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**Opposition to MTA Plan to Reduce Services and Hike Fares**  
Testimony by Assembly Member Micah Z. Kellner  
The Hilton New York, 1335 Avenue of the Americas  
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My name is Micah Z. Kellner and I represent the 65<sup>th</sup> Assembly District in Manhattan, including parts of the Upper East Side, Yorkville, and Roosevelt Island. Thank you to the MTA for the opportunity to testify today.

I am here tonight to voice my opposition to the radical service cuts and fare increases that the MTA is proposing to close its budget gap. While it is clear we are facing a financial crisis the magnitude of the fare increases and service cuts which the MTA has proposed place an undue burden on our mass transit users.

One group of mass transit users will be particularly hard hit by these proposals and I wanted to take a moment to emphasize this fact and make my concerns clear. As a person with a mobility impairment myself, I am horrified by what is being proposed for paratransit riders of the Access-A-Ride service. While the MTA is considering raising the fare for those straphangers who are physically able to use the regular mass transit system by as much as 50% (from \$2 to as much as \$3), they are asking riders with disabilities to absorb an outrageously disproportionate fare increase of as much as 300% (from a fare of \$2 to as much as \$6).

We all need to understand that affordable and accessible transportation is a lifeline for people with disabilities and the frail elderly. 64% of Access-A-Ride users have total household incomes at less than 250% of the federal poverty level. It is a matter of simple mathematics to speculate that many riders who depend on Access-A-Ride will literally be unable to leave their homes under this proposed fare structure.

Access-A-Ride is the only service available to transport the frail elderly and severely disabled New Yorkers to where they need to go, be that an appointment with a doctor or a visit with a friend. One significant reason why frail elderly and disabled New Yorkers rely so heavily on Access-A-Ride is that the MTA has not invested in full accessibility for our transit system. Of the 468 subway stations in New York City Transit, only 50 have elevators, and much of the time even these are in a state of disrepair.

The current standard of fare equality is the minimum a just society should expect. The MTA is required by law to provide a half-fare discount to riders with physical and mental

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disabilities. Unfortunately, those who do not live or work near these stations and people with severe disabilities are unable to take advantage of these limited opportunities. It is incredible to me that we could even consider demanding that riders with disabilities and impairments so severe that they are unable to take advantage of the half-fare, pay three times as much as able-bodied riders and twelve times as much as other disabled riders who are able to negotiate subways and buses.

The transportation provisions of Title II of the Americans with Disabilities Act cover public transportation services like the MTA. Public transportation authorities may not discriminate against people with disabilities in the provision of their services. So if a local transit authority chooses not to adequately serve clients with disabilities in its regular system, it is required by federal law to create a parallel paratransit transportation system for people with disabilities, like Access-A-Ride. This is the path the MTA chose many years ago.

In the Memorandum of Understanding between the federal government and the MTA, the MTA agreed *never* to charge these frail or disabled riders more than other mass transit users. This proposal is therefore not only immoral, but illegal. And it should not have to be challenged in court by disability advocates (as I am confident it will be). Rather than wasting public money on lengthy court cases with obvious outcomes, I urge the MTA to rescind this part of its plan.

Access-A-Ride is critical to those who use it, and the revenue that tripling this fare will bring is comparatively unimpressive; especially since the MTA has no way of knowing how much ridership will fall if this plan is ever enacted.

I would be remiss if I did not also mention my concerns about aspects of the larger plan that impact my district specifically. I am very concerned that many of the service cuts to buses on the Upper East Side and subway service on the NQRW Lines will make a bad mass transit system much worse on the remaining bus lines and the Lexington Avenue line. The ridership data given for these various scenarios provides an estimate for the number of passengers that will be displaced, but doesn't contemplate where these passengers will *add* to specific existing bus and subway lines and how this will impact crowding problems that exist elsewhere. These are important considerations.

My prevailing concern is the Lexington subway line as it is the only subway serving my Upper East Side and Yorkville constituents and, as we are well aware, is already one of the most chronically overcrowded in the city. Many of its stations are in the top 50 of the MTA's list of most traveled stops in 2007. While the construction of the Second Avenue Subway will eventually help to alleviate this ongoing crisis, its construction continues to fall behind schedule.

Among the proposals for service reductions is the removal of M1 weekend service, a bus which serves the heavily traveled 5<sup>th</sup> and Madison Avenue thoroughfares by Central Park. While projections indicate that a total of only 2,500 people will be displaced on the weekend, imagine another 1,000 people crowding onto the 4, 5 or 6 trains each day under

this scenario. And these will not be the only new riders. The MTA also proposes completely eliminating the W line, one of the major arteries that connects to the Lexington line, and for which the 4 and 5 trains are specifically noted as the alternative routes for these passengers.

The MTA also proposes the elimination of M30 bus service on weekdays. The MTA claims that it has \$750,000 to reinvest in the M31 and M72 lines to handle these passengers. While I appreciate the need to consolidate available funds and find efficient solutions, I am concerned that with the state of the MTA finances there is no guarantee that this money will be used for these purposes. In the meantime, the same expectation exists that the surrounding bus and subway lines can handle the influx of additional passengers.

I understand the difficult position that the MTA is in, and I sympathize. I also understand that my colleagues and I in state government need to do much more to provide for dedicated funding for both the operating expenses of our mass transit system and capital investment for the future. I am supportive of the Ravitch Commission recommendations as well as other ideas to create dedicated revenue such as the proposals like the ones that New York City Comptroller Bill Thompson and I have put forward to raise the schedules of car registration fees.

With the amount of federal transportation money New York will receive still to be decided and the New York State legislature having only just reconvened to discuss the state budget, I am asking that the MTA halt any implementation of these radical service cuts and fee increases until the federal government and the state government are given time to act.

Thank you for the opportunity to testify today.