

**THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AMERICAN COUNCIL OF THE BLIND OF NEW  
YORK, INC., MICHAEL GOLFO, and CHRISTINA  
CURRY, *on behalf of themselves and all others  
similarly situated,*

*Plaintiffs,*

v.

CITY OF NEW YORK, NEW YORK CITY  
DEPARTMENT OF TRANSPORTATION, ERIC  
ADAMS, *in his official capacity as Mayor of the City  
of New York,* and YDANIS RODRIGUEZ, *in his  
official capacity as Commissioner of the New York  
City Department of Transportation,*

*Defendants.*

Case No. 18 Civ. 5792 (PAE)

**FOURTH ANNUAL REPORT OF THE INDEPENDENT MONITOR**

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## INTRODUCTION

On October 20, 2020, this Court issued an opinion and order finding the City of New York liable for violating certain federal and state anti-discrimination laws by failing to ensure that the City's overall pedestrian grid is meaningfully accessible to persons who are blind or have low vision. *Am. Council of the Blind of N.Y., Inc. et al. v. City of N.Y. et al.*, 495 F. Supp. 3d 211 (S.D.N.Y. 2020). On December 27, 2021, the Court issued an opinion and order setting forth the actions that the City would be required to take to remedy those violations. *Am. Council of the Blind of N.Y., Inc. et al. v. City of N.Y. et al. (Remedial Decision)*, 579 F. Supp. 3d 539 (S.D.N.Y. 2021). On March 18, 2022, the Court entered an order (the "Remedial Order") to guide the City's implementation of those remedies. Remedial Order, ECF No. 208.

The Remedial Order also established the position of Independent Monitor, charging the Monitor with the responsibility to (1) gather information and report neutrally to the Court on the City's implementation plan; and (2) mediate between the City, Plaintiffs, and the public, so as to anticipate, avert, and resolve conflicts without the need for recourse to the Court. Remedial Order ¶ 29(a). The Court appointed the undersigned, who had been jointly nominated by the parties (ECF No. 199) and approved by the Court (ECF No. 202), to serve as Independent Monitor. Remedial Order ¶ 30.

Paragraph 29(e) of the Remedial Order directs the Independent Monitor to submit to the Court an annual report, which must be filed on the public docket. *See* Remedial Order ¶ 29(e). Pursuant to the Remedial Order, the Independent Monitor's annual report is expected to address the following subjects: (1) the number of intersections equipped with accessible pedestrian signals ("APS") during the prior calendar year; (2) whether those APS installations were compliant with the Manual on Uniform Traffic Control Devices ("MUTCD") or any succeeding regulation or

guidance; (3) whether those installations were prioritized in accordance with the Remedial Order; and (4) any recommendations the Independent Monitor may have to improve the implementation of the Remedial Order. *See id.*

In accordance with Paragraph 29(e) of the Remedial Order, the Independent Monitor respectfully submits to the Court his fourth annual report.

### **EXECUTIVE SUMMARY**

The fourth year of the Remedial Order witnessed some significant successes, some concerning trends, and some frustrating missed opportunities. Beginning as always with those successes, the City ended 2025 – which was a challenging year for the APS program – a full 20% ahead of the Remedial Order’s APS installation goals. Specifically, the Remedial Order envisioned that the City would install APS at 2,500 intersections between 2022 and 2025, with the annual targets increasing over that timeframe. The City not only met but far exceeded that goal, installing APS at 3,000 intersections by the end of 2025. In fact, the City ended 2024 so far ahead of its target that it could have installed as few as 216 intersections in 2025 and still remained compliant with the Remedial Order. Instead, the City installed APS in 2025 at three times the number strictly required. Adding the APS installations that had been installed before the Remedial Order was entered, there are now more than 3,961 signalized intersections in New York City equipped with APS, which represents more than a quarter (28%) of all signalized intersections in the City. As this Court once observed: “To state the obvious, numbers aren’t the only thing, but they are a big thing, and that is a very tangible mark of great progress to which we owe the [C]ity great thanks.” ECF No. 282 at 4:12–14.

Furthermore, the City made significant progress during 2025 on standing up an APS Compliance Program, adopting a written APS Compliance Plan, establishing written policies and

procedures, developing training materials, and significantly increasing the number of compliance inspections. In fact, according to the New York City Department of Transportation (“DOT”), compliance inspectors engaged in more than 6,000 compliance inspections in 2025 alone.<sup>1</sup> While more work remains to be done to build out an effective compliance program, the progress to date is considerable when it is recalled that DOT had no real compliance program and had conducted no inspections specifically for the purpose of assessing MUTCD compliance when this project began in 2022.

Last year also witnessed some significant challenges, however, and the City faces strong headwinds as it enters the fifth year of this important project. Most notably, 2025 marked the first year that the City fell short of its annual installation target. In 2022, the City installed APS at 520 intersections, which was 120 more than the annual target. In 2023, the annual target increased from 400 to 500 intersections, and the City rose to the challenge, installing APS at 888 intersections, or 388 more than required. In 2024, the bar was raised again (from 500 to 700 intersections) and the City again vaulted over it, installing APS at 876 intersections, or 176 more than the annual target. And because the Remedial Order allows the City to carry over excess installations to cover a future shortfall, the City entered 2025 with 684 excess intersections in the bank. For 2025, the Remedial Order increased the City’s annual installation target again, from 700 to 900 installations. But this time, the City did not meet that target. Instead, the City installed APS at 716 intersections in 2025, a drop of about 18% from the prior year, falling short of the annual target by 184 intersections.

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<sup>1</sup> *N.Y.C. Dep’t of Transp. Accessible Pedestrian Signals Program Report*, dated Jan. 30, 2026 (“Jan. 2026 Semi-Annual Report”) at 10.

Perhaps of greater concern, the City's monthly rate of APS installation declined for the second year in a row, which we believe is indicative of a concerning trend. Specifically, our analysis of the 2025 shortfall and installation trends generally suggests that, at least to some extent, the City was able to rack up APS installations and exceed its installation targets in the early years because it pursued quantity at the expense of compliance. For example, as we have documented in our earlier reports, the City frequently installed APS in the early years in a manner that did not comply with the MUTCD, including by sometimes disregarding MUTCD provisions denominated as "Guidance." This Court put an end to certain of those practices in May 2024, reminding the City that the MUTCD's Guidance could not be treated as optional. *See* ECF No. 281. Following the Court's May 2024 ruling, the City changed its approach, which previously had relied heavily on the use of in-house "shop jobs" to install APS on existing poles, at times even when those poles were not in compliant locations.

As a result of the City's increased focus on compliance, the percentage of APS installations at which two APS are located on the same pole declined dramatically. In Staten Island, for example, 75% of its 2023 installations had two APS mounted on the same pole or located within 10 feet of each other. That percentage fell to 51% in 2024, and to 20% last year. Over that same period, we have likewise seen a dramatic decline – practically to zero in 2025 – in DOT's use of its in-house teams for APS installation. We think it is no coincidence that, during this same period, the City's monthly installation rates have also declined, a trend which suggests that a principal reason for the decline in the pace of APS installations from its height in 2023 has been the City's increased compliance with the MUTCD.

If the City's shortfall in 2025 were a mere aberration, there would be no cause for alarm; the City had saved for a rainy day by stockpiling excess installations, which proved more than

enough to weather the storm in a single season. But our analysis strongly suggests that the City is likely to fall short of its installation target again in 2026, further depleting its reserve. The City shares that expectation, and the early data from 2026 corroborates these expectations. For example, the City installed APS at just 40 intersections in January of this year, its lowest monthly pace in more than two years. While the unusually harsh weather in January likely played a role, the City is also embroiled in a legal dispute with all three of its major APS installation contractors, and that lawsuit is surely impacting the pace of installations as well. Looking ahead, moreover, the City's challenges will only increase, as the Remedial Order raises the bar again, to at least 1,000 installations, in each year from 2027 through 2031. Remedial Order ¶ 5(f). Unless the City finds a way to significantly increase installation rates (without sacrificing compliance), the City risks exhausting its reserve of excess installations and falling out of compliance with the Remedial Order's installation requirements.

Also, while DOT has made tremendous strides in developing compliance policies and procedures, MUTCD compliance remained a significant challenge last year. For example, our inspections of randomly selected 2025 APS installations found at least one issue of non-compliance at 93% of those intersections, essentially the same percentage we identified in 2024. While we expect that percentage to decline as DOT's new APS Compliance Program is improved, the City missed some key opportunities in 2025 to significantly improve APS compliance.

Most notably, the City failed to act on several commitments it made last year at this time, which if carried out could have made a real difference in the program. For example, we recommended last year that the City finally address the perennial problem of APS volume by convening a meeting with the relevant stakeholders in the field to come to a common understanding of the volume problem and the solutions. ECF No. 299 at 92. DOT hosted that

meeting in July of last year, and the parties in fact reached consensus on a solution to at least one major problem. Specifically, the parties inspected intersections together and came away with an agreement on the need to increase the standard volume settings for the APS model typically employed in four of the five boroughs, which has garnered frequent complaints about being too quiet. In other words, the parties came together and agreed on the problem, and DOT committed itself to a solution. We later learned, however, that DOT never implemented that agreed-upon improvement, which was an unfortunate and frustrating missed opportunity.

Similarly frustrating, the City represented last year that it would change its APS inspection process to ensure that its compliance inspectors evaluate the volume of audible walk indications, including speech messages, which had also been a recurring issue. The City had also represented that it would develop “design-specific” compliance checklists to evaluate APS placement at the intersection, which likewise had been a recurring compliance issue. Again, however, the City failed to follow through on those commitments: it never changed its compliance checklist and never established a design checklist. As a result, the recurring issues relating to APS volume, APS placement, and speech messages were just as prevalent in 2025 as they were in 2024.

Despite these challenges and setbacks, however, we remain confident that the APS team at DOT remains fully committed to solving these problems and building upon the program’s early successes, which are indeed impressive. We look forward to continuing to work with DOT in the coming year.<sup>2</sup>

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<sup>2</sup> We would be remiss in any discussion of DOT’s successes in the APS program not to acknowledge the leadership of former Deputy Commissioner for Traffic Operations Joshua Benson, who resigned from DOT in September of 2025 to pursue other endeavors, and whose public service and significant contributions to the APS program have been acknowledged by this Court on multiple occasions. The Independent Monitor and his team appreciated the opportunity to work with Mr. Benson on this project and always found him to be a constructive and public-

## ACTIVITIES OF THE INDEPENDENT MONITOR

The Independent Monitor engaged in the following activities during 2025 to oversee the City's implementation of the Remedial Order.

### **I. Data and Document Collection and Analysis**

During 2025, the Independent Monitor continued his practice of collecting and analyzing monthly APS installation data and requesting certain enhancements of the City's data reporting. Among other changes, the City has enhanced and updated its data regarding installations at which APS are located within 10 feet of each other and has also begun regularly sharing compliance report data. These enhancements have made it easier for the Independent Monitor and Plaintiffs to monitor the City's compliance with the MUTCD.

### **II. Meetings with the Parties**

The Independent Monitor also continued his practice of conducting periodic meetings with the parties and other stakeholders. During 2025, two of those meetings stood out as particularly useful.

First, on July 1, 2025, the Independent Monitor met with DOT, counsel for the City, counsel for Plaintiffs, and two Orientation and Mobility ("O&M") specialists from the APS Advisory Committee. DOT hosted this in-person meeting at its offices in Queens in response to the Independent Monitor's recommendation, made in the Third Annual Report, that "DOT and Plaintiffs meet and confer in the field to reach a common understanding of acceptable APS volumes." ECF No. 299 at 92. At this meeting, the group met to discuss the volume issue and

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minded individual who sought in good faith to advance the critically important goals of this program for the benefit of pedestrians with disabilities. We wish Mr. Benson the best in his future endeavors and look forward to continuing to work with the excellent and committed team he leaves behind.

visited three intersections in the vicinity of DOT's office for the purpose of seeking a common understanding of what acceptable volumes should sound like. The consensus of the group during these inspections was that the locator tone volumes at intersections employing Polara-manufactured APS were acceptable while the locator tone volumes at intersections employing Campbell-manufactured APS were too quiet. As a result of this meeting, DOT agreed to increase the baseline volume range for all Campbell units, a step which (if taken) held real promise for addressing one of the main volume problems that has plagued the APS program.

A second, particularly constructive meeting occurred virtually on September 19, 2025, at which DOT led a demonstration of its "APS Dashboard." The APS Dashboard is a new data visualization tool developed by DOT that is capable of tracking, organizing, and displaying APS installation data and statistics, compliance inspection metrics, and repair requests, among other features. The Independent Monitor requested the demonstration because DOT, in a draft Compliance Plan shared with the Plaintiffs and the Monitor, referred to this tool as the "the backbone to the current system of APS data analysis and report generation[.]"<sup>3</sup> The demonstration was given to the Independent Monitor and his staff and counsel for Plaintiffs, and was led by William Harrison for DOT. Although Mr. Harrison acknowledged that the Dashboard was still under development, DOT currently uses the Dashboard to track APS installation progress, prioritize intersections for APS installation, and identify the compliance inspection status of installations.

Finally, and again consistent with previous years, the Independent Monitor in 2025 sent numerous written requests for documents and information to the City and solicited both the City's and Plaintiffs' positions on several compliance issues that arose during 2025. The Independent

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<sup>3</sup> APS Compliance Plan (Sept. 30, 2025) at 12.

Monitor observes that the City’s responses to these requests during 2025 (and in preparation for this report) were particularly prompt and helpful, and thanks the parties for their informative responses to these many inquiries.

**III. On-Site Inspections**

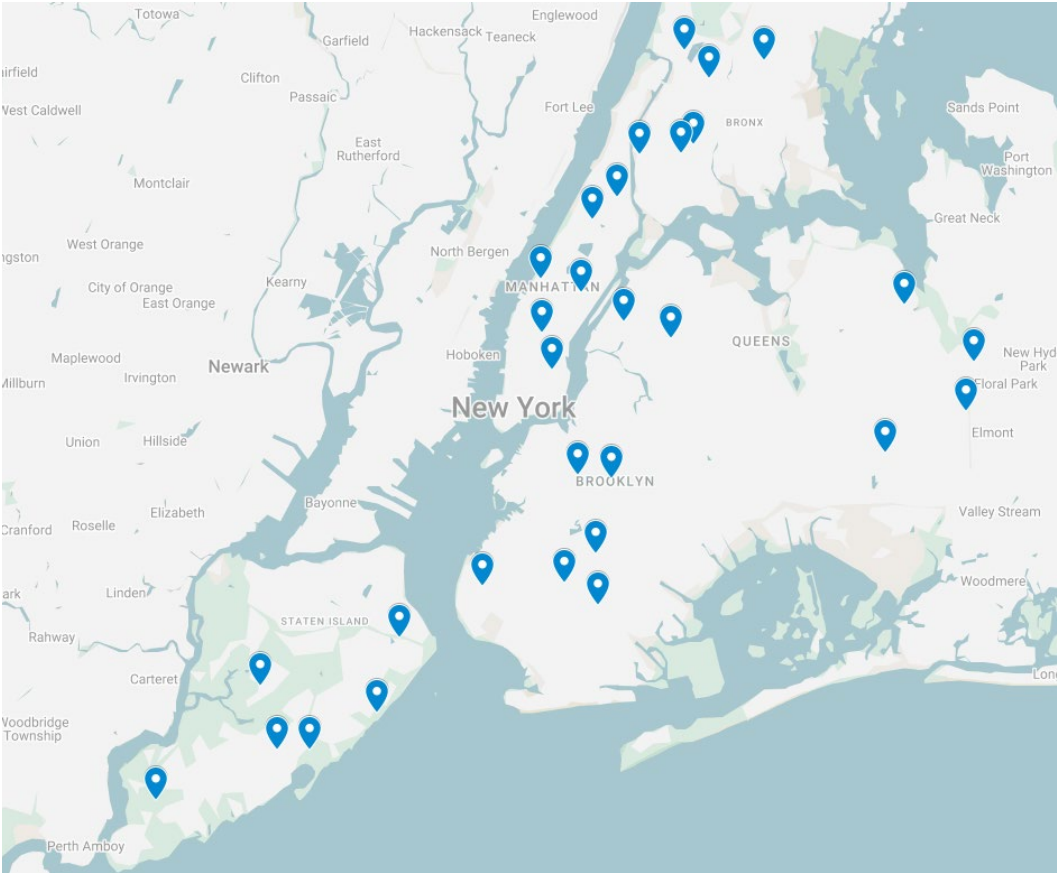
Continuing a practice we began in 2023, we once again randomly selected intersections for thorough and documented on-site compliance inspections. In 2023 and 2024, we selected 25 installations – five per borough – for inspection. In 2025, we increased the total number of inspections to six per borough, for a total of 30. As in prior years, we identified these intersections initially by using a random number generator to select intersections in each borough from the City’s data on 2025 APS installations, substituting other randomly generated intersections only when the intersections initially selected produced too many in the same neighborhood or of the same configuration. The 30 intersections we selected for random inspection and their locations are identified in the table below:

| <b>Intersection</b>                            | <b>Borough</b> | <b>Neighborhood</b> |
|--|----------------|---------------------|
| Jerome Avenue & East 161st Street              | Bronx          | Morrisania          |
| Boston Road & East Gun Hill Road               | Bronx          | Williamsbridge      |
| Crotona Avenue & Crotona Park South            | Bronx          | Mott Haven          |
| Bailey Avenue & West 231st Street              | Bronx          | Kingsbridge         |
| Fulton Avenue & East 168th Street              | Bronx          | Morrisania          |
| Webster Avenue & East 197th Street             | Bronx          | Fordham             |
| 4th Avenue & 77th Street                       | Brooklyn       | Bay Ridge           |
| 18th Avenue with Seton Place & East 2nd Street | Brooklyn       | Kensington          |

| <b>Intersection</b>  | <b>Borough</b> | <b>Neighborhood</b> |
|--|----------------|---------------------|
| Beverly Road & East 22nd Street                            | Brooklyn       | Flatbush            |
| New York Avenue & Herkimer Street                          | Brooklyn       | Bedford-Stuyvesant  |
| Ocean Avenue & Avenue L                                    | Brooklyn       | Midwood             |
| Vanderbilt Avenue & Pacific Street                         | Brooklyn       | Prospect Heights    |
| 1st Avenue & East 12th Street                              | Manhattan      | East Village        |
| Central Park West & West 109th Street                      | Manhattan      | Upper West Side     |
| 6th Avenue & West 30th Street                              | Manhattan      | Chelsea             |
| Lexington Avenue & East 65th Street                        | Manhattan      | Upper East Side     |
| Lenox Avenue & West 129th Street                           | Manhattan      | Harlem              |
| West End Avenue & West 60th Street                         | Manhattan      | Upper West Side     |
| Crescent Street & 41st Avenue                              | Queens         | Long Island City    |
| Roosevelt Avenue & 54th Street                             | Queens         | Woodside            |
| Hillside Avenue & 241st Street                             | Queens         | Bellrose            |
| 225 Street with 103 Avenue & Cross Island Parkway S/B Ramp | Queens         | Queens Village      |
| Linden Boulevard & Merrick Boulevard                       | Queens         | South Jamaica       |
| Northern Boulevard & 215 Street                            | Queens         | Bayside             |
| Father Capodanno Boulevard & Midland Avenue                | Staten Island  | Midland Beach       |
| Giffords Lane & Katan Avenue                               | Staten Island  | Great Kills         |
| Hylan Boulevard & Justin Avenue                            | Staten Island  | Bay Terrace         |

| Intersection                                | Borough       | Neighborhood    |
|---|---------------|-----------------|
| Marsh Avenue & 500 South of Westport Street | Staten Island | New Springville |
| Hylan Boulevard East & Narrows Road South   | Staten Island | Arrochar        |
| Veterans Road West & Bricktown Way          | Staten Island | Charleston      |

