

# **CalEMA Functional Needs Evacuation Planning Project: Current Legislation, Literature & Policy Review**

## **Overview**

The challenge of evacuating and transporting people with disabilities and older adults during and after disasters has gained national attention, especially after September 11 and Hurricane Katrina. Since that time a number of federal, state, local, and private entities have developed new procedures or improved existing resources to educate individuals as well as assist emergency managers to plan for and deal with the unique needs of this population.

Guidance for transit providers in planning for the evacuation of at-risk populations falls under the umbrella of existing federal legislation related to persons with disabilities. In addition, individual federal agencies have specific requirements for public and private transit providers regarding individuals with disabilities. Moreover, there are several independent publications which merit attention, and a host of lessons learned from previous disasters. Lastly, state laws and local codes may directly impact transit agencies decisions in planning for disaster evacuations.

Most of the literature and policies reviewed in this report recognize that evacuation and transportation of at-risk citizens entails concurrent planning for egress, mobility, mass care, sheltering/housing, medical needs, service animals, crisis counseling, etc. Evacuation planning for transit providers therefore demands logistical coordination with other agencies and special service providers.

## **Relevant Federal Legislation**

- Communications Act of 1934, as amended
- Fair Housing Act of 1968, as amended
- Architectural Barriers Act of 1968
- Rehabilitation Act of 1973, as amended
- Individuals with Disabilities Education Act (IDEA) of 1975, as amended
- Americans with Disabilities Act (ADA) of 1990
  - Title II - Public Transportation
  - Title III - Private Transportation Providers
- Executive Order 13347, signed by President George W. Bush on July 26, 2004  
This order ensures that the Federal Government supports safety and security for individuals with disabilities in their communities and work environments. The Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities was created by this order to ensure federal departments work together in addressing major issues. (see below)

## **Existing Federal Policies & Procedures**

- [Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities](#)  
The Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities was established by Executive Order #13347 to ensure that the federal government appropriately supports safety and security for individuals with disabilities in disaster situations. The purpose of the Council is to:
  - Consider, in their emergency preparedness planning, the unique needs of agency employees with disabilities and individuals with disabilities whom the agency serves;
  - Encourage, including through the provision of technical assistance, consideration of the unique needs of employees and individuals with disabilities served by state, local, and tribal governments, and private organizations and individuals in emergency preparedness planning; and
  - Facilitate cooperation among federal, state, local, and tribal governments and private organizations and individuals in the implementation of emergency preparedness plans as they relate to individuals with disabilities.
  
- [The National Response Framework](#): The National Response Framework (NRF) presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies – from the smallest incident to the largest catastrophe. Emergency Support Function 1 (ESF #1) provides support to the Department of Homeland Security (DHS) by assisting Federal, State, tribal, and local governmental entities, voluntary organizations, nongovernmental organizations, and the private sector in the management of transportation systems and infrastructure during domestic threats or in response to incidents.
  
- [The National Emergency Communications Plan](#) — an attempt to facilitate communications among first responders regardless of location or level of government.
  
- [The National Shelter System](#) — a database and set of maps that include information on the status of 45,000 shelters nationwide.

## **Federal Emergency Management Agency (FEMA)**

- [Interim Emergency Management Planning Guide for Special Needs Populations](#)  
This guide is intended as a tool for state, territorial, tribal, and local emergency managers. It is comprehensive in scope. In terms of transportation, it has several recommendations and considerations:

- Pre-Identify individuals who may need transportation assistance.
- Pre-Identify available transportation resources and coordination of those limited resources.
- Transportation providers may have pre-arranged agreements with multiple facilities—essentially “double-” or “triple-booking” them— risking insufficient services should an emergency affect an entire state or region.
- Many contracts between transportation providers and facilities have a provision that allows the transportation company to opt out at the last minute.
- Many jurisdictions have contracts in place for buses and must pre-designate drivers. Transportation plans should include the workers, which often involve union rules, and the requests made to these workers should be detailed.
- Identifying where individuals are located, particularly during the day, can be problematic, especially when multiple transit providers serve the same people.
- In some jurisdictions, there are laws limiting where buses may go and neighboring counties may be off limits.
- If an evacuation takes place during a school day, school bus drivers may not be available to assist with the evacuation because they will be driving children to or from home. Additionally, these drivers are typically not trained or contracted for emergencies and may not be available to provide assistance to some special needs individuals.
- Establish shelter policies to ensure transportation providers have specific information on evacuation routes and shelter locations.
- Develop procedures for reimbursing transportation providers for expenses they incur during an evacuation, to ensure their assistance in the future.
- State, territorial, tribal, and local jurisdictions should work to establish agreements that reduce the liability of transportation providers in case of an accident or injury.
- In addition to transportation resources, consideration should be given to the availability of support equipment such as portable oxygen, special needs cots, accessible portable toilets, drinking straws, and communication devices for the evacuation process.

- Make provisions for transporting persons with disabilities and their service animals as a unit without separating the persons/animals from each other or segregating them from the general population.
- [Preparing for Disaster for People with Disabilities and other Special Needs](#)  
This resource provides basic disaster preparation information for people with disabilities. It addresses issues including establishing personal support networks, conducting functional needs assessments, identifying egress, mobility, service animals, transportation, and medical needs.

