



February 11, 2021

Via electronic mail

Secretary Pete Buttigieg
U.S. Secretary of Transportation
Office of the Secretary
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Secretary Buttigieg:

The Consortium for Citizens with Disabilities (CCD) Transportation Task Force writes to congratulate you on your confirmation as Secretary of the US Department of Transportation (DOT). We appreciate your acknowledgment of the importance of accessible transportation during your recent confirmation hearing, and your previous commitments to ushering in a new era of inclusionⁱ. We are also heartened by President Biden's goals of increasing access to public transportation "in a way that improves racial and economic equity, accessibility, sustainability, and good-paying jobs;" and investing in infrastructure that meets the needs of all residents, including travelers with disabilities.ⁱⁱ As you are aware, inaccessible transportation continues to be a significant barrier to essential services, employment opportunities, and the ability to benefit from and contribute to our communities.

We respectfully request a meeting with you and your modal administrators to discuss the shared goals of President Biden's and your agenda, along with our priorities which we highlight below. The CCD Transportation Task Force strongly encourages DOT to adopt the following in order to increase access and equity:

Expand the DOT Senior Leadership Team – Act on Senator Duckworth's recommendation that DOT's senior leadership team include a staff person to focus on accessibility and universal design. The staff person would ideally engage with all modal administrations and have significant experience working with the disability community.

Assess COVID-19 and 2020 Impact & Meet Needs - We strongly encourage DOT to assess the impact of the events of 2020 on transportation and meet the COVID-19 related needs of travelers and transportation providers. Transportation providers must be equipped with necessary personal protective equipment (PPE). Furthermore, DOT must ensure that policies to mitigate the pandemic do not discriminate against people with disabilities, including by requiring alternatives to drive-up testing and vaccine allocation, and recognizing the applicability of the Americans with Disabilities Act (ADA) to mask requirements.

DOT must lead the effort to mitigate the negative impacts on transit and access to mobility so they are not long lasting. Transit agencies have made changes and cuts to services, including cuts to bus lines and diminished hours without community engagement. Several cities utilized or cut transit services in response to racial justice protests.

DOT should conduct studies to assess the impact of the events of 2020 on access to transit and mobility for all populations, including people with disabilities and low incomes and Black, Indigenous and people of color. The studies could also highlight innovative solutions and best practices such as utilizing transit and paratransit for meal and grocery prescription medical and health care supply delivery, and should encourage the identification of approaches to facilitate transportation to COVID-19 and potential future pandemic testing and vaccination sites.

Prioritize and Commit to Transportation Equity - DOT must actively promote equitable mobility and enforce Title VI of Civil Rights Act and the environmental justice executive order. DOT can honor trust and treaty responsibilities by supporting tribes in creating accessible transportation infrastructure. DOT should review federal highway safety programs and ensure funds are redirected from police enforcement to projects that increase accessibility of sidewalks, curb cuts and roads for pedestrians, bicyclists and all travelers.

Ensure Access & Equity in New & Traditional Modes – Beyond the pandemic, DOT must address continued access barriers and continued discrimination across modes, including transit, Amtrak, air travel and advances made in mobility. Increasing accessibility of transit facilities, including bus stops and stations, as well as Amtrak trains and stations, should be prioritized. Transit and rail must be accessible to all people with disabilities, including people with physical disabilities, intellectual and developmental disabilities, and blind, low vision, Deaf and hard of hearing travelers.

DOT must ensure that FTA-funded partnerships between transit agencies or local authorities and the private sector provide accessible, equitable services, including wheelchair accessible

ride-hailing, taxi and autonomous vehicle service, concierge services (for those without a smartphone), and adaptive bikeshare and micromobility models. New mobility services should aim to complement rather than supplant existing transit and complementary paratransit.

In addition, we encourage DOT to prioritize improving the accessibility of the FTA Office of Civil Rights complaint reporting.

Uphold the Promise of Autonomous Vehicle (AV) Safety & Mobility - DOT must ensure autonomous vehicles and other transportation innovations live up to their promise by prioritizing safety, accessibility and equity throughout their development. AV technology has the potential to open doors for all communities. If accessibility is not built in, the opportunities for people with disabilities will be lost. It is essential that DOT convenes stakeholders on a regular basis to identify barriers and solutions to ensuring access and safety with AV development. With this in mind, DOT must develop safety and accessibility standards in coordination with the US Access Board and NHTSA. The standards must ensure the needs of disabled passengers, including disabled Black, Indigenous and people of color are taken into account when considering changes and additions to FMVSS requirements. We also encourage the new administration to ensure that NHTSA and other agencies within DOT have staff with expertise to develop safety and accessibility standards that are inclusive of people with disabilities.

Prioritize Accessible, Equitable Public Rights of Way - It is imperative that DOT address the inaccessibility of public rights of way. DOT should work with the US Access Board to adopt updated Public Rights of Way Guidelines. Guidelines would include best practices for the accessibility of sidewalks, curb cuts, shared paths and transit facilities.

