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CHAPTER IX. CIVIL RIGHTS COMPLIANCE

INTRODUCTION

All grantees are responsible for compliance with all civil rights requirements applicable to transit related projects, including the:

- ◆ Nondiscrimination prohibitions of 49 U.S.C. § 5332, and of Title VI of the Civil Rights Act of 1964, as amended;
- ◆ Equal Employment Opportunity (EEO) requirements of Executive Order No. 11246 as amended by Executive Order No. 11375;
- ◆ FTA's Disadvantaged Business Enterprise program requirements and regulations, <http://www.fta.dot.gov/civilrights/12889.html>; and
- ◆ Non-discrimination provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended (ADA).

FTA reserves the right to instruct INDOT to defer provision of Section 5311 funds to any grantee whose civil rights compliance comes into question, until FTA finds the subrecipient in compliance satisfactory to FTA standards.

The specific civil rights obligations of Section 5311 grantees in each area of civil rights compliance are summarized in this section. For further guidance, refer to the Federal laws, regulations, and executive orders cited in this chapter. Also, in some compliance areas, such as with the Americans with Disabilities Act, specific handbooks and guides have been developed to assist in grantee implementation.

CIVIL RIGHTS COMPLIANCE ELEMENTS

There are four major areas related to Civil Rights Compliance.

Nondiscrimination

At 49 U.S.C. § 5332, <http://www.gpo.gov/fdsys/granule/USCODE-2011-title49/USCODE-2011-title49-subtitleIII-chap53-sec5332>, it states that "a person (defined broadly) may not be excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance (from FTA) because of race, color, creed, national origin, sex, or age." The statute gives FTA responsibility and authority for enforcing compliance with this provision and Title VI of the Civil Rights Act of 1964, as amended, by withholding financial assistance or referring the matter for civil action by the Attorney General.

Submission of Standard Assurances

INDOT requires that each applicant for funds annually execute a set of standard assurances, including provisions for compliance with Title VI. These assurances are available in the Forms Section on the INDOT website, <http://www.in.gov/indot/2436.htm>.

General Requirements

In addition to the language contained in the Standard Assurance, each grantee must file

the following information with INDOT. Any changes or updates to this information must be included in the annual Section 5311 grant application and/or submitted to INDOT as requested for submission to FTA. Civil Rights information will also be reviewed during the INDOT management compliance review process conducted every four (4) years. The required information includes:

1. An explanation of the posting and notice to the public that indicates the recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI;
2. A concise description of any lawsuits or complaints alleging discrimination in service delivery filed against the grantee within the past year, together with a statement of status or outcome of each such complaint or lawsuit.
3. A copy of the agency's notice to the public that it complies with the Title VI/EEO and instructions to the public on how to file a discrimination complaint.
4. A public participation plan that includes an outreach plan to engage minority and Limited English Proficient (LEP) populations, as well as a summary of outreach efforts made since the last Title VI program submission; this potentially includes a copy of the agency's alternative framework for providing language assistance.
5. A table depicting racial composition of membership of any non-elected planning boards, advisory councils or committees, or similar bodies and a description of efforts made to encourage the participation of minorities on such committees or councils.
6. A Board of Directors resolution or meeting minutes demonstrating the board approved Title VI program.
7. A description of fare or service adjustments, or policy or activity changes as conducted by the recipient, which would have a disproportionately high and adverse effect on minority or low-income populations as required by Environmental Justice requirements. This should include an explanation of what mitigation measures or alternative actions were evaluated or implemented to reduce the effects with regard to the social, economic and environmental impacts to minority and low-income populations as well as assurances that all potentially affected communities had full and fair participation in the transportation decision-making process.
8. An analysis of any environmental and/or social impacts as the result of proposed construction projects, including the impact on minority communities (including participation of minority and low-income populations in site selection). This information is required only for those projects that do not qualify as categorical exclusions in the environmental process (See Environmental Impacts in **Chapter VIII** of this Manual).

Equal Employment Opportunity (EEO)

Grantees may not discriminate in employment on the basis of race, color, creed, national origin, sex, age, or disability.

The grantee is responsible for its own compliance and for assuring INDOT that it is compliant with all EEO provisions. If the grantee received more than \$1,000,000 or more in the previous Federal fiscal year, and has more than 50 mass transit-related

employees, it must submit an EEO program to INDOT.

