on trips that may have never even occurred.

Almost five years later, users of the service report that the situation has yet to meaningfully improve at all, and in some cases have even gotten worse. Eman Riwami is one such person, a frequent user of the service, she relies on the fleet of small, boxy buses in order to get from her home in the Bronx to her job, working as an Access-A-Ride coordinator for the New York Lawyers for the Public Interest, an organization focused on advocating for disabled New Yorkers. As someone dependent on the service, and who has experienced the system flaws for years, she has firsthand knowledge of the service’s shortcomings.

⁴ “Audit Report on the New York City Transit’s Controls over the Process of Handling Access-A-Ride Customer Complaints.” Comptroller.nyc.gov, Office of the New York City Comptroller, 19 Jan. 2018, (web.)

“Sometimes, when I’m trying to get to work, I’ll have drivers come sometimes a half hour late like it's nothing.” Riwami told me, as she recounted the many times that a driver's carelessness has made her life harder than needed, missing important events and opportunities due to a driver’s incompetence.

“I remember there was this one time, I was actually heading to a meeting on Access-A-Ride with the MTA, and I ended up being late because of, ironically enough, my driver.” a frustrated Riwami said. A combination of her driver’s lax attitudes and frequently malfunctioning vehicles caused her to be late in what was a series of late drop-offs with Jones expressing similar sentiments, and even recounted the time he conducted his own informal experiment on the issue.

“I took the train and bus for five days and took Access-A-Ride for 5 days the week after.” he explained. At the end of his experiment, his findings were telling, although unsurprising to him. “When I took the train, at least I got to work on time. When I took Access-A-Ride I was late every single day, without fail.”

Jones was not the only one who was annoyed by the constant lateness of the services’ drivers. Access-A-Ride user Riwami told me of similar experiences. Both said that a combination of overly lax drivers arriving off-schedule, said drivers taking nonoptimal routes, and poorly maintained buses and vans making what should be pleasant rides into frustrating trips.

When asked to comment on the MTA’s plans to help further adjust the service, MTA spokesperson Andrew Person failed to respond

Lateness isn’t the only reason many choose not to use the service. Chief among them is the issue of unsatisfactory staff on Access-A-Ride vehicles. Some can range from annoying, in the case of a time where Riwami was forced to deal with “blaring loud music, even when I told him to turn it down, over and over again.” The other main issue is with service reliability and costs, which contribute to the frequent latenesses experienced by riders.

Unlike with regular trains and buses, users of the service have to schedule their trips on Access-A-Ride ahead of time, and rules regarding usage are strict and stringent. Users have to be picked up at a certain time, and need a multitude of details just to schedule, including an unique “ADR” number for verification, a list of any special accommodations, and details on either when a user wants to be at their destination (referred to as “Appointment Time” by the MTA), or a set time for their vehicle to pick them up (called “pick up time”).

Preparations can be complicated by a multitude of factors as well; riders must differentiate between scheduled trips and “subscription” trips, know the times for making reservations (between 7:00 a.m. and 5:00 p.m., no more than two days before), consider special zoning restrictions, know about the “three quarter mile service area”, and more, which can make using the service infuriating.

Not only do the users of the service see it as overly complex, but many others familiar with the cities’ transportation industry agree.

“The system’s downright insane.” said Clayton Guse during a recent interview with me. Guse is an experienced transit reporter for the New York Daily News, who’s written multiple stories over the course of his career regarding the state of transportation for disabled New York residents. During his time reporting, the journalist remarked that many of the same issues that he’s reported on over the years, from Access-a-Ride woes to inaccessible stations, have been around for years with little progress.

One such example is a May 2019 subway protest that he reported on⁵, following the filing of a major lawsuit against the MTA on the 15th of that month,

His writing details the energetic protesters “arguing the agency’s repeated decisions to complete major subway station renovations without adding handicap-accessible features violates the Americans with Disabilities Act.” according to his reporting on the protest.

“These kinds of protests are pretty common.” Guse told me in an interview, adding that the protests often focus on the same issues that the MTA is called out on; elevator access, bus lift repairs, Access-A-Ride access.

In regards to elevator woes the reporter pointed out that many of the city’s subway station elevators aren’t managed by the MTA themselves, meaning that the responsibility of their maintenance and upkeep falls not on the MTA, but on private outside organizations instead.

“Some of the elevators aren’t even managed by the MTA.” Guse explained. “Sometimes you have some outside company taking care of them, and those are usually the ones with the most problems.”

