



February 20, 2024

Submitted via *regulations.gov*

Subash S. Iyer
Acting General Counsel
Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590-0001

**Re: Transportation Services for Individuals with Disabilities: ADA Standards for Transportation Facilities, Request for Information on Accessibility Improvements for Transportation Facilities.
Docket No: DOT-OST-2023-0166**

Dear Acting General Counsel Iyer:

The undersigned members of the Consortium for Constituents with Disabilities (CCD) Transportation Task Force write to comment on the request for information (RFI) on accessibility improvements for transportation facilities. 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.

We thank the Department of Transportation (DOT) for requesting information to review updates to the minimum standards and prioritizing disability access under the Americans with Disabilities Act (ADA). DOT's 2006 standards do not fully meet the needs of today's passengers with disabilities. We urge DOT to revise the minimum standards to meet the needs of people with disabilities, so they can independently and safely use transportation services equal to those without disabilities. Not only must DOT recognize the changes in technology and shortcomings of the 2006 standards, but also consider emerging technology and accessibility options and how transportation services can be more equitable. Equitable access includes reviewing the usability of the facility and how passengers with disabilities can access and navigate public transit with the same ease, reliability, and independence as any other user.

To provide equitable access, all features of public transportation must be considered, beyond the transit facility structure itself. The undersigned CCD Transportation Task Force members provide comments and information on the significant accessibility barriers faced by people with

disabilities in vertical access, communications, and wayfinding, but also urge DOT to consider other features as well.

Vertical Access

The Department is interested in learning about standards that would ensure elevator reliability in transportation facilities.

For people who use mobility assistive devices or have physical limitations a reliable, functioning elevator or other mode of vertical access is critical. Without vertical access, passengers may be forced to find another mode of accessible transportation, which can be limited or impossible in some locations, or abandon their travel plans completely. Not only do many transportation facilities require designated trained staff for these repairs, but these technicians may only be available during limited hours. For example, in 2023, Paralyzed Veterans of America (PVA) hosted a conference for its members, many of whom use mobility devices. Members flew in from across the U.S. to attend the conference and meet with their congressional representatives on Capitol Hill. The day before the scheduled Hill visits, PVA learned of a potential elevator outage at the metro station. Without a functioning elevator, the members may not be able to meet with their representatives due to the lack of wheelchair accessible options in the area. PVA called the transit authority and learned technicians were only available during limited hours. With joint efforts, the situation was remedied, but PVA recognizes this is not the common response. For a standard situation, the public would be forced to abandon their travel plans or find another mode, if even available, of transportation that would likely be at an increased cost than public transit.

Major causes of elevator misfunctions include old parts, improper maintenance, and power failures. Under 49 CFR 37.161, elevators must be maintained in operative condition and be repaired promptly if damaged or out of order. The 2010 ADA Standards require elevators to meet the American Society of Mechanical Engineers standard, ASME A17.1-2000, including the 2002 and 2003 addenda.¹ These codes include requirements for inspection, maintenance, and repair and were updated in 2022. We highly recommend DOT adopt the most recent ASME standards for elevator inspections, maintenance, and repairs. These actions should result in the replacement of older parts that may be susceptible to malfunctions and remedy infrequent inspections or improper maintenance. In addition, any new or altered elevators should comply with the most recent ASME codes as the codes are updated periodically to ensure efficient and safe use.

Another major issue regarding elevator outages is the difficulty in finding this information or being alerted of the outage. Often, an individual must check the status on the transit provider's website or app, hoping the information was properly updated. Real time information is even more complicated if the transit provider uses third-party facilities. However, without this information, a passenger may arrive to the facility and find it is inaccessible due to an outage.

¹ ADA Standards 2010, 407.1.

The passenger may then be forced to find another facility and a mode of transportation to traverse to that facility or forgo their travel completely. Because of these outages, passengers may not be able to travel to their job, school, medical appointments, or other essential destinations.

Not only should DOT look at the standards for vertical access itself, but also the methods used to alert passengers of the outage. Reduction of elevator outages and alerting passengers when there is an outage should also be strongly considered by DOT. Many people with temporary or permanent mobility disabilities are unable to climb stairs or walk long distances, and rely on elevators to access transit. These alerts should be accessible as discussed in the communications section.

The Department seeks public input on the impacts of the installation, for future construction and alterations, of at least two elevators in transportation facilities, or a combination of ramps and elevators, where currently one elevator is required.

