Thank you for the opportunity to testify about how the District Department of Transportation ("DDOT") can ensure that sidewalks are accessible to all District residents with disabilities. Disability Rights DC (DRDC) is the designated protection and advocacy agency for the District. We advocate on behalf of District residents with disabilities to promote their equal access to public services, among other programs. My testimony today focuses on the ongoing need for the District to meaningfully address sidewalk repairs to ensure the District’s compliance with Title II of the ADA and Section 504 of the Rehabilitation Act of 1973.¹

**Federal law Requires Accessibility of Pedestrian Right-of-Way**

Maintaining the pedestrian right-of-way is a fundamental public transportation program, service, and/or activity that DDOT provides for the benefit of District residents and visitors. Title II of the ADA and Section 504 of the Rehabilitation Act require the District to maintain the accessibility of its sidewalks to people with disabilities. *Barden v. City of Sacramento*, 292 F.3d 1073, 1076 (9th Cir. 2002). Accessible sidewalks and curb cuts/ramps are necessary for people with mobility disabilities to access and navigate the pedestrian right-of-way, a core mode of transportation in the District for people with disabilities who use transit more,² walk more and are less likely to drive than people without disabilities.³ Inaccessible sidewalks prevent District residents with disabilities from independently, fully, and meaningfully participating in all aspects of society, including but not limited to employment, housing, education, transportation, public accommodations, and recreation. Accordingly, maintaining an accessible pedestrian right-of-way is essential to realizing the integration mandate of disability non-discrimination laws, and failure

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to do so constitutes discrimination against people with disabilities under federal law.\(^4\) Unfortunately, recent surveys on the accessibility of the District’s sidewalks indicate widespread accessibility issues.

### Widespread Broken and Missing Pedestrian Infrastructure in DC

Though DDOT does not provide current data on the overall accessibility of the District’s sidewalks, two recent citizen-led efforts reveal systemic inaccessibility to people with mobility disabilities, with estimates from 7,000 to over 10,000 individual inaccessible sidewalk issues.

The last time DDOT publicly reported on the accessibility of the District’s sidewalks in 2016, it had surveyed only seven percent of the public right of way.\(^5\) DDOT found most of the seven percent of surveyed blocks to have accessibility issues.\(^6\) While DDOT maintains an internal database of needed sidewalk repairs, it does not provide this data to the public. So at least two major citizen-led efforts, Sidewalk Palooza and Project Sidewalk, have attempted to fill in DDOT’s missing information on needed repairs. Both projects highlight the systemic inaccessibility of the District’s sidewalks.

Sidewalk Palooza, was a series of 25 grassroots events across the District to document and submit to 3-1-1 requests related to pedestrian accessibility. Each event covered a few blocks and volunteers documented over 375 problems in total.\(^7\) Based on this sample, the organizers estimate there are over 10,000 issues\(^8\) across the 5,674 total blocks\(^9\) in the District.

Project Sidewalk,\(^10\) organized by a team at the University of Maryland, had volunteers use Google Maps to virtually inspect and mark every sidewalk obstruction they found on DC’s 1,495 miles\(^11\) of sidewalk.\(^12\) Completed in 2019, the project found over 7,000 sidewalk obstructions in

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\(^4\) *Barden v. City of Sacramento*, 292 F.3d 1073, 1076 (9th Cir. 2002).


\(^6\) Id. Despite the ADA Transition Plan being a “living” document to be updated annually, only one updated plan in 2016 is available. Sianna Boschetti, *District sidewalks still not up to ADA standards*, The Wash (January 21, 2020), https://thewash.org/2020/01/21/district-sidewalks-still-not-up-to-ada-standards/.


\(^8\) Id.


\(^12\) Barbara Moreno. *A city is only as accessible as its sidewalks. This map shows DC’s are often blocked*, Greater Greater Washington (September 10, 2019) (noting the DC mapping project was complete in 2019), https://ggwash.org/view/73794/washington-dc-walkable-scores-quality-of-sidewalks.
the top ten worst areas alone. These two different citizen-led efforts demonstrate there are thousands if not tens of thousands of sidewalk accessibility issues in the District.