### **U.S. Department of Transportation**

- [Emergency Preparedness and Individuals with Disabilities](#)  
This web-based resource provides information on the Coordinating Council on Access and Mobility Incident Management Team, the Emergency Transportation Subcommittee, an evaluation of Gulf Coast catastrophic evacuation plans (see below), DOT's Internal Guidelines on Emergency Preparedness and Individuals with Disabilities, a report on transportation equities in emergencies, and links to other federal resources for transportation providers. Recent additions include a new [Strategy Paper](#) and [Checklist for Communities](#) on addressing the needs of transportation dependent populations during an emergency.
- [Report to Congress on Catastrophic Hurricane Evacuation Plan Evaluation](#)  
This report contains several important lessons learned that are applicable to a variety of evacuation scenarios. Among the most important:
  - Understanding the time required for evacuations is essential.
  - The necessity of having food, water, restrooms, fuel, and shelter opportunities along evacuation routes.
  - Most evacuation plans need improvement with respect to the role of safe and practical modes of transportation.
  - With advanced planning, school buses and local transit buses can be mobilized by local jurisdictions with little advanced notice; commercial vehicles such as intercity buses, trains, airplanes, and boats require more advanced notice.

## **Federal Transit Administration**

- [Disaster Response and Recovery Resource for Transit Agencies](#)  
This FTA document provides summary information, best practices, links to more specific resources, and detailed information for local agencies concerning critical disaster evacuation procedures for individuals with disabilities.

## **The U.S. Government Accountability Office (GAO)**

- [Transportation-Disadvantaged Populations: Actions Needed to Clarify Responsibilities and Increase Preparedness for Evacuations](#)  
While state and local governments have primary responsibility for planning, training, and conducting exercises for the evacuation of at-risk populations, gaps in federal assistance have hindered the ability of many state and local governments to sufficiently prepare to address the complex challenges and barriers of evacuating this population. This includes the lack of any requirement to plan, train, and conduct exercises for the evacuation of transportation-disadvantaged populations as well as gaps in guidance and technical assistance.
- [Preliminary Observations on the Evacuation of Vulnerable Populations due to Hurricanes and Other Disasters](#)  
Hospitals and nursing homes face multiple challenges in weighing the risks of sheltering in place or evacuating. Although evacuation is a last resort, Hurricanes Charley and Katrina resulted in both hospitals and nursing homes having to evacuate. When evacuating, administrators faced problems specifically related to transportation, including securing vehicles. Hurricane Katrina, the first emergency in which the National Disaster Medical System (NDMS) was used to evacuate a large number of people, brought to light that NDMS was not set up nor is currently configured to provide assistance to nursing homes. As a result, it does not have agreements with nursing homes to accept evacuated patients. In addition, states and localities face multiple challenges in ensuring that transportation-disadvantaged populations who are not in such facilities are evacuated.

## **Congressional Research Service**

- [Disaster Evacuation and Displacement Policy: Issues for Congress](#)  
People with disabilities, be they mental or health, need particular attention in evacuations. The National Organization on Disability has developed a guide for the consideration of the needs of disabled persons, particularly the evacuation of those individuals from their communities. Congress could consider whether existing state authorities adequately address the needs of the disabled in evacuation circumstances.

## **State of California Resources**

- [Guidance on Planning and Responding to the Needs of People with Disabilities and Older Adults](#)

The Governor's Office of Emergency Services (OES) established the Office for Access and Functional Needs (OAFN), which identifies the needs of people with disabilities before, during and after a disaster, and integrates disability elements and resources into all aspects of emergency management systems. The OAFN offers guidance to emergency managers and planners, and disability and older adult service systems, for planning and responding, during disasters and recovery. This web-based resource includes information on:

  - [Identification of People with Disabilities & Older Adults](#)
  - [Communication](#)
  - [Evacuation/Transportation](#)
  - [Sheltering](#)
  - [Recovery](#)
- [Southern California Wildfires After Action Report-September 2008](#)

This comprehensive report details many disaster response and recovery issues that arose during the 2007 fire season in California. It offers specific recommendations for strengthening and improving preparedness, response actions and recovery efforts that include people with disabilities and activity limitations. The intended audience includes the state, regional and local governments, policy makers and emergency planners, non-government organizations, long term care facilities and older adults and disability advocates. This is an excellent resource.
- [Special Needs in Emergency Planning and Preparedness: The Changing Paradigm in Emergency Management: Preparing for People with Disabilities](#)

In September 2006, Governor Schwarzenegger signed SB 1451 by Senator Christine Kehoe (D-San Diego), which required the Office of Emergency Services (OES) to ensure that members of the disability community are represented on all pertinent committees of the Standardized Emergency Management Systems (SEMS). The bill now places individuals with disabilities within the state level planning structure addressing communication, evacuation/transportation, sheltering and recovery.
- [Caltrans Rural Transit Emergency Planning Guidance \(Draft\)](#)

This internal Caltrans document details the department's emergency planning doctrine to prepare, prevent, respond, and recover from disasters. It includes basic awareness training for transit managers; interagency training and tabletop exercises for transit staff, first responders and emergency managers.

