SKINNER DEVELOPS NATIONAL TRANSPORTATION POLICY
by Bob Kafka
Secretary of Transportation Samuel K. Skinner is developing a national transportation policy that will be implemented during the next decade and into the 21st Century. 92 public forums were held throughout the country in July and August to collect information on different transportation issues. The month of September will be spent writing the draft report and then it will be sent to Secretary Skinner for formal approval. Members of the disabled community are skeptical about the reasons for the short timetable and are wary that Secretary Skinner, no friend of access to public transit for disabled people, is using this as a chance to water down access requirements laid out in the ADA.

Comments should be sent to: Tony Kane/ Room 3222/ 400 7th St. SW/ Washington DC 20590/ (202) 366-0100

We trained hard --- but it seemed that every time we were beginning to form up into teams, we would be reorganized. It was to learn later in life, that we tend to meet any new situation by reorganizing; and a wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency, and demoralization.

--- Teronius Arbiter, 210 BC

We Will Ride

Budde, Mr. Jim
E&T
813 W 26th St
Lawrence KS 66046

We The People

GEORGIA ON MY MIND
Have you ever had the craving for grits and ham? Do you even know what a grit is? Do you care? Well come on down to Atlanta and experience the southern way of doing things!
All kidding aside, it is very appropriate for our next national action to take place in Atlanta. Atlanta is the birthplace of Dr. Martin Luther King Jr., father of the movement for non-violent social change in America. Our methods are patterned after his methods, and many believe that if he were alive today he would join us in our struggle.
The next few months are critical times in the fight for the right to ride public transit and disability rights generally. Houston has finally committed to access. The Third Circuit Court decision has just come down leaving many issues still to be dealt with. FPTA is working hard against the Americans with Disabilities Act. President Bush’s administration continues to waive publicly supporting access while DOT...
Taking Steps
by Eleanor Smith

A lift on every new bus? Yes! A no step entrance on every new house? Why not! During the ADAPT action in Atlanta this September, a meeting will be held for anyone interested in strategizing a nationwide push for changing building practices. No more 24 inch bathroom doors on brand new $200,000 houses! Concrete Change is dedicated to making sure new housing construction is usable by everyone. For more info on the meeting, the network or Concrete Change come to Atlanta! or contact Eleanor Smith at: 1371 Metropolitan Ave. SE/Atlanta GA 30316.

Secretory Skinner quietly continues to fight our rights. Greyhound is losing in court and is negotiating with us. ABC's Nightline wants to do a story on ADAPT. A thousand loose ends around the nation will be coming together in Atlanta. It is our best chance so far to make a really dramatic statement for the civil rights of people who are disabled. This is our best chance to date to confront our enemies and stop their lies. We need you there!

We need you to continue our struggle against ADAPT's policy of discrimination against and segregation of people with disabilities.

We need you to continue to press for access to Greyhound Bus Lines, often the only source of transportation for folks in rural areas.

We need you to join with us all once again, to renew friendships, to support each other, to develop our personal and collective power and grow stronger together.

Atlanta is a beautiful, and warm, place to demonstrate our equality. Atlanta ADAPT is working hard to make our stay not only meaningful, but fun too. Everyone is pitching in to plan a full week of activities to develop our personal and collective power and grow stronger together.

Plan now to be there with us. Arrive Friday September 22nd and depart Thursday September 28th. Contact national ADAPT for room arrangements and attendant care needs. Phone 303-936-1110 and ask for Mike or Wade.

Come with us to take a stand. Take a stand for yourself, take a stand for the future. Join us and add your voice to the call for justice!

"Do what you feel in your heart to be right--for you will be criticized anyway. You'll be damned if you do, and damned if you don't." --Eleanor Roosevelt

Courts Decision, cont. from p.1

Three Percent Cap Struck Down

The first part of the case and the decision relates to a section in the DOT regulations which states that transit systems are not to required to spend more than three percent of their operating budget on services for disabled riders. This was challenged by both the Eastern Paralyzed Veterans Association (EPAV) and ADAPT et al.

The full court upheld the previous decision and the lower court decision that such a limit was arbitrary and capricious, and therefore not legal.

