



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

July 22, 2021  
*Via Regulations.Gov*

U.S. Department of Transportation  
Docket Operations  
1200 New Jersey Avenue SE  
Washington, DC 20590

**Re: Comments Concerning the Request for Information on Transportation Equity Data  
Docket No. DOT-OST-2021-0056**

The Consortium for Citizens with Disabilities (CCD) Transportation Task Force Co-Chairs thank you for the opportunity to respond to the US Department of Transportation (USDOT) Request for Information (RFI) on Transportation Equity Data. 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.

**Background: The Need for Disability Transportation Data**

Nearly 1 in 5 people in the U.S. has a disability (more than 57 million). In 1990, Congress passed the bipartisan Americans with Disabilities Act (ADA). In enacting the ADA, Congress sought to “provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” As a result, 99% of public buses are equipped with ramps, far more curb ramps benefit the public, and there is improved provision of accessible transit to people with sensory disabilities. Yet, significant barriers to accessible, affordable transportation remain across modes.

Many people with disabilities are currently unable to obtain a driver license, and cannot afford to purchase an accessible vehicle. It’s critical that ride-share and on-demand services provide disability access, but many do not. A recent Bureau of Transportation Statistics (BTS) study of adults with disabilities found that roughly half of respondents 18 to 64 reported living in a household with income under \$25,000.<sup>i</sup>

Without affordable, accessible transportation people with disabilities are unable to contribute to and participate in their communities, to go grocery shopping or visit their doctor, drop children off at a school, and may not be able to travel for a COVID-19 test or vaccine. According to a National Conference on State Legislatures report, in 2012, people with disabilities who were not working reported lack of transportation as one of their biggest barriers to employment.<sup>ii</sup> A

National Organization on Disability survey found that income remains a barrier to transportation.<sup>iii</sup> Multiply-marginalized people with disabilities may experience additional barriers to mobility, including lack of services in their neighborhoods or near work places, lack of services to people who are unbanked or do not have access to technology, and discrimination based on race, disability, income or gender. People with disabilities across all age groups and educational attainment are much less likely to be employed than people without a disability. Data collection that would assist in identifying and addressing access barriers, levels of service, employment in the industry and discrimination is sorely lacking.

## **Recommendations**

Thank you for the opportunity to provide information on the data and assessment tools to measure transportation equity. As noted,

On January 20, 2021, President Biden signed Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (Equity E.O.). The Equity E.O. directs the Federal Government to pursue a comprehensive approach to advance equity, civil rights, racial justice, and equal opportunity to strengthen communities that have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality, including people with disabilities in the U.S. and territories, and Black, Indigenous and people of color; and others defined as underserved.

Racial, geographic, gender, income and disability disparities must be identified, measured and addressed in order for the USDOT to ensure equitable and safe access to transportation is available. The CCD Transportation TF commends USDOT and this administration on its commitment to advancing equity, civil rights, racial justice, environmental justice, and equal opportunity. All communities should have equitable access to safe, affordable, accessible and integrated transportation options, no matter who they are or where they live.

The CCD Transportation Task Force responses to select questions are provided below. We also direct you to our response to the Draft Strategic Plan on Accessible Transportation shared earlier this year.<sup>iv</sup> We advised that equity be an essential part of any USDOT framework. In addition, we support comments submitted by the Paralyzed Veterans of America regarding air travel equity data.

## **Regarding Methods and Assessment Tools to Measure Equity**

**(1) What are feasible methods for the Department to assess equity in transportation, including whether, and to what extent, Departmental programs and policies perpetuate systemic barriers to opportunities and benefits for underserved communities?**

**Recommendation #1:** Please consider collecting and disaggregating racial, geographic (including tribal lands and Territories), gender, income and disability data for ridership, and service areas, use; and injuries and fatalities across all modes. Disability type should be included if available. Modes should include transit and paratransit, air and rail travel, pedestrians and bicyclists, vehicle

ownership and shared use mobility. Reporting and analysis should take into account intersectional identities. For example, it would be useful to know who has access to and is using transit or shared mobility, and in which neighborhoods to identify barriers to service. In addition, identifying transit, paratransit and on demand service deserts, while identifying who is denied access, will assist in identifying gaps in access for often underserved populations.<sup>v</sup>

Data collection and proactive, intersectional analysis of complaints, grievances and injuries and fatalities would also assist in identifying inequalities or needs for system change or education. One example is an analysis of paratransit eligibility denials and appeals to determine whether patterns of discrimination exist or opportunities for improvement. Another example of intersectional data analysis may examine who is using, and who is questioned or faces obstacles when attempting to travel with a service animal, such as facing trip denials or cancellations when requesting a taxi or ride through a transportation network company.

