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ADA GUIDE FOR RURAL DEMAND-RESPONSE TRANSPORTATION SERVICE PROVIDERS

Easter Seals Project ACTION
ACCESSIBLE COMMUNITY TRANSPORTATION IN OUR NATION

Easter Seals DISABILITY SERVICES

DEPARTMENT OF TRANSPORTATION UNITED STATES OF AMERICA

Contents

Introduction

When it comes to Americans with Disabilities Act (ADA) compliance, understanding the difference in requirements for fixed-route paratransit service and demand-response service is crucial.

Public transportation service in the United States is primarily provided by bus, and in many large communities, by light rail or subway. Although fixed-route service is most common in urban areas, a community of any size may establish fixed routes. Providers of fixed-route service are required to provide *ADA complementary paratransit service* for customers who are unable to use the regular fixed-route bus or rail. Most small urban and rural communities choose to provide *demand-response service* instead of fixed-route service. While ADA complementary paratransit service is not required in a demand-response system, **all on-demand or dial-a-ride transportation providers must provide accessible services for everyone under the general ADA requirements.**

Demand-response service allows a passenger to schedule a ride from one specific location to another specific location at a specific time. In rural and frontier areas with low population density and long distances between destinations, small buses or vans are often used to transport passengers. The public entities, nonprofits, or private providers (e.g., taxi companies) operating demand-response transportation service by bus, van, or auto must comply with general federal ADA requirements as well as local and state regulations.

Whether a public or private transportation service provider provides fixed-route or demand-response service or both, **all** are required to provide accessible services for everyone under the general ADA requirements.

This booklet focuses on rural demand-response ADA requirements. As noted earlier, when fixed-route service is established, ADA complementary paratransit service must be offered for customers who are unable to use the fixed-route services. ADA complementary paratransit service must be provided during the same service hours as fixed-route service and within a three-fourths mile corridor of the fixed route. Each provider must have an established eligibility process to determine whether a customer who requests use of the ADA complementary paratransit is eligible for such a ride. For information regarding ADA complementary paratransit eligibility criteria and service requirements, visit the U.S. Department of Transportation, Federal Transit Administration, Civil Rights/ADA page at, www.fta.dot.gov.

Purpose

The purpose of this guide is to help demand-response transportation service providers understand:

- basic concepts of federal requirements under the ADA,

- how to apply ADA requirements to a providers circumstances

- where to find additional information if needed.

A number of ADA resources are available for larger transportation service providers, but few exist for small urban, rural and frontier providers. This guide outlines how the ADA applies to demand-response operations typical in rural areas. The ADA is a civil rights law. Knowing your agency's responsibility under ADA regulations is the first step in providing comprehensive services that are accessible for everyone. Providing transportation, whether public or private, is about more than scheduling and maintaining vehicles; it is about helping people reach the places they need to go. The ADA provides the minimum requirements; many states and agencies go above and beyond these requirements to meet the needs of the people they serve.

The guide also provides information on disability etiquette and accessible communication, which an agency may use to provide training for vehicle operators on how to provide good customer service to people with disabilities.

This guide has five sections providing information on key topics related to accessible transportation:

- The ADA and other Federal Regulations

- ADA Regulations for Vehicles

- ADA Service Policies

- Disability Etiquette

- Resources

The ADA & Other Federal Regulations

The Americans with Disabilities Act (ADA) [P.L. 101-336, 42 U.S.C. 12101, et seq.] of 1990 is a wide-ranging *civil rights law* banning discrimination against people with disabilities. The ADA defines disability as a condition that substantially limits a major life activity. The ADA applies to private employers, state and local governments, all facilities and programs open to the public, and providers of telecommunications equipment and services. Respectively, the U.S. Department of Justice (DOJ), the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Transportation (DOT), and the Federal Communications Commission (FCC) have primary federal enforcement responsibilities of the ADA. Each agency enforces the ADA through departmental regulations or requirements.

Photo credit:
www.disabilitysavvy.com

The primary focus of this guide is ADA requirements issued by the U.S. Department of Transportation. The Code of Federal Regulations (CFR), Title 49, Volume I, Parts 1–99 contains current transportation regulations issued under subtitle A – Office of the Secretary of Transportation. Parts 37 and 38 contain most of the regulations concerning public transportation.

In addition to those regulations, the U.S. Access Board (Board), an independent federal agency devoted to accessibility for people with disabilities, establishes minimum **guidelines** to ensure that ADA requirements are applied to buildings and facilities, passenger rail cars, and vehicles. The guidelines include accessibility requirements for architecture and design, historic buildings, transportation, and communications. These guidelines become enforceable standards when adopted into regulations by the DOT, DOJ, and other federal agencies.