Disadvantaged Business Enterprise (DBE)

Grantees and their subcontractors are subject to the U.S. Department of Transportation rules regarding the participation of disadvantaged business enterprises in DOT- assisted contracts, which are designed to create a level playing field and foster equal opportunity for disadvantaged business enterprises competing for DOT- assisted contracts. Please see <https://cms.dot.gov/civil-rights/disadvantaged-business-enterprise/disadvantaged-business-enterprise-dbe-program-final> for a completion overview of this program.

The DOT issued a final rule in 2014 amending 49 CFR Part 26 and improving DBE program implementation in three major areas.

1. First, the rule revises the uniform certification application and reporting forms, creates a uniform personal net worth form for use by applicant owners, and collects data required by the DOT's surface transportation reauthorization, MAP-21.
2. Second, the rule strengthens the certification related program provisions, which includes adding a new section authorizing summary suspensions under specified circumstances.
3. Finally, the rule modifies several other program provisions concerning such subjects as overall goal setting; good faith efforts, transit vehicle manufacturers, and counting for trucking companies.

The DBE rule describes two basic discriminatory actions:

- ◆ A grantee may not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract on the basis of race, color, sex, or national origin.
- ◆ In administering the DBE program, a grantee cannot, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of objectives of the program with respect to individuals of a particular race, color, sex, or national origin.

A DBE is defined as a small business concern which:

- ◆ Is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged, or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and,
- ◆ Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals.

For the definition of socially and economically disadvantaged, please refer to 49 CFR part 26.5 http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl.

Requirements

General. All recipients of Section 5311 funds must agree to at least three provisions of FTA's DBE requirements, regardless of the

dollar amount of Federal financial assistance.

- ◆ All grantees must continue to provide data on the DBE program to INDOT, as directed; and,
- ◆ All grantees must create and maintain a bidders list, consisting of all firms bidding on prime contracts and bidding or quoting on subcontracts or DOT-assisted contracts. For every firm, the following information must be included:
 - Firm name;
 - Firm address;
 - First status as a DBE or non-DBE;
 - Age of the firm; and
 - Annual gross receipts of the firm.

Each contract signed between a grantee and a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, sexual orientation, gender identity, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

Obligation

Grantees who receive over \$250,000 in contractual obligations, including contracts

for goods and services, but excluding vehicle purchases, in a Federal fiscal year are considered “threshold recipients” and must establish a goal and prepare a DBE program pursuant to 49 CFR part 26, Subpart B, Section 26.21 http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl. Section 5311 recipients who fall into this category must only prepare a program once, updating it only as revisions are required, e.g., to submit a new goal, or to reflect any other changes that may have occurred since the submission of the original program. Threshold status may change from year to year as a grantee’s contracting opportunities increase or decrease. If you have determined you are a threshold recipient for the current year, and previously prepared and submitted a DBE Program, you need only revise and resubmit the Program to reflect your new DBE goal and any other revisions that may be necessary for the current year. Grantees should contact the INDOT Office of Transit for guidance on DBE program preparation.

All prospective DBE firms must be certified in the State of Indiana. The Indiana Department of Transportation, Economic Opportunity Division (EOD) certifies firms under the State of Indiana program. To search for a certified firm on the current Directory of Certified Firms, go to <http://www.in.gov/indot/2674.htm>. Grantees should note that only firms that are “certified” (not “registered”) conform to U.S. DOT requirements.

DBE goal projects and quarterly data are submitted by Section 5311 grantees as part of a combined quarterly invoicing report (See **Chapter V**).

Americans with Disabilities Act

On July 26, 1990, the Americans with Disabilities Act of 1990 (ADA) was signed into law. The law addresses civil rights issues for individuals with disabilities, and extends coverage to both the public and private sectors that are open to public accommodation (49 CFR Part 37 http://www.fta.dot.gov/12876_3906.html). Subsequent to the passage of ADA, FTA issued Final Rules in two areas relating to transit accessibility. 49 CFR Part 37 outlines the transportation requirements of the ADA. Another regulation, 49 CFR Part 38, http://www.fta.dot.gov/12876_3905.html, issued the same day defines the requirements for accessible vehicles. Additionally, the Department of Justice, the Equal Opportunity Employment Commission, and the Architectural and Transportation Barriers Compliance Board (Access Board) have all issued regulations to implement the employment and accessible facility design (this component includes all transit vehicles) features of the ADA.