The map below geographically displays the locations of each of the 30 installations from 2025 that we inspected:



Our inspections at these intersections evaluated the APS installed at each corner of the intersection for compliance with the MUTCD. For each installation, we considered the following issues:

- **Functionality:** Whether the APS unit was installed and functioning. *See* MUTCD 4K.01(14) (“At accessible pedestrian signal locations where pressing the pedestrian push button is necessary to activate the walk interval, pressing the pedestrian push button shall activate both the walk interval and the accessible pedestrian signals.”);
- **Pole Placement (in relation to the crosswalk):** Whether the pole/push button was located as close as possible to the crosswalk line furthest from the center of the intersection and as close as possible to the curb ramp. *See* MUTCD 4K.02(02) (“Push buttons for accessible pedestrian signals should be located in accordance with the provisions of Section 4I.05 and should be located as close as possible to the crosswalk line furthest from the center of the intersection and as close as possible to the curb ramp.”);
- **Pole Placement (in relation to other APS on the same corner):** Whether two APS units were located on the same pole, or within 10 feet, where physical constraints did not prevent the installations at a distance of at least 10 feet. *See* MUTCD 4I.05(07)–(08) (“Except as provided in Paragraph 8 of this Section, where two pedestrian push buttons are provided on the same corner of a signalized location, the push buttons should be separated by a distance of at least 10 feet. Option: Where there are physical constraints on a particular corner that make it impracticable to provide the 10-foot separation between the two pedestrian push buttons the push buttons may be placed closer together or on the same pole.”);
- **Push Button Placement (absence of obstructions):** Whether the ground space surrounding the APS unit is unobstructed. *See* MUTCD 4I.05(04)(A), (J) (“[P]edestrian push buttons should be located to meet all of the following criteria: A. Unobstructed and accessible within one or more of the reach ranges specified in Section 308, and from a clear ground space as specified in Section 305, of the 2010 ADA Standards for Accessible Design;” “J. Allowing a minimum 4-foot continuous clear width for a pedestrian access route[.]”);
- **Push Button Placement (in relation to an accessible route):** Whether the route from the APS unit to the crosswalk is wheelchair accessible. *See* MUTCD 4I.05(04)(B) (“[P]edestrian push buttons should be located to meet all of the following criteria:... B. To provide a wheelchair accessible route from the push button to the ramp[.]”);
- **Push Button Placement (in relation to reach range):** Whether the APS units were located within the required reach range. *See* MUTCD 4I.05(04)(A) (“[P]edestrian push buttons should be located to meet all of the following criteria: A. Unobstructed and accessible within one or more of the reach ranges specified in Section 308[.]”);
- **Speech Messages (where required):** Whether two APS units that were located on the same pole, or within 10 feet, had accurate speech walk messages. *See* MUTCD 4K.03(07) (“Where two accessible pedestrian signals on one corner, or in a median, that are associated with different phases are placed less than 10 feet apart, the audible walk indication shall be a speech walk message (see Paragraph 3 in Section 4K.02).”); 4K.03(17) (“If speech walk

messages are used to communicate the walk interval, they shall provide a clear message that the walk interval is in effect, as well as to which crossing it applies.”);

- **Locator Tone Volume:** Whether the locator tone volume was too low or too high. *See* MUTCD 4K.04(08) (“Push button locator tones should be audible 6 to 12 feet from the push button, or to the building line, whichever is less.”);
- **Audible Walk Indication Volume:** Whether the audible walk indication volume was too low or too high. *See* MUTCD 4K.03(05) (“The audible walk indication shall be audible at the beginning of the associated crosswalk.”);
- **Audible Walk Indication Alignment:** Whether the audible walk indication duration aligned with the pedestrian walk signal. *See* MUTCD 4K.03(05) (“The accessible walk indication shall have the same duration as the pedestrian walk signal except when the pedestrian signal rests in walk.”); 4K.03(04) (“Accessible pedestrian signals shall have an audible walk indication during the walk interval only.”);
- **Vibrotactile Walk Indication:** Whether the vibrotactile walk indication was working/working properly by vibrating during the walk interval. *See* MUTCD 4K.03(02) (“Accessible pedestrian signals shall have both audible and vibrotactile walk indications.”); 4K.03(03) (“Vibrotactile walk indications shall be provided by a vibrotactile arrow that is located on the push button (*see* Paragraph 1 in Section 4K.04). The vibrotactile arrow shall vibrate during the walk interval.”);
- **Tactile Arrow Placement:** Whether the tactile arrow was aligned parallel to the direction of travel on the associated crosswalk. *See* MUTCD 4K.04(01) (“Vibrotactile arrows shall be located on the button of the push button assembly, shall have high visual contrast (light on dark or dark on light), and shall be aligned parallel to the direction of travel on the associated crosswalk.”).

The Independent Monitor’s inspection reports for these 30 intersections are included as **Exhibit A** to this report.

#### **IV. Consideration of Public Input**

The Remedial Order also requires that the City’s implementation of its APS program be informed by, and sensitive to, input from the public. *See, e.g.*, Remedial Order ¶¶ 6(a)–(b), and ¶¶ 11–12 (prioritizing APS installations requested by the public); ¶¶ 6–7, 9 (requiring that prioritization of installations be “sensitive to public input”). To that end, the Independent Monitor continued during 2025 his practice of attending APS Town Hall meetings and APS Advisory

Committee Meetings. In 2025, the semi-annual APS Town Hall meetings were held virtually on May 14 and October 21. Following each meeting, the Independent Monitor and his staff obtained and reviewed transcripts of Town Hall Q&As and presentations, as well as attendee information and information regarding the City's promotion of these events. The Independent Monitor also attended each of the quarterly meetings of the APS Advisory Committee. In 2025, the quarterly APS Advisory Committee meetings were held virtually on March 12, June 11, September 10, and December 10.

Additionally, in September 2025, the Independent Monitor exercised his authority under the Remedial Order to “invite other members of the Class and interested members of the blind and low-vision community to join the APS Advisory Committee.” Remedial Order ¶ 19. Specifically, the Independent Monitor invited Dr. Sharon McLennon Wier to join the APS Advisory Committee. Dr. McLennon Wier, who is blind, currently serves as Executive Director for the Center for Independence of the Disabled, New York. She has worked in the field of disability, vocational rehabilitation, and mental health services for the last 25 years. We thank Dr. McLennon Wier for agreeing to join the Committee.

In December 2025, the parties expanded the size of the APS Advisory Committee from the 10 members originally contemplated by the Remedial Order to 12 total members. *See* Remedial Order ¶ 20 (the “composition or structure of the APS Advisory Committee may be revisited at any time with the consent of both Parties and the approval of the Independent Monitor”). With those additional seats, the Plaintiffs appointed Taylor McCaffrey, an O&M Specialist and a Vision Rehabilitation Specialist from the Helen Keller National Center for Deaf-Blind Youths and Adults, and DOT appointed Mr. Harrison of DOT. This expansion of the APS Advisory Committee was

consistent with the Remedial Order’s requirement that, “[a]t all times, non-City employees must make up a majority of the APS Advisory Committee.” Remedial Order ¶ 19.

In the Independent Monitor’s opinion, the APS Advisory Committee has been playing an increasingly productive role in the APS program, with the December 2025 meeting of the Committee being by far the most constructive and informative meeting that the Committee has held to date. The effective engagement at these meetings occurs because the Committee includes talented and engaged members of the blind and low-vision community, including highly trained and experienced O&M specialists, and because the City has increasingly made good-faith, proactive efforts to solicit feedback from the Committee members on how DOT’s APS installation designs impact blind and low-vision pedestrians. The Independent Monitor thanks all of the Committee members for their public service.

## **V. Costs of the Monitorship**

The Remedial Order provides that the City is responsible for the reasonable fees and expenses incurred by the Independent Monitor. Remedial Order ¶ 37. Although the Remedial Order does not require that the Independent Monitor provide detail on the costs of the monitorship in his annual reports, we are mindful that public confidence in institutional reform efforts can suffer when monitorship costs appear excessive and when there is a lack of transparency regarding the costs of such engagements. We therefore continue our practice of reporting publicly on the fees and expenses incurred by the Independent Monitor and include below citations to the public record where each of our detailed invoices can be found.<sup>4</sup>

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<sup>4</sup> The discounted hourly rates charged by the Independent Monitor and his staff, which may not increase during the initial five-year term of the Independent Monitor, are also publicly available. ECF No. 212.

**A. Monitorship Fees and Expenses: 2022–2024**

Since the monitorship’s inception in 2022, the fees and expenses incurred by the Independent Monitor have consistently come in well below each annual budget approved by the Court. In 2022, the fees and expenses incurred by the Independent Monitor totaled \$225,082.50. ECF Nos. 215, 229, 235, 236, 239. In 2023, the fees and expenses incurred by the Independent Monitor totaled \$225,585.62. ECF Nos. 242, 247, 249, 256, 259–61. In 2024, the fees and expenses incurred by the Independent Monitor totaled \$347,917.00, the highest amount to date, but a figure still well below the approved budget. ECF Nos. 268, 276, 286, 290, 294–95.

**B. Monitorship Fees and Expenses: 2025**

In January 2025, the Independent Monitor submitted a budgetary estimate for the 2025 calendar year. ECF No. 296. In that submission, we estimated that total monitorship hours for 2025 would be 1,058.0, and that total fees for the period would be \$400,000.00. *Id.* The City did not object to our proposed budget. The Independent Monitor is pleased to report that actual fees and expenses for the monitorship in 2025 once again came in below budget at 855.1 hours and \$303,520.20 in fees incurred, an amount that was 24% below budget for 2025. ECF Nos. 300, 306, 314, 317, 323, 328, 331.

**C. Monitorship Fees and Expenses: Totals to Date**

Accordingly, the fees and expenses from the inception of the monitorship in March 2022 through the end of calendar year 2025 total \$1,102,105.32, or \$321,104.68 (23%) below the budgets for that time period.

## THE CITY'S COMPLIANCE WITH THE REMEDIAL ORDER

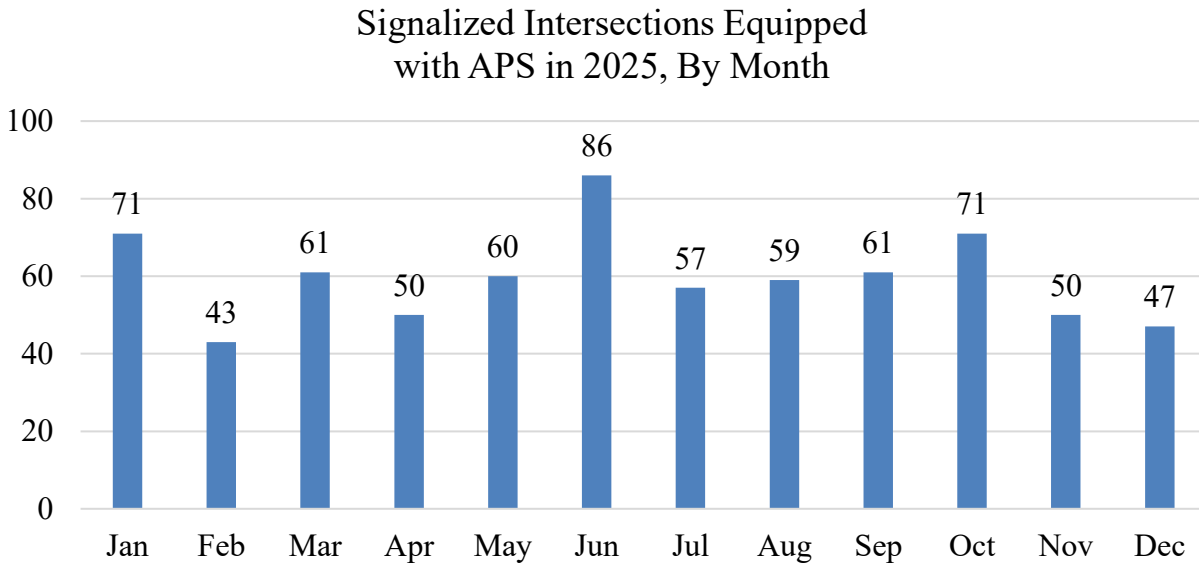
### I. Annual APS Installation Targets

During Phase I of the Remedial Order, which continues through 2031, the City must equip at least 10,000 signalized intersections in New York City with APS, meeting the following annual targets: 400 intersections in 2022; 500 intersections in 2023; 700 intersections in 2024; and 900 intersections in each of 2025 and 2026. Remedial Order ¶¶ 5(a)–(e). During the following five years (from 2027–2031), the City must equip intersections at a rate sufficient to ensure that the City will have equipped 10,000 intersections with APS by the end of 2031, with target ranges of 1,000–1,200 for each year. Remedial Order ¶ 5(f). Finally, from 2032 through the end of 2036 (“Phase II”), the City must equip signalized intersections with APS at a rate sufficient to ensure that, when installed at a consistent rate over five years, the City will have equipped all signalized intersections with APS (unless the Court permits otherwise on application by the City). Remedial Order ¶ 8.

In 2022, the City installed APS at 520 intersections, which was 120 installations more than was required. For 2023, the Remedial Order raised the annual requirement from 400 to 500 intersections. Remedial Order ¶ 5(b). In 2023, the City installed APS at a total of 888 intersections, or 388 intersections above the annual remedial order target. For 2024, the Remedial Order increased the target again, this time to 700 intersections. Remedial Order ¶ 5(c). In 2024, the City installed APS at a total of 876 intersections, or 176 intersections in excess of the annual target. Because the Remedial Order allows the City to carry over APS installations in excess of the required targets (Remedial Order ¶ 5(g)), the City entered 2025 with a reserve of 684 intersections.

In 2025, the City for the first time fell short of its annual target, installing APS at 716 intersections rather than the required 900, a shortfall of 184 installations, which represents a

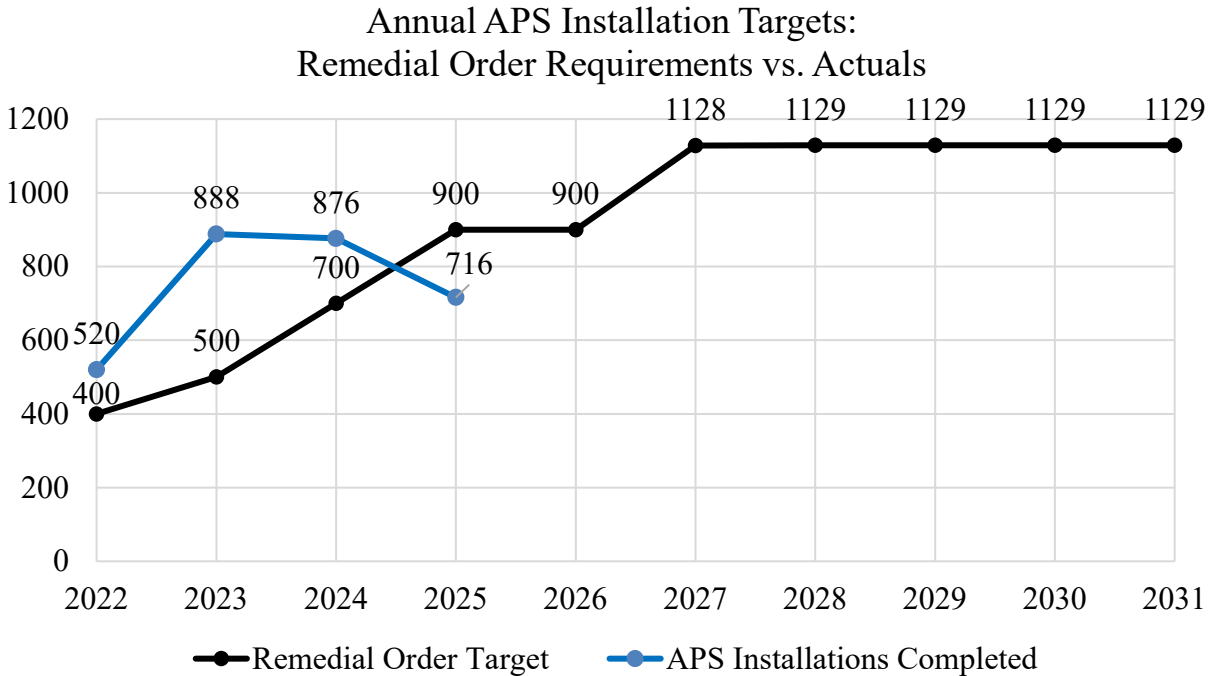
decline of about 18% from the previous year. The graph below shows the number of intersections at which APS were installed during each month of 2025:



As the graph above reflects, the City installed APS at the most intersections (86) in June 2025 and installed APS at the fewest intersections (43) in February 2025. The City installed APS during 2025 at an average pace of 60 intersections per month.

As explained above, the Remedial Order sets specific installation targets for each year from 2022 to 2026, and then requires that, from 2027 to 2031, the City equip enough signalized intersections with APS to ensure that, when installed at a “consistent rate,” the City will reach the Phase I goal of equipping 10,000 intersections with APS by 2031. Remedial Order ¶¶ 5(a)–(f). In the graph below, the black line tracks the annual Remedial Order target numbers for 2022–2026 and then estimates a “consistent rate” that would be needed for the City to meet its Phase I goal of 10,000 intersections by 2031 (without accounting for any excess installations). The blue line shows how the City performed in relation to those annual targets. The graph below shows that, for the second year in a row, annual installations decreased from their high point of 888

installations in 2023, with the City’s annual number of APS installations for the first time crossing below the Remedial Order expectation:



The graph above does not take into account the City’s healthy reserve of excess intersections and thus is not intended to suggest that the City today is out of compliance; it is not. Although the City fell short of its annual target in 2025, the City remains compliant with the Remedial Order installation requirements because the City exceeded its targets in the first three years of the program by a total of 684 intersections, which meant that the City could have installed APS at as few as 216 intersections in 2025 and still complied with the Remedial Order. The graph above is intended, instead, to show installation trends in relation to the Remedial Order’s Phase I expectations. That trendline now clearly shows a downward trajectory that, unless corrected, will likely witness the exhaust of the City’s reserve of excess intersections and the eventual non-compliance with installation requirements. We address these trends in more depth later in this report.