We suspect multiply-marginalized disabled passengers may be questioned or denied more frequently and have less successful outcomes when filing grievances directly with a transportation provider. Should this be the case, education and training, as well as stronger enforcement of existing civil rights law is necessary.

**Recommendation #2:** Please consider collecting disaggregated data on response times to on-demand modes, including for inaccessible and wheelchair accessible taxis and transportation network company services that participate in government-funded partnerships.

**Recommendation #3:** Please consider collecting statewide data on the availability and accessibility of sidewalks and curb ramps, as well as audible pedestrian signals and the accessibility of rail transit and bus stops, as well as Amtrak and commuter rail stations. Identifying gaps in access to accessible and safe public rights of way and transit stops could assist in identifying barriers to ridership for people with disabilities and assist in planning efforts to ensure accessibility in the future.

**Recommendation #4:** Please consider collecting data and studying the effects of the pandemic, including changes to routes and services, and overall transportation access for people with disabilities, their caregivers, and support workers as well as historically underserved communities. This data could inform ongoing policy and future emergency preparedness. Data should be disaggregated by disability, race, gender, geography and income.

**Recommendation #5:** Ensure the needs of disabled passengers, including Disabled Black, Indigenous and people of color, are taken into account when considering changes and additions to Federal Motor Vehicle Safety Standards, and when data is collected from autonomous vehicle industry stakeholders regarding the accessibility and safety of their vehicles. Accessibility data of vehicles being tested and deployed, and whether the vehicle will be able to identify pedestrians with darker skin tones is essential to ensuring access and equity in the future.

**(2) How should the Department assess equity in Federal funding distributions? What data sources would be required for such assessment? Do such data sources exist currently? What**

**new data would need to be collected, whether formula, discretionary, or other funding?**

**Recommendation:** Update shared mobility guidance and grant requirements to clarify state and local agency obligations to ensure accessible and equitable shared mobility services. Shared mobility includes any partnerships or contracting with transportation network companies, microtransit, autonomous vehicles, bikeshare, scooters or other new modes.

The guidance should require services to complement rather than supplant any existing transit service routes or service hours. On demand service providers (including AV providers) and government partners must provide accessible, equitable service, and, at a minimum, compliance with the ADA's equivalent service standard<sup>vi</sup> for wheelchair users at the start, and ensure trip cancellation and denials are not disproportionately impacting riders of color or with disabilities. We strongly recommend updating the 2016 Dear Colleague Letter on Shared Mobility (Equity, Access for Shared Mobility Initiatives) as soon as possible.<sup>vii</sup>

**(3) What assessment tools currently exist to analyze equity in transportation investments, policies, and programs? Can these tools be scaled to a national level? If so, please describe the nature and level of detail of the data and how the data are collected or retrieved. If possible, please discuss any privacy concerns or barriers for collection of these data.**

**Recommendation:** The TransitCenter's Equity Dashboard and Center for Neighborhood Technology's (CNT) AllTransit Metrics tool both provide equity of transportation investment measures.<sup>viii,ix</sup> The TransitCenter dashboard allows for measure of access to jobs on transit, to non-work destinations, and changes over time. The AllTransit Metrics tool allows for measurement of those who commute, transit service hours, availability of transit for low income households and renters and owners, as well as transit routes, car share, bikeshare and vehicle ownership in census blocks. We recommend also measuring availability of each mode to affordable, accessible housing and people with disabilities.

The TransitCenter suggests disaggregation of measures for specific populations groups, including by race and ethnicity, income level, cost-constrained riders and riders with disabilities. Disaggregating measures can show how riders of different groups experience transit service, and point to gaps in access that are inequitable.

In an Equity Dashboard report on Washington, DC's transit system the TransitCenter points out, and we agree, that:

Transit access is worse for people who use wheelchairs, due to a lack of investment in ADA-compliant transit stations, vehicles, sidewalk networks, and more. Currently, the data required to calculate transit access for people with disabilities are unavailable or incomplete in every region. Using General Transit Feed Specification data, transit agencies can provide information about whether a transit stop allows people using wheelchairs to board, but few do so consistently. Most municipal and regional governments lack complete information about where sidewalks and crosswalks exist, and do not keep this data current. Other required data include the

ADA status of vehicles; transit station elevator reliability; and the network of curb cuts.<sup>x</sup>

We strongly urge USDOT to prioritize collection of accessibility data by state and local authorities so that an accurate assessment of gaps and barriers can be completed, and plans to ensure accessibility for all can be developed.

