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## The ADA and Public Transportation

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[Skip to content](#)

### **1. What is the Americans with Disabilities Act?**

The Americans with Disabilities Act (ADA) is a federal civil rights law that was passed in 1990 and protects people with disabilities from discrimination. The goal of the ADA is to make sure you are treated the same as people without disabilities. The ADA contains five sections that relate to different aspects of public life such as employment, access to private businesses, telecommunications and public programs, including public transportation.

### **2. What is Title II of the ADA?**

Title II of the ADA is the section that relates to public programs, services and activities that are provided by a public entity. Under Title II of the ADA, people with disabilities are protected from discrimination in public transportation. The United States Department of Transportation issues regulations that define your rights under Title II of the ADA.

### **3. What is Considered Public Transportation Under the ADA?**

Title II of the ADA applies to public transportation services such as city buses, commuter rail, subway stations, Amtrak and paratransit services. Title III of the ADA applies to private transportation services such as hotel shuttles, private buses and vans and taxis.

### **4. What Rights Do I have as a Person with a Disability in Using Public Transportation?**

The ADA guarantees people with disabilities equal access to public transportation. This means that public transportation providers cannot refuse to provide you with transportation because you have a disability. You cannot be required to transfer to a seat. You also cannot be required to use “priority” seating on a bus or transit vehicle. However, if a non-disabled person is sitting in a “priority” seat, transportation providers

are required to ask the non-disabled person to move. As a person with a disability, you cannot be required to be accompanied by an attendant. You cannot be forced to use paratransit if you are able to use the general transportation service.

## **5. What is Paratransit?**

Paratransit is a pre-scheduled pick up and drop off service for people with disabilities who are unable to use regular buses or trains. Most paratransit systems operate a “shared ride” service which means that other riders with disabilities will likely be riding with you. Paratransit must be comparable to the level of service provided to non-disabled persons who can use the transit system. Paratransit service cannot place restrictions or priorities based on the purpose of your trip. For example, it cannot determine that a medical appointment is more important than a social visit. And paratransit cannot limit the number of trips you take.

## **6. What if I want to Use Paratransit over the City Bus System?**

The ADA requires that services be provided to people with disabilities who meet ADA paratransit criteria. Not everyone with a disability is eligible for paratransit services. You must apply to use paratransit services and most paratransit companies have their own application process. The paratransit provider will look at how you board, ride and disembark the city bus and determine whether your disability prevents you from doing so all or some of the time.

Once your application is complete, the paratransit provider has 21 days to make a decision in writing and state the reasons for the decision. If the paratransit provider does not make a decision within 21 days, you are considered eligible until the provider makes a decision. If your application is denied, you have the right to appeal.

## **7. What Does it Mean for My Transportation Facility to be Accessible?**

All transportation facilities whose construction began after January 25, 1992 must be readily accessible to and useable by persons with disabilities. When a transportation alters a facility that was constructed before January 25, 1992, the altered portions must be readily accessible and useable by persons with disabilities.

A public entity must operate public transportation programs or activities Examples of accessible transportation facilities include:

- o Accessible paths of travel to enter and access the transit system
- o Level boarding and narrowing the gap between train doorways and station platforms
- o Boarding ramps
- o Bus stops and shelters
- o Curb ramps in sidewalks and entrances
- o Maintained, functioning elevators
- o Braille in elevators

- o Maintained, functional escalators
- o An emergency evacuation plan
- o Visual alarms
- o Accessible fare collection equipment
- o Accessible ticket vending machines
- o Accessible restrooms, including grab bars, raised toilet seats and insulated lavatory pipes
- o Accessible signage
- o Accessible water fountains
- o Elimination of turnstiles
- o Designated accessible parking spaces
- o Accessible transit websites

## **8. Are Public Transportation Providers Required to Keep Accessibility Features in Working Condition?**

Public transportation providers are required to maintain accessibility features in good working condition. This includes: lifts, ramps, signage and securement devices (straps to secure wheelchairs on board). Any repairs to accessibility features must be made quickly. If an accessibility feature is out of order, the transportation provider must take reasonable steps to assist the person with a disability while the feature is out of order.

## **9. Must my Local Transportation Service Provide me Information in an Accessible Format?**

Yes. Public transportation providers must provide information in accessible formats. This includes providing written materials in Braille, large print format or by CD, and online content must be accessible and compatible with screen readers.

## **10. My Transit Operator Told me I Cannot Bring My Service Animal on the Vehicle. Is that Legal?**

A service animal is a guide dog, signal dog or other animal trained to provide assistance to a person with a disability whether or not the animal is licensed or certified by a state or local government. Your service animal may go with you on vehicles and in transportation facilities.

## **11. Are Bus Drivers Required to Help Me?**

Public transit operators are required to offer you assistance with lifts, ramps and securement devices but are not required to lift you or your personal belongings. Operators cannot rush you and you must be given enough time to board and exit from vehicles.

## **12. I have a Vision Disability and Need Assistance with Stop Announcements. Are Bus Drivers Required to Make Announcements?**

Operators are required to announce transfer points, major intersections and destination points. Operators must also announce any stop at the request of a rider with a disability.

## **Are There Other Requirements for Transit Vehicles?**

Yes. Vehicles need a lift or ramp for a person who uses a mobility device. Lifts must be able to hold a mobility device that is 600 pounds when occupied and measures 30 inches in width and 48 inches in length and is 2 inches above the ground. Transit providers must regularly maintain and frequently check lifts. And any broken lift must be reported immediately.

In addition, all vehicles must have a two-part securement system. The first is to secure the mobility device and the second part is a seatbelt and shoulder harness for the person with a disability. Vehicles that are over 22 feet are requirement to have at least two securement locations and devices while vehicles less than 22 feet are only required to have one securement location and device. Do note that if the vehicle is required to have a securement system and your bus system has a policy requiring your mobility device to be secured, the operator may decline service to you if you do not allow your mobility device to be secured. You, however, are not required to use a seat belt if you do not want to.

## **14. Operators are Sometimes Rude to Me. What Can I do About it?**

Each transportation provider must ensure that their personnel are trained to operate vehicles and equipment safely and to treat people with disabilities in a respectful and courteous way and recognize the individual needs of people with disabilities. If you feel you are being treated rudely, you can file a complaint with the transportation agency.

## **15. What Can I do if My Public Transit Agency Discriminates Against Me Because of My Disability?**

If your public transit agency or facility is inaccessible, fails to address access problems, or otherwise discriminates against you because of your disability, you can:

- o File an internal grievance or complaint with the agency. Each transportation agency's complaint procedures are different. You should contact the customer service department about filing a complaint.
- o File a complaint with the Office of Civil Rights of the Federal Transit Agency. You must file within 180 days of the discriminatory act. The online complaint form is:

[www.fta.dot.gov/civilrights/12325\\_14816.html](http://www.fta.dot.gov/civilrights/12325_14816.html)

o Contact the Disability Rights Helpline of Legal Aid at Work at (877) 350-5441 for further information about your rights to public transportation.

## **Disclaimer**

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