



Policy Brief

Washington Advisory Committee to the
U.S. Commission on Civil Rights

Physical Barriers to Accessibility for People with Disabilities¹

The Washington Advisory Committee identified non-compliance and incomplete and inconsistent physical access for individuals with disabilities in Washington state. The Committee invited testimony from federal transit employees, Assembly and Senate members, civil rights attorneys, state government employees, academics, disability advocacy organizations, and individuals with disabilities who are directly affected. **The Committee found that even though the Rehabilitation Act and Americans with Disabilities Act (ADA) has been in existence for decades, localities are not fully complying with accessibility standards in public spaces.**

Washington has laws that protect against discrimination in public spaces and accommodations and the “full enjoyment” of these facilities. But lack of accessibility and compliance remains a critical civil rights issue that affects over 1.2 million disabled Washington citizens with a mobility-type disability.

Currently, transportation remains largely inaccessible to individuals with disabilities because of incomplete sidewalks, lack of curb cuts, and inaccessible train or bus systems. When Washington citizens with mobility disabilities were asked to name the biggest barrier to getting where they need to go in their community, the most frequent answer was the poor condition or absence of sidewalks, followed closely by problems with curb cuts, crosswalks, and intersections. Many communities have no sidewalks at all; existing sidewalks are often filled with cracks and bumps or are incomplete, ending suddenly with no warning or accessible cues, turning into gravel, and dumping people into the street. Infrequency, poor scheduling, and poor connections in public transportation make using transit onerous. As a result, disabled individuals will delay or even skip necessary trips like doctor visits.

The lack of dedicated funding to meet and enforce current ADA compliance standards is a critical barrier to public access and physical accessibility.

In Washington, 12.8% of the population has a mobility-limiting disability. National data suggest that only one in five working-age adults with a mobility-limiting disability has a full or part time job, and often the limiting factor is access to reliable transportation.

The underinvestment in physical access improvements perpetuates the insufficient physical access infrastructure in Washington for people with disabilities. There is a lack of grants specified for making infrastructure ADA-compliant and little financial incentive to support ADA-related projects. Grant applications for infrastructure projects often prioritize other city needs over physical accessibility projects. Funding for these grants typically comes from both federal and state governments, and in cases where grants are approved for ADA-related infrastructure projects, municipalities still need to supply a match of 20% of the grant amount. This can be a great financial stress to grantees, especially smaller and more rural communities across the state.

¹ Full and complete citations can be found in the report.

Enforcement of ADA compliance is largely dependent on lawsuits and complaints filed by affected individuals. Because of the complaint-driven nature of the remedy process, authorities do not respond equitably to issues of physical access.

There are various agencies receiving complaints and many have overlapping jurisdictions. People are often uncertain where to take ADA complaints, which are many times marked as “closed” without additional action. This furthers non-compliance and does nothing to ensure accountability. Most agencies do not have the capacity to investigate individual complaints. This makes litigation the main form of recourse for individuals, which is another barrier for many people with disabilities. An already inequitable system is creating further disparity by placing the burden of proof and financial constraints on the backs of those most impacted.

Policy Recommendations

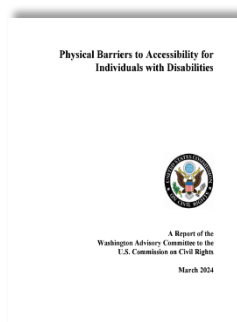
The U.S. Commission on Civil Rights recommends ear-marked funds specifically for ADA-related projects within the government’s operations budget at the State level.

- Ear-mark funds and create specific grants designated for ADA projects for accessibility and making existing public transportation infrastructure ADA-compliant.
- Create an accessibility fund for businesses to become compliant and focus on rural communities that require high levels of ADA accessibility investments.
- Mandate and fund the replacement of older public transportation vehicles that cannot be made accessible.



The Washington State Legislature should create an agency that is dedicated to ADA compliance and allocating government funds for accessibility infrastructure. This office should:

- Ensure that larger localities within Washington have a designated staff position for coordinating and ensuring ADA compliance.
- Provide educational resources and guidance to local jurisdictions.
- Hold these jurisdictions accountable when they are not making appropriate investments in improving their ADA compliance.
- Guide complainants throughout the complaint process. This may include “case managers” that assist complainants, follow their cases, or similar oversight.
- Create a certification for business that attests they are ADA compliant and allows them to be protected from future litigation.



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The U.S. Commission on Civil Rights (Commission) is an independent, bipartisan agency established by Congress and directed to study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, national origin, or in the administration of justice. This product is part of the Washington Advisory Committee’s study, Physical Barriers to Accessibility for People with Disabilities. This policy-oriented summary of the published report is intended to aid stakeholders seeking solutions to this complex issue. You can find the full report here:

<https://www.usccr.gov/news/2024/washington-advisory-committee-releases-report-physical-barriers-accessibility-individuals>