

United States Senate

WASHINGTON, DC 20510

May 16, 2023

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland,

We are writing today to express the importance of finally bringing our pedestrian infrastructure into the 21st century. One overdue piece of this mission is the Public Rights-of-Way Accessibility Guidelines (PROWAG), which set standards for accessibility in sidewalks, crosswalks, and other rights-of-way. It is critical that the Department of Justice (DOJ), in coordination with the Department of Transportation (DOT), move quickly to finalize and implement these guidelines.

As established by the Americans with Disabilities Act and the Architectural Barriers Act, the final PROWAG will establish the design standards for accessibility in sidewalks, streets, crosswalks, curb ramps, pedestrian signals, on-street parking, and other parts of the public right-of-way. However, despite the evident need for clear standards, the guidelines have sat in draft form for more than 20 years, with public comments closed since 2013. According to transportation and disability policy experts, some state departments of transportation have knowingly built roads that do not comply with PROWAG draft standards, citing the draft status of the guidelines as insufficient to affirmatively require compliance.

These design guidelines have real-world implications for pedestrians. For example, in marked street crossings where a pedestrian must engage the push button to activate the walk sign, and where a walk sign must be on in order for a pedestrian to legally cross the street (rather than cross illegally), inaccessible push buttons essentially force people with disabilities to break the law and endanger their safety. Pennsylvanians are more than aware of the consequences of inadequate design standards for accessibility. In Pennsylvania, sidewalk closures in Philadelphia have presented significant barriers to people with disabilities, and constituents in Erie have shared images of unnavigable sidewalks. In New Hampshire, the New Hampshire Department of Transportation's ADA Title II transition plan currently relies on the draft guidance, and the lack of final guidance creates the potential for misaligned requirements for accessible construction. Inconsistency between state and federal requirements creates uncertainty and increases future costs, which are serious concerns for smaller localities and states.

Implementation of the Infrastructure Investment and Jobs Act (IIJA) means that streets across the country will finally receive the attention that they have sorely needed, but we should not invest taxpayer dollars into roads and other infrastructure that fail to meet the needs of all Americans.

As the Departments evaluate the regulations needed to finalize PROWAG, we urge you to consider the full scope of what must be done to achieve public right-of-way accessibility. The goal of PROWAG implementation should be real accessibility for all people, and finalizing these guidelines should give the public the best possible standard to reference. For example,

construction zones should not just install detours when sidewalks are closed, but also ensure that those detours are not unduly long and do not place people with disabilities in unsafe situations. State and local departments of transportation make significant efforts to avoid forcing motorists to take a 20-minute detour, and pedestrians, seniors, and those with disabilities should receive the same dignity.

To that end, please respond to the following questions by June 5, 2023:

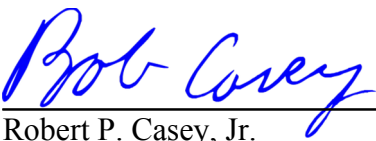
1. What is the timeline for DOT and DOJ to finalize PROWAG?
2. How will DOT and DOJ work with states to ensure that existing transition plans and design standards are made compliant with PROWAG?

We appreciate your work on this issue, and hope to continue to partner on efforts to improve transportation accessibility.


Sincerely,



John Fetterman
United States Senator



Robert P. Casey, Jr.
United States Senator



Margaret Wood Hassan
United States Senator

CC: Secretary Buttigieg