Immediately Improve Access to Air Travel for Passengers with Disabilities - Air travel presents significant barriers for many passengers with disabilities. Problems experienced by these passengers include poorly trained assistance providers, badly maintained equipment, and physical barriers within the aircraft that result in harm to passengers with mobility impairments. DOT must immediately strengthen administrative enforcement of the Air Carrier Access Act and penalize violations. In addition, DOT must finalize the rule on Accessible Lavatories on Single-Aisle Aircraft: Part I (RIN 2105-AE88) and publish for notice and comment Accessible Lavatories on Single-Aisle Aircraft: Part II (RIN 2105-AE89) to ensure lavatory access for passengers with disabilities. The rules were the subject of a negotiated rulemaking in 2016 and have yet to be finalized.

Immediately Ensure Accessible Forms in Air Travel Service Animal Rule Implementation - The Final Rule on Traveling by Air with Service Animals (in effect Jan. 11, 2021) requires service animal handlers to provide written attestation to the behavior, health and training of their service animal. Although we believe that DOT should revise the rule to remove allowances for documentation related to health, behavior, and training, DOT must immediately ensure that airlines are providing the written attestation forms in accessible formats and assist passengers with completing the forms when necessary. DOT should review the forms to ensure they do not place an unnecessary burden on service animal handlers by requesting information that goes above and beyond the two questions that may be asked of a service animal handler in accordance with the ADA. DOT should also revise the rule to ensure access for larger service animals, and provide access for emotional support animals.

Increase Employment Opportunities - DOT must also promote access to jobs by removing barriers to employment in the transportation workforce. With this, DOT must allow Deaf and hard of hearing individuals to obtain a commercial driver's license and end discriminatory testing requirements.³

Continue and Support the Coordinating Council on Access and Mobility (CCAM) - Continue education and outreach across government agencies regarding more than 130 federal programs that fund transportation services through CCAM. CCAM, initially established in 2004, evaluates and recommends policies to improve access and provide coordinated mobility options for disabled, low income, and older adult travelers.⁴

Congratulations again, and thank you for the opportunity to share some of the key priorities of the CCD Transportation Task Force. We also encourage you to review our full list of priorities for the Administration⁵ and the 117th Congress⁶. We look forward to working with you and your team to advance our shared goals. Please do not hesitate to contact Claire Stanley, claire.stanley@ndrn.org, and Carol Tyson, ctyson@dredf.org, with any questions.

Sincerely,

American Association of People with Disabilities

American Council of the Blind

American Network of Community Options and Resources (ANCOR)

American Printing House for the Blind

American Foundation for the Blind

Association of University Centers on Disabilities
Autistic Self Advocacy Network
Cure SMA
Disability Rights Education & Defense Fund
Easterseals
Epilepsy Foundation
National Association of Councils on Developmental Disabilities
National Council on Independent Living
National Disability Rights Network
Paralyzed Veterans of America
Spina Bifida Association
Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)
The Arc of the United States
The Christopher & Dana Reeve Foundation
United Cerebral Palsy
United Spinal Association

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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.

CC: Amit Bose, FRA Acting Administrator; Steve Cliff, NHTSA Acting Administrator; Steve Dickson, FAA Administrator; Nuria Fernandez, FTA Acting Administrator; Meera Joshi, FMCSA Acting Administrator; Irene Marion, Director, Departmental Office of Civil Rights; Stephanie Pollack, FHWA Deputy Administrator

ⁱ We refer to the 2019 white paper: Dignity, Access, and Belonging: A New Era of Inclusion for People with Disabilities. The paper included goals such as requiring federally funded projects be 100 percent accessible; enforcing the ADA's non-discrimination policies for private companies; ensuring that air travel is accessible and increasing statutory protections and improved enforcement of the Air Carrier Access Act; increasing accessible sidewalks, crosswalks and pedestrian signals; and expanding accessible transportation in rural communities.

ⁱⁱ Nomination Hearing for Hon. Peter Buttigieg to be Secretary of Department of Transportation: *Hearing before the U.S. Senate Committee on Commerce, Science, and Transportation* (117th Congress, January 21, 2021) (Response to Questions for the Record from Peter Buttigieg).

³ For additional background, refer to the CCD Transportation Task Force comments concerning safe integration of automated driving systems-equipped commercial motor vehicles available at: <http://www.c-c-d.org/fichiers/CCD-Transp-TF-Comments-FMCSA-2018-0037-0136-072919.pdf>

⁴ Additional background and CCAM resources available at: <https://www.transit.dot.gov/coordinating-council-access-and-mobility>

⁵ CCD Transportation Task Force Administration Transition Priorities available at: <http://www.c-c-d.org/fichiers/CCD-Transpo-TF-Administration-Transition-Priorities-010421.pdf>

⁶ CCD Transportation Task Force 117th Congress Priorities available at: <http://www.c-c-d.org/fichiers/CCD-Transpo-TF-117th-Congress-Priorities-010421.pdf>