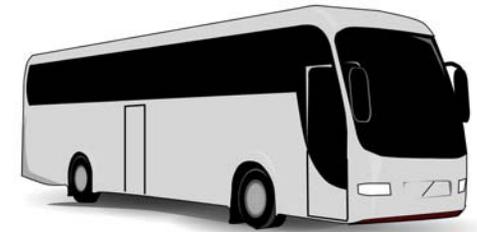




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Accessible Transportation at Airports – Private Providers



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Key Terms

- Public entity: Any state or local government or its instrumentality
- Private entity: NOT a state or local government

49 C.F.R. § 37.3



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Key Terms

- Fixed Route: vehicle is operated along a prescribed route according to a fixed schedule (city bus, hotel shuttle, intercity bus, rail, etc.)
- Demand Responsive: not fixed route (taxi, paratransit, charter bus, tour bus, etc.)

49 C.F.R. § 37.3



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Key Terms

- Private entities **primarily** engaged in the business of transporting people: A charter bus, limousine, taxi, or shuttle bus company, etc.
- Private entities **not primarily** engaged...: A hotel, rental car, or remote parking lot operator, etc. that utilizes shuttles



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DOT ADA REQUIREMENTS



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Nondiscrimination Provisions

- Cannot prevent a person with a disability from using the transportation service for the general public if the individual is capable of using the system. § 37.5(b)
- Cannot require that a person with a disability use the designated priority seating. § 37.5(c)



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Nondiscrimination Provisions

- Cannot impose special charges (extra fees) on individual with disabilities. § 37.5(d)
- Cannot require that an individual with a disability be accompanied by an attendant. § 37.5(e)
- Must allow service animals. § 37.167(d)



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Nondiscrimination Provisions

- Private entities must comply with DOJ obligations concerning eligibility criteria, making reasonable modifications, providing auxiliary aids and services, and removing barriers (28 CFR § 36.301-306). § 37.5(f)



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Stop Announcements

49 C.F.R. § 37.167(b)

- Applies to fixed route – public & private
- Must announce transfer points, major intersections, and destination points, at intervals along a route sufficient to permit individuals to be oriented to their location.
- Must announce stops on request.
- Can be automated or by driver.





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Route Identification

49 C.F.R. § 37.167(c)

Where vehicles or other conveyances for more than one route serve the same stop, the entity shall provide a means by which an individual with a visual impairment *or other disability* can identify the proper vehicle to enter or be identified to the vehicle operator as a person seeking a ride on that particular route.

- i.e., external stop announcements





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Maintenance of Accessible Features

49 C.F.R. § 37.161

- Applies to public and private transportation services
- Covers lift/ramps, securement devices, elevators, signage, public address systems, etc.
 - Must be repaired promptly
 - Must take reasonable steps to accommodate persons with disabilities who would otherwise use the feature
 - Does not prohibit isolate or temporary interruptions due to repair or maintenance



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Wheelchair Lift & Securement Requirements

- Securement systems on all accessible buses § 37.165
- Transport all wheelchairs § 37.165(b)
- Establish a policy to secure all wheelchairs, or only upon passenger's request § 37.165(c)(3)
- May not refuse to transport person because the chair cannot be satisfactorily restrained § 37.165(d)
- May require wheelchairs to remain in designated securement locations; may not require person to transfer from wheelchair to seat. § 37.165(b),(e)



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Wheelchair Lift & Securement Requirements

Upon request:

- Allow standees to use the lift. § 37.165(g)
- Secure wheelchairs. § 37.165(f)
- Assist with securement system, seatbelts, ramp and lift. § 37.165(f)
- Allow passengers to exit at any stop and allow adequate time to board/disembark. § 37.167



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Training Requirements

49 C.F.R. § 37.173

- Personnel must be **trained to proficiency**, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a **respectful and courteous way**, with appropriate attention to differences among individuals with disabilities.



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Complaint Procedures

49 C.F.R. § 37.17 – Effective July 2015

- Each entity must designate at least one person to comply with the DOT requirements
- Shall adopt complaint procedures incorporating due process standards
- Provide prompt equitable resolution of complaints



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Applications

I. Private Entities Primarily Engaged in
Transportation

II. Private Entities Not Primarily Engaged in
Transportation



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I. Private Entities Primarily Engaged in Transportation

- A. Taxis / Transportation Network Companies
- B. Demand Responsive Shuttle Companies
 - Door-to-Door Airport Shuttle Services
- C. Fixed Route Private Transportation
 - Sightseeing Tour Companies

49 C.F.R. § 37.103



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A. Taxis

- Nondiscrimination service requirements apply.
- “Automobiles” exempt from vehicle requirements. “Other than an automobiles” must be accessible or provide equivalent service. § 37.29(b)
- Includes Transportation Network Companies (*i.e.*, Uber, Lyft, SideCar, etc.)
 - http://www.ada.gov/briefs/uber_soi.pdf



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B. Demand Responsive Shuttle Companies

- Travels in response to a particular request (*e.g.*, drops you off at a local attraction)
- Nondiscrimination service requirements apply.



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B. Demand Responsive Shuttle (cont.)

