



December 22, 2010

Richard Devylder
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U.S. Department of Transportation
Washington, DC
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Re: Accessible Transportation for Deaf and Hard of Hearing People

Dear Mr. Devylder:

The National Association of the Deaf (“NAD”) thanks you and the U.S. Department of Transportation (“Department”) for engaging the community of people with disabilities in a dialogue on accessible surface transportation issues on December 7, 2010. We also appreciate the invitation to provide additional feedback following that meeting on issues related to surface and other forms of transportation.

Although remarkable advances have been made in technology, the transportation industry has continually failed to utilize such advances to provide equal access to millions of deaf and hard of hearing travelers. With this in mind, we present this comprehensive list of concerns about accessible travel and transportation for our community, which also impacts individuals with disabilities and the general public.

Surface Transportation (Passenger Vehicles and Vessels)

- **Regulations**

Several of the issues discussed below may be remedied by updating the Department’s Americans with Disabilities Act (ADA) transit and rail regulations, which have not been updated since they were implemented in 1992 even with the advent of new technologies since then. By revising and updating these regulations, the level of access across the industry will be higher and more uniform. Uncertainty about access is often just as bad as lack of access, and deaf and hard of hearing travelers often do not know what to expect from each transportation facility or in each passenger vehicle or vessel. We urge the Department to initiate notice of rulemaking proceedings to update these regulations as soon as possible, and ensure that such are also in line with Air Carrier Access Act regulations and proceedings thereof.

- **Audible and Visual Announcements**

Regardless of the mode of transportation, audible announcements are made in virtually every terminal and on every passenger vehicle and vessel. The NAD maintains that information or communication that is conveyed aurally must also be visually accessible to deaf and hard of hearing travelers. Visual announcements also help hearing people understand communication in noisy environments. Audible announcements include, but are not limited to, the following:

- arrival and departure information (e.g., time, delays, gate changes)
- boarding information (e.g., time, gates, zones);
- driver/conductor/crew announcements (e.g., duration of travel, weather conditions, upcoming station/terminal stops, detours and transfers);

- public service announcements (e.g., welcome messages, lost keys, oversold and upgrade tickets); and
- safety and emergency information and alerts.

Audible announcements can be made visual by the use of LED or other systems that display text. These displays can be mounted in prominent locations in terminals, as well as inside train and subway cars, and on buses. When audible announcements are made automatically, such as pre-recorded announcements or stop location announcements triggered by GPS or other location systems, the same information must be conveyed in text on LEDs or other display systems. When audible announcements are made live or on-the-spot by transportation personnel, the same information should be conveyed in text by typing, by selecting a previously transcribed message for display, or by using trained speech-to-text recognition systems. These visual communication display systems must be dedicated to the delivery of audible announcements visually; not as a means of providing advertisements or other messages that are not also audible. Such LED systems must take care to address the visual needs of deaf-blind customers. With increased technological options available present, SMS notification systems should also be explored and made available upon request.

In addition, wherever possible, in terminals (e.g., at ticket booths, customer service and information desks) and in passenger vehicles and vessels, assistive listening systems (or “loops”) must be installed to make communication accessible between transportation personnel and customers who make use of hearing aids or cochlear implants.

- **Captioning of Videos**

More and more passenger vehicles and vessels are providing information and entertainment services, such as movies or television programs, in video format. When these videos are displayed for multiple passengers, they must already be captioned format and the captions must be properly displayed. When these videos are displayed for individual passengers, they must be captioned and the equipment must enable the user to select and display the captions.

- **Safety Information and Emergency Preparedness**

There may be nothing more frightening than being in an emergency while on the road or on the water. The Department has made considerable effort to reduce the chaos that often follows a potential, impending, or current disaster by requiring specific emergency procedures to be in place. Unfortunately, deaf and hard of hearing passengers often experience a great deal of confusion, unnecessarily, in emergency situations. Information regarding safety precautions and response prior to an emergency must be accessible, such as through the prominent display or provision of printed materials, captioned videos, and qualified interpreter services. Information given during and after an emergency must also be accessible, such as warning lights/strobes, written communication, and qualified interpreter services. Safety and emergency information must be available in terminals, as well as in passenger vehicles and vessels.

The Department should also conduct research into the development of systems and infrastructures that provide location information about approaching emergency vehicles, for all drivers, including drivers who are deaf or hard of hearing. These systems should be integrated into all emergency vehicles to communicate with GPS systems that are built into new cars and other GPS systems available for sale to consumers, thus increasing overall safety for deaf and hard of hearing drivers.