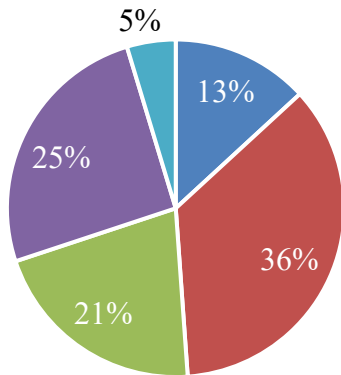
## **II. Fair Distribution of APS**

The Remedial Order also obligates the City to “ensure that intersections selected for APS installation during the Phase I period are fairly distributed within New York City.” Remedial Order ¶ 6(g). Although the Remedial Order does not establish a standard by which to measure whether intersections with APS are “fairly distributed[.]” the Court provided guidance when it declined to adopt the City’s “zones of accessibility” approach to sequencing, “in which APS would be installed zone by zone within the City,” with priority among zones turning on such factors as “residential population density of blind people in the zones, the presence in the zone of facilities that serve the blind, and historical requests for APS.” *Remedial Decision*, 579 F. Supp. 3d at 563. Instead, the Court explained that APS should be “widely in place” throughout New York City and that “APS must be pervasive enough to assure that a blind pedestrian can readily traverse the City via APS-equipped intersections.” *Id.* at 575. Accordingly, we evaluate “fair distribution” on a citywide basis.

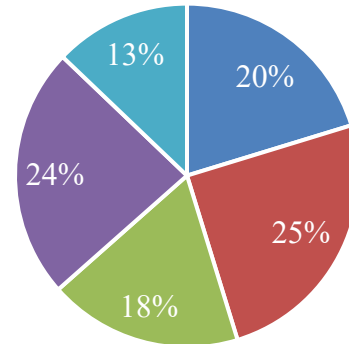
### **A. Fair Distribution by Borough**

As we have reported previously, the City’s approach to “fair distribution” was to treat the five boroughs equally, an approach which placed Staten Island (as the borough with the fewest signalized intersections) substantially ahead of the other four boroughs in achieving the Remedial Order’s goals. That trend continued in 2025. For example, as shown in the charts below, while Staten Island has only 5% of the City’s signalized intersections, it now has 13% of the City’s signalized intersections equipped with APS.

All Signalized Intersections  
By Borough



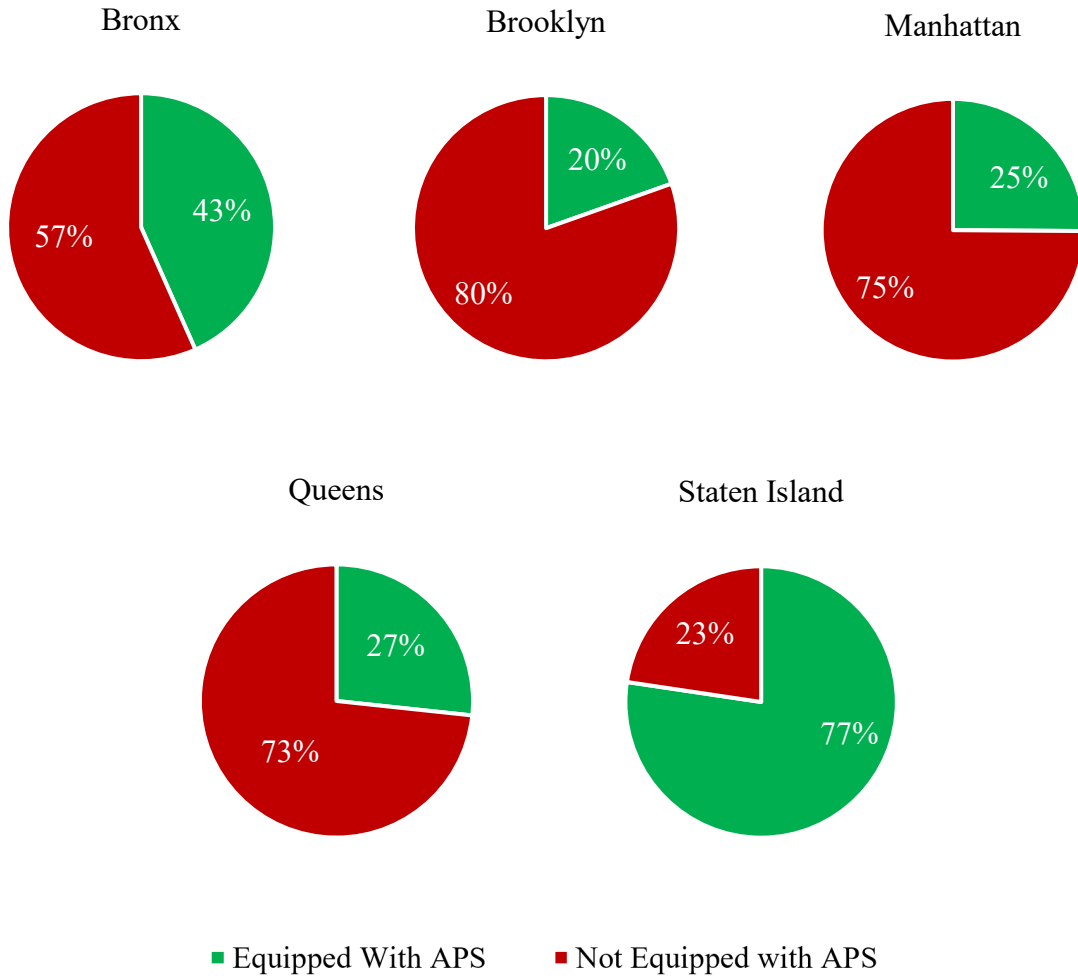
All Signalized Intersections  
Equipped with APS



■ Bronx ■ Brooklyn ■ Manhattan ■ Queens ■ Staten Island

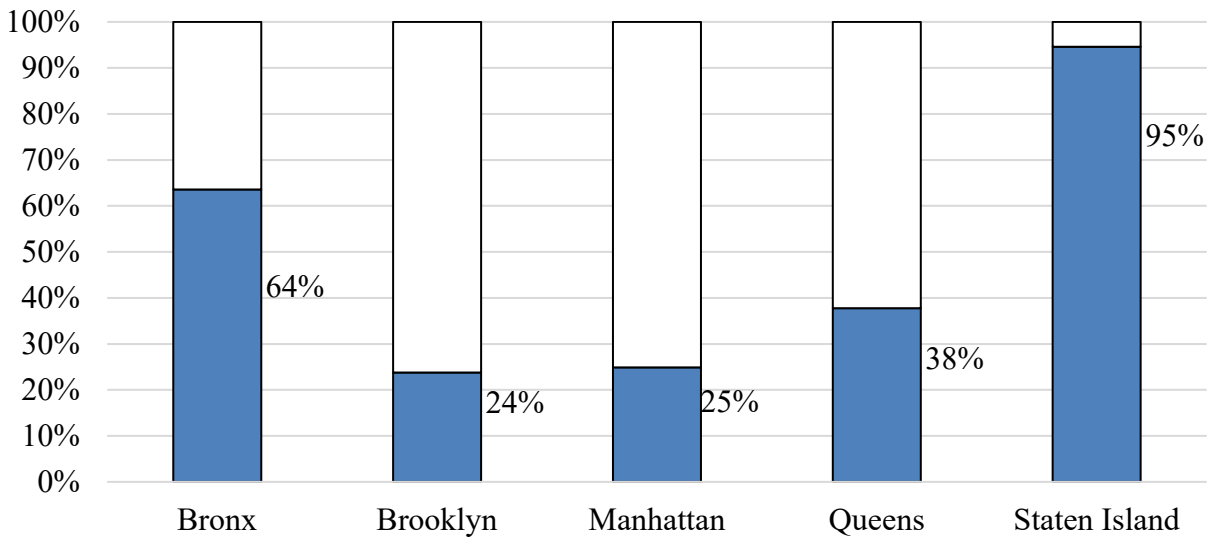
This disparity is even more pronounced when comparing each borough's progress toward meeting the Remedial Order's installation goals. As shown in the charts below, Staten Island now has 77% of its signalized intersections equipped with APS, as compared to only 43% in the Bronx, 20% in Brooklyn, 25% in Manhattan, and 27% in Queens.

## Percentage of All Signalized Intersections Equipped with APS by Borough



This same imbalance appears when the data is analyzed to assess each borough’s progress toward the Remedial Order’s Phase I prioritization goals. Specifically, as the chart below illustrates, the City has equipped 95% of the intersections in Staten Island that were identified in the Remedial Order as priority intersections (i.e., those identified in Exhibits A, B, C, or D of the Remedial Order), as compared with 64% for the Bronx, 38% for Queens, 25% for Manhattan, and 24% for Brooklyn:

### Progress Toward Phase I Goal: Equipping All Prioritized Intersections



Staten Island is now so far ahead of the other boroughs in terms of compliance with the Remedial Order goals that, as of the end of 2025, there were only 146 signalized intersections in Staten Island that do not have APS. Staten Island is therefore within striking distance of having 100% of its signalized intersections accessible to blind or low-vision pedestrians, a feat it could conceivably accomplish in 2026 if its annual installation rates for that borough reverted to 2023 or 2024 levels, when the City installed APS in Staten Island at 163 and 143 intersections, respectively. While the City can be faulted for having effectively favored Staten Island at the expense of the other boroughs, the City advised us previously that the current installation contract does not permit the City to reallocate contractor resources from Staten Island to other boroughs. Presumably, the City's next installation contract, which the City is currently pursuing, will ensure that no one borough is favored above the others in the distribution of APS.

## **B. Fair Distribution by Community Districts**

Not surprisingly, the imbalance favoring Staten Island also appears when installations are assessed at the community district level.<sup>5</sup> Excluding community district classifications with fewer than 25 signalized intersections, the average community district in the City currently has about 31% of its signalized intersections equipped with APS. Community districts 501, 502, and 503 in Staten Island, however, have 80%, 79%, and 69% of their signalized intersections equipped with APS, respectively. Finally, and significantly, our analysis continues to find that there are no low outlier community districts in any of the five boroughs, meaning that there are no community districts that are receiving an unfairly low distribution of APS relative to the borough in which they are located.

## **III. Prioritization of Intersections**

The Remedial Order identifies those intersections that should take the highest priority in the remedial process, either by listing the specific intersection in Exhibits A–D or by describing a category of intersections meriting priority treatment. Remedial Order ¶ 6. Specifically, the Remedial Order prioritizes: (1) intersections for which there has been a public request for APS installation; (2) intersections with specialized timing mechanisms that pose a heightened safety issue for blind and low-vision pedestrians; and (3) intersections at which certain new signals were installed without APS. *Id.* We address each of these priority categories below.

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<sup>5</sup> When analyzing APS installation data at the community district level, we rely on the categories provided by the City in its monthly data. Despite there being only 59 recognized community districts across the five boroughs, the City reports 227 distinct community district values in its dataset – 59 of which map directly onto the standard community boards; 12 of which represent Joint Interest Areas; and 156 of which represent overlapping districts. Because there are signalized intersections (and corresponding requirements for the installation of APS) in each category of community district, we evaluate all categories in our analysis.

## A. Public Requests

The Remedial Order requires the City to prioritize for APS installation signalized intersections for which a member of the public has requested the installation of APS. *See* Remedial Order ¶¶ 6(a), 11–14. The Remedial Order identifies three buckets of such requests and imposes deadlines by which those requests must be addressed. *See id.* ¶¶ 6(a), 12–13.

*First*, the Remedial Order prioritizes for APS installation all 246 public requests that were outstanding as of December 31, 2020. *Id.* ¶ 6(a). These intersections are specifically listed in Exhibit A to the Remedial Order. *Id.* The City was required to equip all Exhibit A public requests with APS by the end of 2024. *Id.* *Second*, the Remedial Order prioritizes public requests received by the City during calendar year 2021. *Id.* ¶ 12. The City was also obligated to install APS at those intersections by the end of 2024, unless the City had found a particular request to be unreasonable. *Id.* ¶¶ 11–12. *Third*, the Remedial Order provides a timetable to govern all remaining public requests received during the term of the order (i.e., those received in 2022 or later). *Id.* ¶¶ 11, 13. For those public requests, the City is obligated to install APS within 22 months of receiving the request, provided again that the request has been determined by the City to be reasonable.<sup>6</sup> *Id.*

As a result of this framework, there are three categories of public requests for which the City was obligated to install APS by the end of 2025: (1) those listed on Exhibit A (that had not

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<sup>6</sup> The Remedial Order affords the City four months to evaluate a request for reasonableness, and then 18 months to install the APS. Remedial Order ¶¶ 11, 13. As a practical matter, however, the City typically does not require four full months to evaluate a particular request, as its general practice is to assume that such requests are reasonable, provided the request does not duplicate another request or request the installation of APS at an intersection that is not itself signalized. Accordingly, rather than penalize the City for its generous approach to the treatment of most requests as presumptively reasonable, and strictly require that APS be installed within 18 months of the “reasonableness” determination, we monitor compliance with this requirement only by asking whether APS was installed within the full 22-month period.

been completed by the end of 2024); (2) those received in 2021 (that also had not been completed by the end of 2024); (3) and those received between January 1, 2022 and February 28, 2024 (i.e., those public requests received after 2022 where the 22-month deadline fell on or before December 31, 2025). *Id.* ¶¶ 6(a), 12–13. Adding these three groups together, there were a total of **499 public request intersections** that should have been equipped with APS by the end of 2025. Of these intersections, the City has installed APS at 465 locations and has de-signalized one location, meaning that intersection no longer requires APS. For the 33 remaining public requests that were due to be completed by the end of 2025, the City has sought and received extensions of time to complete installation. *See* ECF Nos. 307-1, 310, 313, 318–319, 326–327. Accordingly, the City is in compliance with its obligations with respect to public requests, which is a significant accomplishment considering that the Remedial Order envisioned that the City would receive far fewer public requests than it actually receives every year. *See* Remedial Order ¶ 14.

#### **B. Intersections with Modified Signal Timing**

Next, the Remedial Order requires that the City prioritize intersections that were programmed with a leading pedestrian interval (“LPI”) or an exclusive pedestrian phase (“EPP”). Remedial Order ¶ 6(c). As of December 31, 2020, there were 4,396 intersections with LPIs and 511 intersections with EPPs that were not equipped with APS, and those LPI and EPP intersections are listed in Exhibits B and C of the Remedial Order, respectively. Notably, the number of intersections with modified signal timing has increased since December 2020 because the City continues to install new intersections and/or modify signal timing at existing intersections to add LPI and EPP functionality. As result, the number of signalized intersections programmed with an LPI has increased to 6,774 and the number of signalized intersections programmed with an EPP has increased to 820.

Our analysis confirms that the City has been prioritizing the installation of APS at EPPs. Of the 511 EPPs listed in Exhibit C, the City has equipped 385 and found that 11 of those intersections did not require an APS.<sup>7</sup> Accordingly, the City has completed 77% of the EPP intersections listed in that exhibit. Similarly, the City has also been adequately frontloading EPPs in general. Of the 818 total EPPs which must be equipped with APS, the City has equipped 672, or 82% of all EPPs.

The story with respect to LPIs is less straightforward, as there are vastly more LPI intersections than EPP intersections and more are regularly added. Of the 4,396 LPI intersections listed in Exhibit B, the City reports that it has equipped 1,198 of those intersections and found APS unnecessary at 18 of those intersections, meaning that 28% of the LPI intersections listed in Exhibit B are complete.<sup>8</sup> Of the 6,774 total LPIs (i.e., including newly added LPIs), the City has equipped 2,243 with APS, resulting in an overall completion rate of 33%.

Although the City's completion percentage for LPI intersections falls below its completion percentage of EPP intersections, we find no basis to fault the City for its approach to prioritizing LPI intersections. As of the date of this report, nearly half (48%) of all signalized intersections have LPI signal timing. Also, the City has been installing APS at LPI intersections in increasing percentages every year. In 2025, 62% of all APS installations occurred at intersections with an LPI, an increase from 56% in 2024, and 49% in 2023. Also, the City installs APS at relatively few intersections that are not prioritized in one category or another, and the City therefore has very few opportunities to install APS at more LPI intersections than it already does. Accordingly, we do not believe that the City is failing to prioritize LPI intersections.

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<sup>7</sup> Jan. 2026 Semi-Annual Report at 13.

<sup>8</sup> *Id.*

### **C. Certain New Signals Installed Without APS**

The Remedial Order also provides that, by the end of Phase I in 2031, the City must equip with APS all 424 intersections that were signalized without APS on or after June 27, 2015. Remedial Order ¶ 6(d). These 424 intersections are listed in Exhibit D to the Remedial Order. For any of these 424 intersections that do not also fall into the categories of public requests, LPIs, or EPPs, the City has the discretion to defer installation of APS until the end of Phase I. *See* Remedial Order ¶ 6(d). As the City’s year-end report observed, the City has equipped 161 of the 424 Exhibit D intersections (i.e., 38% of the total) with APS as of the conclusion of 2025.<sup>9</sup> Because the Remedial Order’s only requirement is that the City complete these installations before the end of Phase I in 2031, the City remains in compliance with this requirement.

### **IV. Pursuit of APS Funding**

The Remedial Order obligates the City to “energetically pursue all sources of funding that could support the installation of APS consistent with the remedial plan and for which the Defendants are eligible.” Remedial Order ¶ 25. The Remedial Order, as amended in May 2024, also now obligates the City to “energetically pursue adequate funding for DOT’s APS Compliance Program, including its inspection and maintenance programs and the systems necessary to support those programs.” ECF No. 281 ¶ 3. Further, the Remedial Order imposes certain reporting obligations on the City with respect to its pursuit of such funding. Specifically, the Remedial Order requires the City to describe in its twice-yearly reporting to the Independent Monitor “[t]he City’s efforts to pursue funding to support installation of APS, including sources of funding and any amounts pursued, whether such efforts were successful, and if successful, funding amounts

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<sup>9</sup> Jan. 2026 Semi-Annual Report at 13.

received.” Remedial Order ¶ 29(f)(iii). That reporting obligation now also extends to the pursuit of funding for the APS Compliance Program. ECF No. 281 ¶ 5.

Consistent with its year-end reports in each of the last three years, the City’s year-end report to the Independent Monitor for 2025 reported that its “2023–2027 APS construction contract is fully city-funded[.]”<sup>10</sup> Given the anticipated expiration of the main APS contract, the City also noted that “planning for the next three-year APS construction contract has begun[.]” and that “DOT anticipates the cost of future contracts to rise.”<sup>11</sup> The City did not provide further elaboration or estimation of the higher contract cost, nor did it note any plans to pursue additional funding to cover this cost. We will continue to monitor this issue and will keep this Court apprised of any anticipated roadblocks to adequate funding.

