



**American
Public Transportation
Association**

February 20, 2024

Docket Operations
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590-0001

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Re: FTA Docket Number DOT-OST- 2023-0166

Dear Docket Clerk:

The American Public Transportation Association (APTA) represents the \$80 billion public transportation industry that provides mobility for millions of Americans each year, directly employs 430,000 people, and supports millions of private-sector jobs. One of APTA's many committees surveyed in developing these consensus comments was its Access Committee, which is made up of APTA members whose goal is to discover the full range of paratransit and accessible transportation service issues and policies; promote the delivery of accessible transportation, paratransit, and other mobility services, recognize the emergence of accessible public transportation; and successfully implement the transportation provisions of the Americans with Disabilities Act of 1990 and other related federal legislation and regulations. We are pleased to submit these comments to the Department of Transportation (DOT) Request for Information (RFI) on Transportation Services for Individuals with Disabilities: ADA Standards for Transportation Facilities published in the *Federal Register* at 88 FR 76272 on November 6, 2023.

Transportation facilities that are accessible to all is a core value embraced by APTA and its membership. The comments below represent the views of APTA and its members on ways accessibility can be enhanced. Comments are listed under the specific questions raised in the RFI. As we embrace accessibility, we note that new requirements need to be matched with complementary resources.

PRESIDENT AND CEO

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Question #1 - Elevator Maintenance and Reliability: Are there industry standards that can help ensure elevator reliability in transportation facilities?

APTA members believe that the issue of elevator maintenance and reliability is less about standards for new technology than it is about having access to this new technology. Improving the reliability of elevators in transit environments requires three key elements: (1) ability to upgrade elevators to newer and more reliable models; (2) ability to afford the increasingly expensive maintenance costs of this equipment; and (3) the ability to hire and train technicians to maintain this equipment.

Newer elevators offer real-time status reporting, which improves our members' ability to identify and respond to problems. This data can also be offered to passengers to alert them of outages so they can adjust their travel plans. The most disruptive outages for our passengers are those encountered by surprise, and technologies that can help us proactively inform passengers of problems benefit our maintenance teams and our passengers.

The shortage of trained maintenance staff cannot be emphasized enough. As is the case with many trades, elevator maintenance is an expertise in high demand, and many transit systems cannot afford to recruit and retain trained maintenance staff. Additional resources in this regard, and programs to train and retain personnel, would be very beneficial.

Question #2 - Feasibility of Two Elevators: As a safeguard against elevator outages that occur from time-to-time, US DOT seeks public input on the impacts of the installation, for future construction and alterations, of at least two elevators in transportation facilities, or a combination of ramps and elevators, where currently one elevator is required.

APTA members had varied opinions concerning this question but offered qualified support for the concept of additional options for vertical access at some transit stations and facilities. There was broad consensus that any new regulatory requirement such as this would have significant cost implications that would be challenging. Each new elevator would cost upwards of a million dollars to procure and install and would also require necessary maintenance. It is essential that new requirements such as these recognize this reality and offer appropriate financial support for their implementation.

Members also offered other considerations for this suggested requirement:

- Providing more than one means of vertical access at passenger facilities can often be achieved by a combination of ramps and elevators;
- Ramps, when appropriate, would be the most cost effective and reliable way to provide multiple means of vertical access; and,
- In some cases, site constraints may prevent the addition of a second elevator shaft, or an additional ramp; any new requirements should recognize this possibility.

APTA members also noted the distinction between a requirement for new construction and requirements to retrofit existing stations. While appropriately funded requirements for enhanced vertical access at new facilities could be phased in, any requirement to go back and upgrade older facilities would be extraordinarily expensive and beyond the ability of most transit systems, given their current resources.

Question #3 - Elevators in lieu of Ramps: The Department is seeking comment on the use of elevators in lieu of ramps in transportation facilities, or a single elevator in addition to the ramp, if the vertical distance or ramp length exceeds a certain threshold, including information on an appropriate threshold.