Local Option and Access

The 4-4-4 Split

Here is where things get a little dense. In the DOT regulations there are two subparts which relate to this issue. Subpart C is a provision which allows for "local option", in other words each community deciding for itself what services for people with disabilities. Subpart B requires all newly constructed or purchased facilities to be accessible and defines facilities to include buses.

Four of the judges upheld the original Circuit Court decision in favor of ADAPT that since the regulations require new facilities (buses) to require lifts, there can really be no local option. Local option has been used as an excuse to provide paratransit only, discriminating against people with disabilities, they agreed and should not be acceptable.

Another four of the judges upheld the view of ADAPT and the DOT that local option is a viable option and an alternative to buying buses with lifts.

The final four judges decided that Subparts B and C did not conflict and should stand together. They said that the legislative history was clear in not imposing a requirement, and thus they were mainstreaming in transit as meaning retrotitting. They said that the Subpart C regulation, which clearly requires newly purchased buses to have lifts, they said that the Court of Appeals held that it is not clear local option was an acceptable way for transit systems to comply with 504. Their example of the

Two subparts standing together was a transit system which decided to never again buy buses could have the option of remaining mainline inaccessible.

Their decision on local option and access, ended with the statement that no one as yet has asked for a ruling on Subpart B and there was no reason to assume the DOT Secretary would rule in support of Subpart C and in conflict with Subpart B. Therefore, they concluded, they would not rule on the intent of Subpart C.
ADAPT on the A.D.A.


This year is the 25th anniversary of the Urban Mass Transportation Act, 16th anniversary of Section 504 and the 10th anniversary of the original mandate to make transit totally accessible to people with disabilities.

Federal funding for public transit was reduced from $4,615 million in 1981 to $3,214 in 1988. In spite of these cuts, the number of lift-equipped buses has increased from 11% in 1981 to over 31% in 1988.

If the original mandate had remained in effect, every bus in the country would have had lift equipment by 1991.

Instead of inconsistency in approach, court action and controversy continue. Chicago Transit Authority was forced through litigation to provide access. The city of Portland was forced through litigation. The city of Detroit was hit with a $21 million judgement for failure to provide accessible bus transportation. Six people with disabilities filed the original lawsuit. The number of plaintiffs has grown to 1,100.

Cincinnati's Queen City Metro bought 87 lift-equipped buses in 1981, over 100 in 1986 (over half the fleet is now lift-equipped), but Metro doesn't choose to use their lifts. It's their option and it's legal.

In Tulsa, OK the system tried to control ridership on their paratransit only service by increasing fares. Washington DC Metro's 50% is an insult.

Atlanta GA committed to 100% in 1987, however it will be the year 2,000 (27 years after the passage of 504) before I can ride the same buses as you do.

Clearly local option is no option.

Clearly actions speak louder than words.

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THE A.D.A. AND TRANSPORTATION

by Bob Kafka

As of this writing the transportation section of the Americans with Disabilities Act, A.D.A., is alive and has survived with all the provisions that ADAPT wanted in place. We, after long and tough negotiations disability lobbyists in Washington DC came out of the markup session of the Senate Labor and Human Resources Sub-Committee on the Handicapped with the Bush administration's endorsement for lifts on all new public buses and lifts on private carriers, like Greyhound, 5 years after passage of the bill.

Informed sources have said that Secretary of Transportation Skinner had 10 major objections to the bill but was placated (so far) by including language that a transit system could get "relief", i.e. extension of time, if it could prove that no accessible buses were available for them to purchase. This seems to assure that all new transit vehicles will be accessible.

The 5 year delay for private carriers was a compromise. It will allow private bus manufacturers 4 years to study how best to put lifts on buses and which lift would work best, but mandates that after the fourth year all new buses purchased must be lift equipped.

In 1981, I made a commitment to the struggle for accessible public transportation. I was arrested in 1983 for chaining myself to a rail in the lobby of the Denver regional transit district's administrative offices, because they didn't want to provide accessible express service.

Some of us in this room have been arrested repeatedly, since 1983, because the American Public Transit Association denies us our right to freedom and dignity. We will continue our efforts. We will ride.

