Transportation Accessibility

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What Types of Transportation are Covered?

- Heavy, Light, and Intercity Rail Systems
- City Buses & Paratransit Systems
- Taxis, Airport Shuttles, etc.
- Hotel Shuttles, Car Rental Shuttles, etc.
- Intercity Buses and Tour Companies
Key Terms

- **Fixed Route**: vehicle is operated along a prescribed route according to a fixed schedule (city bus, intercity bus, rail, etc.)

- **Demand Responsive**: not fixed route (taxi, paratransit, charter bus, tour bus, etc.)

49 C.F.R. § 37.3
Legal Authority

- Title II, Part B – 42 U.S.C. §§ 12141-12150
- Title III – 42 U.S.C. §§ 12184-12186
  www.ada.gov/pubs/ada.htm
- 49 C.F.R. Part 37 – Transportation Services
  - Appendix D – Construction & Interpretation
- 49 C.F.R. Part 38 – Vehicle Specifications
  www.fta.dot.gov/ada
Part 37 – Appendix D Example

Section 37.3, Definitions:

- “Wheelchair means a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.”

Appendix D, Section 37.3, Definitions:

- “The definition of wheelchair is not intended to include a class of devices known as ‘other power-driven mobility devices’ (OPMDs). OPMDs are defined in Department of Justice ADA rules as ‘any mobility device powered by batteries, fuel, or other engines...’...”
DOJ Enforcement

28 C.F.R. Part 35, Subpart F

- Complaint/Investigations and Compliance Reviews
  
  http://www.ada.gov/filing_complaint.htm

- DOJ and FTA have a collaborative Memorandum of Understanding
DOT ADA REQUIREMENTS
Non Discrimination Provisions

- Cannot prevent a person with a disability from using the transportation service for the general public if the individual is capable of using the system. § 37.5(b)
- Cannot require that a person with a disability use the designated priority seating. § 37.5(c)
Other Service Requirements

49 C.F.R. § 37.167

- Entity must ensure that operators make use of accessibility-related equipment and features
- Adequate information regarding transportation services must be made available through accessible formats
- Persons using the lift must be allowed to exit at any stop, unless it would damage the lift or there are temporary conditions precluding anyone’s use of the stop
- Must ensure adequate time allowed to board/dismount
Priority Seating
Priority Seating

49 C.F.R. § 37.167(j) and Part 38

- Buses, vans, and rapid/light/commuter rail
- Each vehicle shall contain sign(s) which indicate that seats in the front of the vehicle are priority seating for persons with disabilities
- Include that other passengers should make such seats available to those who wish to use them
- At least one set of forward-facing seats shall be so designated
Service Animals

- Allow to accompany passengers
- Animals that are *individually trained* to *perform tasks* for people with disabilities

*49 C.F.R. §§ 37.3 & 37.167(d)*
Resources

Easter Seals Project ACTION – www.projectaction.org

Facts about Service Animals and Transportation

Service animals and public transportation

U.S. Department of Transportation ADA regulations define a service animal as “any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to:

- guiding individuals with impaired vision,
- alerting individuals with impaired hearing to intruders or sounds,
- providing minimal protection or rescue work,
- pulling a wheelchair, or
- fetching dropped items” (49 CFR 37.3).
**Stop Announcements**

**49 C.F.R. § 37.167(b)**

- Applies to fixed route – public & private
- Must announce transfer points, major intersections, and destination points, at intervals along a route sufficient to permit individuals to be oriented to their location.
- Must announce stops on request.
Route Identification

49 C.F.R. § 37.167(c)

Where vehicles or other conveyances for more than one route serve the same stop, the entity shall provide a means by which an individual with a visual impairment or other disability can identify the proper vehicle to enter or be identified to the vehicle operator as a person seeking a ride on that particular route.

