

# Paratransit Frequently Asked Questions

Paratransit provides transportation for people with disabilities who are unable to use the regular, fixed-route transit service. It is a door-to-door service for those who qualify and reserve a ride. You can use this service for any type of trip: shopping, socializing, medical appointments or anything else. Paratransit is available in the same service areas and during the same hours of operation as the rest of the transit system.

Paratransit service must be provided as long as the pick-up and destination addresses are within 3/4 of a mile of the fixed-route system.

Paratransit fares cannot be more than twice the regular fixed-route fare. Your personal care attendant can ride for free if you are approved by the transit provider as eligible to use a personal assistant. Friends and family pay the same rate as riders.

Paratransit has many pros and cons. For many, paratransit is mostly a workable mode of transportation. Scheduling is generally reliable, but trips can be delayed due to traffic and other passengers, meaning you might even miss some appointments, along with some other difficulties.

Below is are Frequently Asked Questions pertaining to paratransit, sourced from the United States Department of Transportation website:

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/frequently-asked-questions#1>

## How is paratransit eligibility determined?

Disability alone does not determine paratransit eligibility; the decision is based on the applicant's functional ability to use the fixed route bus and is not a medical decision. The Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations in Appendix D to 49 C.F.R. Section 37.125 explain: "The substantive eligibility process is not aimed at making a medical or diagnostic determination. While

evaluation by a physician (or professionals in rehabilitation or other relevant fields) may be used as part of the process, a diagnosis of a disability is not dispositive. What is needed is a determination of whether, as a practical matter, the individual can use fixed route transit in his or her own circumstances.” Transit agencies, with input from the communities they serve, devise the specifics of their individual eligibility processes. The DOT ADA regulations in Section 37.125 set only broad requirements that all agencies must incorporate, such as written notification of eligibility decisions and an opportunity for an appeal. This regulation may be accessed [here](#).

If an individual is eligible for ADA paratransit in their place of residence, does that individual have the right to use paratransit service in a city where they are traveling?

Yes. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.127, each public entity required to provide complementary paratransit service must make the service available to visitors as provided under the section. The transit entity must provide service to visitors who present documentation that they are ADA paratransit eligible in the jurisdiction in which they reside, under the criteria of 49 C.F.R. Section 37.125. If a visitor with a disability does not present such documentation, the transit entity may require documentation of the individual’s place of residence and of his or her disability, if the disability is not apparent. A transit operator is not required to provide service to a visitor for more than 21 days during any 365-day period; after that, the visitor may be required to apply for eligibility through the same processes established for residents under 49 C.F.R. Section 37.125.

## **How do I appeal a transit agency’s decision that I am not eligible for paratransit?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.125(g), transit operators must “establish an

administrative appeal process through which individuals who are denied eligibility can obtain review of the denial.” The transit operator may require that any appeal be filed within 60 days of the denial of an application. The appeal process must include an opportunity for the applicant to be heard and to present information and arguments. Decisions regarding the appeal cannot be made by anyone who was involved in the initial decision to deny eligibility. The transit operator must provide the individual with written notification of its decision and the reasons for it. The transit operator is not required to provide paratransit service while the appeal is under consideration; however, if a decision has not been made within 30 days of the completion of the appeal process, the operator must provide paratransit service from that time until and unless a decision to deny the appeal is issued.

## **May a rider eligible for complementary paratransit be accompanied by more than one individual?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.123(f), transit entities are required to permit one person to accompany the paratransit eligible individual. Additional persons accompanying the eligible individual are to be served on a space-available basis to prevent displacement of other ADA paratransit eligible individuals. The transit provider may not limit who the companion may be; the companion may be a family member, friend, or business associate, etc. The transit authority may require that the eligible individual reserve a space for the companion when reserving his or her own ride. A personal care attendant (PCA), someone designated or employed to assist the eligible individual, may always ride with the eligible individual. The transit entity may require that the eligible individual reserve a space for the PCA when reserving the trip. If there is a PCA on the trip, the eligible individual may still bring a companion, as well as additional companions on a space-available basis. To be considered as “accompanying” the eligible individual, a companion must have the same origin and destination points as the eligible individual.