In 1991, the Board published the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The ADAAG was updated in 2004 and re-named the Americans with Disabilities Act Architectural Barriers Act Accessibility Guidelines (ADA-ABA-AG). With the Final Rule Adopting New Accessibility Standards – effective November 29, 2006, the DOT updated their ADA requirements to match the ADA-ABA-AG, with minor modifications. This action made the guidelines enforceable standards. The DOJ followed, adopting the ADA-ABA-AG in 2010. The DOJ standards became fully effective in March 2012.

The Board's ADA Accessibility Guidelines for Transportation Vehicles is available at www.access-board.gov. These guidelines outline most of the bare minimum design standards necessary to comply with the federal government's ADA civil-rights requirements. The DOT ADA covers actions and services required by transportation service providers. Each state will also have accessibility requirements. Many agencies are providing services above and beyond these minimum requirements, shifting their mission from moving vehicles to connecting people with the community. Such agencies demonstrate that providing transportation services that everyone can enjoy—no matter their age, income, or ability—is possible.
The Board is the leading source for guidance on accessible design, providing training and technical assistance on federal accessibility requirements. (www.access-board.gov)

Useful Terms

Federal regulations include specific terms related to regulations with which it is important to become familiar. The following list defines some of the common terms you will see when reviewing the ADA and other federal regulations.

- **CFR** - Abbreviation for the *Code of Federal Regulations*. The CFR is an arrangement of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the Federal Government. It presents the official and complete text of agency regulations in an organized fashion in a single publication. The CFR is divided into 50 titles covering broad subject areas of Federal regulations and is updated by amendments appearing in the daily *Federal Register*. Used together, these two publications establish the latest version of any given rule. The CFR, sometimes referred to as *the Code*, is divided into 50 titles representing broad areas subject to federal regulation. Each Title is divided into chapters and each chapter is further subdivided into parts covering specific regulatory areas. The title, part and section number are used to cite CFRs. For example, 49 CFR 1.1 would be Title 49, Part 1, Section 1.

- **Title II, Title III** – DOJ-issued regulations for the implementation of the ADA. Title II regulations apply to state and local governments and Title III regulations apply to businesses and non-profit service providers.

- **Circular** - Document that contain formal program guidance from federal department or agency responsible for regulation enforcement.

- **Dear Colleague Letter or Policy Letters** - Official correspondence from federal agencies explaining new legislation and providing guidance on program implementation related to the new legislation.

> **Example: The U.S. DOT has regulations that govern contracts and purchases under 49 CFR Part 18. DOT's Federal Transit Administration (FTA) also has a circular governing third-party contracting. The FTA Circular 4220.1E provides instructions on how FTA's grantees are to comply with the DOT regulations when executing contracts. For rural public transit providers, the single most important explanation of the rules is FTA's Circular 9040 Non-urbanized Area Formula Program Guidance and Grant Application Instructions, covering rural transit program guidance and grant application instructions.**

- **Guidance** - Statements federal agencies issue to help clarify complex regulations, laws and circulars, and identify how they apply to certain situations.

- **Certifications and assurances** – Documents that recipients of federal funds must sign that include promises to comply with specific federal regulations during the contracting period.

ADA Regulations for Vehicles

The U.S. Department of Transportation (DOT) is responsible for ADA regulations regarding vehicles. DOT and the U.S. Access Board's (Board) guidelines are aligned, the DOT's 2006 adoption with modifications of the Board's guidelines made them enforceable regulations. Vehicle acquisition, vehicle mobility aids, lifts, securement, and personal mobility devices are addressed in this section of the guide.

Vehicle Acquisition

All new, used, and remanufactured transit vehicles purchased or leased after 1990 must be accessible to individuals with disabilities, including people who use wheelchairs or mobility devices. Demand-response service providers may acquire an inaccessible vehicle if they can demonstrate that the level of service available to people with disabilities (including wheelchair users) is equivalent to the level of service available to people without disabilities. This includes response times, fares, geographic area served, hours and days of service, reservations capacity, and so forth. Before an inaccessible vehicle is acquired, the provider must file a certificate attesting to the equivalency of the service with the FTA or appropriate state program office. (SOURCE: ESPA, *ADA Essentials for Transit Board Members*, 2012)

Equivalent Service means that if an agency has five vans and three of them are accessible, the three accessible vans must be available for customers at the same fare, rate, response time, and during the same hours and days of service and within the entire service area. When an accessible vehicle is requested, it needs to be made available within the same headways as the accessible vehicle.

Accommodating Mobility Aids

Parts 37 and 38 of the DOT ADA regulations (49 CFR Part 37 and 49 CFR Part 38) establishes minimum standards for vehicle and station/stop accessibility. In 2006 these standards were updated to match the Board's ADA-ABA-AG guidelines. Equipment and facilities must meet or exceed the following minimum standards to be considered accessible:

All buses and vans must comply with the Board's *ADA Accessibility Guidelines for Transportation Vehicles, Subpart B-Buses, Vans and Systems* (www.access-board.gov).

All buses and vans covered under this subpart must provide a lift, ramp or level-change mechanism to permit a person using a mobility aid to board the vehicle and reach a securement location.