- i.e., external stop announcements
Maintenance of Accessible Features

49 C.F.R. § 37.161

- Applies to public and private transportation services
- Covers lift/ramps, securement devices, elevators, signage, public address systems, etc.
  - Must be repaired promptly
  - Must take reasonable steps to accommodate persons with disabilities who would otherwise use the feature
  - Does not prohibit isolate or temporary interruptions due to repair or maintenance
Wheelchair Lift & Securement Requirements

- Securement systems on all accessible buses § 37.165
- Transport all wheelchairs § 37.165(b)
- Establish a policy to secure all wheelchairs, or only upon passenger’s request § 37.165(c)(3)
- May not refuse to transport person because the chair cannot be satisfactorily restrained § 37.165(d)
Wheelchair Lift & Securement Requirements

Upon request, must:

- Allow standees to use the lift § 37.165(g)
- Secure wheelchairs § 37.165(f)
- Assist with securement system, seatbelts, ramp and lift § 37.165(f)
- May require wheelchairs to remain in designated securement locations; persons may transfer, however may not require person to transfer § 37.165(b),(e)
Keeping Lifts Operable

49 C.F.R. § 37.163

Public/non-rail entities must:

- Establish system of regular & frequent maintenance checks
- Report failures as soon as possible
- Provide alternative transportation if the headway to the next accessible vehicle exceeds 30 minutes
Keeping Lifts Operable

49 C.F.R. § 37.163

Must take lift vehicle out of service by the next day, unless there is no spare. Then, if:

POPULATION > 50K
  - May keep the vehicle in operation for no more than 3 days from the date the lift is discovered to be inoperative.

POPULATION < 50K
  - May keep the vehicle in operation for no more than 5 days from the date the lift is discovered to be inoperative.
Bus Stop Accessibility

New construction must meet the requirements of the ADA Accessibility Guidelines, § 810

- Firm, stable surface
- Boarding and alighting area 96” long x 60” wide
- Connected to streets, sidewalks, or pedestrian paths by accessible route
- 30” x 48” clear floor or ground space entirely within shelter
Rail Requirements

- Key Stations §§ 37.47, 51-53
- New Rail Stations § 37.41
- Altered Rail Stations § 37.43
Rail Requirements

Between-Car Barriers:
Look for chains between rail cars!
ADA Complementary Paratransit

49 C.F.R. §§ 37.121-155

- Designed as a compliment to public fixed route bus service
- A safety net; intended for riders who cannot take some or all of their trips on the city bus because of their disability
- Shared-ride, origin-to-destination service
- Regulatory Focus: Eligibility & Service Criteria
Paratransit Eligibility – Standards

49 C.F.R. §§ 37.123-125

- For persons who cannot independently use fixed route transportation, even if it is accessible
- Decision is based on functional ability and most the limiting condition, not trip purpose or a particular destination
- If conditional eligibility is granted, those conditions are then applied to a rider’s individual trips
Functional Ability
Master List of Transit Skills

Transit systems should be considering all of the skills required to ride transit:

- Walking to the bus stop; crossing a street
- Standing while waiting for the bus or train
- Tolerating hot and cold temperatures while waiting
- Identifying the bus to board
- Handling fare media
- Etc.
Master List of Transit Skills

For people with physical disabilities, transit agencies should be considering:

- Strength and endurance
- Balance and dexterity
- Range of motion
- Gait
- Speed
Paratransit Eligibility – Process

How are eligibility decisions made?

- **In-person** – assessment conducted by occupational therapists, physical therapists, & other licenses professionals
  - Assessments can be in the real environment, or accurate simulated environment

- **Paper** – only applications and medical information are evaluated by staff

- Or a **Hybrid**
Paratransit Eligibility – Process

Possible outcomes:

- **Unconditional eligibility** – any trip the rider wishes to take is eligible.

- **Conditional eligibility** – trips are only eligible when certain conditions are met. Also called trip-by-trip eligibility.