The City further reported, consistent with the last three years, that a “separate contract for the completion of approximately 80 intersection retrofits, worth roughly \$5,000,000, was written to comply with federal funding requirements and was to be fully funded with federal Highway Safety Improvement Program (“HSIP”) funds. The contract must progress through the Federal funding disbursement process, which began in March 2022.”<sup>12</sup> Finally, the City reported that, with respect to its Compliance Program, “funding for maintenance contracts is sufficient[.]” noting too that “future bids for maintenance contracts [are expected] to have significantly increased costs, mainly attributable to the increased quantity of APS calls.”<sup>13</sup>

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<sup>10</sup> Jan. 2026. Semi-Annual Report at 9.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

## V. MUTCD Compliance

The Remedial Order requires that the City's installation of APS comply with the technical specifications set forth in the MUTCD, or any succeeding standards, regulations, or changes in the law setting forth the required technical specifications. *See* Remedial Order ¶ 4. The MUTCD sets standards relating to, among other things, the functionality of APS units and the proper placement of those units at an intersection. As to the APS units and their functionality, the MUTCD provides that an APS unit shall "indicate which crosswalk signal is actuated by each pedestrian push button[;]" include "both audible and vibrotactile walk indications[;]" have "an audible walk indication during the walk interval only" and for the same duration of time as the pedestrian walk signal; and include both tactile arrows and locator tones. MUTCD 4I.05(12), 4K.03(02)–(05), 4K.04(01)–(02). Also, the audible walk indication "should be audible at the beginning of the associated crosswalk." MUTCD 4K.03(05).

In addition, to inform approaching pedestrians that an APS unit is available at the intersection, the locator tone should be "audible 6 to 12 feet from the push button, or to the building line, whichever is less." MUTCD 4K.04(08). The MUTCD also provides that the audible walk indications and locator tones of the APS should adjust automatically to ambient sound. MUTCD 4K.03(10), 4K.04(07). With respect to placement, the MUTCD provides, among other requirements, that APS should be located at least 10 feet apart and "as close as possible to the crosswalk line furthest from the center of the intersection and as close as possible to the curb ramp." MUTCD 4K.02(02)–(03). Finally, the MUTCD requires that APS be located on an accessible, unobstructed path of travel. MUTCD 4I.05(04).

### A. Recurring Compliance Issues with Respect to 2025 APS Installations

Beginning with our Second Annual Report, our evaluation of the City’s compliance with the MUTCD has been informed principally by our on-site inspections of APS installations completed during the previous year. In our Second Annual Report, we reported that our inspections of 25 randomly selected intersections installed during 2023 identified at least one finding of non-compliance at 21 (84%) of the 25 intersections inspected. ECF No. 267 at 35. Last year, in our Third Annual Report, we reported that our inspections of 25 randomly selected intersections installed during 2024 identified at least one finding of non-compliance at 23 (92%) of the 25 surveyed. ECF No. 299 at 45. For 2025 APS installations, we increased the number of intersections surveyed from 25 to 30 to minimize the risk that outlier issues would cause our analysis to be less reliable. Our inspections of those 30 randomly selected intersections installed during 2025 identified at least one issue of non-compliance at 28 (93%) of the 30 intersections surveyed.

While it was disappointing to find that the City’s non-compliance rate remains stubbornly high, we note that this metric is based on whether our inspection identified any issue of non-compliance with respect to even one APS unit at the intersection. Thus, at a typical four-way intersection with eight APS units (i.e., two per crosswalk), we count the installation as non-compliant whether we find a compliance issue with one APS unit or with all eight. This approach is consistent with DOT’s own inspection standard, which will not approve an APS for turn-on if there is any one compliance failure.<sup>14</sup> Also, we find an intersection non-compliant whether there is only one category of non-compliance (such as low volume of the locator tones) or several

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<sup>14</sup> See APS Electrical Inspection Process SOP (Sept. 30, 2026) (“Note: Activation is not allowed if unresolved issues remain. If a device is unresolved in an intersection, **ALL** APS units shall not be activated and will be bagged to prevent usage by the general public.”), at 2.

categories (locator tone volumes plus impermissible pole placements, obstructions, reach ranges violations, etc.).

With respect to 2025, a closer look at the findings from our inspection reports (**Exhibit A**) reveals that the City has in fact made improvements with respect to MUTCD compliance, and that non-compliance was primarily driven by two recurring issues: APS volume and pole placement. Specifically, while our inspections of 2025 installations found a comparable percentage of intersections with at least one finding of non-compliance as in the prior year, there were fewer unique types of violations in 2025 as compared to 2024. For example, our 2024 inspections identified instances of non-compliance in 13 unique MUTCD categories, including inadequate locator tone volume, inadequate walk indication volume, unjustified 2-on-1 pole placements, pole placement on the near rather than far side of the crosswalk, obstructed APS, APS out of reach ranges, inadequate vibration, and non-functioning APS. *See* ECF Nos. 299-1, 299-2. In 2025, our inspections observed non-compliance in only nine unique MUTCD categories, with no findings of non-compliance in several categories. For example, our inspections of 2025 installations identified no compliance issues with respect to accessible routes, reach ranges, vibration, or the direction of the tactile arrow, even though we found multiple such issues with respect to the 2024 installations.

Furthermore, while we found only two intersections at which no compliance issues were identified, there were nine intersections at which the only non-compliance issue was low volume related, meaning a low locator tone volume, a low walk indicator volume, or both. Without that one recurring problem, the non-compliance rate for these 2025 inspections would have been 63% rather than 93%. Similarly, there were five intersections at which the only non-compliance issue related to pole placement in relation to the crosswalk, and seven intersections that had only volume

and pole placement related non-compliance issues. If the City could correct both pole placement and the volume issues, the non-compliance rate this year would have been as low as 23%.

As we have stressed in prior reports, our concern is not whether any particular APS unit happens to be mislocated, misprogrammed, or malfunctioning. Rather, we conduct these inspections to identify compliance issues that appear to be recurring or systemic. We discuss below the compliance issues that we found in 2025 to be recurring or systemic. Unfortunately, the recurring issues we discuss below are not new – they were each specifically identified in prior reports and simply not corrected.

**1. The City is Continuing to Program Campbell APS Units with Inadequate Locator Tone Volumes**

As the MUTCD explains, “[a] push button locator tone is a repeating sound that informs approaching pedestrians that a push button to actuate pedestrian timing or receive additional information exists, and that enables pedestrians with vision disabilities to locate the push button.” MUTCD 4K.04(03). To ensure that the APS serves this purpose, the locator tone “should be audible 6 to 12 feet from the push button, or to the building line, whichever is less.” MUTCD 4K.04(08).

The APS units currently being installed by the City are manufactured by either Polara Enterprises LLC (“Polara”) or PedSafety, a Campbell Company (“Campbell”). Both manufacturers’ products allow the user to program the units to set and adjust the volumes of both the locator tones and the audible walk indicators. The City typically programs the units at or before installation, using default “Standard Settings” specific to each manufacturer’s product. The City’s specifications establish minimum and maximum volumes for locator tones and for walk indications (whether the rapid tick sound or speech messages). The City’s specifications also set different volume ranges for different times of day, ensuring that APS volumes are higher during

the day and lower at night (i.e., from 9:00 p.m. to 6:00 a.m.). In practice, the City also claims that its APS programmers and inspectors will adjust the volumes away from the Standard Settings (up or down) as appropriate to the particular environment. ECF No. 307 at 5.

Our inspections of 2025 intersections found that APS volume issues, which we have raised as a compliance issue every year, persisted this year. With respect to locator tone volume specifically, we found that the locator tones were too quiet at 20 (67%) of the 30 intersections we inspected. Notably, there are far more Campbell APS on the streets of New York City than Polara APS because the APS contractors who install the vast majority of APS typically use Campbell in every borough except the Bronx, where that contractor typically uses Polara. As a result, of the 30 intersections we visited, 20 (67%) had Campbell APS units. We found that locator tone volumes were too low at 19 (95%) of the 20 Campbell intersections we inspected. In contrast, we found that only one (10%) of the 10 Polara intersections we inspected had the same problem. Our inspection findings are also corroborated by public complaints. Although DOT still does not have a single complaint system that captures and tracks all public complaints, our review of APS-related complaints continues to find more complaints regarding volume than any other issue. For example, one blind New Yorker complained in an email to DOT that the APS “are very quiet, sometimes silent,” referring specifically to the APS at **East 77th Street and 3rd Avenue** in Manhattan. She explained that she “did not know [the APS] existed” “for months” as she crossed that intersection “because it was very quiet.” That intersection employs Campbell APS.<sup>15</sup>

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<sup>15</sup> To be clear, our concerns with respect to the Standard Settings for Campbell APS are not intended as any criticism of the Campbell APS product or as expressing any preference as between the Polara and Campbell APS products. Both manufacturers’ products allow the user to set default volume settings and to adjust those settings to suit the environment. Our issue, rather, is with DOT’s actions in establishing Standard Settings for the Campbell APS that are typically too low and then failing to adjust settings to the particular environment upon installation or subsequent inspection.

This volume issue should have been fixed by now. In our Third Annual Report, we found that APS volume problems, including low volume settings on Campbell APS units, were “likely to continue unless significant steps are taken to address it going forward[.]” ECF No. 299 at 52. That report included a specific recommendation (Recommendation 4) that the City establish written guidelines and training materials to address the problem, and that the City meet and confer with Plaintiffs “in the field to reach a common understanding of acceptable APS volumes.” *Id.* at 92.

In response to that recommendation, the City agreed to meet and confer with Plaintiffs on this issue as recommended. ECF No. 307 at 6. Because the City agreed to that recommendation, the Independent Monitor declined to request that the Court enter an order with respect to this recommendation. ECF No. 308 at 7 (“[B]ecause the City has agreed to the meet-and-confer process and committed to improving its procedures following that process, we believe that the Court need not intervene on this issue at this time, except perhaps to encourage that this process move forward expeditiously.”). On May 21, 2025, the Court held a conference to consider the Independent Monitor’s recommendations. At that conference, the Independent Monitor reiterated his view that the Court need not set a deadline for the City to address this issue because the City appeared to be in agreement with the Monitor’s main recommendations on this point. The Court nevertheless solicited a commitment from the City to develop guidelines to assist APS programmers and inspectors in assessing volume, without the need for a deadline. *See* Transcript of Proceedings, May 21, 2025, at 24:15–22 (“THE COURT: So, look, Ms. Koplik, do I have your commitment that without my setting a deadline, in effect, the City is going to work with plaintiffs and the monitor to come up with guidance, guidelines, that will help assist those in the field but will also give Mr. Schilling some ability to do his job in taking a look at whether there’s been

compliance? MS. KOPLIK: Yes, your Honor. I don't think that the parties are that far apart."). For their part, Plaintiffs' counsel underscored at the conference "the importance of this issue to the class," explaining that when counsel "talk to [their] clients and the class members, volume issues are the number one thing [we] hear over and over and over again. . . . [The APS volume is] always either completely inaudible or extremely, extremely low." *Id.* at 25:7–14.

As discussed earlier in this report, the parties met and conferred in the field on July 1, 2025, as recommended. And at that meeting, a common understanding with regard to APS volume was in fact reached: during on-site inspections of both Polara and Campbell APS units, the meeting participants (including those from DOT) agreed that the Polara volumes were generally acceptable but that the Campbell volumes were too low. As a result, DOT agreed at that meeting to increase the Standard Settings for all Campbell units from "50 Low – 85 High" to a slightly louder range of "60 Low – 90 High"; to change the Automatic Gain Control ("AGC") sensitivity settings, which dictate reactivity to ambient noise, from "Middle" to "High;" and to circulate the updated Campbell settings to the APS Advisory Committee. It thus appeared that the meet-and-confer was successful because the parties agreed on both the problem and the solution.

There was no reason to believe that the City would not follow through on the commitment made at the July 1, 2025 meeting, as it also confirmed in writing that the changes would go into effect. On July 10, 2025, Plaintiffs' counsel sent a follow-up email to the City, confirming the takeaways from the field meeting and seeking clarification about when the updated volume settings for Campbell units would be implemented. In response, the City stated that "the new setting will be implemented for newly installed units at time of turn on and existing units whenever

Compliance Inspectors visit an intersection (either for maintenance or a periodic inspection).”<sup>16</sup> Thus, we were led to believe that Campbell APS that had been installed after the July 1, 2025 meet-and-confer would reflect these updated settings. From July 2, 2025, through the end of calendar year 2025, we estimate Campbell APS units were installed at **219** intersections.

When updated Campbell volume settings did not appear in the draft Standard Operating Procedures (“SOPs”) and Compliance Plan, however, Plaintiffs’ counsel reiterated their view that updating the standard settings of Campbell APS units was an urgent matter. On August 6, 2025, Plaintiffs’ counsel sent an email to the City and the Independent Monitor “urg[ing] the City to come up with a plan that provides for the adjustment of volumes on Campbell APS units promptly.”<sup>17</sup> The City did not respond to that email. Over a month later, on September 16, 2025, Plaintiffs’ counsel repeated their request that “Campbell units, in particular, receive updated volume programming as soon as possible... in light of the City’s decision on July 1st to increase volumes and volume sensitivity for Campbell units.”<sup>18</sup> Once again, the City did not respond to that request.

Unfortunately, the City never did follow through on the commitments it made at the July 1, 2025 meet-and-confer and reiterated in its email on July 11, 2025. To date – i.e., more than seven months after the July 1 meeting, and a year since our Third Annual Report specifically recommended that the City address the volume problem – the City has still not revised the Campbell Standard Settings. In fact, the Standard Settings for Campbell APS units have not been updated since April 11, 2023.

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<sup>16</sup> Email from P. Koplik to M. Reichman, dated July 11, 2025.

<sup>17</sup> Email from M. Reichman to P. Koplik, dated August 6, 2025.

<sup>18</sup> Email from M. Reichman to P. Koplik, dated September 16, 2025.

When we recently asked the City about the status of the Campbell specifications agreed upon in July 2025, the City confirmed that it had still not revised the Campbell settings as of February 2026, explaining that “DOT is conducting reviews of all settings for both manufacturers and intends to formally adopt new standards for both at the same time, to avoid any confusion.”<sup>19</sup> With respect to training and other guidance, moreover, the City stated only that “in formal and informal trainings DOT has instructed inspectors to pay attention to Campbell unit volumes in particular and adjust the ranges/AGC appropriately.”<sup>20</sup> Accordingly, we unfortunately are in no better position on this important compliance issue today than we were a year ago.

## **2. The City is Continuing to Install APS on the Near Rather than the Far Side of the Crosswalk**

The second most common finding from our inspections of 2025 APS installations is also a recurring one, which we addressed at some length in last year’s report. Specifically, the City has continued to install APS on the wrong side of the crosswalk, most likely to take advantage of an existing single pole rather than install a new one.

The MUTCD states that that APS should be located “as close as possible to the crosswalk line furthest from the center of the intersection and as close as possible to the curb ramp.” MUTCD 4K.02(02); *accord* MUTCD 4I.05(04)(C) (push buttons should be located “on the side of the curb ramp which is farthest from the center of the intersection”). Non-compliance with this placement issue is not a mere technical issue but an issue of safety. *See Accessible Pedestrian Signals: A Guide to Best Practices*, Ch. 6 (“Poor location and installation can render APS unusable by a

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<sup>19</sup> Email from P. Koplik to A. Schilling, dated February 20, 2026.

<sup>20</sup> *Id.*

pedestrian who is blind or mobility impaired or can provide dangerously incorrect information.”); *see also id.* (“An APS that is audible from the wrong crossing location may lead a visually impaired pedestrian to begin to cross at the incorrect time and place.”).

As with other MUTCD provisions denominated as “Guidance” rather than a “Standard,” deviations from this provision are permitted. But as this Court has reminded the City in the past, deviations from Guidance are permitted under the MUTCD only “if engineering judgment or engineering study indicates the deviation to be appropriate.” ECF No. 267 at 43 (*see also* MUTCD 1C.01(01)(B)). And the City may resort to “engineering judgment” to depart from Guidance only when applying “procedures and criteria established by the engineer.” MUTCD 1C.02(03)(76).

Last year, following the recommendations made in our Third Annual Report, the Court reminded the City of its obligations with respect to deviations from MUTCD Guidance, and specifically ordered the City not to deviate from MUTCD Guidance with respect to APS placement on the grounds of “engineering judgment” absent “written ‘procedures and criteria established by an engineer.’” ECF No. 310 ¶ 3(a) (citing MUTCD 1C.02(03)(76)). Further, because the City, at that time, had no such written “procedures and criteria” authorizing deviations from any MUTCD Guidance (other than the guidance relating to placing two APS within 10 feet), the Court ordered the City to establish such “procedures and criteria,” including specifically to guide deviations from the MUTCD with respect to APS placement “on the side of the crosswalk farthest from the center of the intersections[.]” ECF No. 310 ¶ 3(b) (citing MUTCD 4K.02(02), 4I.05(04)(B)). Finally, the Court’s order provided that the City should “document the factors that informed the exercise of engineering judgment to justify such a deviation and should provide adequate information and data to the Independent Monitor so that such deviations can be monitored effectively.” *Id.*

To date, the City has not adopted written “procedures and criteria” to guide the exercise of engineering judgment to deviate from MUTCD Guidance relating to APS placement in relation to the crosswalk. Nor has the City established any system to document the factors considered in such an analysis. Although the Court’s May 2025 order required the City to establish such procedures and criteria by September 30, 2025, the City did not meet that deadline and instead sought and was granted three extensions. *See* ECF Nos. 320–321, 324–325, 329–330. Absent further extension, the City’s deadline to establish such criteria is March 16, 2026.<sup>21</sup> ECF No. 330.

Our concern is not, however, merely about the City’s delay in establishing these procedures and criteria. To the contrary, we recognize the importance of getting this right, and at least part of the City’s delay has been driven by its good-faith desire to seriously consider and incorporate feedback on its drafts from Plaintiffs, the APS Advisory Committee, and the Independent Monitor. For that reason, neither Plaintiffs nor the Monitor objected to these extensions. But the fact

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<sup>21</sup> Because DOT is still in the process of revising its new APS placement memorandum to address the input from Plaintiffs, the Advisory Committee, and the Independent Monitor, it is not necessary to spend too much time in this report addressing our concerns with DOT’s initial draft. But it is worth noting that both we and Plaintiffs expressed significant concerns regarding DOT’s initial draft. In our view, for example, DOT’s proposal would have sanctioned deviations from the MUTCD that the Remedial Order and the MUTCD itself do not permit. Most concerning, DOT’s proposal provided that, “unless documented otherwise,” a decision to place an APS on a pre-existing pole “shall be assumed to be due to cost effectiveness and the effective use of agency resources.” The specific issue of whether and when DOT could take advantage of existing poles was the subject of evidence and testimony during the litigation, with the Court expressing the view that existing poles could be used only when they were in MUTCD-compliant locations. *See Remedial Decision*, 579 F. Supp. 3d at 589 n.67 (“The Court agrees with the now- consensus view that—except where a pole is located consistent with MUTCD guidance—adding an APS device to it would disserve blind pedestrians.”). As the Court also observed in its Remedial Decision, “many existing poles are ill-positioned relative to an intersection to be a viable host for an APS[.]” *Id.* at 557 n.21 (noting that “the large majority of cases” would require installation of a new signal pole given the placement of existing poles). Nothing in that decision or since then suggests that the Court would permit a configuration that would “disserve blind pedestrians” for reasons of cost. We are hopeful that DOT will revise its draft APS placement guidance in a manner that is consistent with the MUTCD and this Court’s orders.

remains that, unless and until the City adopts those procedures and criteria, it may not, consistent with the MUTCD and this Court's prior orders, deviate from MUTCD Guidance by installing APS on the wrong side of the crosswalk.