- Vehicle Acquisition: **new** vehicles with over 8 passengers must be accessible, **or** they must ensure “equivalent service”
- “Equivalent service” is a high threshold



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“Equivalent Service” (with respect to):

1. Schedule / Response Time
2. Fares
3. Geographic Area of Service
4. Hours and Days of Service
5. Availability of Information
6. Reservations capability
7. Capacity
8. Priority or Trip Purpose Restrictions

49 C.F.R. § 37.105



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Enforcement Examples

Super Shuttle

- 2002: <http://www.ada.gov/superstl.htm>
 - Insufficient accessible vehicles resulting in denials of service
- 2013: <http://www.ada.gov/supershuttle.htm>
 - Imposing a surcharge on a passenger with a disability and not letting them use the shared ride service



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C. Fixed Route Private Transportation

- Travel along a prescribed route according to a fixed schedule (*e.g.*, back and forth to airport)
- (*i.e.*, sightseeing tours, shuttles on a schedule, etc.)



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C. Fixed Route (cont.)

- Nondiscrimination requirements apply
- Vehicle Acquisition: Only purchase or lease of a **new** vehicle over 8 passengers must be accessible



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Enforcement Examples

- Starline Tours – 2011
 - <http://www.ada.gov/star-line/starline-cd.htm>
 - Had purchased new vehicles for service that were inaccessible
 - Failed to maintain accessible vehicles
 - Also failed to provide accessible demand-responsive service



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II. Private Entities not Primarily Engaged in Transportation

- Hotel Shuttles
- Rental Car Company Shuttles
- Private Parking Lot Shuttles
- Amusement Park Shuttle Service

49 C.F.R. § 37.101



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A. Demand Responsive Shuttle

- Vehicles for on-demand service must be accessible, unless they provide “equivalent service”
- “Equivalent service” is a high threshold



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Hotel Shuttles

If a shuttle is on the premises and ready to transport guests to local attractions, how is equivalent service possible?





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B. Fixed Route Shuttles

- Virtually all vehicles acquired for fixed route service must be accessible
 - Over 16 passengers – **must** be accessible
 - 16 or under – accessible or equivalent service

49 C.F.R. § 37.101



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Vehicle Accessibility Standards

49 C.F.R. Part 38

- Door width, height
- Handrails – location, cross-sectional diameter, knuckle clearance
- Lighting at entrance
- Moveable aisle armrests



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Vehicle Accessibility Standards

49 C.F.R. Part 38

- Slip-resistant floors
- Level changes
- Floor Slopes
- Clearances



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Vehicle Accessibility Standards

49 C.F.R. Part 38

- 2 securement locations and devices –
30” x 48” clear floor space
- Seatbelt and shoulder harness
- Lift with edge barriers, handrails, extensive safety standards



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Vehicle Accessibility Standards

49 C.F.R. Part 38

- Ramp slopes
- Ramp cross-slopes
- Ramp runs
- Ramp edge conditions



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Hotel Shuttles

What kind of shuttle service is this?

Is the vehicle required to be accessible?

A sign for a complimentary shuttle service at a hotel. The sign is framed in green and features a photograph of a multi-story hotel building and a hotel room. The text on the sign reads: "Complimentary Shuttle Service", "Drop Off/ Pick Up in" followed by a redacted area, "Departures At:" followed by a list of times: 6:30am, 7:30am, 8:30am, 9:30am, and 10:30am. A note at the bottom says "*10:30am-10:30pm Upon Request & Availability*" followed by another redacted area.

Complimentary Shuttle Service

Drop Off/ Pick Up in

Departures At:

- 6:30am
- 7:30am
- 8:30am
- 9:30am
- 10:30am

10:30am-10:30pm Upon Request & Availability



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Resources

Easter Seals Project ACTION – www.projectaction.org

Accessible Community Transportation In Our Nation

Let the ADA give you a lift!

Do you have a disability?
Do you have places to go?

Tips for Using ADA Paratransit Service:

- You may apply for paratransit service if you are unable to use fixed-route service.
- Paratransit eligibility is based on:
 - Whether you can board, ride or disembark from an accessible vehicle.
 - Availability of an accessible vehicle on your desired route and/or hour of service.
 - Existence of a specific impairment, condition or physical barrier that prevents you from getting to or from the bus stop.
- Expect to pay up to double the fixed-route fare for an ADA complementary trip. Expect to pay premium charges for service offered beyond the transit authority's ADA obligations.

Customer Responsibilities

If you qualify for ADA complementary paratransit, be aware that it is a shared-ride service, and you have responsibilities as a passenger.

- Make sure you understand the pickup window and vehicle wait time so that you are prepared to board when the vehicle arrives.
- Be prepared for the driver to make stops ahead of yours. You may not be the first one dropped off even if you were first to be picked up.
- Prior to making a trip reservation, review the information needed to book the trip. Be prepared to provide the necessary information when you call.
- Know your provider's no-show and late-cancellation policies. Cancel reservations as soon as you determine you don't need the trip. Be aware that you may be penalized for an excessive number of late cancellations or no-shows.

Taxicab Operator's Pocket Guide

Today, 54 million people in the United States live with disabilities. These people have jobs, families, classes, meetings, travel plans, and other activities that keep them on the move. To help them get where they're going, they need transportation, including taxicabs! Think about it: 54,000,000 fares!

Easter Seals Project ACTION



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