Vehicle Lifts

Accessible buses and vans must have a working ramp or lift and sufficient clearances to permit a rider using a wheelchair or mobility aid to reach a securement location. Vehicle lifts must be able to lift at least 600 pounds, and all working parts must have a safety factor of six. Nonworking parts shall have a safety factor of at least three. Safety factors are the ratio of the breaking stress of a structure to the estimated maximum stress in ordinary use. The vehicle frame and other lift parts must be able to support the lift capacity. (SOURCE: U.S. Access Board, *ADA Accessibility Guidelines for Transportation Vehicles*, www.access-board.gov, Section 1192.23; U.S. DOT, 49 CFR 38.23 (b))

Using the Lift or Ramp

Operators must permit people with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp upon request to enter the vehicle. People using canes or walkers and other standees with disabilities that do not use wheelchairs but have difficulty using steps must be permitted to use the lift. If a rider asks to use a lift or ramp, the operator should deploy the lift or ramp without inquiring about the person's disability. (SOURCE: U.S. DOT, 49 CFR 37.165(g), http://www.fta.dot.gov/12876_3906.html and; U.S. Access Board, *ADA Accessibility Guidelines for Transportation Vehicles*, www.access-board.gov, Section 1192.23 (b12))

Inoperative Lifts or Ramps

The FTA's general requirements for the maintenance of accessible features for public and private entities providing transportation services include but are not limited to lifts and other means of access to vehicles, securement devices, elevators, signage, and systems to facilitate communications with people with impaired vision or hearing. A damaged or out-of-order accessibility feature is required to be repaired promptly. While the accessibility feature is out of order, service providers must take reasonable steps to accommodate people with disabilities who would otherwise use the out-of-order accessibility feature. (SOURCE: U.S. DOT, 49 CFR 37.161)

Wheelchairs and Other Mobility Devices

In 2011, the DOT published the DOT Final Rule on Transportation for Individuals with Disabilities at Intercity, Commuter, and High-Speed Rail Platforms; Miscellaneous Amendments. In this final rule, the DOT removes the term common wheelchair. Transit operators must carry a wheelchair and occupant if the lift and vehicle can physically accommodate them. The exception would be if carrying the wheelchair and occupant would violate a legitimate safety requirement. A legitimate safety requirement must be based on actual risk, not perceptions. (SOURCE: U.S. DOT, DOT Final Rule on Transportation for Individuals with Disabilities at Intercity, Commuter, and High-Speed Rail Platforms; Miscellaneous Amendments,

> **Example:** A legitimate safety requirement would be that the mobility device and circumstances are such that carrying them would block an aisle and interfere with the safe evacuation of passengers in an emergency. Transportation service providers cannot use the inability of the securement system to secure the device to their satisfaction to limit the transportation of wheelchairs and mobility aids. If an operator has a policy requiring all passengers to be secured while riding on their vehicles, then they must work with the passenger with the mobility device to find a way to secure their device or allow them to ride unsecured.

http://www.fta.dot.gov/documents/ADA_Final_Rule_one_pager_9-28-11.pdf, 2011)

Types of Mobility Devices

Wheelchair and mobility device concepts and styles change with advances in technology. Any device that is designed and used by travelers with mobility impairments (e.g., scooters) should be accommodated. Transportation service providers should consider the purpose and intended use rather than the physical attributes of the mobility aid.

The DOT issued disability law guidance in 2005, stating that operators should permit the Segway personal transportation device onto transportation vehicles *when a person with a disability is using it as a mobility aid*. If a person with a disability is using it as their mobility aid, then it would be analogous to using a cane or walker, and the person using the Segway should be allowed to use the lift, just as a person standing is allowed to use the lift. Transportation service providers are not required to allow Segways and other recreational devices onto vehicles when they are being used solely for recreation.

Many transit agencies have local policies about Segways, based on their ability to safely secure and transport them. Easter Seals Project ACTION staff can provide examples and assistance with developing these types of policies. (SOURCE: U.S. DOT, FTA, *Use of Segways on Transportation Vehicles*, http://www.fta.dot.gov/12325_3893.html, September 1, 2005; http://dredf.org/DOJ_NPRM/mobility_devices.shtml)

Weight Restrictions

The 2011 *DOT Final Rule on Transportation for Individuals with Disabilities at Intercity, Commuter, and High-Speed Rail Platforms; Miscellaneous Amendments* removed the term "common wheelchair" thereby removing any size and weight parameters for wheelchairs. If an operator can safely carry the person and their mobility device, they must. Operators must still meet the minimum dimensions and capacities for lifts and ramps. If the device is such a size or weight that the equipment cannot carry it or it is determined that it would pose a direct threat to the safety of others, the operator can consult with their FTA Regional Office for guidance on how to exclude that device. The direct threat standard is intentionally stringent (i.e., requiring a determination that there is a significant risk to health or safety of others that cannot be eliminated by modification of policies, procedures, practices, or by the provision of auxiliary aids or services).

