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9-10-2021  
Testimony on ZFA

I'm Jean Ryan, President of Disabled In Action of Metropolitan NY. We have been fighting for and demanding subway access for years. When I became disabled in later life, I had to stop taking the subway because of no elevator access. For me, it's been 27 years of no access.

ZFA looks like it would be a chance to add more subway elevators in a different way than NYC has done before. As long as accessibility is paramount in every case and that in every consideration, accessibility comes first over beautification or other inaccessible features, it sounds like ZFA could do what it promises.

We recommend that the MTA and City Planning revisit the easements at least every 2 years to see if an elevator can be built. We strongly advise that any possible elevator plans be first run by the MTA advisory group ACTA and other groups like DIA to ensure safe access paths to and from boarding areas. It would be a cruel irony to be unable to safely get to or from the boarding areas. Unfortunately we are already experiencing that problem in some stations.

Of course we need good, accessible signage and wayfinding for people who are blind or who have low vision as well as for the many people new to the stations.

Lastly, what good is an elevator if it is not working? Zoning laws do not cover elevator maintenance and reliability, but broken elevators mean we are stranded.

It is imperative that this zoning change be primarily if not only for elevator subway access and not a gift to developers. We are skeptical based on previous bad experiences of lack of enforcement of zoning laws and building codes.

Jean Ryan, President, Disabled In Action of Metropolitan NY  
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## Downstate New York ADAPT

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Image description:  
"Downstate NY ADAPT" text over & under  
image of PWD in wheelchair with arms  
raised, breaking handcuffs' chain overhead,  
under arching text "Free Our People"



Image description: It is an unbroken circle within another unbroken circle. The outer circle has written in white capitalized letters "AMERICAN COUNCIL" on the top and "OF THE BLIND" on the bottom. The inner circle has written in capital letters "ACB" in black letters on a white background and a black dot under the "A", two black dots horizontally under the "C" and two black dots vertically under the "B", which signifies Braille.



Image description: On a black background, a light blue thin circle, with the word "DIA" in capital letters the middle of the circle with three stripes underneath "DIA" with a star to the right of the stripes under the letter "A" in "DIA". Dark blue in the upper left hand corner and light blue in the upper right hand corner and black in the circle except for the center of the circle which is dark blue.

September 9, 2021

Mailed: VIA Email: [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov)

Re: Elevate Transit-Zoning for Accessibility

Dear New York City Council Subcommittee on Zoning and Franchises:

The Greater New York Council of the Blind, Disabled In Action of Metropolitan New York Inc. and Downstate New York ADAPT submit these comments in response to the New York City Council Subcommittee on Zoning and Franchises' request for comments on Elevate Transit-Zoning for Accessibility.

The Greater New York Council of the Blind ("GNYCB") is a chapter of the American Council of the Blind of New York State ("ACBNY") which is a nationwide member - driven advocacy organization that strives to increase the security, independence, economic opportunity, and quality of life for people who are blind and experiencing vision loss.

Disabled In Action of Metropolitan New York, Inc. ("DIA") is a fifty-one (51) year old, 501(c)(3), grassroots, civil rights organization run by and for people with disabilities. DIA's mission is to eliminate discrimination for people with all kinds of disabilities.

Downstate New York ADAPT ("DNY ADAPT") is a grass roots, non-hierarchical community of people with all types of disabilities advocating for the civil rights of people with disabilities, including, but not limited to, the right to live and fully participate in the larger community. Downstate New York ADAPT covers the five counties in New York City, the two counties on Long Island as well as Westchester, Dutchess, Orange, Rockland, Putnam, Ulster and Sullivan counties in New York State.

The aspiration and goal of this proposed change to the City's Zoning regulations, that is, greater access to the subway system by all riders with disabilities we wholeheartedly support. However, as presently written the proposed zoning regulations have several weaknesses that should be addressed before, not after, these zoning regulations are enacted into law and billions of dollars are spent. More specifically, this letter addresses, in greater detail, the following weaknesses in the proposed zoning regulations that we respectfully submit need to be addressed : 1-as currently written the proposed zoning regulations include non-accessibility purposes under which a developer can receive the bonused floor area and the Metropolitan Transportation Authority ("MTA") can receive a transit easement; 2- the proposed zoning amendment floor area bonus has great applicability in high-density areas and even broader applicability in Central Business Districts and thus, disproportionately benefits accessibility in neighborhoods with smaller disabled populations, but leaves out many disabled people in communities of color uptown and outside Manhattan; 3-no deadlines are set forth in the proposed zoning regulations within which the accessible entrances and elevators must be constructed; 4-the proposed zoning regulations give the MTA too much discretion even as to such a basic fact as to when the accessible entrance, elevators and ramps will be open for access by riders with disabilities and what standards should apply to the construction performed by the developers and the MTA and how frequently maintenance should be provided to the infrastructure and who is responsible to do the work; 5- there is no legally enforceable mechanism set forth in the proposed zoning regulations that ensure that the improvements are made and maintained and that remedies are specified; 6- the proposed zoning regulations need to address signage so that riders with disabilities will know where the accessible entrance, elevators and ramps are located as well as when they are open to

