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Sidewalks to Nowhere: The Supreme Court Lets Stand Landmark Texas ADA Case

The United State Supreme Court today wisely refused to hear Arlington, Texas' request that the court reverse the landmark decision in favor of wheelchair users who won a ruling against the city on sidewalk access under the Americans with Disabilities Act.

In friend of the court briefs, the National League of Cities, and the U.S. Conference of Mayors, and other national groups, had claimed that the challenged decision will impose a "crushing burden" on cities nationwide.

The case came to the high court from the court of appeals which voted 8 to 7 last year that, "when a city chooses to construct a new sidewalk or alter an existing one, the city must take reasonable measures to ensure that those sidewalks are readily accessible to individuals with disabilities." The ruling rejected the argument that cities may pick and choose when and where to provide accessible sidewalks.

The case affects the 3.4 million wheelchair users in the United States, and countless others who use curb ramps for baby strollers, wheeled luggage and on bicycle rides.

The suit was brought by Richard Frame and several other individuals. [An engineer in the aerospace and defense industry](#), Richard Frame [became](#) quadriplegic [after a devastating auto](#) accident twelve years ago. [His body is paralyzed except](#) for his head and shoulders. He controls his power wheelchair with delicate head movements.

Mr. Frame said, "When I leave home, I find sidewalks to nowhere and utility poles smack in the middle of a sidewalk. When my attendant parks my van in the municipal parking lot on a game day, I can't get to

the billion dollar Cowboys Stadium, built with \$325 million in Arlington city funds. I'm stuck."

David Ferleger, the Philadelphia, PA lawyer who successfully opposed Arlington's petition, said, "The court's decision was right for the city, for Texas and for the country. Keeping people with disabilities off sidewalks is immoral, bad public policy and harmful to the national economy."

Quoting a congressional report, Mr. Ferleger said, "Disability discrimination is a 'totally unnecessary contributor to public deficits' and 'costs literally billions of dollars annually in support payments and lost income tax revenues.'" He said, "When Arlington built inaccessible sidewalks after the 1992 ADA effective date, the city wasted taxpayers' money and broke the law."

Mr. Ferleger appealed to the city: "The Supreme Court has spoken. Arlington, it is time to cut out the resistance, and make those curb cuts! Open the sidewalks to all!"