- **Denial**
Trip-by-Trip Barriers
Paratransit Eligibility – Process

- Decision must be within 21 days, or temporary eligibility is granted
- If denial or conditional eligibility, must include reason and appeal process
- A requirement to recertify is permitted
- May ride with at least one companion, and a personal care attendant
- Visitor eligibility is also required
Eligibility Appeals

- Can appeal denials of eligibility, conditional eligibility, and even trip-by-trip denials
- Includes the requirement for an opportunity to be heard
- Appeal decision must be made by a person who has a separation of function from the original decision maker

See Topic Guides on ADA Transportation; Eligibility
Suspension Policies

- For a rider no-shows or late cancellations
- Should be pattern or practice of no-shows
- Late cancellations should only count when functionally equivalent to a no-show
- Must be a reasonable suspension period
- Should be able to appeal suspension

See Topic Guides on ADA Transportation; No-Show
Six Paratransit Service Criteria

49 C.F.R. § 37.131

#1 Service Area
#2 Response Time
#3 Fares
#4 No Trip Purpose Restrictions
#5 Hours & Days of Service
#6 Capacity Constraints
#1 Service Area

- All origins and destinations within \( \frac{3}{4} \) mile of the fixed route
#2 Response Time

- Can make a reservation any time today, for a trip any time tomorrow
- Can make a reservation during the normal business hours of the entities administrative offices, as well as during comparable times on days when the offices are not open the day before a service day
- Pickup times can only be negotiated within one hour before or after the requested pickup time
#3  Fares

- Can be no more than double the undiscounted fares for a comparable fixed route trip

#4  No Trip Purpose Restrictions

- No restrictions on destination or purpose
#5 Hours & Days of Service

- Paratransit should be available during the same hours and days of comparable fixed route service.
#6 Capacity Constraints

- No restrictions on number of trips
- No waiting lists
- No other operational pattern or practice that significantly limits the availability of service, including a substantial number of:
  - Significantly untimely pickups (in/out of “pickup window”)
  - Trip denials or missed trips
  - Trips with excessive trip length (compared to fixed route)
  - Telephone busy signals or long hold times
Origin-to-Destination Service

DOT Origin-to-Destination Guidance (Sept 2005)

- Does not mean door-to-door service for every rider; but door-to-door may be required for riders that cannot otherwise use the system

- Expects transit to provide an enhancement to service on an individual, case-by-case basis, when it is needed and appropriate to meet rider’s needs

http://www.fta.dot.gov/12325_3891.html
1. Equipment Maintenance
2. Stop Announcements and Route Identification
3. Eligibility for ADA Paratransit
4. Telephone Hold Time in ADA Paratransit
5. Origin to Destination Service in ADA Paratransit
6. On-Time Performance in ADA Paratransit
7. No-Shows in ADA Paratransit

http://www.dredf.org/ADAtg/
DOJ Enforcement Action

✓ Jackson, Mississippi (JATTRAN) – Mar 30, 2010
  ▪ New buses with working lifts
  ▪ Improvements and expansion to paratransit service, HandiLift
  ▪ Modification of policies, procedures, and trainings
  ▪ 3-year Independent Monitor; 5-year Decree

http://www.ada.gov/jackson_transit.htm
Private Entities Primarily Engaged in Transportation

- Taxis
- Airport Shuttles

49 C.F.R. § 37.103
Vehicle Accessibility

Taxis § 37.29(b) –

- Not required to purchase or lease accessible automobiles
- “Other than an automobile,” must be accessible unless equivalent service can be demonstrated
Vehicle Accessibility

Shuttle Companies § 37.103 –

- Purchase or lease a new vehicle with capacity of 8 or more:
  - Fixed Route: it must be accessible
  - Demand Responsive: it must be accessible, OR they must ensure the service provides “equivalent service”

- Purchase or lease a new vehicle with capacity of less than 8 → accessible or “equivalent service”
“Equivalent Service”

= Equivalent with respect to:

1. Schedule / Response Time
2. Fares
3. Geographic Area of Service
4. Hours and Days of Service
5. Availability of Information
6. Reservations capability
7. Capacity
8. Priority or Trip Purpose Restrictions

49 C.F.R. § 37.105
Private Entities not Primarily Engaged in Transportation

- Hotel Shuttles
- Rental Car Company Shuttles
- Amusement Park Shuttle Service

49 C.F.R. § 37.101
Private Entities not Primarily Engaged in Transportation

- Fixed route, in most circumstances, must be accessible.
- Demand responsive service must be accessible, unless “equivalent service

49 C.F.R. § 37.101
Hotel

Shuttles

If a shuttle is on the premises and ready to transport guests to local attractions, how is equivalent service provided?
Special Events

How is accessible transportation provided?