## **Is there a limit on how many destinations or legs of a trip a paratransit rider may request in a given day?**

No, paratransit providers are required to provide all eligible requested trips, not just trips to and from a single location. A person may take as many individual legs of a trip in a day as their schedule allows (factoring in pickup windows and time to complete their business), just as a fixed route user may take as many trips as he or she desires. For example, just as a person may take a fixed route from their home to work, then from work to an appointment, and then home again, so should a paratransit rider be able to. Each leg may be separately scheduled (that is, paratransit providers are not required to wait while a passenger runs into the post office, just as a fixed route user would be required to wait for the next bus).

## **What regulations does the Federal Transit Administration's (FTA) Office of Civil Rights enforce, and where may I access the regulations and information about programs enforced by the Office of Civil Rights?**

The Federal Transit Administration's (FTA) Office of Civil Rights ensures the non-discriminatory use of federal funds through oversight of grantee implementation of required civil rights regulations and policy. Compliance reviews are conducted to ensure conformity under the Americans with Disabilities Act of 1990 (ADA), the Disadvantaged Business Enterprise (DBE) Program, the Equal Employment Opportunity (EEO) Program, and Title VI of the Civil Rights Act of 1964. More information about each of the four programs administered by FTA's Office of Civil Rights, as well as links to corresponding statutes and regulations, may be found by visiting the following website and selecting [individual program links](#).

## **Does the Federal Transit Administration (FTA) enforce Americans with Disabilities (ADA) regulations involving private tour buses?**

Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations cover both public and private entities; however, the Federal Transit Administration's (FTA) oversight authority extends only to public entities. For ADA issues involving private transportation, such as charter, tour, and motor-coach companies, please contact the U.S. Department of Justice. Information on how to file a complaint may be found on the U.S. Department of Justice ADA homepage at <http://www.ada.gov>. You may also reach them on their toll-free, ADA Information Line: 1-800-514-0301 (TDD 1-800-514-0383).

## **Are fixed route transit providers required to provide audible stop announcements?**

Yes, under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.167(b), the minimum requirement for fixed route stop announcements by a transit provider is that stops be announced (by personnel or a recording system) at least at transfer points with other fixed routes, other major intersections and destination points, and intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location. Further, the transit personnel must announce any stop upon request of an individual with a disability. For the text of 49 C.F.R. Section 37.167(b) and its corresponding section in Appendix D, please visit this [link](#).

## **Is there a time limit on how long a lift may remain unrepaired on a transit vehicle?**

There is a time limit on how long a lift may remain unrepaired on a transit vehicle only if the vehicle is not taken out of service. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.163(d), when a lift is discovered to be inoperative, the entity must take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift is repaired before the vehicle returns to service. However, if there is no spare vehicle available to take the place of a vehicle with an inoperable lift, such that taking the vehicle out of service will reduce the transportation service the entity is able to provide, Section 37.163(e) permits the entity to keep a vehicle with an inoperable lift in service for no more than five days (if the entity serves an area of 50,000 or less population) or three days (if the entity serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative.

## **Where can I find decisions published by the Federal Transit Administration's (FTA) Office of Civil Rights?**

The following website contains links to finalized Americans with Disabilities Act (ADA) Compliance Review Reports, Letters of Finding, and [links](#) related to collaboration between the Federal Transit Administration (FTA) and the Department of Justice (DOJ).

## **Are private contractors required to comply with the Americans with Disabilities Act (ADA)?**

Yes. The Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations apply to both public and private operators of transportation service to the general public. If the private entity is providing service under a contract or other arrangement with a public entity, the private entity "stands in the shoes" of the public entity under 49 C.F.R. Section 37.23 and is subject to the requirements applicable to

the public entity. While a public entity may hire contractors, it may not “contract away” its ADA responsibilities. For further detail regarding the “stand in the shoes” requirement, please consult the regulation, which is available [here](#).

