



The ADA: Do I have to do That?

The Americans with Disabilities Act (ADA) is:

1. A set of recommendations for accessible services
2. A Civil Rights Law
3. Federal Requirements for transportation access
4. Specialized services for people who qualify

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[answer]

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The ADA is a Civil Rights Law

- Legislation passed into Law on July 26, 1990
- Based upon the Civil Rights Act of 1964
- Builds upon and extends requirements under Section 504 of the Rehabilitation Act of 1973
- Protects and provides equal rights of people with disabilities

What does the ADA say about public transit?

Title II – State and Local Governments

- **Access to programs:** facilities, bus stops, meeting spaces, etc.
- ➡ • **Reasonable modifications:** (small) changes to policy/practice
- **Effective communication:** ASL, Braille, websites, etc.

Source: [State and Local Governments | ADA.gov](#)

What else does the ADA say about public transit?

- Accessible equipment and vehicle features
- Adequate boarding time for riders or passengers
- Drivers trained to proficiency
- Fixed route requires equivalent service, i.e., *ADA Complementary Paratransit*
- Accessible facilities, such as stops and transfer points

Source: [State and Local Governments](#) | [ADA.gov](#)

What is Reasonable Modification?

US DOT, 49 CFR Parts 27 & 37

Requires agencies to make **reasonable** modification to policy, practice and procedures to ensure that their programs are accessible and equitable to individuals with disabilities.

Examples: assistance to the door, paratransit beyond $\frac{3}{4}$ mile, providing same-day service, allowing comfort animals, etc.

Additional Information

- A full policy should be available to the public and must outline the process for filing a complaint and appropriate follow up
- A rider does not have to say 'reasonable modification'
- **A denial shall be granted if the request:**
 - would fundamentally alter your service
 - create a direct threat to the health or safety of others
 - the individual is fully able to use the service without the request

Reasonable Modification

The Quiz



Question 1: Asking about disability



If requesting a reasonable modification, are you allowed to ask if the person has a disability?

Answer 1: Asking about disability

No, avoid directly asking about a person's disability

- Instead, ask about their functional ability to take the trip
 - “what prevents you from using our service?”
 - “how does this modification assist to ride the bus?”

Question 2: Drop off Location

Your policy states that all passengers must be dropped off at the main entrance. Should the driver consider a modification for a passenger requesting a drop-off at an alternate location?



Answer 2: Drop off Location

Yes. This would be considered a reasonable modification to policy

- However, you must consider safety precautions, for example, is the alternate location accessible for proper lift function or does the entrance have a low clearance or visibility?

Question 3: Personal Care Attendant



Can a transit agency require a passenger to travel with a personal care attendant (PCA)?

Answer 3: Personal Care Attendant

No. Under U.S. DOT 49 CFR 37.5 (e), a transit entity is prohibited from requiring that an individual with a disability be accompanied by a Personal Care Attendant (PCA).

- Transit agencies can encourage the user to have a PCA.
- Requiring a driver to wait with the passenger would be considered a fundamental alteration.
- Always take safety precautions.

Question 4: Lift Capacity

Some wheelchairs weigh more when occupied and can overload a vehicle's lift capacity. Are you required to transport a passenger and their wheelchair in this circumstance?



Answer 4a: Lift Capacity

Yes. Transit systems must carry a wheelchair and occupant **if the lift and vehicle can physically accommodate them.**

- If the lift has a design load of X-lbs., there is no requirement for the agency to transport the occupied device. **The transit agency must make every attempt** to accommodate a person and their wheelchair (lift or ramp).
- You may accommodate a request for the rider to use the lift out of their chair, if they are able to safely stand or transition to another seat on their own.

Answer 4b: Lift Capacity

Safety Note:

An operator may deny transportation if carrying the wheelchair and the rider would impose legitimate safety concerns. At no time should a driver assist or lift a passenger from their wheelchair, unless in an emergency.

Example: a wheelchair being so large that it blocks an aisle or interferes with the safe evacuation during an emergency

Question 5: Service Animals



What are the only two questions you can ask a person about their service animal?

Answer 5: Service Animals

1. Is that a service animal?
2. What function or service does it provide?

A service animal is **not required to have identification or a vest**; these questions can help guide your decision. If an animal only provides emotional comfort for the rider, they do meet the training-based definition under the ADA.

Always lead with safety of other passengers in mind!

Question 6: Service Animals



Can a service animal be anything other than a dog?

Answer 6: Service Animals

Yes. U.S. DOT 49 CFR 37.3 defines service animals:

*“any guide dog, signal dog or other animal individually **trained to work or perform tasks** for an individual with a disability.”*

This law applies to both public and private transportation.

Questions?

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