The statute provides a comprehensive national mandate with enforceable standards to prohibit discrimination against individuals with disabilities. The law is intended to provide for a strong Federal role in the establishment of enforcement standards and to "invoke the sweep of congressional authority" to address areas of discrimination faced by people with disabilities. The term "disability" is defined as an individual with a "physical or mental impairment that substantially limits one or more of the major life activities of such individuals; having a record of such an impairment; or being regarded as having such an impairment." The Act had substantial impact on the provision of public transportation services by both public agencies and private corporations.

The regulation concerning transportation (49 CFR Part 37) is divided into subparts, summarized as follows. All components of the regulation are applicable to the Section 5311 program, unless the regulation specifically excludes coverage.

Public entities, private entities that provide specified public transportation, and private entities not primarily engaged in the business of transporting people, but operate demand response or fixed route transportation, are covered under this regulation.

Contractors who provide service on behalf of a covered entity listed above are obligated to meet the requirements of the covered entity.

General Provisions

This section details the nondiscrimination requirements that must be met by all entities engaged in transportation. They include:

- ◆ No entity may discriminate against a person with disabilities in the provision of transit service;
- ◆ No entity shall deny access to general public service, notwithstanding any specialized service, if the individual is capable of using that service;
- ◆ No entity shall require an individual to use designated priority seating if an individual chooses not to use them;
- ◆ No entity shall impose special charges on individuals with disabilities;
- ◆ No entity shall require an individual to be accompanied by an attendant;
- ◆ Private entities must make reasonable accommodation in removing barriers to transportation services;
- ◆ No entity shall be permitted to deny service because of conditions imposed by the entity's insurance company; and

- ◆ Procedures should be in place to ensure that emergency preparedness, disaster response and disaster recovery planning and operations comply with Federal ADA and civil rights requirements.

The ADA regulations set minimum standards. Transit systems can choose to exceed these limits based on local circumstances. The following ADA requirements apply to all providers of public transportation:

- ◆ All printed material distributed to the public about public transit service must be available in accessible formats. Accessible material must be available on request and in a format the person can use such as large print, audio tape, and Braille.
NOTE: This does not mean that all material must be available in every format, but the process to obtain the requested material in the requested format must be in place so that the material can be available within a reasonable period of time.
- ◆ Individuals with speech and/or hearing impairments must have access to information provided by telephone. This can be accomplished by equipping a phone line with a TTD or by using the Indiana Relay Service.
- ◆ The training requirement for all ADA-related transportation services applies to both public and private entities in either demand response or fixed route service. Personnel are to be trained to proficiency as appropriate about their duties and includes drivers, dispatchers, supervisors, customer service representatives, etc.
- ◆ All access-related equipment including wheelchair lifts, securement systems, and public address systems must be maintained in good operating condition and repaired promptly when necessary. When equipment is out of order,

reasonable steps must be taken to accommodate passengers who would otherwise use the equipment. Every effort must be made to repair lifts before the next day of service. If the lift cannot be repaired the next day, the vehicle can remain in service only if no spare is available. Vehicles with inoperable lifts can be kept in service for no more than three days for areas with population over 50,000 or five days for areas under 50,000.

- ◆ Transit providers must carry a wheelchair and occupant if the lift and vehicle can physically accommodate them, or unless doing so is inconsistent with legitimate safety requirements. Legitimate safety requirements include such circumstances as a wheelchair of such size that it would block an aisle, or would be too large to fully enter a railcar, would block the vestibule, or would interfere with the safe evacuation of passengers in an emergency. These requirements must be based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities or about the devices they use for mobility purposes. Also, they do not apply to securement; a transit provider cannot impose a limitation on the transportation of wheelchairs and other mobility aids based on the inability of the securement system to secure the device to the satisfaction of the transportation provider. It would be inconsistent with this rule to allow transportation providers to deny service to people who use wheelchairs just because particular devices may be problematic from a securement point of view.

Note that **the definition of “wheelchair” has been redefined.** The reference to “three- or four-wheeled devices” has been changed to “three- or *more* wheeled devices.” A wheelchair cannot be excluded now solely on the

basis of having a larger number of wheels.

