

## 15 Minute Manager

### ADA

The **Americans with Disabilities Act of 1990** guarantees equal opportunity for people with disabilities in employment, public transportation, public accommodations, government services and telecommunications.

Prior to presenting this training module, confirm that your organization has policies and procedures in place which are required by FTA and ADOT and that your organization is employing best practices for compliance with ADA requirements:

- Confirm that your ADA complaints are tracked, resolved and responded to according to your written procedure/policy;
- Confirm that your ADA complaint procedure is publicly noticed and available via website and other means;
- Confirm that your ADA complaint procedure is available to those who are visually impaired;
- Confirm that your ADA complaint files are retained for at least one year and that a summary document is kept for at least five years;
- Confirm that your website includes the name, address, telephone number, and email address of the employee or employee position charged with ADA compliance and complaints;
- Confirm, if applicable, that your paratransit service is comparable to the fixed route service in terms of service area (3/4 mile beyond the fixed route), time, and destinations;
- Confirm that your driver handbook contains all ADA based policies and procedures including but not limited to:
  - Lift checks and removal from service those vehicles that have inoperable lifts;
  - On board information regarding ADA complaints;
  - Allowance of respirators, concentrators, and portable oxygen;
  - Adequate time for individuals with disabilities to board or disembark;
  - Asking people to move so that disabled riders can be accommodated;
  - Vehicles with failed lifts can only remain in service if there is no spare and only for 3 to 5 days depending on population;
  - Fixed route with headways more than 30 minutes and with inoperable lifts must provide vehicle within 30 minutes to accommodate those requiring lift.

- Lift and ADA feature failures must be reported immediately. Vehicles with inoperable lifts must be taken out of service immediately unless there are no spares;
- Drivers may not prohibit use of lift unless lift thresholds will be exceeded (weight and size of wheelchair and rider combined);
- Confirm that weight and size thresholds of lift or ramp are published on brochures, websites, bus etc.; and
- Confirm that drivers and dispatchers are current with Pass Training.

The FTA outlines the ADA requirements based on the type of service provided. These include Fixed Route (which also contains paratransit rules), Demand/Response, and Deviated Fixed Route services. To see rules specific to your program, see the [FTA Service-Type-Requirements](#) page of their website.

## 15-Minute ADA Training

For the purposes of compliance with ADA regulations as they relate to transit, the Americans with Disabilities Act of 1990 provides, but is not limited to, the following:

You must have a procedure for tracking, resolving, and responding to ADA complaints. This procedure must be noticed to the public (website, transit stations, vehicles, brochures, etc.) **Share with your trainees where ADA policies are posted, how complaints are made, and to whom. Provide copies of the complaint form and instructions. Determine how drivers and other personnel will share complaint information.**

You cannot discriminate against a person with a disability in the provision of transportation service.

You cannot, on the basis of disability, deny an individual with a disability the opportunity to use the general transportation system if that person is capable of using that service.

You cannot require that an ambulatory person with a disability use priority seating.

You cannot impose special charges on individuals with disabilities, including those who use a wheelchair. You can have a paratransit fare that is no more two times the fixed rate fare.

You cannot require that an individual with a disability be accompanied by an attendant.

You cannot refuse service to an individual with disabilities because your insurance coverage or rates are based on the absence of individuals with disabilities.

You are NOT required to provide service to an individual with disabilities if that individual engages in violent, seriously disruptive or illegal conduct. However, you cannot deny service to an individual with disabilities because his/her disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees or other persons.

You must promptly repair accessibility features if they are damaged or out of order. If an accessibility feature is out of order, you must also take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature. If another scheduled vehicle will take longer than 30 minutes to arrive (headway for fixed routes), then an alternative vehicle must be dispatched and arrive within 30 minutes.

You must create and follow a system of regular and frequent maintenance checks of lifts and ramps to determine whether the equipment is operative. This is often part of the pre- and post-trip inspection. Your vehicle operators must report any failure of a lift or ramp to operate in

service as quickly as possible. For example, if you have a spare vehicle, the vehicle with the inoperative lift must be taken out of service and the lift must be repaired before the vehicle returns to service. If you do not have a spare vehicle available, such that taking the vehicle out of service would reduce the transportation service you are able to provide, you may keep the vehicle with the inoperative lift in service for no more than three to five days depending on your service area population.

You are not required to permit wheelchairs to ride in places other than designated securement locations, but you cannot deny transportation to a wheelchair or its user on the grounds that the device cannot be secured or restrained satisfactorily by the vehicle's securement system.

You may recommend, but cannot require, that a user of a wheelchair transfer to a vehicle seat.

You must assist individuals with disabilities who need or request assistance with the use of securement systems, ramps and lifts. If this requires the vehicle operator to leave his/her seat they must do so.

You must permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle.

Your service information must be available in accessible formats to individuals with disabilities. This means your printed materials must be available, upon request, in accessible formats such as large print format, Braille, or on electronic formats (thumb-drive, CD). Online information should avoid the use of Flash and should be available in plain text to accommodate screen readers.

You cannot refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the transit operator, preclude the safe use of the stop by all passengers.

You cannot prohibit an individual with a disability from traveling with a respirator or portable oxygen supply provided the devices are properly secured.

You must ensure that individuals with disabilities have adequate time to complete boarding or disembarking from the vehicle.

You must ask that individuals sitting in the priority seating area, or fold-down seats in the wheelchair securement area, to relocate if an individual needs to use that priority seating because of a disability or needs to secure a wheelchair. You are not required to enforce the request unless it is your policy to do so.

You must allow service animals to accompany individuals with disabilities in vehicles and facilities. The U.S. Department of Transportation continues to 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 animal protection or rescue work, pulling a wheelchair, or fetching dropped items.” This is the definition with which the operators of public transit service must comply.

You may ask if an animal is a service animal or ask what tasks the animal has been trained to perform, but you cannot require special ID cards for the animal or ask about the person’s disability.

A transit provider cannot impose a limitation on the transportation of wheelchairs and other mobility aids based on the inability of the securement system to secure the device to the satisfaction of the transportation provider.

You cannot set artificial lift or ramp limitations and deny use based on these artificial limits. Example: Actual limitation is 800 pounds combined weight (device and person). You cannot set an artificial limit of 600 pounds. Lift deck is capable of carrying a device of 40 inches in length. You cannot set an artificial limit of 30 inches. **A best practice is to advertise the lift limits in your brochure, rider guide, website, etc.**

**Ask employees what types of ADA issues have come up for them in the past and how they handled them.**

**Handout copies of your ADA policy. Discuss the weight limits of your vehicles and your back-up plan should a vehicle lift become inoperative. Ask for and answer any questions employees may have on ADA policies.**

**The cover page of your ADA policy should be a receipt stating that the employee has been given a copy and will read it. The employee will sign and date the receipt. Receipts will be collected and kept in training and employee file.**

Resources: [FTA ADA Circular 4710.1](#) and [RTAP ADA Toolkit](#)