

SETTLEMENT AGREEMENT

This Settlement Agreement (the "Settlement Agreement") is made and entered into, subject to the preliminary and final approval of the United States District Court for the Southern District of New York, by and among Eastern Paralyzed Veterans Association, Inc. ("EPVA"), James J. Peters, Terence Moakley and Denise Figueroa, individually and as representatives of the class of all persons similarly situated (collectively, "the EPVA Class Representatives"), and Metropolitan Transportation Authority ("MTA"), New York City Transit Authority ("NYCTA") and Manhattan and Bronx Surface Transit Operating Authority ("MABSTOA").

This Settlement Agreement is also made and entered into, subject to the preliminary and final approval of the United States District Court for the Southern District of New York, by and among Rhea Dopico, David Dopico, Muriel Zgardowsky, Vincent Zgardowsky, Disabled in Action of Metropolitan New York, Joseph Deriso, Vincent Venditti, Sally Wetzler and Bernardino Delacruz, individually and as representatives of the class of all persons similarly situated (collectively, the "Dopico Class Representatives") and MTA, NYCTA, MABSTOA and Staten Island Rapid Transit Operating Authority ("SIRTOA") (collectively, the "Authorities").

This Settlement Agreement is also made by and between EPVA and James J. Peters (the "State Court Plaintiffs") and the Authorities and is subject to the filing and entry of a stipulation of discontinuance with prejudice in the Supreme Court, State of New York, New York County, and the approval of that dismissal by that court as required under Section 123(f) of the New York State Finance Law.

This Settlement Agreement is accompanied by forms of Orders; a form of Notice; a form of Stipulation and Order of Discontinuance with prejudice; and forms of Releases.

WHEREAS, the EPVA Class Representatives have commenced Civil Action No. 82 Civ. 7270 (MEL) in the U.S. District Court for the Southern District of New York on behalf of themselves and all others similarly situated against the Authorities (other than SIRTOA), and the members of the Boards of those entities and Richard Ravitch, former Chairman, and John D. Simpson, former President of the NYCTA in their individual and official capacities; and

WHEREAS, the EPVA Class Representatives through their counsel, have sought, and defendants have consented to, certification of that action as a class action pursuant to Fed. R. Civ. P. 23(b)(2); and

WHEREAS, the State Court Plaintiffs have commenced a proceeding in the Supreme Court of the State of New York, County of New York, No. 18136/79 against the Authorities (other than SIRTOA), the members of their boards of directors, and the Comptrollers of the State and City of New York; and

WHEREAS, the Dopico Class Representatives have commenced Civil Action Nos. 80 Civ. 4562 (EW) and 80 Civ. 4862 (EW) in the U.S. District Court for the Southern District of New York against the Authorities, the members of their boards of directors, Richard Ravitch, individually and in his former capacity as Chairman of the Board of the MTA, John D. Simpson, individually and in his former capacity as Executive Director of the MTA, and against Neil E. Goldschmidt, individually and in his former capacity as Secretary of the United States Department of Transportation; Theodore C. Lutz, individually and in his former capacity as Administrator of the United States Urban Mass Transportation Administration; Hiram J. Walker, individually and in his former capacity as Regional Director of the Urban Mass Transportation Administration; Edward I. Koch, individually and in his capacity as Mayor of the City of New York, the New York City Department of Transportation, and Anthony Ameruso, individually and in his capacity as Commissioner of the New York City Department of Transportation; and

WHEREAS, Actions Nos. 80 Civ. 4562 and 80 Civ. 4862 have been consolidated by the Court; and

WHEREAS, the Dopico Class Representatives, through their counsel, have sought certification of the actions as class actions pursuant to Fed. R. Civ. P. 23(b)(2), and the defendant Authorities hereby consent to such class certification; and

WHEREAS, the State of New York has enacted legislation designated as Chapter 498 of the Laws of 1984 of the State of New York (the "Act"), a copy of which Act is annexed hereto as Exhibit A; and

WHEREAS, the MTA on July 25, 1984 adopted a resolution as contemplated in Section 8 of the Act and the effectiveness of said resolution is conditioned upon the final dismissal with prejudice of the foregoing actions and proceeding, such actions or proceeding being identified in said Resolution (said Resolution being annexed hereto as Exhibit B);

NOW IT IS HEREBY AGREED AS FOLLOWS:

1(A) The Dopico and EPVA Class Representatives and the State Court Plaintiffs agree in their individual and representative capacities, subject to approval of the court where the matter is pending, to dismiss the actions or proceeding

identified below in their entirety and with prejudice as to all defendants, subject only to the limitation set forth in paragraph 1(B) of this Settlement Agreement, and agree to the entering of orders of dismissal with prejudice, subject to the limitation set forth in paragraph 1(B) of this Settlement Agreement, by the courts having jurisdiction over the respective matters in the forms annexed hereto as Exhibits C and D. The actions or proceeding to be dismissed, as described in the preceding sentence, are:

(i) Eastern Paralyzed Veterans Association, Inc., James J. Peters, Terence Moakley and Denise Figueroa on behalf of themselves and all others similarly situated v. Metropolitan Transportation Authority, et al., No. 82 Civ. 7270 (MEL)
(S.D.N.Y.)

(ii) Eastern Paralyzed Veterans Association v. Metropolitan Transportation Authority, Supreme Court, State of New York, New York County, No. 18136/79

(iii) Rhea Dopico, David Dopico, Muriel Zgardowsky and Vincent Zgardowsky, individually and on behalf of all others similarly situated v. Neil E. Goldschmidt, No. 80 Civ. 4562 (EW)
(S.D.N.Y.)

(iv) Disabled in Action of Metropolitan New York, Joseph Deriso, Vincent Venditti, Sally Wetzler and Bernadino Delacruz, individually and on behalf of all others similarly situated v. Neil E. Goldschmidt, et al., No. 80 Civ. 4862 (EW)
(S.D.N.Y.)

(B) It is agreed that the dismissals with prejudice referred to in the foregoing paragraph shall be limited in the

following respect only: In the event the Act in the form annexed hereto as Exhibit A is modified or repealed within eight years of the date of its effectiveness (and not reenacted in another provision of law so as to continue the same substantive provisions in effect without lapse) so as to diminish any substantive obligation of the Authorities as set forth in § 2 of the Act insofar as it adds sub-sections 3(a)(i) and 4 to § 15-b of the Transportation Law and § 3 of the Act insofar as it amends Section 51 of the Public Buildings Law (provided that any change in the list of stations included in sub-section 3(a)(i) of § 15-b of the Transportation Law shall not in and of itself be deemed a diminution of any substantive obligation of the Authorities under the Act, but it shall be open to the plaintiffs to so demonstrate) [such legislation being referred to hereinafter as an "Amendment"], then:

(i) Subject to paragraph (ii) and (iii) below, the EPVA or Dopico Class Representatives or State Court Plaintiffs may apply, not sooner than 30 days nor later than 90 days (unless extended by consent of the Authorities and all plaintiffs in the respective proceeding or action) after the enactment of an Amendment, to the U.S. District Court for the Southern District of New York (as to the actions identified in sub-paragraphs 1(A)(i), (iii) or (iv) above) or the Supreme Court of the State of New York

(as to the proceeding identified in sub-paragraph 1(A) (ii) above) to reinstate the respective action or proceeding and to make any modification in any judgment necessary so as to permit such reinstatement, including, without limitation, the waiver of any statute of limitation, laches or estoppel defense as may otherwise have arisen as a result of the dismissal provided for in this Settlement Agreement. Nothing in the procedure necessary to reinstate the respective action or proceeding, including, without limitation, the furnishing of a new docket designation, shall alter the fact that the reinstated litigation is a revival of the original litigation and not a newly filed action or proceeding. Upon any application to reinstate in accordance with this sub-paragraph 1(B), the Authorities shall be deemed to have consented to such reinstatement and the respective court in which the action or proceeding was pending shall reinstate the action or proceeding except that the Authorities may challenge reinstatement upon the ground that no diminution of their substantive obligations under the Act has occurred but not otherwise and the respective court may deny reinstatement upon such ground only. Upon the granting of such reinstatement, the release executed in connection with the action or proceeding so reinstated shall be null and void,

and the Authorities shall make a good faith effort to return the release in question;

(ii) Notwithstanding the provisions of subparagraph 1(B)(i) above, the Authorities may elect to comply with the substantive provisions of the Act as though the Act remained in effect and had not been modified or repealed by an Amendment, if they make such election within 30 days of the enactment of the Amendment (unless extended by agreement of the Authorities and the plaintiffs in the respective action or proceeding). Such election shall be reflected in a judicially enforceable agreement to such effect or be accompanied by other assurance satisfactory to the Authorities and the plaintiffs in the action or proceeding in question. In the event such election is made in accordance with the provisions of this subparagraph 1(B)(ii), there shall be no right to reinstate the litigations under subparagraph 1(B)(i) hereof unless such election is rescinded prior to the expiration of eight years from the effective date of the Act;

(iii) Upon the enactment of an Amendment, if the Authorities do not make the election described in subparagraph 1(B)(ii) above, the parties hereto shall nevertheless negotiate for a period of not less than 30 days

after such enactment as to alternatives to reinstatement of the actions or proceeding authorized under paragraph 1(B)(i) hereof. In the event agreement as to such alternatives is not reached within 30 days of the enactment of the Amendment (unless the time is extended by consent of the Authorities and the plaintiffs in the action or proceeding in question), then the respective plaintiff parties may apply to reinstate the action or proceeding in question in accordance with sub-paragraph 1(B)(i) hereof. In the event such agreement is reached, there shall be no right to reinstate the litigations under subparagraph 1(B)(i) hereof;

(iv) It is expressly understood that unless the provisions of subparagraph 1(B)(i) hereof are invoked within eight years of the effective date of the Act (and thereafter the action or proceeding is reinstated) the right granted by sub-paragraph 1(B)(i) shall expire. It is further expressly provided that nothing in this Settlement Agreement creates any right to enforce any provision of the Act as an agreement or as an element of a judicial order or judgment. Enforcement of the Act shall be available only through the means available to enforce statutes generally.

2. Plaintiffs in the actions and proceeding identified in paragraph 1(A)(i)-(iv) shall execute Releases running to all defendants substantially in the form annexed as Exhibits E-G hereto releasing defendants from all claims relating to the subject matter of the said actions and proceeding described in paragraph 1(A) hereof, subject only to the limitations described in paragraph 1(B) hereof.

3. It is agreed that counsel for the EPVA Class Representatives have participated in a lengthy and complex litigation. Without regard to any statutory obligation, and in recognition of the exceptional nature and impact of the litigation and its importance in connection with the legislative process leading to the enactment of the Act, the Authorities would be and are willing to recompense the EPVA class and the EPVA Class Representatives for legal fees in the amount of \$350,000.00, however, the EPVA class and the EPVA Class Representatives hereby agree to waive said legal fees and instead allow those monies to be used for the good of the people of the State of New York for mass transportation. It is agreed that counsel for the EPVA Class Representatives may apply, in connection with the final approval of this settlement, for disbursements not to exceed \$15,000, to be paid by the MTA, and the MTA agrees that it will not contest such application; it is also agreed that counsel for the Dopico Class Representatives,

having participated in a lengthy litigation involving proceedings in the District Court and the U.S. Court of Appeals, as well as extensive discovery efforts, may apply, in connection with the final approval of this settlement, for legal fees not to exceed \$145,000 and disbursements not to exceed \$17,750, to be paid by the MTA, and the MTA agrees that it will not contest such application. Except as set forth in this paragraph, no party to this Settlement Agreement or its counsel shall apply for legal fees or disbursements in connection with the actions or proceeding settled herein.

4(A) It is further agreed that for each of the eight years following the effective date of the Act, MTA and/or NYCTA will furnish to counsel for the Dopico and EPVA Class Representatives within 90 days following the close of each such year a report (1) identifying (a) contracts let during the preceding year for improvements designed to render New York City subway stations (which shall be individually identified) accessible to the handicapped, (b) expenditures made during that year to render such subway stations accessible, (c) work actually performed during the year to render such subway stations accessible, and (d) subway stations that have been made accessible during the year; (2)(a) listing contracts let for the purchase of buses to be operated in the City of New York by NYCTA or its subsidiaries, reflecting separately those contracts providing

for buses equipped with wheelchair lifts and those which are not and (b) stating the number of buses in service as of the closing date of the year, reflecting separately the number equipped with wheelchair lifts and those not so equipped.

