



**NEWS RELEASE**

For Immediate Release

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## **NYCTA Agrees to Reform “Access-A-Ride” Program and Finally Provide Equal Service to Immigrant New Yorkers with Disabilities**

*NYLPI Settles Class Action Lawsuit against New York City Transit Authority for Discriminatory Treatment of Immigrants with Disabilities*

New York, NY – April 18, 2016 – New York Lawyers for the Public Interest (NYLPI), a leading civil rights advocacy group for marginalized New Yorkers, announced today that federal judge Ronnie Abrams granted preliminary approval of a groundbreaking settlement of its class action lawsuit against the New York City Transit Authority (New York City Transit) to win equal access to New York City’s public transportation system for New Yorkers with disabilities who do not speak or write English well. Under the terms of the settlement, limited English Proficient New Yorkers will be free from discrimination based on the language(s) they speak and receive interpretation and translation services as the law requires.

More than 1.8 million New Yorkers are “Limited English proficient” (LEP), meaning that they do not speak or write English well. It is estimated that tens of thousands of LEP New Yorkers are also people with disabilities. Nationwide, equal access to public services for people who are LEP is increasingly recognized as one of the most critical civil rights issue of this decade.

NYLPI filed the lawsuit in December 2014 on behalf of five LEP women who alleged they were discriminated against when they applied for or tried to use Access-A-Ride, the city’s accessible public transport service for people with disabilities. The Access-A-Ride program, established in compliance with the Americans with Disabilities Act, allows New Yorkers with disabilities to take accessible transportation to go about their daily lives as people without disabilities can, for example to travel to jobs, medical appointments, and the grocery store. In the lawsuit, NYLPI alleged that New York City Transit had violated city, state, and federal anti-discrimination laws because it refused to provide Access-A-Ride’s services to riders in any languages other than English, effectively blocking these individuals from equal access to public transportation.

- Plaintiff Josefa Jorge, a Dominican immigrant with disabilities, was told by Access-A-Ride staff, “You are supposed to speak English in America” and “You are not living in your country” when she could not speak to them in English. As a result of her inability to use Access-A-Ride services in Spanish, Ms. Jorge frequently missed important events, including the funerals of two of her closest friends.
- Plaintiff Nyuk Siem Yap, a Malaysian immigrant and mother of two sons with disabilities, could not attend her sons’ medical appointments using Access-A-Ride, because she speaks Mandarin and could not use Access-A-Ride’s English-only telephone scheduling system.

The Access-A-Ride application process is complex, including an in-person interview, a test of the applicant's physical and mental capabilities, and a lengthy written application. To use the service, riders must call and make a reservation by phone. New York City Transit refused to provide interpretation services or translated documents for this process, and routinely turned away applicants who appeared without their own interpreter.

Under the terms of the sweeping settlement, New York City Transit will provide interpretation and translation services to all LEP New Yorkers, and finally make Access-A-Ride equally available to the tens of thousands of New Yorkers with disabilities who do not speak English well.

NYLPI pursued the lawsuit with co-counsel Jenner & Block LLP, a global law firm that acted on a pro bono basis.

This expansive settlement requires New York City Transit to develop a comprehensive Language Services Plan to ensure that people with disabilities can successfully use Access-A-Ride, regardless of their English proficiency. Under the settlement, New York City Transit will provide qualified bilingual staff or interpreters where appropriate, including when LEP New Yorkers appear at assessment sites or call to schedule rides. The settlement also requires New York City Transit to translate important documents sent to LEP Access-A-Ride applicants and customers. New York City Transit will alert the public to these changes via multi-lingual notices posted on its website and in Access-A-Ride offices throughout New York City, as well as in local newspapers. The settlement is comprehensive and provides a model for bringing public services to LEP individuals on an equal basis.

"I'm proud to be a part of this lawsuit," said Josefa Jorge, the lead plaintiff in the case. "Access-A-Ride is so important to me, but I felt humiliated by the way I was being treated. It's satisfying to know that this won't happen to other people in the future."

Added Siewling "June" Lum, another plaintiff in the lawsuit, "This settlement is an awesome victory, as I now feel comfortable calling Access-A-Ride. Being able to request transportation in my own language to bring my child to school or the doctor's office is a practical and huge help for me."

"The Access-A-Ride program is a lifeline for countless people with disabilities living in New York City. But for New Yorkers who do not speak English well, the absence of language services had put this critical service out of reach," said Katie Rosenfeld, Legal Director at New York Lawyers for the Public Interest. "Thanks to this settlement, immigrant New Yorkers with disabilities will have an equal opportunity to use this vital transportation service to live more freely and independently."

"We were delighted to work closely with the top-notch and committed lawyers at NYLPI's Disability Justice Program to help vindicate the legal rights of New Yorkers with disabilities who cannot speak English well," said Richard F. Ziegler, a senior Jenner & Block litigation partner and managing partner of its New York Office. Mr. Ziegler participated in the litigation with firm associate Justin Spiegel.

To read the settlement, visit [www.nylpi.org](http://www.nylpi.org)

### **About New York Lawyers for the Public Interest**

New York Lawyers for the Public Interest (NYLPI) advances equality and civil rights, with a focus on health justice, disability rights and environmental justice, through the power of community lawyering and partnerships with the private bar. Through community lawyering, NYLPI puts its legal, policy and community organizing

expertise at the service of New York City communities and individuals. NYLPI's partnership with the private bar strengthens its advocacy and connects community groups and nonprofits with critical legal assistance.

### **About Jenner & Block LLP**

Jenner & Block ([www.jenner.com](http://www.jenner.com)) is a law firm with global reach, with approximately 480 lawyers and offices in Chicago, London, Los Angeles, New York and Washington, DC. In 2015, *The American Lawyer* magazine named Jenner & Block as the number one Pro Bono Law Firm for the sixth time in eight years. Now in its second century of service, the firm is known for its prominent and successful litigation practice and experience handling sophisticated and high-profile corporate transactions. Firm clients include Fortune 100 companies, large privately held corporations, financial services institutions, emerging companies and venture capital and private equity investors – as well as numerous pro bono clients, including the non-English speaking individuals with disabilities who are the class representatives in the landmark disability rights/language access settlement announced in this press release.