When transit facilities only have one accessible entrance via an elevator, an elevator outage renders the entire facility inaccessible. The rate of elevator and escalator outages at transit facilities can be high. For example, a 2023 report by the New York City Policy Task Force found that, on average, almost 10 percent of the city's Metropolitan Transit Authority's (MTA) subway elevators were out of service at any given time.² This does not even include escalator outages. The average repair time for the outages were 1.6 days for MTA elevators and escalators and 4.4 days at third-party facilities. Out of service accessible vertical access is a significant barrier to public transportation and must be immediately repaired.

In addition, accessible entrances may be in isolated locations away from the general public who do not need an accessible entrance. The inaccessible entrances may also lack accessible signage directing individuals to the accessible entrance. Braille and large print signage may not exist to aid blind or low vision passengers in finding the accessible entrance. From the accessible entrance, users may have to navigate a further distance to any boarding and deboarding areas and are separated from their peers. Under the ADA, accessible parking spaces must be the closest spaces to the accessible entrance. In addition, accessible paths of travel should lead to the main entrance or, if not possible, a path as close as possible to the main entrance. Disability rights case law also reinforces the importance of integration, not segregation, of people with disabilities. To meet the goals of the ADA, the accessible entrances should be the closest, or as close as possible, to the platform and main entrances and exits. When the accessible vertical access point is further away or there is only a single option, people with disabilities also face significant safety risks in the event of an evacuation or emergency.

² Out of Order: Focusing on MTA Elevators & Escalators, New York City Council Policy Task Force (Feb. 2023), available at <https://council.nyc.gov/keith-powers/wp-content/uploads/sites/64/2023/02/Policy-Spotlight-MTA-Equipment.pdf>.

There are also transit facilities with multiple entrances but only one accessible entrance. This provides additional barriers as a passenger may be forced to find the accessible entrance. For example, the Metro Center station in Washington, DC has four entrance options.³ However, only one entrance has an elevator to provide an accessible means of entry and exit. A passenger needing an elevator must attempt to find this single elevator and may be forced to travel greater distances to enter and exit. Many blind travelers who use service animals choose to use elevators because it is safer for their guide dogs. Blind travelers, who may or may not use service animals, face additional barriers when accessible elevator entrances are hidden or difficult to find. In addition, in some transit facilities, such as ones in Washington, DC, there are stairs going in one direction and an escalator going the other. This is not helpful for someone who cannot use the stairs. Also, in the event of an evacuation or emergency, the passenger must attempt to find an accessible means of vertical access even though other passengers can find the closest exit. Transportation facilities must provide equitable service for passengers with disabilities and increase the number of accessible entrances and exits.

In addition, as discussed previously, elevators frequently malfunction. Using the example of Metro Center, if the elevator was out of order, a person with a disability may not be able to access this station. A second means of accessible entry and exit is necessary. DOT should also consider new designs that allow vertical access that do not rely on electricity, parts, or frequent maintenance if feasible, such as ramps. In addition, DOT should consider increased numbers of more reliable escalators. An escalator is often the most accessible mode for people with mobility disabilities who do not use a wheelchair and cannot walk the long distances that are often required to access an elevator or ramp. Elevators, ramps, and escalators should be close to the boarding and deboarding areas and not isolated from other passengers. DOT should also encourage covered ramps and escalators and provide clear obstruction removal guidance. Rain, snow, or ice can create dangerous conditions for travelers both with and without disabilities.

Communications

The Department also seeks comment on other technologies that may provide the same benefit to the same or a larger audience at transportation facilities, such as real-time text-messaging.

The Deaf, Hard of Hearing, and DeafBlind communities support the use of real time text messaging in public transit settings to convey information. Real time text messaging could relay information such as the next time a train will arrive at the platform. This form of communication would especially benefit travelers who are DeafBlind. Accommodations should always be multi-modal to accommodate persons with disabilities through many different channels. Therefore, although additional forms of signage throughout a transit station is necessary to accommodate persons who are Deaf or Hard of Hearing, the use of real time texting will serve as a different form of communication to alert Deaf, Hard of Hearing, and DeafBlind travelers to the upcoming mode of transportation.

³ Washington Metropolitan Area Transit Authority, Ride Guide, Metro Center, available at <https://www.wmata.com/rider-guide/stations/metro-center.cfm>.