- **Personnel and Training**

Transportation personnel must receive regular classroom training that affords participants with face-to-face opportunities for learning, dialogue and situational immersion, supplemented by online refresher training opportunities, to ensure that transportation services (including information-sharing and avenues for communication) are accessible to deaf or hard of hearing customers, as well as individuals with disabilities.

Consideration should be given to creation of interstate Complaint Resolution Officers, similar to what is provided under the ACAA and other laws.

- **Equipment Maintenance**

Equipment used to convey information and communication visually must be maintained in good conduction and operable. Communications equipment (like other equipment vital to transportation, such as engines, tires, seats, and lifts) that is not operable must be removed from service, repaired, or replaced within a reasonable time.

Air Travel

The NAD will be represented at the upcoming January 2011 forum on Air Carrier Access Act, hosted by the Department. Supplemental comments will be provided afterwards. In the meantime, a summary of the air travel rules as they relate to people who are deaf, hard of hearing, or deaf-blind is available at <http://www.nad.org/issues/transportation-and-travel/air-travel/aca>. These rules include the following:

- Information and reservation services must be accessible
- Information at airports must be accessible after self-identification
- Televisions at airports must have captions turned on
- Communication on aircraft must be effective after self-identification
- Service animals must be permitted at all times
- Safety assistants as needed for travelers who are deaf-blind

The NAD urges the Department to take the following actions:

- Modify Air Carrier Access Act (ACAA) rules requiring deaf and hard of hearing individuals to self-identify in order to receive accessible information. Self-identification is not an effective means of obtaining accessible information, because information is provided in multiple locations for use by different people. Instead, all audible information should be routinely made accessible visually for everyone - including deaf and hard of hearing individuals.
- Require airports to make all audible information accessible by providing the same information in a visual (text) format. See the list above, under “Audible and Visual Announcements,” for examples of the types of information conveyed either in the airport and/or on the aircraft.
- Require captioning of in-flight entertainment services, in addition to captioning of in-flight safety information.
- Enforce existing accessibility rules.

The NAD and other consumer groups have met repeatedly with representatives of the Department about these issues. Other groups are also advocating for increased accessibility, particularly for the provision of captioned in-flight entertainment. The Department indicated that it would issue a Supplemental Notice of

Proposed Rulemaking (SNPRM) to address these issues, but that has not yet been done. *We urge the Department to issue the SNPRM to address these issues in 2011.*

We also understand that the Department has attempted to meet with representatives of the airline entertainment industry to no avail. Meanwhile, inaccessibility continues to persist as new airline entertainment equipment is being developed, manufactured, and installed without closed caption capabilities.

The Department has scheduled a forum in January 2011 to continue discussion about the regulations released in 2008 as they apply to foreign airlines; not about captioning issues. We welcome opportunities to meet with the Department, formally or informally, along with representatives of other consumer groups, the airline industry, airline in-flight entertainment industry, and airports, along with appropriate technical experts to discuss how and when these issues will be addressed.

Commercial Driver's License (CDL)

Many deaf and hard of hearing individuals are otherwise qualified for employment as truck drivers, but they are unable to obtain the requisite commercial driver's license because the Department's current regulations. The Department's physical qualifications for obtaining a CDL include the ability to "first perceive a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid" or "not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid . . ." 49 C.F.R. § 391.41(b)(11). There is no evidence that the ability to hear makes a person a safer driver. Further, the "forced whisper" test is not a valid measure of hearing ability and does not bear any relationship to the experience of operating a commercial motor vehicle. In addition, there are reliable means of receiving auditory information visually in a vehicle cab.

The NAD seeks to have this physical requirement rescinded. In the meantime, we request that the Department establish and implement a system, such as a federal waiver program, through which deaf and hard of hearing drivers who meet other established criteria are permitted to obtain a CDL for interstate transportation. Some states have already implemented waiver programs for *intra* state CDLs, however, these programs vary state-by-state. A standardized federal waiver program would increase employment opportunities for otherwise qualified deaf and hard of hearing drivers to obtain CDLs. Further, it should be noted that our neighboring Canadian government has long permitted issuance of CDLs to deaf and hard of hearing Canadian drivers.

Conclusion

We thank the Department for this opportunity to identify air travel and surface transportation access issues of concern to individuals who are deaf or hard of hearing. Because the issues are diverse and cover a wide spectrum, *we urge the Department to schedule several meetings early in 2011 with the NAD and others to effectively address ongoing and long-unresolved surface transportation, air travel, and commercial driver's license issues, respectively.*

Sincerely,



Nancy J. Bloch
Chief Executive Officer