DDOT’s latest data from its Paving Plan website indicates that in FY21, it completed repairs on only 33 of 1,495 miles of sidewalk.\(^\text{13}\) In the same timeframe DDOT has repaved four times that distance in roads.\(^\text{14}\) Although road infrastructure is important, DDOT cannot prioritize road repairs at the expense of sidewalk repair and the accessibility of pedestrian infrastructure to people with disabilities. DDOT reported in last year’s oversight hearing responses that it did not meet its own internal goal for sidewalk repairs in part due to the number of reported sidewalk accessibility issues.\(^\text{15}\) Pedestrian injuries related to inaccessible sidewalks and sidewalk crossings cost District residents not only their health and safety, but additional public funding in the form of legal settlements. In FY20 alone, DDOT paid about $6.3 million in damages for inaccessible sidewalk and sidewalk crossing-related injuries.\(^\text{16}\)

Additionally, the District’s use of 3-1-1 reported sidewalk barriers to identify ADA and Section 504 compliance issues is ineffective public policy and the District should not place the burden on District residents with the disabilities and other District residents to identify inaccessible sidewalks. It also worsens infrastructure disparities for those without the knowledge on how to report sidewalk accessibility issues or do not have the resources to do so. Even when reported, there is the risk that DDOT will miss these requests because they may be miscategorized either when submitted or when being routed to the appropriate agency.

### DDOT Must Devote Additional Resources to Address Reported and Unreported Sidewalk Accessibility Issues

DDOT must immediately triage reported sidewalk accessibility issues and then systematically survey and repair the rest of the District’s sidewalks. An analysis of the data we have on sidewalk accessibility issues reveal a majority (55.9% of sidewalk accessibility issues) should not take months or years to resolve because simple repairs like filling holes, replacing pavers, or grinding down moderate height differences between pavers do not require significant time, equipment or money to solve.\(^\text{17}\) Yet DDOT states publicly that they will attempt to resolve sidewalk repair requests in just over one year (270 business days).\(^\text{18}\) By comparison, DDOT’s standard for pothole repairs is three business days.\(^\text{19}\) Based on publicly available data on the District’s 3-1-1 web portal, DDOT took an average of 77 days to close service requests submitted from Sidewalk Palooza events, but 68 percent of these sidewalk accessibility service

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\(^\text{13}\) DDOT Paving Plan (last accessed February 11, 2022), [https://dcgis.maps.arcgis.com/apps/MapSeries/index.html?appid=76784c82ddcc4b798769138f27c0ed3](https://dcgis.maps.arcgis.com/apps/MapSeries/index.html?appid=76784c82ddcc4b798769138f27c0ed3).

\(^\text{14}\) Id.


\(^\text{16}\) Id. at 283-287.


\(^\text{19}\) DDOT, Pothole Repair, [https://ddot.dc.gov/service/pothole-repair](https://ddot.dc.gov/service/pothole-repair).
requests remain unresolved as of this month. To date, DRDC has seen no plan from DDOT on how it will address all of these sidewalk accessibility issues in a timely manner.

(Visualization of Sidewalk Palooza service request status from 311.dc.gov data using Google Maps. Black are resolved service requests, grey are unresolved service requests.)

DDOT should set aside resources from the $19 billion in federal infrastructure funding headed to the District, Maryland, and Virginia for sidewalk repairs. Repairing sidewalks will not only help the District come into compliance with federal law. Repairing sidewalks will also increase the safety and accessibility of the public right of way necessary to achieve the Mayor’s promise for Vision Zero, the District’s plan to achieve zero traffic fatalities by 2024, which suffered a

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20 DRDC last checked on each Sidewalk Palooza service request status using 311.dc.gov on February 6, 2022.
21 Disability Rights DC, Sidewalk Palooza Data Visualization, (updated February 6, 2022), https://www.google.com/maps/d/u/1/edit?mid=1Gw2aFHHP3vKblgyvGm0T2LlScAgMcPms&usp=sharing
22 Jordan Pascale, At least $19 billion from the infrastructure bill is heading to D.C., MD, VA. Here’s what they hope to do with it, DCist (November 18, 2021), https://dcist.com/story/21/11/18/at-least-19-billion-from-the-infrastructure-bill-is-heading-to-d-c-md-va-heres-what-they-hope-to-do-with-it/.
setback in 2021 with the preventable killing of 17 pedestrians. DDOT’s Everett Lott stated at a previous DC Council hearing that DDOT is “looking at how we can make investments that are going to provide safety, really reduce carbon emissions, and really get our infrastructure in a state of good repair.” Without these additional resources, DDOT will likely continue to repair only three percent of the District’s sidewalks per year.

Conclusion

The District prides itself on being an accessible city, but these systemic sidewalk accessibility issues demonstrate that the District is not truly accessible. DRDC is calling on DDOT to make a serious commitment of resources and employees to remediate the District’s broken and missing pedestrian infrastructure to ensure equal access for people with disabilities. Thank you for the opportunity to testify and I am happy to answer any questions.

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24 Id.
25 DDOT’s Paving Plan indicates the agency averaged 41 miles of sidewalk repairs per year over the last three years. Each year’s repairs constitute 2.9% of the total 1,406 miles of DDOT-maintained sidewalks in the District.