(B) In the event the MTA or NYCTA does not provide the report described in sub-paragraph 4(A) above within the time provided therefor in sub-paragraph 4(A) above, the EPVA and Dopico Class Representatives shall have the right to obtain the information by judicial proceeding; provided, however, that nothing herein shall be construed to grant any right to enforce any aspect of the Act as an agreement or as an element of a judicial order or judgment.

5(A) Within five days of the execution of this Settlement Agreement, application shall be made to the Federal Courts in which the actions identified in paragraphs 1(A)(i), 1(A)(iii), and 1(A)(iv) are pending by counsel for the EPVA and Dopico Class Representatives for an order preliminarily approving the settlement described herein and providing for a hearing to approve finally the settlement described herein. Such order (the "Hearing Order"), which shall be submitted substantially in the form attached hereto as Exhibit H, shall provide:

(a) for a hearing on the fairness, reasonableness, and adequacy of the settlement (the "Hearing");

(b) for preliminary approval of the terms of the settlement;

(c) for the giving of notice of the Hearing to members of the class in substantially the form annexed as Exhibit 1 to the Hearing Order, which notice shall be acceptable to the Court and shall provide that the cost of notice shall be paid by the Authorities; and

(d) for such other matters as each Court may deem to be necessary or proper under the circumstances in accordance with, inter alia, Rule 23 of the Federal Rules of Civil Procedure.

5(B) Within seven days of the entry of the order described in sub-paragraph 5(A) hereof, application shall be made on behalf of the State Court Plaintiffs for approval of the dismissal with prejudice of the proceeding identified in sub-paragraph 1(A)(ii) above. The application shall include the submission of a stipulation discontinuing the proceeding against all defendants with prejudice subject only to the limitation set forth in paragraph 1(B) hereof. The Stipulation so submitted shall be in the form annexed hereto as Exhibit D. The Stipulation and dismissal shall become effective only upon the Act becoming effective.

6. The Settlement Agreement shall become effective (the "Effective Date") only upon the occurrence, in addition to those necessary actions set forth in paragraphs 1-2 and 5 hereof, of the following events:

(A) The filing and entry of the stipulation dismissing with prejudice (as described in paragraphs 1(A) and (B) hereof and 5(B) hereof) the proceeding against all defendants in EPVA v. MTA, in the Supreme Court of the State of New York, New York County identified in paragraph 1(A)(ii) hereof, and the approval of such order by that court pursuant to Section 123(f) of the New York State Finance Law;

(B) The furnishing of the executed releases contemplated by paragraph 2 of this Settlement Agreement.

(C) The entry of a final judgment in the actions identified in paragraphs 1(A)(i), 1(A)(iii) and 1(A)(iv) hereof by the Court (the "Final Judgment") (substantially in the form annexed hereto as Exhibit C):

(i) approving the settlement as a class settlement in accordance with, inter alia, Rule 23 of the Federal Rules of Civil Procedure and adjudging it to be fair, reasonable and adequate;

(ii) dismissing the complaints as to all defendants in those actions with prejudice (as set forth in paragraphs 1(A) and (B) hereof), on the merits, and without costs;

(iii) discharging each defendant, the past and present officers, directors and employees, and the successors and assigns of each defendant (the "Released Persons") from all claims, demands and causes of action that all plaintiffs (on behalf of themselves and each member of the class) has or may have, or that they or the class have or might have asserted, against the Released Persons or any of them arising out of the subject matter of the said action effective as to claims arising through the date hereof (subject to the provisions of paragraph 1(A) and (B) hereof);

(iv) permanently barring and enjoining plaintiffs and each and every member of the class and their heirs, successors, assigns or personal representatives, either directly or representatively, from asserting against the Released Persons, any claim, demand, right, or cause of action arising out of the subject matter of the said actions, effective as to

claims arising through the date hereof (and subject to the provisions of paragraphs 1(A) and (B) hereof).

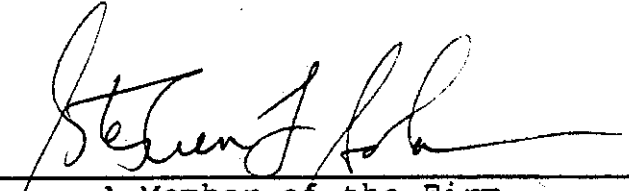
(D) The expiration of 10 days after all appeals and/or rights to appeal from the Final Judgment or to apply for judicial review of the Final Judgment have been exhausted or permitted to expire (and the judgment having been sustained in all respects in the event such appeals(s) have been taken) unless the Board of the MTA provides otherwise pursuant to the Resolution;

(E) The Act having become effective.

7. Upon preliminary and final judicial approval of this Settlement Agreement, the parties hereto shall take all such steps as are necessary to ensure that this Settlement Agreement is implemented in accordance with its terms.

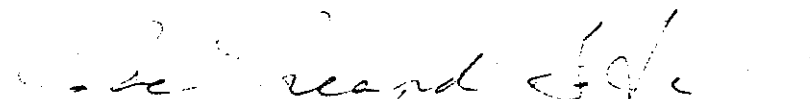
8. This Settlement Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed one and the same instrument.

Dated: September 24, 1984

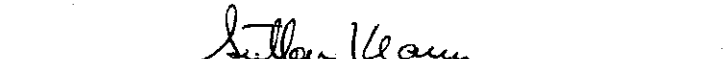


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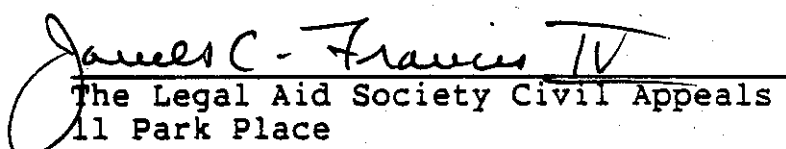
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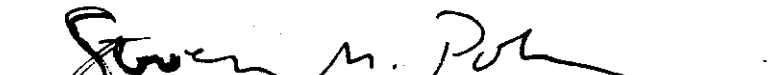


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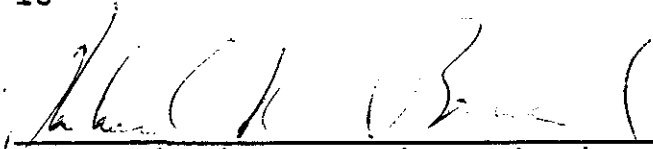


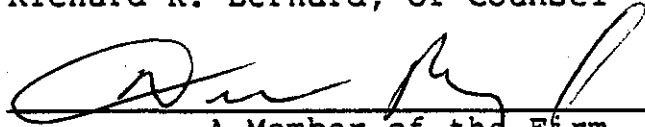
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New York City Transit Authority,
and Manhattan and Bronx Surface
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capacity as Executive Director of
the Metropolitan Transportation
Authority

STATE OF NEW YORK

S. 10133

A. 11981

SENATE—ASSEMBLY

June 28, 1984

IN SENATE -- Introduced by Sens. OHRENSTEIN, FLYNN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Hevesi, Kremer, Cooke, D'Amato, Dugan, Griffith, Hawley, Levy, Lipschutz, Marchiselli, McCabe, Wilson) -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the transportation law, the public buildings law, the tax law and the administrative code of the city of New York, in relation to establishing a New York city accessible transportation system and creating the New York city transportation disabled committee and providing for its functions, powers and duties; and in relation to accessibility requirements for key rapid transit stations and buses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative purpose. The legislature hereby finds and de-
2 clares that it is a policy of the state to provide opportunities for its
3 transportation disabled to participate fully in the economic, educa-
4 tional, recreational and cultural activities available to the rest of
5 its population. Essential to this endeavor is the availability of and
6 access to transportation facilities and services. This concern is par-
7 ticularly heightened in the city of New York where mobility for the gen-
8 eral population is almost entirely dependent on access to public
9 transportation. Over the last several years the legislature has
10 authorized the investment of billions of dollars for the improvement of
11 New York city's public transportation system and has created revenue
12 streams of hundreds of millions of dollars in support of its operation.
13 It is the legislature's intent that a portion of available capital and
14 operating transit aid be utilized to address the mobility needs of the
15 transportation disabled.

16 In furtherance of this purpose, there is created by this act a New
17 York city accessible transportation system consisting of access to rapid
18 transit through certain accessible rapid transit stations, a partially

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [] is old law to be omitted.

LBD16455-03-4

1 accessible bus fleet and a paratransit transportation service, which
2 shall together provide inter- and intra-borough mobility for the trans-
3 portation disabled. It is the legislature's intent that the three ele-
4 ments of this system be implemented to form the essence of an integrated
5 accessible transportation system.

6 It is hereby found and declared that such purposes are in all respects
7 for the benefit of the people of the state of New York.

8 § 2. The transportation law is amended by adding a new section
9 fifteen-b to read as follows:

10 § 15-b. New York city accessible transportation system; New York city
11 transportation disabled committee. 1. Definitions. When used in this
12 section:

13 a. "Authority" shall mean the New York city transit authority and its
14 subsidiaries.

15 b. "Committee" shall mean the New York city transportation disabled
16 committee established pursuant to subdivision two of this section.

17 c. "Contractor" shall mean any person, firm, partnership, association,
18 corporation, or any state agency, public authority, political subdivi-
19 sion or municipality of this state which enters into a contract related
20 to the provision of paratransit transportation in accordance with the
21 provisions of this section.

22 d. "Paratransit transportation" shall mean specialized demand-
23 responsive, shared-ride revenue services provided to transportation dis-
24 abled persons on a regular and continuing basis.

25 e. "Rapid transit station" shall mean any facility located along a
26 rapid transit railway designed and used under normal operating condi-
27 tions by patrons of such rapid transit railway to gain access to and
28 egress from such rapid transit railway, including any portion therein,
29 together with the devices and appurtenances, facilities and equipment
30 thereof and other instrumentalities used or useful therefor or in con-
31 nection therewith.

32 f. "Transportation disabled person" shall mean any individual, includ-
33 ing individuals in wheelchairs, who, by reason of illness, injury, age
34 or other semi-permanent or permanent incapacity or disability, is unable
35 to utilize mass transportation facilities without special facilities,
36 equipment or special planning or design.

37 2. New York city accessible transportation disabled committee. a. To
38 assist in the development of an integrated New York city accessible
39 transportation system, hereinafter referred to as the "system", a New
40 York city transportation disabled committee is hereby created. Such com-
41 mittee shall consist of an advisor to the mayor of the city of New York
42 on transportation, the director of the mayor's office of the handicapped
43 in the city of New York, the commissioner of the department for the ag-
44 ing in the city of New York, the commissioner of the state department of
45 transportation, the state advocate for the disabled, the director of the
46 state office for the aging, four transportation disabled persons who
47 reside or work in the city of New York to be appointed by the governor,
48 two of which shall be so appointed upon the recommendation of the mayor
49 of the city of New York, and one individual who resides or works in the
50 city of New York and who has experience with transportation services for
51 transportation disabled persons to be appointed by the governor, upon
52 the recommendation of the mayor. The mayor of the city of New York shall
53 select one person from among the voting members of the committee who
54 shall serve as chairperson of the committee at the pleasure of the mayor
55 of the city of New York.

1 The appointed membership shall serve four year terms. If a vacancy in
2 the appointed membership shall occur by reason of the death, disqualifi-
3 cation, resignation, or removal of a member, a successor shall be ap-
4 pointed by the governor or the mayor for the unexpired term by the same
5 procedure used to appoint the predecessor.

6 The governor may remove any member for inefficiency, neglect of duty
7 or misconduct in office after giving him a copy of the charges against
8 him and an opportunity to be heard, in person or by counsel in his
9 defense, upon not less than ten days' notice.

10 b. No more than three percent of funding available for paratransit
11 transportation may be used for purposes of administering the powers and
12 duties of the committee. Each member of the committee shall receive
13 reimbursement for actual and necessary expenses incurred in the perform-
14 ance of committee duties except that no officer or employee of the
15 state, the city or a public authority shall be entitled to such expense
16 reimbursement.

17 c. A majority of the whole number of voting members of the committee
18 shall constitute a quorum for the transaction of the committee's
19 business. The committee shall have the power to act by a majority vote
20 of the members. Ex officio members may designate an alternate, who shall
21 have the full power to act on behalf of the official.

22 d. Meetings of the committee shall take place at least once every
23 month for a period of one year following the effective date of this sec-
24 tion unless waived in writing by a majority of the members of the
25 committee. Thereafter, meetings of the committee shall take place at
26 least once every three months unless waived in writing by a majority of
27 the members of the committee.