## **What guidelines exist with regard to Americans with Disabilities Act (ADA) compliance for fare vending machines?**

Accessibility requirements for fare vending machines are established by the U.S. Architectural and Transportation Barriers Compliance Board (ATBCB or “Access Board”), the Federal agency responsible for developing minimum guidelines for accessibility under the Americans with Disabilities Act (ADA). These guidelines were updated by the Access Board in 2004, and incorporated into Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations as the enforceable standard for transportation in November 2006; specific requirements may therefore differ slightly, depending upon when the fare machine was made and installed. The current standards are found in Section 707 of the Americans with Disabilities Act Accessibility Guidelines, which can be found at <http://www.access-board.gov/ada-aba/ada-standards-dot.cfm>. In particular, Section 707 discusses fare machine requirements such as clear floor space, operable parts, privacy, and speech-enablement.

## **Are bus operators required to assist persons with disabilities?**

Yes. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.165(f), transit entity personnel must assist individuals with disabilities with the use of ramps, lifts, and securement systems. If it is necessary for the personnel to leave their seats to provide this assistance, they must do so, even if the entity’s drivers traditionally do not leave their seats (e.g., because of labor-management agreements or company rules). On a vehicle which uses a ramp for entry, the driver may have to assist in pushing a manual wheelchair up the ramp, particularly if the ramp slope is relatively steep. In sum, transit entity personnel must

ensure that a passenger with a disability is able to take advantage of the accessibility and safety features on vehicles.

**If a nondisabled person is sitting in one of the “priority” seats in the front of a bus, does that person have to move so that a person with a disability can sit there?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.167(j) bus operators are required to ask the person without a disability to move to another seat. If, after the operator asks, the person refuses to move, the regulations do not require the operator to compel this person to move. However, a transit operator can decide to adopt a policy requiring people to vacate the seats.

**If a bus is filled to capacity with standing room only, may a driver displace people currently on the bus to create room for a person with a disability?**

No, if a bus is filled to capacity, a driver is not required to remove other passengers from the bus in order to make room for additional persons with disabilities. However, the driver would still be required to request that persons without disabilities vacate priority seating locations they may be occupying.

**Are bus stops and other transportation facilities required to provide bench seating?**

No. The Americans with Disabilities Act (ADA) does not require public transportation entities to install bench seating at bus stops or at transportation facilities. However, transit systems may find it beneficial to provide seating, as it may enable use of the fixed-route system by persons whose disabilities prevent them from standing for



extended periods of time, and who might otherwise be dependent upon paratransit service.

## **Are transit providers required to allow a passenger to travel with a comfort animal?**

No. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.167(d), transit entities are only required to allow service animals to accompany individuals with disabilities in vehicles and facilities. DOT ADA regulations at 49 C.F.R. Section 37.3 define a service animal as an animal “individually trained to work or perform tasks for an individual with a disability.” If an animal’s only function is to provide emotional support or comfort for the rider, that animal would not fall under the regulatory training-based definition of a service animal. Simply providing comfort is something that animal does passively, by its nature or through the perception of the owner. However, the ADA does not prohibit a transit agency from choosing to accommodate pets and comfort animals, which would be a local decision.

## **What is the Americans with Disabilities Act (ADA) definition of a service animal?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.3, “service animal” is defined as “any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.” DOT ADA regulation 49 C.F.R. Section 37.167(d) requires transit entities to permit service animals to accompany individuals with disabilities in vehicles and facilities. Appendix D to Section 37.167 contains further important information on service animals. It is important to note that while the U.S. Department of Justice has amended the definition of “service

animal” for purposes of its ADA regulations under Titles II and III of the ADA, for state and local governments and places that are open to the public, the definition under DOT ADA regulations for transportation has not changed. Therefore, members of the public may find that some service animals may no longer be considered service animals once they leave a transportation system.

## **May a passenger with a disability be required by transit personnel to show proof that an animal is a service animal?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.167(d), transit providers are required to permit service animals to accompany individuals with disabilities in vehicles and facilities. Service animals are animals that are individually trained to perform tasks for people with disabilities, such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. A transit provider may ask if an animal is a service animal or ask what tasks the animal has been trained to perform, but cannot require special ID cards for the animal or ask about the person's disability. A service animal may not be excluded unless the animal is out of control and the animal's owner does not take effective action to control it or the animal poses a direct threat to the health or safety of others.