**(4) What assessment tools and best practices currently exist to analyze equity in state and metropolitan transportation planning processes?**

**Recommendation:** Currently states are required to develop ADA and Section 504 of the Rehabilitation Act Transition Plans. The transition plans allow for assessment of compliance with ADA and Rehabilitation Act obligations, and for development of schedules to reach full compliance. The Massachusetts Department of Transportation included in its transition plans statewide assessments of sidewalks and curb ramps and developed plans to address gaps. We view this as best practice and strongly encourage replication.<sup>xi</sup>

USDOT could issue guidance, provide best practices and education to highlight the need for and require sidewalk, curb ramp, bus stop and audible pedestrian signal data collection. The data and plan development should be analyzed to ensure neighborhoods with higher numbers of people with disabilities, people who are low income and communities of color are prioritized. State plans could be analyzed by USDOT to identify national gaps in accessibility and to develop funding programs and educational initiatives.

**(5) If the Department were to create transportation equity indices, that include important transportation and equity variables, what key indicators should they include? What is the suggested methodology and level of aggregation for this index? What is the appropriate geographic level? How could such measures be constructed to weigh the competing interests of different disadvantaged groups?**

**Recommendation:** In addition to the variables referenced in the TransitCenter and CNT tools, we recommend measurement of shared mobility and micromobility accessibility. Data should include whether bikeshare, scooters and any shared mode are accessible to people with disabilities, and whether there are agreements in place to ensure they are not creating barriers in public rights of way. In addition, data should be collected to identify whether shared mobility services are integrated, i.e. providing accessible services on the same platform. Ensuring options to on demand services for all is a common priority. Ensuring integrated rather than segregated service should be a priority as well.

**(7) How should the Department identify and measure the benefits and drawbacks (e.g., safety, wellbeing, and mobility benefits) of Federal transportation investments to underserved communities? How should the Department identify and measure the social cost of inequity in transportation projects or policies in underserved communities?**

**Recommendation:** We encourage USDOT to consider the benefits transportation can have on

employment and the potential to employ people with disabilities in transportation industries. Transportation has widely been identified as a factor in improving healthcare services for people with disabilities, but social measures such as transportation access to employment, education, and other community living should also be given significant weight. As referenced above, we support identifying where accessible, integrated services are provided and identifying the gaps.

Additionally, USDOT should identify how services are provided during disasters and emergencies, when and how services have been suspended in the past and who it has impacted, and what measures can be taken to ensure access for the most marginalized in the future. Equity analyses should be required after an emergency has ended and should include an assessment of any weaponization of transportation infrastructure, such as use of public buses to block roads or hold protestors, or raising of bridges to confine residents. Inadequate, sudden changes or cuts to accessible services before, during or after emergencies can lead to institutionalization and serious illness of people with disabilities, and in the worst-case scenario, death.<sup>xii</sup>

**(8) Transportation plays a critical role in how people access what they need (e.g., jobs, school, healthcare) and facilitates the movement of essential goods. What methodologies exist for measuring access to goods, services, education, recreation, and employment; well-being; and transportation reliability for people of color and other underserved groups?**

**Recommendation:** We strongly urge USDOT to update the 2002 *National Transportation Availability and Use Survey*.<sup>xiii</sup> The survey was developed to create an information resource for transportation planners and policy makers to use when developing national, state, and local policies and programs for people with disabilities. The survey collected essential information, including:

- frequency of travel outside the home, including trip purpose, mode of transportation, frequency of use of different modes, need for assistance, and satisfaction with transportation services;
- availability of paratransit (curb-to-curb service) and respondent use of paratransit;
- personal motor vehicle ownership, use, and safety issues, including vehicles modified for use by people with disabilities; and
- experiences when using various modes of travel, including difficulties with public and private transportation, air and rail travel.

The survey data was compiled and shared in the *Freedom to Travel* report which clearly identified critical barriers and gaps to transportation access. We recommend including an updated survey that includes interactions with and use of micromobility, and shared mobility, as well as views on autonomous vehicles, and disaggregation of data by disability type, race, income, geography and gender.