⁵ Guse, Clayton. “Disability Rights Groups Sue MTA, Say NYC Subway Renovations without Elevators Break the Law.” Nydailynews.com, New York Daily News, 15 May 2019 (web.)

For example, the elevators in the Atlantic Avenue - Barclays Center station in Brooklyn, which are managed not by the MTA, but by the owners of the Barclays Center itself, BSE Global⁶, whose elevator had gone so long without maintenance that by 2018 the original manufacturer of the machine had gone out of business, making it difficult to even find the parts necessary to replace them⁷.

Such privately maintained elevators and escalators (referred to as out of system property by the MTA) fail more often, but even the properties maintained by the MTA have frequent failures, so much so that a 2017 study⁸ found the MTA's own Franklin Avenue station to have the 2nd highest failure rates, with outages reported 97 days out of the year.

The plethora of problems and issues with all three of the MTA's methods of transportation have often left those with disabilities scrambling for other options, particularly in an age where rides seem to be more accessible than ever with services such as Uber and Lyft. Being able to avoid many of the MTA's inaccessible stations, and flawed Access-A-Ride vehicles is in practice, far harder than it seems, with many of these alternatives also suffering from issues.

Take for example ride-share services such as Lyft and Uber, initially billed as a fix to citizens' MTA woes with a focus on speedy, convenient transportation for all, but at first this did not include disabled riders.

Three of these ride-share services, Uber, Via and Lyft sued the city in an attempt to avoid having to comply with "extraordinary," accessibility requirements in 2018⁹. In the end, all three were ordered to comply with the Americans With Disabilities Act later in the year¹⁰, setting a standard for them, and all similar services.

⁶ "About Us." Barclays Center, BSE Global

⁷ Rivoli, Dan. "Private Companies Have Worse Track Record than MTA in Subway Elevators." Nydailynews.com, New York Daily News, 12 Dec. 2018

⁸ Tuckel, Peter, et al. "The Ridership and Condition of New York City Subway Elevators PDF." Jan. 2019.(web.)

⁹ Rubinstein, Dana. "In New Suit, Uber, Lyft and Via Target New York's Wheelchair-Accessibility Requirements." Politico PRO, Politico LLC, 13 Apr. 2018, (web.)

¹⁰ Rubinstein, Dana. "New York City and Uber Reach Settlement on Wheelchair Accessibility." *Politico PRO*, 13 June 2018 (.web)

Today these services have taken steps towards making their services accessible, but still suffer from issues with servicing those who need them, particularly in New York City, where 1,952 WAV's (Wheelchair Accessible Vehicles) throughout the city only represent a mere two percent of the For-Hire vehicles in the city¹¹, and typically have higher prices. This lack of vehicles and the price of using them was cited as one of the reasons why Trowe often chooses to use the subway instead.

“I use them when I absolutely have to.” said Trowe, as he felt that the cost was frequently too big of a financial burden to use except on rare occasions. “I didn't find them to be a sustainable mode of transportation. Getting the wheelchair accessible vans is a real pain too.”

The burden of finding accessible vehicles not only falls on the customers, as the drivers themselves find it difficult to use and drive the vehicles needed to provide adequate service to disabled individuals. When talking with me on possibly driving for disabled people, Uber driver Lindsay Adams said that he “can't even fit a wheelchair in here, and it's not like Uber would help give me the money anyway.” For Wheelchair Accessible Vehicles to be put into service, drivers must buy the cars and equipment themselves, which many can find exorbitantly expensive considering that even basic conversions typically run in the ballpark of around \$20,000.

“Sometimes I'll get somebody who's in a wheelchair, and I had to turn them down.” Adams said to me. “I'd have to tell them ‘well, I don't have room.’”

Many of said customers would typically have been waiting long hours for accessible vehicles, hoping that an accessible vehicle would be nearby, a faint hope considering just how few and far between they often are.

Another concern Adams brought up during our conversation were concerns with safety for disabled passengers, with services that Adams can't provide. Features meant to keep disabled passengers safe, such as proper heights for doors and wheelchair lifts are designed to keep wheelchair users safe, but aren't found on most vehicles, especially on the kinds of consumer vehicles ride-share drivers rent and buy for their use.

Brooklyn based driver Landai Barnes, a driver for Lyft also expressed concerns when asked about disabled riders.

