



## Summary Sheet

### **Americans with Disabilities Act (ADA) Requirements**

The U.S. Department of Transportation (USDOT) ADA regulations implement the transportation and related provisions of Titles II and III of the Americans with Disabilities Act of 1990. This Summary Sheet is provided for use by Massachusetts Department of Transportation (MassDOT) Rail & Transit Division (RTD) potential and current grantees. It is meant to be used as a guide to assist grantees with understanding federal and state requirements in order to receive funding and is meant as only a summary and not an all-inclusive guidance document. For more information on the program or federal requirements, refer to [49 CFR Part 37<sup>1</sup>](#), the annual Certifications, Assurances and Agreements, the Additional Terms & Conditions in your contract, or other documentation provided by MassDOT or the Federal Transit Administration (FTA).

<b>Accessible Facilities</b>	
Any new facility to be used in providing public transportation services must be accessible. If a public servicing entity alters an existing facility used to provide public transportation, the altered portions of the facility must be accessible. When the nature of an existing facility makes it impossible to comply fully with applicable accessibility standards, the alterations must be made accessible to the maximum extent feasible.	
<b>Accessible Vehicles</b>	
Vehicles acquired for fixed-route service must be accessible. Vehicles acquired for demand-response service must be accessible unless the grantee can demonstrate that, when viewed in its entirety, the level of service for persons with disabilities is equivalent to persons without disabilities with respect to response time, fares, geographic service area, hours and days of service, restrictions or priorities based on trip purpose, availability of information, reservation capability, and constraints on capacity or service availability. When applying for FTA funds to acquire non-accessible vehicles, Section 5311 grantees must sign a certification of equivalent service. The certification is included in the annual certifications and assurances agreements.	
<b>Service Provisions</b>	
Stop announcements	Stop announcements are required for fixed route service at transfer points, major intersections, destination points, intervals along the route to orient passengers, and any stop upon request.
Route identification	When more than one route serves a stop, the entity shall provide a means by which an individual with a visual impairment or other disability waiting at a stop can identify the route on which he or she wants to travel.
Wheelchairs	A wheelchair is a mobility aid belonging to any class of three or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered. Grantees must carry the wheelchair and occupant if the lift and vehicle can accommodate them. Grantees may decline to carry a wheelchair/occupant if the combined weight exceeds that of the lift specifications or if carrying the wheelchair is demonstrated to be inconsistent with legitimate safety requirements. As of October 19, 2011, <a href="#">DOT Final Rule<sup>2</sup></a> amended 49 CFR Part 37 deletes the sentence containing “common wheelchair” recognizing that some vehicles used in public transit can accommodate wheelchairs that did not meet the definition.
Wheelchair securement	The DOT ADA regulations do not require that wheelchairs be secured; however, grantees may establish policies requiring passengers to allow their wheelchairs to be secured and may deny service if a passenger refuses. Grantees must transport passengers when the securement system cannot accommodate the rider’s wheelchair. Grantees may not establish requirements concerning wheelchair equipment or specifications, such as brakes or wheel locks. Grantees may recommend, but not require, passengers using a wheelchair to transfer to a seat.

<sup>1</sup> [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr37\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr37_main_02.tpl)

<sup>2</sup> <http://www.gpo.gov/fdsys/pkg/FR-2011-09-19/pdf/2011-23576.pdf>

Priority seating	When an individual with a disability needs to sit in a seat or occupy a wheelchair securement location, the grantee must ask occupants to move in order to allow the individual with a disability to occupy the seat or securement location. Drivers are not required to compel the person to move; however, the entity is permitted to adopt a policy requiring individuals to move in response to such requests.
Lift or ramp deployment	Grantees must permit a passenger who uses a lift or ramp to board or disembark from a vehicle at any designated stop, unless the lift or ramp cannot be deployed, the lift or ramp will be damaged if it is deployed, or temporary conditions preclude the safe use of the stop by all passengers. The grantee must deploy lifts or ramps for persons who do not use wheelchairs, including standees.
Boarding and alighting time	Grantees must ensure adequate time for individuals with disabilities to board or alight a vehicle.
Respirators, concentrators, or portable oxygen	Grantees may not deny service to individuals using respirators, concentrators, or portable oxygen.
Assistance	Vehicle operators and other personnel must use accessibility-related equipment and features. Where necessary and upon request, personnel will assist individuals with disabilities in the use of securement systems, ramps and lifts. Personnel must leave their seats if it is necessary to provide the assistance.
Service animals	Grantees must allow service animals to accompany individuals with disabilities in vehicles and facilities. <a href="#">49 CFR 37.3<sup>3</sup></a> defines a service animal as any animal individually trained to work or perform tasks for an individual with a disability. It is discriminatory to require a person with a disability to certify or register a service animal. Grantees may not require passengers to make prior arrangements when boarding a fixed route vehicle with a service animal.
Accessible communications	Grantees must make available to individuals with disabilities adequate and accessible information concerning transportation services. Upon request, public information and communications must be made available in accessible formats that the requesting individual can actually use.
<b>Training</b>	
Personnel must be trained to proficiency, as appropriate, for their duties. This training is required so that personnel operate vehicles and equipment safely, assist passengers properly, and treat persons with disabilities who use the service in a respectful and courteous way, with appropriate attention to the differences among persons with disabilities. <a href="#">MARTAP<sup>4</sup></a> offers training in safe transportation of the public under the ADA (“sensitivity” training) and wheelchair and lift securement.	
<b>Maintenance</b>	
Accessibility features	Grantees must maintain in operative condition those features of vehicles and facilities that are required to make them accessible to and usable by persons with disabilities, including wheelchair users. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signage, and systems to facilitate communications with persons with vision or hearing impairments. Accessibility features must be repaired promptly if they are damaged or out of order. When an accessibility feature is out of order, the entity must take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature.

