



June 30, 2023

Christopher Coes
Assistant Secretary for Transportation Policy
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590-0001

RE: Equity Action Plan Update, Request for Information, DOT-OST-2023-0087

Dear Assistant Secretary Coes:

The co-chairs of the Consortium for Constituents with Disabilities (CCD) Transportation Task Force appreciate the opportunity the opportunity to provide feedback on the 2023 update to the Equity Action Plan. It is important to ensure that equity measures advance access to and availability of transportation options for people with disabilities.

People with disabilities often have unique transportation needs and live in every community in the country. When people belong to more than one disadvantaged groups, especially race, that intersecting identity can lead to even greater disparities in transportation access with effects on income and wealth.¹ Vehicle accessibility, sidewalk accessibility, service coverage, and service reliability (among other factors) all impact how easily people with disabilities can travel within their community and between communities. While 99% of public transit fixed-route buses are reported to be accessible, there is still room for improvement on light rail, commuter rail, and on-demand transportation modes.² Wheelchair users and service animal users continue to face unsafe and unfair conditions while traveling on aircraft and using rideshare

¹ National Disability Institute (2020). Race, Ethnicity, and Disability: The Financial Impact of Systemic Inequality and Intersectionality. <https://www.nationaldisabilityinstitute.org/reports/research-brief-race-ethnicity-and-disability/>

² American Public Transportation Association (2019). 2019 Public Transportation Fact Book.

https://www.apta.com/wp-content/uploads/APTA_Fact-Book-2019_FINAL.pdf

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services.³ There are numerous situations in which communication with people with disabilities could be improved, including through a commitment to accessible and reliable information about transit routes, availability, schedules (including real-time notices), and support for technologies that support orientation and navigation/guidance. These are just a few areas of opportunity that should be supported and funded at the federal level, so that local communities and agencies are delivering transportation systems that work for people 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 free from racism, ableism, sexism, and xenophobia, as well as LGBTQ+ based discrimination and religious intolerance. The Transportation Task Force advocates for fully accessible transportation across all modes that is affordable, equitable, sustainable, and reliable. We further believe that people with disabilities should be able to travel on their own or with support and to choose how they live in the community.

Q.1(a) Which of DOT's equity-related performance measures do you think are most relevant to accomplishing the goals that are most important to you, and why?

The CCD Transportation Task Force envisions a world where transportation is fully accessible for people with disabilities across all modes; is affordable, equitable, sustainable, and reliable; and promotes choice in how and where people travel and live. The current goals most likely to achieve gains for people with disabilities are:

- Increase the Number of State ADA Report Submissions in eCivil Rights Connect (FHWA)
- Increase the Total Transit Grant Dollars Announced or Allocate for Rural or Tribal Areas (FTA)

³ Bureau of Transportation Statistics (2023). Air Travel Consumer Reports.
<https://www.transportation.gov/individuals/aviation-consumer-protection/air-travel-consumer-reports>

- All 50 State DOTs and Top 100 MPOs Adopt a Quantitative Equity Screen Component to Their S/TIP Development Processes by 2030 (OST-P)
- By 2025, Increase by 5% the Number of U.S. DOT Discretionary Grant Applicants from Disadvantaged Communities who have Never Applied for U.S. DOT Funding Before (OST-P)

Whether these goals result in equity improvements for people with disabilities depends on a number of factors. For example, the State ADA reports remain voluntary and will not provide representative data unless the department receives reports from every state – or at a minimum, a nationally representative sample of states. States must also be attentive to the inclusion of people with disabilities and the metrics most important to them in their S/TIP development process. As an extreme example, a plan that improves road paving conditions in every community without addressing transit and sidewalk availability and accessibility may have limited gains for people with disabilities across the given state. Likewise, it is important that the USDOT continues to provide ongoing reminders and technical assistance for conducting meaningful public engagement of people with disabilities, such as for selecting accessible meeting spaces and technologies. We encourage the Department to conduct outreach to ensure that territorial communities, as eligible, are among the new recipients of and applicants to DOT funding.

In addition to the equity-specific goals, there are other US. DOT performance goals that will be essential to increasing transportation equity for people with disabilities. We applaud efforts to increase the percentage of persons with disabilities, including those with target disabilities, in the workforce. We encourage the department to approach that effort from multiple angles. The Learning Agenda indicates that the Volpe Center will be assessing the characteristics of disabled applicants.⁴ We also encourage the department and each operating administration to assess their accommodation practices, recruitment strategies, and both the department's and contractors' compliance with Sections 503 and 508 of the Rehabilitation Act to ensure all workplaces

⁴ U.S. Department of Transportation (2022). Learning Agenda.
<https://www.transportation.gov/mission/budget/learning-agenda>

are ready to hire and retain those applicants. We note that while USDOT laudably reported that they had a more robust testing program than most agencies, this year's Section 508 report shows that the agency still has room for improvement in the number of conformant webpages and intranet pages⁵. Moreover, it is important that people with disabilities receive promotions and are hired at all levels at comparable rates to people without disabilities, including both career and political appointments. Likewise, we applaud the inclusion of FY 2024 Evaluation Plan⁶ questions on the accessibility of airports and the FHWA's Americans with Disabilities (ADA) oversight. In future evaluation plans, we encourage the Department to identify additional evaluation metrics relating to the ADA, the Air Carrier Access Amendments Act, and the Rehabilitation Act across all modes.