When real time text messaging is utilized, it is imperative that the texts relay simultaneously with the audio announcements. Some Deaf, Hard of Hearing, and DeafBlind transit users have experienced gaps in the time between the audio announcement and the text message. This gap must be prevented. For instance, if the information is used to know when the next train will arrive at the platform, delayed information will be both unhelpful and possibly disorienting to someone who is blind or DeafBlind. Additionally, the same information that is conveyed via an audio announcement should match verbatim what is texted; no summarization should be allowed. If the information is deemed helpful to passengers listening, it should be presumed that the same content delivered via text would be equally helpful. Moreover, real time texting should not be the only form of communication. A Deaf, Hard of Hearing, or DeafBlind traveler may not have a smart device or may have a battery that is running low. If real time text messaging is widely utilized, the understandability of the text messages must be taken into account. Announcements should always be provided in plain language, in an easy-to-understand manner. As announcements sent via text should be the same as that orally conveyed, providing clear and easy to understand messages across all communication channels will allow users to comprehend and use the information with greater ease.

The Department also seeks comment on other means by which the content of audible announcements of the type typically relayed by public address systems at transportation facilities can be provided in real-time in a visual format, such as changeable electronic message boards, as well as information pertaining to the number and placement of necessary displays throughout a station environment, including spacing, scale, and frequency.

The number and placement of informational signage is crucial for travelers who are Deaf or Hard of Hearing. One lone sign is not enough, especially based on the size and layout of the facility. Some transit facilities can be exceedingly large with many arteries branching off to different areas of the station. In such circumstances, a greater number of signs are necessary. A Deaf or Hard of Hearing individual cannot be expected to read one single sign at the beginning of a station as they travel throughout the entire facility. Perhaps a formula could be devised to determine how many signs with pertinent real time information are necessary based on the size and complexity of the facility. It can be assumed that each time a path turns, a new sign should be immediately viewable. Research and consideration should be taken to assess how often repetitive signage is needed to keep a traveler moving successfully through a facility. This will better the safe and steady flow of movement by all passengers. If passengers continuously doubt where they are going, more confusion can lead to crowding and an interruption in the flow of traffic.

The size of the signage must also be thought through carefully. Some individuals who are Deaf or Hard of Hearing may also have low vision. As a result, the size of the writing and colors selected must also be considered to accommodate all travelers. The population of the United States is getting older, and with this comes more persons with more hearing and vision disabilities. Additionally, with the high level of commotion going on in the facilities, larger print will accommodate all passengers who have to contend with a myriad of factors going on around

them. The color and brightness of the writing should also be assessed. The lighting in some transit facilities can be very poor. To remedy this problem, facilities must either enhance the lighting in facilities or enhance the color and lighting of signage. Excessive glare from backlit signs should also be a consideration which can affect the readability of signs from a distance.

The Department seeks comment on technologies that can provide an audible component to information currently displayed in visual format at transportation facilities. What commercially available technologies might be appropriate for deployment in a transit, Amtrak, or commuter rail station environment to convey information provided visually in an audible format? How should such information be broadcast? Would an interface with a smart device be appropriate or sufficient, or should an audible component be provided directly on the station's display device?

As often advocated for with accommodations for persons with disabilities, accommodations should be multi-modal. In other words, no one size fits all. Many individuals who are blind, low vision, or DeafBlind use smartphones. As a result, the use of audio announcements through smartphones is something that the greater blind community would support. However, not all people have or can afford a smartphone. Thus, to provide full equity, alternative audio announcements must also be provided at transportation facilities.

When working with smart devices, announcements should be provided both in an auditory fashion and through haptic functions such as vibrations. Transit centers are often extremely noisy and can make it hard for any person to hear an announcement. Alternative haptic alerts can help to accommodate this problem. Also, many blind and low vision users wear ear buds or other devices to listen to their smartphone in loud areas. But again, it may still be hard to hear it the first time. As a result, the message should stay on the smartphone screen for an extended amount of time for the user to swipe back to the message and relisten to what it has said. The message conveyed through the smartphone should be as detailed as possible using words in plain language. Although a basic code should be developed to be conveyed through brief vibrations, such as two quick bursts for an incoming train, the more information the better. This will enable blind and low vision passengers to have as much information as possible. This should include the time until the next train; the specific train coming, such as color or number; and the number of cars on the train that will be arriving – the same as the information shared with sighted passengers.

