

Americans with Disabilities Act (ADA) & Accessible Transportation in the U.S. Virgin Islands

Title II, Part B of the Americans with Disabilities Act ensures that public transportation systems can be used by people with disabilities. Public transportation systems implement the ADA by providing accessible services and accessible vehicles, and by changing policies and practices when necessary to make transportation accessible to people with disabilities. As part of this law, transportation providers must allow service animals on board and vehicle operators must be trained to assist people with disabilities in a courteous and respectful manner. Service information, like schedules and routes, must be provided in alternative formats that can be effectively used by people who are blind or have vision impairments, are deaf or hard of hearing, and/or have cognitive disabilities. In addition, public transportation systems must provide accessible facilities, stations, pathways, stops, and stop announcements on fixed-route services.

The regulations that tell transportation providers how to ensure that their vehicles and systems are accessible are found in the U.S. Department of Transportation (DOT) regulations. Compliance with U.S. DOT regulations is required under the Code of Federal Regulations Title 49, Part 27 (49 CFR Part 27) as a condition of eligibility for recipients of federal funding. 49 CFR Part 37 regulates transportation services and facilities (e.g. buildings, stations and bus stops), and Part 38 regulates vehicles and systems.

The following section summarizes requirements for Parts 37 and 38:

Part 37 Requirements

The purpose of 49 CFR Part 37 is to implement the transportation and related provisions of Titles II and III of the ADA. Overarching operational requirements include:

- **Both public and private organizations must meet ADA:** A public entity entering into a contract or agreement with a private entity to operate transportation services must ensure that the private entity meets all ADA requirements for the public entity.
- **Rider information:** A public transportation system must provide adequate information on services in accessible formats that is usable by the person with a disability (e.g. information in large print, braille or alternative electronic format).
- **Assistive equipment and amenities must be in operating condition and vehicle operators and staff must make use of the accessible features:** Equipment and facilities such as lifts, ramps, securement devices, signage, and communication devices should be in operating condition. If a feature is out of order, it must be repaired promptly, and while it is being repaired, the transportation provider shall take reasonable steps to accommodate people with disabilities such as providing an alternative accessible vehicle.

- **Adequate time to board:** Public transit operators must allow adequate time for people with disabilities to board and exit from vehicles.
- **Service animals allowed:** Service animals must be permitted to accompany people with disabilities in vehicles and facilities. The U.S. DOT ADA regulations define a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability, regardless of whether the animal has been licensed or certified by a state or local government.
- **Priority seating and signs:** Fixed-route systems must have signs designating priority seating for passengers with disabilities. On fixed-route buses, at least one set of forward-facing seats must be marked as priority seating.
- **Operator training:** Each public and private transportation operator must ensure that personnel are trained so that they can independently operate vehicles and equipment safely, and properly assist individuals with disabilities in a respectful, courteous way, and provide appropriate attention to the differences among individuals with disabilities as outlined their job descriptions.
- **Accessible formats:** Public transportation operators must ensure that people with disabilities can access and understand information about the transportation services offered. This obligation includes making sure there is enough staffing or resources to support questions from people with disabilities in ways that they can use the information to understand and access the transportation service.

Accessibility of Transportation Vehicles

49 CFR Part 38 provides minimum guidelines and requirements for accessibility specifications for transportation vehicles. Fixed-route service requirements include:

- **Stop announcements** - For all fixed-route services, the transportation service must make announcements at transfer points, major intersections, destination points, and other points that will allow people who have visual impairments to know where the vehicle is stopping or approaching along the route. In addition, the operator must announce any stop at the request of a rider with a disability.
- **Destination information on vehicles** - Vehicles shall have destination and route information on the front and boarding side of a vehicle. There are size requirements for the numbers and letters on the route information signs. On fixed-route services, external announcements of destination and route information must be provided.
- **Lifts and ramps** - Vehicles need a boarding device (e.g. lift or ramp) so that passengers who use wheelchairs or other mobility devices can get to a seat that allows them to secure themselves in the vehicle. 49 CFR Part 38 requires that lifts have a minimum design load of 600 pounds and that the lift platform accommodate a wheelchair measuring 30 inches by 48 inches.
- **Illumination, contrast, and slip-resistant surfaces** – The doorways and stairs of vehicles must be well-lit. Doors and steps need slip-resistant surfaces.

- **Fare box** - Fare boxes must be as far forward as possible, not obstructing passenger flow for boarding the bus.
- **Turning room, handrails, and pull cords** - There must be sufficient turning and maneuvering space for wheelchairs. Handrails and stanchions (vertical rails) in the vehicle must be accessible. A stop control(s), such as pull cords or buttons, should be within reach of passengers within the wheelchair securement locations.

