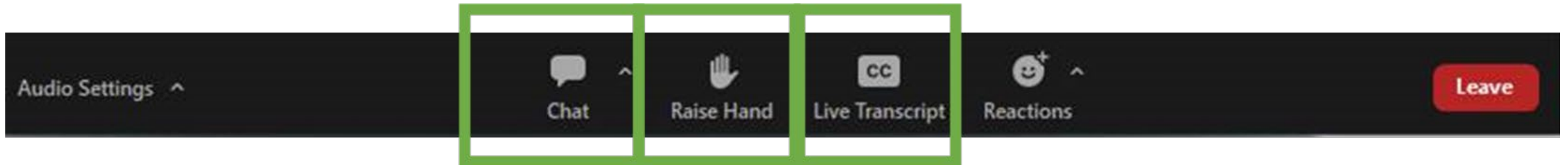




ADA Compliance for Specialized Transportation Grant
Program Grantees
September and October 2022

Housekeeping

- Attendance confirmation form
- Recording and PowerPoint will be STGP webpage
- Closed captioning
- Questions



Agenda

- **Introduction & Background**
- **The Americans with Disabilities Act and Civil Rights**
- **General Requirements**
- **Demand Response Services**
- **Vehicles & Facilities**
- **Wrap Up**
- **Questions and Discussion**

Disability Rights are Civil Rights!

Dissatisfaction with transportation options was a focus for activists protesting in favor of an Americans with Disabilities Act.



Key Principles of ADA

- Prohibits discrimination against individuals with disabilities
- Persons with disabilities are fully integrated and not segregated in separate services or facilities.
- If integration cannot be achieved, equivalency is required.



General Requirements

ADA Coordinator

- **Must appoint ADA Coordinator or ensures agency wide compliance**
- **Option to have a Discrimination Compliance Officer to consolidate ADA, Title VI and other civil rights authorities to one individual**



ADA Coordinator Certification Program

ADA Complaints

- Coordinator handles ADA complaints
- Written ADA complaint policy/procedure required – see forthcoming guide
- Complaints procedures must incorporate *due process*, provide prompt and equitable resolution
- Retain complaints for 1 year; summary for 5 years



Accessible Information

- Adequate information is an important element of any service
- Regulations require that individuals with disabilities have access to adequate information on:
 - fares,
 - service rules,
 - booking procedures
 - and temporary changes



Accessible Formats

- **Information does not necessarily need to be made in the format requested, but it does have to be in a format usable by the requestor**
 - **Accessible formats could include large print, braille, audiotape, electronic files usable for screen readers, captions or sign language interpreters**



Accessible Websites

- Use accessible websites to convey accessible information
- Federal government interprets the ADA as requiring websites to be accessible, however currently not regulated
 - DOJ announced that in 2023 it will release proposed regulations



Accessible Websites Cont.

- In the absence of regulations there are guidelines from government and the private sector:
 - **Web Content Accessibility Guidelines 2.1 (WCAG)**
<https://www.w3.org/WAI/standards-guidelines/wcag/>
 - **Access Board's Section 508 Standards for Electronic and Information Technology**
<https://www.access-board.gov/ict.html>
 - **Caltrans Standards for Accessible Website (meets WCAG 2.1AA & Section 508)**
<https://dot.ca.gov/accessibility>



Alternatives to Audio Communication

- Persons who are deaf, hard or hearing or have speech impediments must be provided accessible information
- At least one staff person must be trained on using 711 or TDD
- Consider having someone fluent in American Sign Language available for face-to-face contacts



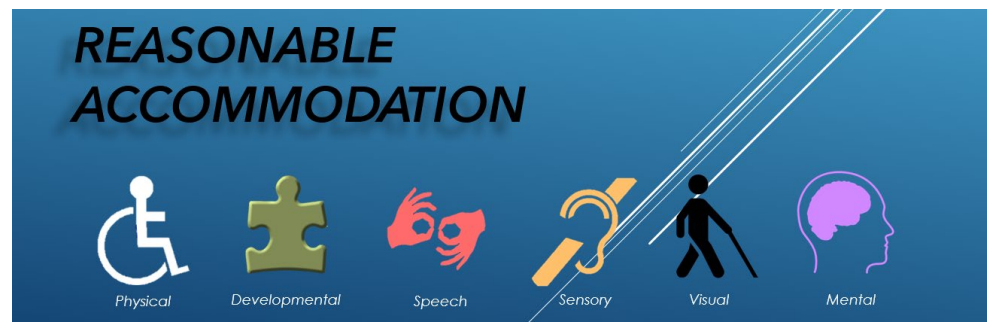
Reasonable Modification

- Reasonable modifications to policies, practices or procedures shall be made when necessary to avoid discrimination on the basis of disability or to provide program accessibility
- Your agency must have a process for making decision on and implementing reasonable modifications to policies and practices
 - Example: Eating or drinking for diabetics



More Reasonable Modification

- **Individuals must describe what they need in order to use service**
 - Individuals are not required to use term “reasonable modification”
 - Ideally requests are made and adjudicated in advance
 - Decisions can be made on the spot by the driver *in consultation with management*
- **Existing processes may be sufficient to consider requests**
- **Requests can be denied if:**
 - Request would fundamentally alter nature of services, programs or activities
 - Request would create a direct threat to health and safety of others
 - Without the request the passenger is able to fully use the service



Training of Staff at Your Agency

- ADA requires staff to be ***trained to proficiency*** to accommodate persons with disabilities
 - Drivers
 - Frontline staff
 - Vehicle dispatchers
 - Managers and Supervisors



Demand Response Services Considerations

Including: Dial-A-Ride • Volunteer Driver Programs

5310 and Senior Mini Grant Treated the Same!