## **May a transit entity limit how many service animals may accompany a single passenger?**

No. Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations do not limit the number of service animals that may accompany a single individual. As long as an animal meets the definition of a service animal and is kept under the control of the rider, a transportation provider may not refuse to carry the animal. It is possible that an individual might have service animals that are trained to provide different tasks.

## **May a transit entity require a paratransit eligible individual who will be traveling with a personal care attendant (PCA) to register their use of a PCA with the transit entity?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.125(i), a transit provider may require an individual to indicate whether he or she travels with a personal care attendant (PCA) as part of the initial eligibility process. The transit entity is also permitted to make further inquiries regarding the individual's actual need for a PCA. When making any such inquiries, it is important to note an individual's need for a PCA may be unrelated to the trip itself, and that the passenger may not require the assistance of a PCA while onboard the vehicle. Because of the nature of typical PCA functions, it is most likely that the services provided by a PCA would be required throughout the day at the passenger's destination. All that is required is that the passenger establish that he or she requires a PCA, and for the PCA and the passenger to be traveling together between the same points. If the rider does not indicate the use of a PCA, then any individual accompanying him or her will be regarded simply as a companion.

## **May a transit provider require a rider to travel with a personal care attendant (PCA)?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.5(e), a transit entity is prohibited from requiring that an individual with disabilities be accompanied by a personal care attendant (PCA). Transit entities are also not required to provide PCA services. This provision must be considered in light of the fact that under 49 C.F.R. 37.5(h), an entity may refuse service to someone who engages in violent, seriously disruptive, or illegal conduct. If an entity may legitimately refuse service to someone, it may condition service to him on actions that would mitigate the problem. The entity could require a PCA as a condition of providing service it otherwise had the right to refuse. However, a transit entity cannot

refuse to provide service solely because an individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience the entity or other persons.

## **May personal care attendants (PCAs) ride for free on complementary paratransit and fixed route?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(c)(3), a personal care attendant (PCA) may not be charged a fare for complementary paratransit service. Under 49 C.F.R. Section 37.123(f)(1)(ii), a companion (i.e., friend or family member) does not count as a PCA unless the companion is actually acting in the capacity of PCA. PCAs may be charged a fare on fixed route. While some transit systems go beyond the minimum requirements of the ADA and allow PCAs to ride for free, there is no requirement that they do so.

## **May a transit entity set a minimum age limit for children riding without a parent or guardian?**

Yes. A transit system may set a minimum age limit for children riding without a parent or guardian present; this is a local decision. The policy must apply equally to both paratransit and fixed route.

## **Are paratransit service providers required to provide service beyond the curb?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.129(a), complementary paratransit service for ADA paratransit eligible individuals must be "origin-to-destination" service. The goal behind use of this particular language, rather than characterizing the service as "curb-to-curb" or "door-to-door," is to emphasize the obligation of transit providers to ensure that eligible passengers are able to travel from their point of origin to their point of

destination. The particular factors involved will determine whether curb-to-curb or door-to-door service will be better for that individual or the location. During the local paratransit planning process, a transit provider may establish either door-to-door or curb-to-curb service as the basic mode of paratransit service. However, a paratransit policy must not be inflexible to the extent that service will not be provided beyond the curb under any circumstance. Paratransit providers must provide enhanced service on a case-by-case basis where necessary to meet the origin-to-destination requirement; some individuals or locations may require service that goes beyond curb-to-curb service. It should be recognized that transit providers are not required to accommodate individual passengers' needs which would fundamentally alter the nature of the service or create an undue burden. Transit providers' obligations do not extend to the provision of personal services, such as requiring a driver to go beyond a doorway into a building to assist a passenger or requiring a driver to lose visual contact with their vehicle. For further information, please see the following [DOT guidance document](#).

**For complementary paratransit service, does the requirement that paratransit service be provided within three-fourths of a mile of a fixed route bus service determine eligible destinations based on driving distance or “as the crow flies”?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(a)(1)(i), transit entities must “provide complementary paratransit service to origins and destinations within corridors with a width of three-fourths of a mile on each side of each fixed route.” The measurement to destinations within the three-fourths of a mile corridor on each side of a fixed route is measured “as the crow flies” and does not vary based upon driving distance.