Our inspections of 2025 installations confirmed, however, that the City has continued to do exactly that. At 15 (50%) of the 30 intersections we inspected, we found at least one APS installed on the wrong side of the crosswalk without any apparent justification. For example, at **Hylan Boulevard and Justin Avenue** in Staten Island, our inspection found that the City installed APS on the side of the crosswalk closer to the center of the intersection, as shown in the photograph below:



In the above photograph, the red circle highlights the unobstructed location on the side of the crosswalk furthest from the center of the intersection, where an APS pole could presumably have been installed. Instead, the APS serving that crosswalk was mounted to an existing wooden signal pole at the apex of the corner. A pedestrian departing the curb from that near side of the crosswalk

would arguably be at greater risk of being struck by a car turning left onto Hylan Boulevard from Justin Avenue than if that pedestrian departed the curb at the far side of the crosswalk, closer to the grass.

Also, at **225th Street with 103rd Avenue and Cross Island Parkway** in Queens, the City similarly installed APS on an existing signal pole on the side of the crosswalk closer to the center of an intersection despite space being available on the side of the crosswalk further from the intersection, as shown in the photograph below:



Similarly, at **Jerome Avenue and Woodycrest Avenue** in the Bronx, the City installed APS on an existing signal pole on the side of the crosswalk closer to the center of another busy intersection, as shown in the photograph below:



We found similar issues at **West End Avenue and West 60th Street** in Manhattan. As shown in the photograph below, two APS were mounted to an existing traffic pole at the apex of a particularly busy Manhattan intersection, rather than in the open areas on the far sides of the crosswalks:



We recognize that there could be physical constraints that are not apparent on the surface at these locations, which could in theory have justified a deviation from the MUTCD Guidance. But, as explained above, DOT has not established any written criteria or procedures to deviate from the Guidance on this issue and thus would have no authority to deviate under the MUTCD or this Court’s orders. Nor would the Independent Monitor have any factual basis to know about any such physical constraints or other justifications supporting a deviation because the City does not maintain records to support deviations from the Guidance on this issue.

Finally, we note our concern that, even if the City adopts acceptable procedures and criteria to govern this placement issue by its current deadline of March 16, 2026, we are not likely to see any corrective change in the City’s approach to APS installations for months after that, since the City typically releases its design drawings to the installation contractors several months before the APS are installed. This delay is unfortunate, particularly given that the Court first reminded the

City of its obligations with respect to deviations from Guidance in May of 2024, and reminded the City again in the specific context of APS placement in relation to the crosswalk in May of 2025. *See* ECF Nos. 281, 310. Going forward, the City should act quickly and decisively to comply with the MUTCD, rather than await recommendations from the Independent Monitor and orders from the Court. Otherwise, on this issue as with many others, the City is simply increasing the number of non-compliant APS on the streets of the City, which it may one day be called upon to remedy.

**3. The City is Continuing to Set Speech Message Volumes Too Low When Two APS Are Mounted on a Single Pole**

As we observed last year, the City has made significant progress in complying with the limitations on placing two APS on the same pole, or within 10 feet of each other, absent a documented “physical constraint.” Indeed, our Third Annual Report cited DOT’s new APS Placement Memorandum on this issue as one of the “success stories” of its nascent Compliance Program. ECF No. 299 at 39–45. But while the City has done well in minimizing the instances in which two APS are located within 10 feet of each other, the City has not yet solved a related issue. Specifically, when two APS are placed on a single pole that is adjacent to one of the two crosswalks, the speech message for the APS serving the farther crosswalk needs to be loud enough to be heard at the distant crosswalk.

The MUTCD provides that the audible walk indication, including a speech message, must be “audible at the beginning of the associated crosswalk.” MUTCD 4K.03(05). Our inspections are continuing to find, however, that when two APS are located on the same pole, the speech message volumes are rarely, if ever, adjusted, such that the message can clearly be heard at both crosswalks as required. For example, at **East 168th Street and Fulton Avenue** in the Bronx, where APS were installed on April 4, 2025, the City installed two APS on an existing signal pole, a placement that was likely justified by the presence of an FDNY alarm post blocking the possible

location of a second APS pole closer to the adjacent crosswalk. The speech message emitted by the APS serving that distant crosswalk, however, could not be heard as far away as the curb ramp next to the FDNY alarm post, with the distance between the APS and the crosswalk it serves indicated by the red arrow shown in the photograph below:



We found a similar problem at **18th Avenue and East 2nd Street** in Brooklyn, where APS were installed on May 9, 2025. As shown in the photograph below, two APS were installed on the pole in the foreground of the photo, again apparently justified by an FDNY alarm post next to the crosswalk. But that placement means that the speech message from the APS unit shown below would need to be heard at the crosswalk next to the alarm post, which was about 15 feet away from the APS serving that crosswalk. It could not be.



We found the same issue at **1st Avenue and East 12th Street** in Manhattan, where two APS were mounted on the same pole adjacent to the crosswalk serving East 12th Street, a placement apparently justified by a fire hydrant and its protective bollards. From its location at

the crosswalk serving East 12th Street, however, the speech message was too quiet to be heard at the crosswalk serving 1st Avenue, as shown in the photograph below:



We observed the same issue at **Lexington Avenue and East 65th Street in Manhattan**, where APS were installed on March 5, 2025. Again, the APS was placed adjacent to the crosswalk serving East 65th Street, but its speech message could not be heard at the crosswalk it served, which was the southern crossing of Lexington Avenue, as shown below:

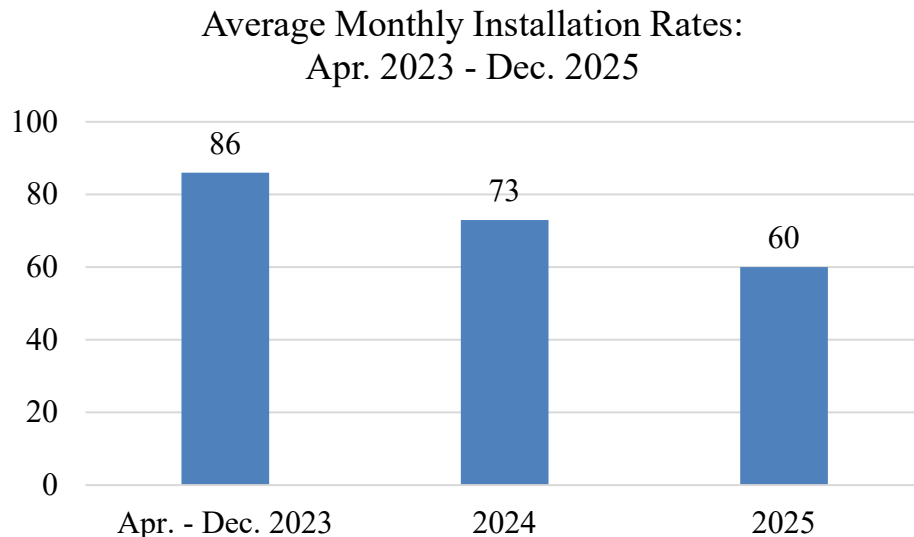


As with the other two recurring issues discussed above, we have previously raised the issue of inadequate speech message volumes. Specifically, in our Third Annual Report, we observed that, “in our experience, speech messages are only rarely audible at the crosswalks they served.” ECF No. 299 at 76. We also pointed out that the checklist then in use by DOT to assess APS installations for compliance did not ask the inspector to evaluate the volume of the audible walk indication, including speech messages. *Id.* We therefore recommended (Recommendation 5) that the City add categories to its compliance checklists so that APS installations are assessed on “whether audible walk indications (including speech messages) are clearly audible at the crosswalk[.]” *Id.* at 93. In response to this aspect of Recommendation 5, the City represented to the Court that “DOT agrees to revise the compliance checklist to clearly indicate walk indication volumes must be inspected for compliance.” ECF No. 307 at 7.

Again, the City did not follow through on its commitment: DOT's currently operative compliance form does not include a line item for assessing the volume of audible walk indications. Nor does that form pose the distinct question of whether speech messages are clearly audible at the crosswalk that they serve. We suspect that DOT inspectors are likely assessing audible walk indication volumes, if at all, only to assess whether the default, Standard Settings are enabled. It is therefore not surprising that we are continuing to find intersections at which the speech messages are inaudible at the crosswalks they serve because DOT inspectors are not asking that question, despite our having raised this same issue a year ago and the City having committed to addressing it.

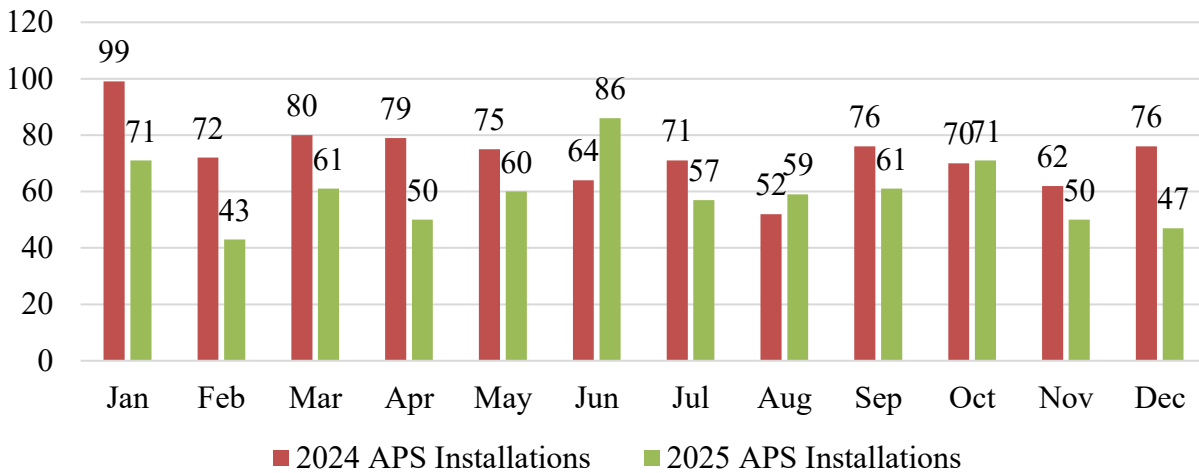
## THE 2025 INSTALLATION SHORTFALL AND RELATED TRENDS

The City’s APS installation rate during 2025 – i.e., an average of 60 intersections per month – represented a significant, downward departure from prior years under the Remedial Order. In 2023, which was the first year that the City installed APS under its current, three-contractor model, the City installed APS at 867 intersections at an average rate of 72 intersections per month. That annual average for 2023 is misleadingly low, however, because it includes the first few months of the year, when the new contract was first being rolled out and the installation pace was therefore considerably lower. Excluding the first quarter of 2023 for a more accurate picture, the City was installing APS at an impressive clip of about 86 intersections per month in 2023, installing APS at no fewer than 110 intersections in September and 101 intersections in October of that year. ECF No. 267 at 19–21. The City entered 2024 at a comparable pace, installing APS at 99 intersections in January of that year, although the pace slowed as the year progressed. ECF No. 299 at 20. Still, the City managed to install APS at a rate of 71 intersections per month in 2024. *Id.* As the graph below shows, the City’s installation rates have been declining since their height in 2023:



This trend is also evident when comparing the City’s monthly installation rate in 2024 to its rate in 2025. As shown in the bar graph below, the City’s monthly installation rate in 2025 was lower than the previous year in all but three months of the year, with the City never coming close to the 99 installations that it achieved in January of 2024:

**Intersections Equipped with APS  
in 2024 and 2025, by Month**



The downward trend in installation rates is particularly concerning given that the Court designed the Remedial Order to progressively increase annual installation targets. Thus, while the City’s installation rates have been declining for the last two years in a row, the Remedial Order’s annual installation targets have been increasing every year and will continue to increase to at least 1,000 intersections per year in 2027. We therefore considered it appropriate to take a closer look at the causes of the 2025 shortfall and what it means for the future.

**I. Background**

Since the entry of the Remedial Order, the City has installed APS using both external contractors and in-house resources, as explained below.

### **A. The APS Contract**

As the Court will recall from previous reports, in 2023 the City entered into a dedicated, APS installation contract (the “APS Contract”) with three electrical contractors: Hellman Electric (“Hellman”), Welsbach Electric Corp. (“Welsbach”), and E-J Electric Installation Co. (“E-J”) (collectively, the “APS Contractors”). Under the APS Contract, Hellman is responsible for APS installations in Manhattan and Staten Island; Welsbach is responsible for APS installations in Brooklyn and Queens; and E-J is responsible for APS installations in the Bronx. Since the APS Contract commenced in January 2023, the majority of the APS installations occurring under the Remedial Order have been completed by the APS Contractors under the APS Contract. In 2025, the City installed APS at **615** of the 716 intersections (i.e., about 86%) under the APS Contract.

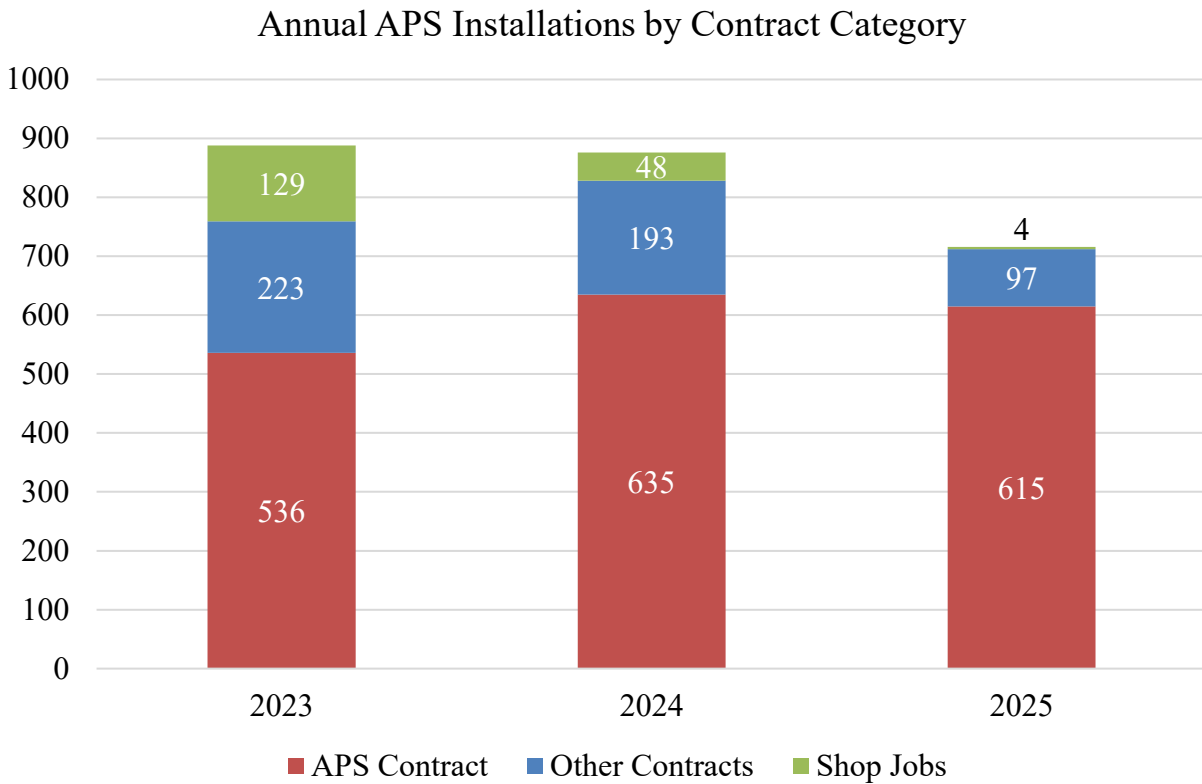
### **B. Other APS Contracts**

During this period, the City also installed APS under other contracts specific to certain types of projects. For example, when the City installs new traffic signals at an intersection, it installs APS at those intersections at the same time. The City does not use the APS Contract for those new signal installations and instead installs APS under a separate contract (the “New Signals Contract”). In 2025, the City installed APS at **51** (7%) of the 716 intersections under the New Signals Contract. Under a separate contract, the City also installs APS in connection with DOT street improvement projects relating to traffic safety (the “Traffic Safety Contract”), which accounted for another **26** (4%) installations in 2025. Finally, when a capital project by a private developer impacts pedestrian infrastructure, the City requires that APS be installed at those intersections. Such Capital Projects accounted for another **20** (3%) of the 716 intersections in 2025. Collectively, 97 of the 716 intersections (14%) at which APS were installed in 2025 were conducted under these “Other APS Contracts.”

### C. DOT In-House/Shop Jobs

Finally, as the Court will recall, DOT uses its own in-house electricians to install APS in certain, straightforward projects, such as when APS can be installed on existing poles without the need for the installation of new poles. During 2025, DOT used its own staff to install APS at only **four** installations (i.e., less than 1% of all 2025 APS installations).

The bar chart below shows the number of APS installations per year from 2023–2025, broken down by installation category:



### II. The City’s Explanation for the 2025 Shortfall

In its latest semi-annual report to the Independent Monitor, the City attributes its failure to meet the 2025 installation target to, among other things, (1) contracting issues with the City’s installation contractors; (2) additional construction times needed for additional poles to achieve

the 10-foot or greater separation and, relatedly, the “overall lack of ability to complete in-house ‘Shop Jobs’”; (3) unpredictable construction delays and competing projects; and (4) unusually harsh weather in 2025.<sup>22</sup> We address each of these factors in turn.

#### **A. Contracting Issues**

**The APS Contract Litigation.** The principal contracting issue cited by the City in its explanation of the challenges facing the APS program in 2025 involves an ongoing legal dispute between the City and the APS Contractors under the APS Contract. In November 2025, with the three-year APS Contract due to expire in early 2026, the City exercised its option under the Contract to renew the APS Contract for one additional year. On November 20, 2025, the APS Contractors brought an Article 78 proceeding in New York State Supreme Court against the City, claiming that the City had breached the APS Contract and that its extension of the Contract was unlawful. *See* Petition, *Hellman Elec., LLC v. City of N.Y.*, Index. No. 165141/2025 (Sup. Ct. N.Y. Cnty.) (the “APS Contract Litigation”). On January 14, 2026, the court (Lebovits, J.S.C.) rejected the arguments of the APS Contractors and dismissed the Petition. On January 29, 2026, the APS Contractors appealed and simultaneously moved for leave to reargue. The appeal and the motion remain pending.