As some may remember, while in St. Louis jail medical staff physically forced ADAPT members to undergo blood testing. Even those who refused the tests for medical reasons, such as spams and very small veins, were physically held down by guards, while the nurse attempted to take blood samples. It was a wild scene. Of course this was completely illegal and ADAPT brought suit. This July the courts found in favor of ADAPT-awarding damages of $1,500. City officials were horrified, but had to pay.

Our sincere appreciation goes out to Jerome Schlichter, one of the attorneys who handled our cases (for free) while we were in St. Louis, and who is handling our suit against the county jail system in St. Louis. He is very interested in cases of children who were mishandled at birth and became disabled. He can be reached at: 1-800-873-5297.

--- IN MEMORY ---

It is with deep regret that we tell you that Laurie Sturgeon died accidentally while she and Ron were visiting Denver in May. Laurie and Ron have been dedicated activists for disability rights and ADAPT supporters for years. This was their first visit to Denver, and the day before she died she was able to enjoy the benefits of her labor in the first time, riding Denver's accessible buses to go out dancing. True to their quiet commitment to the fight for access, Ron has donated his condolence gifts to ADAPT, in memory of Laurie. Our love and sympathy go out to Ron.
We are calling for radical changes in the way we humans think of ourselves. We are demanding that "able-bodied" and disabled folks let loose of ideas and ideas which, although outdated, are at the core of our concepts of ourselves. Radical, as has often been pointed out, means to the root, to the core. When we call for access as a civil right, as a human right, we are demanding the change of the very most basic ideas of what it means to be a person.

In order to make change we must stir things up. We must be agitators. That may sound distasteful to some of us, but the more of us who take part, the sooner and more complete the changes.

One of my teachers recently pointed out that the part of the washing machine which cleans the clothes is called the agitator.

We are trying to clean up the dirty attitudes, the filthy way many of our people have been and are being treated. It is time we stop feeling bad and begin to shine in the righteousness of our cause. We are not the problem. We are the solution.

Come to Atlanta and help send our message. WE WILL RIDE!

Please send us your comments, articles, photos, cartoons, etc. We want your input! Also your contributions are always WELCOME!

Stephanie
Send to: ADAPT / Incitement
1208 Marshall Lane
Austin, TX 78703

The two guards locked me in the van. They drove me to Niantic [Correction Center for Women.] They took my clothes, all of my belongings, then they told me to strip and then take a shower with this nasty liquid to kill lice. From this point on I was state property.... What kept me going? I believe in what I did.... I stood up for what I believe.... Greyhound discriminates and this is wrong. I won't pay the state of Conn. one dollar. I will continue to fight for what I believe in. I'll see you somewhere around the world.

-- Eugenia Evans, ADAPT member and Independence Unlimited Board Member

LIFT-EQUIPPED OVER THE ROAD COACHES A REALITY

Denver has recently added a new feature to its already very accessible transit systems...Over-the-Road (OTR) coaches with lifts. They are so proud of their new service they have made a nifty little video tape which illustrates the easy operation of the lift. The lift is made by a West German Company and installed by a company out of Colorado. Stuart Stevenson, and the cost is less than $8,000 per lift.

Eagle Coach manufacturers of Brownsville, TX are also working on a prototype lift for their coaches--which is now in the design stages. ADAPT organizer Joe Carle has been invited down to test a demonstration model this fall. Transportation Manufacturing Corp., TMC, of Bosswell NM is also rumored to have developed a lift. Motor Coach Inc., MCI, of Canada also has an OTR lift for sale.

Transit fanatics will be interested to know some ironic background information on these lift manufacturers. Greyhound Inc., based out of Phoenix AZ, owns TMC and MCI. Greyhound Lines, a separate corporation which runs the Greyhound bus services across the country, owns Eagle Coach, which it acquired when it purchased Trailways Bus Lines.
Chicago — Chicago ADAPT is embroiled in another court battle with Chicago Transit Authority, with the same judge as their last suit. This time sparks are flying over their rail system, METRA, which is dragging its heels over access for folks with disabilities. Even the Regional Transit Authority is putting pressure, reportedly threatening to sue if METRA does not shape up. As with so many other transit systems, personality seems to play a big role. METRA’s Jeffry Ladd is a key obstacle, and at a recent Board Meeting ADAPT members demonstrated just what they thought of Ladd’s attitudes about their rights by rolling over a paper cut out of Ladd which they laid on the floor.