Part 37 ADA-Complementary Paratransit Service Requirements

ADA-complementary paratransit service must be provided where fixed-route service exists. 49 CFR Part 37 outlines the specific requirements for bus and rail fixed-route system complementary paratransit, radius of service area, service requirements, paratransit eligibility, planning requirements, and paratransit policies. ADA complementary paratransit service is from pickup location, such as a person's home address, to a selected destination and return destination or home address. Transit agencies can establish a policy to provide door-to-door service or curb-to-curb service. For door-to-door service, a driver offers assistance from the customer's door to the vehicle and from the vehicle to the door at the destination. For curb-to-curb service, assistance is provided to the customer to enter and exit the vehicle at the curb. However, if a customer needs assistance due to disability, physical barriers in the walkway, surrounding terrain or adverse weather conditions, the driver may need to offer assistance beyond the curb to the door.

ADA Minimum Paratransit Service Requirements for Comparability to Fixed-Route Service ADA Paratransit Requirement, 49 CFR Part 37 (a-f)

Service area – In the Virgin Islands the service area extends beyond the legal minimum of ¾ miles of the regular fixed route due to the terrain of the Islands.

Hours and days of service - Service must be provided during the same hours and days as fixed-route.

Fare - Fares may not exceed twice the fare that would be charged to an individual paying full fare for a trip of similar length, at a similar time of day on the fixed route. A personal care attendant shall not be charged.

Response time - Paratransit service must be provided at any requested time on a particular day in response to a request for service made the previous day. Real time scheduling, in which a call to the transit provider would provide pickup on the same day, is allowed but not required.

Trip purpose restrictions - No restrictions or priorities based on trip purpose are allowed.

Capacity constraints -The following are not allowed: restrictions on the number of trips per eligible individual; waiting lists for access to the service; substantial numbers of significantly untimely pickups for initial or return trips; substantial numbers of trip denials or missed trips; and substantial numbers of trips with excessive trip lengths.

Private Entities Primarily in the Business of Transportation

If a provider, such a tour bus company, is *primarily engaged* in the business of transportation, any new vehicles the provider buys must be accessible. If providers use vehicles that are not accessible *equivalent service must be provided* in the most integrated setting appropriate to the needs of the individual, with respect to the following service characteristics:

- a. Schedules/headways (for fixed-route service)
- b. Response time (for demand-responsive service)
- c. Fares
- d. Geographic area of service
- e. Hours and days of service
- f. Availability of information
- g. Reservations capability (demand responsive service)
- h. Any constraints on capacity or service availability
- i. Restrictions / priorities based on trip purpose (demand-responsive service)

Note: A **fixed-route transportation system** is one that operates along a prescribed route according to a fixed schedule. A demand-responsive system is any other transportation system. Fixed route systems typically include city bus systems, commuter and over-the road bus systems, subways, light rail systems, and intercity rail transportation (where available). **Demand-responsive** transportation typically includes taxis, services, van services, and shuttle bus systems. (§37.3)

U.S. ADA-ABA Accessibility Standards incorporated into U.S. DOT ADA Regulations

Transit facilities and platforms (where available) must meet accessibility standards established by the U.S. Access Board's **ADA-ABA Accessibility Standards** as incorporated into U.S. DOT regulations. The requirements apply to new construction and alterations made to existing facilities to the extent feasible as defined by U.S. DOT regulations.

Facilities requirements apply to:

- Accessible path surface and width
- Boarding ramps and bridge plates
- Bus stops and shelters
- Curb ramps, doors, elevators, escalators, emergency alarms
- Fare collection, gates and turnstiles, grade crossings, parking
- Passenger drop-off areas, platforms edges, rescue assistance areas
- Restrooms, signs, stairs, public telephones, water fountains, wheelchair spaces

Accessible routes requirement: In general, the accessible path of travel must coincide with the general circulation path, and the distance that people who use wheelchairs must travel is minimized compared to the general public, and elements such as ramps, vending, entrances, elevators, etc. must be located so as to minimize the distance people with disabilities must travel to use these elements.

U.S. Department of Transportation and the ADA

The following three U.S. DOT administrations also have a role in ensuring ADA compliance:

Federal Highway Administration (FHWA) – ensures ADA compliance in the public right-of-way (roadway travel lanes, medians, planting strips, sidewalks) and on projects using federal surface transportation planning.

Federal Railroad Administration (FRA) – administers intercity and commuter rail compliance with ADA and Title VI Civil Rights requirements.

Federal Transit Administration (FTA) – FTA’s Office of Civil Rights administers Title II public transportation laws related to public transportation services and facilities for people with disabilities.

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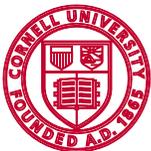
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