Our members reported that many passengers prefer ramps to elevators for reasons of security, sanitation, and reliability, particularly when there is only a modest requirement for vertical access. In cases where higher vertical distances must be traversed, such as stations on viaducts, underpasses, or pedestrian roadway crossings, the suitability of ramps for vertical access has been a long-standing question of interpretation. Questions relating to the overall length of connected ramps, and the full path of travel related to ramp and sidewalk structures are open to interpretation. Many members agree that further guidance on the suitability of overall length of ramp systems, in comparison to elevator access, would provide clarity to the existing regulations. Having said this, members emphasized the importance of flexibility when approaching these questions. The variability of sites and real limitations of the space available for ramps, walkways and elevator shafts make it essential that flexibility be afforded with any new regulations. It is important that individual transit agencies retain the ability to decide on a case-by-case basis what is the best form of vertical access, provided it meets ADA requirements. Every station/site has unique constraints and customer demands that the agency must balance when deciding the optimal accessible route, which may include a combination of elevator(s) and/or ramp(s).

The questions regarding assistive listening, visual announcements, and audible station information all involve technology that is evolving rapidly. Members would caution DOT when considering prescriptive measures in such a dynamic technological environment. In the last decade, the smartphone has been widely adopted as a favored assistive technology for many passengers who are blind or have low vision, or passengers with disabilities relating to hearing. Members cited the ADA Paratransit regulations as an example of rules developed around a technology of the day, which may now be hampering efforts to improve services. While there will always be a need for fixed signs and dynamic information displays, the preferred solution for accessibility is still evolving, and we ask that any new rules allow for this growth.

Question #4 - Assistive Listening Systems: Should transportation facilities be required to have systems that facilitate real-time announcements for persons who are deaf or hard of hearing or because of their disability rely on text-based communications to access information?

APTA members encourage DOT to consider solutions that may offer enhanced audio at fixed locations as well as information that can be delivered to personal devices, like smartphones. Many urged open-source solutions that could leverage GTFS data feeds, rather than the development of new data requirements. Here again, the difference in scale, size, and resources among transit systems would require flexibility in the approaches that would be appropriate and achievable with this technology.

Question #7 - Wayfinding Technologies: Are there technologies to enable effective wayfinding within the transit station, intercity and commuter rail station environments for persons who are blind or have low vision, and to accommodate neurodiversity (e.g., autism, intellectual disability, etc.)?

As with comments relating to assistive listening systems, Visual Announcements, Audible Station Information and Wayfinding Technologies should optimally involve solutions that combine fixed and smartphone-based solutions based on open-source standards and use GTFS data. Existing ADAAG rules governing signs and information displays are already extensive and provide guidance concerning these amenities. These could be modified to include additional requirements, rather than developing a host of new guidelines. Members request that solutions relying on costly, legacy technology, such as beacons or hearing loops, not be considered, as they have not been widely adopted or used by passengers and the investment in these systems has not been commensurate with the benefit.

Question #8 - General Comments: Comments are sought in all other areas of the current DOT ADA standards which govern rail stations and stops of all types, bus stops and transfer stations, landside facilities, office buildings housing transit agency personnel, conference facilities of the type often employed for board meetings and public hearings, businesses housed in transit facilities, and individual elements such as track crossings, ramps, parking lots and structures, fare vending machines and collection equipment, and accessible paths of travel. Information is requested on how these standards do or do not currently support equitable access.

The ADA regulations most cited by our members as needing an overhaul are those relating to ADA Paratransit. These rules were developed in the 1980's, before effective routing algorithms and long before the concept of dynamic ridesharing. Many transit systems believe that effective demand responsive transportation could be provided to passengers unable to ride fixed route buses more effectively and with less cost than the current model of advanced reservation paratransit. Members would encourage regulators to revisit these rules and explore the possibility of an update to the nation's approach to ADA paratransit.

In closing, a broad theme expressed by our members was the financial impact of the various requirements discussed. In some cases, there were concerns about the initial cost of infrastructure improvements. In others, there were concerns about the ongoing costs of maintenance and repair. Since 2020, transit systems nationwide have been working hard to recover lost ridership and revenue, and the addition of new financial requirements now would be a particular strain on transit budgets. It would be optimal if all new requirements, such as those

discussed in the RFI, were supported with additional capital and operating assistance, to ensure their successful implementation without the diversion of resources from other needs.

We appreciate the opportunity to comment and look forward to further collaboration with DOT in this important endeavor. For additional information, please contact Linda Ford, APTA General Counsel, at (202) 496-4808, or lford@apta.com.

Sincerely yours,

A handwritten signature in blue ink that reads "Paul P. Skoutelas". The signature is written in a cursive style with a large, stylized initial "P".

Paul P. Skoutelas
President and CEO