Securement

Buses in excess of 22 feet in length must have at least two securement locations and devices. Buses less than 22 feet long must have at least one securement location and

device. The securement system shall be placed as near to the accessible entrance as possible. In vehicles in excess of 22 feet in length, at least one securement device or system shall secure the wheelchair or mobility aid facing toward the front of the vehicle. (SOURCES: U.S. Access Board, *ADA Accessibility Guidelines for Transportation Vehicles*, www.access-board.gov; 49 CFR 38.23; U.S. Access Board, *Transportation Vehicles*, http://www.access-board.gov/transit/; U.S. DOT, FTA, *Use of Segways on Transportation Vehicles*, http://www.fta.dot.gov/12325_3893.html, September 1, 2005; U.S. DOT, 49 CFR Parts 37 and 38, ADA Final Rule, effective October 19, 2011)

Example: *Strategies for accommodating difficult-to-secure devices*
Ask the person using the mobility device if they will come to the agency to work with drivers on the best way to secure their individual device. Some service providers ask riders with mobility devices if they can place colored tape on the device to indicate securement locations. Providers can also ask to place securement loops on devices to aid in securement. In addition, providers should conduct ongoing operator training and materials about securing new devices.

ADA Service Policies

All demand-response service providers should have an agency-wide administrative process that is consistent with the ADA and state requirements and is regularly enforced and documented. This administrative process should include policies, procedures, training, enforcement, and documentation. Transportation service providers' service

policies should be written to support safe operations. In addition to operational management, the administrative process should also address disability etiquette, customer service, and safety. It is important to include people with disabilities in the planning and development process when writing policies and when defining services and products for people with disabilities. Including customers in the planning process may extend the time needed to complete plans, but the product will be one in which customers have a vested interest in its successful execution.

Rider guides are useful tools for informing the public about policies that affect them. For example, transportation service providers should include policies about riders' behavior and accessibility as part of a rider guide (e.g., carrying pets and/or additional packages eating and drinking, playing loud music, bringing strollers on board). A short summary of some of the subjects that transportation service providers will want to consider when developing policies as well as a rider guide are included at the end of this section under the title *Other Service Policies*. Contact ESPA if you would like further assistance with developing service policies or a rider guide.

The following sections will help identify ADA-related services that transportation service providers should address in their administrative process. Providers should consistently enforce and document their administrative processes. Although **transit vehicle and facility accessibility** requirements are specified in both DOT Title 49 and the ADAAG minimum standards, **service requirements** are specified only under DOT Title 49.

ADA Communication Regulations

The Department of Justice provides an *ADA Best Practices Tool Kit for State and Local Governments* that outlines the general requirements of effective communication requirements under Title II of the ADA. Transportation service providers must take steps to ensure that their communication with people with disabilities is equally as effective as their communication with others. This is referred to as *effective communication* and is required except where it can be demonstrated that providing effective communication would fundamentally alter the nature of the service or program in question or would result in an undue financial and administrative burden.

People who have disabilities that affect hearing, seeing, speaking, reading, writing, or comprehension may use a variety of ways to communicate other than the spoken word. They may request *auxiliary aids and services* to assist with communication. It is best to give the person requesting the aid the opportunity (i.e., the primary consideration) to identify the type of aid they would like provided to them. This person is in the best position to know what type of aid or service will be most effective. (SOURCE: DOJ, Title II CFR 7.1100, Primary Consideration)

Transportation service providers should plan ahead and be familiar with and prepared to provide auxiliary communication aids and services when they are requested and educate their operators on how to interact with customers who use various types of communication aids. This should be part of general operating procedures. The list below provides examples of some of the types of auxiliary aids and services used to provide effective communication for people with disabilities. Advancements in technologies and individual abilities may require the use of other aids and services not on this list. It is most important to work with the individuals requesting the aid to determine the best option for them.

- assistance filling out forms
- assistive listening systems
- audio description of visually presented materials
- audio recordings
- braille materials
- closed caption decoders
- communication boards
- computer terminals
- computer-aided real-time transcription (CART)
- email
- exchange of written notes
- hearing aid-compatible telephones
- instant messaging
- large print materials

- materials in electronic format (compact disc w/plain text &/or word processor format materials)
- note takers
- open or closed captioning
- qualified readers
- qualified sign-language interpreters
- screen readers
- speech synthesizers
- taped texts
- telephone handset amplifiers
- text messaging
- text telephones (TTYs) or video relay service
- video interpreting services
- videotext displays
- written materials

* This list is taken from the DOJ's ADA *Best Practices Tool Kit for State and Local Governments*, Chapter 3, General Effective Communication Requirements Under Title II of the ADA (http://www.ada.gov/pcatoolkit/chap3toolkit.htm)

ADA Training for Employees

Transportation service providers should design a training program for their employees that provides complete information on accessibility-related equipment and accommodations required by the ADA. Such training will in turn help ensure (a) that employees understand the importance of keeping equipment and accommodations in good working order and (b) that employees provide excellent customer service to

people with disabilities. A good training program covers all aspects of service delivery, including tailored training for the lift mechanics, dispatchers, drivers, and any other employees who may be involved with service to people with disabilities. Training should be ongoing with regular updates on new technologies and regularly-scheduled refresher courses on serving people with disabilities.