<sup>3</sup> [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr37\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr37_main_02.tpl)

<sup>4</sup> <http://www.martap.org/aboutmartap.html>

Wheelchair lifts	Public entities are required to have a system of regular and frequent maintenance checks for wheelchair lifts and ramps on non-rail vehicles that is sufficient to ensure that the lifts are operational. There is no specific requirement for daily cycling of lifts and ramps, though many grantees have adopted this practice to meet this requirement.
Lift failures	Grantees must ensure that operators report immediately any in-service lift and ramp failures. When a vehicle with an inoperable lift is in service and the headway to the next accessible vehicle on the route exceeds 30 minutes, the grantee is required to provide alternative accessible service to individuals with disabilities needing an accessible vehicle within 30 minutes. The vehicle with the inoperable lift or ramp must be removed from service before the beginning of the next service day and the entity must repair the lift or ramp before the vehicle is returned to service. In the event that there is no spare vehicle available and the entity would be required to reduce service to repair the lift or ramp, it may keep the vehicle with the inoperable lift or ramp in service for no more than three days (if the grantee serves an area of over 50,000 population) or five days (if the grantee serves an area of 50,000 or less population).
<b>Route Deviation Service</b>	
The service must deviate for the general public, not just persons with disabilities. Grantees must provide information to the public on how to request a deviation.	
<b>Fixed-Route Service</b>	
Each public entity operating a fixed-route system must provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed-route system (ADA complementary paratransit service). This requirement also applies to all Section 5311 grantees of FTA funding. The requirement to provide complementary paratransit service does not apply to intercity, commuter bus, or university service.	
<b>ADA Complementary Paratransit Service</b>	
Eligibility	Each grantee providing ADA paratransit service is required to establish a process for strictly determining eligibility. Individuals may be eligible on the basis of a temporary or permanent disability. The grantee must process a completed application within 21 calendar days. Persons denied eligibility or granted conditional eligibility must be given a written reason for the determination and information on the right to appeal. The grantee must establish an appeals process.
Eligible riders	Service must be provided to the ADA eligible rider, a personal care attendant, and a companion. Additional companions must be provided service on a space-available basis. Out-of-town visitors must be provided paratransit service.
Reservations	Requests for reservations must be accepted during normal business hours on a “next-day” basis (not 24 hours in advance) on all days prior to days of service (e.g., weekends, holidays). Reservations for next-day service must be taken during administrative office hours. Reservations can be accepted using mechanical means (e.g., answering machines). Grantees may negotiate pick-up times within a one-hour +/- window. No restrictions or priorities may be placed on trip purpose or on the number of trips taken by a rider. Waiting lists for non-subscription service are prohibited.
Service characteristics	ADA paratransit service must operate the same days and hours as fixed-route service. Service must be provided within three-quarters of a mile of a route. The base mode of service can be curb-to-curb but door-to-door service must be provided when needed.
Fares	The ADA paratransit fare cannot exceed twice the non-discounted fare for a trip of similar length at the same time of day. Personal care attendants ride ADA complementary paratransit free. Companions are charged the ADA fare.
Capacity constraints	Grantees may not limit the availability of ADA paratransit service to eligible individuals. Any operational pattern or practice that has the effect of limiting availability is also prohibited (e.g., long reservation line wait times, dropped calls, trip denials, late pick-ups, missed trips, or excessively long trips).

No-show policy	Grantees are allowed to suspend riders for a pattern or practice of no-shows. The no-show policy must take into account frequency of rides. Only no-shows that are under the rider's control may be counted against the rider. FTA has permitted transit providers to include late cancellations in their suspension policy, but only those made less than two hours before the scheduled trip and within the rider's control. Grantees may not impose a mandatory financial penalty as part of a no-show policy, including charging for the fare for the no-show trip.
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