## **Why does the Americans with Disabilities Act (ADA) limit paratransit service to areas where there is already a bus route?**

Under the Americans with Disabilities Act (ADA), paratransit functions as a “safety net” for persons whose disabilities prevent them from using the regular fixed route system (bus or rail). It is not intended to meet all of the transportation needs of all persons with disabilities, all of the time. As such, the level of service provided is required to be comparable to that available on the fixed route system; the hours and days of operation must be the same, and service must be provided to origins and destinations within three-fourths of a mile of a bus route (or between points within a three-fourths of a mile radius of different rail stations). There is no obligation to provide service to points beyond the service area, or during times of day or on days of the week when the comparable bus route or rail line is not operating. Of course, nothing in the ADA prohibits a transit system from operating service above and beyond the minimum ADA requirements. It is also important to note that while the term "paratransit" is often used to mean any kind of demand-responsive transportation service, it has a specific meaning under the ADA. The ADA paratransit eligibility criteria and service requirements apply only to paratransit operated as a complement to a fixed route system operated by a public entity; there are separate provisions covering demand-responsive service provided for the general public.

## **Are transit systems required to take paratransit reservations during normal business hours?**

Yes. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(b), paratransit reservation service must be available during at least all normal business hours of the entity’s administrative offices, as well as during times, comparable to normal business hours, on a day when the entity's offices are not open before a service day (e.g., on a Sunday).

## **May a transit agency require a paratransit applicant to pay for rides to and from an assessment center for a paratransit eligibility evaluation?**

No, under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.5(d), an entity may not impose special charges, not authorized by this part, on individuals with disabilities for providing services required by this part or otherwise necessary to accommodate them. Section 37.125 requires each operator of complementary paratransit to establish an eligibility process. The details of the process are developed at the local level by transit operators and the communities they serve. As Appendix D to Section 37.125 explains, however, the process developed may not impose unreasonable administrative burdens on applicants, and may not involve “user fees” or application fees to the applicant. This section prohibits applicants from having to pay for transportation to and from an assessment, as the assessment is part of the eligibility process.

## **Does the Americans with Disabilities Act (ADA) limit subscription trips to 50% of available paratransit trips?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(b), paratransit service must be provided to eligible individuals on a next-day basis (i.e., at any time tomorrow in response to a request made today). Section 37.133 permits the use of subscription service (i.e., trips provided to eligible ADA paratransit riders who make trips on a repeated or recurring basis, such as to school, work, religious services, dialysis treatment, etc.), as long as it does not absorb more than 50% of the available trips at a given time of day. Section 37.133(b) permits a transit operator to provide subscription service above the 50% ceiling if it finds it has excess capacity available (i.e., all requests for next-day service are met, and capacity to provide additional trips remains). If, after constant monitoring, it finds next-day requestors are being denied trips, the operator must either increase its

passenger carrying capacity or reduce the number of subscription trips. Note that subscription service is discretionary and is not mandated by Section 37.133. Whether to provide subscription service beyond the 50% ceiling, or whether to provide subscription service at all, is entirely within the transit agency's discretion.

## **Are public transit agencies operating a fixed route system required to provide complementary paratransit services?**

Yes, under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.121(a), “each public entity operating a fixed route system shall 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.” The regulation does not specify how this paratransit service is to be provided—whether by vehicles from its own fleet, by vehicles from a subrecipient, or by vehicles from a for-profit third-party contractor. The regulation only requires complementary paratransit services to be provided, leaving the details to the local planning process. The fixed route operator, however, is ultimately responsible for ensuring a contractor meets all applicable ADA requirements as explained in Section 37.23. You may view the cited regulation [here](#).

## **How are the operating hours of complementary paratransit service determined?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(e), complementary paratransit service must be available during the same days and hours that fixed route service operates. Thus, if an individual can travel from a given origin to a given destination on a particular fixed route at a certain time of day, a paratransit eligible person must also be able to travel from the same origin to that same destination on paratransit at that time of day. Because paratransit service is required to be available during the same hours and days as the fixed route system, and because not all fixed routes will necessarily be operating at a



given time on a given day, the shape of the paratransit service area can be expected to change accordingly. For example, it is common for certain routes to not run late at night. Those routes, and their associated paratransit corridors, do not need to be served with paratransit when the fixed route system is not running on them.

