
Transportation and the Disadvantaged: The Poor, the Young, the Elderly, the Handicapped

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TRANSPORTATION AND THE DISADVANTAGED: THE POOR, THE YOUNG, THE ELDERLY, THE HANDICAPPED by JOHN C. FALCOCCHIO and EDMUND J. CANTILLI. Lexington, Massachusetts: Lexington Books. End notes keyed to chapters; tables; appendices; index. 1974. Pp. xxiii + 189. \$16.00 cloth.

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Transportation and the Disadvantaged is an eclectic and technical book in which the authors seek to deal with a wide range of interrelated subjects. In it the authors attempt to identify the transportation problems of the disadvantaged, *i.e.* the elderly, the young, the handicapped, and the poor in particular. They also review and criticize the various federally funded demonstration projects which had been directed toward alleviating some of these problems. Furthermore, while concentrating on the unemployed poor, the authors create a scientific model by which a cost-benefit analysis may be made as to the impact of different levels of transportation improvements on unemployment. In addition, the authors make recommendations for improving transportation planning methodology. In summary this book proposes to compile and analyze information on mass transportation and the four groups of individuals whose lives are most affected by it.

The authors present information which indicates that as income decreases car ownership decreases. The result is that the poor are more dependent upon public transportation than any other group. Since our auto dominated society is experiencing a decentralization of industry, the poor are facing even greater constraints of cost and travel time because public transportation systems generally serve only the central business district. Consequentially, the places of employment are becoming less accessible to them.

In a review of federally funded demonstration projects which ostensibly were to provide the poor with transportation to new job opportunities, the

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authors find that the criterion used to determine the ultimate success of the improvements was whether they had produced a profit to the operators. The authors fault the federal agencies involved for not detailing information on the actual social benefits derived from the projects; information which parenthetically could also have been used to justify continuing public subsidies. In a specific case study, the authors estimate the unemployment reduction attributable to certain transportation improvements. They demonstrate that though the improvements are not self-supporting, public subsidies to public transportation are justified because they actually result in a net savings to the public treasury. The net savings is derived from the reduced costs of social welfare services to the newly employed poor as well as from other benefits similarly related to reduced unemployment.

The veracity of these conclusions is supported by a product which is itself of great significance. At a time when the issues of mass transportation and rising social welfare cost are important concerns, the authors have created a method by which the relationship between transportation improvements and unemployment may be quantified. Using their method, more rational plans may be developed: estimates may be obtained of the costs and benefits derived from alternative transportation plans prior to their implementation.

In light of this accomplishment it is particularly disappointing that the authors would be unsuccessful in bringing the main objective of the book to fruition. The book was meant to be about the transportation problems of all disadvantaged groups. Yet the authors have failed to give a similar discussion, evaluation and analysis to the handicapped. By their failure the authors have missed an opportunity to fill a void that now exists in transportation planning.¹

Statistics are presented showing that there are over thirteen million handicapped with transportation problems. This figure may be as high as forty million if it includes both the permanently and temporarily disabled. The authors also estimate a latent demand by the handicapped for transportation services which could result in a seventy-two percent increase in travel by these people. Thus there exists a large group of citizens in great need of transportation.

The nature of this need is explained by the authors in terms of "life space." The life space of children may include only their home, school and play areas. The life space of the elderly may be confined to the home, shopping, medical and visiting areas. On the other hand, the life

1. See 40 Fed. Reg. 8314 (1975).

space of adults usually covers a large spatial area because of their involvement in a variety of activities. So too, the disabled adult has mobility needs which are not different from the general adult population. Yet a single step may prevent a wheelchair-bound lawyer from entering a courtroom to conduct his business and an elevator without buttons marked in braille is enough to deny a blind person access to an entire building. Thus the life space of a handicapped person is arbitrarily limited by physical barriers. A disabled person who seeks to be self-supporting finds that the current public transportation systems have insurmountable physical barriers which separate him from his potential job. Any alternative private means of transit may be too costly or simply unavailable.

Harold L. Willson of the Kaiser Foundation Medical Care Program, in Oakland, California, has succeeded in having San Francisco's new Bay Area Rapid Transit System (BART) modified to be accessible to the handicapped and the elderly. BART is an example of the fact that physical barriers in public transportation can be effectively eliminated by proper planning and modern technology. In addition, the authors imply that the cost of the modifications was not a very significant addition to the overall cost of the system. But the authors have failed to produce any actual data on these costs. Their sudden switch to a purely superficial qualitative discussion of this area is puzzling indeed since the BART System offers them an opportunity to produce a rich, in-depth, cost-benefit analysis. Such an analysis should have explored the benefits derived from the system as a whole as well as from each individual modification and would have greatly aided transportation planners. A mere description of the needs of the handicapped cannot serve as a surrogate for actual estimates of potential use and potential cost.

The desire for such information is not restricted to the transportation planning community. The legal profession's interest in this area stems from the changing attitudes of those within the profession as well as those whom they serve. Redress has been offered to those with a physical disability through a fault system based on tort theory. However, in a modern, compassionate, and effective social order redress must also be offered to those whose physical impairment cannot be remedied in a suit in tort.² Remedial action aimed at the broad spectrum of problems affecting the handicapped is required.

Increasingly, the handicapped are insisting on their legitimate legal rights under the burgeoning constitutional concept of "equal rights." The

2. See generally G. CALABRESI, *THE COST OF ACCIDENTS* (1970).

Supreme Court has declared that the right to travel and the right to use the instrumentalities of interstate commerce are fundamental rights under the U.S. Constitution.³ A classification by transportation planners of those who shall have limited access to transit facilities will be strictly scrutinized by the courts and will have to be based on a compelling state interest in order to be justified.⁴ If the approach these authors used in studying the problems of the poor had also been used to study the problems of the handicapped, this book would have been very helpful in this decision-making process.

In discussing transportation and the handicapped the authors state that they saw an almost "complete neglect" of this group by the government. It must be reported that this tradition of neglect has been carried forward for another year in publications generally and in this book in particular.

3. *See, e.g.*, *United States v. Guest*, 383 U.S. 745 (1966); *Shapiro v. Thompson*, 394 U.S. 618 (1969).

4. *See, e.g.*, *Skinner v. Oklahoma*, 316 U.S. 535 (1942); *Levy v. Louisiana*, 391 U.S. 68 (1968). *See also* Note, *Abroad in the Land: Legal Strategies to Effectuate the Rights of the Physically Disabled*, 61 *Geo. L.J.* 1501 (1973).