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PEOPLE WITH MOBILITY DISABILITIES SUE THE DISTRICT OF COLUMBIA FOR STREET REDESIGN VIOLATING ACCESSIBILITY LAWS

New bicycle lanes create barriers and danger for those using wheelchairs and walkers

Washington, D.C. November 21, 2022 – Individuals with disabilities and organizations representing people with disabilities today filed a lawsuit in federal court against the District of Columbia over its street redesign projects that violate the Americans with Disabilities Act (ADA) and related laws. The complaint states newly constructed bicycle lanes create barriers to safe, accessible on-street parking, curb ramps and pedestrian crossings for people with mobility disabilities, including those who use wheelchairs and walkers. It also alleges that the District does not have enough accessible on-street parking generally to comply with the ADA.

On certain streets, such as 17th Street NW, the District constructed protected bicycle lanes whose location forces wheelchair users to risk being injured by passing cyclists when they attempt to transfer from their vehicles into their wheelchairs and onto the sidewalks. Even wheelchair users who do not drive but travel via wheelchair-accessible buses and vans risk serious injury because the District's bicycle lanes obstruct pick-up and drop-off areas. In addition, the placement of tire stops and posts prevent wheelchair users and other people who need curb ramps from accessing them. Some designated-accessible on-street parking is not accompanied by a curb ramp at all.

“We aim to remedy this systemic discrimination by the District against residents as well as visitors with mobility disabilities who are prohibited from moving about this beautiful city with the same freedom and ease as those without disabilities,” says Richard A. Simms, Executive Director, the District of Columbia Center for Independent Living, Inc. (DCCIL), one of the organizational plaintiffs in the case.

Approximately 12 percent of residents – tens of thousands of people – in the District have mobility disabilities, according to the Centers for Disease Control and Prevention. About three-quarters of the disabled population in the District is African-American, and one-third is over the age of 65, according to a 2015 Census Bureau report. Due to the increasing inaccessibility issues, the DCCIL has struggled to provide its complimentary transportation services for people with disabilities.

Ed Hanlon of the Dupont East Civic Action Association, another organizational plaintiff in the case, says: “Unfortunately, the District has chosen to build bike lanes in a way that blocks safe curb access for the disabled and the elderly, rendering them unable to fully participate in all aspects of our community – shopping, dining, visiting doctors, going to church or synagogue. Bike lanes may not be appropriate on every street, but we can construct accessible street designs that include bike lanes in a way that protects the rights of the disabled and the elderly to safely reach the curb. This does not have to be a choice between accessibility and bike lanes.”

Despite the District Department of Transportation (DDOT) claiming to “not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities” and “honor and work to satisfy the requirements,” the agency failed to hold public meetings and refused to work with community members on the design of the bicycle lanes.

“It is unfortunate that this lawsuit had to be filed,” says Andrew Bizer of Bizer & DeReus, co-counsel for the plaintiff. “My clients tried time and time again to educate – not litigate. However,

D.C.’s Department of Transportation refused to listen to my clients’ commonsense objections to the delinquent design of the bicycle lanes. We are confident that this lawsuit will force the District to create new and better bicycle lanes that do not discriminate against people with disabilities.” The plaintiffs also have sued because the District claims that it is not “legislatively mandated outside of the central business district” to provide accessible parking to individuals with disabilities. In the complaint, affected individuals with mobility disabilities outline their allegations as to the insufficiency of accessible parking throughout the District.

“Access is a critical component to equity for people with disabilities,” says Maia Goodell of Vladeck, Raskin & Clark, co-counsel for the plaintiff. “Like everyone, they deserve streets designed to allow them to participate fully and equally in life in the District without putting their safety at risk.”

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