## **Are paratransit providers required to solicit participation by the public and persons with disabilities in the initial development and continued provision of paratransit services?**

Yes, under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.137, an entity developing a paratransit plan must ensure public participation through outreach, consultation with individuals with disabilities, opportunity for public comment on the plan, and at least one public hearing. Additionally, Section 37.137(c) requires an “ongoing mechanism for the participation of individuals with disabilities in the continued development and assessment of services to persons with disabilities.” Many transit providers choose to establish an advisory committee as part of their process to fulfill the requirements under Section 37.137. To learn more about the specific requirements under this regulation, you may want to consult the full text of the [regulation](#).

## **At what point is a paratransit ride no longer comparable to fixed route based on the time spent traveling?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.121(a), “each public entity operating a fixed route system shall 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.” Paratransit service is by nature a shared-ride service. The standard of service is not intended to reflect that of a taxi service, which typically transports passengers directly to their destination. A paratransit trip should be

comparable in length to an identical trip on the fixed route system, including the time necessary to travel to the bus stop, wait for the bus, actual riding time, transfers, and travel from the final stop to the person's ultimate destination.

## **May an individual be charged a higher fee for complementary paratransit than they would pay on fixed route?**

Yes. Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.121 require paratransit fares to be comparable to the fare for a trip between the same points on the regular fixed route transit system. "Comparable" is defined in DOT ADA regulations at 49 C.F.R. Section 37.131(c) as not more than twice the fare that would be charged to an individual paying full fare for a trip of similar length, at a similar time of day, on the entity's fixed route system, exclusive of discounts.

## **May I change my drop-off location on complementary paratransit service the same day?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(b), paratransit service must be provided to eligible individuals on a next-day response time. While transit systems are permitted to use real-time scheduling, it is not required. Where same-day service is provided, it is often a premium service. Because paratransit is a shared ride, allowing riders to change their drop-off locations on the same day to make intermediate stops could lead to late pickups or drop-offs for other riders.

## **May an Americans with Disabilities Act (ADA) complementary paratransit provider negotiate my pickup time?**

Yes, under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.131(b)(2), a complementary paratransit entity may

negotiate pickup times with an ADA paratransit eligible individual, up to one hour before or after the individual's desired departure time. Any deviation from this one-hour window would exceed the bounds of comparability. This means that in the event an individual accepts and takes a trip negotiated to begin more than one hour before or after his or her desired departure time, the transit operator must still record a denial based on its inability to provide the trip within the timeframe specified under DOT ADA regulations.

## **May a transit agency suspend service to paratransit customers who fail to show up for their scheduled pickups?**

Yes. Under 49 CFR Section 37.125 of the Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations, a transit provider “may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA eligible individuals who establish a pattern or practice of missing scheduled trips.” A pattern or practice involves intentional, repeated or regular actions, not isolated, accidental, or singular incidents. Transit agencies cannot base a suspension of service on any trips missed by a rider for reasons beyond his or her control, including trips missed due to illness, family emergency, or transit agency error or lateness. Before suspending service, a transit provider must notify the individual in writing, provide an opportunity for an appeal, and issue written notification of the decision and reasons for it. The Federal Transit Administration (FTA) has permitted transit systems to also count “late cancellations” as no-shows, where they have the same operational impact as a no-show. A transit provider should be able to absorb the capacity of a trip cancelled one or two hours before the scheduled pickup. An hour or two is typically sufficient notice for a transit provider to redirect a vehicle without any negative operational consequences. Because these trips are being regarded as no-shows, the circumstances surrounding late cancellations would be the same as for a no-show; i.e., trips that are cancelled late due to circumstances beyond the passenger's control would not be grounds for sanctions.