In our assessment, the APS Contract Litigation, while causing the potential for a significant disruption in 2026 (which we address separately below) had only a minor impact on total 2025 APS installations. As an initial matter, the APS Contract Litigation did not commence until mid-November 2025. By mid-November, however, it was already clear that the City was not likely to meet its 2025 target. Indeed, in the first 10 months of 2025, the City had installed APS at only 619 intersections, at an average monthly rate of only 62 intersections per month. To meet its

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<sup>22</sup> Jan. 2026 Semi-Annual Report at 5–8.

annual target of 900 intersections, the City would have needed to install APS at 281 intersections in the last two months of the year, or a rate of 140 intersections per month, a pace that the City has never come close to achieving. Also, by November 2025, DOT had already released sufficient intersections to the APS Contractors for APS installation in November and December and, as the City acknowledges, the APS Contractors did not stop installing APS as a result of the litigation.<sup>23</sup> Accordingly, we do not see the commencement of the APS Contract Litigation in November of 2025 as having had a major impact on the 2025 installation rate.

The APS Contract Litigation apparently did have a minor impact on the City's overall numbers for 2025, however, and therefore on the size of the 2025 shortfall. Specifically, the City contends that, as a result of the APS Contract Litigation, one of the APS Contractors has been working at "reduced pace," including by refusing to accept work orders after late October 2025.<sup>24</sup> The evidence supports the City's allegation that this contractor stopped accepting new work orders after late October 2025. The installation data also supports the City's contention that this contractor installed APS at fewer intersections in November and December of 2025 than it did in previous years. Based on 2023 and 2024 installation data, this contractor's average rate of APS installations in the last two months of the year has been about 20 intersections completed per month. In November and December of 2025, however, this contractor installed APS at an average

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<sup>23</sup> As the Contractors explained to the New York court in the Contract Litigation, "they are in no position to suspend performance pending cure or refuse to proceed with the renewal, as they would be justified in doing under generally applicable contract law. [The Contractors] have all posted performance bonds and, as public works contractors, they cannot risk a declaration of default by NYCDOT that would call in their respective sureties and, best case, damage their VENDEX ratings and, worst case, result in debarment that would render them ineligible to bid future public works projects." Aff. in Support of Order to Show Cause ¶ 9, *Hellman Elec. LLC v. City of N.Y.*, No. 165141/2025 (Sup. Ct. N.Y. Cnty. Nov. 20, 2025).

<sup>24</sup> Jan. 2026 Semi-Annual Report at 5.

rate of 9 intersections per month, or only 17 intersections in total, resulting in about 23 fewer installations than expected. Additional evidence would be needed to assess the City’s claim that this reduction was attributable to the APS Contract Litigation specifically and not to other causes, such as weather, supply chain issues, or other construction conflicts. But even accepting the City’s explanation on this issue, these 23 fewer intersections in November and December would account for only a small percentage of the 2025 shortfall and would not explain the generally depressed installation rate that occurred throughout the year.

**Administrative Issues Arising Under Other Contracts.** The City also attributes the 2025 shortfall, in part, to unspecified “administrative issues” with certain of its Other Contracts, specifically, the New Signals and Traffic Safety Contracts, which it claims “prevent[ed] the completion of a large number of APS jobs.”<sup>25</sup> The City explained that these unspecified issues were resolved over the summer of 2025, but that the installation rate suffered due to the pause.<sup>26</sup>

Our analysis supports the City’s observation, at least in part. The New Signals and Traffic Safety Contracts collectively accounted for 160 installations in 2023 and for 154 installations in 2024, but for only 77 installations in 2025. The installation data also reflects, however, that New Signal installations were already declining before 2025. There were 46 installations under the New Signals Contract in the first quarter of 2024, 30 in the second quarter, and 20 and 22 in the third and fourth quarters, respectively. While there was indeed a further drop in the first three quarters of 2025, the City installed APS at only 19 New Signal intersections in the fourth quarter of 2025, which was presumably after the administrative issue had reportedly been resolved. Accordingly, even accepting the City’s explanation that these “administrative issues” were a cause

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<sup>25</sup> Jan. 2026 Semi-Annual Report at 8.

<sup>26</sup> *Id.*

of the 2025 shortfall, the disruption in this relatively small category of installations in 2025 would not fully account for the 2025 shortfall or explain the larger trends we have seen since 2023.

**B. Increased Construction Time Needed to Achieve 10-Foot Separation/Inability to Use In-House Installations**

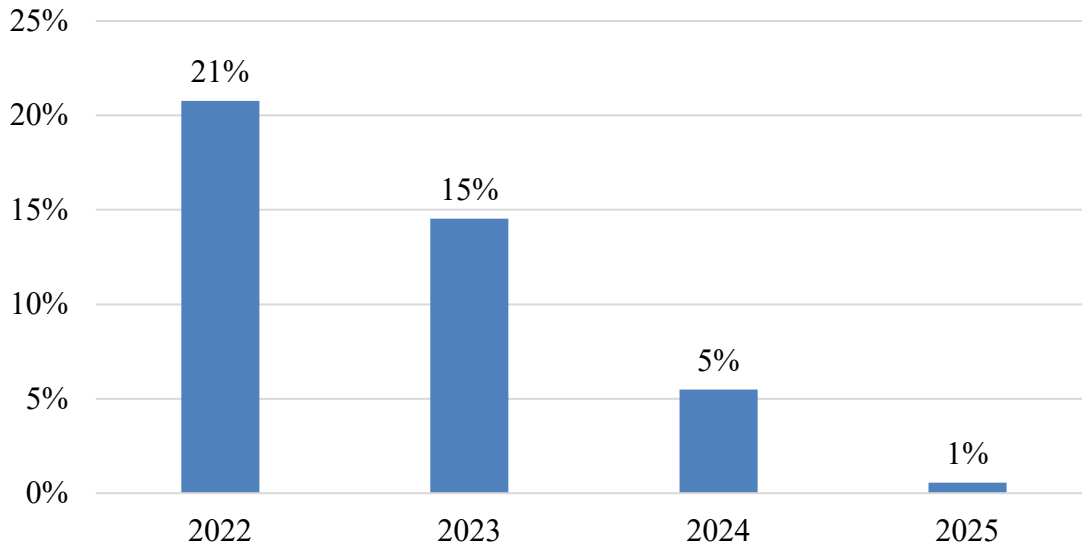
Next, the City also attributes the reduced pace of APS installations in 2025 in part to its reduced ability to rely on in-house “Shop Jobs” and, relatedly, to the additional time it takes contractors to install new poles at intersections to achieve the 10-foot separation between two APS located on the same corner. According to the City, this Court’s May 15, 2024 amendment to the Remedial Order “limited the utility of the ‘in-house’ method of APS installation[,]” observing that the City used its in-house team at only four intersections in 2025.<sup>27</sup>

On this issue, and as we have previously reported (ECF No. 299 at 43–45), the data confirms that “shop jobs” decreased significantly after the Court’s May 15, 2024 amendment to the Remedial Order. The trend we previously reported continued into 2025, resulting in the lowest number of shop jobs in any year under the Remedial Order. The graph below shows this significant decline:

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<sup>27</sup> Jan. 2026 Semi-Annual Report at 3.

### Shop Job Installations as a Percentage of All Installations



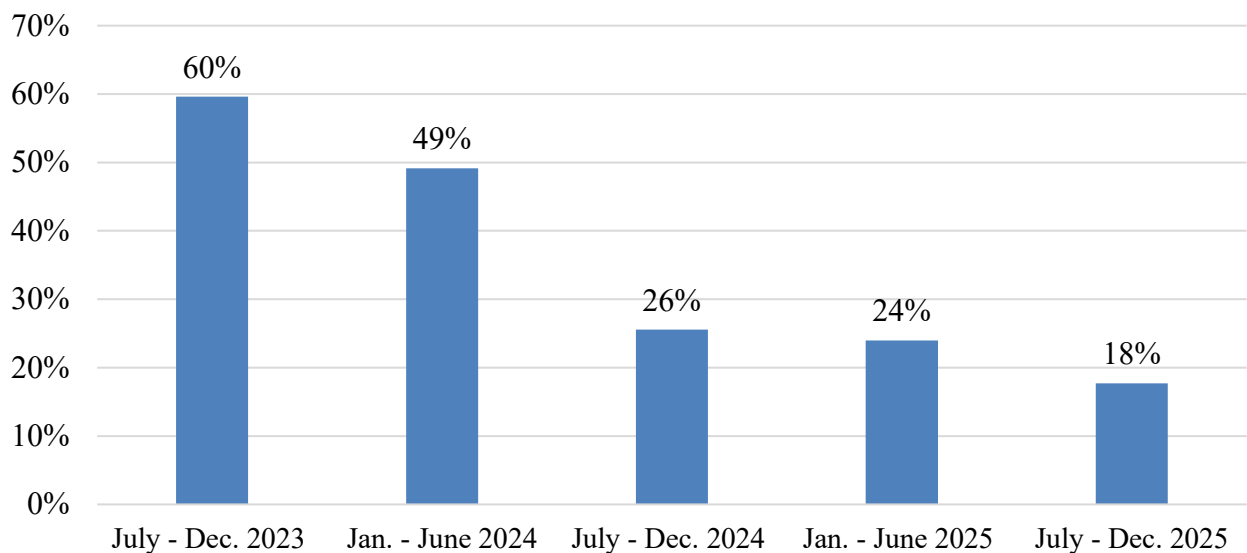
It is therefore true that the City used its own in-house staff to install APS in a smaller number of intersections in 2025 than in 2024 or in any previous year. In our view, however, it is not correct for the City to blame the Court’s May 2024 Order for “limiting” the utility of shop jobs. To the contrary, the Court’s May 2024 Order did nothing more than reiterate that APS installations should comply with MUTCD Guidance, including the requirement that APS located on the same corner be separated by at least 10 feet absent a physical constraint. ECF No. 281 ¶ 1; *see also* MUTCD 4K.02(03), 4I.05(08).

Further, it was never anticipated that shop jobs would account for a significant number of installations. As this Court observed in the Remedial Decision, DOT’s in-house teams were originally intended to “add APS to intersections *where existing poles are situated compliant with MUTCD standards*—such that the devices can be added to those poles without a need for street excavation.” *Remedial Decision*, 579 F. Supp. 3d at 588 n. 66 (emphasis added). At the time the Remedial Order was entered, the City estimated that its in-house teams could be used for no more than about 25 intersections per year. *Id.* The City’s actual use of its in-house team, however,

initially far exceeded that number, with the City using its in-house teams for **108** APS installations in 2022 and **129** in 2023, numbers that exceeded the City’s earlier estimates by such a degree that it suggests that the City was relying on its in-house teams even where the existing poles were *not* “situated compliant with MUTCD standards.” *Id.* The City began 2024 by continuing that trend, using its in-house team for 39 intersections in the first four and a half months of the year. The Court’s May 15 Order, however, immediately halted that trend, reducing the number of shop jobs to just **nine** for the period from May 15, 2024 through the end of that year.

Further, the Court’s May 2024 Order was successful at reducing the quantity of APS installed on the same pole or less than 10 feet apart. In the first half of 2024, 49% of APS intersections featured at least two APS units that were less than 10 feet apart from one another and were thus required to have speech messages. In the second half of 2024, that figure dropped by 23 percentage points to 26%. In the time since, the percentage of APS intersections with two APS units less than 10 feet apart has continued to fall. The graph below documents this trend:

Percentage of APS Installations Less Than 10 Feet Apart Compared to Total APS Installations



Accordingly, it appears that the City was able to accomplish its high installation rates in 2023 and early 2024 at least in part by using its in-house teams to install APS in *non-compliant* locations. If that is the case, then it raises the question of whether the City can ever return to the types of high installation rates that we saw in those earlier years.

### **C. Other Factors**

The City also attributes the decline in the pace of 2025 installations in part to unpredictable, external factors over which it has no control, such as intersections at which APS installation is delayed because of the presence at the same location of construction scaffolding, sidewalk sheds, ongoing non-DOT construction projects (“Construction Conflicts”); and to weather conditions, such as an unusually hot summer and an unusually cold December. The City does not attempt to quantify the extent of the impact of these factors, and in our view it is negligible. Construction Conflicts have presumably occurred in every year of the Remedial Order, and the City does not state that these types of challenges were more acute in 2025 than in any other year. And while 2025 was indeed both unseasonably hot in the summer and cold in the winter, even the City acknowledges that the impact from the weather was small. Accordingly, we do not see these other factors as explaining or even having contributed materially to the 2025 shortfall.

### **III. Looking Ahead to 2026**

For several reasons, we expect that the City’s installation rate will not rebound in 2026. To the contrary, absent a change of approach, we expect the City’s overall installations for 2026 to decline even further, requiring the City to again tap into its reserve.

First, even if the City succeeds in resolving the contracting issues that depressed installation rates in 2026, our analysis above suggests that the City would not reach 900 installations in 2026. For example, if APS installations carried out under the New Signal and

Traffic Safety contracts resumed their 2024 installation rates (when the City installed APS at 154 intersections under those contracts), those contractors would contribute only about 76 additional intersections to the annual total for 2026. That would mean that the City would end 2026 with only 792 installations (716 plus 76), which is 12% below the annual target of 900 intersections. Similarly, if the one contractor that worked at a “reduced rate” in November and December 2025 resumed its normal pace in 2026, that would add back only another 23 intersections in 2026. That would get the City to just 815 intersections, which is still short of its 2026 annual target of 900.

Second, while our analysis above found that the APS Contract Litigation did not materially impact the installation numbers during 2025, we expect that dispute to have a more significant, negative impact on APS installations in 2026. In fact, we are already seeing evidence that the APS Contract Litigation will likely cause a significant drop in APS installations in 2026. The City assigns intersections for APS installation by “releasing” intersection work orders to each of the contractors, who then complete installation over the next several months. Accordingly, a delay or disruption in the release of intersections to the contractors can be expected to cause a delay or disruption in installations. The APS Contract Litigation has already delayed and disrupted those releases. As noted above, uncertainty regarding the legality of the City’s exercise of its option to extend the three-year APS Contract led at least one contractor to refuse to accept any new releases after October 2025. Also, the City has advised the Independent Monitor that it too has “dramatically” reduced the number of intersections released to the APS Contractors because of the uncertainty regarding whether the City’s extension of that Contract will be sustained.<sup>28</sup> Our review of the data confirms the City’s characterization of this decline in releases as dramatic. The City

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<sup>28</sup> Jan. 2026 Semi-Annual Report at 5.

released intersections to the APS Contractors at a rate of about 64 per month in 2023, about 60 per month in 2024, and about 61 per month in the period from January to October 2025. In contrast, the City released only **four** intersections to the APS Contractors in November 2025 and only **nine** intersections in December 2025.

Our concerns about 2026 are shared by the City, which itself anticipates a “corresponding dip in the number of APS installations completed early in 2026.”<sup>29</sup> And the early data regarding 2026 installations corroborates these expectations. In January of this year, the City installed APS at only **40** intersections, its lowest month for installations since February 2023.<sup>30</sup> The City also released only 20 intersections to the APS Contractors in January and did not release any for Manhattan or Staten Island.

Third, to the extent the City attributes the 2025 shortfall in part to “limitations” on its ability to use in-house teams for “shop jobs,” there is no reason to believe that shop jobs will increase in 2026. As explained above, shop jobs decreased in the latter half of 2024 and throughout 2025 because the Court in May 2024 required the City to comply with MUTCD Guidance and therefore prohibited the City from installing two APS on a single pole in certain circumstances. That ruling not only limited the utility of shop jobs, but also impacted the pace of APS installations overall, as retrofits that DOT once handled itself needed to be sent out to the installation contractors. Also, the availability of intersections at which the existing poles are already in compliant locations was always expected to be limited and may well be exhausted. Moreover, as this report addressed

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<sup>29</sup> *Id.*

<sup>30</sup> To be sure, the weather in January 2026 did not help. The winter storm that slammed New York City in late January 2026 “shattered records” regarding temperatures and snowfall. See Winnie Hu, *A Sunday Snowstorm Blankets New York*, N.Y. TIMES (Jan. 25, 2026), <https://www.nytimes.com/2026/01/25/nyregion/snow-storm-new-york.html>.

earlier, the City has been continuing (through its contractors) to install APS on the wrong side of the crosswalk, presumably for the same reason that DOT previously pursued the installations of two APS on a single pole: i.e., to take advantage of existing infrastructure and thereby save the time and expense of installing new poles for APS. The Court has already ruled that the City may not continue this practice absent the adoption of, and compliance with, procedures and criteria established by an engineer, which the City to date does not yet have. *See* ECF No. 281 ¶ 1. Accordingly, if the City complies with this requirement in 2026 as it should, its pace of installation may also be negatively impacted.

The foregoing discussion should serve to underscore the extent to which the success of the APS program is dependent on the City's effective management of its external contractors. As the City has repeatedly observed, much of the success of the APS program in the last three years has been attributed to the APS Contract.<sup>31</sup> In fact, the APS Contractors were responsible for 72% of all APS installations in New York City between 2023 and 2025, with 86% of all 2025 installations being conducted under the APS Contract. In the past, the City has cited the three-contractor model as beneficial because it minimizes the risk of a "single point of failure," meaning that the failure of any one contractor to perform would not prevent performance by the other two contractors.<sup>32</sup> But while the City's use of three installation contractors minimizes the risk of failure by any one contractor, the three-contractor model poses a different, perhaps larger risk – i.e., that a dispute regarding the Contract itself (as occurred when the APS Contractors collectively disputed the City's exercise of its right to extend the term for an additional year) risks disruption in the performance of all three contractors simultaneously. If the APS Contractors were to succeed in

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<sup>31</sup> Jan. 2026 Semi-Annual Report at 4.

<sup>32</sup> *Id.*

their challenge to the City's exercise of its option to extend the APS Contract, that Contract will have ended in January 2026, leaving the City for an indefinite period without the means by which it accomplished 86% of 2025 APS installations. We will continue to monitor the APS Contract Litigation and update the Court in the event of any significant developments. We will also monitor the City's efforts to secure a new APS contract, which will need to be designed to achieve the significantly higher APS installation targets that the Remedial Order imposes for the second half of Phase I.

## THE CITY'S APS COMPLIANCE PROGRAM

### I. Remedial Order Requirements

The Independent Monitor's Second Annual Report recommended that the Court amend the Remedial Order to require the City of New York "to establish, implement, and adequately fund an effective compliance program." ECF No. 267 at 84. Following a conference held on May 15, 2024, the Court entered an order adopting the Independent Monitor's recommendation. ECF No. 281. Specifically, the Court's May 15 Order amended the Remedial Order to require the City to "promptly establish and implement an APS compliance program that proves effective at ensuring that APS are installed and maintained in compliance with the MUTCD and any succeeding standards, regulations, or changes in the law setting forth the required specifications." ECF No. 281 ¶ 2.