the public to use; and 7-the proposed zoning regulations need to specifically take into consideration the safety and security of riders with disabilities so that these entrances, elevators and ramps actually can be, and are, used by riders with disabilities and the traffic signals provided in the crosswalks near the station entrances and exits include Accessible Pedestrian Signals that are synchronized with the traffic signals.

For instance, as Manhattan Borough President Brewer stated in her comments in a memo, dated June 14, 2021, "The Applicants should modify the proposed text amendment to ensure that the bonused floor area and transit easements are truly being used for the intended purposes of increasing accessibility in stations. The text, as currently proposed, would allow a developer to receive a floor area bonus "for improvements involving environmental design, that measures to augment station beautification, walkability and passenger safety, or environmental noise or air quality. This language is too broad and could result in an application that would deviate from the original goal of this proposed text amendment." Thus, this part of the proposed zoning regulations which presently states, in part, that improvements include "... significant environmental improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities, or providing daylight access, retail #uses# or enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways" needs to be amended, see, 66-51 (b). The amendment should clearly explain that an access and circulation improvement is an improvement that provides completely safe and easily accessible vertical access to existing subway stations levels, including, but not limited to, the platform levels of the subway station by all riders with disabilities and that such regulations specifically exclude other improvements such as beautification, noise abatement, rider orientation, and other non-access improvements, all worthy goals, but not the purpose of the proposed zoning for accessibility regulations.

Second, we agree with Manhattan Borough President Brewer's observation in her memo, dated June 14, 2021, that as presently written the proposed zoning amendment's floor area bonus has great applicability in high-density areas and even broader applicability in Central Business Districts. Significantly, however, this will most likely result in areas like Midtown and Lower Manhattan having this provision implemented, while upper Manhattan and other lower density neighborhoods will be left out. This means the proposal would disproportionately benefit accessibility in neighborhoods with smaller disabled populations, while many disabled people, especially communities of color uptown and outside Manhattan, will be left out. Thus, we urge the City and the MTA to prioritize equity in their accessibility strategies now, not sometime in the "future". The future is today!!! Therefore, the proposed zoning regulations need to be amended to address this issue before, not after, it is enacted into law.

Third, there is no set deadline within which the accessible entrances and elevators must be constructed. At most, the proposed regulations state in 66-41 (b) (1) (i) Construction and maintenance that the transit access improvement (occur) at a "future date" but there is no specific deadline within which either the MTA or the developer must make the station accessible. We understand that there is always the argument that we don't know what our funding will be. However, we also know that having set deadlines, help people and agencies complete projects.

A fourth weakness in the proposed zoning regulations is that the proposed zoning regulations give the MTA too much discretion even as to such a basic fact as to when the accessible entrance, elevators and ramps will be open for access by riders with disabilities and what standards should apply to the construction performed by the developers and MTA, see, subdivision (2) of (b) of section 66-41. Nothing should be assumed. We justifiably fear that the MTA and others will construct entrances and elevators that are "theoretically accessible", but not truly accessible and thus, defeat the entire reason given for making this change in the zoning regulations.

Additionally, in the proposed zoning regulations there is no requirement for review and comment of the proposed construction designs and drawings by the actual targeted users - people with many different types of disabilities so that the "accessibility" improvements actually do improve riders with disabilities access to and use of the subway stations in a safe and secure manner. Too often, after and not before money is spent are riders with disabilities asked for their input as an afterthought and then blamed for the skyrocketing costs and lack of use of a facility which is unsafe or difficult to navigate.

Further, as Community Board 6 stated in the whereas clause of its resolution "there must be a legally enforceable mechanism ensuring that the improvements are made and maintained as required, with remedies specified". There, the Community Board was referring to developers, but we submit this should apply to both developers and the transit authority, here the MTA.