¹¹ “State of New York.” For Hire Vehicles (FHV) - Active | Open Data NY, data.ny.gov/widgets/8wbx-tsch. (.web)

“I can’t take anybody with a wheelchair because that’d be a liability for me, if something happened.” Barnes said regretfully. She also pointed out that all drivers, in order to serve disabled occupants, are required to be licensed to do so, requiring training not only in order to drive a wheelchair accessible vehicle, but to rent or buy one as well.

“Yeah, if I wanted to even have, say, somebody with a wheelchair, I legally couldn’t even if I had the proper setup and everything.” explained Barnes. “We actually aren’t obligated to help people with wheelchairs and walkers, and things like that, but I did it anyway. I had to fold the chair and everything, and it was so heavy, but I decided to let them get on, because I could tell they needed it.”

According to Lyft’s rules in particular, while drivers aren’t forced to provide service to wheelchair users, drivers are expected to provide service if able. However, Lyft itself gives its drivers wiggle room in regards to providing service, stating that “If [a driver] refuse[s] to provide a ride to a passenger whose wheelchair could be reasonably accommodated, we’ll follow up with [them] to find out why,” and will only penalize a driver if a driver’s refusal is found to be unjust, with vague parameters as to what constitutes an unfair refusal¹².

With ride-share services leaving customers dissatisfied, even after promises from organizations, disabled people and their advocates are left with one option; to fight and speak up.

To create awareness for their cause a protest was held in front of the MTA headquarters in Manhattan on November 12, 2019. As the crowd waved their banners in the cold Winter early morning, media presence was sparse as the crowd expressed their anger, including the continuation of an pilot program for on-demand Access-A-Ride, set to be cancelled in March of 2020. While most of the crowd consisted of disabled individuals, non-disabled advocates also made their voices heard, particularly that of Joe Rappaport, president of the Brooklyn Center for the Independence of Disabled.

“I’ve been here since 2016, and I’ve had to speak at so many of these protests.” Rappaport said over the phone the day before the protest. Speaking hurriedly, the tall man elaborated on the “same song and dance” he and many others constantly go through with the MTA. According to Rappaport, their complaints are barely heard.

One protest stood out, during an meeting itself that showcased some of the callousness alleged particularly during a section of the meeting devoted to the O.M.N.Y (One Metro New York) program, meant to replace MetroCards During discussions on the matter, the MTA’s

¹² Lyft, Inc. “Wheelchair Policy.” *Lyft Help*, help.lyft.com/hc/en-us/articles/115012926827-Wheelchair-Policy. (.web)

O.M.N.Y program director Al Putre glossed over any issues of accessibility, treating them as an afterthought. From an accessibility standpoint, regarding its effects on Access-A-Ride, reduced-fare “Autogate” Metrocard systems, and other accessibility matters, Putre simply said that such measures, whatever those measures end up as, will only be “instituted once the back end is ready for them”, whenever that ends up being.

This vagueness is a recurring issue for disability advocates, including with wheelchair user Michael Hellman, manager of the Westchester Independent Living Center, an organization devoted to disability rights in the Westchester Area.

Part of his position at the organization, which has been in operation since 1981, is to conduct legal investigations into areas that violate ADA standards, and that includes White Plains’ public buses and Metro-North stations which are also managed by the MTA. Some of these investigations can lead to legal battles which Hellman manages, including a 2018 lawsuit against the MTA regarding inaccessible Metro-North stations.

“Such a complaint would usually be a last resort.” explained Hellman, with process for official complaints involving lengthy legal back and forth discussions that can take weeks to months. In particular was a battle involving the Port Chester Metro-North station, where his organization was forced to team up with an outside law firm to have an elevator installed in order to make both sides of the station usable for disabled riders.

“That was, I would say about a year of litigation.” Hellman admitted, with the MTA attempting to avoid having to do so along the way. Nevertheless, the station eventually saw its elevator installed in January of 2018¹³, and with its slow, drawn-out conclusion, Hellman saw more than a few parallels with the struggles of New York City’s groups to get the MTA to commit to accessibility.

“It’s a hard process, and even with litigation, and complaints and suits, it can often feel like nothing’s being done.” said Hellman, “but each little victory, you have to celebrate that.

And of course, disabled straphangers themselves find themselves in the midst of advocacy, either out of want, or in some cases necessity. Take the aforementioned wheelchair user Dustin Jones, who has had to deal with incident after incident. Sometimes he’d be forced to spend valuable minutes trying to get on a train after having his AutoGate card, a special MetroCard for disabled riders to use special doors for access to subway platform, taken by a broken kiosk. These frustrations, among others, led him to become a board member on the

¹³ Metropolitan Transportation Organization. *Port Chester Metro-North Station Gets a Lift*. N.p., 26 Jan. 2018. Web. 11 May 2020. (.web)

Center for Independence of the Disabled, a Manhattan-based organization fighting for disability rights.

