



Kansas RTAP Fact Sheet

A Service of The University of Kansas Transportation Center for Rural Transit Providers

Not-so-Common Knowledge About the Common Wheelchair

by Arin Gustafson

(Questions and answers from the Office of Civil Rights, Federal Transit Authority)

What is a “common wheelchair?”

A “common wheelchair” is a mobility aid belonging to any class of three or four-wheeled devices, usable indoors, and can be operated either manually or powered. It does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied.

Is an electric scooter or other mobility device a common wheelchair?

If an electric scooter or other mobility device meets the physical specifications of a common wheelchair, then it must be treated as a common wheelchair.

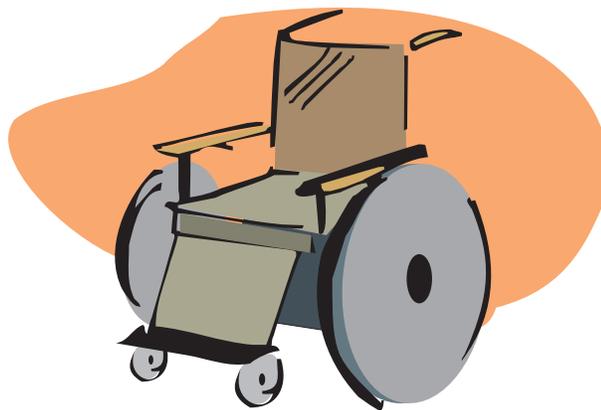
May a transit operator require common wheelchairs be secured to the vehicle?

Yes, provided that the transit operator has established such a policy. A transit operator is allowed to establish a policy that requires all riders to have their common wheelchairs secured while aboard a transit vehicle. Therefore, the operator may decline to provide service to a rider who refuses to allow his or her common wheelchair to be secured, as

long as a policy has been established. Or transit operators may adopt a policy that allows common wheelchairs to ride unsecured. If the rider wishes his or her wheelchair to be secured, however, the operator’s personnel must provide the requested assistance.

What kinds of securement equipment must be provided?

All ADA-



compliant vehicles must have a two-part securement system, one to secure the common wheelchair, and a seat belt and shoulder harness for the wheelchair user. Vehicles over 22 feet in length to have enough securement locations and devices to secure two common wheelchairs, while vehicles 22 feet and under must be able to accommodate at least one common wheelchair.

May a transit operator deny boarding a rider whose common wheelchair is difficult to secure?

No. If the transit operator has a policy that requires securement, or if a rider asks that the wheelchair be secured, transit personnel need to use their best efforts to secure any mobility device that meets the regulatory definition of a common wheelchair. Transit operators cannot refuse to accommodate a

common wheelchair—including a scooter or other specialized mobility device that complies with the ADA regulation’s specifications — because the wheelchair cannot be secured to the driver’s satisfaction.

Given the diversity of “common” wheelchairs, transit operators should consult with the manufacturers of securement devices and wheelchairs, as well as the owner of the wheelchair, to determine the best means of securement.

Does a wheelchair user have to use the seat belt and shoulder harness?

A transit operator is not permitted to mandate the use by wheelchair users of seat belts and shoulder harnesses, unless the operator mandates the use of

these devices by all passengers, including those sitting in vehicle seats. For example, on fixed route buses, if none of the other passengers are required to wear shoulder belts, a person in a mobility device cannot be required to do so, either.

Transit operators may establish a policy that requires a seat belt and shoulder harness to be used by all riders, including those who use wheelchairs as well as those who use vehicle seats, if seat belts and shoulder harnesses are provided at all seating locations. In some cases, state law could require an operator to adopt such a policy.

What kind of services must transit personnel provide?

Because safe and nondiscriminatory transportation is the responsibility of the transit operator, transit operators are required to train their personnel to properly assist and treat individuals with disabilities with sensitivity, and to operate vehicle and equipment safely. This includes training personnel to use the accessibility equipment and to accommodate the different types of common wheelchairs.

Attendant-type services (e.g., personal baggage or suitcases) are not required, but assistance with boarding and disembarking, including pushing a manual wheelchair up a particularly steep ramp, is required.

What if the accessibility equipment is missing or not working?

Public transit operators are required to establish a schedule or system to ensure regular and frequent maintenance checks and to take a vehicle out of service to repair or replace any broken or missing equipment before returning the vehicle to service. In some instances, an operator must provide alternative accessible transportation if the accessibility equipment is not present or not working.

Does a common wheelchair need brakes in order to use public transit?

No, the definition of a common wheelchair does not include this

requirement. A transit operator may not deny transportation to a wheelchair user because the wheelchair does not have brakes or the user does not choose to set the brakes.

Can an operator refuse to carry a person with a disability, especially a person using an electric scooter that meets the definition of a “common wheelchair,” because of higher insurance rates or liability concerns?

No. Transit operators are prohibited from denying service to an individual with a disability because its insurance company conditions coverage or rates on the absence of individuals with disabilities or persons who use common wheelchairs.

Can a transit operator require a person to transfer from a wheelchair to a vehicle seat?

No. Persons who use wheelchairs are allowed to transfer to a vehicle seat, however it is the rider's decision and the transit operator cannot force a rider to transfer to a vehicle seat.

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