- Title II
  - State Fair, etc.

- Title III
  - Sporting Event, Music Festival, etc.
OTRB/Motorcoach Vehicle Requirements

Elevated passenger deck over a baggage compartment

- Large fixed route operators must be 100% accessible as of Oct 2012; no extensions granted by DOT
- Small fixed route operators (less than 9.5 million revenue) may require up to 48 hours notice
- Demand responsive (Charter and Tour Service) may required up to 48 hours notice
DOJ Enforcement Actions

✓ Megabus Northeast & Megabus USA – May 2011
  ▪ 93 buses; 1 was inaccessible
  ▪ Improperly required 48 hours notice
  ▪ Website did not allow for reservations for those using wheelchairs
  ▪ Vehicle accessibility concerns
    ▪ $12,500 damages | $55,000 civil penalty
    ▪ Remove inaccessible bus from service
    ▪ Modify website, policies, training, and vehicles

http://www.ada.gov/megabus_settle.htm
USAO Enforcement Examples:

- Starline Tours – C.D. California
  - [http://www.ada.gov/star-line/starline-cd.htm](http://www.ada.gov/star-line/starline-cd.htm)

- Bette Bus Shuttle – W.D. Tennessee
  - [http://www.ada.gov/bettebus.htm](http://www.ada.gov/bettebus.htm)

- Tulsa County Expo Square – N.D. Oklahoma
  - [http://www.ada.gov/expo_square.htm](http://www.ada.gov/expo_square.htm)
Vehicle Accessibility Standards

49 C.F.R. Part 38

- Door width, height
- Handrails – location, cross-sectional diameter, knuckle clearance
- Lighting at entrance
- Moveable aisle armrests
Vehicle Accessibility Standards

49 C.F.R. Part 38

- Slip-resistant floors
- Level changes
- Floor Slopes
- Clearances
Vehicle Accessibility Standards

49 C.F.R. Part 38

- 2 securement locations and devices – 30” x 48” clear floor space
- Seatbelt and shoulder harness
- Lift with edge barriers, handrails, extensive safety standards
Vehicle Accessibility Standards

49 C.F.R. Part 38

- Ramp slopes
- Ramp cross-slopes
- Ramp runs
- Ramp edge conditions
Resources

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- alerting individuals with impaired hearing to intruders or sounds,
- providing minimal protection or rescue work,
- pulling a wheelchair, or
- fetching dropped items” (49 CFR 37.3).
Resources – Project Action

Let the ADA give you a lift!

Do you have a disability?
Do you have places to go?

Tips for Using ADA Paratransit Services:

- You may apply for paratransit service if you are unable to use fixed-route service.
- Paratransit eligibility is based on:
  - Whether you can board, ride or disembark from an accessible vehicle.
  - Availability of an accessible vehicle on your desired route and/or hour of service.
  - Existence of a specific impairment, condition or physical barrier that prevents you from getting to or from the bus stop.
- Expect to pay up to double the fixed-route fare for an ADA complementary trip. Expect to pay premium charges for service offered beyond the transit service area.

Customer Responsibilities

If you qualify for ADA complementary paratransit, be aware that it is a shared-ride service, and you have responsibilities as a passenger.

- Make sure you understand the pickup window and vehicle wait time so that you are prepared to board when the vehicle arrives.
- Be prepared for the driver to make stops ahead of yours. You may not be the first one dropped off even if you were first to be picked up.
- For making a trip reservation, new the information needed to book the trip. Be prepared to provide the necessary information you call.
- Know your provider’s no-show and cancellation policies. Cancel trips as soon as you determine you don’t need the trip. Be prepared to save the necessary information you call.
- Today, 54 million people in the United States live with disabilities. These people have jobs, families, classes, meetings, travel plans, and other activities that keep them on the move. To help them get where they’re going, they need transportation, including taxicabs!
Resources

www.fta.dot.gov/ada
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