

**NOEL V. TLC (TAXI AND LIMOUSINE COMMISSION)
LANDMARK DECISION: NEW YORK TAXI AND LIMOUSINE
COMMISSION'S OPERATION OF INACCESSIBLE TAXI FLEET
DISCRIMINATES AGAINST NEW YORKERS WITH
DISABILITIES**

New York, NY – December 23, 2011 – In a major victory for wheelchair users, a Federal Court ruled today that the New York City Taxi and Limousine Commission's (TLC) operation of an overwhelmingly inaccessible taxi fleet constitutes discrimination against people with disabilities. The groundbreaking decision is the first of its kind in the country and is the culmination of over a decade of advocacy by persons with disabilities. The ruling is expected to have national implications.

Federal Judge George B. Daniels held: "[t]he acknowledged lack of meaningful access is a direct result of the policies, practices, and regulations of the TLC. The TLC's exercise of its regulatory authority alone has created the discriminatory effects on disabled riders who require the use of wheelchairs. Only the proper exercise of that authority can fix the problem that it created and neglected in the past. The disabled who seek meaningful access to taxicab services have nowhere else to turn to enforce their civil rights."

Judge Daniels further noted that "meaningful access for the disabled to public transportation is not a utopian goal or political promise, it is a basic civil right."

Judge Daniel's then ordered that "[t]he TLC must propose a comprehensive plan to provide meaningful access to taxicab service for disabled wheelchair bound passengers...Until such a plan is proposed and approved by this Court, all new taxi medallions sold or new street-hail livery licenses or permits issued by the TLC must be for wheelchair accessible vehicles."

The federal class action lawsuit, which seeks no damages, was filed in January 2011 by a coalition of people with disabilities, including: United Spinal Association, 504 Democratic Club, Taxis for All Campaign, and Disabled In Action. Disability Rights Advocates, a non-profit legal center specializing in class action litigation, and Outten & Golden represent the Plaintiffs.

New York City has more taxis than any city in America. Yet only 232 (1.8%) out of 13,237 taxis are accessible to people who use wheelchairs. Because multiple modes of transportation, including subway stations are also inaccessible, the lack of accessible taxis has left wheelchair users with no viable way to travel in New York City. A non-disabled person is over 25 times more likely to get a taxi within ten minutes than is a person who uses a wheelchair, and the TLC admits there is no reason why it could not require that more taxis be accessible.

This decision is the first in the country in which a court has found that a city's taxi system must be wheelchair accessible. London's taxi fleet of over 19,000 cabs has been 100% wheelchair accessible for many years.

In October 2011, the United States Department of Justice took the rare step of filing a brief supporting Disability Rights Advocates' position that the Americans with Disabilities Act requires the New York taxi fleet to be wheelchair accessible.

Edith Prentiss of the Taxis for All Campaign said, "This is a great day for New Yorkers with disabilities. This ruling means that persons with disabilities will now have equal rights to taxis just like everyone else."

Plaintiff Simi Linton, Ph.D., a lifelong New Yorker and power wheelchair user said, "This is a huge victory for New Yorkers with disabilities who live in a city with few accessible transportation options. The ability to travel throughout the city in a taxi is vital for getting to work,

medical appointments, and cultural events. It is particularly important at night and in emergencies.”

Julia Pinover of Disability Rights Advocates said, “This decision is the best Christmas present my clients could ask for. The ruling today means that soon, New Yorkers who use wheelchairs will be able to participate in City life, in a way not possible before.”

Chris Noel, an individual plaintiff who has been using a wheelchair for nearly ten years said, “I have longed for the ability to hail a taxi cab the way I used to before I became disabled and am ecstatic about this win. My job requires an extensive amount of timely travel within the city so I would use taxis almost every day if they were accessible.”

Sid Wolinsky, Director of Litigation of Disability Rights Advocates said, “Mayor Bloomberg has so far been remarkably insensitive to the needs of seniors, veterans, and disabled people. He has thumbed his nose at the U.S. Department of Justice and mocked people who use wheelchairs. We hope that today’s decision helps him understand that New Yorkers and tourists who use wheelchairs and scooters are also entitled to use the City’s public transportation.”

Jean Ryan of the Plaintiff organization, the Disabled In Action said, “This is a triumph for people with disabilities who have sought equal access to taxis for over a decade; with perseverance we have ultimately prevailed in this struggle.”

Files Available for Downloading:

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