

April 26, 2024

Mr. Edmund Asiedu  
ADA Coordinator  
New York City Department of Transportation  
55 Water Street, 9<sup>th</sup> Floor  
New York, NY 10041  
*Via email to:* [Accessibility@dot.nyc.gov](mailto:Accessibility@dot.nyc.gov)  
*Filed At:* <https://accessibilityplans.cityofnewyork.us/dot/>

**Re: Response from Disability Rights New York to the New York City Department of Transportation’s Request for Public Comment on *Accessible Streets: NYC DOT’s Proposed Five-Year Accessibility Plan***

Dear Mr. Asiedu:

Disability Rights New York (“DRNY”) submits the following comment in response to the New York City Department of Transportation’s (“DOT”) request for public comment on the DOT’s recently published *Accessible Streets: NYC DOT’s Proposed Five-Year Accessibility Plan*.

DRNY is the Protection and Advocacy system for the State of New York and works to empower, protect, and advance the rights of individuals with disabilities. DRNY’s clients include individual New Yorkers with disabilities who travel using various transportation modes, including the sidewalks of New York City. DRNY provides legal assistance and direct advocacy services to people with disabilities in New York City who use public transportation and public rights of way so that they can independently and fully participate in community life. DRNY works to ensure that people with disabilities have equal and independent access to transportation of all kinds.

DRNY regularly assists clients in obtaining reasonable accommodations from transportation providers and works to address systemic shortcomings that prevent equal access to transportation. People with disabilities face barriers to accessing transportation in their everyday lives. While they may be able to independently navigate some or all barriers, the burden placed on people with disabilities is not shared by their non-disabled peers.

We thank the DOT for soliciting feedback on this important topic. The ability to travel via public transportation and public streets is a basic need that defines how a person goes about their day and manages their life. It is the preamble to almost every task a person needs or wants to



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accomplish.

## I. Physical Access

### a. Defective Conditions on Sidewalks

The Five-Year Accessibility Plan correctly identifies that “[d]efective conditions on sidewalks... [such as] cracks, holes, uneven surfaces, improper slopes, or collapsed concrete, may pose hazards to pedestrians and people with disabilities.”<sup>1</sup> While DRNY appreciates New York City’s commitment to replace and repair sidewalks, more must be done. Although DOT acknowledges the existence of the problem, it fails to acknowledge the scope of the problem.

DRNY has received reports from the disability community regarding defective sidewalks in multiple boroughs of New York City. New York City must quickly and meaningfully remedy defective sidewalk conditions that are more prevalent in certain neighborhoods, including the East Mount Eden neighborhood in the Bronx<sup>2</sup> and Bay Ridge, Brooklyn. For example, as Disabled In Action (“DIA”) noted in its public comment to *Accessible Streets: NYC DOT’s Proposed Five-Year Accessibility Plan*, Shore Road between Bay Ridge Avenue and 101<sup>st</sup> Street in Bay Ridge, Brooklyn has sidewalks that are inaccessible to people with mobility disabilities due to missing curb cuts, holes in the sidewalks, and other barriers.<sup>3</sup> When a poll site is located on or near an inaccessible sidewalk, as has happened in Bay Ridge, these defective sidewalk conditions may prevent people with mobility disabilities from accessing their right to vote.

To the extent that inaccessible sidewalks might be the responsibility of other agencies, such as the Parks Department, DOT should proactively work with other agencies to ensure the sidewalks are made fully accessible in a timely manner. It is imperative that DOT collaborate with other New York City agencies so efforts are not undermined or ineffective.

There is no publicly available information to track complaints the DOT has received about inaccessible sidewalks, including a timeframe within which the sidewalks might be repaired.

<sup>1</sup> NYC DEPARTMENT OF TRANSPORTATION, *Accessible Streets: NYC DOT’s Proposed Five-Year Accessibility Plan*, 2024, p. 9, <https://www.nyc.gov/html/dot/downloads/pdf/nycdot-proposed-five-year-accessibility-plan.pdf> (“Accessible Streets”).

<sup>2</sup> In June 2022, Disability Rights New filed a lawsuit behalf of residents and visitors with vision and mobility disabilities in the East Mount Eden neighborhood in the Bronx. The lawsuit names the City of New York, New York City Police Department, New York City Department of Transportation, Eric Adams, in his official capacity as Mayor of the City of New York, Keechant L. Sewell, in her official capacity as Commissioner of the New York Police Department, and Ydanis Rodriguez, in his official capacity as Commissioner of the New York City Department of Transportation as Defendants. The lawsuit came after nearly two years of unsuccessful attempts to resolve problems people with disabilities face when they are forced to navigate barriers along sidewalks, curb cuts, and crosswalks.