28 e. Notwithstanding any inconsistent provision of this or any other
29 law, general, special or local, no officer or employee of the state, or
30 of any public corporation as defined in the general construction law,
31 shall be deemed to have forfeited or shall forfeit their office or em-
32 ployment or any benefits provided under the retirement and social
33 security law or under any public retirement system maintained by the
34 state or its subdivisions by reason of the acceptance of membership on
35 the committee.

36 f. The committee is authorized to employ, contract for or utilize the
37 services of any person, firm, partnership, association, corporation,
38 governmental agency, or authority that has an expertise in planning
39 transportation services for transportation disabled persons to carry out
40 its powers and duties authorized or mandated pursuant to the provisions
41 of this section.

42 3. Accessible rapid transit stations. a. The New York city accessible
43 transportation system shall include access by transportation disabled
44 persons to rapid transit services through the renovation of key rapid
45 transit stations. Such stations shall be selected from a list of key
46 stations consisting of

47 (i) the following thirty-eight stations: (1) Brooklyn Bridge-Worth
48 station on the Lexington avenue line in New York county, (2) Grand Cen-
49 tral station on the Lexington avenue line in New York county, (3) Grand
50 Central station on the Flushing line in New York county, (4) 125th
51 street on the Eighth avenue line in New York county, (5) Herald Square
52 on the Sixth avenue line in New York county, (6) Times Square on the
53 Broadway-Seventh avenue line in New York county, (7) Times Square on the
54 Flushing line in New York county, (8) Herald Square on the Broadway line
55 in New York county, (9) Times Square on the Broadway line in New York

1 county, (10) 42nd Street on the Eighth Avenue line in New York county,
2 (11) 149th street and Third avenue on the White Plains line in Bronx
3 county, (12) Fordham road on the Bronx-Concourse line in Bronx county,
4 (13) Gun Hill road on the White Plains road line in Bronx county, (14)
5 Westchester Square on the Pelham line in Bronx county, (15) Borough Hall
6 on the New Lots line in Kings county, (16) West 4th Street on the Inde-
7 pendant line in New York county, (17) Stillwell terminal on the Coney
8 Island line in Kings county, (18) Atlantic avenue on the New Lots line
9 in Kings county, (19) Pacific street on the Fourth avenue line in Kings
10 county, (20) Atlantic avenue on the Brighton line in Kings county, (21)
11 Court street on the Fourth avenue line in Kings county, (22) Roosevelt
12 avenue on the Queens boulevard line in Queens county, (23) 179th street
13 on the Queens boulevard in Queens county, (24) 74th Street/Broadway on
14 the Flushing line in Queens county, (25) Main street on the Flushing
15 line in Queens county, (26) 34th street on the Broadway-Seventh avenue
16 line in New York county, (27) 125th street on the Lexington avenue line
17 in New York county, (28) 145th street on the Eighth avenue line in New
18 York county, (29) Union Square on the Broadway and Canarsie line in New
19 York county, (30) 36th street on the Fourth avenue line in Kings county,
20 (31) Flatbush avenue on the Nostrand avenue line in Kings county, (32)
21 Queensboro Plaza on the Flushing line in Queens county, (33) Marcy ave-
22 nue on the Broadway J line in Kings county, (34) Union Square-14th
23 street on the Lexington avenue line in New York county, (35) Union
24 Turnpike/Kew Gardens on the Queens boulevard line in Queens county, (36)
25 Great Kills on the Staten Island Rapid Transit Operating Authority line
26 in Richmond county, (37) Pleasant Plains on the Staten Island Rapid
27 Transit Operating Authority line in Richmond county, and (38) Continen-
28 tal Avenue on the Queens Boulevard line in Queens county; and

29 (ii) eight stations which shall be selected by the committee; and

30 (iii) eight stations which shall be selected by the authority.

31 b. Except as provided in section fifty-one of the public buildings
32 law, nothing herein shall be construed to limit or in any way alter the
33 responsibility of the metropolitan transportation authority or its sub-
34 sidiaries to provide access to and use of its facilities by transporta-
35 tion disabled persons as otherwise required under article four-A of the
36 public buildings law in relation to any new stations commencing service
37 after the effective date of this section.

38 4. Accessible buses. The system shall include access by transportation
39 disabled persons, including persons in wheelchairs, to not less than
40 sixty-five percent of buses in the regularly operated fleet of the
41 authority, which shall be properly operated and maintained to facilitate
42 their use by transportation disabled persons. To meet this sixty-five
43 percent requirement, all buses purchased, leased, or otherwise brought
44 newly into service on the buslines of the authority and its subsidi-
45 aries, except buses leased or otherwise put into service to relieve tem-
46 porary, unplanned shortages of buses in service, shall be accessible to
47 transportation disabled persons until the sixty-five percent requirement
48 is met.

49 5. Paratransit transportation. a. The committee shall develop an im-
50 plementation plan for the provision of paratransit transportation in
51 each county wholly contained within the city of New York in a manner
52 that is economical and efficient and that is directed toward achieving
53 optimal integration of paratransit transportation with the accessible
54 transportation system and with other transportation services accessible
55 to the disabled and avoiding duplication of services. Such plan shall

1 provide for the orderly provision of paratransit transportation con-
2 sistent with available resources. Within two hundred ten days of the ef-
3 fective date of this section, such plan shall be completed and forwarded
4 to the governor, the temporary president of the senate, the minority
5 leader of the senate, the speaker of the assembly, the minority leader
6 of the assembly, the mayor of the city of New York, the city council of
7 the city of New York, and the chairman of the metropolitan transporta-
8 tion authority. The plan shall include:

9 (1) Service areas and routes. In determining such areas and routes,
10 the committee shall consider:

11 (a) Residential concentrations of transportation disabled persons and
12 their employment, medical, educational and recreational needs;

13 (b) Areas or groups in the city of New York that will not be served by
14 accessible rapid transit or accessible buses;

15 (c) Any studies, master plans, surveys, data and other materials com-
16 pleted by or under development by any state agency or authority or the
17 city of New York;

18 (d) Existing transportation services operating in the city of New York
19 that are available to transportation disabled persons; and

20 (e) Other criteria relevant to the effective provision of paratransit
21 transportation including criteria for eligibility for the service.

22 (2) Hours of service. In determining such hours, the committee shall
23 consider the employment, medical, educational and recreational needs of
24 transportation disabled persons.

25 (3) Identification. Identification of ridership and cost levels asso-
26 ciated with paratransit transportation as provided under the implementa-
27 tion plan.

28 (4) Financing sources. Such sources shall include:

29 (a) Fares, and other charges for paratransit transportation. In deter-
30 mining such fares and other charges the committee shall consider the
31 nature of such services, the cost and expense of maintaining paratransit
32 facilities in good condition and repair and the capital and operating
33 expenses of the contractor. Fares for paratransit transportation shall
34 be set at levels based on the criteria set forth in this section;

35 (b) Any payments receivable or available under title XVIII or XIX of
36 the federal social security act and any other sources of federal fund-
37 ing, including third-party payments;

38 (c) Appropriate sources of local funding; and

39 (d) Any gift, grant, bequest, or devise.

40 (5) A method to acquire by purchase, gift, grant, transfer, contract
41 or lease, any vehicles, equipment or facilities necessary for the provi-
42 sion of paratransit transportation. In determining such method the com-
43 mittee shall develop a plan under which every effort is made to acquire
44 such vehicles, equipment, or facilities that are produced and/or
45 provided by services performed in the state of New York.

46 (6) Elements necessary. Any other element deemed by the committee to
47 be necessary or desirable to the provision of paratransit
48 transportation.

49 b. An agency of the city of New York designated by the mayor of the
50 city of New York, provided that such agency shall not be the authority
51 or its subsidiaries, shall provide paratransit transportation in con-
52 sultation with the committee and in accordance with the paratransit
53 transportation implementation plan developed pursuant to this subdivi-
54 sion, within one hundred eighty days of receipt of the plan by the
55 mayor. Such services shall be provided under purchase of service

1 agreements with any responsible person, firm, partnership, association,
2 corporation, governmental agency or authority based on a competitive
3 bidding process. No such service agreement shall be entered into
4 without the approval of the committee. The agency shall not enter into
5 any service agreement that is in excess of financing sources that are
6 reasonably available as identified in paragraph four of this subdivision
7 and the amounts provided pursuant to sections W46-2.0 and II 46-4.0 of
8 the administrative code of the city of New York. In determining whether
9 a proposed contractor is responsible, the designated city agency shall
10 consider but not be limited to the following factors: (1) demonstration
11 of an ability to provide the requested services, (2) compliance with or
12 ability to meet acceptable safety standards, (3) demonstration of sound
13 financial position and acceptable financial reporting, and (4) com-
14 pliance with applicable local laws and regulations including those
15 related to disadvantaged business enterprises. The agency may use no
16 more than three percent of the funds available for paratransit transpor-
17 tation to cover the cost of program administration.

18 6. Report. On or before December thirty-first, nineteen hundred
19 eighty-six, and annually thereafter, the committee shall report to the
20 governor, the temporary president of the senate, the minority leader of
21 the senate, the speaker of the assembly, the minority leader of the as-
22 sembly, the mayor of the city of New York, the city council of the city
23 of New York, and the metropolitan transportation authority. Each such
24 report shall:

25 a. Describe the progress that has been made during the reporting
26 period on implementation of the requirements of this section, including
27 costs and usage estimates attributable thereto, in relation to achieving
28 an integrated accessible transportation system in the city of New York,
29 including the provision of paratransit transportation throughout each
30 county wholly contained within the city of New York;

31 b. Assess the need for changes in the system based on technological
32 advances and other changing conditions and make recommendations for
33 coordination of the system with other public transportation and special-
34 ized transportation services in the region; and

35 c. Include such other elements as may be deemed necessary to evaluate
36 the effectiveness of the system.

37 7. Inconsistent provisions. Insofar as the provisions of this section
38 are inconsistent with the provisions of any other law, general, special
39 or local, the provisions of this section shall be controlling. However,
40 the provisions of this section shall be implemented in such manner to
41 ensure compliance with federal legislative and administrative funding
42 eligibility requirements regarding the transportation disabled.

43 8. Severability. If any provision of this section or the application
44 thereof to any person or circumstances shall be adjudged invalid by a
45 court of competent jurisdiction, such order or judgment shall be con-
46 fined in its operation to the controversy in which it was rendered, and
47 shall not affect or invalidate the remainder of any provision of this
48 section or the application of any part thereof to any other person or
49 circumstance and to this end the provisions of each subdivision of this
50 section are hereby declared to be severable.

51 § 3. Section fifty-one of the public buildings law, as amended by
52 chapter four hundred forty-nine of the laws of nineteen hundred seventy-
53 four, is amended to read as follows:

54 § 51. Construction of public buildings. In addition to any other
55 requirements respecting the construction of a public building and facil-

ities thereof, the new construction, reconstruction, rehabilitation, alteration or improvement of all such buildings and facilities shall conform to the requirements of the state building construction code relating to facilities for the physically handicapped, except work already completed, work in progress, or work for which schematic designs have been approved by the effective date of this act. This section shall not be effective if its provisions will impair the structural stability of the public building or its facilities nor shall it be effective with respect to the reconstruction, rehabilitation, alteration or improvement of any transportation terminal or station of the New York city transit authority or of the Staten Island rapid transit authority made or to be made pursuant to a contract or contracts entered into within eight years after the effective date of this section provided that:

(1) The authorities expend or enter into binding contracts to expend no less than five million dollars per year or an average over any consecutive three year period of five million dollars per year in total on capital projects to render transportation terminals and stations accessible to the physically handicapped, including persons in wheelchairs; provided, however, the authorities may accelerate expenditures and credit such expenditures to subsequent years;

(2) Such monies are utilized for capital projects in stations identified on a list of fifty-four key stations designated pursuant to subdivision three of section fifteen-b of the transportation law;

(3) Such capital projects, when completed, provide a path of access allowing physically handicapped persons, including those in wheelchairs, to travel between the street level and the passenger platform serving each direction of travel on any one train line; and

(4) At least eight of such projects shall be completed within five years of the effective date of this subdivision, unless the authorities are delayed in completing such projects because of circumstances beyond their reasonable control.

