

Overview of ADA Impact on Transit Systems

In 1990, the Americans with Disabilities Act (ADA) was signed into law, mandating that services and facilities be accessible to persons with physical and mental disabilities that substantially limit one or more major life activities. It is important to note that the ADA does not cover only persons in wheelchairs — it also covers a broad spectrum of disabilities. The ADA is a wide-ranging law, covering accessibility to employment, public accommodations, government services and facilities, transportation, and telecommunication. This overview is primarily intended for private transit operators, policy makers, and others who may not be familiar with ADA requirements.

ADA requirements cover transportation services, facilities and equipment. Adherence to the provisions of the ADA is NOT based on whether one receives federal or public funding. The ADA is civil rights legislation that pertains to ALL entities. The U.S. Department of Justice is charged with ensuring overall compliance, while the U.S. DOT reviews transportation services and facilities and passes on to state DOT's oversight of agencies receiving federal funding through the states. While some entities might be tempted to simply ignore ADA provisions, because there is no direct oversight of their activities, it is important to note that oversight is not the primary risk here; the biggest liability in noncompliance is the potential for lawsuits by advocates for persons with disabilities.

A key requirement of the ADA is the one mandating that vehicles be made accessible to persons using wheelchairs. In order to understand the law, one should first see in which category its organization and service fits, using the following definitions:

- A public entity is any state or local government, including any department, agency, special purpose district or other instrumentality of a state or local government.
- A private entity is any entity other than a public entity.
- Organizations “primarily engaged in transportation” include recipients of FTA Section 5307 or 5311 funding, charter companies, scheduled shuttle service and limousine service.
- Organizations “not primarily engaged in transportation” include businesses such as hotels which provide transportation from the airport to the hotel or multipurpose senior citizen groups which provide transportation as one of many services.
- A fixed-route system is a means of transporting individuals in which a vehicle is operated along a prescribed route according to a fixed schedule.
- A demand-response system is any system of transporting individuals which is not a fixed-route system, such as taxi service or door-to-door service.
- System accessibility refers to the ability of a transit system, when viewed in its entirety, to provide equivalent service to all persons, with or without disabilities. That is, system accessibility does not require all of one's vehicles to be wheelchair accessible, provided the transit operator can provide equivalent service; there is not system accessibility, then, if an operator told a person in a wheelchair that they could only get a ride at noon or 3:00, when other persons could ride every hour.

The ADA does NOT require any entity to make existing vehicles accessible, except in the case of major rehabilitation work, but it does require new and newly acquired used or leased vehicles to

be accessible, as follows

- Public entities providing fixed-route services: all new vehicles, regardless of size, must be accessible.
- Public entities providing demand-response service: all new vehicles, regardless of size, must be accessible unless the system meets the system accessibility requirements.
- Private entities primarily engaged in transportation and providing fixed-route service: accessible vehicles must be purchased/leased unless a vehicle holds less than 8 passengers; in that case, the system accessibility requirements must be met.
- Private entities primarily engaged in transportation and providing demand-response service: vehicles must meet the system accessibility requirements.
- Private entities not primarily engaged in transportation and providing fixed-route service: vehicles must be accessible, unless a vehicle holds less than 16 passengers; in that case, the system accessibility requirements must be met.
- Private entities not primarily engaged in transportation, providing demand-response service: vehicles must meet the system accessibility requirements.

Specifications for accessible vehicles purchased or leased must meet very exacting DOT vehicle accessibility standards, covering items such as door height, width of the wheelchair lift platform, etc. Contact the CDOT Transit Unit for a copy of the vehicle specifications requirements.

A private entity contracting with a public entity to provide transit service must comply with all the regulations that apply to the public entity, as if it were itself the public entity. This is commonly referred to as “standing in the shoes” of the public entity.

The ADA regulations require that both public and private transit providers adequately maintain accessible equipment. Out-of-order equipment must be repaired promptly, and reasonable steps must be taken to continue serving persons with disabilities while repairs are being made.

All public entities that operate a fixed-route system (except commuter services, airport shuttles and university transportation systems) must provide complementary paratransit service to persons with disabilities who cannot use the fixed-route system. This service must be comparable to service provided by the fixed-route system. The service must be comparable in terms of response time, fares, geographic service area, hours and days of service, trip purpose, and capacity constraints. This requirement is having a very significant service and financial impact on most public fixed route operators, for they are now having to offer an expensive service that they most likely did not offer to any significant degree in the past. They may charge a fare twice that charged for a similar fixed route trip; however, that fare is much smaller than the actual cost of providing such service. They were required to be fully compliant with this requirement by January of 1997.

Transportation facilities, such as buildings and bus stops, must be accessible, including entrances, ticket counters, rest rooms and public telephones. This applies to ALL entities. The ADA also mandates service information be made available in accessible formats for visually and hearing impaired individuals. It means schedules and reservation capability must be offered in alternative formats such as Braille or audio for the blind and use of a TDD or relay service for the deaf. ❖

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