



June 26, 2020

Governor Larry Hogan, Chair
National Governors Association
444 N. Capitol St. NW, Ste. 267
Washington, D.C. 20001

Governor Andrew Cuomo, Vice Chair
National Governors Association
444 N. Capitol St. NW, Ste. 267
Washington, D.C. 20001

Dear Governors Hogan and Cuomo:

The undersigned disability organizations, which include members and friends of the Transportation and Employment and Training Task Forces of the Consortium for Citizens with Disabilities (CCD), are writing to express the needs of public transportation users with disabilities as states across the country implement reopening policies. More specifically, we are writing to highlight to America's governors the considerations that must be made as transit and other transportation services transition back to the service models and levels that existed prior to the COVID-19 pandemic. CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society.

We offer our view on the needs of disabled passengers that have arisen from the pandemic. Transportation is a necessary service to move people to their places of employment and other essential services. States and localities must do what they can to enable residents to fully and equitably participate in everyday activities as states reopen. We strongly urge you to do the following:

- Treat transit as an essential service.
- Restore and protect ADA paratransit.
- Protect transportation programs that serve people with disabilities, older people, and low-income communities.
- Ensure personal protective equipment and cleaning protocols are in place.
- Implement accommodations as part of face covering policies.
- Clearly communicate changes in policy.
- Ensure people with disabilities are included in transportation decision making.
- Ensure new policies comply with the Americans with Disabilities Act and Title VI of the Civil Rights Act and do not discriminate on the basis of disability, race, color, or origin.

Transit is an essential service. During the pandemic so far, there has been a recognition that essential workers need to go to work, yet not all people with disabilities have been able to get to their essential jobs. In addition, many service providers and care attendants who support people with disabilities have also been negatively impacted by transit cuts. Transit and transportation must meet the needs of the riding public and their communities. People cannot be expected to maintain or acquire employment without transportation, and many people with disabilities and their support workers cannot drive or bike alone to work as recommended by [CDC health guidelines](#), while many do not have access to a car or safe walking routes. Therefore, transit must reopen to serve our communities – including people who have disabilities; Black, Indigenous, and people of color; immigrants; and low-income populations. Equity and access for traditionally underserved communities must be prioritized, and transit services must adhere to their obligations under the Americans with Disabilities Act (ADA) and Title VI of the Civil Rights Act. So long as any place of work is open, transit is not an optional service and must be available to serve people with disabilities and other transit-dependent riders – regardless of whether the pandemic is limiting daily activities, or curfews are enacted.

Like transit, paratransit services are essential for persons with disabilities and must continue while meeting the full extent of the law. Persons with disabilities rely heavily on paratransit services. [Additionally, and as required by the ADA, as places begin to reopen, public transit providers must not restrict paratransit users' destinations or allow paratransit to delay providing service after fixed-route services resume.](#) Restricting a person's travel to a limited number of places treats persons disabilities unequally compared to the general public. **States want people to reengage with society to reinvigorate the economy; persons with disabilities can do just that if they are able to travel.** Furthermore, subscription services, which allow ADA paratransit riders to schedule recurring trips, should be restored to support workers with disabilities who use paratransit to get to their workplaces. In many jurisdictions, paratransit users had their subscription trips canceled. As workers transition from working at home back to their workplaces, the availability of subscription trips should be re-implemented. Persons with disabilities need equal and appropriate access to remain gainfully employed. Transit providers must take steps to make transportation as seamless as possible.

States also should not ignore the role that private and nontraditional transportation programs play in ensuring that people with disabilities have access to jobs and services. In particular, USDOT funds programs that provide [“enhanced mobility of seniors and individuals with disabilities.”](#) These Section 5310 programs support volunteer driver programs, door-to-door services, accessible shared ride programs, and mobility management, but many programs have had to drastically alter their services to accommodate the pandemic. There are serious concerns about the safety of drivers and riders, many of whom are high-risk, but the presence of the pandemic does not alter riders' need to interact with and move around their communities. **We urge states and localities to support Section 5310 programs and other local transportation programs by ensuring that these programs have the health guidance, funding,**

cleaning protocols, and personal protective equipment needed to continue their operations. In particular, state and local governments should continue to allocate matching funds for operating expenses, so that federal funding is not threatened.

Personal protective equipment (PPE) and cleaning protocols remain imperative to ensure trust between transit agencies, drivers, and riders who depend on public transit services. The potential transmission of COVID-19 remains a significant fear for many people with disabilities who rely on transit and public transportation services, and real-life examples of transmission on buses have been reported. Therefore, public transit providers must develop cleaning protocols and carry them out on a frequent and routine basis. Blind passengers and passengers with mobility impairments will likely need to touch exposed surfaces of the bus as they locate a seat. Consequently, appropriate cleaning and protective equipment and communicating those protocols is a must. Bus drivers must also be provided, on an ongoing basis, necessary PPE to protect themselves. For example, bus drivers may come in close contact with a wheelchair user when securing the passenger's wheelchair.

However, if transit providers implement mask requirements as part of their safety protocols, [they must still accommodate people who cannot wear masks as a result of age or disability](#). The Centers for Disease Control and Prevention (CDC) has provided guidelines that state that persons who cannot independently remove a mask or those at risk of suffocation in the event of a seizure, should be exempt from such requirements. People with sensory sensitivities, such as autism, may experience extreme discomfort or anxiety from wearing masks. Deaf people may need transit workers to wear clear masks to facilitate lip reading or to use a whiteboard during interactions. We also ask you to consider any unintended enforcement consequences that could lead to a disparate impact on low income travelers and people of color. **In line with the Americans with Disabilities Act, we encourage transportation agencies to establish clear protocols that exempt people with disability-related reasons from wearing masks and that mitigate the effects of masks on effective communication.**

Another critical concern for people with disabilities concerns the effective communication of changing policies and practices. We urge transit and transportation companies to be mindful of the varied communication needs of people with disabilities. People who are blind or have low vision need large-print, high-contrast signage and audible announcements. Deaf and hard of hearing people need written communications, ASL videos, and sufficiently clear, loud audible announcements. People with cognitive disabilities may need information conveyed in plain language with simple pictorial demonstrations of new policies. Moreover, each community should consider how best to convey information in accessible formats that reaches the widest audience, including tv, radio, internet, email, and advertising. We applaud many agencies and the USDOT for [considering people with disabilities when implementing rear-door boarding](#) but encourage all agencies to continue to evaluate the impact of policies and communications on riders with disabilities.

Finally, transit providers must ensure that people with disabilities are involved in the decision-making process concerning transportation planning and emergency response processes. Many public transit providers have stated that it will take a prolonged amount of time for transit services to return to what they previously looked like. As the situation slowly evolves, persons with disabilities must be involved in such decision-making. Members of the disability community can offer expertise and experience that are crucial in making the best decision to serve all public transit users.

We appreciate your taking the time to hear our concerns and urge you to reach out to Sarah Malaier, American Foundation for the Blind, smalaier@afb.org, or Claire Stanley, American Council of the Blind, cstanley@acb.org, if you have any questions about the concerns or solutions to address them. With your assistance, we can ensure that people with disabilities are equitably able to participate in society's reopening through access to transportation.

Sincerely,

American Council of the Blind
American Foundation for the Blind
Autistic Self Advocacy Network
Christopher & Dana Reeve Foundation
Disability Rights Education and Defense Fund
Easterseals
National Association of Councils on Developmental Disabilities
National Disability Rights Network
Paralyzed Veterans of America
Rooted in Rights/Disability Rights Washington