

# Despite legislative progress, accessible cities remain elusive

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Amid a complex web of disability civil rights legislation in Canada and the [United States](#), one could easily be lulled into thinking that the work is done. Some of this legislation is now [several decades old](#); more recent

additions include [accessible design standards and guidelines](#) and barrier-free elements of [building codes](#).

But [if only this were true](#). Watching Toronto and other cities in North America work on accessibility feels a bit like watching a snail moving through molasses: the best route is unclear, progress is slow and they often become stuck.

## Paratransit

Access to safe and reliable public transit is one such problem. For example, many of the issues [plaguing paratransit \(ideally on-demand, door-to-door service for disabled persons\) today](#)—unacceptably long wait times, having to plan and schedule days in advance, service costs, convoluted trip regulations, failing to pick people up—are often as [old as the services themselves](#).

It's perhaps hard to imagine, but it could get worse. Data from the [2017 Canadian Survey on Disability](#) indicate that nearly 18 percent of housebound disabled persons report the absence of transport service as the cause—they have somewhere to go, but no way to get there.

New York City, Toronto and Montréal have underground public transit. These systems share a checkered past where disability is concerned. Time and time again, each system has been the site of disability activism, litigation, accessibility retrofit, cycles of investment progress and delay, and what I call last-millimeter problems.

In New York City, it took multiple [class-action lawsuits](#) filed by disabled persons to get the Metropolitan Transportation Authority (MTA) to launch a multi-decade accessibility plan. This included a promise to stop renovating stations in violation of the Americans with Disabilities Act (ADA), the [Rehabilitation Act of 1973](#) and [New York City Human](#)

## [Rights Law.](#)

Seven years on, an August 2017 article in the [New York Times](#) reported on the MTA's stalled progress and justifiable skepticism on the part of disabled passengers.

The Toronto Transit Commission (TTC) is in the midst of a promising multi-year [Accessible Transit Services Plan](#). The plan includes accessibility retrofit of many stations built before the [2005 Accessibility for Ontarians with Disabilities Act \(AODA\)](#) became law. These are massive infrastructure projects with hefty price tags.

Symptomatic of a much broader failure across the province to meet AODA's 2025 deadline, implementation of the TTC's accessibility plan is behind schedule. In the most recent [AODA progress review](#), Rich Donovan, CEO of The Return on Disability Group, declared a state of crisis following "17 years of missed opportunities," "minimal change in accessibility" and reports of terrible accessibility experiences across the province.

Looking back reveals a deep history of transit [criticism and activism in Montréal](#). In 1988, members of the American Disabled for Accessible Public Transit (ADAPT) protested poor transit accessibility during the [American Public Transit Association \(APTA\) meetings held in Montréal](#). This occurred two years before the iconic "[Capitol Crawl](#)" in Washington, D.C. where, tired of congressional inertia, disabled protesters climbed the steps of the Capitol to push for the immediate passing of the Americans with Disabilities Act.

Montréal's Société de transport de Montréal (STM) now has a long-range accessibility plan with an [aspirational end date of 2038](#). The [Canadian Urban Transit Association](#) recently announced STM as the winner of an equity, diversity and inclusion award, noting it has "taken significant

steps in enhancing customer accessibility since 2023."

## **The last millimeter problem**

Beyond a now seemingly normalized requirement for disabled persons to hold transit authorities to account, much of the progress underground has focused on elevators.

What I find astounding is the "last millimeter problem"—a wide gap or vertical misalignment between platforms and transit vehicles making it impossible or hazardous for some disabled persons, like my daughter, to get on or off the system. The problem seems to occur most often when newly acquired trains meet up with old stations.

In New York City, a vertical misalignment of up to six inches was reported in at least one MTA station. Gaps across the system have led to [more class-action litigation](#).

As of 2019, the TTC has a subway platform gap retrofit program. Consultation with its Accessibility Advisory Committee produced tolerances of [89 mm or less and 38 mm or less respectively for horizontal and vertical misalignments](#). Misalignment problems have also been reported [across multiple Montréal Metro stations](#).

[Disability as an afterthought](#) makes platform and vehicle retrofit an inconvenient, costly necessity. The technical part of this problem can likely be solved with existing technology, like platform gap fillers and bridge plates. Waiting around for disabled passengers to engage in class-action litigation is not an effective strategy.

## **Cycling infrastructure**

The voices of disabled persons have been relegated to the edges of the conversation about active transportation (cycling, walking) and healthy, climate-resilient urban futures.

[Disabled persons ride bikes](#) on and [off-road](#). The literature on cycling and disability focuses on [planning for the inclusion of disabled cyclists](#). Due consideration should also be given to interactions between [disabled pedestrians](#) and transport infrastructure in general, including [bike lanes](#).

Recently, a bike lane in Toronto was built level to an adjacent sidewalk, without sufficient aids to alert [blind pedestrians](#). Design solutions exist—the Canadian National Institute for the Blind's [Clearing Our Path](#) suggests various types and applications of tactile walking surface indicators.

Curbside bike lanes can produce other [problems for disabled pedestrians](#). For example, parking spaces adjacent to bike lanes with a step up to the sidewalk can force wheelchair users into the path of bicycles or vehicles.

Cycling infrastructure needs to be inclusive and safe infrastructure.

## **Consulting the community**

Research, policy, legislation, design and technologies exist to improve urban accessibility. Despite real progress on both the legislative and infrastructure fronts, the lived experiences of disabled persons continue to highlight serious incongruity between legislation, policies and outcomes.

Accessibility advisory committees are often a requirement of provincial legislation, and enacted at the [provincial or municipal levels of government](#). Transit agencies often have separate committees comprised of community volunteers and agency staff—the [TTC](#), [New York MTA](#)

and [Montréal STM](#) all have committees.

Committee membership criteria should ensure adequate representation from within and across disability communities. Disabled community members should be compensated for sharing their specialized knowledge.

Real accountability, rather than performative empty consultation, should be the order of the day. Accessible cities can only happen when governments and their various agencies deeply listen to and act upon what disabled citizens have to say.

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