Curb cut actions have caught on in Chicago too. In May a group of ADAPT folks staged a protest of the lack of enforcement of a 13 year old law requiring curbs be cut. Their target a set of curbs in violation of the law in plain view of the Mayor’s Office. Paulette Patterson took a dive from her chair, thanks to the lack of access, but astonishingly enough, the curb was cut in four days.

San Diego — San Diego’s ADAPT members dropped into APTA’s recent Human Resource conference. They made their own way (since APTA tried in vain to keep them out) into a workshop entitled “The Human Side of 504.” From what our sources saw the group never got around to the “human side” of this propaganda session. The “expert” psychologist on the panel told them how he helped his mom adjust to her disability by taking away her wheelchair until she learned to get along without it. It will come as no surprise to Incitement readers that this “expert” informed his audience that ADAPT would not want to ride buses, we just hadn’t adjusted to our disabilities. ADAPT gave attendees an earful of reality, but after such a heavy and toxic dose of APTA style experts...the prognosis is still cloudy.

Los Angeles — When Greyhound’s “helping hands” misplaced a disabled woman’s $800 wheelchair on her trip from San Diego to LA, and their two faced administration would only replace it with a $65 second hand job and their $250 maximum reimbursement. Southern California ADAPT cried foul. Their protest attracted a lot of negative press for Greyhound. A follow up surprise is being planned for September.

Rail System Users Guide
Access Systems is proud to present The Wheelchair Users Guide to Light Rail, Heavy Rail, and Commuter Rail Systems in the United States and Canada. The guide is a complete in-depth report that covers all locations that are accessible, which aren’t, and which are usable though not officially accessible. Robert Reuter, the author, describes not only the physical aspects of the system but the attitudes and amount of assistance one is likely to encounter, sharing little tricks which can make a trip easier. “I have found myself trapped on subway platforms in the ‘cold’” Reuter says, “and been cursed by irate employees as the render won’t have to be.” The guide sells for $10.00 plus $1.00 postage and is updated regularly. A free sample page is available; just send a large stamped self-addressed envelope.

Paulette Patterson has apparently been “threw away” by the lack of enforcement of Chicago’s access laws. Too safety conscious police tactics.

San Antonio — Wayne “over my dead body” Cook is fighting hard against mainline access, but the numbers keep fighting against grow larger and larger. Only his VIA Board seems willing to follow him like sheep, but that may change soon. Local disability groups are working hard to build momentum and gain support from the local Democratic Party officials, Henry B. Gonzales — local Congressman and head of the House Banking Committee (see quote this issue). An ever growing list of disability organizations which are boycotting San Antonio. The VIA Board will vote on an access policy next month. Some advocates have vowed not to end their push till VIA does the right thing.

Nacho Guarrache Leo Garza, San Antonio Express News

“I AM DEEPLY DISTURBED WITH VIA OFFICIALS FOR THEIR OPEN DISREGARD FOR THE RIGHTS OF THE HANDICAPPED, AND I AM VERY DISAPPOINTED THAT THEY CANNOT SEE FIT TO REFLECT IN THEIR BOARD A DIGNIFIED AND COMPASSIONATE SPIRIT OF THE PEOPLE OF THIS GREAT CITY. THEREFORE I WILL OPPOSE ANY FURTHER APPROPRIATIONS TO VIA UNLESS AND UNTIL THIS DISCRIMINATION IS REMOVED.”

— HENRY B. GONZALES, CONGRESSMAN FOR SAN ANTONIO, CHAIR OF THE HOUSE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS
AFTA's Jack Gilstrap was quoted in the Montreal Daily News October 1988: "...in Los Angeles, wheelchair lifts were installed on 1,700 buses; but they only get used about 90 times a day. That's not a very good return on the $10,000 it costs to install each lift."