## **How should a transit provider respond if a lift fails in service?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.163(f), if a lift fails in service and the headway to the next accessible vehicle on the route is more than 30 minutes, the transit provider is required to provide alternative accessible service by a paratransit or other special vehicle within a short response time (i.e., less than 30 minutes). Transit entities may provide this accommodation by having a “shadow” accessible service available along the route (i.e., by having an accessible vehicle “follow” the vehicle with the inoperative lift) or by having the bus driver immediately call in upon encountering a passenger he or she is unable to transport.

## **Are transit providers required to make information regarding transportation services accessible for persons who are blind or have vision impairments?**

Yes, under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.167(f), a transportation entity must make communications and information available, using accessible formats and technology (e.g., Braille, large print, TDDs) to obtain information about transportation services. Someone cannot adequately use the bus system if schedule and route information is not available in a form he or she can use. A lack of adequate information in accessible formats for fixed route service may lead to an over-reliance on paratransit service, and a lack of adequate accessible information on paratransit services could constitute a prohibited capacity constraint.

## **Are transit providers required to offer reduced transit fares to seniors, people with disabilities, or Medicare cardholders?**

Under 49 U.S.C. Section 5307(d)(1)(D) of the Federal Transit Act, federally subsidized transit providers may not charge more than half of the peak fare for fixed route transit

during off-peak hours for seniors, people with disabilities, and Medicare cardholders. This is not an Americans with Disabilities Act (ADA) requirement. Rather, this is a general condition placed upon those receiving federal funding for transit from the Federal Transit Administration (FTA). The discount does not apply for purposes of determining the fare for ADA complementary paratransit, which, under 49 C.F.R. Section 37.131(c), would be calculated without regard to discounts such as this. To learn more about this program, please visit the following [link](http://ftawebprod.fta.dot.gov/ContactUsTool/Public/NewRequest.aspx). Further questions may be answered by submitting a question online at <http://ftawebprod.fta.dot.gov/ContactUsTool/Public/NewRequest.aspx>.

## **May a wheelchair user enter a lift platform and vehicle in the manner they prefer (e.g., entering facing forward or backing on)?**

Yes. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 38.23(b)(11), the lift must permit both inboard and outboard facing of wheelchair and mobility aid users. Appendix D to Section 37.165 further specifies that a transportation entity should respect the passenger's preference for entering a lift platform and vehicle in a particular direction (e.g., entering facing forward or backing on), except where the only way of successfully maneuvering a device onto a vehicle or into its securement area requires a particular orientation or an overriding safety concern (i.e., a direct threat) exists. Given that lifts have been required to accommodate passenger facing either direction since 1991, it is unlikely that successful boarding would require a particular orientation. In any event, the passenger would be in the best position to determine which direction is best suited for boarding under their specific circumstances. A "direct threat" represents a clear and present danger to the health or safety of others; by definition, a direct threat cannot exist on the basis of presumptions about persons with disabilities or their mobility devices. It is difficult to envision circumstances under which the direction that a passenger faces when boarding would constitute a direct threat.

## **May a passenger with a disability who does not use a wheelchair be required to disclose their disability before using a fixed route vehicle's lift or ramp?**

No, passengers must not be asked to disclose their disability before using a fixed route vehicle's lift or ramp to board the vehicle. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.165(g), a transit provider must permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle. People using canes or walkers and other standees with disabilities who do not use wheelchairs but have difficulty using steps must also be permitted to use the lift on request. If a rider asks to use a lift or ramp, the transit personnel should deploy the lift or ramp without inquiring about the individual's disability. [Click here](#) for the text of this regulation.

## **May a transit provider deny service to an individual whose wheelchair or mobility device does not have functioning brakes?**

No. A transit provider may not deny transportation to a rider whose wheelchair or mobility device does not have functioning brakes. Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.3, a "wheelchair" is defined as "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." The ADA regulations do not specify any particular equipment required for personal mobility devices, including brakes. Moreover, it will often be impossible for transit personnel to observe whether a passenger's wheelchair is equipped with brakes. Most power wheelchairs are equipped with electromagnetic brakes that engage automatically, and are completely internal to the drive system with no visible parts.