<sup>3</sup> Public Comment, April 2, 2024, by Disabled In Action of Metropolitan New York, Inc. (“DIA”) to *Accessible Streets: NYC DOT’s Proposed Five-Year Accessibility Plan*, 2024.



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DRNY echoes the suggestion made by DIA in its public comment that DOT should create a centralized complaint system, such as an app, that makes it simple to report inaccessible sidewalks and other accessibility concerns, such as Accessible Pedestrian Signal installation.<sup>4</sup> Similar apps for drivers exist, such as Waze and Google Maps. This solution could maintain detailed maps of sidewalks that the DOT knows are defective and provide a way for the public to submit complaints, see complaints submitted by others, and see approximate timeframes when specific defects might be remedied. This system would ensure accountability and help people with disabilities navigate unfamiliar neighborhoods so they can avoid known barriers.

Additionally, the DOT should publicize information and data about Notices of Sidewalk Violations, including geographic area, how long it takes property owners to respond to violations, and how often and in which geographic areas the DOT must hire private construction firms to make the necessary repairs when a property owner does not act. Lastly, the DOT should make information available regarding how it coordinates with the Parks Department and other New York City agencies to ensure that public sidewalks on or near park property are maintained in an accessible manner, including removal of barriers to accessibility, such as garbage cans, debris, or scaffolding.

#### **b. Parked Vehicles Blocking the Pedestrian Pathway**

DRNY has received multiple reports from New Yorkers with disabilities of parked vehicles blocking the pedestrian pathways in New York City. These parked vehicles often force people with disabilities to walk or ride in the street in order to avoid the inaccessible sidewalks.

As described above, DRNY’s lawsuit against the City of New York focuses on accessibility barriers on the pedestrian pathways throughout the East Mount Eden neighborhood of the Bronx. Parked vehicles, including emergency vehicles, on sidewalks, in intersections, and at curb cuts, as well as trash cans and other debris, all block access to the pedestrian pathways. Lack of parking enforcement by the New York City Police Department (“NYPD”) contributes to the existing problem.

In January 2024, DRNY hosted a virtual roundtable discussion with the United States Department of Justice from the Southern District of New York (“DOJ”) regarding the disability community’s experience with inaccessible sidewalks, crosswalks, and curb cuts around NYPD precincts. Members of the disability community spoke about NYPD vehicles and other vehicles parked on the sidewalks in multiple parts of New York City near police precincts. These vehicles block access to the sidewalk for people with disabilities and often force people who use mobility devices to travel on the road itself, which means they face the dangers of oncoming traffic. On

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<sup>4</sup> *Id.*



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March 29, 2024, the DOJ issued a findings letter to NYPD, concluding an extensive investigation with demands that must be met to avoid litigation.<sup>5</sup>

Prior reports also exist regarding parked vehicles blocking sidewalks. In 2023, an academic study “track[ed] the geographic extent of ... obstructive parking via in-person observation of the streets surrounding all 77 New York Police Department (NYPD) station houses, across all five boroughs.”<sup>6</sup> The study revealed “widespread and longstanding parking on sidewalks, and to a lesser extent, in crosswalks. Of 77 NYPD station houses, 70 (91%) exhibited parking of at least one of these kinds, with sidewalk parking often extending along the entire block (and not simply in front of station houses), on adjacent blocks, and on both sides of the street. This renders many sidewalks impassable – forcing pedestrians into traffic – and in many cases directly abuts residences and businesses, curtailing access to such destinations.”<sup>7</sup> Similarly, media coverage of the academic article described a long-standing problem, including a dedicated account on X (formerly Twitter) called NYPD Parks On Our Sidewalks and quotations from elected officials in New York City who had raised this issue in city council hearings.<sup>8</sup>

Additionally, the recent report by the New York City Department of Investigation (“DOI”) on April 3, 2024, pursuant to Local Law 6 of 2020, highlights the ongoing problems of parking permits allowing holders to park in locations in New York City that would not otherwise be permissible.<sup>9</sup> Many people abusing parking permits park on New York City sidewalks, creating significant accessibility problems and dangerous conditions for all pedestrians but particularly