§ 4. Subdivision one of section two hundred fifty-three-a of the tax law, as amended by chapter seven of the laws of nineteen hundred eighty-four, is amended to read as follows:

1. Any city in this state having a population of one million or more, acting through its local legislative body, is hereby authorized and empowered to adopt and amend local laws imposing in any such city (A) prior to February first, nineteen hundred eighty-two a tax of fifty cents, (B) on or after February first, nineteen hundred eighty-two and before July first, nineteen hundred eighty-two with respect to (i) one, two or three-family houses, individual cooperative apartments and individual residential condominium units, and (ii) real property securing a principal debt or obligation of less than five hundred thousand dollars, a tax of fifty cents, and with respect to all other real property a tax of one dollar and twelve and one-half cents, and (C) on and after July first, nineteen hundred eighty-two with respect to real property securing a principal debt or obligation of less than five hundred thousand dollars, a tax of fifty cents, with respect to one, two or three-family houses, individual cooperative apartments and individual residential condominium units securing a principal debt or obligation of five hundred thousand dollars or more, a tax of sixty-two and one-half cents, and with respect to all other real property a tax of one dollar and twenty-five cents, for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any

1 time thereafter, by a mortgage on such real property situated within
2 such city and recorded on or after the date upon which such tax takes
3 effect and a tax of one dollar on such mortgage if the principal debt or
4 obligation which is or by any contingency may be secured by such mort-
5 gage is less than one hundred dollars. In each instance where the tax
6 imposed pursuant to this subdivision is one dollar and twelve and one-
7 half cents for each one hundred dollars and each remaining major frac-
8 tion thereof of such principal debt or obligation, fifty-five and six
9 tenths percent of the total amount of such tax, including fifty-five and
10 six tenths percent of any interest or penalties thereon, shall be set
11 aside in a special account by the commissioner of finance of such city.
12 In each instance where the tax imposed pursuant to this subdivision is
13 one dollar and twenty-five cents for each one hundred dollars and each
14 remaining major fraction thereof of such principal debt or obligation,
15 fifty percent of the total amount of such tax, including fifty percent
16 of any interest or penalties thereon, shall also be set aside in such
17 special account. Moneys in such account shall be used for payment by
18 such commissioner to the state comptroller for deposit in the urban mass
19 transit operating assistance account of the mass transportation operat-
20 ing assistance fund of any amount of insufficiency certified by the
21 state comptroller pursuant to the provisions of subdivision six of sec-
22 tion eighty-eight-a of the state finance law, and, on the fifteenth day
23 of each month, such commissioner shall transmit all funds in such ac-
24 count on the last day of the preceding month, except the amount required
25 for the payment of any amount of insufficiency certified by the state
26 comptroller and such amount as he deems necessary for refunds and such
27 other amounts necessary to finance the New York city transportation dis-
28 abled committee and the New York city paratransit system as established
29 by section fifteen-b of the transportation law, provided, however, that
30 such amounts shall not exceed six percent of the total funds in the ac-
31 count but in no event be less than two hundred twenty-five thousand dol-
32 lars during the operational period of such system, and further that dur-
33 ing the entire period prior to operation of such system, the total of
34 such amounts shall not exceed one hundred thousand dollars for the ad-
35 ministrative expenses of such committee and fifty thousand dollars for
36 the expenses of the agency designated pursuant to paragraph b of subdiv-
37 sion five of such section, to the New York city transit authority for
38 mass transit within the city.

§ 5. Paragraph (i) of subdivision (b) of section twelve hundred one of such law, as amended by chapter seven of the laws of nineteen hundred eighty-four, is amended to read as follows:

(1) Taxes on each deed, other instrument or transaction (other than a deed or instrument given solely as security or a transaction the sole purpose of which is to secure an obligation or indebtedness) by which any real property or any economic interest therein is conveyed or transferred, measured by the consideration or value of the interest or property conveyed or transferred, (1) at a rate not to exceed one-half of one percent of such consideration or value with respect to conveyances made before July first, nineteen hundred seventy-one, or made in performance of a contract therefor executed before such date, (2) at a rate not to exceed one percent of such consideration or value with respect to (A) all conveyances made on or after July first, nineteen hundred seventy-one and before February first, nineteen hundred eighty-two, or made in performance of a contract therefor executed during such period, (B) conveyances or transfers made on or after February first,

1 nineteen hundred eighty-two of one, two or three-family houses, individ-
2 ual cooperative apartments and individual residential condominium units,
3 or interests therein, and (C) conveyances or transfers made on or after
4 February first, nineteen hundred eighty-two (other than grants, assign-
5 ments or surrenders of leasehold interests in real property) where the
6 consideration or value is less than five hundred thousand dollars, and
7 (3) at a rate not to exceed two percent of such consideration or value
8 with respect to all other conveyances or transfers made on or after Fe-
9 bruary first, nineteen hundred eighty-two (other than grants, assign-
10 ments or surrenders of leasehold interests in real property), provided
11 that any such city may allow deductions, in determining the portion of
12 any tax authorized hereby the proceeds of which are payable to the New
13 York city transit authority as hereinafter provided, for any continuing
14 liens on such interest or property where such interest or property is a
15 one, two or three-family house, an individual cooperative apartment or
16 an individual residential condominium unit or where the consideration
17 for or value of the interest or property conveyed or transferred is less
18 than five hundred thousand dollars, and may also allow an exemption not
19 in excess of twenty-five thousand dollars on the consideration or value
20 of the interest or property conveyed and provided, further, that such
21 taxes shall not apply if the contract for any such conveyance was made
22 prior to May first, nineteen hundred fifty-nine. Anything to the con-
23 trary notwithstanding, where the tax authorized hereby is imposed on the
24 consideration or value without any deduction for continuing liens, the
25 portion of the consideration or value ascribable to such liens shall not
26 be taxed at a rate in excess of one percent prior to July first,
27 nineteen hundred eighty-two, or in excess of two percent on and after
28 July first, nineteen hundred eighty-two, except that where the interest
29 or property is a one, two or three-family house, an individual coopera-
30 tive apartment or an individual residential condominium unit or where
31 the consideration for a value of the interest or property conveyed or
32 transferred is less than five hundred thousand dollars the rate on and
33 after July first, nineteen hundred eighty-two shall not be in excess of
34 one percent. The amount of any pre-existing liens on such property or
35 interest which continue thereon after the conveyance or transfer shall
36 be deemed to be part of the consideration or value for purposes of meas-
37 uring the tax without regard to whether or not payment of the liens or
38 of the underlying debt is assumed by the grantee or transferee. The tax
39 authorized hereby may also be imposed (A) prior to July first, nineteen
40 hundred eighty-two, at a rate not to exceed one percent, on the grant-
41 ing, assignment or surrender of a leasehold interest in real property,
42 other than a leasehold interest in a one, two or three-family house or
43 an individual dwelling unit in a dwelling which is to be occupied or is
44 occupied as the residence or home of four or more families living inde-
45 pendently of each other, where the consideration for or value of such
46 grant, assignment or surrender is five hundred thousand dollars or more
47 and (B) on and after July first, nineteen hundred eighty-two, at a rate
48 not to exceed two percent, on the granting, assignment or surrender of a
49 leasehold interest in real property, except that in the case of a lease-
50 hold interest in a one, two or three-family house or an individual
51 dwelling unit in a dwelling which is to be occupied or is occupied as
52 the residence or home of four or more families living independently of
53 each other, or where the consideration for or value of such grant, as-
54 signment or surrender is less than five hundred thousand dollars, the
55 rate shall not exceed one percent; provided, however, that for purposes

1 of a tax on the granting of a leasehold interest in real property, the
2 amount subject to tax shall be only such amount as is not considered
3 rent for purposes of the tax authorized to be imposed on the occupancy
4 of commercial premises by chapter two hundred fifty-seven of the laws of
5 nineteen hundred sixty-three, as amended, and imposed by a city having a
6 population of one million or more pursuant thereto. In the case of any
7 conveyance or transfer of real property or any economic interest therein
8 in complete or partial liquidation of a corporation, partnership, asso-
9 ciation, trust or other entity, the tax shall be measured by the consid-
10 eration for such conveyance or transfer or the value of the real
11 property or interest therein, whichever is greater. Such taxes may be
12 imposed on any conveyance or transfer of real property or interest
13 therein where the real property is located in such city regardless of
14 where transactions, negotiations, transfers of deeds or other actions
15 with regard to the transfer or conveyance take place, subject only to
16 the restrictions contained in section twelve hundred thirty. The payment
17 of, and the filing of a return relating to, any such taxes may be
18 required as a condition precedent (1) to the recording or filing of a
19 deed, lease, assignment or surrender of lease or other instrument, (2)
20 to the commencement of any action or proceeding in any court of this
21 state in which any conveyance, transfer or lease described herein is in
22 issue, directly or indirectly, or (3) to the receipt in evidence of such
23 deed, lease, assignment or surrender of lease or other instrument in any
24 such court. In each instance where the tax rate imposed pursuant to this
25 subdivision is two percent, fifty percent of the total amount of such
26 tax, including fifty percent of any interest or penalties thereon, shall
27 be set aside in a special account by the commissioner of finance of such
28 city, provided, however, that where the consideration for or value of
29 property or interest conveyed or transferred includes the amount of any
30 nondeductible mortgage, lien or other encumbrance which existed before
31 the conveyance or transfer and remains thereon after such conveyance or
32 transfer, (A) prior to July first, nineteen hundred eighty-two the en-
33 tire amount of tax imposed at a rate not in excess of one percent on the
34 portion of the consideration or value ascribable to such nondeductible
35 mortgage, lien or other encumbrance, including any interest or penalties
36 thereon, and fifty percent of the tax on the balance of the considera-
37 tion or value, including fifty percent of any interest or penalties
38 thereon, shall be set aside in such special account, and (B) on and af-
39 ter July first, nineteen hundred eighty-two, fifty percent of the amount
40 of tax imposed at a rate in excess of one percent but not in excess of
41 two percent on the portion of the consideration or value ascribable to
42 such nondeductible mortgage, lien or other encumbrance, including fifty
43 percent of any interest or penalties thereon, and fifty percent of the
44 tax on the balance of the consideration or value, including fifty per-
45 cent of any interest or penalties thereon, shall be set aside in such
46 special account. There shall also be set aside in such special account
47 prior to July first, nineteen hundred eighty-two the total amount of
48 taxes imposed on grants, assignments or surrenders of leasehold in-
49 terests in real property, including any interest or penalties thereon;
50 on and after July first, nineteen hundred eighty-two, there shall be set
51 aside in such special account fifty percent of the amount of taxes im-
52 posed on grants, assignments or surrenders of leasehold interests in
53 real property, other than a leasehold interest in a one, two or three-
54 family house or an individual dwelling unit in a dwelling which is to be
55 occupied or is occupied as the residence or home of four or more famil-

1 ies living independently of each other, or where the consideration for
2 or value of such grant, assignment or surrender is less than five hun-
3 dred thousand dollars, including fifty percent of any interest or
4 penalties thereon. Moneys in such account shall be used for payment by
5 such commissioner to the state comptroller for deposit in the urban mass
6 transit operating assistance account of the mass transportation operat-
7 ing assistance fund of any amount of insufficiency certified by the
8 state comptroller pursuant to the provisions of subdivision six of sec-
9 tion eighty-eight-a of the state finance law, and, on the fifteenth day
10 of each month such commissioner shall transmit all funds in such account
11 on the last day of the preceding month, except the amount required for
12 the payment of any amount of insufficiency certified by the state comp-
13 troller and such amount as he deems necessary for refunds and such other
14 amounts necessary to finance the New York city transportation disabled
15 committee and the New York city paratransit system as established by
16 section fifteen-b of the transportation law, provided, however, that
17 such amounts shall not exceed six percent of the total funds in the ac-
18 count but in no event be less than one hundred seventy-five thousand
19 dollars during the operational period of such system, and further that
20 during the entire period prior to operation of such system, the total of
21 such amounts shall not exceed one hundred thousand dollars for the ad-
22 ministrative expenses of such committee and fifty thousand dollars for
23 the expenses of the agency designated pursuant to paragraph b of subdiv-
24 ision five of such section, to the New York city transit authority for
25 mass transit within the city.