Transit riders who have disabilities are an excellent resource for information and training on disability etiquette. Transportation service providers report that when they invite a person with a disability to speak about their transit experience during a training event, the training has a greater impact. Statewide Independent Living Councils (SILC) and Centers for Independent Living (CIL) are good sources for training partners. (SOURCE: U.S. DOT, 49 CFR 37.173)

Scheduling

Demand-response transportation services run on a request-for-service system. Customers contact the service provider and schedule a pick-up and drop-off that is within the provider's service area and hours of operation. Transportation service providers should have set hours of operations and service areas that are clearly communicated to the public. All communications to the public must be accessible; this would include providing scheduling materials in alternate formats when requested. Service providers must make ride-scheduling communications and information available using accessible formats and technology (e.g., braille, large print, TTY) so that people with disabilities can access information about their transportation services. Customers cannot adequately use the transportation system if scheduling and service area information is not available in a form they can use.

Title II of the ADA, section 7 communications, under the DOJ, states that communications with people with disabilities must be as effective as communications with others. See the *ADA Communication Regulations* section above.

No Shows, Late Policies

Because demand-response service is the same for everyone—people with and without disabilities, the no show and late policies are a local decision. Each service provider will determine an administrative process for no shows and late passengers that applies to all riders regardless of ability.

Drivers Providing Assistance

Transportation service providers must ensure that a passenger with a disability is able to take advantage of the accessibility and safety features on the vehicle. Vehicle operators must assist individuals with disabilities with the use of ramps, lifts, and securement systems. (SOURCE: U.S. DOT 49 CFR 37.165(f), http://ftawebprod.fta.dot.gov/ContactUsTool/Public/FAQs.aspx?CategoryID=4)

Personal Care Attendants

Demand-response service providers must allow personal care attendants (PCA) to ride with passengers with disabilities. Just as a person may need to use a mobility aid, one may also need a personal care attendant to provide assistance. When making trip reservations, passengers should indicate that they are traveling with a PCA and will need to reserve an additional seat for that person. PCAs ride for free on ADA Complementary Paratransit. On other demand-response or fixed-route services, PCAs may have to pay a fee; whether to charge a PCA a fare is a local policy decision.

When considering PCA policies, it is important to note that an individual's need for a PCA may be unrelated to the trip itself, and that the passenger may not require the assistance of a PCA while on board the vehicle. Because of the nature of typical PCA functions, it is most likely that the services provided by a PCA would be required throughout the day at the passenger's destination. It is acceptable for a person to use a PCA for some trips and not others. (SOURCE: Federal Transit Administration, Transit and the ADA: Frequently Asked Questions, Personal Care Attendants, http://www.fta.dot.gov/12325_5110.html)

Service Animals

In 2010, the DOJ published revised final regulations implementing the ADA for service animals. Transportation services, however, fall under the DOT regulations, which 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 it has been licensed or certified by state or local government. Transportation service providers must allow service animals on board, regardless of species. Transportation service vehicle operators may ask if an animal is a service animal or ask what tasks the animal has been trained to perform but are prohibited from requiring special ID cards for the animal or asking about the owner's disability. Vehicle operators may not exclude service animals unless the animal is out of control and the animal's owner does not take effective action to control it or the animal poses a direct threat to the health or safety of others.

Operators may not require the service animal to board the vehicle in a certain way or ride in a particular area or charge an extra fee. Service animals may not, however, block aisles or exits. If a service animal causes damage, the service provider may ask for reimbursement for the damages.

If an animal's only function is to provide emotional support or comfort for the rider the animal would not fall under the regulatory training-based definition of a service animal. Simply providing comfort is something that an animal does passively by its nature or through the perception of the owner. The ADA does not prohibit a transit agency from choosing to accommodate pets and comfort animals. The decision to do so would be a transportation service provider policy. (SOURCE: U.S. DOT, 49 CFR 37.167)

Seating

If a vehicle is filled to capacity, a driver is not required to remove other passengers from the bus in order to make room for additional people with disabilities. The driver would still be required, however, to request that people without disabilities vacate priority seating locations they may be occupying.

