

Sheppard Mullin Announces Historic Settlement That Dramatically Increases NYC Subway Accessibility

95% Of NYC's Subway Stations Will Become Wheelchair Accessible; Sheppard Mullin's pro bono work to improve access for people with disabilities in NYC has led to accessible taxis, sidewalks, emergency plans and a wheelchair division in the NYC Marathon

06.22.2022

Sheppard Mullin is pleased to announce that a historic settlement agreement was signed today by disability rights advocates and the Metropolitan Transit Authority (MTA) to make the New York City subway accessible for people with disabilities who cannot use stairs to access the system. The settlement agreement calls for the MTA to make at least 95 percent of the New York City subway's 364 currently inaccessible stations (more than 75 percent) accessible by 2055.

"This landmark agreement brings to a conclusion decades of advocacy by the disability community and our clients for equal access to New York City's critical subway system," said Dan Brown, Sheppard Mullin's Pro Bono Partner who has been working as co-counsel with Disability Rights Advocates on this case since 2017. "I'm so proud to say we achieved our goal and future generations of New Yorkers will be able to enjoy the benefits of our subway system."

The agreement, which is subject to court approval, generally provides that the MTA will dedicate 14.69 percent of each of its five-year Capital Plan budgets to station accessibility and also ensures that stations will be made accessible as part of renovation and rehabilitation projects. In addition to the 81 stations currently slated for accessibility in the 2020-2024 Capital Program, 85 additional stations will be accessible by 2035, another 90 by 2045, and the final 90 by 2055.

Background on the Case

In April 2017, Sheppard Mullin and co-counsel Disability Rights Advocates (DRA) filed a class action lawsuit in state court on behalf of several disability rights organizations and individuals against the MTA and the City alleging that the overwhelming inaccessibility of the current subway system violated the New York City Human Rights Law, a novel and untested theory. Last year, following a decision by the New York Appellate Division, First Department (decision available [here](#)), the trial court certified a class of all people with disabilities affecting their mobility who are unable to access the subway. The second lawsuit, filed in 2019 in federal court, alleged that the MTA renovates subway stations without adding stair-free access in violation of the Americans with Disabilities Act. This agreement resolves both class action lawsuits (*Center for Independence of the Disabled, New York, et al. v. Metropolitan Transportation Authority, et al.* No. 153765/2017 (N.Y. Sup. Ct. N.Y. Co.) and *De La Rosa et al. v. Metropolitan Transportation Authority et al.* No. 19-cv-04406 (ER) (S.D.N.Y.)), and will be subject to court approval, a notice period where class members will have the opportunity to comment, and a fairness hearing.

Sheppard Mullin and DRA have a long track record achieving historic results on behalf of hundreds of thousands of New Yorkers with disabilities, including:

- In 2019, securing a historic settlement agreement with New York City to dramatically improve the accessibility of the City's sidewalks.
- In 2013, settling a lawsuit to make at least 50 percent of New York City's yellow taxi fleet wheelchair accessible, which was only 1.8 percent wheelchair accessible.
- In 2013, representing a class of 900,000 disabled residents in a trial victory that led to New York City agreeing to implement the most comprehensive disaster plan ever established in the country aimed at improving the lives and safety of New Yorkers with disabilities.
- In the late 1990s, Dan Brown represented plaintiffs in a lawsuit brought under the Americans With Disabilities (ADA) Act on behalf of wheelchair athletes that led to the creation of the wheelchair division in the New York City Marathon.

Click [here](#) to read DRA's press release with additional information about the settlement and plaintiffs' reactions.

Attorneys

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