



December 22, 2023

Senator Maria Cantwell  
Chair  
Senate Commerce, Science, and Transportation Committee  
511 Hart Senate Office Building  
Washington D.C. 20510

Dear Chair Cantwell:

The National Disability Rights Network (NDRN)\* urges the Senate Committee on Commerce, Science and Transportation (Commerce Committee) to move forward with a confirmation vote for the appointment of David Capozzi to the Amtrak Board of Directors as the disability advocate. In the Bipartisan Infrastructure Law passed by Congress, a provision was included that now requires a seat for a disability advocate on the Amtrak Board of Directors. Soon after, the previous Executive Director of the U.S. Access Board, David Capozzi, was nominated for the position. However, a slow and frustrating nomination process failed to move him through the Commerce Committee both during the 117<sup>th</sup> Congress and now into the 118<sup>th</sup> Congress. The failure to fill this disability advocate position is being greatly felt and NDRN urges the Commerce Committee to move forward in the very near future.

Passengers with disabilities continue to experience access barriers to this day. Currently, Amtrak is in the design stage of the long-distance trainset. At the end of August 2023, Amtrak held a hearing where members of the community could publicly discuss potential accessibility barriers for passengers with disabilities. However, the disability community was

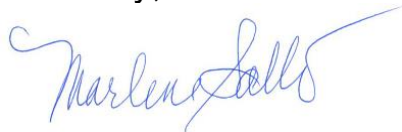
frustrated with the actual hearing. The hearing was not widely advertised and had poor attendance. Additionally, the meeting itself included inaccessible documents for participants to review. Because the trainset design will have such an impact on the train design for decades to come, the disability community desired a more collaborative and involved process. Advocates felt the discussion was more of a formality and did not allow disability advocates the opportunity to advocate for true access needs.

The cochairs of the Transportation Task Force with the Consortium of Constituents with Disabilities (CCD) promptly wrote a response letter in September stressing the need to hold a subsequent hearing to gather more community input. However, despite the letter, Amtrak responded, stating that they had met their obligation and would move forward with the new long-distance train design. Undeterred, the same cochairs responded with a follow-up letter stressing the failure of Amtrak to gather necessary input from the disability community. A letter was returned refuting the advocates' requests. We believe this is a clear example of why Mr. Capozzi's appointment to the Board is so crucial. This back-and-forth illustrates that the voice of disability advocates is not being taken into full account. Mr. Capozzi could act as a bridge to successfully share ongoing concerns with Amtrak about trainset designs that will exist for decades to come.

Such situations illustrate the great need for the inclusion of Mr. Capozzi on the Board of Directors now. As such long-lasting decisions are made, he is kept from the Board of Directors despite the mandate from the legislation. We urge the Commerce Committee to expedite the vote on Mr. Capozzi so he can join the Board and begin to advocate for persons with disabilities on these crucial issues.

Thank you for your time. If you have any questions, please reach out to Claire Stanley, public policy analyst, at [Claire.stanley@ndrn.org](mailto:Claire.stanley@ndrn.org).

Sincerely,

A handwritten signature in blue ink that reads "Marlene Sallo". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Marlene Sallo  
Executive Director  
National Disability Rights Network

\*NDRN is the non-profit membership association of Protection and Advocacy (P&A) agencies located in all 50 States, the District of Columbia, and the United States Territories. In addition, there is a P&A affiliated with the Native American Consortium which includes the Hopi, Navajo, and San Juan Southern Paiute Nations in the Four Corners region of the Southwest.

P&A agencies are authorized under various federal statutes to provide legal representation and related advocacy services, and to investigate abuse and neglect of individuals with disabilities in a variety of settings. The P&A Network comprises the nation's largest provider of legally based advocacy services for persons with disabilities. NDRN and the P&A Network advocate for many people with disabilities around transportation related issues.