**(9) What methodologies can be employed to determine how well the Department's programs comprised of engineering, enforcement, and education are affecting the safety and security of underserved people?**

**Recommendation:** Collect disaggregated data on the impacts of NHTSA safety programs funding on underserved populations, including interactions with police. Currently, NHTSA safety program funds may be directed to police for traffic stops and enforcement. Black drivers or pedestrians are more likely to be stopped by police than white drivers or pedestrians. Such enforcement has and can lead to permanent disability and even death of those stopped.<sup>xiv</sup> In addition, we note that 33-50 percent of police use-of-force incidents involve a person with a disability.<sup>xv</sup>

**(10) What data or data collection methods can be employed or augmented to better capture impacts of transportation on the safety and security of underserved populations, especially when people from underserved populations are walking or biking?**

**Recommendation:** Data collected on injuries and fatalities of people walking, biking or rolling should be disaggregated by race, geography, income, gender and disability when possible. People with disabilities may not choose to disclose, but should be given the opportunity to provide their status and informed of its potential use. Similar data should be collected on police use-of-force interactions with people walking, biking or rolling.

#### **Regarding Equity Data Considerations**

**(18) What are approaches that DOT can take to ensure that individuals from underserved populations are represented in our data collection efforts?**

**Recommendation:** Please directly engage organizations representing and individuals from underserved populations, including the disability community, as you develop new measures. Require agencies to do the same. Where possible, state and local agencies should provide compensation to members of underserved populations when they serve on advisory committees or provide feedback.

#### **Regarding Transportation Workforce Data**

**(23) What practices has the transportation industry taken to increase diversity and retain individuals from underserved populations within its workforce?**

**Recommendation:** Please consider the CCD Transportation Task Force' prior recommendations to eliminate discrimination and remove barriers to commercial driver licenses (CDLs) in manned and automated commercial driving systems for Deaf and Hard of Hearing drivers, and all people with disabilities.<sup>xvi</sup>

**(24) What tools and best practices might the Department utilize to augment minority and disadvantaged business programs to create pathways for jobs in the transportation industry, and jobs of the future?**

**(25) What type of data should we collect to measure the success of workforce programs? How do we assess if we are placing underserved populations in these job programs and into jobs; how do we track retention rates and opportunities for advancement; and how do we assess**

## **whether these are good-paying jobs?**

**Recommendation #1:** Please include as a priority training and hiring of people with disabilities across the transportation industry, in USDOT and state and local agencies. Opportunities for employment of people with disabilities should be made available at all levels, and in all different departments. Consider collaborations with Vocational Rehabilitation programs and emerging apprenticeship opportunities to create additional pathways to the transportation workforce.

**Recommendation #2:** Consider sharing best practices with federal contractors regarding the US Department of Labor's (DOL's) Office of Federal Contract Compliance Programs (OFCCP) rule revising the regulations implementing Section 503 of the Rehabilitation Act of 1973. The updated regulations became effective on March 24, 2014. The regulations include an aspirational utilization goal of 7%. The goal allows for measurement the success of their efforts in outreach to and recruitment of individuals with disabilities. OFCCP has developed a form for contractors to use to collect data and has experience educating contractors.<sup>xvii</sup>

**Recommendation #3:** USDOT must comply with the Equal Opportunity Commissions rule on affirmative action for people with disabilities in federal employment. The rule, issued in January 2017, states that agencies of the federal government must adopt employment goals for individuals with disabilities, with sub-goals for individuals with targeted disabilities, provide personal assistance services to certain employees who need them because of a disability, and meet a number of other requirements designed to improve the recruitment, hiring, retention, and advancement of individuals with disabilities in the federal workforce.<sup>xviii</sup>

**Recommendation #4:** USDOT should work with OFFCP and the DOL's Office of Disability Employment Program to identify and implement additional best practices.

Thank you for the opportunity to provide information regarding transportation equity data. Please contact Carol Tyson ([ctyson@dredf.org](mailto:ctyson@dredf.org)) with any questions. We look forward to continuing to support the USDOT's efforts to identify and address systemic barriers to ensure equity and accessibility for all.

Sincerely,

CCD Transportation Task Force Co-Chairs

Sarah Malaier, American Foundation for the Blind

Lee Page, Paralyzed Veterans of America

Claire Stanley, National Disability Rights Network

Carol Tyson, Disability Rights Education & Defense Fund



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<sup>i</sup> Bureau of Transportation Statistics (2019). Travel Patterns of American Adults with Disabilities, available at: <https://www.bts.gov/travel-patterns-with-disabilities>.