26 § 6. Section W46-2.0 of the administrative code of the city of New
27 York, as amended by chapter seven of the laws of nineteen hundred
28 eighty-four, is amended to read as follows:

29 § W46-2.0 Payment and payment over of taxes.--The taxes imposed by
30 this title shall be payable on the recording of each mortgage of real
31 property subject to taxes thereunder. Such taxes shall be paid to the
32 recording officer of the county in which the real property or any part
33 thereof is situated, except where real property is situated within and
34 without the city of New York, the recording officer of the county in
35 which the mortgage is first recorded shall collect the tax imposed by
36 this title, as required by subdivision three of section two hundred
37 fifty-three-a of the Tax Law. It shall be the duty of such recording
38 officer to indorse upon each mortgage a receipt for the amount of the
39 tax so paid. Any mortgage so endorsed may thereupon or thereafter be
40 recorded by any recording officer and the receipt for such tax indorsed
41 upon each mortgage shall be recorded therewith. The record of such
42 receipt shall be conclusive proof that the amount of tax stated therein
43 has been paid upon such mortgage. Upon the first day of each month the
44 city register and the recording officer of Richmond county shall pay
45 over to the commissioner of finance of the city of New York for credit
46 to the general fund of such city, the balance of the moneys received
47 during the preceding month upon account of taxes paid to him as herein
48 prescribed, after deducting the necessary expenses of his office as
49 provided in section two hundred sixty-two of the Tax Law, except taxes
50 paid upon mortgages which are first to be apportioned by the tax commis-
51 sion, which taxes and money shall be paid over by him as provided by the
52 determination of the said tax commission. Notwithstanding the foregoing
53 provision, in each instance where the tax imposed pursuant to section
54 W46-1.0 of this code is one dollar and twelve and one-half cents for
55 each one hundred dollars and each remaining major fraction thereof of

1 such principal debt or obligation, fifty-five and six tenths percent of
2 the total amount of such tax, including fifty-five and six tenths per-
3 cent of any interest or penalties thereon, shall be set aside in a spe-
4 cial account by the commissioner of finance of such city, and in each
5 instance where the tax imposed pursuant to that section is one dollar
6 and twenty-five cents for each one hundred dollars and each remaining
7 major fraction thereof of such principal debt or obligation, fifty per-
8 cent of the total amount of such tax, including fifty percent of any in-
9 terest or penalties thereon, shall be set aside in such special account.
10 Moneys in such account shall be used for payment by such commissioner to
11 the state comptroller for deposit in the urban mass transit operating
12 assistance account of the mass transportation operating assistance fund
13 of any amount of insufficiency certified by the state comptroller pur-
14 suant to the provisions of subdivision six of section eighty-eight-a of
15 the state finance law, and on the fifteenth day of each month, such
16 commissioner shall transmit all funds in such account at the end of the
17 preceding month, except the amount required for the payment of any
18 amount of insufficiency certified by the state comptroller and such
19 amount as he deems necessary for refunds and such other amounts neces-
20 sary to finance the New York city transportation disabled committee and
21 the New York city paratransit system as established by section fifteen-b
22 of the transportation law, provided, however, that such amounts shall
23 not exceed six percent of the total funds in the account but in no event
24 be less than two hundred twenty-five thousand dollars during the opera-
25 tional period of such system, and further that during the entire period
26 prior to operation of such system, the total of such amounts shall not
27 exceed one hundred thousand dollars for the administrative expenses of
28 such committee and fifty thousand dollars for the expenses of the agency
29 designated pursuant to paragraph b of subdivision five of such section,
30 to the New York city transit authority for mass transit within the city.

31 § 7. Section II46-4.0 of such code, as amended by chapter seven of the
32 laws of nineteen hundred eighty-four, is amended to read as follows:

33 § II46-4.0 Payment.--The tax imposed hereunder shall be paid by the
34 grantor to the commissioner of finance at the office of the register in
35 the county where the deed is or would be recorded within thirty days af-
36 ter the delivery of the deed by the grantor to the grantee but before
37 the recording of such deed. The grantee shall also be liable for the
38 payment of such tax in the event that the amount of tax due is not paid
39 by the grantor or the grantor is exempt from tax. All moneys received
40 as such payments by the register during the preceding month shall be
41 transmitted to the commissioner of finance on the first day of each
42 month or on such other day as is mutually agreeable to the commissioner
43 of finance and the register. From the moneys so received by him, the
44 commissioner of finance shall set aside in a special account:

45 (1) the total amount of taxes imposed pursuant to the provisions of
46 paragraph (3) of section II46-2.0 of this title, including any interest
47 or penalties thereon;

48 (2) fifty percent of the total amount of taxes imposed pursuant to the
49 provisions of paragraph (4) of section II46-2.0 of this title, including
50 fifty percent of any interest or penalties thereon, provided, however,
51 that where such tax is measured by the consideration for a conveyance
52 without deduction for the amount of any mortgage or other lien or encum-
53 brance on the real property or interest therein which existed before the
54 delivery of the deed and remains thereon after the delivery of the deed,
55 the entire amount of tax imposed at the rate of one percent on the por-

1 tion of the consideration ascribable to such nondeductible mortgage,
2 lien or other encumbrance, including any interest or penalties thereon,
3 and fifty percent of the tax on the balance of the consideration, in-
4 cluding fifty percent of any interest or penalties thereon, shall be set
5 aside in such special account;

6 (3) fifty percent of the total amount of taxes imposed pursuant to the
7 provisions of subparagraph (iii) of paragraph (7) of section II46-2.0 of
8 this title, including fifty percent of any interest or penalties
9 thereon; and

10 (4) fifty percent of the total amount of taxes imposed pursuant to the
11 provisions of paragraph (8) of section II46-2.0 of this title, including
12 fifty percent of any interest or penalties thereon.

13 Moneys in such account shall be used for payment by such commissioner to
14 the state comptroller for deposit in the urban mass transit operating
15 assistance account of the mass transportation operating assistance fund
16 of any amount of insufficiency certified by the state comptroller pur-
17 suant to the provisions of subdivision six of section eighty-eight-a of
18 the state finance law, and, on the fifteenth day of each month, the com-
19 missioner of finance shall transmit all funds in such account on the
20 last day of the preceding month, except the amount required for the
21 payment of any amount of insufficiency certified by the state comp-
22 troller and such amount as he deems necessary for refunds and such other
23 amounts necessary to finance the New York city transportation disabled
24 committee and the New York city paratransit system as established by
25 section fifteen-b of the transportation law, provided, however, that
26 such amounts shall not exceed six percent of the total funds in the ac-
27 count but in no event be less than one hundred seventy-five thousand
28 dollars during the operational period of such system, and further that
29 during the entire period prior to operation of such system, the total of
30 such amounts shall not exceed one hundred thousand dollars for the ad-
31 ministrative expenses of such committee and fifty thousand dollars for
32 the expenses of the agency designated pursuant to paragraph b of subdiv-
33 ision five of such section, to the New York city transit authority for
34 mass transit within the city.

35 § 8. This act shall take effect upon the effectiveness of a resolution
36 duly adopted by the New York city transit authority, which resolution
37 provides for (i) the reconstruction, rehabilitation, alteration, or im-
38 provement of transportation terminals and stations in accordance with
39 and to the extent required by subdivision three of section fifteen-b of
40 the transportation law, as added by section two of this act, and section
41 fifty-one of the public buildings law, as amended by section three of
42 this act, and (ii) the procurement of accessible buses in accordance
43 with subdivision four of section fifteen-b of the transportation law, as
44 added by section two of this act; provided, however, that such resolu-
45 tion shall not contain provisions which diminish the obligations of the
46 New York city transit authority under this act or impose obligations
47 upon the New York city transit authority respecting the provision of ac-
48 cessible bus or rapid transit service in addition to or different from
49 those imposed by this act, or respecting provision of paratransit ser-
50 vice, and further provided that if such resolution shall not have become
51 effective by November fifteenth, nineteen hundred eighty-four then this
52 act shall not take effect.

July 25, 1984

Resolution of the Boards of the
New York City Transit Authority and
Metropolitan Transportation Authority

WHEREAS the New York City Transit Authority ("Authority") is a defendant in certain actions and proceedings relating to the provision of public transportation service to physically handicapped persons; and

WHEREAS the Authority is desirous of settling those actions on terms and conditions which it determines to be in its best overall interests as well as in the best interests of the transportation disabled and the riding public at large; and

WHEREAS the Authority's approved capital improvement plan for the period 1982-1986 contains funding in the amount of \$243.7 million for a Transit Authority station modernization program and \$6.6 million for a Staten Island Rapid Transit Operating Authority station rehabilitation and platform extension program; and

WHEREAS certain elements of such station modernization program have been delayed pending resolution of litigation; and

WHEREAS the Authority is desirous of proceeding as expeditiously as possible with the station modernization program contained in its approved five-year capital improvement plan; and

WHEREAS the Authority intends, assuming adequate funding resources are available, to propose the inclusion of a station modernization program within a second five-year capital program for the period 1987-1991; and

WHEREAS the State of New York has enacted certain legislation (S.10133, A.11981) to amend the Transportation Law, the Public Buildings Law, the Tax Law and the Administrative Code of the City of New York (the "Act") which legislation is intended to provide the basis for the settlement of outstanding litigations and the implementation of the station modernization program; and

WHEREAS on July 23, 1984, such legislation was signed by the Governor of the State of New York; and

WHEREAS the effectiveness of that legislation is conditioned on the adoption by this Authority of a resolution relating to certain subject matter set forth in Section 8 of the Act; and

WHEREAS it is the intent of the Board that such resolution should be adopted as part of a comprehensive resolution of outstanding disputes including litigations involving the handicapped, the Metropolitan Transportation Authority, the New York City Transit Authority, their subsidiaries and operating authorities, and not otherwise:

IT IS HEREBY RESOLVED:

1. That the New York City Transit Authority and the Staten Island Rapid Transit Operating Authority will undertake (i) the reconstruction, rehabilitation, alteration or improvement of transportation terminals and stations in accordance with and to the extent required by Subdivision 3 of Section 15-b of the Transportation Law, as added by Section 2 of the Act, and Section 1 of the Public Buildings Law, as amended by Section 3 of the Act, and (ii) the procurement, operation, and maintenance of buses accessible to disabled persons in accordance with and to the extent required by Subdivision 4 of Section 15-b of the Transportation Law, as added by Section 2 of the Act.

2. This resolution shall become effective only if and when a settlement agreement in form satisfactory to the Chairman of the Authority is entered into agreeing to dismiss with prejudice the claims or proceedings listed below as against all defendants and when dismissal with prejudice is entered and, where necessary, judicially approved by the United States District Court of the

Southern District of New York, and if an appeal is taken, the United States Court of Appeals for the Second Circuit, or the time to take such appeal has expired without an appeal having been noticed; provided, however, that, in the event the United States District Court for the Southern District of New York has approved the settlement on or before November 15, 1984 but the United States Court of Appeals for the Second Circuit has not approved the settlement in the event of an appeal or the time to appeal has not expired by that date, then this resolution nevertheless shall be effective on November 15, 1984 unless this Board, on or before that date, votes that the resolution not become effective on the basis that such approval has not been granted or the expiration of the time to appeal has not expired. The actions or proceedings referred to in the first sentence of this paragraph 2 are:

- 1) Eastern Paralyzed Veterans Association, Inc., James J. Peters, Terrence Moakley and Denise Figueroa on behalf of themselves and all others similarly situated v. Metropolitan Transportation Authority, et al., No. 82 Civ. 7270, S.D.N.Y. (M.E.L.)
- 2) Eastern Paralyzed Veterans Association v. Metropolitan Transportation Authority, et al., Supreme Court, State of New York, New York County, No. 18136/79.
- 3) Rhea Dopico, David Dopico, Muriel Zgardowsky and Vincent Zgardowsky, individually and on behalf of all others similarly situated v. Neil E. Goldschmidt, et al., No. 80 Civ. 4562 (EW) (S.D.N.Y.)
- 4) Disabled in Action of Metropolitan New York, Joseph Deriso, Vincent Venditti, Sally Wetzler, Bernadino Delacruz, individually and on behalf of all others similarly situated v. Goldschmidt, et al., 80 Civ. 4862 (EW) (S.D.N.Y.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
RHEA DOPICO, et al., :
 :
 Plaintiffs, : 80 Civ. 4562 (EW)

-against- :

NEIL E. GOLDSCHMIDT, individually and :
in his capacity as Secretary of the :
United States Department of Transporta- :
tion, et al., :

Defendants. :

-----x
DISABLED IN ACTION OF METROPOLITAN :
NEW YORK, et al., :
 :
 Plaintiffs, : 80 Civ. 4862 (EW)

-against- :

NEIL E. GOLDSCHMIDT, individually and :
in his capacity as Secretary of the :
United States Department of Transporta- :
tion, et al., :

Defendants. :

-----x
EASTERN PARALYZED VETERANS ASSOCIATION, :
INC., et al., :
 :
 Plaintiffs, : 82 Civ. 7270 (MEL)

-against- :

METROPOLITAN TRANSPORTATION AUTHORITY, :
et al., :

Defendants. :

-----x

ORDER AND JUDGMENT
APPROVING SETTLEMENT

Pursuant to Pretrial Order dated September __, 1984,
notice of the proposed settlement of the above-captioned
actions was published pursuant to the Order of this Court

An executed Settlement Agreement was filed with the Court on September __, 1984 and preliminarily approved by the Court on September __, 1984.