Seatbelt Requirements

Transportation service providers must provide a seatbelt and shoulder harness as part of the wheelchair securement system. If seatbelts and shoulder harnesses are available for all passengers, and if all passengers are required to make use of them, passengers with disabilities occupying the securement location may also be required to do so. If you have seatbelts and you do not require that *all* passengers use them, then you **cannot** require a person using a mobility device to use one. In some cases the use of seatbelts themselves may be more harmful to passengers with certain types of disabilities than riding without them. Most state seatbelt laws recognize this and provide for exceptions. Policies concerning seatbelt use aboard transit vehicles should provide for similar exceptions. Transportation service providers should check their state seatbelt laws pertaining to their vehicle operations. (SOURCE: U.S. DOT, 49 CFR 38.23(d)(7), http://ftawebprod.fta.dot.gov/ContactUsTool/Public/FAQs.aspx?CategoryID=4)

Passenger Behavior

All passengers, whether or not they have a disability, should treat the operator and other passengers with courtesy and respect. If a passenger behaves in a manner that endangers themselves, the vehicle operator, or other passengers, the operator can deny services. This provision should be part of the transportation service provider's service policy and administrative process. Operator etiquette is addressed in the next section, *Disability Etiquette.* (SOURCE: U.S. DOT, 49 CFR 37.5)

ADA Coordinator and Grievance Procedures

Transportation service providers with 15 or more employees are required to identify an ADA coordinator within 90 days of the effective date of their contract to receive federal funds. The ADA coordinator is an employee who will be responsible for the company's compliance with the ADA. They will be the primary contact person for ADA concerns and grievances. In addition, employers with 15 or more employees are required to adopt and file an ADA policy and grievance procedures. These procedures should incorporate appropriate due process standards and provide

 for the prompt and equitable resolution of complaints alleging any action prohibited by the ADA. Grievance procedures and ADA policies should be available to employees and the public and considered an important part of improving customer service and operations. (SOURCE: U.S. DOT, 49 CFR 27.13)

Other Service Policies

Rider guides provide useful information about fares, scheduling, accessibility features, and who to call for help. Here is a list of policy topics that most transportation service providers include in their rider guide.

- Accessibility features
- ADA policy
- Alcohol
- Bicycles
- Child seats
- Contact information for the ADA coordinator
- Controlled or legalized substances
- Eating and drinking
- Emergency procedures
- Fares
- Grievance procedures
- Late or missed rides
- Luggage
- Number of and oversized packages
- On time window for pick up and drop off
- Personal care attendants
- Pets
- Pick up and drop off locations/procedures
- Scheduling rides
- Smoking
- Strollers
- Travelers using oxygen
- Traveling with children
- Trip planning
- Unaccompanied minors
- Use of cell phones
- Weapons and fireworks

Contact Project ACTION for additional guidance with the development of these policies.

Disability Etiquette

Although following state and federal regulations to comply with civil rights laws is important, it is equally important for transportation service providers to develop an administrative process that ensures equal treatment for all their customers. This section provides information to assist transportation service providers in making their services more accessible and in offering the best possible customer service.

When speaking with or about a person with disabilities, use person-first language, such as "person using a wheelchair" instead of "a wheelchair user." Avoid outdated terms, such as "handicapped, "crippled" or "elderly." When speaking to or about people who are older, use "older adult." Ask if the person needs assistance before you act, and listen to any instructions she may give you. Consider barriers in the path of travel when giving directions to a person using a mobility device or a person with a visual impairment.

Never make assumptions about a customer's physical or mental abilities. Speak directly to the person, rather than through their companion (if they are with one), and ask questions about how you may assist them. Be considerate of the extra time it might take a customer with a disability to speak or accomplish tasks. Let the person set the pace. (SOURCE: ESPA, *Including People with Disabilities: Communication & Meeting Etiquette* Pocket Guide)

Serving People with Visual Impairments

When speaking with someone who is blind or has a visual impairment:

- Identify yourself and others who may be with you. Do not leave without letting the person know of your departure.
- When offering to assist, allow the person to take your arm. This will help you to guide rather than propel or lead him.

- When giving directions, use specifics like "walk till the carpet ends and turn left" or "turn to your right and the door is 100 feet ahead on the right." Instructions can include identifying architectural elements that would provide orientation such as the number of doorways to pass or noticeable changes in the surface underfoot to reach the place that is being sought.

(SOURCE: ESPA, *Including People with Disabilities: Communication & Meeting Etiquette Pocket Guide*)

Serving People Who are Deaf or Hard of Hearing

When speaking with someone who is deaf or hard of hearing:

- Face the person to whom you are speaking and do not let objects obstruct his view.
- Do not raise your voice—doing so distorts your lip movement and makes lip reading difficult.
- When speaking to a person who is using an interpreter, speak directly to the person not the interpreter.

Telecommunications Relay Service (TRS) allows people who are deaf, hard-of-hearing, or with speech disorders to make calls using a standard telephone, personal computer or other assistive telephone device. A human relay operator usually assists the caller. These services can be accessed nationwide wide by dialing 711 at no charge to users.