So too, the proposed zoning regulations need to address signage showing where the accessible entrance, elevators and ramps are located as well as when they are open to the public to use. Moreover, traffic signals with Accessible Pedestrian Signals that are synchronized with the traffic signals need to be provided at all crosswalks adjacent and near the entrances and exits to the stations. Thus, the proposed regulations need to include these requirements. Finally, the proposed zoning regulations need to specifically take into consideration the safety and security of riders with disabilities so that these entrances, elevators and ramps can be used without having to put one's life and limbs in jeopardy and without having to fear being injured or killed to utilize these "accessible" entrances, elevators and ramps at these subway stations. Finally, we have reviewed the letter submitted by Disabled In Action and adopt, support and incorporate Disabled In Action's comments herein.

These are the main issues that should be addressed before these proposed zoning regulations are enacted. There is no reason to pass this proposal until it truly does provide access to existing subway stations by all riders with disabilities. The necessary changes to the wording can be done in the next few months so that it truly meets the goal of accessibility throughout the entire subway system for all New Yorkers in the five boroughs. Thank you for this opportunity to submit comments on this very important matter.

Very truly yours,

Anne-Elizabeth Straub, Brandon Heinrich, Terence Page, Michael Ring & Kathleen Collins  
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Downstate New York ADAPT  
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**From:** [Felicia Park-Rogers](#)  
**Subject:** [EXTERNAL] ZFA testimony  
**Date:** Friday, September 10, 2021 2:23:56 PM

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My name is Felicia Park-Rogers, I am the Director of Regional Infrastructure Projects for Tri-State Transportation Campaign, a transportation policy and advocacy organization working on transit and transportation matters in NY, NJ, and CT.

I am here to state Tri-State's strong support for the Zoning for Accessibility program.

The Zoning For Accessibility plan is exactly the kind of innovative policy solution that will speed up the MTA's progress in building a modern, accessible, world-class transit system. Prioritizing transit improvement projects, particularly those with an equity focus, is crucial for ensuring that New York City's pandemic recovery is both fair and environmentally sustainable with less dependence on cars. We commend Mayor de Blasio, NYC Council, and the MTA for committing to expand transit accessibility on a faster timeline and for less money.

Less than 30% of our subway system is currently accessible. This is simply unacceptable. As new developments are considered, this plan will increase opportunities to make desperately needed investments in subway accessibility and improvements.

We are glad the MTA is dedicating \$5 billion in its 20-24 capital plan to increase the number of elevators across the system. But the fact is that that is not enough. We need more. This plan will incentivize private developers to participate in transforming our system into one that can be accessed fairly by all.

The changes in the easement certification process and the transit improvement bonus expansions will allow oversight while also streamlining the processes and increasing access to transit. We encourage you to pass ZFA.

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Felicia Park-Rogers, Director of Regional Infrastructure Projects  
Tri-State Transportation Campaign  
mobile and text: 323-719-8157

[www.tstc.org](http://www.tstc.org)

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Stay up to date with the latest in regional transit and transportation on our blog, Mobilizing the Region: <http://blog.tstc.org/>

**From:** [miriam.fisher](#)

**Subject:** [EXTERNAL] Fw: Miriam Fisher Elevate Transit : Zoning for Accessibility (ZFA) testimony

**Date:** Friday, September 10, 2021 4:55:10 PM

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LETTER :

I am in support of the Zoning for Accessibility project

I wish to share some of the quotidian life experiences that people with disabilities face confronting an inaccessible subway

A Committee Board 4 (Manhattan) member asked why funding is sought from private developers when the MTA should be doing this. The answer is simply because the MTA has fought elevator and accessibility funding support repeatedly by lawsuits, delays, framing elevator projects as "pending" or "future," without deadlines and accountability. The ZFA project must also adhere to deadlines along with a clear commitment to accessibility and not circumvent with legal loopholes for projects that are not clearly and specifically geared to make transportation accessible for people with disabilities.

Despite the passage of the Americans with Disabilities Act in 1990, 31 years ago, the MTA is still fighting in court for years the determination that current subway inaccessibility is in violation of the ADA and the NYC Human Rights Law. They withdrew staff lawyers and hired pricy new ones when the hearings weren't going in their favor.

Some examples:

The 23rd St/6th Av subway was closed for months for repair despite being on same block as Selis Manor, a residence for people and visual impairments, but no elevator added. There is still an ongoing lawsuit to prohibit a station being closed for long periods for repair/renovation without including an elevator.

When the L train subways on 14th St were supposed to be closed for a lengthy period it took a lawsuit to include an elevator in the project on 14th St /6th Ave. Recently the lawyer inquired why nothing was happening after many months and MTA General Counsel Tom Quigley responded they had "forgotten the deal...funding has to approve it." Senator Schumer stated the funding was there, he knew, he had secured it. (AMNY March 26, 2021).

