



November 3, 2023

Stephen Gardner
Chief Executive Officer
Amtrak
1 Massachusetts Ave. NW
Washington, DC 20001
stephen.gardner@amtrak.com

Dear Mr. Stephen Gardner:

The Consortium for Constituents with Disabilities (CCD) Transportation Task Force is appreciative of Amtrak's attempts to include some disability advocates in the planning stages for the long distance trainsets. However, the involvement of only a limited number of advocates is not sufficient to ensure the new designs consider the needs of the disability community as a whole. The critical importance of including the disability community during the planning and development stages was the driving force for the CCD Transportation Task Force co-chair letter sent on September 8, 2023, requesting a new public hearing. It is imperative that passengers with disabilities, especially mobility disabilities, have access to all parts of the trainsets that are readily available to passengers without 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. Nearly one in four people in the United States has a disability. The segregation of Amtrak riders with disabilities is a long-standing issue. To fulfill Amtrak's commitment to meet the requirements of the Americans with Disabilities Act (ADA), provide greater accessibility than the legal requirements, and offer passengers with disabilities equal opportunity to Amtrak amenities as those without disabilities, feedback from all passengers with disabilities must be fully considered.

We are immensely dissatisfied with the purported public hearing held on August 30, 2023. After the hearing, the CCD Transportation Task Force co-chairs sent a letter to David Handera, Amtrak Vice President, Accessibility, Stations & Facilities, outlining our concerns on the hearing's disability accessibility, inclusion, and transparency, including Amtrak's failure to actually alert passengers with disabilities about the hearing, failure to provide participants with presentation materials prior to the hearing, the inaccessibility of the presentation itself, and lack of transparency for passengers with disabilities to provide written feedback. We received a response letter on September 15, 2023, which essentially dismissed our concerns. It was disheartening to read that Amtrak simply disregarded our feedback. Consideration of the voices of disability advocates and passengers with disabilities is vital for the design of an allegedly accessible trainset, that will remain on the tracks for decades and future generations.

The response letter stated Amtrak had carried-out a robust media campaign to alert the public about the hearing. However, research revealed few and limited announcements of the event. We believe a greater amount of publicization and transparency for disability rights advocates and passengers and potential passengers with disabilities is warranted. Amtrak also did not alert passengers who have purchased tickets with accessibility accommodations about the hearing. Even worse, information about the hearing or how to provide written feedback could not be found on Amtrak's main website. Advocates learned about the hearing only through our direct meetings with Amtrak's accessibility office and were forwarded a specific registration and comment link. Only those with this specific link had the opportunity to register, review the transcript and slides from the hearing, and provide written feedback in a short timeframe. This lack of transparency excluded many passengers and potential passengers with disabilities an opportunity to engage in the hearing and the written feedback comment period.

Although Amtrak's letter indicated that over 150 persons registered for the hearing, during Amtrak's quarterly meeting with disability advocates, it was communicated that only nine individuals attended in-person and 82 attended virtually. However, this number also includes persons employed by federal agencies, such as the Federal Railway Administration. The number of people from the general public was not provided. Nonetheless, given Amtrak's annual ridership of 22.9 million passengers in 2021 alone, attendance by 91 individuals illustrates how few riders were aware of the hearing. This lack of an appropriate sample size was further exemplified by only six oral commentators. Amtrak lines crisscross the entire country in almost all states. A sample size of six is simply not enough to purport Amtrak sufficiently obtained feedback from passengers with disabilities.

Additionally, we disagree that adequate descriptions of the visual diagrams were provided to accommodate blind or low vision attendees. Two of our Task Force co-chairs are blind and struggled to comprehend the oral descriptions. Amtrak further failed to provide presentation materials prior to the hearing, so attendees could not adequately craft comments for the hearing itself. This was even inconsistent with the operations of Amtrak's meetings with disability advocates, for which Amtrak sends presentation materials and the agenda prior to the meetings. This lack of accommodations kept a segment of the attendees from gathering and responding to all pertinent data.

Finally, Amtrak's September 15, 2023, letter explained that Amtrak will continue to collect additional input from passengers, but not through a formal hearing. If a formal setting is not utilized, the CCD Transportation Task Force requests additional information on how this feedback will be collected and how the opportunity to provide feedback will be communicated to all passengers and potential passengers with disabilities. Our organizations participate in the quarterly meetings and appreciate the ability to contribute to the conversation. However, only a small number of organizations and people can attend the quarterly meetings. This in turn leaves out a large fraction of the disability community and members of the general public. Millions of people with disabilities, who are already marginalized, are unable to comment on the needed accessibility features and amenities for the new long distance train sets.

Thank you again for the opportunity for the CCD Transportation Task Force to share our thoughts and concerns on how Amtrak is collecting input on the new long distance trainset designs. However, we urge Amtrak to take additional steps to collect adequate and greatly needed data to design the best and most accessible long distance trainsets. This could best be accomplished through a new highly-publicized formal public hearing, with materials provided beforehand, accessible and effective communication of the materials, and a sufficient time period to provide written comments. If you have any questions, please reach out to the below list of co-chairs.

Sincerely,

Danica Gonzalves, Esq.
Paralyzed Veterans of America
danicag@pva.org

Sarah Malaier
American Foundation for the Blind
smalaier@afb.org

Claire Stanley
National Disability Rights Network
claire.stanley@ndrn.org

Swatha Nandhakumar
American Council of the Blind
snandhakumar@acb.org

CC:

David Handera, Amtrak Vice President, Accessibility, Stations & Facilities
david.handera@amtrak.com

Jennifer Mathis, Deputy Assistant Attorney General, Civil Rights Division, U.S. Department of Justice
jennifer.mathis@usdoj.gov

Rebecca Bond, Chief, Disability Rights Section, U.S. Department of Justice
rebecca.bond@usdoj.gov

David Knight, Trial Attorney, Disability Rights Section, U.S. Department of Justice
david.knight@usdoj.gov

Rep. Troy Nehls, Chair, House T&I Subcommittee on Railroads, Pipelines, and Hazardous Materials

mike.curto@mail.house.gov

Rep. Donald Payne, Jr., Ranking Member, House T&I Subcommittee on Railroads, Pipelines, and Hazardous Materials

nawaid.ladak@mail.house.gov

Rep. Sam Graves, Chair, House Committee on Transportation & Infrastructure

drew.feeley@mail.house.gov

Rep. Rick Larsen, Ranking Member, House Committee on Transportation & Infrastructure

rick.larsen@mail.house.gov

Sen. Maria Cantwell, Chair, Senate Committee on Commerce, Science, and Transportation

john_beezer@commerce.senate.gov

Sen. Ted Cruz, Ranking Member, Senate Committee on Commerce, Science, and Transportation

timothy.kocher@cruz.senate.gov

Sen. Tammy Duckworth, Member, Chair, Senate Committee on Commerce, Science, and Transportation

stephanie_deLuca@duckworth.senate.gov