There are also other goals that the Department has set that would benefit from equity-related subgoals. As an example, the Department will build a national network of 500,000 EV charging stations. It is imperative that the department considers equity metrics, such as geographic diversity and the accessibility of the charging stations for wheelchair users, and begins to plan ahead for standards and rules needed to shape the accessibility of these stations once autonomous vehicles become more ubiquitous and usable by people with disabilities. Similarly, doubling the research and deployment projects centered on breakthrough discoveries should account for the accessibility needs of people with disabilities, including people with physical, sensory, and cognitive disabilities. New technologies (e.g. artificial intelligence) have the potential to dramatically expand access or to create new means of exclusion that are expensive to remediate after the fact. Setting requirements for equity testing and including people with disabilities in the design process from the beginning as researchers, planners, testers, and users are two ways to ensure these considerations are accounted for.

⁵ US Department of Justice & General Services Administration (2023). Section 508 Report to Congress and the President: Accessibility of Federal Electronic and Information Technology. Page 21.

<https://www.justice.gov/media/1275166/dl?inline>

⁶ U.S. Department of Transportation (2023). FY 2024 Evaluation Plan.

https://www.transportation.gov/sites/dot.gov/files/2023-03/FY_2024_Evaluation_Plan-508-Compliant.pdf

Furthermore, we strongly recommend more closely intertwining US DOT's Disability Policy Priorities with the Equity Action Plan. The type of performance measures needed to achieve the Disability Policy Priorities (i.e., safe and accessible air travel, multimodal accessibility of public rights of way, access to jobs and business opportunities, and electric vehicle charging and autonomous vehicle accessibility) are not comprehensively addressed by the existing performance plan. Relevant metrics could include reducing the number of wheelchairs damaged by airlines and the number of service animal-related complaints, increasing the amount of funding for projects that include accessible sidewalk projects that provide connections within local communities to priority locations, and investing additional research and regulatory resources into ensuring that autonomous vehicles will accommodate people with disabilities.

Q2.(a) What recent data sets, research, or tools that have been published should U.S. DOT consider to inform updates to the next phase of our equity work, including assessing and addressing transportation-related disparities?

U.S. DOT should consider using existing data on complaints about accessibility and safety on aircraft and other modes to ensure that people with disabilities, especially wheelchairs users and service animal users, have equitable and safe access to convenient intercity travel modes. This could include identifying whether the Offices of Civil Rights have sufficient staff to effectively respond to all complaints received in a timely manner or assessing whether current enforcement methods are appropriate to meet the existing accessibility needs.

(b) What are some areas where you need more robust data sets, data standards, guides, or other tools to help you influence and advance equity at a more local level (e.g., State, Territory, Tribal nation, Region, County, City, Community)?

Some examples of data sets that would be useful for increasing transportation equity for people with disabilities include, but are not limited to:

- **Improvements to datasets on the accessibility of local and state sidewalk and transit stop assets:** The Bureau of Transportation Statistics has begun at least exploratory efforts to increase the availability of transit accessibility data in the GTFS and to create schema for measuring and reporting on sidewalk data. These projects should be detailed enough to influence local decision making and incentivize entities to build and repair accessible sidewalk and transit stop networks as part of a more complete transportation system. Such data will also allow for additional analyses of the equity of accessible sidewalk assets in disadvantaged communities. It is important to note the data will be most useful when all or most states or local communities contribute accurate, detailed data.
- **Assessing safety for people with disabilities:** Especially as computer-based technology is increasingly deployed to augment vehicle safety and it becomes the primary driver of Automated Driving Systems, it is imperative that people with disabilities, including wheelchair users, and people of color are accounted for both in vehicle safety assessments and in understanding whether roadways present unique safety risks for these groups. For example, there is a need for more conclusive data about whether people with disabilities outside the vehicle can be detected by computer vision systems. Additionally, it is important to include accessibility and safety for passengers with disabilities as part of a comprehensive autonomous vehicle safety testing regime.
- **Assessing the participation of people with disabilities and people of color in U.S. DOT-funded research:** To increase the inclusion of disability related equity needs, it would be helpful to ensure that researchers funded by the department are equitably representing people with disabilities. When the Department directly or through other entities, such as the Cooperative Research Programs, funds research about or affecting people with disabilities, those project teams and research design methods should be representative of individuals who are themselves people with disabilities or who have expertise with disability. In addition, people with disabilities should be representatively included in research participant samples when research involves data collection from a broad population.

All in all, we appreciate the inclusion of current performance indicators to improve transportation for people with disabilities. Nevertheless, it is important to aggressively pursue additional action and performance measures on disability equity. The proactive planning, interventions, and capacity building efforts that the department takes will affect how much access people with disabilities have to reliable, affordable, efficient transportation. That access in turn drives access to employment and wealth building opportunities and enables integrated participation in their communities.

We look forward to being ongoing partners in identifying and responding to gaps in disability access to transportation ranging from vehicle accessibility to complete transportation networks throughout local communities and across jurisdictional lines. If you have any questions about this comment, please reach out to Sarah Malaier, smalaier@afb.org.

Sincerely,

Sarah Malaier, American Foundation for the Blind

Danica Gonzalves, Paralyzed Veterans of America

Swatha Nandhakumar, American Council of the Blind

Claire Stanley, National Disability Rights Network