Although the May 15, 2024 Order did not impose specific procedures that the City must implement, it defined an "effective" compliance program as one that contains at least the following material elements:

1. **Effective Inspections at Time of Installation:** An effective, on-site inspection system to assess, at the time of installation, whether each APS unit has been installed and programmed in compliance with the MUTCD;
2. **Effective Periodic Inspections After Installation:** A periodic, post-installation inspection program that is effective to identify maintenance and programming issues that arise post-installation and confirm continued compliance with the MUTCD;
3. **Effective Complaint Management System:** An effective system to solicit, compile, analyze, and generate reports on complaints and repair requests made by members of the public with regard to existing APS installations; and
4. **Effective Maintenance and Repair Program:** An effective system to promptly repair and correct the maintenance and compliance issues identified by members of the public and the City's own inspectors. *Id.* ¶ 2(A)–(D).

In last year’s Annual Report, we found that the City’s APS Compliance Program was not yet “effective,” and that the City was not on track to implement an effective compliance program “promptly” as required by the May 15, 2024 Order. ECF No. 299 at 85–89. We therefore recommended that the Court impose reasonable deadlines for the City to establish certain basic elements of such a plan. *Id.* at 89. Following a hearing on those recommendations, the Court entered an order on May 27, 2025 requiring the City to develop and adopt, by no later than September 30, 2025: (1) An APS Compliance Plan; (2) APS Compliance Policies and Procedures; and (3) APS Compliance Training Materials. ECF No. 310 at ¶¶ 1(A)(i)–(iii). The Court also directed the City to solicit input from Plaintiffs and the Independent Monitor on its proposed materials. *Id.* ¶ 1(B).

With respect to this latter requirement, the City shared drafts of its proposed APS Compliance Plan as well as drafts of SOPs with Plaintiffs and the Independent Monitor for input. Although the City was still considering some of the input provided as of September 30, 2025, the City timely adopted its Compliance Plan and the SOPs by the September 30, 2025 deadline, while continuing to invite further comments on its materials even after the September 30 deadline, an approach that the Independent Monitor fully supported to ensure that the City was not penalized for missing the deadline because of delays in receiving feedback.

## **II. Assessment of the APS Compliance Program**

In its most recent semi-annual report to the Independent Monitor, DOT reported that it has made “significant progress in implementing an APS Compliance Program, and has continued to do so since the May 27, 2025 revision to the Remedial Order.”<sup>33</sup> We agree. DOT today has compliance inspection systems and reporting in place, a new compliance plan, and detailed

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<sup>33</sup> Jan. 2026 Semi-Annual Report at 9.

standard operating procedures. DOT also reports that its new APS inspection regime has so far generated more than 10,000 compliance inspection reports, including “turn-on” reports at installation, “maintenance” reports generated when complaints and repair requests are received, and “periodic” reports to ensure that every APS is inspected at least once every three years.<sup>34</sup> DOT also reports that there were more than 6,000 such compliance reports generated in 2025 from more than 2,800 unique intersections.<sup>35</sup> All of this progress is significant, particularly given that DOT had no compliance inspections at all at the time the Remedial Order was entered. In our view, though, continued progress is necessary before we can say with confidence that DOT’s new Compliance Program is “effective,” as that standard has been defined by this Court.

**A. The APS Compliance Plan**

We begin with DOT’s APS Compliance Plan. The Court’s May 27, 2025 Order provides that the APS Compliance Plan “should describe overall compliance program goals; establish target dates and deadlines; describe components of the program, including how each component relates to and serves program goals; identify key supervisory personnel; and describe the respective duties and responsibilities of such key personnel.” ECF No. 310 ¶1(A)(i). In the Independent Monitor’s assessment, the City’s APS Compliance Plan includes several of these elements and reflects a significant, good faith step forward in the development of an effective program.

While DOT’s current Plan does not satisfy every one of the Court’s suggested components, the Court has previously made clear that the goal is not to micromanage DOT in the details of its internal processes, so long as those processes ultimately prove effective. We share that deferential

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<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 10.

approach, but nevertheless offered to the City several observations on the Plan for DOT's consideration:

- **Overview.** The Plan's Introduction includes several references to the Remedial Order, and states that DOT established an APS Compliance Unit and the Plan to comply with the Court's directives. While there is nothing inherently problematic about this background, in our view the City should consider whether it would be better for the Plan to focus less on the fact that the City was compelled by Court order to implement this program, and more on the City and DOT's institutional commitment to the goals of compliance. For example, when assessing whether a corporate compliance program is effective, one question evaluators tend to ask is whether the institution's policies and procedures are designed to incorporate a culture of compliance, including whether the tone from the top sends the message that compliance is a priority of management. With that in mind, another way to approach the Introduction would be to emphasize that DOT itself is committed to an effective compliance program because MUTCD compliance is necessary to ensure that APS serve the needs of blind and low-vision pedestrians. Such an emphasis sends the message that DOT management embraces the goal of compliance, rather than that it is implementing these changes solely to satisfy the Court.
- **Target Dates and Deadlines.** The Plan states that its goal is to resolve all compliance complaints within one week of "verification."<sup>36</sup> The Plan is not clear about that verification process, however. From the perspective of the public, the timeliness of the response should be measured against the date that the problem was brought to DOT's attention, which in most cases would be the date that the complaint or repair request was received. To our knowledge, DOT does not currently track the timeliness of remediation from the date of the complaint. DOT's Plan appears to allow for a delay between submission of a complaint and "verification," and then measures timeliness from the latter date rather than the former. Relatedly, while the Plan states that DOT will "endeavor" to resolve complaints within one week of verification, it was not clear how DOT will track compliance with that goal.<sup>37</sup>
- **APS Compliance Unit Personnel and Responsibilities.** The Plan helpfully defines roles and responsibilities at a high level, but leaves it unclear how the Compliance Unit will operate in practice. For example, the Plan states that the new APS Dashboard will be reviewed "by the APS Compliance Unit."<sup>38</sup> But that Unit is variously defined to include 12 "dedicated" staff plus others at a higher level within DOT.<sup>39</sup> In our view, the Plan would benefit from greater clarity regarding who within the Compliance Unit is responsible for which tasks. For example, the Plan does not specify the person or title responsible for

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<sup>36</sup> APS Compliance Plan (Sept. 30, 2025) at 2.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.* at 12.

<sup>39</sup> *Id.* at 4 n.2.

reviewing complaint data to track the timeliness of the response and for trends and root causes. The Plan is also vague as to who within the Compliance Unit reviews the new APS Dashboard, how often, and for what purpose, and how the Dashboard fits into the evaluation of complaint trends and root causes.

The City did not have the opportunity to address these comments before adopting the final Plan on September 30, 2025. Since then, however, the City has not revised its Plan in response to our comments or those of Plaintiffs, which were shared with the City on September 16, 2025. We respectfully encourage DOT to consider these comments and to provide any revised Compliance Plan to Plaintiffs and the Independent Monitor.

## **B. The Material Elements of an Effective Compliance Program**

We address below the actions that the City has taken in 2025 in each of the four material elements of an effective compliance program.

### **1. Effective Inspections at Time of Installation**

As defined by the Court, the first material element of an effective APS compliance program is “[a]n effective, on-site inspection system to assess, at the time of installation, whether each APS unit has been installed and programmed in compliance with the MUTCD.” ECF No. 281 ¶ 2(A). In our assessment, the City has made substantial improvements in its process for conducting compliance inspections at or near the time of APS installation. As explained in our Second Annual Report, DOT did not conduct MUTCD compliance inspections at all during the first year of the Remedial Order (or prior to that). ECF No. 267 at 34–35. While installations were inspected for compliance with the requirements of the installation contracts, those contract inspections were not designed to assess compliance with the MUTCD and were not effective at identifying compliance issues. Accordingly, the fact that the City today routinely conducts inspections of most newly installed APS at or near the time of installation, and for the stated purpose of assessing MUTCD compliance, represents a major step forward.

We are not yet prepared to say, however, that the “turn-on” inspection process is now “effective.” When we consider the effectiveness of the “turn-on” inspections, we look to see that (1) DOT conducts such an inspection for every APS installation; (2) the inspection occurs at or about the time of installation; and, most important, that (3) the inspection process results in DOT identifying and correcting any compliance issue before the APS is put into service.

On the first issue, our review of the turn-on reports provided by the City found that DOT did not conduct such an inspection for every installation in 2025. Specifically, for the 2025 APS installations, the City produced no turn-on report for 124 (17%) of those 716 intersections. Further, 51 of those 2025 installations did not have any compliance report (i.e., no turn-on inspection report, no maintenance inspection report, and no periodic inspection report), suggesting that those 51 installations have never been inspected for compliance. We also saw no turn-on report for any of the four shop job installations, suggesting that these intersections are not being independently evaluated for compliance by DOT. While an inspection rate of 83% for new installations is surely promising, there is no reason this number cannot be at or close to 100%.

On the second issue, i.e., the promptness of the turn-on inspection, DOT fared much better. Specifically, we found that, of the 592 installations from 2025 for which there is a turn-on inspection report, DOT completed the turn-on inspection on the same day as installation at 421 (71%) of those 592 intersections. Perhaps more important, the average time between turn-on and turn-on inspection was just three days, which is certainly prompt under any reasonable definition. At the same time, there were some curious outliers, which suggest that the process requires correction. For example, the City installed APS at one Manhattan intersection on August 7, 2025, but that intersection was not inspected for turn-on until December 11, 2025, a delay of 126 days. And one Queens intersection had an approved turn-on inspection report in September 2024 (and

was therefore operational) but was not deemed “installed” by the City until 225 days later, in April 2025. In fact, there were 14 APS installations from 2025 for which the turn-on inspection occurred *prior to* the reported installation date rather than at the same time or after, as would be expected. In another anomaly, we found that 23 of the 2025 installations had two approved turn-on inspections, and in 8 of those cases both reports were dated the same day, which raises questions about DOT’s processes.

Third, we are not yet confident that these turn-on inspections are effective at identifying all compliance issues. As recounted above, our compliance inspections identified at least one MUTCD compliance issue at 93% of the 30 intersections surveyed. While turn-on inspections assess APS functionality and not placement, our inspections identified 22 intersections at which the APS was non-compliant with respect to MUTCD volume requirements, which (at least as to locator tone volume) is an issue that is supposedly evaluated during these turn-on inspections. Also, we previously recommended that DOT enhance its compliance checklists to specifically require the assessment of the volume of the audible walk indication, including speech messages. As noted above, the City agreed to that recommendation but did not implement that change, and the compliance checklists used for turn-on inspections still do not specifically address that important issue.

Finally, we note again our previously expressed critique that these turn-on inspections do not evaluate the placement of the APS. The MUTCD includes multiple requirements with respect to the proper location of APS, including in relation to the crosswalk, in relation to the curb ramp, and in relation to other APS on the same corner (i.e., not within 10 feet). For example, our inspections include repeat findings that the APS was located on the near side of the crosswalk rather than on the side “farthest from the center of the intersection.” MUTCD 4I.05(04)(C). The

MUTCD also requires that there be an unobstructed and accessible route from the push button to the ramp, and that the push button be within acceptable reach ranges.

Last year, the City resisted amending its turn-on compliance checklists to address APS placement because the City believed that placement issues should be addressed as part of the design process, with a “separate design-specific checklist.” ECF No. 307 at 7. In response, we advised the Court that we had no interest in micromanaging how DOT chooses to draft its checklists and therefore had no objection to that approach. But DOT never did establish a “separate design-related checklist” as we had been assured. To the contrary, while the draft SOPs for the APS Design Process shared with the Independent Monitor and Plaintiffs for comment on May 5, 2025, referenced (but did not attach) two design checklists, the final version of design SOPs that DOT adopted on September 30, 2025, omitted design checklists altogether. And while these SOPs reference a DOT Placement Memorandum, as noted above DOT has not yet completed that memorandum. Accordingly, the inspection process continues to have a significant gap with regard to placement-related MUTCD requirements.

For these reasons, we cannot say that DOT’s process for inspecting APS upon installation is effective at this time.

## **2. Effective Periodic, Post-Installation Inspections**

The Second Annual Report observed that DOT had no program in place to evaluate an APS installation for compliance at any time post turn-on, which meant that no one was checking whether APS in the field may have malfunctioned, stopped working altogether, or been vandalized. ECF No. 267 at 8, 86–87. In response to that recommendation, the Court agreed that an “effective” APS compliance program should have “[a] periodic, post-installation inspection program that is

effective to identify maintenance and programming issues that arise post-installation and confirm continued compliance with the MUTCD.” ECF No. 281 ¶ 2(B).

On September 30, 2025, DOT adopted an SOP to govern the APS periodic inspection process. As with the turn-on inspections, just having a process for periodic inspections represents substantial improvement because there was no such process before. According to that SOP, all APS installations should be inspected for compliance at least once every three years, whether through the turn-on inspection process, the maintenance inspection process, or this periodic inspection process. In other words, DOT would not schedule an APS installation for a periodic inspection if that installation had recently been inspected under one of the other two regimes. DOT also reported that, out of the nearly 4,000 intersections now equipped with APS, there are only 213 intersections that have not had an inspection of any type in the last two years.<sup>40</sup> That DOT is able identify that number at all is an impressive accomplishment and testifies to the utility of DOT’s new APS Dashboard, which now tracks inspections. While the vast majority of these inspections are triggered by maintenance requests and are not conducted under the periodic review process, what matters is that these installations are undergoing compliance inspections and that DOT is tracking those that are not.

DOT has also explained, however, that these periodic inspections are performed only “as time allows by the Compliance Unit when not attending to maintenance issues.”<sup>41</sup> That these periodic inspections are conducted by Compliance Unit staff only “as time allows” is concerning for several reasons. First, DOT has advised us that there are currently only four APS Compliance

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<sup>40</sup> Jan. 2026 Semi-Annual Report at 10.

<sup>41</sup> *Id.* at 11.

Unit inspectors. These same four inspectors are also responsible for maintenance inspections, which have dramatically increased as both the number of APS installations and the number of repair requests have dramatically increased. Accordingly, we doubt that “time allows” for many periodic inspections. Second, DOT reports that the APS program is already understaffed and has been unable to scale up compliance inspections in parallel with the size of the program.<sup>42</sup> It seems likely that periodic inspections will suffer as they are in some sense more discretionary than the turn-on inspections and the maintenance inspections, which are at least triggered by other events (i.e., installation and a complaint). Also, DOT did not begin conducting these periodic inspections until July of 2025. Accordingly, we do not yet have much of a track record to assess whether these inspections are proving effective.

For these reasons, we think that it is too early to tell whether DOT’s periodic, post-installation process is effective at this time.

### **3. Effective Complaint Management System**

The third material element of an effective APS compliance program is a “system to solicit, compile, analyze, and generate reports on complaints and repair requests made by members of the public with regard to existing APS installations[.]” ECF No. 281 ¶ 2(C). The Second Annual Report found that DOT’s existing practices in this area were deficient because “the City does not use complaints and repair requests . . . as a means to identify or analyze compliance issues, trends, recurring problems, or root causes,” instead treating each complaint as an isolated problem that can be routed to a maintenance contractor for correction. ECF No. 267 at 71.

What we reported on this category last year remains equally true today, as DOT has not materially changed the ways in which it receives complaints and repair requests from members of

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<sup>42</sup> *Id.* at 8.

the public. As has been the case for some time, the most common avenues by which members of the public make complaints or repair requests about APS are calling 311, submitting a form online through the 311 website (which links to DOT's web-based intake form), submitting a form online through the DOT's own website, emailing DOT's APS inbox, or sending an email directly to a DOT staff member. These complaints and repair requests, of which there are thousands, are still not maintained in a centralized database or system, and the bulk of them are housed in an agencywide database (TERMS) that does not provide a meaningful window into the issues being corrected. Given these multiple sources of complaints and repair requests, and the absence of a single database to house them (which DOT has made clear it has no intention of implementing), the challenge for DOT is not only to promptly and effectively address each complaint, but also to "compile, analyze, and generate reports" about these complaints and requests so that the data can serve a role in the compliance process, including by allowing DOT to identify and correct recurring compliance issues and measure and improve response times.

Also, DOT's ability to conduct meaningful data analysis is hindered by limitations on the existing complaint databases, which are not used solely for the APS program and therefore are not designed to capture MUTCD compliance issues in particular. And while both the ARTS and TERMS systems allow for the entry of narrative comments, those who enter the comments are not consistent in how they describe the issue, which further complicates any data analysis. For example, entries on the TERMS reports sometimes reference "volume" without indicating whether the issue relates to the locator tone volume, the walk indication volume, or the speech message. References to "speech message" also do not necessarily specify whether they are missing or incorrect or inaudible, with one entry describing the issue as "speak wrong." Volume issues are variously described in the TERMS and ARTS reports "too loud," "additional noise," beeping

noise,” “bad speaker,” “unusual noise,” “noisy” and even “loud noise [sic].” And volume that is too quiet is variously described in these reports as “no sound,” “missing sound,” or “low sound” or even “APS malfunction/Locate.” Placement issues are also described in unhelpful ways, such as “mounted wrong.” Neither complaint system employs tools like drop-down menus or specific issue codes that could provide for consistent reporting of common and recurring issues. It is no wonder, therefore, that DOT does not mine this impenetrable data to generate trend analysis, as it would require a time-consuming manual review of every entry, which even then would still require some amount of guesswork as to the nature of the compliance issue.

On September 30, 2025, DOT adopted an SOP for the complaint, repair, and maintenance inspection process. But, as we commented in response to the draft version, this SOP serves mainly to memorialize the existing process by which complaints and repair requests are received and processed. Since we have previously found the existing process to be ineffective, an SOP that does no more than describe the existing process does not advance the ball in any meaningful way. Most notably, the SOP does not suggest that DOT has any procedure to identify complaint trends and recurring issues. For example, as our inspections have found this year, locator tone and speech message volumes have been a perennial problem. And our own, manual review of complaint information (to the extent available) confirms that the public also finds there to be a recurring problem with APS volume. DOT’s own processes, at least as reflected in its SOP, however, have no mechanism to identify APS volume or any other common issue as a recurring problem meriting attention, let alone allow DOT to identify the issue with any specificity such as could facilitate its long-term correction.

For example, as we have found, the primary culprits for the low Campbell locator tones are the low Standard Settings and the lack of a robust training process for adjusting volume. As

our analysis above demonstrated, addressing the root cause of the volume issue – by increasing the Campbell volume settings, adding speech message volume to the compliance inspections, and improving training – has the potential to eliminate this problem as a recurring one, which would increase compliance dramatically. Until DOT develops such a process, its complaint management process will not be “effective” under the standard set by this Court. *See, e.g.*, U.S. Dep’t of Just., Crim. Div., Evaluation of Corp. Compliance Programs (ability to “conduct a thorough root cause analysis” of non-compliance is “a hallmark of a compliance program that is working effectively”).

DOT claims that that its new web-based inspection reporting tool has enabled DOT to “vastly enhance its ability to compile, analyze, and generate reports,” including with respect to complaints and repair requests.<sup>43</sup> In support, DOT observed that there have been more than 10,000 compliance reports submitted, including more than 6,000 reports from more than 2,800 intersections during 2025 alone.<sup>44</sup> That these reports are all apparently generated following an actual compliance inspection certainly sounds positive, as DOT was not conducting inspections for MUTCD compliance specifically prior to the Court’s May 2024 Order requiring the establishment of a compliance program. However, it is difficult to assess what the sheer volume of compliance reports tells us about the *effectiveness* of that program. For that reason, we conducted a deeper dive on how the complaint and repair process played out at one APS installation, at **4th Avenue and Warren Street** in Brooklyn, which had been the subject of multiple noise-related APS complaints and 10 maintenance inspection reports. What we found, however, was that these 10 compliance inspections were indicative of a process that was inefficient rather than effective.