Upon thorough consideration of the Settlement Agreement, all documents submitted in support of, and in opposition to, said Settlement Agreement and after consideration of all objections to said Settlement Agreement, the Court finds as follows:

1. That the proposed Settlement Agreement is fair, adequate and reasonable.

2. That the above-captioned actions are dismissed with prejudice, on the merits and without costs, subject only to the limitation set forth in paragraph 1(B) of the Settlement Agreement.

3. That each defendant named in these actions, its past and present officers, directors and employees, and its (or his or her) heirs, executors, administrators, predecessors, successors, and assigns (collectively, "Released Persons") are discharged from any and all claims, demands and causes of action that all plaintiffs (on behalf of themselves and each member of the Class) has or may have, or that they or the Class have or might have asserted against the Released Persons or any

of them in connection with or arising out of the subject matter of the above-captioned actions, from the beginning of time to the date hereof, subject only to the limitation set forth in paragraph 1(B) of the Settlement Agreement.

4. Each and every member of the Class, either directly or representatively, is permanently barred from asserting against the Released Persons, or any of them, any claim, demand, right or cause of action arising out of or relating to the subject matter of the above-captioned actions to the date hereof, subject only to the limitation on such bar set forth in paragraph 1(B) of the Settlement Agreement.

5. This Court retains jurisdiction for the limited purpose of considering and granting, where appropriate, an application under paragraph 1(B) of the Settlement Agreement or enforcing the right to obtain the specified information provided for in paragraph 4 of such Settlement Agreement and for no other purpose.

6. South Brooklyn Legal Services is awarded attorneys' fees and disbursements in the amount of \$_____ and Philip & Solomon, P.C. is awarded disbursements in the amount of \$_____, to be paid by the Metropolitan Transportation Authority.

7. The Court directs that judgment be entered pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Dated: _____, 1984

BY THE COURT

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: SPECIAL TERM: PART I

-----x
EASTERN PARALYZED VETERANS ASSOCIATION, :
INC., and JAMES J. PETERS, :

Plaintiffs, :

-against- :

STIPULATION
AND ORDER

METROPOLITAN TRANSPORTATION AUTHORITY, :
NEW YORK CITY TRANSIT AUTHORITY, :
MANHATTAN AND BRONX SURFACE TRANSIT :
OPERATING AUTHORITY, EDWARD T. REGAN, :
as Comptroller of the State of New York, :
HARRISON J. GOLDIN, as Comptroller of :
the City of New York, HAROLD L. FISHER, :
as Chairman and LAWRENCE R. BAILEY and :
DANIEL T. SCANNELL, as Vice Chairmen :
of Metropolitan Transportation Author- :
ity, New York City Transit Authority :
and Manhattan and Bronx Surface Transit :
Operating Authority, CAROL BELLAMY, :
STEPHEN BERGER, DAVID W. BROWN, JANE K. :
BUTCHER, HERBERT J. LIBERT, JOHN F. :
MCALVEY, WILLIAM J. SHERIDAN, :
CONSTANTINE SIDAMON-ERISTOFF, ROBERT :
P. WAGNER, JR., and ROBERT T. WALDBAUER, :
as Members of Metropolitan Transporta- :
tion Authority and New York City :
Transit Authority, :

INDEX NO. 18136/79

Defendants. :
-----x

IT IS HEREBY STIPULATED AND AGREED, by and between
the attorneys for all parties as follows:

1. The preliminary injunction entered in this action
is hereby dissolved.

2. The proceeding is discontinued with prejudice and
without costs to any party, subject only to the following

condition: In the event the legislation enacted as Chapter 498 of the Laws of 1984 of the State of New York (the "Act") is modified or repealed within eight years of the date of its effectiveness (and not reenacted in another provision of law so as to continue the same substantive provisions in effect without lapse) so as to diminish any substantive obligation of the Metropolitan Transportation Authority ("MTA") or New York City Transit Authority ("NYCTA"), as set forth in Section 2 thereof, insofar as it adds subsections 3(a)(i) and 4 to § 15-b of the Transportation Law, and Section 3 thereof, insofar as it amends Section 51 of the Public Buildings Law (provided that any change in the list of stations included in subsection 3(a)(i) of § 15-b of the Transportation Law shall not in and of itself be deemed a diminution of any substantive obligation of the Authorities under the Act, but it shall be open to the plaintiffs to so demonstrate) [such legislation being referred to hereinafter as an "Amendment"], then:

(i) Subject to paragraphs (ii) and (iii) below, the plaintiffs may apply, not sooner than 30 days nor later than 90 days (unless extended by consent of the plaintiffs and MTA and NYCTA) after the enactment of an Amendment, to this Court to reinstate this proceeding and to make any modification in any judgment necessary so as to permit such reinstatement, including, without limitation, the waiver of any

statute of limitation, laches or estoppel defense as may otherwise have arisen as a result of the dismissal provided for in this Stipulation and Order. Nothing in the procedure necessary to reinstate this proceeding, including, without limitation, the furnishing of a new docket designation, shall alter the fact that the reinstated litigation is a revival of the original litigation and not a newly filed proceeding. Upon any application to reinstate in accordance with this sub-paragraph, MTA and NYCTA shall be deemed to have consented to such reinstatement and the Court shall reinstate the proceeding except that MTA and NYCTA may challenge reinstatement upon the ground that no diminution of their substantive obligations under the Act has occurred but not otherwise and the Court may deny such reinstatement upon such ground only.

(ii) Notwithstanding the provisions of subparagraph (i) above, the MTA and NYCTA may elect to comply with the substantive provisions of the Act as though the Act remained in effect and had not been modified or repealed by the Amendment if they make such election within 30 days (unless extended by agreement of plaintiffs and MTA and NYCTA) of the enactment of the Amendment. Such election shall be

reflected in a judicially enforceable agreement to such effect or be accompanied by other written assurance satisfactory to plaintiffs, the MTA and NYCTA. In the event such election is made in accordance with the provisions of this sub-paragraph (ii), there shall be no right to reinstate the proceeding under sub-paragraph (i) hereof unless such election is rescinded prior to the expiration of eight years from the effective date of the Act;

(iii) Upon the enactment of an Amendment, if the MTA and NYCTA do not make the election described in sub-paragraph (ii) above, the parties hereto shall nevertheless negotiate for a period of not less than 30 days after enactment of the Amendment as to alternatives to reinstatement of the proceeding as provided under paragraph (i) hereof. In the event agreement as to such alternatives is not reached within 30 days of the effective date of the enactment of the Amendment (unless the time is extended by consent of plaintiffs and the MTA and NYCTA) then the plaintiffs may apply to reinstate this proceeding in accordance with sub-paragraph (i) hereof;

(iv) It is expressly understood that unless the provisions of sub-paragraph (i) hereof are invoked

(and thereafter the proceeding is reinstated) within eight years of the effective date of the Act, the right provided by sub-paragraph 2(i) hereof shall expire. It is further expressly provided that nothing in this stipulation creates any right to enforce any provision of the Act as an agreement or as an element of a judicial order or judgment. Enforcement of the Act shall be available only through the means available to enforce statutes generally.

Jarblum, Solomon & Fornari, P.C.
Attorneys for Plaintiffs

Steven M. Polan
and
Richard K. Bernard

Attorneys for Defendants
MTA, NYCTA, Fisher,
Bailey, Scannell,
Bellamy, Berger, Brown,
Butcher, Libert,
McAlevey, Sheridan,
Sidamon-Eristoff,
Wagner and Waldbauer

Attorneys for Defendant
Goldin

Attorneys for Defendant
Regan

IT IS SO ORDERED:

GENERAL RELEASE

The undersigned, Eastern Paralyzed Veterans Association, Inc., James J. Peters, Terence Moakley and Denise Figueroa, on behalf of themselves and on behalf of the class certified by the District Court in the action styled Eastern Paralyzed Veterans Association, Inc., et al. v. Metropolitan Transportation Authority, et al., 82 Civ. 7270 (MEL) (S.D.N.Y.) (hereinafter collectively referred to as "Releasors"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged have remised, released and forever discharged, and by these presents do, for themselves and for the heirs, executors, administrators, predecessors, successors and assigns of each of them, remise, release and forever discharge the Metropolitan Transportation Authority ("MTA"); New York City Transit Authority ("NYCTA"); Manhattan and Bronx Surface Transit Operating Authority ("MABSTOA"); Richard Ravitch, individually and as Chairman of MTA; Carol Bellamy, Stephen Berger, David W. Brown, Jane K. Butcher, Robert J. Libert, John F. McAlevey, Ronay Menschel, Daniel T. Scannell, Lawrence R. Bailey, Constantine Sidamon-Eristoff, Robert F. Wagner, Jr. and Robert T. Waldbauer, individually and as members of the Boards of MTA, NYCTA and MABSTOA; and John D. Simpson, individually and as President of NYCTA; and each and

every one of the past and present officers and directors of any of them, and each such person or entity, and their respective heirs, executors, administrators, predecessors, successors and assigns (hereinafter collectively referred to as "Releasees"), of and from all manner of actions, causes of action, suits, damages, claims and demands whatsoever, in law or in equity, which against them or any of them Releasors ever had, now have, or which Releasors or the heirs, executors, administrators, predecessors, successors or assigns of each of them hereafter can, shall or may have, whether individually or collectively, and whether in their own right or in a representative capacity, for, upon or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of these presents, based upon or in any way relating to any of the matters, claims and/or allegations which were asserted or could have been asserted against Releasees, or any of them, in the action styled Eastern Paralyzed Veterans Association, Inc., et al. v. Metropolitan Transportation Authority, et al., 82 Civ. 7270 (MEL) (S.D.N.Y.), subject only to the limitation set forth in paragraph 1(B) of a Settlement Agreement relating to this action, dated September __, 1984, a copy of which Agreement is annexed hereto as Exhibit A.

IN WITNESS WHEREOF, the undersigned have executed this Release, on the ____ day of _____, 1984.

EASTERN PARALYZED VETERANS
ASSOCIATION, INC.

BY: _____

[Corporate Seal]

ATTEST:

Secretary

JAMES J. PETERS

TERENCE MOAKLEY

DENISE FIGUEROA

STATE OF NEW YORK)
 :
COUNTY OF NEW YORK) ss.:

On the day of _____, 1984, before me personally came _____, to me known, who, being by me duly sworn, did depose and say that he resides at _____
_____, that he is the _____ of Eastern Paralyzed Veterans Association, Inc. the corporation described in, and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by authority of the Board of Directors of said corporation; and that he signed his name thereto by like authority.

Notary Public

STATE OF NEW YORK)
 :
COUNTY OF NEW YORK) ss.:

On the day of _____, 1984, before me personally came James J. Peters, Terence Moakley and Denise Figueroa, to me known, and known to me to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed same.

Notary Public

GENERAL RELEASE

The undersigned, Eastern Paralyzed Veterans Association, Inc. and James J. Peters (hereinafter collectively referred to as "Releasers"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged have remised, released and forever discharged, and by these presents do, for themselves and for the heirs, executors, administrators, predecessors, successors and assigns of each of them, remise, release and forever discharge the Metropolitan Transportation Authority ("MTA"); New York City Transit Authority ("NYCTA"); Manhattan and Bronx Surface Transit Operating Authority ("MABSTOA"); Edward T. Regan, individually and as Comptroller of the State of New York, Harrison J. Goldin, individually and as Comptroller of the City of New York, Harold L. Fisher, individually and as Chairman, and Lawrence R. Bailey and Daniel T. Scannell, individually and as Vice Chairmen of MTA, NYCTA and MABSTOA; and Carol Bellamy, Stephen Berger, David W. Brown, Jane K. Butcher, Robert J. Libert, John F. McAlevey, Ronay Menschel, Daniel T. Scannell, Lawrence R. Bailey, Constantine Sidamon-Eristoff, Robert F. Wagner, Jr. and Robert T. Waldbauer, individually and as members of the Boards of MTA, NYCTA and MABSTOA; and each and every one of the past and present officers and directors of any

of them, and each such person or entity, and their respective heirs, executors, administrators, predecessors, successors and assigns (hereinafter collectively referred to as "Releasees"), of and from all manner of actions, causes of action, suits, damages, claims and demands whatsoever, in law or in equity, which against them or any of them Releasors ever had, now have, or which Releasors or the heirs, executors, administrators, predecessors, successors or assigns of each of them hereafter can, shall or may have, whether individually or collectively, and whether in their own right or in a representative capacity, for, upon or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of these presents, based upon or in any way relating to any of the matters, claims and/or allegations which were asserted or could have been asserted against Releasees, or any of them, in the action styled Eastern Paralyzed Veterans Association, Inc., et al. v. Metropolitan Transportation Authority, et al., Index No. 18136/79 (Sup. Ct., N.Y. County), subject only to the limitation set forth in paragraph 1(B) of a Settlement Agreement relating to this action, dated September __, 1984, a copy of which Agreement is annexed hereto as Exhibit A.