## **Does FTA provide funding to help people purchase adaptive vans for personal use that are capable of carrying wheelchairs?**

No. FTA grant programs provide Federal financial assistance to public transit operators. Funding for private individuals may be available through State vocational rehabilitation programs, the Department of Veterans Affairs, or other individual funding sources. Many automobile manufacturers also offer rebates or reimbursements on adaptive modifications to new vehicles.

## **May a transit agency require that a passenger using a mobility device wear a seatbelt?**

While Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulation 49 C.F.R. 38.23(d)(7) requires a seatbelt and shoulder harness to be provided as part of the wheelchair securement system, passengers with disabilities cannot be required to use the seatbelt and shoulder harness unless all passengers are provided with seatbelts and shoulder harnesses and are required to use them. Since few fixed route buses are equipped with seatbelts and shoulder harnesses for all passengers, their use cannot be required for passengers with disabilities. In the case of paratransit vehicles, seatbelts and shoulder harnesses may indeed be available for all passengers, and if all passengers are required to make use of them, passengers with disabilities occupying the securement location may also be required to do so. Note, however, that in some cases the use of seatbelts themselves may be more harmful to passengers with certain types of disabilities than riding without them. Most state seatbelt laws recognize this, and provide for exceptions; policies concerning seatbelt use aboard transit vehicles should provide for similar exceptions.

## **How much weight must a vehicle lift be able to accommodate?**

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 38.23(b)(1), wheelchair lifts must accommodate a design load of at least 600 lbs., with a safety factor of at least six (3,600 lbs.) for working parts, such as belts, pulleys, and shafts that can be expected to wear, and a safety factor of at least three (1,800 lbs.) for nonworking parts, based on the ultimate strength of the material. For vehicles equipped with ramps, the design load must be at least 600 lbs. for ramps in excess of 30 inches in length, with a safety factor of at least three (1,800 lbs.); ramps less than 30 inches in length are required to have a design load of at least 300 lbs. Transit agencies are not prevented from acquiring vehicles and equipment with a higher design load but are not required to accommodate mobility devices that exceed the capacities of their lifts or ramps.

## **How do I submit a complaint regarding a public transit agency's failure to comply with Americans with Disabilities Act (ADA) regulations?**

Department of Transportation (DOT) regulations implementing the Americans with Disabilities Act (ADA) require transit agencies to have a complaint process. If you believe an ADA violation has occurred, we encourage riders to first file a complaint or otherwise communicate with their local transit agency to give them an opportunity to resolve the situation. If you find the transit agency to be unresponsive, after waiting a reasonable amount of time for a resolution, you may decide to file a complaint with the Federal Transit Administration's (FTA) Office of Civil Rights. The Office of Civil Rights is responsible for ensuring that providers of public transportation comply with ADA requirements. A complaint form, with mailing instructions, can be found [here](#). A complaint should contain enough details for an investigator to understand why a complainant believes a transit agency violated the ADA and include specifics such as



dates, times, and route numbers of incidents, along with any related correspondence from the transit agency. The Office's enforcement priority is on repeated issues—not one-time operational breakdowns—so it may be important depending on the nature of the complaint allegations to keep a log of incidents, again with dates and times, to submit with the complaint. If you have questions about the types of complaints the Office of Civil Rights can process or on how to prepare a complaint, the Office can be reached directly at [FTA.ADAAssistance@dot.gov](mailto:FTA.ADAAssistance@dot.gov) or 1-888-446-4511.

## **Is there a time limit for filing an Americans with Disabilities Act (ADA) complaint with the Federal Transit Administration (FTA)?**

Yes, under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 27.123(b), an individual must file a written complaint with the Federal Transit Administration (FTA) no later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the FTA.

## **What do I do if I have severe allergies to something I encounter on a public transportation system (i.e., service animals, cigarette smoke at bus stops, etc.)?**

Encountering cigarette smoke, service animals, and other potential allergens is a function of going out in public. Adoption of a no smoking policy at bus stops is a local issue and is not covered under the Americans with Disabilities Act (ADA); however, you may contact your local transit authority to discuss such a concern. Under Department of Transportation (DOT) ADA regulations at 49 C.F.R. Section 37.167(d), public transit providers are required to allow trained service animals to accompany riders on vehicles.