

G A O
Accountability · Integrity · Reliability

Highlights

Highlights of [GAO-07-1126](#), a report to the Chairman, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, Committee on Appropriations, House of Representatives

Why GAO Did This Study

The Americans with Disabilities Act of 1990 (ADA) provides people with disabilities the legal right to access transportation and public rights-of-way, including sidewalks and street crossings. The Department of Transportation (DOT) and Department of Justice (DOJ) share responsibility for overseeing ADA compliance.

GAO was asked to review federal oversight and enforcement of ADA compliance, including (1) what is known about compliance, (2) difficulties the federal government faces in overseeing and enforcing compliance, and (3) the sources of federal help and any gaps in that help. GAO's work encompassed a wide range of federal agencies and other entities, such as industry associations, transportation providers, and disability advocacy groups, as well as detailed reviews in eight cities across the country.

What GAO Recommends

GAO makes several recommendations to DOT and Amtrak to improve data and guidance for ADA compliance, increase coordination and communication across federal agencies, and develop a legislative proposal to enable DOT to impose fines for noncompliance with the ADA. DOT agreed to consider the recommendations. Amtrak officials said the recommendations are likely to be ineffective for them without more funding and clearer federal requirements.

www.gao.gov/cgi-bin/getrpt?GAO-07-1126.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Katherine Siggerud at (202) 512-2834 or siggerudk@gao.gov.

TRANSPORTATION ACCESSIBILITY

Lack of Data and Limited Enforcement Options Limit Federal Oversight

What GAO Found

While data indicate accessibility is improving for public transit, the extent of ADA compliance for other modes of transportation and public rights-of-way is unknown due to the lack of reliable data. For example, there are no national data on compliance with requirements for ADA paratransit—transit service that complements bus or rail transit. The Federal Motor Carrier Safety Administration solicits compliance data from registered commercial bus companies, but the response rate is low (13 percent in 2006), and the agency has not verified or analyzed the data. In other instances, such as the accessibility of Amtrak's train stations, data are still being developed.

Federal agencies face three main difficulties overseeing and enforcing compliance. First, they differ greatly in the degree to which they have an oversight framework in place. For example, the Federal Transit Administration has a memorandum of understanding in place with DOJ specifying each agency's responsibilities for public transit, while the Federal Railroad Administration and Federal Motor Carrier Safety Administration have no formal mechanism for coordinating with DOJ. Second, federal agencies' lack of data about compliance limits DOT's ability to target its oversight and enforcement efforts. Only the Federal Transit Administration uses data in this manner. Third, DOT officials regard their enforcement options, such as withholding grant money, as lengthy and complex processes that would not be undertaken lightly. DOT officials said the authority to impose fines—an option they lack—would be more useful.

Federal agencies provide a variety of technical assistance to help entities comply with the ADA, but gaps in regulations and guidance exist. For example, one gap involves a requirement for local governments to develop plans for identifying and correcting accessibility problems with public rights-of-way (such as shown in the figure below). As a result, GAO found confusion about which entities needed to develop the plans and how to use and update plans once they were developed. DOJ officials said most localities had not developed such plans, leaving themselves open to private lawsuits and federal enforcement action.

Example of Inaccessible Sidewalk in a Downtown Area



Source: GAO.

Note: This is a recent construction project in a downtown area where a median was installed in the main street, but curb ramps were not installed in the existing sidewalks, as required.