



Rights and Responsibilities of Transit Customers with Disabilities

Contents

I. Passengers' Rights	2
Preparing to ride a regular bus or rail route	2
During the ride	4
Using paratransit service.....	4
II. Passengers' Responsibilities	7
Preparing to ride	8
On board the vehicle	8
Responsibilities in paratransit	9
III. Rights, Responsibilities and Beyond: Stay Informed, Be Involved	11
Use Easter Seals Project ACTION – and make others aware of our resources	11



Individuals with disabilities have both rights and responsibilities when they use buses, light rail and other public transportation covered by the Americans with Disabilities Act.

Basic rights are pretty obvious. If you live in a city with a public transportation system, you have the same rights of access as citizens without disabilities. If you cannot use the fixed-route system, you can apply for paratransit service if you live within the city's designated radius of the transit routes.

There are also basic responsibilities. You must qualify to be eligible for paratransit service and use fixed-route service whenever possible. Passenger etiquette and following rules of conduct are the same for everybody who uses public transportation.

Beyond the obvious, the details and fine points of rights and responsibilities are the subject of many calls and emails received at Easter Seals Project ACTION. In this guide, ESPA's technical assistance specialists team up with a long-time transportation advocate with a disability to offer answers as well as suggestions for being a successful partner with transit for accessible public transportation in your community.

I. Passengers' Rights

Under the ADA, customers with disabilities can expect to:

1. Use any public bus or rail system
2. Apply for paratransit service if fixed-route transportation cannot be used
3. Receive transportation route and service information in an accessible and useable form
4. Use a wheelchair or mobility aid provided the device meets the ADA's definition of a common wheelchair
5. Find all lifts and other accessible equipment in good working order
6. Have stops, major intersections and transfer points announced by the driver
7. Travel with a personal care attendant if needed
8. Travel with a service animal
9. Receive courteous, respectful service and ample time to get on and off the vehicle
10. File a complaint if these rights are violated

Preparing to ride a regular bus or rail route

If you are a person with a disability, the following tips further explain your rights.

As you plan a trip, do you need route or service information in a format different from the typical brochure that has words and numbers printed on a page? Request this information in

a format you can use, such as a voice recording that you can listen to if you have low vision or are blind.

If you use a wheelchair or other mobility aid, you should receive public transportation provided the aid meets the definition of a common wheelchair. The specified dimensions are 30 inches in width, 48 inches in length, and the device can weigh no more than 600 pounds when occupied.

In using the wheelchair or mobility aid, expect to board a bus or train facing forward or backward.

Many vehicles have equipment that includes a lift. Expect to stand on a lift if the vehicle steps cannot be used.

It is a requirement that all lifts and other accessible equipment be kept in good working order, and that the provider will take reasonable steps to accommodate customers who are unable to use the accessibility equipment because it is broken or out of order.

Expect to receive courteous, respectful assistance from the driver during the use of lifts, ramps, securement devices for wheelchair and mobility aids, and lap/shoulder belts. Assistance with boarding and disembarking, including pushing a manual wheelchair up a steep ramp, is required of the driver when the occasion arises.

It is your right to travel with a personal care attendant if needed. However, public and private transportation providers usually can-

not require a customer with a disability to travel with an attendant. It is also your right as a customer to board with a service animal, and to travel with any necessary equipment or devices, such as respirators or portable oxygen tanks.

During the ride

It is a right under the law to have stops, major streets, intersections and transfer points and any other requested stop(s) announced along the route. The announcement can be by voice or public address system or through automated stop announcement technology. The announcements must be heard both inside and outside the bus. At transfer points, visible and audible communication and identification systems should be in place to allow you to find your next bus or train needed to continue your trip.

You should also expect to have ample time to get on and off the vehicle, and to get on and off a vehicle at any regular stop where a lift or ramp can be safely used. If your stop is inaccessible because the vehicle's lift cannot be deployed there, you may be eligible for paratransit services.

Using paratransit service

If you are unable to use fixed-route service, you may apply for paratransit. Individuals who qualify for paratransit service can schedule and receive next-day ADA complementary paratransit service that is comparable to fixed-route bus or rail service available in the

community. Accessibility of your bus stop also is required under the law, meaning that a vehicle's lift must operate properly there. If the lift cannot be deployed, you become eligible for paratransit service.

Bases for eligibility also include:

- Whether or not an individual can board, ride or disembark from an accessible vehicle;
- Availability of an accessible vehicle on the customer's desired route and/or hour of service;
- Existence of a specific impairment or condition that prevents the customer from getting to or from a bus stop.

After undergoing eligibility determination, you should expect a decision on acceptance within 21 days of submitting a complete application. If the provider has not made a decision on eligibility by the 21st day, you should be treated as eligible and provided service until and unless the application is denied.

Regarding the cost, expect to pay up to double the fixed-route fare for an ADA complementary paratransit trip. Expect to pay premium charges for a paratransit trip that is offered over and above the transit authority's obligations to provide ADA complementary paratransit service.

You will negotiate paratransit pickup times with the transit provider. A customer cannot be required to schedule a trip more than one hour earlier or later than he or she wishes to travel.

Personal care attendants ride free of charge on paratransit.

If violations of your rights to fixed-route or paratransit services occur, you have the right to file a complaint with the transportation provider.

II. Passengers' Responsibilities

Under the ADA, customers with disabilities also have responsibilities. Expect to:

1. Use fixed-route service instead of paratransit service if it is possible to do so.
2. Seek travel training or related personal instruction from the transit authority.
3. "Plan ahead," obtaining route, schedule and other information before you begin your trip and be prepared to pay the exact fare.
4. Determine prior to boarding that the dimensions and weight of your wheelchair or other mobility aid fall within ADA specifications.
5. Comply with the transit provider's policy on securing wheelchairs and mobility devices.
6. Keep your service animal under control at all times and do not allow it to become disruptive or dangerous to others.
7. Signal or ask the driver to stop the bus at your desired designated stop before you get there.
8. Learn and follow the transit provider's policies if you qualify for paratransit service and be prepared and available to board the vehicle during the specified pickup window.
9. Treat the driver and other passengers with courtesy and respect at all times.