“In New York [City], if you're disabled you have to become your own advocate.” explained an impassioned Jones, who says that he and his fellow disabled straphangers have no choice but to fight the MTA, as often and as loudly as possible.

“And it really is a fight,” Jones claimed when asked about the constant battle between the MTA and disabled riders like him.

“Every time we speak up they do the bare minimum, and we keep having to show them that we won't take it. We're not going to let the MTA treat us like anything other than the people we are, and we deserve to have our right met. It's that simple.”

For their efforts, the various organizations taking the MTA to task have produced results, albeit ones that are often slow and inconsistent. Subways have seen minimal changes, marking important steps towards progress. Take for example the MTA's Accessible Station Lab¹⁴, an initiative created in 2019, using the often-busy Jay-Street Metrotech station as a testing ground for future initiatives. Many of its features were small, but noticeable, such as tactile walkways to help blind users, with the walkways themselves marked in a bright light blue for riders with low vision, making subway stations useable for more riders, addressing safety issues with blind straphangers possibly crashing into other riders or falling down stairs or possibly off of the train platforms.

However, for Riwami, a more significant, almost miraculous change came in the form of a large, “Wide-Fare Gate” specifically made with disabled riders, and other riders with needs for accessible ways to access train stops, in mind¹⁵. The wide gray doors, in contrast to the metal rods of typical fare gates, are made to let riders pass through with minimal effort, with technology for O.M.N.Y and Metrocard payments, addressing concerns brought up by activists and riders alike.

The gate is currently non-functional, and currently has no announced plans for city-wide implementation, but its creation represents important steps in terms of listening to disabled riders, although when those suggestions will go into effect are still up in the air, and the ambiguity as to when it would be implemented was a key concern to Riwami who was impressed by the gates, but expressed concern regarding its actual implementation.

¹⁴ "Accessible Station Lab." *MTA*. MTA, n.d. Web. 11 May 2020. (.web)

¹⁵ "Try the New Accessible Wide Fare Gate." *MTA*. N.p., n.d. Web. 11 May 2020. (.web)

“It’s nice that this is planned but it won’t mean anything if they don’t actually implement them.” she said.

Buses, both for the city and Access-A-Ride, have no such changes announced, but even with these changes, the future of accessible transportation still has a ways to go. Ironically enough, one of the most future-proofed accessible methods of transportation is outside of the MTA.

When asked about his take on accessibility, Guse pointed out the city’s yellow and green cabs as an option due to their ease of use and multitude of accessible options. In recent years the NYC Taxi and Limousine Commission has made strides in making their cabs easier to use for riders with all disabilities, installing accommodations such as interactive screens for riders to use, and braille and raised lettering. However, issues such as inaccessible high pricing (\$2.50 base fare, and a multitude of surcharges, some depending on when and where cabs pick up passengers), make it imperfect, but still a prime example of the types of adjustments that make getting around easier.

The MTA’s slow adaptation of accessible adjustments came as no surprise to Colin Wright, a specialist at the Transit Center, an organization devoted to studying and improving public transit who has seen the MTA struggle to adjust to change throughout his career, both for the better and the worse.

“The MTA will always tell you that they’re doing all that they can.” he observed, from issues regarding pricing and train maintenance, to accessibility. To see the MTA making progress towards these issues was a welcome surprise for Wright, but noted that the organization still had a long way to go, especially compared to other countries, citing the nearly 100% accessible transit systems of areas such as Washington D.C. And despite this, the man was ultimately hopeful, that the work he, and so many others were doing to enact change, would one day make the system one truly equal and able to be fully used by everyone. In his words, “eventually, I know we’re gonna get there.”

When asked for comment on their future plans, the MTA’s Accessibility Department failed to respond to call and emails, but even without their response, creations such as “Wide-Fare Gates”, and new station features help to make sure that riders both now and in the future can use their services and ride in peace.

But ultimately, for disabled riders, the fighting, protesting, and constant calls for action represent more than simply wanting to ride around in peace.

“We deserve accessibility, because we’re people, and we deserve to be treated as such. For the MTA to ignore us, for them to be so slow, it feels like I have to fight to be seen truly, as a person.”

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