



SB 19: Equity in Transportation Sector – Guidelines and Analyses
SUPPORT with AMENDMENTS
Testimony of Maryland Centers for Independent Living
Senate Finance, February 1, 2023

The seven Centers for Independent Living (CIL) were established by federal law and work to ensure the civil rights and quality services of people with disabilities in Maryland. Centers for Independent Living are nonprofit disability resource and advocacy organizations located throughout Maryland operated by and for people with disabilities. CIL staff and Boards are at least 51% people with disabilities. We are part of a nationwide network which provides Information and Referral, Advocacy, Peer Support, Independent Living Skills training, and Transition Services.

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 this 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. (42 U.S.C. §12101 (a)). 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.

Regarding the language we dispute, 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.**

As an example, a few years ago MTA 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. One in five non-institutionalized Maryland adults has one or more disability. A 2006 study by the Baltimore Metropolitan Council found that 43% of the population has a self-reported travel-related disability. 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.

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