IN WITNESS WHEREOF, the undersigned have executed this Release, on the ____ day of _____, 1984.

EASTERN PARALYZED VETERANS
ASSOCIATION, INC.

BY: _____

[Corporate Seal]

ATTEST:

Secretary

JAMES J. PETERS

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

On the day of _____, 1984, before me personally came _____, to me known, who, being by me duly sworn, did depose and say that he resides at _____
_____, that he is the _____ of Eastern Paralyzed Veterans Association, Inc., the corporation described in, and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by authority of the Board of Directors of said corporation; and that he signed his name thereto by like authority.

Notary Public

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

On the day of _____, 1984, before me personally came James J. Peters, to me known, and known to me to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed same.

Notary Public

GENERAL RELEASE

The undersigned, Rhea Dopico, David Dopico, Muriel Zgardowsky, Vincent Zgardowsky, Disabled in Action of Metropolitan New York, Joseph Deriso, Vincent Venditti, Sally Wetzler and Bernadino Delacruz, on behalf of themselves and on behalf of the classes certified by the District Court in the actions styled Dopico, et al. v. Goldschmidt, et al., 80 Civ. 4562 (EW) (S.D.N.Y.) and Disabled in Action, et al., v. Goldschmidt, et al., 80 Civ. 4862 (EW) (S.D.N.Y.) (hereinafter collectively referred to as "Releasors"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged have remised, released and forever discharged, and by these presents do, for themselves and for the heirs, executors, administrators, predecessors, successors and assigns of each of them, remise, release and forever discharge Neil E. Goldschmidt, individually and in his capacity as Secretary of the United States Department of Transportation; Theodore C. Lutz, individually and in his capacity as Administrator of the United States Urban Mass Transportation Administration; Hiram J. Walker, individually and in his official capacity as Regional Director of the Urban Mass Transportation Administration Region II; Tri-State Regional Planning Commission; Metropolitan Transportation Authority; New York City Transit

Authority; Manhattan and Bronx Surface Transit Operating Authority; Staten Island Rapid Transit Operating Authority; Richard Ravitch, individually and in his capacity as Chairman of the Board of the Metropolitan Transportation Authority; Lawrence R. Bailey, Carol Bellamy, Stephen Berger, David W. Brown, Jane K. Butcher, Herbert J. Libert, John F. McAlevey, Ronay Menschel, Daniel T. Scannell, William J. Sheridan, Constantine Sidamon-Eristoff, Robert F. Wagner, Jr., and Robert T. Waldbauer, as Members of the Board of the Metropolitan Transportation Authority, New York City Transit Authority, and Manhattan and Bronx Surface Transit Operating Authority; John D. Simpson, individually and in his capacity as Executive Director of the Metropolitan Transportation Authority; Edward I. Koch, individually and in his capacity as Mayor of the City of New York; New York City Department of Transportation; and Anthony Ameruso, individually and in his capacity as Commissioner of the New York City Department of Transportation; and each and every one of the past and present officers and directors of any of them, and each such person or entity, and their respective heirs, executors, administrators, predecessors, successors and assigns (hereinafter collectively referred to as "Releasees"), of and from all manner of actions, causes of action, suits, damages, claims and demands whatsoever, in law or in equity, which against them or any of their Releasers ever had, now have, or which Releasers or the heirs, executors,

administrators, predecessors, successors or assigns of each of them hereafter can, shall or may have, whether individually or collectively, and whether in their own right or in a representative capacity, for, upon or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of these presents, based upon or in any way relating to any of the matters, claims and/or allegations which were asserted or could have been asserted against Releasees, or any of them, in the actions styled Dopico, et al. v. Goldschmidt, et al., 80 Civ. 4562 (EW) (S.D.N.Y.) and Disabled in Action, et al. v. Goldschmidt, et al., 80 Civ. 4862 (EW) (S.D.N.Y.), subject only to the limitation set forth in paragraph 1(B) of a Settlement Agreement relating to this action, dated September __, 1984, a copy of which Agreement is annexed hereto as Exhibit A.

IN WITNESS WHEREOF, the undersigned have executed this Release, on the ___ day of _____, 1984.

DISABLED IN ACTION OF
METROPOLITAN NEW YORK

BY: _____

[Corporate Seal]

ATTEST:

Secretary

VINCENT VENDITTI

SALLY WETZLER

JOSEPH DERISO

BERNADINO DELACRUZ

RHEA DOPICO

DAVID DOPICO

MURIEL ZGARDOWSKY

VINCENT ZGARDOWSKY

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

On the day of _____, 1984, before me personally came _____, to me known, who, being by me duly sworn, did depose and say that he resides at _____
_____, that he is the _____ of Disabled in Action of Metropolitan New York, the corporation described in, and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by authority of the Board of Directors of said corporation; and that he signed his name thereto by like authority.

Notary Public

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

On the day of _____, 1984, before me personally came Vincent Venditti, Sally Wetzler, Joseph Deriso, Bernadino Delacruz, Rhea Dopico, David Dopico, Muriel Zgardowsky and Vincent Zgardowsky, to me known, and known to me to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed same.

Notary Public

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
RHEA DOPICO, et al., :
 :
 Plaintiffs, : 80 Civ. 4562 (EW)
 :
 -against- :
 :
 NEIL E. GOLDSCHMIDT, individually and :
 in his capacity as Secretary of the :
 United States Department of Transporta- :
 tion, et al., :
 :
 Defendants. :
 -----x
DISABLED IN ACTION OF METROPOLITAN :
 NEW YORK, et al., :
 :
 Plaintiffs, : 80 Civ. 4862 (EW)
 :
 -against- :
 :
 NEIL E. GOLDSCHMIDT, individually and :
 in his capacity as Secretary of the :
 United States Department of Transporta- :
 tion, et al., :
 :
 Defendants. :
 -----x
METROPOLITAN PARALYZED VETERANS ASSOCIATION, :
 et al., :
 :
 Plaintiffs, : 82 Civ. 7270 (MEL)
 :
 -against- :
 :
 METROPOLITAN TRANSPORTATION AUTHORITY, :
 et al., :
 :
 Defendants. :
 -----x

PRETRIAL ORDER NO.

WHEREAS, the above-captioned Dopico and Disabled
were commenced in August, 1980 by the named plaintiffs,

on behalf of themselves and behalf of the class of all wheelchair bound persons living or working in the five boroughs of the City of New York (the "Class"); and

WHEREAS, the Dopico and Disabled actions were consolidated by Order of this Court on October 21, 1980; and

WHEREAS, the named plaintiffs in those actions have moved for certification of the Class pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure; and

WHEREAS, the above-captioned EPVA action was commenced in November, 1982 by the named plaintiffs, on behalf of themselves and all members of a class consisting of all disability-handicapped persons living or working within the five boroughs of the City of New York; and

WHEREAS, this Court has certified the EPVA action as a class action pursuant to Rule 23(b)(2) and designated the named plaintiffs therein as representatives of the class and Blum & Solomon, P.C. as counsel to the class; and

WHEREAS, this Court has been advised of a Settlement Agreement ("Agreement") encompassing each of above-captioned actions and said Agreement has been lodged with the Court; and

WHEREAS, the Court has been advised that the settlements of each of the actions are interrelated and that each such settlement is conditional upon judicial approval of the others:

The Court, having duly considered the Dopico and Disabled plaintiffs' motion for class certification and all submissions filed in connection therewith and having duly considered the Agreement, hereby finds as follows:

1. That the members of the proposed Class are so numerous that joinder of all members thereof is impracticable.
2. That there are questions of law and fact common to the class.
3. That the claims of each proposed representative plaintiff are typical of the claims of the Class.
4. That each proposed representative plaintiff will fairly and adequately protect the interests of the Class that said plaintiffs seek to represent.
5. That defendants are alleged to have acted or failed to act on grounds generally applicable to the Class, and hereby making appropriate injunctive or declaratory relief with respect to the Class as a whole.

In view of the foregoing, IT IS HEREBY ORDERED:

1. The Dopico and Disabled actions shall be maintained as class actions pursuant to Rule 23 of the Federal Rules of Civil Procedure.

2. The Class, as defined above, is certified pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure; the named plaintiffs are designated as representatives of the Class; and South Brooklyn Legal Services, Winthrop, Stimson, Putnam and Roberts, and the Legal Aid Society Civil Appeals are designated as counsel to the Class.

3. The Agreement is preliminarily approved with respect to each of the above actions.

4. A hearing shall be held before the undersigned at _____ a.m. on _____, 1984, in the United States Courthouse, _____ Square, New York, New York, pursuant to Rule 23 of the Federal Rules of Civil Procedure, for the purpose of determining whether the proposed settlement of these actions as set forth in the Agreement is fair, reasonable and adequate and should be approved by the Court.

5. Counsel for the Class in each of these actions shall give notice to the Class of such hearing and of the proposed settlement of these actions as set forth in the

Agreement, pursuant to Rule 23(e), Fed. R. Civ. P., using substantially the form of notice attached hereto as Exhibit 1, by publication thereof in one edition of each of the following publications: The New York Times, The New York Daily News, The New York Post, The Amsterdam News and El Diario on or before _____, 1984.

6. Any member of the Class who objects to the approval of the proposed settlement, or the judgment to be entered thereon in accordance with the Agreement, may appear at the hearing and show cause, if any he has, why the settlement and compromise proposed in the Agreement should not be approved as fair, reasonable and adequate and why a judgment should not be entered thereon. However, any objection should initially be made in writing and sent, postmarked no later than _____, 1984, to James Fornari, Esq., Jarblum, Solomon & Fornari, P.C. or Jane Stevens, Esq., South Brooklyn Legal Services.

7. Unless otherwise permitted by the Court, no member of the Class shall be entitled in any way to contest the approval of the terms and conditions of the proposed settlement or, if approved, the judgment to be entered thereon in accordance with the Agreement, unless he has submitted written objections in accordance with paragraph 6 above, and any member

of the Class who fails to object in the manner prescribed shall be deemed to have waived, and shall be foreclosed forever from raising, any such objections. This provision shall not bar any member of the class from appearing at the hearing to express his or her views with respect to the settlement with the Court's permission, provided that such expression shall not be deemed to constitute any objection or contest with respect to the settlement for these purposes.

8. Notice given in accordance with paragraph 5 above shall constitute due and sufficient notice to all persons entitled thereto under Rule 23 of the Federal Rules of Civil Procedure and is determined to be the best notice practicable under the circumstances.

Dated: September __, 1984

United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
RHEA DOPICO, et al., :

Plaintiffs, :

80 Civ. 4562 (EW)

-against- :

NEIL E. GOLDSCHMIDT, individually and
in his capacity as Secretary of the
United States Department of Transporta- :
tion, et al., :

Defendants. :

-----x
DISABLED IN ACTION OF METROPOLITAN
NEW YORK, et al., :

Plaintiffs, :

80 Civ. 4862 (EW)

-against- :

NEIL E. GOLDSCHMIDT, individually and
in his capacity as Secretary of the
United States Department of Transporta- :
tion, et al., :

Defendants. :

-----x
EASTERN PARALYZED VETERANS ASSOCIATION,
INC., et al., :

Plaintiffs, :

82 Civ. 7270 (MEL)

-against- :

METROPOLITAN TRANSPORTATION AUTHORITY,
et al., :

Defendants. :

-----x

NOTICE TO ALL MOBILITY HANDICAPPED PERSONS
IN NEW YORK CITY OF CLASS ACTION DETERMINA-
TIONS AND HEARING TO APPROVE SETTLEMENTS

This is an official court notice concerning three class action lawsuits brought in the United States District Court for the Southern District of New York on behalf of classes consisting of all mobility handicapped persons living or working within the five boroughs of the City of New York to advise all persons who may be members of these classes of a proposed settlement and dismissal of these three lawsuits. The persons potentially affected by this settlement include those who are wheelchair-bound and others who, because of physical handicaps, have difficulty in making use of public transportation facilities.

