

Chapter 16

Complying with the ADA

NOTES

CHAPTER 16 OVERVIEW

- ✓ Describes **crucial provisions of the Americans with Disabilities Act.**
- ✓ Identifies **vehicle purchase and accessibility requirements** pursuant to the Act.
- ✓ Details the requirements of the Act pertaining to the **provision of equivalent services and certifications and assurances.**

A. ADA: Key Concepts

President Bush signed the Americans with Disabilities Act in 1990. This law governs both public and private entities, mandating accessibility for individuals with disabilities. The Federal Transit Administration (FTA) has issued regulations that pertain to transportation providers in both public and private sectors. The main focus of the bill as originally passed by Congress was to increase access to employment for disabled persons. Transportation components are contained in all five titles of the legislation. Transportation has taken on added significance in recent years in light of Congress' goal to extend the ADA to a whole host of other life activities.

Titles II and III contain the most monumental provisions pertaining to transportation providers. Both titles discuss transportation services for fixed-route and demand response systems. The differences between fixed-route and demand response systems under the ADA are simple. If a phone call is necessary to access the system, the service is demand response. Stops on fixed route systems are initiated independent of public requests. Not only does the ADA distinguish between the types of services provided, the Act also draws a line of distinction between transportation providers. Under the ADA, a public agency is any unit of local or state government or any agency or organization under contract with a local unit of government. Private agencies are those agencies whose main purpose is the transportation of passengers. The main difference between

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these agencies is that transportation services are the primary goal of public agencies.

B. Vehicle Purchase Requirements

All public transportation providers operating a fixed-route system are required to acquire accessible vehicles when replacing or expanding service if their vehicles hold 16 or more passengers including the driver. Providers are not required to retrofit existing vehicles. Private entities that are engaged in providing transportation services must also purchase accessible vehicles unless the system meets the equivalent service standard.

C. Accessibility Requirements

All new lift equipped vehicles purchased for Section 5310 and 5311 programs in Kansas must meet ADA vehicle specifications. If the vehicle is not lift equipped, it must still meet all ADA requirements regarding handrails and stanchions, doors, steps and thresholds, priority seating signs, and lighting.

Newly acquired vehicles utilized in demand-responsive service are not required to be lift equipped, if the level of service provided to persons with disabilities is equal to that provided to non-disabled riders without acquiring accessible vehicles. KDOT reviews overall fleet accessibility at the time of application and may require acquisition of a lift-equipped vehicle in circumstances where accessibility is inadequate.

D. Equivalent Services

The equivalent service standard refers to a system which provides similar response times, accommodations, information, service, and fares among other items to all individuals including those with disabilities.

If providers cannot give an assurance of equivalent service, they must purchase a vehicle that is lift equipped, or have a written agreement with another provider who can provide equal service to the disabled. Providers not having any vehicles that are lift equipped in their fleet must purchase a lift equipped vehicle when they purchase a new vehicle.

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E. Certifications and Assurances

Section 504 of the Act prohibits discrimination on the basis of disabilities by recipients of federal financial assistance. Each applicant must sign an assurance as part of the application package. Each transportation provider must also certify that they will not discriminate when they receive federal funding as part of the agreement between the CTD and the transportation provider. All providers must make a written assurance to KDOT that they can and will provide an equivalent service to all persons, including those persons with disabilities.

CHECKLIST

- Have you completed the necessary assurances and certifications? 16-3
- Is your vehicle equipped with a wheelchair lift or have you made arrangements with another transit provider to meet the needs of the riders with wheelchairs? 16-2
- Do you have to retrofit existing vehicles that do not contain the proper handicap accessible equipment? 16-2