- [DISASTER PREPAREDNESS for PEOPLE WITH DISABILITIES](#)  
This brochure provides information to individuals with disabilities to prepare for and respond to a variety of natural disasters.

### **Selected State Resources**

- Florida-[Vulnerable Resident Preparedness](#)  
This web-based resource is provided by Broward County to assist residents in disaster planning, response, and recovery. It has specific information on communication, evacuation, transportation, and sheltering. It contains a Vulnerable Population Registry that allows people who are disabled, frail or have health issues to register in advance with their city so that emergency workers may plan a better response to vulnerable residents in a recovery effort following a hurricane or other emergency.
- New York-[Ready New York for Seniors & People with Disabilities](#)  
This document provides detailed instructions on developing a disaster plan, assembling an Emergency Supply Kit, and putting together a Go Bag, as well as guidance on creating a support network, preparing for evacuation and sheltering in place. OEM encourages seniors and people with disabilities to fill out and regularly update the emergency reference card included in the guide so that emergency professionals may refer to the card in the event of an emergency.

### **Other Guidance**

- [The Role of Transit in Emergency Evacuation](#) (Transportation Research Board)  
This comprehensive study was requested by Congress and funded by the Federal Transit Administration (FTA) and the Transit Cooperative Research Program to explore the capacity of transit systems serving the nation's 38 largest urbanized areas to accommodate the evacuation, egress, or ingress of people from or to critical locations in times of emergency. Among the findings and recommendations:
  - Including transit providers, as well as social service agencies, in the development of emergency plans;
  - Identifying transit-dependent populations and those requiring special assistance in an evacuation through registries and computer mapping and providing this information to emergency responders, including information on where these individuals

should be taken, well in advance of an event;

- Specifying responsibilities of transit staff in an emergency (essential personnel), providing for the evacuation needs of the staff's families, and securing transit equipment to the extent possible;
  - Establishing means of communication, including contingency communications plans, among transit agency personnel and with other emergency responders;
  - Developing memoranda of understanding with neighboring jurisdictions, sometimes across state lines, and standby contracts with private providers to help ensure that transit vehicles, including accessible equipment and trained drivers, will be available to meet surge requirements in an emergency and that transport destinations will be clear;
  - Establishing protocols with a clear chain of command and checklists for critical transit personnel and emergency responders;
  - Providing emergency evacuation information in accessible formats to the public, particularly to vulnerable populations, regarding how they can access transit (e.g., bus staging areas) and obtain assistance, if necessary, in an emergency evacuation;
  - Undertaking frequent drills and exercises, including transit agencies, under a wide range of emergency scenarios to see how well evacuation plans work in practice and planning revisions on the basis of this experience.
  -
- [National Study on Carless and Special Needs Evacuation Planning](#)  
This ongoing academic research project attempts to discern how State Departments of Transportation, Metropolitan Planning Organizations transit agencies, and local governments are considering the unique needs of minority, low-income, elderly, disabled, and Limited English Proficient (LEP) persons, especially for households without vehicles. In addition to collecting and documenting agency plans, practices, philosophies, the proposed project will also include a comparative evaluation and assessment to identify practices that are particularly effective, innovative, and/or cost effective.
  - [Disabled People and Disaster Planning \(DP2\)](#)

A web-based resource that contains recommendations to reduce or eliminate problems with accessibility that many disabled people experienced after the Northridge Earthquake of 1994.

- [Emergency Evacuation Planning Guide for People with Disabilities](#) (National Fire Protection Association)  
This resource contains evacuation considerations for people with mobility, visual, hearing, speech, and cognitive issues. It also contains an evacuation checklist, and history of the ADA, and links to other government resources.

### **Lessons Learned & Best Practices**

- [An Investigation of Best Practices for Evacuating and Sheltering Individuals with Special Needs and Disabilities](#) (National Clearinghouse for Educational Facilities)  
This literature search and review identifies best practices in school building design for accommodating the evacuation and sheltering needs of individuals with special needs or disabilities. It contains links to other resources and documents about design, egress, and mobility issues.
- [People with Disabilities and Emergency Management](#) (National Council on Disability)  
This report details the lessons learned from Hurricane Katrina in terms of the evacuation and sheltering of persons with disability. It is targeted to people with disabilities, first responders, policy makers and communities who are actively involved in using lessons learned to improve their emergency preparedness efforts. It contains anecdotal records, specific recommendations, and statistical information.
- [We Can Do Better: Lessons Learned for Protecting Older Persons in Disasters](#) (AARP)  
This paper presents highlights from the AARP conference, an extensive literature review, and data from a short survey of persons ages 50 and older conducted by Harris Interactive on behalf of AARP in November 2005. The report addresses the following issues as they relate to older persons in the community and in nursing homes:
  - Planning and communication
  - Identifying who will need help and what kind of help, including registries, tracking, and medications
  - Evacuating older persons, including transportation and “special needs” shelters