DESCRIPTION OF THE LAWSUITS

Eastern Paralyzed Veterans Association, Inc. et al. v.
Metropolitan Transportation Authority, et al., 82 Civ. 7270
(MEL)

This action was commenced in November 1982 on behalf of the class consisting of all mobility handicapped persons living or working within the five boroughs of the City of New York during the period from 1977 to November 5, 1982. The complaint alleges, among other things, that the defendants (the Metropolitan Transportation Authority ("MTA"), New York City

Transit Authority ("NYCTA"), Manhattan and Bronx Surface Transit Operating Authority ("MABSTOA") and various individuals, including the members of the boards of those entities) have violated or failed to comply with provisions of the Federal Aid Highways Act, the Rehabilitation Act of 1973 and the Urban Mass Transportation Act and discriminated against members of the class in violation of the Fourteenth Amendment to the U.S. Constitution by failing to provide mobility handicapped persons with the benefits of the public bus transportation system in the City of New York. The complaint further alleges that the defendants have failed to assign, operate and service such buses in a manner which would enable mobility handicapped persons to obtain full use of them and access to the public bus transportation system.

Dopico, et al. v. Goldschmidt, et al., 80 Civ. 4562 (EW)

This action was commenced in August 1980 on behalf of the class of all handicapped persons living in New York City who must use wheelchairs because of their physical disability against MTA, NYCTA, MABSTOA, and Staten Island Rapid Transit Operating Authority ("SIRTOA") [together the "Authorities"] and members of their boards, the Secretary of the United States Department of Transportation and others. In October 1980, this action was consolidated with the Disabled in Action lawsuit.

The complaint alleges, among other things, that the defendants have failed to meet the transportation needs of the plaintiff class, to plan and design mass transportation services and facilities for the use of the handicapped, to obtain minibuses and to operate a minibus and/or paratransit program, to acquire and operate buses accessible to wheelchair users and to make expenditures for special efforts programs on behalf of the handicapped.

A motion to dismiss the complaint in its entirety against the Authorities was granted by the District Court; a motion for summary judgment was granted to the federal defendants. On appeal the Court of Appeals allowed claims under the Rehabilitation Act of 1973 to proceed against the Authorities and permitted the action to proceed against the Federal Defendants.

Disabled in Action of Metropolitan New York, et al. v. Goldschmidt, et al., 80 Civ. 4862 (EW)

This action was commenced in August 1980 on behalf of the class consisting of all wheelchair users who reside in New York City against the Authorities, members of their boards, the Secretary of the United States Department of Transportation and others. The complaint alleges, among other things, that the Authorities have failed to make special efforts to assure

effective utilization of the mass transportation system by wheelchair users, failed to plan, design, construct and operate projects to allow such effective utilization by wheelchair users, failed to consult with disabled consumers of the mass transportation system regarding the planning of special efforts to be undertaken on behalf of the handicapped and discriminated against the handicapped with respect to making mass transportation services accessible to them.

A motion to dismiss the complaint in its entirety against the Authorities was granted by the District Court; a motion for summary judgment was granted to the federal defendants. On appeal the Court of Appeals allowed claims under the Rehabilitation Act of 1973 to proceed against the authorities and permitted the action to proceed against the Federal Defendants.

CERTIFICATION OF THE CLASSES

The EPVA, Dopico and Disabled lawsuits have been certified as class actions. A class action is a lawsuit in which named plaintiffs bring suit on behalf of themselves and all other persons who are similarly situated. The result reached in the lawsuit, whether favorable to the plaintiffs or to the defendants, is binding on all members of the class.

DESCRIPTION OF THE PROPOSED SETTLEMENT

A consolidated settlement of the three class action lawsuits described above has been proposed to the Court. The Court must approve the settlement before it will become effective. The settlement is incorporated in one settlement agreement which has been signed by counsel for the Authorities and counsel for the plaintiffs in each action. This settlement agreement and the Court files in these three cases are available for inspection during regular office hours at the Office of the Clerk of the Court, United States District Court, United States Courthouse, Foley Square, New York, New York 10007. The principal terms of the settlement, which are described below, will result in a dismissal with prejudice of each of the above three lawsuits and a proceeding brought in New York State court by two of the plaintiffs in the Eastern Paralyzed Veterans Association lawsuit which is not a class action. (The state court action was based upon Section 51 of the New York Public Buildings Law and presented a claim that certain New York City subway stations must be made accessible to mobility-handicapped persons when rehabilitation of such stations is undertaken.)

Legislative Action

This proposed settlement arises in the context of legislation enacted specifically to deal with both the needs of the transportation disabled and the settlement of these lawsuits. On July 20, 1984 the State of New York enacted legislation which added a new Section 15-b to the New York Transportation Law. This new law takes effect only if the Board of the New York City Transit Authority ("NYCTA") duly adopts a resolution, and such resolution becomes effective, which "provides for (i) the reconstruction, rehabilitation, alteration, or improvement of transportation terminals and stations in accordance with [the new law], and (ii) the procurement of accessible buses in accordance with [the new law]" The new law takes effect only if the NYCTA resolution takes effect before November 15, 1984. On July 25, 1984, the NYCTA Board adopted a resolution in accordance with the legislation. The resolution (and hence the legislation) take effect only upon final settlement and dismissal of the lawsuits described in this notice.

The new law provides for the establishment of a New York City Transportation Disabled Committee, an 11-member committee comprised of various state and city officials and members of the New York City transportation handicapped

community, to be named by the Governor, and in several cases, recommended by the Mayor of the City of New York. This Committee has the responsibility, among other things, for reporting on the progress in implementing the new law. In particular, the Committee will oversee the implementation of a new paratransit system which is intended to achieve optimal integration with other accessible transportation. This paratransit service is to be provided by an agency of the City of New York, designated by the Mayor.

The text of the pertinent sections of the new law (which would become effective only after approval of this proposed settlement) also provides with respect to accessibility as follows:

* * *

"4. Accessible buses. The system shall include access by transportation disabled persons, including persons in wheelchairs, to not less than sixty-five percent of buses in the regularly operated fleet of the authority, which shall be properly operated and maintained to facilitate their use by transportation disabled persons. To meet this sixty-five percent requirement, all buses purchased, leased, or otherwise brought newly into service on the buslines of the authority and its subsidiaries, except buses leased or otherwise put into service, shall be accessible to transportation disabled persons until the sixty-five percent requirement is met."

The new law also amends Section 51 of the Public Buildings Law. The revised Section (revisions are shown by underlining) would provide:

"§ 51. Construction of public buildings. In addition to any other requirements respecting the construction of a public building and facilities thereof, the new construction, reconstruction, rehabilitation, alteration or improvement of all such buildings and facilities shall conform to the requirements of the state building construction code relating to facilities for the physically handicapped, except work already completed, work in progress, or work for which schematic designs have been approved by the effective date of this act. This section shall not be effective if its provisions will impair the structural stability of the public building or its facilities nor shall it be effective with respect to the reconstruction, rehabilitation, alteration or improvement of any transportation terminal or station of the New York city transit authority or of the Staten Island rapid transit authority made or to be made pursuant to a contract or contracts entered into within eight years after the effective date of this section provided that:

"(1) The authorities expend or enter into binding contracts to expend no less than five million dollars per year or an average over any consecutive three year period of five million dollars per year in total on capital projects to render transportation terminals and stations accessible to the physically handicapped, including persons in wheelchairs; provided, however, the authorities may accelerate expenditures and credit such expenditures to subsequent years;

"(2) Such monies are utilized for capital projects in stations identified on a list of fifty-four key stations designated pursuant to subdivision three of section fifteen-b of the transportation law;

"(3) Such capital projects, when completed, provide a path of access allowing physically handicapped persons, including those in wheelchairs, to travel between the street level and the passenger platform serving each direction of travel on any one train line; and

"(4) At least eight of such projects shall be completed within five years of the effective date of this subdivision, unless the authorities are delayed in completing such projects because of circumstances beyond their reasonable control."

The stations selected for any such projects shall be drawn from a list of 38 stations identified in the statute as supplemented by a list of eight selected by the New York City Transportation Disabled Committee and eight chosen by the Authorities.

Other Major Terms of Settlement

If the new law should change in a way that diminishes the substantive responsibilities of the Authorities during the eight years following the effective date of the new law there are three options: (1) the Authorities may elect to act as though the Act were still in effect in its original form; or (2) the parties may attempt to agree upon a modification of the obligations; or (3) if neither of the two foregoing options occurs, plaintiffs in these lawsuits may apply to the courts for reinstatement of these lawsuits, which reinstatement will not be opposed by the authorities in such changed circumstances.

The Authorities also agree to furnish an annual report to counsel for the class setting forth various specific information with respect to the construction and completion of mobility-handicapped accessible stations, funds expended for that construction and the equipping of buses with wheelchair lifts.

Class Representatives and Class Counsel

The following is a list of the class representatives certified by the Court and the counsel designated by the Court to represent such classes:

<u>Class Representatives</u>	<u>Plaintiff Class in Dopico</u>	<u>Class Counsel</u>
Rhea Dopico, David Dopico, Muriel Zgardowsky and Vincent Zgardowsky		South Brooklyn Legal Services; Winthrop, Stimson, Putnam and Roberts; The Legal Aid Society Civil Appeals
<u>Class Representatives</u>	<u>Plaintiff Class is Disabled in Action</u>	<u>Class Counsel</u>
Disabled in Action of Metropolitan New York, Joseph Deriso, Vincent Venditti, Sally Wetzler and Bernadino Delacruz		South Brooklyn Legal Services; Winthrop, Stimson, Putnam and Roberts; The Legal Aid Society Civil Appeals

Plaintiff Class in EPVA

Class Representatives

Eastern Paralyzed
Veterans Association,
Inc., James J. Peters,
Terence Moakley and
Denise Figueroa

Class Counsel

Jarblum, Solomon &
Fornari, P.C.

Provision for Attorneys' Fees and Expenses

The Settlement Agreement provides that without regard to any statutory obligation, and in recognition of the exceptional nature and impact of the litigation and its importance in connection with the legislative process leading to the enactment of the new law described above, the Authorities would be and are willing to recompense the EPVA plaintiffs for attorneys' fees in the amount of \$350,000.00. The Settlement Agreement also provides, however, that the EPVA plaintiffs have agreed to waive said legal fees and instead allow such monies to be used for the good of the people of the State of New York for mass transportation. The Settlement Agreement also provides that the EPVA plaintiffs may apply to the Court for their disbursements in an amount not to exceed \$15,000 to be paid by the MTA upon approval by the Court and that the MTA shall not contest such application.

The Settlement Agreement provides that the plaintiffs in the Dopico and Disabled in Action lawsuits may apply to the court for attorneys' fees in an amount not to exceed \$145,000 and disbursements in an amount not to exceed \$17,750 to be paid by the MTA upon approval by the Court, and that the MTA shall not contest such applications.

HEARING ON PROPOSED SETTLEMENT

A hearing will be held before the Court at 9:30 a.m. on November 7, 1984, in Courtroom 905 of the United States Courthouse, Foley Square, New York, New York, for the purpose of determining whether the proposed settlement is fair, reasonable and adequate and should be approved by the Court.

Any member of any of the classes who objects to the approval of the proposed settlement may appear at the hearing and state why the settlement should not be approved as fair, reasonable and adequate. A member of the classes may only object to or contest the approval of the proposed settlement, however, if he or she first sends a brief written statement explaining why he or she objects to the settlement to James Fornari, Esq., Jarblum, Solomon & Fornari, P.C., 650 Fifth Avenue, New York, New York 10019 or Jane Stevens, Esq., South Brooklyn Legal Services, 105 Court Street, Brooklyn, New York 11201, postmarked no later than October 31, 1984.

If a class member does not send such brief statement, he or she will have waived the right to object to or contest the settlement for all purposes. The Court may grant permission to such a class member to express his or her views at the hearing but is not obligated to do so.

In the event that the hearing on this proposed settlement on November 7, 1984 does not resolve all questions or objections, the Court may order further proceedings to be held. No further notice will be given to members of the classes regarding any such continuations of the hearing or related proceedings.

Unless you object to the proposed settlement, you need take no further action at this time.

Dated: New York, New York
October 1, 1984

Clerk of the Court
United States District Court
Southern District of New York