Typical technological options include text or teletype telephones (TTYs) also called, Telecommunications Device for the Deaf (TDD), for text communication over the telephone line. People with hearing or speech difficulties can use these devices to make phone calls to others with compatible devices. In addition, there are smartphone applications that facilitate texting, voice to text communication, face-to-face American Sign Language (ASL), Signed English, and phone captioning.

Other technologies and auxiliary aids and services to assist people who are deaf or hard of hearing are available, including the Video Remote Interpreting (VRI) services that use a sign language interpreter on a videophone over high-speed internet. This service is used widely in rural settings and is useful when the hearing person and the person who is deaf or hard of hearing are in the same room. Additionally, Video Relay Service (VRS) is similar and assists people using sign language to communicate with voice telephone users through a relay service as the interpreter communicates with the

person who is deaf in sign language by video, then communicates with the hearing person by voice. Contact your local relay service to see what services are available. (SOURCE: http://www.fcc.gov/guides/telecommunications-relay-service-trs).

Computer-Aided Realtime Transcription (CART) or Real-Time Captioning is a service that uses an operator to type what is said into a computer that in turn displays the typed words on a screen. The text produced by the CART service can be displayed on an individual's computer monitor, projected onto a screen, combined with a video presentation to appear as captions, or be made available using other transmission and display systems. This is useful for people who are deaf or hard of hearing and who are not trained in either sign language or lipreading. (SOURCE: National Association of the Deaf, http://www.nad.org/issues/technology/captioning/cart).

Hosting Accessible Public Meetings or Information Sessions

- Ensure the meeting is physically accessible to everyone, including people who use wheelchairs or other mobility devices.

- Host meetings in locations accessible by public transportation and at times when public transit is available. Consider meeting times that are accessible to for minority, low-income, and limited English-proficient populations.

- Post accessible signage to direct participants to the meeting room.

- Provide meeting materials in alternative formats (e.g., plain text, braille, CD) and sign language interpreters or assistive listening devices as needed by committee members or the public. Provide microphones for accessible hearing and ensure that all participants use a microphone when speaking.

- Place microphones at a height accessible to those who use wheelchairs.

- Read out loud key text on presentation slides. Repeat a count out loud if people raise their hands to vote.

The following resource provides additional recommendations:
U.S. Department of Transportation's Public Involvement Techniques for Transportation Decision-Making

U.S. Department of Justice's Accessible Information Exchange: Meeting on a Level Playing Field

Resources

Federal Resources

U.S. Department of Transportation
www.dot.gov
(855) 368-4200

Federal Transit Administration
www.fta.dot.gov
(202) 366-4043

Departmental Office of Civil Rights (DOCR)
www.civilrights.dot.gov
(202) 366-4000

U.S. Access Board
www.access-board.gov
(800) 872-2253

U.S. Department of Justice
www.justice.gov
(202) 514-2000

Civil Rights Division
www.justice.gov/crt/index.php
(202) 514-4609

ADA.gov
www.ada.gov
(800) 514-0301

U.S. Equal Employment Opportunity Commission
www.eeoc.gov
(800) 669-4000

U.S. Federal Communications Commission
www.fcc.gov
(888) 225-5322

Federal Register
www.federalregister.gov

Regulations.gov
www.regulations.gov

Electronic Code of Federal Regulations
www.ecfr.gov

Easter Seals Project ACTION Resources
Available at www.projectaction.org

A.C.C.E.S.S. Matters
This CD-ROM of training materials and DVD video is a training course for transportation service providers on serving customers with disabilities. Designed for use as a one-hour facilitated or self-study course, it includes a training video, trainer materials, participant worksheet, and ADA materials.

ADA Essentials for Transit Board Members: Fundamentals of the Americans with Disabilities Act
This booklet is for board members, bus, rail, paratransit staff, public officials, community planners, advocates, and anyone seeking basic information on the ADA as it relates to public transportation.

Frequently Asked Questions about Service Animals
This document addresses policies and practices of transportation service providers, going above and beyond the ADA's regulatory obligations to provide good customer services to people using service animals.

Facts About Service Animals and Transportation Boomark
This bookmark provides guidance to drivers and others who serve customers with disabilities on U.S. Department of Transportation ADA regulations on service animals and tips for customer service. (Information also available through the Facts About Service Animals and Transportation Poster)

Improving Transit Facility Accessibility by Employing Wayfinding Technology
This information brief focuses on identifying new technologies that improve accessibility within transit systems, especially for customers who are blind or have visual impairments and use wayfinding to navigate their environment.

Including People with Disabilities: Communication & Meeting Etiquette Pocket Guide
This pocket guide is designed to raise awareness of the needs people with disabilities may have in a meeting setting or one-on-one conversation. The guide provides tips on hosting meetings in accessible spaces for people who have physical disabilities, providing audio-visual accommodations, and offers considerations for communicating with individuals who are blind, have visual impairments, are deaf, or hard of hearing.