The LA Transit District responded in Nov. 1988. By letter SCRTD Director John F. Day gave AFTA's Gilstrap the facts: "A daily boarding rate on our buses of over 36,000 disabled people: a daily boarding rate of 400 boardings by passengers in wheelchairs: 1,842 active lift-equipped kneeling buses out of the District's 2,458 bus fleet: and 0.5% of the District budget is allocated for the Accessible Service Program."

Director Day further stated, "It is imperative that AFTA support its member transit agencies and not demean their efforts. Our riders remain our most important asset, whether they are able-bodied or disabled. Our staff's portrayal of the District...has undermined the confidence of our riders, and beyond that has disrupted our efforts with fellow transit agencies. In the future, your staff should contact us regarding any District service concerns or issues before discussing them with the press."

R. Albert Engelken was quoted in City and State, a trade magazine targeted to government officials (March 1990), regarding the [Third Circuit Court of Appeals Feb. 1989] ruling: "One thing people have got to realize is that people do not use these lifts in Los Angeles, they have 6,000 lift-equipped buses... It ends up costing (the system) about $130 per trip to give a handicapped passenger one ride on the mainline bus."

SCRTD Director John F. Day's reaction to the Engelken quote: I AM ASKING THE AFTA TO RETRACT THIS INACCURATE STATEMENT: TO STOP USING THE DISTRICT AS A PAWG IN THEIR BATTLE WITH DISABLED PERSONS, AND TO STOP UNDERMINING SCRTD'S EFFORTS TO PROVIDE ACCESSIBLE SERVICE. THE DISTRICT'S FIXED ROUTE ACCESS IS COST EFFECTIVE AND IS BEING MET WARMLY BY DISABLED PEOPLE."

Compiled by LA disability transit activists.


LA TRANSIT SYSTEM FACTS...

The LA Transit System Facts: 1982 active lift equipped buses. Total bus fleet: 2,459. Average Daily Boardings By Disabled Passengers: 36,000 during last fiscal year (a 350% increase over the last three years.) Cost per trip: 22 cents (All disabled boardings, including wheelchair users). Average Daily Boardings by wheelchair users: 400 (a 63% increase over the previous year). Incremental Cost per lift boarding (based on 365 boardings per day). Cost per lift boarding is less at 400 boardings per day. Cost per boarding is reduced with each increase in boardings. It is further reduced with each reduction in cost. Reductions in Cost: Accessible Service Cost 1988: Total Accessible Service Costs: 0.5% of total operating cost. 1986 Annual Maintenance Cost Per Lift: $866 or 2% of the total annual maintenance cost per bus of $49,079. (SCRTD's 1985 estimate for annual maintenance per lift was $2,383.)

Fun Run

BE A DISABILITY RIGHTS SUPPORTER!

Reverend Wade Blank, co-founder of the Atlantis Community and ADAPT, says he will run and skip around a 1/4 mile track 20 times (along with a bunch of other Atlantis/ADAPT supporters) in the First Annual Disability Rights Fun Run. Doing this in one hour is not bad for an old civil rights activist.

Your pledge, selected from the amounts listed below, will help ADAPT continue the struggle for the civil rights of persons with disabilities. Just select an amount from those listed below and fill out the sponsor section. After Wade does his lap we will send you a bill. Your contribution is tax-deductible. Thanks for your support!

Please check the amount of your pledge:

- $50.00 per lap - You need the fun. ADAPT needs the funds. And I need the deduction.
- $25.00 per lap - If you have trained, my bank account will be drained.
- $10.00 per lap - Activists like you are rare. Supporting your run is only fair.
- $5.00 per lap - Here's fuel for your struggle, my cash flow till juggles.
- $2.00 per lap - Two run or not two run; two many questions!
- $1.00 per lap - For every lap a buck, and I wish you 'Good Luck.'
- $5.00 per lap - I support disability rights, keep up the good fight.
- Any Amount - This is a great and worthy event. Make my donation of $ ________

FUN RUNNER # 1003

FUN RUN
ATLANTIS/ADAPT
3605 WEST GILL PLACE
DENVER, COLORADO 80219

SPONSOR FORM

SPONSOR'S NAME

ADDRESS

CITY
STATE
ZIP