Approximately 1/2 million people in NYC have ambulatory disabilities and about 1 million with disabilities with varying needs. We see few people on the subway in wheelchairs because of the tremendous difficulty navigating the system. Going from accessible Point A to an inaccessible Point B destination such as a job is impossible. An alternate circuitous route must be carved out, often adding hours to the commute, and complicated planning. Most of us don't have to face this but use the most efficient, quickest route. If our train is



stuck, we are mobile and can find alternatives rather than get stranded for hours. This is discriminatory, not equal access to transportation. Separate is not equal.

Approximately 900 elevators still need to be constructed to make the system 100% accessible. Only about 25% stations have elevators currently, out of 472 stations. An important avenue to pursue this is the Zoning for Accessibility project which uses developers' funds for elevator construction and frees the MTA to use the savings for more elevators.

Elevators are for people with disabilities, seniors, parents with strollers, bad backs and knees, travelers with luggage, delivery persons, etc. The young 22 year old mother, Malaysia Goodson, who fell and died on steep stairs at the 7th Av. IND station in 2019, holding her baby daughter in her stroller, reminds us how vital is the need for elevators.

Sincerely,  
Miriam Fisher  
337 W 21st St  
NY NY 10011  
Apt 2A  
212 989 7016

Chelsea

**From:** [Brashears, Bradley](#)  
**Subject:** [EXTERNAL] Written Testimony - PCAC Zoning For Accessibility (ZFA)  
**Date:** Friday, September 10, 2021 3:12:28 PM  
**Attachments:** [PCAC Testimony - ZFA - City Council 9.10.2021.pdf](#)

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Hello,

I would like to submit my written testimony from today's subcommittee meeting in support of Zoning For Accessibility (ZFA).

The testimony is attached to this email.

Thank you!

Best,  
Bradley Brashears  
PCAC Planning Manager

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# PCAC

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**PCAC Testimony at the New York City Council Subcommittee on Zoning & Franchise  
Supporting Zoning for Accessibility (ZFA)  
Bradley Brashears, PCAC Planning Manager  
September 10, 2021**

Good afternoon, my name is Bradley Brashears and I am the Planning Manager at the Permanent Citizens Advisory Committee to the MTA (PCAC). The PCAC and its Councils have long advocated for improved system-wide accessibility through various research reports, public testimonies, and participation in accessibility events throughout the region. We are very pleased that the MTA, New York City Department of City Planning, and the Mayor's Office for People with Disabilities has embarked on the Zoning For Accessibility (ZFA) citywide zoning proposal that will help advance transit accessibility more quickly and take much-needed pressure off the MTA's struggling Capital Program.

The COVID-19 pandemic drastically altered the lives of millions in our region and beyond – including pausing the MTA's Capital Program, which is essential to delivering more accessible options for system riders. Despite this pause, in 2020, the MTA completed 11 new subway station accessibility projects and has increased from 70 to 77 the number of stations it will make accessible in its 2020-24 Capital Program.

While the progress is encouraging, there is still so much work that must be completed considering that just 28 percent of the 493 subway stations – including SIR – are accessible; 2/3 of LIRR city stations are accessible; and just half of Metro-North city stations accessible. Therefore, the City Council should approve the Zoning For Accessibility proposal to support increasing accessible stations within the City for tens of thousands of riders who simply need more options for full participation – whether they be in wheelchairs or on crutches, parents with children, passengers with luggage, or seniors trying to get across town.

ZFA will allow the MTA to work with private developers building next to existing stations to provide space for the MTA to build elevators and other station access improvements. This will come at no cost to taxpayers and allow the MTA to set resources aside for additional accessibility projects. We all at one time or another in our lives will need accessible travel options, therefore finding innovative ways such as this proposal will go a long way in helping to realize a more accessible MTA network for all.

Thank you!

**From:** [UP-STAND](#)  
**Subject:** [EXTERNAL] In support of Zoning For Accessibility  
**Date:** Tuesday, September 14, 2021 12:20:13 PM

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Good afternoon,

I was not able to attend the hearing on Friday but would like to submit support for the MTA's Zoning For Accessibility plan on behalf of UP-STAND.

The ZFA plan would greatly benefit our city's senior, disabled, parent and child public transit riders who have trouble accessing the current system or are prevented from doing so due to inaccessibility, as well as tourists we hope to regain as we reopen. Better access to public transportation will benefit everyone, helping to make a more livable, safe, green NYC.

Please contact me with any questions or concerns. I would be happy to talk more about why our organization is in favor of ZFA.

Sincerely,  
Christine Serdjenian Yearwood  
UP-STAND Founder & CEO  
[www.up-stand.com](http://www.up-stand.com)

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[@up\\_standmovement](#)  
[#up\\_standmovement](#)