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<sup>43</sup> Jan. 2026 Semi-Annual Report at 10.

<sup>44</sup> *Id.*

In that case, an entry into the ARTS system on March 17, 2024, reflected a complaint by a Brooklyn resident that the APS outside his home, which had been installed the previous month, was “very loud,” “beeps constantly,” and “keeps [them] up at night.” When the issue was apparently not resolved, a second complaint was entered into ARTS on March 29, 2024, raising the same complaint, with the resident pleading, “Please permanently turn this down! I can hear it throughout the apartment!!!” With the issue still not resolved, a third complaint regarding high APS volumes at this same location was entered into ARTS on June 14, 2024.

Apparently, the earliest inspection in response to these three complaints occurred in October 2024, i.e., more than seven months after the first complaint. The compliance inspection report that resulted, however, noted only that “Walk sound at NWC doesn’t work”; it made no reference to any complaint about the high volume of the locator tone. A few weeks later, on November 2, 2024, a DOT contractor conducted another maintenance inspection, writing in that second report that “All APS operating properly, volumes adjusted, loud commercial intersection.” This report was thus ambiguous as to whether the volumes were adjusted upwards because of the “loud” intersection or downwards because of the complaint. A third maintenance report was completed on November 25, 2024, but the “comments” field was left blank and thus did not explain why the inspection occurred or what (if any) maintenance was performed at the location. On December 2, 2024, a fourth maintenance inspection occurred, and that report reflected that the nighttime volume for the APS at this intersection was **reduced** “down to 39-75” (from the standard setting for Campbell APS of 40 low/80 high) because of “citizens complain [sic].”

The resident apparently did not consider his complaint to have been resolved, however. On January 2, 2025, he complained, for the fourth time, that the APS outside his home “has gotten incredibl[y] loud since 12/31 and we can hear it inside the apartment. Please turn it down!!!”

Apparently, this complaint triggered another maintenance inspection on January 10, 2025, but the report (the fifth at that location) again did not explain why the inspection occurred or what maintenance was done. A sixth maintenance inspection occurred on March 6, 2025, this time noting in the report that “[a]ll APS are working as designed. All settings are updated under DOT settings. Volumes are updated.” The comment, while again ambiguous, suggests that the volumes were **raised** to standard DOT settings, even though a prior inspector had reduced nighttime volume levels because of the resident’s complaint.

On March 24, 2025, more than a year after the resident’s first complaint, the resident reached out for a fifth time, writing that “the volume went up yesterday and we can hear it inside. Turn it down!” More than three weeks later, on April 16, 2025, the resident submitted a sixth complaint that the APS outside his home “is once again too loud. Turn it down! Why can’t it be set to a permanent low level?” This time, at an inspection that occurred on May 16, 2025, the comments in that report (the seventh such report) stated that the inspector “did not observe any loud sound on every [sic] corners. All APS settings and volume are operating under standard settings.” In other words, the May 2025 inspection **confirmed** that APS had been re-set to standard settings. Inexplicably, another maintenance inspection occurred just four days later, on May 20, 2025, and this time the report (the eighth) noted that the inspector **reduced** the nighttime volume again (down “to 39/70”). Yet another maintenance inspection occurred at this intersection on May 30, 2025, with this ninth report again containing no comments to explain why it occurred or what, if anything, was changed. The tenth maintenance inspection occurred on November 18, 2025, more than six months later. That tenth report reflected that “nighttime volumes adjusted to DOT settings,” thus suggesting that the nighttime volumes, which had previously been reduced below the standard nighttime settings, were **raised** again.

In sum, the APS at this intersection produced **six** public complaints that the volume was too high, which in turn led to **10** separate maintenance inspections and corresponding inspection reports. Those inspections resulted in the inspectors reducing the volume, then raising the volume, then confirming the correctness of the volume, then reducing the volume again, and then raising the volume again. And since the last such inspection report suggests that the volume remains at the same standard settings that triggered the initial complaint, it appears – at least from this review of the record – that the resident’s multiple volume complaints may never in fact have been resolved, and, if they were resolved, it took ten inspections and an entire year to do so.

While we do not suggest that this one example is representative of how the process typically works, this example certainly leads us to doubt that the sheer volume of inspections and compliance reports establishes the effectiveness of the complaint management and repair processes. Also, while DOT claims that these web-based reports allow for enhanced reporting and analysis, at present these maintenance reports are not used for that purpose and cannot in fact serve that purpose because they do not include enough information about the complaint or the issues being addressed to make them subject to any meaningful analysis. Indeed, as noted above, in this example multiple reports left the “comments” field blank, which tells us nothing about what prompted the inspection, what was found, and how it was resolved.

For these reasons, we cannot say that DOT’s complaint management process is effective at this time.

#### **4. Effective Maintenance and Repair Program**

Finally, the fourth material element of an effective APS compliance program consists of “[a]n effective system to promptly repair and correct the maintenance and compliance issues identified by members of the public and the City’s own inspectors.” ECF No. 281 ¶ 2(D). As to

this element, the Second Annual Report found that “the absence of an effective tracking system makes it difficult to conclude with any degree of confidence that the issues identified by the public are in fact getting fixed, and in a timely manner.” ECF No. 267 at 72.

As we observed above with respect to the complaint management process, DOT’s new SOPs do not improve upon the existing process so much as memorialize it. As we have found previously, DOT does not track – or even attempt to track – the time between the receipt of a complaint or repair request and its correction. At most, DOT’s new SOP on this topic states that DOT and its contractor will “endeavor” to resolve all issues “within one week of verification in the field that an issue requiring repair exists.”<sup>45</sup> No process is provided, however, for accurately recording all complaint filing dates or tracking response times. DOT therefore has no way to know whether it is meeting even its vague commitment to “endeavor” to resolve issues within one week of “verification,” which is also not defined. In sum, DOT seems resigned to its existing processes, and we therefore do not expect those processes to improve absent a change of approach.

For these reasons, we cannot say that DOT’s complaint management process is effective at this time.

### **C. Training**

Finally, the Court’s May 27, 2025 Order required the City to develop and adopt “a schedule, outline of topics, and training materials for compliance related training of [DOT] personnel involved in the APS inspection process.” ECF No. 310 at ¶ 1(A)(iii). The City has complied with this requirement as written. The APS Compliance Plan addresses APS compliance training, which lists topics to be addressed during both classroom training and training in the field. The Plan also lists ten categories of training materials, including not only copies of materials

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<sup>45</sup> APS Complaint, Repair and Maintenance Inspection Process (Sept. 30, 2025) at 1.

prepared by APS manufacturers but also a Compliance Inspection Training Quick Guide, which describes how inspectors should carry out APS inspections in the field. The Plan also sets forth a tentative annual training schedule for APS staff, with the first such training to be held the week of March 2, 2026. DOT has also separately adopted an APS Training Program SOP, which includes the same information as the APS Compliance Plan.

While these materials satisfy the baseline requirements set forth in the Court's order, it remains to be seen whether the training that DOT conducts will be effective in practice. Notably, the first annual training is not scheduled to take place until March 2026 at the earliest, although we understand that some trainings have taken place. It is also too soon to tell whether those training courses will in fact improve APS compliance inspections and, ultimately, APS compliance. We look forward to working with DOT during 2026 to observe actual training sessions and assessing the extent to which these trainings prove effective in improving compliance inspections.

### **III. Conclusion**

Accordingly, while DOT deserves credit for substantially improving its APS Compliance Program, further work is necessary before we can be comfortable finding DOT's program effective.

## RECOMMENDATIONS

The Independent Monitor is directed to include in his annual report any “recommendations for improvements of the implementation” of the Remedial Order. Remedial Order ¶ 29(e)(4). The Independent Monitor is also authorized to “recommend corrective action” to achieve compliance with the Remedial Order. *Id.* ¶ 29(d). Based on our experience, observations, and findings during 2025, the Independent Monitor respectfully makes the following recommendations:

- **Recommendation 1: The Court should set a reasonable deadline for DOT to promptly follow through on the commitment DOT made at the meet-and-confer held in July 2025 to adjust the standard settings for Campbell-manufactured APS. The City should also expand upon its written training materials to provide more specific guidance to compliance inspectors on when and how to adjust standard settings to the particular environment and require inspectors to document when volumes have been so adjusted.**

As everyone familiar with the City’s APS program agrees, volume-related issues have been a perennial compliance problem. Each of our annual reports has raised APS volume as a compliance issue warranting DOT’s prompt attention. Also, our on-site inspections since 2023 have consistently identified APS installations at which both locator tone volume and walk indicator volumes (including speech messages) were not compliant with MUTCD requirements, typically because volumes were too low. Although volumes are occasionally found to be too high, our inspections have found that the APS at which volumes are too high are relatively infrequent and anomalous, although they tend to generate more public complaints than low-volume APS. The recurring and systemic compliance issue we have found is that APS volumes are typically too quiet

– often so quiet that blind pedestrians may not even know that there is an APS at the intersection, which obviously defeats the purpose of this program.

With the problem remaining unresolved by the third year of this project, we addressed it directly in last year’s annual report, recommending that the City meet with Plaintiffs on this issue, including in the field, to come to a common understanding of the problem and explore solutions. And because the City agreed to do that, we made no request last year for Court intervention, trusting that the collaborative process would produce results. As explained in this report, DOT hosted that meeting, which was hugely productive, and a common understanding was reached that DOT needed to adjust the default settings on Campbell APS. Specifically, DOT agreed at that meeting to increase the Standard Settings for all Campbell units from “50 Low – 85 High” to a slightly louder range of “60 Low – 90 High”; to change the Automatic Gain Control (AGC) Sensitivity settings from “Middle” to “High”; and to circulate the updated Campbell settings to the APS Advisory Committee. The participants left that meeting with the impression that at least this one recurring compliance issue was on its way to being solved. It was therefore frustrating, to say the least, to learn that DOT in fact never followed through on the commitments it made at that meeting. As discussed earlier in this report, there was no reason to believe that the City would not follow through on the commitment made at the July 1, 2025 meeting, as it also confirmed in writing that the changes would go into effect. Thus, we were led to believe that Campbell APS that had been installed after the July 1, 2025 meet-and-confer would reflect these updated settings.

Our inspections of 2025 installations found that 95% of intersections we inspected at which Campbell APS were deployed had at least one volume-related compliance issue. Also, DOT does not disagree that volume has been a perennial problem, agreed at our July 2025 meeting that the issue was primarily one of low rather than high volumes, and concurred in the assessment that the

issue was primarily with Campbell APS rather than Polara APS. Armed with this information, it is hard to fathom why DOT has not yet taken effective steps to address the problem. We therefore believe that Court intervention is needed to prompt DOT to implement a solution.

We also recommend that the City expand its training materials on when and how to adjust these standard settings to the particular environment, and to document when that occurs in its compliance inspection reports. As the City has correctly observed, the Standard Settings may not be suitable for every environment. *See* ECF No. 307 at 5 (“‘Standard Settings’ for volume, specifically, are not intended to be used at every button nor at every intersection. It is a jumping-off point for adjusting the volumes in accordance with the MUTCD . . . to suit the surroundings.”). Accordingly, the volume issue is not solved by simply revising the Standard Settings. Rather, the volume should be calibrated to the environment of each APS installation. Accordingly, adjusting the Standard Settings is only the first step in fixing the problem. The second step is to ensure that, at each APS installation, the Standard volume is assessed and adjusted, if necessary, to suit the environment. We currently have no basis to know, however, whether or how often that happens, which prevents our ability to monitor whether it is done. Accordingly, we recommend that DOT both enhance its training on the requirement to adjust the volume to the surroundings and require compliance inspectors to document when this occurs, which would allow for adequate compliance monitoring by DOT and by the Independent Monitor.

- **Recommendation 2: The Court should direct DOT to implement procedures to ensure that DOT’s new web-based compliance inspection report process requires a compliance assessment of audible walk indication volumes, including speech messages.**

In last year's annual report, we recommended that DOT add a category to its compliance "checklists" to address "whether audible walk indications (including speech messages) are clearly audible at the crosswalk[.]" ECF No. 299 at 93 (Recommendation 5). In response to that recommendation, DOT represented to this Court that it "agree[d] to revise the compliance inspection checklist to clearly indicate walk indication volumes must be inspected for compliance." ECF No. 307 at 7. DOT did not do that.

As we have explained previously, we have "no interest in micromanaging the City's design of its compliance checklists." ECF No. 308 at 7. But DOT's new web-based compliance inspection forms, which now incorporate those previously paper-based checklists, currently function as the principal tool used by DOT to assess APS installations for MUTCD compliance. These forms are also used to train compliance inspectors on what to look for in their inspections. It is hardly micromanaging to insist that, if these forms are indeed DOT's main tool to ensure MUTCD compliance, they not omit a key MUTCD requirement, particularly one that our inspections have continued to find has been repeatedly violated. As documented elsewhere in this report, and as we have reported previously, it is rare that speech messages can be clearly heard at the crosswalk that they serve. Part of the reason may be that compliance inspectors are not assessing that issue. Finally, since the City agreed to this recommendation last year, there is no reason it should not be held to its commitment.

- **Recommendation 3: The Court should require the City to maintain adequate documentation of every APS installation for which the approved placement configuration would deviate from MUTCD Guidance, including by locating the APS on the side of the crosswalk nearest to the center of the intersection, and to document the factual basis justifying that deviation.**

Last year, this Court adopted our recommendation and ordered that the City “may not deviate from MUTCD Guidance with respect to APS placement and installation on grounds of ‘engineering judgment’ absent the establishment of written ‘procedures and criteria’ established by the engineer.” ECF No. 310 ¶ 3(A). The Court also directed the City to establish such “procedures and criteria” by September 30, 2025. *Id.* ¶ 3(B). The Court also recognized that adequate monitoring of this issue would require the City to document the factors that led the City to approve such a deviation. *Id.* The City has not yet adopted those “procedures and criteria” (except with respect to placing two APS on the same pole or within 10 feet, for which the City had previously adopted a written guidance memorandum). Accordingly, absent adoption of those “procedures and criteria,” any APS installation that deviates from MUTCD placement Guidance violates both the MUTCD and this Court’s prior directive.

Our random inspections of APS installed during 2025 found, however, that the City has continued to deviate from the MUTCD by locating the APS on the side of the crosswalk nearest to the center of the intersection rather than on the side of the crosswalk furthest from the center of the intersection as required. Mislocating APS in this way creates not only a compliance violation but also a safety risk for blind and low-vision pedestrians. While it is possible that, at any particular location, there could have been physical constraints or other factors unique to the location that would prevent APS placement on the far side of the crosswalk, at present, those designing the APS installations have no way of knowing which factors they may properly rely upon to deviate from MUTCD Guidance because there are no approved, written criteria in place for this issue as this Court required. Also, even when those criteria are finalized and adopted, we will not know the factors that the City relied on to deviate from Guidance, as those factors are not documented for adequate monitoring. Accordingly, we once again believe that Court intervention is needed

because the City has not, in our view, heeded this Court’s unequivocal direction from last year. We also believe that imposing a new reporting requirement is necessary to ensure adequate monitoring, and to serve as a deterrent to future violations.

- **Recommendation 4: The City should require that its maintenance inspectors document, on the maintenance compliance forms, the nature of the complaint or repair request that prompted the inspection and the resolution of that issue, preferably with drop-down menu options available to facilitate consistent reporting and enhanced data analysis.**

The City has resisted making significant changes to its complaint management process, often explaining that APS complaints are received through multiple, pre-existing agency-wide systems that do not lend themselves easily to APS-specific complaint analysis. Using its current systems (such as TERMS and ARTS, for example), DOT has been unable to conduct any meaningful trend and root cause analysis of public complaints and repair requests. We recognize the limitations and administrative challenges that DOT faces with these legacy systems.

DOT has now adopted, however, a new tool that holds tremendous promise. Specifically, as DOT has touted, it has developed a compliance inspection process that generates thousands of web-based reports from thousands of compliance inspections each year. The data generated from these reports is not housed in some antiquated, agency-wide legacy system. Rather, the data generated through this new system is readily available for analysis and is easily convertible to PDF or Excel formats, according to the instructions provided in the training materials shared on September 30, 2025. What’s more, this system was specifically designed for the APS program, and specifically for the purpose of ensuring MUTCD compliance. We believe that, with relatively

minimal changes, this web-based system could be used to capture more data about APS complaints and repair requests.

As cited in the case study above, the public complaints regarding the APS installation at **Warren Street and 4th Avenue** led to 10 separate maintenance inspections and 10 separate compliance reports. But only a couple of those reports reflected the nature of the complaint or the corrective action taken in each case. While there is a “comments” section on the form that allows for narrative input, there is no requirement that this section be completed and, in the example we examined, it usually was left blank. Offering users a drop-down menu with commonly encountered complaints (such as “Locator Tone Volume – Too Low”) and solutions (such as “Locator Tone Volume – Reduced/Nighttime”) would produce a wealth of mineable data that DOT could use to satisfy its obligation to establish an effective complaint management process. It could also improve the process by reducing inefficiency, at least if inspectors are given access to information regarding the resolutions of any previous compliance reports for the intersection they are inspecting. As noted in our case study, for example, it seemed likely that each compliance inspector was unaware of what the previous inspector had found or what was done by each, resulting in a waste of DOT’s admittedly limited compliance resources.

- **Recommendation 5: The City should provide regular, detailed, written updates to the Plaintiffs and the Independent Monitor on contract and litigation developments with its existing APS installation contractors and its efforts to secure a new, dedicated APS Contract.**

As we reported above, the City failed to meet its annual APS installation target in 2025 and is likely to fail to meet its annual target again in 2026. The City cited issues with multiple installation contractors as factors that contributed to the shortfall. As we also reported above, the

main APS Contract, which was set to expire in January 2026, was extended by the City for one year, but that extension is the subject of a pending court challenge. Of the 716 intersections at which APS were installed in 2025, 85% were installed under the APS Contract. Accordingly, an adverse outcome of the APS Contract Litigation could have an immediate and massive impact on the APS program. Also, even assuming that the APS Contract Litigation is decided favorably for the City or is settled, that extension will expire in just one year, and the future success of the APS program will rely heavily on the next dedicated installation contract. We therefore recommend that the City provide regular, detailed updates to Plaintiffs and the Independent Monitor on contract and litigation developments with all of its existing APS installation contractors, as well as updates on its efforts to secure a new, dedicated APS contract.

## CONCLUSION

The Independent Monitor respectfully submits the foregoing annual report to the Court in accordance with Paragraph 29(e) of the Remedial Order. The Independent Monitor will make himself available to the Court at the Court's convenience to discuss any questions or concerns the Court may have.

Dated: February 27, 2026  
New York, New York

Respectfully submitted,

/s/ Andrew W. Schilling

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