Safety & Securement: Equipment Operation for Passengers with Disabilities
Developed in partnership with the American Bus Association, this 2012 DVD is part of the ADA Training Program for Motorcoach Companies and was originally released in 2002 as a VHS. The DVD covers facts about wheelchairs and other mobility aids, pre-trip inspection, lift operation, securing wheelchairs, and de-boarding the motorcoach.

Status Report on the Use of Wheelchair and Other Mobility Devices on Public and Private Transportation
This report presents current issues and promising practices that can help transportation

providers serve their passengers with disabilities more effectively and safely, and guides riders to make the best use of the services available to them.

[Paratransit Customer Rights and Responsibilities Bookmark](#)
An easy-to-carry reference guide, this laminated bookmark details the rights guaranteed to paratransit customers under the ADA and the responsibilities passengers have when using ADA paratransit.

[Transportation Services for People with Disabilities in Rural and Small Urban Communities](#)
This 48-page summary report, with CD-ROM full report, identifies issues and presents innovative and effective solutions in meeting transportation needs of people with disabilities in rural and small urban areas.

[Vehicle Purchase/Modification Funding Resources](#)
This list of resources assists in funding the purchase or modification of an accessible vehicle. It explores referral services, rebate programs, tax credits, message boards, manufacturers with reimbursement programs, and local service organizations.

National Organizations & Programs

American Council of the Blind (ACB) – The American Council of the Blind strives to increase the independence, security, equality of opportunity, and quality of life, for all people who are blind or visually impaired. Since its inception, ACB and its affiliates have been at the forefront of the creation of policies that have shaped the opportunities that are now available to people with disabilities in our country. www.acb.org

American Public Transportation Association (APTA) – APTA works to strengthen and improve public transportation in the U.S. by leading its diverse membership through advocacy, innovation and information sharing. APTA and its members and staff work to ensure that public transportation is available and accessible for all Americans in communities across the country. www.apta.com

American Foundation for the Blind (AFB) – Established in 1921, the American Foundation for the Blind removes barriers, creates solutions, and expands possibilities so people with vision loss can achieve their full potential. www.afb.org

Association of Programs for Rural Independent Living (APRIL) – A national network of rural centers for independent living and other organizations and individuals concerned with the unique aspects of rural independent living. APRIL promotes independence and strives for full rights and benefits for individuals with disabilities living in rural communities. www.april-rural.org

Community Transportation Association of America (CTAA) – A national, professional membership association of organizations and individuals committed to

removing barriers to isolation and to improving mobility for all people. CTAA offers resources on a variety of topics, including rural and tribal transportation. www.ctaa.org

National Association of the Deaf (NAD) – A national civil rights organization for people who are deaf or hard of hearing. www.nad.org

National Council on Independent Living (NCIL) – A membership organization that advances independent living and the rights of people with disabilities through consumer-driven advocacy. www.ncil.org

National Rural Transit Assistance Program (RTAP) – A program of the Federal Transit Administration, RTAP provides a range of services to transit professionals in rural and small urban areas across the country. www.nationalrtap.org

National Transit Institute (NTI) – A federally-funded training center that provides training, education and clearinghouse services in support of public transportation and quality of life in the U.S. www.ntionline.com

Tribal Technical Assistance Program (TTAP) – TTAP began in 1992 with the introduction of the Intermodal Surface Transportation Efficiency Act of 1991. The goals of the program at Colorado State University are to assist American Indian Tribal governments by increasing their technical capabilities in transportation and to expand their workforces to address effectively their transportation needs. ttap.colostate.edu

The University of Montana Rural Institute (RTC) – Established in 1988, the RTC focuses on issues of importance to rural Americans with disabilities, including transportation, employment, health & housing, and communications. www.ruralinstitute.umt.edu

Small Urban Rural Transit Center (SURTC) – This research support and outreach center assists small urban and rural transit systems and other transit entities by conducting relevant research and offering outreach and training. SURTC provides and facilitates the exchange of information. Special focus is given to planning, operations, and technologies with an emphasis on "smart solutions" to problems. www.surtc.org

Taxicab, Limousine & Paratransit Association (TLPA) – Established in 1917, TLPA is a non-profit association of and for the private passenger transportation industry. TLPA provides its members with a network of programs, services and supports to enhance their ability to meet effectively and profitably local public transportation needs. www.tlpa.org

Transit Cooperative Research Program (TCRP) – TCRP is a cooperative effort of the Federal Transit Administration, the Transportation Research Board, and the Transit Development Corporation. TCRP provides transportation service providers practical research to solve operational problems, adopt new technologies and innovate. www.tcrp.org

Transportation Research Board (TRB) – TRB is one of six major divisions of the National Research Council— a private, nonprofit institution that is the principal operating agency of the National Academies in providing services to the government, the public and the scientific and engineering communities. The National Research Council is jointly administered by the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine. TRB produces groundbreaking research reports to help shape policy, inform public opinion, and advance transportation. www.trb.org

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