If you are a person with a disability, the following tips further explain your responsibilities.

Preparing to ride

It is important to use fixed-route transportation for suitable bus or rail trips whenever possible. The intent of the ADA is to include people with disabilities in all aspects of daily living. Fixed-route trips offer more flexibility for going to appointments, shopping, movies, sports events, socializing and otherwise being engaged with the community in a spontaneous way.

Most transit authorities are eager to help you learn to use their fixed-route system. It is common for them to have travel training programs in place, or ride “ambassadors” or peer-to-peer programs for individual assistance, for example.

When planning a trip, contact the transportation provider to receive route, schedule and fare information, including whether or not a particular fixed-route bus and your stop are fully accessible. Payment of the exact fare amount is usually required, so have your money or fare card ready.

On board the vehicle

When boarding, allow exiting passengers to leave first.

Don't hesitate to communicate to the driver as you board the vehicle. For example, if you are unsure that you are boarding the correct bus, ask. If you need the driver to announce a stop, let him or her know.

Comply with the transportation provider's policy on securing wheelchairs and mobility devices, and request the driver's assistance if you need help with securement, including the use of lap and shoulder belts which are provided for your safety. Some mobility devices, such as three- or four-wheeled scooters, are easier to secure than others. Sometimes you and the driver will need to work together to come up with a solution.

Place your bags and other belongings on the floor under your seat or in your lap, and not on the seat next to you. If you are traveling with children, you are responsible for their care and safety; don't leave children unattended.

Follow the rules of passenger conduct, and do not distract the driver during the ride, or engage others in unwanted conversation. Do not block empty seats that can be available to others, step aside to allow exiting passengers to pass, and remain in your seat when the vehicle is moving. It is your responsibility to treat the driver and other passengers courteously. The law states that bad behavior – that which is seriously disruptive or illegal – is cause for denied or suspended service.

Be aware of the approach of your stop and signal the driver.

Responsibilities in paratransit

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

Make sure you understand the provider's pickup window and vehicle wait time so that you are prepared and available to board the vehicle when it 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 paratransit reservation, review the information that the provider needs to book your trip, and be prepared to provide the information when you call. (As just one example: does the provider schedule trips based on desired appointment or arrival time?)

Know your provider's no-show and late-cancellation policies, and call to cancel scheduled reservations as soon as you determine that you don't need a trip so that capacity will be available for others. Paratransit policy also authorizes penalties for an excessive number of late cancellations and no-shows.

At all times, treat the driver and fellow passengers the way you would wish to be treated.

If an appeal becomes necessary because of denied eligibility, be familiar with the paratransit appeals process. The appeal must be filed within 60 days of the denial. Become familiar with the process of submitting positive and negative comments on your transit service and the driver who provides it.

III. Rights, Responsibilities and Beyond: Stay Informed, Be Involved

Ask to be placed on your transit system's mail and email lists to receive brochures and other information. These items offer details about programs and services, advise customers about changes, and announce special events and public meetings. Bookmark the Web site and visit it often. Remember that you can request a format you can understand if you cannot read standard print publications.

Participate in community meetings and other outreach opportunities. For example, proposed fare and route changes are usually preceded by public hearings. Attend such meetings, contribute to the discussion and be heard! Your observations on other transit aspects such as bus stop shelters, including their cleanliness and maintenance, and the width and condition of sidewalk pathways, also are valuable.

It is common for transit systems to have citizen advisory committees, including those dedicated to accessibility for people with disabilities. Volunteer to serve, attend the meetings, and be a positive force for quality and service.

Use Easter Seals Project ACTION – and make others aware of our resources

The document you are reading is one of more than 90 free publications of Easter Seals Project ACTION which, since 1988, has been

building (in the words of our acronym) accessible community transportation in our nation.

As you become a regular, involved user of your city's buses, vans, taxis and light rail, Project ACTION is a toll-free phone call away for getting answers to technical questions about law and good practice in the provision of accessible public transportation. ESPA also has an extensive Web site, and you can sign up for a monthly e-newsletter which announces training events, new products and other opportunities.

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As an involved customer, you will also become acquainted with the drivers and other professionals of your transit system. Tell them about Project ACTION, and invite them to obtain copies of our publications that are of support to them – or, you can even hand-deliver copies yourself. Some of our most popular resources for transportation providers are:

- **Transit Operator's Pocket Guide**, a tri-fold brochure about lawful, excellent customer service
- **Taxicab Pocket Guide**, customer service guide for taxi operators – available in three languages
- **Toolkit for the Assessment of Bus Stop Accessibility and Safety**, a book and checklists about good bus stop design
- **Innovative Practices in Paratransit Services**, a book about what's needed in service design, operations and management
- **Determining ADA Paratransit Eligibility: An Approach, Guidance and Training Materials**.

The above-named publications were used as a resource for this document, as was Final Rule 49 CFR Part 37 Transportation Services for People with Disabilities (ADA) and Appendix D.

Please note: As of April 2007, the United States Department of Transportation's (USDOT) ADA rulemaking process on amendments to the Americans with Disabilities Act ADA and 504 regulations addressing modification of policy and other items was under way. In this document, the intent is to provide technical assistance and not legal advice. More information on this important issue will be forthcoming, once USDOT publishes guidance and a final report and order in this proceeding.

Easter Seals **Project ACTION**

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TRANSPORTATION IN OUR NATION

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