- ◆ Passengers who cannot use the steps to enter the vehicle must be allowed to use the wheelchair lift.
- ◆ Passengers with disabilities must be allowed to travel with service animals which are trained to assist them.
- ◆ Passengers must be permitted to travel with portable oxygen.
- ◆ Personal care attendants (PCAs) must be allowed to travel with a passenger with a disability; a PCA is not considered a companion. On complementary paratransit systems, PCAs are not to be charged a fare. On fixed route systems, a fare can be charged. Systems cannot require that a passenger travel with an attendant. Service can be refused only if a passenger engages in violent, seriously disruptive, or illegal conduct.
- ◆ Special charges or extra fares cannot be imposed on individuals with disabilities, even if additional services are required, unless the fees apply to all other passengers as well.

Generally, any Section 5311 grantee operating fixed route services must acquire accessible vehicles. Any Section 5311 grantee operating demand response service must acquire accessible vehicles, unless the system, when viewed in its entirety, affords a level of service to persons with disabilities, including wheelchair users, equivalent to persons without disabilities. If this condition is met, non-accessible vehicles may be purchased. "Equivalent" service is determined based on seven (7) service characteristics that are further described below in the demand response section.

- ◆ Response time;
- ◆ Fares;
- ◆ Geographic area of coverage;
- ◆ Hours and days of service;
- ◆ Restrictions based on trip purpose;

- ◆ Availability of information and reservations capability; and
- ◆ Constraints on capacity or service availability.

Fixed Route Systems

For transit systems providing fixed route service:

- ◆ All new vehicles purchased or leased must be accessible. If an entity purchases or leases a used vehicle, a good faith effort must be made to locate a vehicle that is accessible. The following provisions also apply:
- ◆ Drivers must announce stops at all transfer points, at major intersections, and on request of passengers with disabilities.
- ◆ At stops served by more than one route, methods of communication must be used to allow passengers with vision impairments or other disabilities to identify vehicles.
- ◆ Passengers who use the wheelchair lift must be allowed to disembark at any stop unless the lift cannot be deployed, the lift would be damaged if it were deployed, or temporary conditions at the stop make disembarking unsafe for all passengers.
- ◆ Priority seating must be provided on all fixed route vehicles, although passengers with disabilities cannot be required to sit in these seats.
- ◆ Service providers must implement programs for regular and frequent maintenance checks of wheelchair lifts.
- ◆ Fixed route operators must 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. Most systems provide a complementary paratransit service. The following requirements apply:
- ◆ Complementary paratransit plans documenting ADA service are required. Existing systems must update their

plans as necessary to reflect system/service changes. New start systems must develop a plan and submit it with their initial application.

- The system must establish a process for determining ADA paratransit eligibility. Eligibility may be determined on a trip-by-trip basis or on a temporary basis.
- Paratransit service must also be provided to a PCA fare free traveling with an eligible passenger. In addition to the PCA, an eligible passenger can travel with one companion.
- ◆ Penalties for a pattern or practice of missing scheduled trips can be imposed according to the system's no-show policy. Systems must differentiate between cancelled trips and no-shows.
- ◆ Paratransit service must be comparable to fixed route service based on the following:
 - **Response time:** Passengers must be able to make reservations during normal business hours the day before service is needed. Passengers can be offered a trip one hour on either side of the requested time. If trip time cannot be negotiated within these boundaries, it is considered a trip denial. INDOT requires transit systems to track trip denials and indicate which trips are denied to individuals with disabilities.
 - **Fare Structure:** Systems can charge paratransit passengers as much as twice the fixed route base fare. Companions must pay the same fare as the eligible passenger. PCAs ride free.
 - **Geographic area of coverage/service area:**

Complementary paratransit service must operate in the same service area as the fixed route system, or, at a minimum, be provided within corridors with a width of three-fourths of a mile on each side of each fixed route including a three-fourths mile radius at the end of the routes.

- **Days and hours of service:** These must be the same as for the fixed route system.
- **Trip Purpose:** There can be no restrictions or priorities based on trip purpose.
- **Capacity constraints:** Trip requests cannot be denied because of capacity constraints. There can be no limits on number of trips a passenger can take in a given period of time, and there can be no waiting lists for access to the service. There can be no operational pattern or practice such as significant number of late pickups, trip denials, or excessively long trips, which limit the availability of service. Note that systems can provide subscription service. However, systems must monitor this service to ensure that the overall service is not constrained. Subscription service is not required by the ADA, so restrictions such as waiting lists and trip prioritization can be applied.

