

## Americans with Disabilities Act (ADA) & Accessible Transportation

Public transportation systems implement the ADA by providing accessible services, accessible vehicles and rail cars. Transportation providers must allow service animals on board and drivers must be trained to assist people with disabilities in a courteous and respectful manner. Service information must be provided in alternative formats that can be effectively used by people who 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.

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 large print, braille or alternative and electronic format).
- **Assistance 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 in the interim, 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 may accompany people with disabilities in vehicles and facilities. The 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 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 to proficiency, as appropriate to their duties, to operate vehicles and equipment safely, and properly assist individuals with disabilities in a respectful, courteous way, and provide appropriate attention to the difference among individuals with disabilities.
- **Accessible formats:** Public transportation operators must make available to people with disabilities adequate information concerning transportation services. This obligation includes making adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule 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, stops shall be announced at transfer points, major intersections, destination points, and other points sufficient to permit people who have visual impairments to orient themselves to their location. 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 a passenger who uses a wheelchair or mobility device can reach a securement location onboard. 49 CFR Part 38 continues to require that lifts have a minimum design load of 600 pounds and that the lift platform accommodate a wheelchair measuring 30 inches by 48 inches. However, if a transportation operator procures vehicles with lifts that have a design load of more than 600 pounds, or the platform and vehicle will accommodate a wheelchair that exceeds the dimension of 30 inches by 48 inches, the operator must carry the wheelchair and its occupant.
- **Illumination, contrast, and slip-resistant surfaces** - Stepwells and doorways of vehicles must be illuminated. Doors and steps need slip-resistant surfaces.
- **Farebox** - Fareboxes must be as far forward as possible, not obstructing passenger flow for boarding the bus.
- **Turning room, handrails, and pull cords** - For passengers who use wheelchairs 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 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 origin to destination service. Transit agencies can establish whether 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 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** - Generally within  $\frac{3}{4}$  mile on either side of a fixed route.
- **Hours and days of service** - 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 result in pickup the same day, is explicitly allowed but not mandated.
- **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, is primarily engaged in the business of transportation, the acquiring of **new** accessible vehicles is required. 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. Demand responsive transportation typically includes taxis, limousine services, van services, and shuttle bus systems. (§37.3)

### **U.S. Access Board ADA Accessibility Guidelines (ADAAG) incorporated into U.S. DOT ADA Regulations**

Transit facilities, intermodal centers, rail stations and platforms must meet accessibility standards established by the U.S. Access Board's ADA Accessibility Guidelines 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.

**Level boarding requirement:** Level boarding requirements pertain to rail facilities and platforms and the minimization of horizontal and vertical entry point gaps. The resulting gap must be small enough that ambulatory passengers can step across without difficulty and can be easily spanned by a short bridge plate when necessary for people with disabilities.

### **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.

**If you believe you have been discriminated against based on disability by a public transit agency, you may file an administrative complaint with the FTA Office of Civil Rights. Complaints should be filed within 180 days of the alleged act of discrimination. To file a complaint in Puerto Rico, you must file with the FTA Office of Civil Rights in Washington, DC. You can file a complaint by downloading the complaint form here: [www.fta.dot.gov/civilrights/12325\\_14816.html](http://www.fta.dot.gov/civilrights/12325_14816.html)**

If you have questions about filing a complaint, you can reach the FTA’s Office of Civil Rights at 1-888-446-4511 or via email at [FTA.ADAAssistance@dot.gov](mailto:FTA.ADAAssistance@dot.gov).

**Contact us:**

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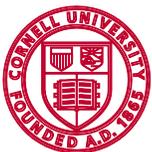
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