

Sheppard Mullin Announces Court Approval of Historic Settlement Making the NYC Subway Accessible to People Who Need Stair-Free Access

Agreement Will Create a Stair-Free Path of Travel in at Least 95 Percent of MTA Subway Stations

04.24.2023

Sheppard Mullin is pleased to announce that Justice Shlomo Hagler of the New York state Supreme Court today approved a historic settlement agreement that will make the New York City subway accessible for more than half a million people with disabilities who cannot use stairs.

Under the terms of the agreement, the MTA will commit to dedicating 14.69 percent of each of its five-year capital plan budgets to station accessibility, barring unexpected critical needs. Should such unexpected needs arise, the MTA will devote no less than 8 percent of its total capital plan budget to station accessibility. The capital plan has never before mandated a minimum, let alone such a significant investment, in making stations accessible to people with disabilities. The agreement also ensures that stations will be made accessible as part of many renovation and rehabilitation projects, increasing the total number of accessible stations to 81 stations currently slated for accessibility under the 2020-2024 capital program; an additional 85 stations by 2035; another 90 stations by 2045; and the final 90 stations by 2055. Justice Hagler remarked that the settlement was “the right thing to do” and approving the historic agreement today was his “happiest day as a judge.”

“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 subway system,” said Dan Brown, Sheppard Mullin’s Pro Bono Partner, who has been working on this case since 2019. “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.”

Sheppard Mullin served as co-counsel with Disability Rights Advocates (“DRA”) in a class action lawsuit filed in 2017 in New York state court alleging that the overwhelming inaccessibility of the current subway system violates the New York City Human Rights Law. A second lawsuit, filed in 2019 in federal court in the Southern District of New York alleged that the MTA renovates and rehabilitates subway stations without adding stair-free access in violation of the Americans with Disabilities Act. The settlement agreement granted final approval by the federal court on April 7, 2023, and by the state court today, settles both lawsuits.

Sheppard Mullin and DRA have a long track record achieving historic results on behalf of hundreds of thousands of New Yorkers with disabilities, including cases that have led to dramatically improved accessibility of New York City’s sidewalks; an accessible yellow taxi fleet, and 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 also 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

Daniel L. Brown

Practice Areas

Litigation