Demand Response Systems

The following ADA requirements apply to systems providing demand response service:

- ◆ All newly purchased or leased vehicles must be accessible unless it can be demonstrated that the system, when viewed in its entirety including back-up

or spare vehicles, provides equivalent service to persons with disabilities. Indiana requires at a minimum, 50% of the rural transit system's fleet be accessible.

- ◆ To be considered "equivalent," service must be equal to that provided to individuals without disabilities. Service must be equivalent in the following areas:
 - **Response time:** This is calculated as the time between the request for service and the actual trip and must be the same for passengers without disabilities as for those with disabilities.
 - **Fares:** Fares must be the same for all passengers. There cannot be additional charges for accommodating mobility aids
 - **Service area:** The geographic area must be the same for all passengers.
 - **Days and hours of service:** Service cannot be limited by certain hours of the day or days of the week for passengers with disabilities.
 - **Trip purpose:** Service cannot be limited based on trip purpose for passengers with disabilities.
 - **Information and reservations:** Alternate forms of printed material must be available on request. NOTE: This does not mean that all material must be available in every format, but the process to obtain the requested material in the requested format must be in place so that the material can be available within a reasonable period of time. Systems must have access to a TTD or know how to use the Indiana Relay Service.
 - **Capacity constraints:** Service must be provided on the same basis to passengers with

disabilities as to those without disabilities. In looking at the system as a whole, there cannot be a disproportionate number of trip denials, excessively long trips, excessively long wait times, or a large number of missed trips for passengers with disabilities. Passengers can be offered a trip one hour on either side of the requested time. If trip time cannot be negotiated within these boundaries, it is considered a trip denial.

Reasonable Accommodations

On March 13, 2015, the U.S. Department of Transportation published a final rule in the *Federal Register* that will have impact on all providers of public transportation. The rule addresses the concept of "reasonable accommodation" in the delivery of transit services and may require a public transit provider to go beyond what is required in U.S.DOT's existing ADA regulation.

A transit system must make reasonable accommodations in policies, practices, or procedures when such accommodations are necessary to avoid discrimination on the basis of disability, unless the recipient can demonstrate that making the accommodations would fundamentally alter the nature of the service, program, or activity or result in an undue financial and administrative burden.

The new rules give public transportation providers the flexibility to implement their own method of compliance with the reasonable accommodation requirement. However, there some basic rules to follow:

1. The provider must **make information about the process for**

requesting and receiving a reasonable modification accessible. Wherever information about the public transportation system is published, information about reasonable accommodations should also be included. It is also required that people with disabilities are able to access this information, which means that the information has to be available in alternative formats when requested.

2. The provider must **make the process for requesting a reasonable accommodation easily accessible to those people with disabilities.**
3. While the rule encourages individuals to make reasonable modification requests in advance, a transit agency may find situations where such requests cannot be made due to some barrier at the destination. In these instances, **operating personnel may be required to make a determination on responding to the individual's request while in revenue service.** This means bus operators, dispatch personnel, and/or operations supervisors must be trained on these rules in order to ensure that inadvertent discrimination against an individual with disabilities does not occur.
4. At least one person at each public transportation entity must be designated as the **responsible party to review, evaluate, implement, or document**

reasonable accommodation requests.

5. The entity must **promptly communicate its response** to the complaint allegations, including its reasons for the response, to the complainant and must ensure that it has documented its response.
6. The passenger requesting a reasonable accommodation **is not required** to use the term "reasonable accommodation" or "reasonable modification" when making a request.

Covered entities were to have put these policies and procedures in place by **July 13, 2015.**

Reasonable accommodation requires modifications in policies, practices, and procedures, when necessary, in order to avoid discriminating against individuals with disabilities. As the name suggests, there is a "reasonable" standard, and the **three exceptions** to this rule give a general idea as to the limitations of this rule.

Exception 1:	Making the accommodation would fundamentally alter the nature of the public transportation service.
Exception 2:	Making the accommodation would create a direct threat to the health or safety of others.
Exception 3:	The individual requesting the accommodation is able to fully use the transportation entity's service without the accommodation being made.

Go to <http://www.gpo.gov/fdsys/pkg/FR-2015-03-13/pdf/2015-05646.pdf> to review the final rule in its entirety.