If a person does not have a smart device or chooses not to use it, an alternative form of audio announcements should be provided. However, traditional audio announcements are often hard to hear and not as helpful; they often only announce the information once. Depending on a person's location, the noise level, or quality of the speaker system, they may miss part of the information. An easy to find button should be provided where travelers can push to activate to hear the most up-to-date information. Many public bus systems now have this technology at bus depots. In these depots, a passenger can hit the button, and the button reads aloud the buses that stop at the depot and the time it will take for the next bus to get there. Similar technology

can be used at other transit facilities. The buttons must be uniformly placed to make it easy for blind and low vision persons to find and should be low enough for wheelchair users to access. They should be labeled in large print and bright colors as well as include the wording in braille. These accessible buttons with a nearby speaker also help because announcements made over loud speakers can often be drowned out by noise and are less effective. But, if the traveler is standing next to the speaker adjacent to the button they pushed, the information will likely be easier to hear. The information could also be displayed on a screen with real time captioning for Deaf and Hard of Hearing passengers to read or those who do not have access to a smart device. In addition, information provided via a digital information board or kiosk should also be made accessible to blind, low vision, and DeafBlind people.

Wayfinding

The Department seeks comment on technologies to enable effective wayfinding within the transit station, intercity and commuter rail station environments for persons who are blind or have low vision, and to accommodate neurodiversity (e.g., autism, intellectual disability, etc.). The Department is also interested in alternative technologies that may be available, potentially without the use of handheld devices, and the acceptance of technologies that do rely on such devices within the general community of persons who are blind, have low vision, and/or are neurodiverse.

There are a variety of navigation applications that individuals with disabilities may use while using public transportation. Like the Department notes, some of these apps use Bluetooth beacons or lidar technology to map a certain transit system and provide audio or vibrotactile cues for a blind or low vision person for navigation. Other applications may use an internet connection to access data on a specific system or to call personnel or a volunteer to provide verbal instructions to assist an individual who is blind or low vision. These apps can be extremely beneficial, especially in navigating a new or unfamiliar transportation system or facility. Transportation facilities may also help wayfinding by providing or improving free internet access.

It is important to note, however, that these apps can provide inaccurate information or information that does not exactly match the visual map placed inside a transportation facility. An example of where an app could be misleading is that many of these wayfinding applications can only provide a position of an outdoor bus stop or train station within twenty or thirty feet of accuracy. Additionally, the apps may not function properly when they are being used in deep underground subway systems due to issues connecting to a beacon or a reliable internet connection. It is also important to note that many of these apps require advanced mapping by the app developers of a city transit system that could take months to complete. This would mean additional investment of time and resources for a city that wants to utilize the services of a navigational application for its blind and low vision passengers. These types of applications are only beneficial when they are available and accurate.

Navigation and wayfinding applications can be a useful tool for individuals with disabilities in getting around a transportation system, but transportation networks should not rely solely on these applications. Many older individuals, especially those who have recently lost their vision, may not feel comfortable using smartphones or may not feel safe using them in a public setting. Many individuals in general might not feel comfortable having a phone in hand, or might be unable to access a phone while navigating an unfamiliar transit system. Other modifications a transportation provider could implement to assist with wayfinding include accessible signage and facility announcements that do not rely on access to technology. In addition, we encourage the DOT to consider the use and possible standardization of tactile walking surface indicators to facilitate wayfinding. To increase transportation access, we encourage DOT to provide additional grant funding, especially to highly trafficked facilities and systems, to explore the design and installation of wayfinding programs.

General

Parking

Transportation facilities are not islands unto themselves. To the extent that the adjacent infrastructure intended to provide pathways for individuals to and from a transportation facility is inaccessible for individuals, the transportation facility is inaccessible. This is especially true for individuals with disabilities who require assistive devices for mobility, like wheelchairs. All adjacent infrastructure, including but not limited to roadway, waterway, railway, walkway and parking, including proximate drop off and pick up lanes and zones, must all be seamlessly accessible, i.e., an individual's entire journey across all modes of travel must be accessible, across modes in order for an individual to be able to utilize the services of a transportation facility. If any section of that journey is inaccessible, the entire journey is inaccessible.

