

January 29, 2014

Representative Duncan Hunter
Cc Representative John Garamendi
U.S. House of Representatives
Washington, D.C.

Dear Representative Hunter:

We are writing regarding a provision (Sec. 303) in the recently enacted “[Coast Guard and Maritime Transportation Act of 2012](#)” (P.L. 112-213) requiring the Coast Guard to conduct a study of survival craft, and the need for out-of-the-water protection for those who must abandon ship.

It has been over 100 years since the sinking of the TITANIC, yet there are still vessels transporting passengers that do not have sufficient life saving devices to keep all of their passengers out of the water and safe until United States Coast Guard personnel get on-scene to help save them up to 2 hours after the disaster occurs under the Coast Guard’s Search and Rescue performance standards. This is a particularly life-threatening situation for those with disabilities.

When enacting the Americans with Disabilities Act (ADA), Congress found that individuals with disabilities had been precluded from participating in all aspects of society, encounter the discriminatory effects of transportation barriers, and that the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to pursue those opportunities for which our free society is justifiably famous.

The ADA provides the legal mechanisms for individuals to have access to vessels carrying the public - such as whale watching boats and charter fishing boats. Now it is time to ensure that these individuals have the same chance to survive if a disaster occurs as individuals that do not have disabilities.

For this reason we supported the phase-out in 2015 of existing survival craft that do not keep individuals out of the water that was enacted by the Coast Guard Authorization Act of 2010 (P.L. 111-281).

We write to express our belief that individuals with disabilities must be afforded the same chances of survival when abandoning a ship as everyone else on board.

The National Transportation Safety Board (NTSB), in its reviews of various passenger vessel incidents and in a number of reports, has consistently examined this issue and found it appropriate to require passenger vessels to have survival craft to provide each passenger out-of-the-water protection. In March 2009, the NTSB concluded in an accident reportⁱ that when an emergency evacuation was necessary for the passenger vessels involved, the absence of out-of-water flotation would have subjected both passengers and crew to high risk of injury and death from exposure to cold water temperatures. In a 1989 report, the NTSB recommended that the Coast Guard “require that all passenger vessels except ferries on river routes operating on short runs of 30 minutes or less have primary lifesaving equipment that prevents immersion in the water for all passengers and crew.” In December 1989, a small passenger vessel called the *Bronx Queen* sank near the entrance to New York Harbor with 19 persons on board, and even though rescue personnel responded quickly, 2 passengers died of hypothermia, leading the NTSB to again reiterate these recommendations in a letter to the Coast Guard.

Supporting 100% of passenger and crew members with out-of-water flotation equipment on passenger vessels is particularly important for people with disabilities. In order to be truly accessible, a survival craft must provide sufficient support to hold a person out of the water independently, and not rely on the strength of a person’s limbs or body to hold onto a floating item. The United States Access Board’s Draft Passenger Vessel Accessibility Guidelines and Supplementary Informationⁱⁱ recommend that passenger vessels provide an accessible means of escape for people with disabilities. In order to be fully accessible, not just the means of egress, but also the avenues for evacuation and rescue, should be accessible. The lives of people with disabilities on passenger vessels may depend on this.

We strongly urge you to join us in insisting that there be no change to the current statutory phase-out of survival craft that do not provide out of the water protection for all passengers.

If you have further questions, please feel free to contact Patrick Wojahn at the National Disability Rights Network at (202) 408-9514, x102, or myself at (510) 549-9339.

Sincerely,

A handwritten signature in black ink that reads "Marilyn Golden". The signature is written in a cursive, flowing style.

Marilyn Golden

Disability Rights Education & Defense Fund (DREDF)

ⁱ NTSB/MAR-09/04/SUM, which can be found at <www.nts.gov>.

ⁱⁱ www.access-board.gov/guidelines-and-standards/transportation/passenger-vessels/about