A model policy template is available in the Forms Section of the INDOT website at <http://www.in.gov/indot/2436.htm>.

Spare Ratio and ADA Compliance

Grantees with a peak-hour operating requirement of 1 to 10 vehicles are allowed a spare ratio of two back-up vehicles; grantees with a peak-hour fleet of 11 or more are allowed a spare ratio of 20% of their fleet. Sufficient back up vehicles must also be provided for accessible vehicles..

Grantees may enter into a contract with another provider for wheelchair accessible vehicles as long as the vehicles are available during the days and times required to meet Americans with Disabilities Act compliance.

Transportation Facilities

New transportation facilities must be accessible. The alteration of existing facilities that substantially alters the usability of that facility must be made accessible to the extent feasible.

Acquisition of Accessible Vehicles

Various requirements are imposed on all covered entities regarding the purchase or lease of new or used transit vehicles. The requirements vary by type of entity and the mode of service provided.

Provision of Services

Miscellaneous other provisions directly related to the operation of services are included in this final subpart. Among the requirements applicable to all entities:

- ◆ Transportation providers must keep all accessibility features in good working order;
- ◆ All wheelchairs and occupants must be transported if the lift and vehicle can physically accommodate them, unless doing so is inconsistent with legitimate safety requirements;
- ◆ Standees on lifts are permitted; and
- ◆ Requiring individuals to transfer from a wheelchair to another seat is prohibited.

Standards for Accessible Facilities

As an appendix to the regulations (49 CFR Part 37; website follows at the end of this chapter), USDOT simultaneously published the standards for accessible buildings and facilities. These standards are applicable to facilities subject to coverage under either

Title II or Title III of the ADA. These standards are commonly referred to as the ADA Accessibility Guidelines (referred to as "ADAAG").

Generally, the technical specifications contained in ADAAG are the same as the American National Standards Specification for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped (referred to as "ANSI 117.1"). However, there are differences between the old and the new standards. 49 CFR part 37.9 clearly indicates that ADAAG is the standard to be followed, unless the facility alteration began before January 26, 1992 and the modification complied with ANSI 117.1 or the Uniform Federal Accessibility Standard (UFAS).

Accessible Vehicles Specifications

The regulation concerning accessible vehicles (49 CFR Part 38; website follows at the end of this chapter) provides the minimum design specifications for accessible transportation vehicles. In some cases, there are different specifications for vehicles with less than 30,000 pound Gross Vehicle Weight Rating.

All new, used, or re-manufactured buses and vans acquired after August 25, 1990 must meet these requirements to be considered accessible.

All vehicles must have a level change device (lift or ramp) and sufficient clearance inside the vehicle to permit wheelchair user access to the securement location. At least two (2) mobility device securement locations shall be provided on vehicles in excess of 22 feet in length. At least one (1) securement location shall be provided on vehicles less than 22 feet in length.

Other technical specifications address:

- ◆ Doors, steps, and thresholds;
- ◆ Priority seating signs;
- ◆ Interior circulation, handrails and stanchions;
- ◆ Lighting;
- ◆ Fareboxes;
- ◆ Public information system;
- ◆ Stop request system; and,
- ◆ Destination and route signs.
- ◆ Additional information and training

Easter Seals Project Action was originally commissioned in 1988 as a research and demonstration project to improve access to public transportation for people with disabilities. After passage of the ADA, their goals expanded to help transportation operators implement the ADA transportation provisions. Easter Seals Project Action is funded through a cooperative agreement with the U.S. DOT and FTA. It promotes cooperation between the transportation industry and the disability community to increase mobility for people with disabilities under the ADA and beyond. Project Action offers numerous resources, as well as training and technical assistance, in an effort to make the ADA work for everyone, every day. More information about the training and information offered through Project Action is available online at <http://projectaction.easterseals.com>.

Summary

The ADA and its implementing regulations continue to be interpreted through the courts. However, the spirit of the law remains unchanged – equal access to all transit service for passengers without disabilities as well as those with disabilities. Systems must keep in mind that the intent of the law is to expand access to public transit service rather than further limit access to

service. Systems can and should work closely with their advisory committees to monitor the service as well as to resolve problems or misunderstandings.

The ADA regulations as referred to in this section are available at http://www.fta.dot.gov/civilrights/12325_3884.html.