



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

May 13, 2020

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Peter DeFazio  
Chairman  
Transportation & Infrastructure Committee  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Sam Graves  
Ranking Member  
Transportation & Infrastructure Committee  
U.S. House of Representatives  
Washington, DC 20515

Dear Speaker Pelosi, Leader McCarthy, Chairman DeFazio and Ranking Member Graves,

The Consortium for Citizens with Disabilities (CCD) Transportation Task Force Co-Chairs write to urge you to consider amending mask and protective face covering requirements for all passengers in transit, Amtrak and air travel in the HEROES Act, and to take into consideration the needs of people with disabilities. We also urge you to consider any unintended enforcement consequences that could lead to a disparate impact on low income travelers and people of color.

Some people with disabilities will have difficulty wearing or be unable to wear masks. We note that the Americans with Disabilities Act and Section 504 of the Rehabilitation Act require reasonable modifications of policies, practices, and procedures. The Air Carrier Access Act requires modification of policies and practices to ensure nondiscrimination of passengers with disabilities. In addition, current CDC guidelines updated on April 13, 2020 makes allowances, stating “cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance”. We would include consideration for autistic travelers and people with intellectual and developmental disabilities, and people with psychosocial disabilities who may be unable to wear a mask due to sensory issues.

People with disabilities rely on local transit and transportation services to access groceries, essential jobs, or medical appointments, especially when grocery delivery is limited by geography or increased demand. We also rely on air and train travel for employment, and to visit friends and family. Broad mask requirements could create a significant barrier to mobility.

Should you choose to retain masks requirements, we strongly recommend the following changes to HEROES Act provisions.

In Section 200009, Transit COVID-19 Requirements, we recommend:

(1) require each passenger to wear a mask or protective face covering while on board a public transportation vehicle, *subject to the requirement to make reasonable modifications to policies, practices, and procedures of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act*;

In Section 190601, Amtrak COVID-19 Requirements, we recommend:

(1) require each passenger and employee of Amtrak, including engineers, conductors, and on board service workers, to wear a mask or other protective face covering while onboard an Amtrak train, *subject to the requirement to make reasonable modifications to policies, practices, and procedures of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act*;  
(2) take such actions as are reasonable to ensure passenger compliance with the requirement under paragraph (1);

In Section 190505, Working and Travel Conditions for air travel, we recommend:

(1) require each passenger, *subject to the requirement for modification of the policy to ensure nondiscrimination under the Air Carrier Access Act*, and cabin crew member, *subject to the reasonable accommodations requirement of the Americans with Disabilities Act*, to wear a mask or protective face covering while on board an aircraft of the air carrier;

We acknowledge and are grateful for the CARES Act funding for continued transit, Amtrak and air travel and proposed funding in the HEROES Act. We encourage you to consider additional funding for transit to ensure service provision, and PPE for transit operators across all agencies, including non-urbanized and rural areas.

Thank you for your efforts to ensure access to and safe mobility for people with disabilities. If you have any questions or would like further information, please contact Carol Tyson, Disability Rights Education & Defense Fund, [ctyson@dredf.org](mailto:ctyson@dredf.org).

Sincerely,

Transportation Task Force Co-Chairs

Claire Stanley, American Council of the Blind

Sarah Malaier, American Foundation for the Blind

Lee Page, Paralyzed Veterans of America

Carol Tyson, Disability Rights Education & Defense Fund

CC: The Honorable Mitch McConnell, Majority Leader  
The Honorable Charles Schumer, Minority Leader

*The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The Transportation Task Force monitors federal legislation and regulations that address the transportation needs of people with disabilities.*