<sup>5</sup> US Dept. of Justice Letter Of Findings-In Re: New York Police Department, [https://www.justice.gov/d9/2024-04/letter\\_of\\_findings-in\\_re\\_new\\_york\\_police\\_department.pdf](https://www.justice.gov/d9/2024-04/letter_of_findings-in_re_new_york_police_department.pdf) (“The net effect of City Vehicles parked on sidewalks and crosswalks is a pedestrian grid that is often inaccessible to people with disabilities. We have spoken with numerous individuals with disabilities who have explained their personal experience with the difficulty navigating around City Vehicles parked on sidewalks. Almost everyone reported that they were often required to navigate the streets (while risking injuries from vehicles) in areas around precincts where they found the sidewalks to be most often blocked. Several reported that they had been injured trying to move off the sidewalk in areas where the curb cuts had been blocked by parked City Vehicles. And many reported that no matter what efforts they made to resolve the problem—contacting the local precincts, submitting 311 reports, or attending community board meetings—things had either not improved or gotten worse in recent years.”)

<sup>6</sup> Marcel E. Moran, *Authorized Vehicles Only: Police, parking, and pedestrian access in New York City*, TRANSPORTATION RESEARCH INTERDISCIPLINARY PERSPECTIVES, 19, May 2023, <https://www.sciencedirect.com/science/article/pii/S2590198223000635>.

<sup>7</sup> *Id.*

<sup>8</sup> Aaron Gordon, *Extremely Thorough Academic Study Confirms NYPD Park on Sidewalks*, VICE (April 10, 2023), <https://www.vice.com/en/article/3aknmj/extremely-thorough-academic-study-confirms-nypd-park-on-sidewalks>; Immanuel John Milton, *Tracking the New York City Police Who Park on the Sidewalk*, BLOOMBERG (April 12, 2023), <https://www.bloomberg.com/news/articles/2023-04-12/mapping-the-nypd-s-sidewalk-parking-habit>. See also @placardabuse on X, available at <https://twitter.com/placardabuse>

<sup>9</sup> “DOI Finds Flaws and Makes Recommendations for Improvement of the Issuance and Revocation of City-Issued Parking Placards and Enforcement of Parking Laws Related to Parking Placards,” New York City Department of Investigation, Press Release Issued April 3, 2024, <https://www.nyc.gov/assets/doi/press-releases/2024/April/17LL6.Rpt.Release.04.03.2024.pdf>.



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for people with disabilities. DOT issues many of the city’s parking permits, as identified in the DOI report. One of DOI’s recommendations is that “DOT and NYPD should jointly conduct a study about the feasibility and cost of automated parking enforcement, including but not limited to license plate reader technology currently used by other cities.”<sup>10</sup> DOI also recommended that “[t]he three permit-issuing agencies should collaborate, with coordination and guidance provided by the Mayor’s Office, should create and implement a transition plan to phase out the use of physical permits, initially expanding the use of permit stickers with a bar code compatible with handheld enforcement devices, and eventually fully adopting a digital parking management system, including the use of an integrated parking management system to link parking permits, parking meters, a mobile application, handheld enforcement devices, license plate readers and license plates.”<sup>11</sup>

Many public comments to *Accessible NYPD: NYPD Proposed Five-Year Accessibility Plan 2024 – 2028* emphasize the issue of police parking on sidewalks, as well as lack of enforcement of other vehicles parked on the sidewalks.

DRNY encourages the DOT to implement structural solutions for the New York City streets that create adequate parking solutions. DRNY also encourages the DOT to work with other New York City agencies to ensure that sidewalks remain accessible to pedestrians.

### c. Bus Stop Accessibility

Members of the disability community reported to DRNY that bus stop accessibility should remain a priority. Unfortunately, New York City buses often do not pull up all the way to the curb to let riders disembark safely, either because of other vehicles blocking access to the curb or for other reasons. DRNY encourages the DOT to continue its commitment to ensuring that bus stops are accessible; to prioritize the Bus Lane Camera Enforcement program and continue penalizing vehicles blocking the bus lane; and to consider any other structural solutions that would allow passengers with disabilities to board and disembark from the bus safely.

Members of the disability community suggest that public benches at bus stops include back supports and weather protection, such as an awning. As DIA explained in its public comment, leaning bars are “not very helpful to people with disabilities, pregnant women, seniors, children,

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<sup>10</sup> *Id.*, p. 3.