<sup>ii</sup> Jaime Rall (2015). *Getting to Work: Effective State Solutions to Help People with Transportation Challenges Access Jobs*. National Conference of State Legislatures. Available at:

<https://www.ncsl.org/research/transportation/getting-to-work-effective-solutions-to-help-people-with-transportation-challenges-access-jobs.aspx>

<sup>iii</sup> Ibid

<sup>iv</sup> Available at: <http://www.c-c-d.org/fichiers/CCD-Strategic-Accessible-Transportation-Plan-Comments-021621.pdf>

<sup>v</sup> We encourage review and utilization of Tom Grushka's work on *Identifying ADA Paratransit Deserts, Availability & Resilience* presented at the 2019 Transportation Research Board meeting, available at:

<https://www.nrel.gov/docs/fy20osti/73078.pdf> <https://www.nrel.gov/docs/fy20osti/73078.pdf>

<sup>vi</sup> See 49 CFR 37.105

<sup>vii</sup> See the DOT Dear Colleague Letter on Shared Mobility (Equity, Access for Shared Mobility Directives) (December 5, 2016). Available at:

<https://www.transit.dot.gov/sites/fta.dot.gov/files/Dear%20Colleague%20Letter%20re%20Shared%20Mobility.pdf>

<sup>viii</sup> Available at: <https://dashboard.transitcenter.org>

<sup>ix</sup> The Center for Neighborhood Technology's AllTransit data tool is available online at:

<https://alltransit.cnt.org/>

<sup>x</sup> The TransitStory Equity Dashboard story is available at: <https://dashboard.transitcenter.org/story/dc>

<sup>xi</sup> Please see Massachusetts' Pedestrian Transportation Plan, page 25 of the ADA/504 Transition Plan detailing curb ramp and sidewalk analysis and plans, and attachments 3 and 15 of the ADA/504 Transition Plans available at:

<https://massdot.maps.arcgis.com/apps/MapJournal/index.html?appid=96339eb442f94ac7a5a7396a337e60c0>, <https://www.mass.gov/doc/massdot-adasection-504-transition-plan/download>, and <https://www.mass.gov/lists/massdots-adasection-504-transition-plan>

<sup>xii</sup> See the NCD report, *Preserving Our Freedom: Ending Institutionalization of People with Disabilities During and After Disasters* available at: <https://ncd.gov/publications/2019/preserving-our-freedom>

<sup>xiii</sup> Available at [https://www.bts.gov/archive/publications/freedom\\_to\\_travel/freedom\\_to\\_travel](https://www.bts.gov/archive/publications/freedom_to_travel/freedom_to_travel)

<sup>xiv</sup> Pierre Thomas, Yun Choi, Jasmine Brown, and Pete Madden (September 9, 2020). *Driving while Black: ABC News analysis of traffic stops reveals racial disparities in several US cities*. ABC News. Available at:

<https://abcnews.go.com/US/driving-black-abc-news-analysis-traffic-stops-reveals/story?id=72891419>

<sup>xv</sup> Sarah Jones (June 19, 2020). *33-50 percent of police use-of-force incidents involve a person who is disabled*. 13 WTHR. Available at: <https://www.wthr.com/article/news/33-50-percent-of-police-use-of-force-incidents-involve-a-person-who-is-disabled-has-disability/531-011bddff-a5f0-4d2a-9ad2-6964623bc32d>.

<sup>xvi</sup> CCD Transportation Task Force (July 19, 2019). Comments concerning safe integration of automated driving systems-equipped commercial motor vehicles, Docket Number: FMCSA-2018-0037-0136. Available at: <http://www.c-c-d.org/fichiers/CCD-Transp-TF-Comments-FMCSA-2018-0037-0136-072919.pdf>

<sup>xvii</sup> Section 503 regulations are available on the OFCCP website at [www.dol.gov/agencies/ofccp/section-503](http://www.dol.gov/agencies/ofccp/section-503). A Frequently Asked Questions page is also available: <https://www.dol.gov/agencies/ofccp/faqs/section-503>

<sup>xviii</sup> See the EEOC page on the final rule on affirmative action for people with disabilities available at <https://www.eeoc.gov/laws/guidance/questions-answers-eeocs-final-rule-affirmative-action-people-disabilities-federal>