

1986

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Recommended Citation

Weisman, James J. (1986) "Institutional Disability, the Saga of Transportation Policy for the Disabled," *NYLS Journal of Human Rights*: Vol. 4 : Iss. 1 , Article 16.

Available at: https://digitalcommons.nyls.edu/journal_of_human_rights/vol4/iss1/16

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INSTITUTIONAL DISABILITY, THE SAGA OF TRANSPORTATION POLICY FOR THE DISABLED. By Robert A. Katzmann. Washington, D.C.: The Brookings Institution, 1986. Pp. 211.

Reviewed by James J. Weisman*

Institutional Disability, The Saga of Transportation Policy for the Disabled, is the first and only attempt to chronicle and analyze the government's approach to providing transportation to disabled citizens. Robert A. Katzmann has done an adequate job of presenting both the highlights and specific provisions of the laws, regulations and judicial decisions which have affected policy, but has failed to correctly analyze the reasons underlying the various policy initiatives.

The author presents a hypothesis and then, in chronological order, the different approaches adopted by government, in an effort to prove his hypothesis. To the reader whose only familiarity with the subject matter is Katzmann's book, his theories may seem appropriate, but to those who have been, and are currently, involved in the struggle to achieve accessible mass transportation, Katzmann's theories are superficial and without basis in fact. The hypothesis presented by Katzmann is essentially as follows: federal transportation policy has been "twisted and turned" and has "constantly shifted" in a manner that "confused state and local governments, the transit industry and the disabled community." Assessing why policy was so erratic, Katzmann concludes that the confusion has been the result of the inability of the federal government to choose between conflicting approaches to the problem. He characterizes the first approach as the "rights oriented/ full accessibility approach" which Katzmann associates with disabled activists. The second approach, which is characterized as "effective mobility by any practical means," is considered by the author to be the approach of the transit operators who favored paratransit (van service), as opposed to access to the mass transit system.

To the layperson, the author's synopsis of the conflicting positions may sound plausible. In fact, he has made the same

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mistake as many others, including judges, elected officials, and agency bureaucrats when they approached the issue. Katzmann's descriptions of the opposing opinions are convenient, especially as they relate to proving his hypothesis, but they are incorrect for numerous reasons.

The most offensive of Katzmann's incorrect assumptions is that transit operators prefer to provide "effective mobility" to the disabled through paratransit because it provides better and less expensive service. In fact, the transit operators wanted to maintain the status quo and perpetuate the inaccessibility of their transit system. Transit operators were not interested in the disabled population being able to take advantage of paratransit because it provided "effective mobility" and they certainly never intended to operate such systems.

Transit operators attempted to convince the bureaucrats and politicians that the transportation problems which confronted the disabled population were social services problems (i.e., that the disabled rider had to go to the doctor or government benefits office, and that transit authorities were not social services providers). Transit operators wanted first and foremost to spend as little as possible and still be deemed in compliance with federal funding requirements.

Moreover, characterizing the approach of the organized disabled community as "rights oriented/ full accessibility" is inaccurate and unfair. The disabled know, as does every transit operator in the United States, that the provision of accessible mass transit is far less expensive than "effective" paratransit. To be effective, paratransit must take disabled passengers wherever they want to go, whenever they want to go, for any reason. There is not, and has never been, such a paratransit system in this country, because it would be far too costly to operate. Instead, paratransit systems are created to appease the disabled community and the Washington bureaucrats who require some form of transit services for the mobility impaired. There is a severe lack of funding for these systems, so they cannot meet the existing demand for rides. Priorities must be set on purposes for travel, and for this reason social or shopping trips can never be made. Paratransit systems require the rider to give advance notice (sometimes as much as two weeks), including the date and reason for travel. Assuming the van is available and the reason

for travel worthy, paratransit service is provided. Travel plans may not change, however, because of the extremely tight service schedule that must be maintained due to overwhelming demand.

The disabled organizations involved in seeking access to mass transit are more employment-oriented than Katzmann's "rights oriented." The struggle for access to the transit system is viewed by Katzmann in a vacuum. He gives no consideration to the motives of proponents of accessibility. The disabled community did not choose to lock horns with the transit operators to make a point about civil rights. Without inexpensive, efficient transportation (i.e., mass transportation), the disabled will remain homebound or institutionalized and unemployed or underemployed. The disabled were and are seeking to end their dependence on government benefits so that they can go to work, pay taxes, invest, and spend their earnings. They want to be part of the mainstream in America.

Transit operators lobby for federal transit subsidies routinely. In so doing, they point out to the government why effective mass transit is worth subsidizing. Of course, their reason is that mass transit affords access to the job market. Without affordable mass transit services, the transit lobby argues, the cost of doing business in the region is increased, the labor force migrates, and ridership decreases. Advocates for accessible mass transit have always made similar arguments when discussing the merits of accessibility. Katzmann, in his book, only acknowledges their civil rights position.

The author mentions victories by proponents of accessibility in state courts using state law, but provides no insight into why these litigants were successful nor what the impact of these efforts in specific cities will be on the transit lobby and the federal government's policy makers. For example, in New York City, as the result of a settlement agreement between the Eastern Paralyzed Veterans Association and the Metropolitan Transportation Authority, 65% of the City's buses must be accessible forever. Forty million dollars must be spent to render "key" subway stations accessible over an eight year period. When the eight year period expires stations must be rendered accessible anytime structural renovations are undertaken. A paratransit program must be created to act as a supplement and feeder to the accessible mass transit system.

While the transit authority in New York City agreed to provide only 65% bus fleet accessibility, the fleet is currently 75% accessible. MTA is apparently committed to 100% bus accessibility because such a policy eases the burden of administering an accessible bus program. Moreover, increasing mass transit access lessens demand on the expensive paratransit supplement.

New York City is the nation's largest mass transit market. There is no doubt that institutionalizing accessibility in New York City will have a profound effect on other mass transit operators. Retrofit of existing subway stations, considered expensive folly by the transit lobby, is being undertaken successfully, and the nation's largest "peak hour" fleet will be fully accessible. The settlement in New York City will demonstrate the cost-effectiveness and utility of accessible main line transit services. Unfortunately, Katzmann was unable or unwilling to consider this.

From a historical perspective, Katzmann provides a detailed listing of accessibility and mobility oriented transportation initiatives undertaken by government. He does not, however, provide any insight into the organized disabled community's quest for access to the American mainstream.