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Equity in Transportation Sector – Guidelines and Analyses

SB0019, Senate Finance Committee, 2/1/23

HB009, House Environment and Transportation, 2/2/23

Testimony of Disability Rights Maryland & Consumers for Accessible Ride Services (CARS)

FAVORABLE WITH AMENDMENTS

Disability Rights Maryland, DRM (formerly known as the Maryland Disability Law Center, MDLC) is Maryland's designated Protection & Advocacy (P&A) agency, which is part of a nationwide network of organizations established by Congress to protect and advance the rights of people with disabilities. We note that today we provide testimony on behalf of Consumers for Accessible Ride Services, or CARS, a consumer group of people with disabilities who rely on paratransit service. DRM and CARS are dedicated to advancing the civil rights of people with disabilities.

HB9/SB 19 is significant to people with disabilities as it impacts how transportation services effect access to education, health care, employment, and decent housing. While our testimony focuses on persons with disabilities, we recognize the intersectionality with persons of color. Our legacy of race, ethnicity and disability discrimination has driven our patterns of segregation and exclusion.

The Americans with Disabilities Act specifically found that society has isolated and segregated people with disabilities and that discrimination continues to be a pervasive problem in transportation. The National Council on Disability identifies transportation as a major barrier to community inclusion for people with disabilities. The national transit household survey found in 2017, that over 25 million people with disabilities had disability related barriers to travel. Equity requires that our transit agency assess whether its plans, services and policies perpetuate systemic barriers to opportunities and benefits for people with disabilities.

We join the Maryland Centers for Independent Living, nonprofit disability resource and advocacy organizations located throughout Maryland operated by and for people with disabilities, in requesting the following minor yet meaningful changes:

At present, the bill language treats disability differently than race and ethnicity. It qualifies the Advisory Committee's identification of indicators for people with disabilities. "to the extent data is available." If no available data is identified for persons with disabilities, no equity analysis of the impact of transit decisions on people with disabilities will be conducted.

Our suggested language places consideration of disability on equal footing with race and ethnicity and puts a reasonable expectation for the Advisory Committee to identify indicators that are reasonably available. Our amendment to page 3, lines 24-25 is simple:

THE ADVISORY COMMITTEE ADVISING THE DEPARTMENT ON STATE TRANSPORTATION GOALS, BENCHMARKS, AND INDICATORS SHALL RECOMMEND MEASURABLE TRANSPORTATION INDICATORS THAT CAN BE EVALUATED FOR **RACIAL, DISABILITY, AND ETHNIC DISPARITIES AS SUCH DATA IS AVAILABLE OR CAN REASONABLY BE OBTAINED.**

A few years ago, the Maryland Transit Administration announced plans to cut numerous bus lines without reviewing the impact on people with disabilities. The routes targeted for elimination would have put dialysis centers, medical day programs, supportive employment programs and disability service providers out of range of public transit. Community opposition, including organized opposition from the disability community, resulted in MTA reversing its proposal. This bill should prevent decision-making that does not consider the impact on specific communities by identifying indicators that are reasonably available.

We also seek a simple amendment to the next section of the bill that requires the Department to evaluate the indicators recommended by the Advisory Committee, but again creates a distinct standard for persons with disabilities by including qualifying language related to available data. Because the indicators from the Advisory Committee are based on available data, the qualifying language is unnecessary and redundant; and could suggest that the Department may conduct its own secondary review applicable only to persons with disabilities. We suggest simply stating:

(II) THE DEPARTMENT SHALL EVALUATE THE INDICATORS RECOMMENDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO IDENTIFY ANY RACIAL, DISABILITY OR ETHNIC DISPARITIES.

Similarly, on page six, lines 1-2 the qualifying language about available data ("TO THE EXTENT DATA IS AVAILABLE") should be removed related to transit investment considerations that support the goals and indicators established. The indicators, goals and measurements are identified based on reasonably available data. Again, the qualifying language is only applied to persons with disabilities.

Finally, but critically, the definition of "disparate impact" should be amended to include "disability." Race, and national origin are classifications listed for consideration of any disparate impact, but "disability" is not. This omission raises legal concerns. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin. But the Americans with Disabilities Act and the Rehabilitation Act of 1973, as amended, prohibit discrimination based on disability, including government actions creating a disparate impact. For instance, if new transit plans included bus routes where no right of ways or bus stops were accessible, the plans could have a disparate impact on persons with disabilities.

Thank you for your consideration of our four simple amendments. We are excited that this legislation seeks to apply an equity lens to transit decisions. With amendments, we heartily support this legislation. Our amendments seek fair consideration of transportation barriers and needs faced by persons with disabilities in the assessment, planning, implementation, and

evaluation of transit plans . Such consideration will better equip our state to develop policies and programs that deliver resources and benefits equitably to all.

The Transportation Equity Act requires data collection and analysis of the impact of our public transportation system on people with disabilities and people of color. HB9/SB19 is long overdue, remedial legislation. A person's health, income, and opportunity should not be defined by where they live. For these reasons, Disability Rights Maryland supports this legislation with the aforementioned amendments.

Thank you for your time and consideration.

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