

Remarks to the MTA Finance Committee
January 27, 2014
William Henderson

In the next year, you will be developing a budget and financial plan for 2015 through 2018 that will include changes to fare and toll structures. The PCAC would like to put forward an issue for consideration in this process. At our last PCAC meeting, our members voted to support a change in the MTA reduced fare program to address the current ineligibility of some persons with clear and profound disabilities for the MTA's Reduced Fares for People with Disabilities. There are a number of cases where persons who are clearly living with disabilities, for example, those with severe uncontrolled epilepsy or other neurological conditions, yet these persons are not presently eligible for reduced fare. In short, the PCAC proposes that eligibility for the MTA reduced fare program should correctly be based upon a determination that an applicant is a person with a disability as defined under the Americans with Disabilities Act (ADA), as amended.

The ADA provides the appropriate standard for MTA reduced fare eligibility in several respects. First, it is the law of the land with regard to establishing whether an individual is recognized as living with a disability. By adopting this national standard, the MTA can reduce confusion and potential inconsistencies with other agencies that make disability determinations. Second, the provisions of the ADA require that a condition must have a substantial impact on an individual's life for it to be considered a disability, and as a result the ADA sets a reasonable threshold for reduced fare eligibility. This is not an easy standard to meet.

We believe that this change would modestly increase the number of persons eligible for reduced fare, as many persons covered under ADA are currently able to pay reduced fares by virtue of age or current eligibility standards. A change could be readily incorporated into the current application process, with the applicant claiming eligibility by virtue of a disability not specified in the current program able to provide outside certifications establishing disability status, and the MTA having the right to require an independent assessment of the applicant's status prior to issuing a reduced fare MetroCard, analogous to the process for establishing Access-a-Ride eligibility.

We've provided details of our recommendation in a letter sent to Chairman Prendergast and stand ready to work with MTA to develop an appropriate reduced fare standard that treats all riders with disabilities equitably.