<sup>11</sup> *Id.*



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and tired people.”<sup>12</sup> We support DIA’s request that the DOT publicize the breakdown of benches with backs versus leaning bars that the DOT’s Street Furniture Unit installed or plans to install in 2023 and 2024.<sup>13</sup>

## II. Programmatic Access

### a. Parking Permit for People with Disabilities (PPPD) program

DRNY commends the DOT for acknowledging that the current process for requesting a Parking Permit for People with Disabilities (“PPPD”) is “cumbersome, as applicants must submit applications by mail and undergo a lengthy review process.”<sup>14</sup> DOT’s plan to develop a web-based system to expedite the application process is a step in the right direction, assuming that the process is accessible and offers alternate options for those who cannot use the web-based option.

DOT should consider additional changes and improvements to the PPPD program. DRNY’s comments on this point are based on our experience advocating for New Yorkers with disabilities to receive a PPPD and assisting others in navigating the complicated application and appeal process.

DRNY assisted a client with a disability who first qualified for a PPPD in 2012 and continued to qualify through 2019, when he experienced problems with medical documentation. As a result of DRNY’s intervention, DOT granted him a one-year parking permit in 2019. In 2022, the person again experienced problems with obtaining additional medical documentation that was requested, and DRNY intervened for a second time. DRNY advocated to have the Department of Health and Mental Hygiene (“DOHMH”) review the person’s initial medical documentation, which was provided when the permit was first granted, to establish permanent disability. After significant advocacy by DRNY for almost a year, DOT finally granted a two-year parking permit for our client. Despite the fact that the client established that he has a permanent disability, it is likely that when this permit expires, this client will need to repeat the entire process.

Unfortunately, the PPPD program does not have an understandable and straightforward way of establishing when an applicant should not need to resubmit medical documentation with every permit renewal as part of a re-application process.

<sup>12</sup> Public Comment, April 2, 2024, by Disabled In Action of Metropolitan New York, Inc. (“DIA”) to Accessible Streets: NYC DOT’s Proposed Five-Year Accessibility Plan, 2024.

<sup>13</sup> Accessible Streets, p. 16.

<sup>14</sup> *Id.*, p. 23.



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DOT informed DRNY that a three-year “stable status” parking permit existed, where a person does not need to submit further evidence of disability during that time. There is no public information about this “stable status” parking permit, its requirements, or how to apply for such a permit. Moreover, the DOT process for re-applying with updated medical documentation is cumbersome and puts a significant burden on the person with the disability to document and then re-document the existence of a disability that is intended, by definition of the program, to be permanent.

Lastly, DOT does not provide sufficient public information explaining what a doctor must demonstrate to assist a person with a disability in obtaining a PPPD, in terms of medical records submitted or how a doctor should best support a person with a disability through the process. There is no public information regarding how an applicant’s doctor can request a peer-to-peer conversation with the DOHMH doctor.

DOT should work with DOHMH to restructure the PPDD program to do the following:

- 1) Simplify the PPPD program overall to make it easier for people with disabilities to navigate the process, including the proposed web-based application system that meets web accessibility requirements;
- 2) Create public information about how a person can request/obtain a “stable status” parking permit;
- 3) Where a person has sufficiently documented that their disability is permanent – a prerequisite for this program – DOT should grant longer parking permits, ideally a three-five (3-5) year term;
- 4) Create public information for medical professionals regarding what information DOHMH doctors need to review for an application or reapplication, and how to request a peer-to-peer conversation with DOHMH;
- 5) Create public information regarding how to appeal a PPPD denial; and
- 6) Continue to expedite timeframes for review and provide applicants information about expected timeframes.

### III. Effective Communication

We applaud the DOT for its efforts to make New York City more inclusive and accessible. We encourage the DOT to bring members of the disability community to the table to discuss this public comment and other programs. Including disability community members in the conversations that lead to regulatory changes and decisions will more accurately identify how to avoid inaccessibility barriers. DRNY would be happy to facilitate a conversation between DOT staff and members of the disability community regarding the Five-Year Accessibility Plan. DRNY suggests that a virtual conversation would be easiest and most accessible.



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Thank you for the opportunity to comment on updates that would benefit the disability community and members of the public at large.

*Questions and/or follow-up can be directed to PAIR Program Director, [mail@drny.org](mailto:mail@drny.org).*



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