Parking accessibility, especially in terms of availability, is presenting greater transportation barriers than ever according to a geographic cross-section of wheelchair users who are members of United Spinal Association. There are several reasons for the lack of available accessible parking, non-disabled drivers parking "just for a minute," accessible placard fraud, parking in access aisles, construction, etc., but the most negative impact on accessible parking availability has been the growth of the accessible parking permits that have been issued. United Spinal is currently surveying state governments to obtain the number of registered vehicles and the number of accessible parking permits issued. Of the nineteen states surveyed, on average, 9.76% of vehicles have been issued an accessible parking permit.⁴

The demand for accessible parking can only be expected to grow in the near future. According to a February 28, 2020, update, the U.S. Department of Justice (DOJ) concluded, "More than 55 million Americans –18% of our population–have disabilities, and they, like all Americans,

⁴ United Spinal Accessible Parking Data Survey, 10/23 to 1/24. Of the approximately, 101.5 million vehicles registered in 19 states ((AL, AR, HI, IL, IN, IA, MA, MI, MN, NH, NC, ND, OH, PA, RI, SD, WV, WI, WY), 9.76% on average of registered vehicles have been issued an accessible parking placard or plate.

participate in a variety of programs, services, and activities provided by their State and local governments. This includes many people who became disabled while serving in the military. And, by the year 2030, approximately 71.5 million baby boomers will be over age 65 and will need services and surroundings that meet their age-related physical needs.”⁵ The current number of accessible parking spaces required by the ADA 2010 Standards for Accessible Design is woefully inadequate. While the tiered accessible parking spaces requirements are tied to cover parking facility size, to put the matter in context, from 501 to 1000 spaces, only 2% of parking spaces in a parking facility are required to be accessible.⁶ Importantly, only one out of every six accessible spaces must be van-accessible. The additional loading unloading space that van-accessible parking spaces provide is essential for wheelchair users’ safety. DOT and the Access Board, in concert with the Department of Justice, should revise the ADA standards for the minimum number of accessible parking spaces to meet the needs of the wheelchair user, disability, and aging communities.

Rail Stations & Stops

Rail stations and stops in large metropolitan areas may be underground, which require vertical access. DOT must consider having multiple accessible paths of travel to the main street areas, with distinct signage that meets the communications and wayfinding comments above. In addition, the distance and height between the mode of transportation and platforms must be considered. When there are horizontal gaps between the platform and the train, it poses safety risks for individuals who may use mobility devices. In addition, any vertical gap between the platform and the train can inhibit mobility device users from using it completely. In the construction or alterations of platforms, DOT must consider standards that ensure there are limited vertical or horizontal gaps. DOT should require regular audits of rail platforms to identify any changes in horizontal or vertical gaps and solutions to mitigate gaps when needed, including gap reducers that extend from the train or alterations to sections of an entire platform. Recently, wheelchair users of rail transit in Washington, DC have complained of platform gaps in multiple stations that make entering and exiting the railcar dangerous or impossible without fellow passenger assistance.

Bus Stops and Transfer Stations

DOT should adopt requirements to ensure that all bus stops and transfer stations are fully accessible for people with all types of disabilities and that tools and federal funding are available for those purposes. Audits and plans to ensure bus stop and sidewalk accessibility should be included in ADA and Section 504 of the Rehabilitation Act plans. DOT should clarify requirements for accessible bus stops and transfer stations and the need for barrier removal during inclement weather such as snow. Access to buses is often limited after snow storms when sidewalks, curb cuts, and the areas around a bus stop are not prioritized. In fact, snow plows often move snow

⁵ U.S. Department of Justice, Civil Rights Division, ADA Update: A Primer for State and Local Governments (Feb. 28, 2020), available at <https://www.ada.gov/resources/title-ii-primer/>.

⁶ 2010 ADA Standards for Accessible Design, §206 (Sept. 15, 2010).

directly onto a curb cut. DOT should also consider standards for real time information provided at bus stops and transfer stations that include whether an incoming bus has space available for a wheelchair user.

We appreciate DOT's efforts to review updates to increase accessibility so passengers with disabilities can access and navigate public transit with the same ease, reliability, and independence as any other user.

Sincerely,

Access Ready Inc.
American Council of the Blind
American Foundation for the Blind
American Printing House for the Blind
Autistic Women & Nonbinary Network
Cure SMA
Disability Rights Education & Defense Fund
Epilepsy Foundation
Family Voices
National Association of Councils on Developmental Disabilities
National Association of the Deaf
National Disability Rights Network (NDRN)
Paralyzed Veterans of America
Perkins School for the Blind
United Spinal Association
United States International Council on Disabilities