- **Both public and private organizations must meet ADA requirements:**
 - *A public entity entering into a **contract** or **agreement** (including a grant agreement) with a private entity to operate transportation services must ensure that the private entity meets all ADA requirements for the public entity (DOT Regulations and FTA Guidance)*



Important Requirements

- **No special charges for persons with disabilities**
- **You may not require an individual with disability to be accompanied by a personal care assistant (PCA)**
- **Service may be refused to someone that is violent, severely disruptive, involved in illegal conduct or a threat to others**
 - **In such cases an attendant could be required but not a permanent requirement**



Oxygen

- **Driver not required to assist with oxygen or other medical needs**
- **Passengers allowed to bring portable oxygen supply on board**
 - **1 cylinder of 99 lbs per person and maximum of 496 lbs per bus allowed**
- **There are no restrictions on oxygen concentrators**



Service Refusal

- May not presume that disabilities create threats or disruptive behavior
- Before refusing make attempt to resolve issue – document incidents
 - Riders have a right to due process
- May not refuse a person with disability due to insurance issue



Accessible Features

- **Drivers must make use of accessibility related equipment**
- **Inspect to ensure features are functioning as designed and make repairs promptly**
- **If an accessibility feature is not available reasonable steps must be taken to accommodate persons with disability**



Lift/Ramps Requirements

- **Vehicles can be operated *up to three days* with inoperative lift/ramp**
- **Inoperative lift/ramps must be reported to dispatch immediately**
 - **Vehicle can stay in service if wheelchair trips can be assigned to other vehicles**
- **Lifts/ramps must be able to accommodate wheelchair and passenger combination of 600 lbs. and 30" x 48"**
 - **Must accommodate up to capacity of lift/ramp if capacity is greater than 600 lbs.**
 - **May not require specific wheelchair equipment such as brakes, push handles, wheel locks etc**
- **Passengers can board separately from wheelchair if limit is exceeded**
 - **Driver is not required to 'drive' wheelchair onto bus – a PCA may be required**



More Lift/Ramp Requirements...

- **Passengers may board wheelchair forward or in reverse**
- **Devices not designed for disabled not required to be accommodated**
- **Passengers may not sit on walkers**
- **Seatbelts/shoulder harnesses for wheelchair passengers are mandatory**
- **Never use seatbelts and shoulder harnesses without securing wheelchair**
- **Ambulatory passengers permitted to use lifts and ramps**
- **Drivers may need to assist passengers in wheelchairs on and off lift platforms and on ramps as long as not direct threat to health/safety of driver**



Service Animals

- Service animals must be permitted in vehicles and facilities
- A service animal is **any** animal that is individually trained to work or perform tasks
- No documentation can be requested but you can ask two questions...
 - Is the animal a service animal required because of a disability?
 - What work or task has the animal been trained to perform?
- You can allow non-service animals if you wish



More Service Animals...

- You can refuse an animal not under passenger's control or that poses a direct threat or creates a disruptive atmosphere
- Driver not required to take control of animal
- Multiple service animals can be brought onboard by one passenger
- You can require prior notice of intent to bring service animal
- Other riders or driver's allergies to animals is not grounds for denying service to a person with a service animal



Equivalent Service in Most Integrated Setting

- **Vehicles must be readily accessible by all including wheelchair users**
- **Non accessible vehicle may be used *IF* the service, when viewed in its entirety, provides the same level of service for all**
 - **Requires certification before acquiring**
 - **A person needing accessible vehicle must not have to wait longer than person using non-accessible vehicle regardless of operator**



What is an Integrated Setting

- **Means providing service to persons with disabilities on the same vehicles and together with other riders**
 - Vehicles to accommodate a mix of riders to promote integrated service
- **Inaccessible vehicles are permitted to keep costs down, but service equivalency must be maintained**



7 Measures of Equivalency when Service Viewed in Entirety

Comparison for equivalency is between trips of non-disabled passengers and trips by persons with disabilities. Seven measures are:

- 1. Response Time**
- 2. Fares**
- 3. Geographic Service Area**
- 4. Hours and Days of Service**
- 5. Restrictions or Priorities Based on Trip Purpose**
- 6. Availability of Information and Reservations Capability**
- 7. Constraints on Capacity or Service Availability**

Considering the Next Potential Customer

- **Passengers today might be ambulatory but tomorrow?**
- **Must be able to provide an accessible ride in the same time frame as someone who does not need an accessible vehicle**



Monitoring for ADA Compliance

Monitoring Service

- **SANDAG is required to monitor your services and facilities to ensure ADA compliance**
- **Keep records that confirm all requirements of ADA are being met including equivalency**
- **New monitoring form incorporates more ADA components**
 - See forthcoming guide



Vehicles & Facilities

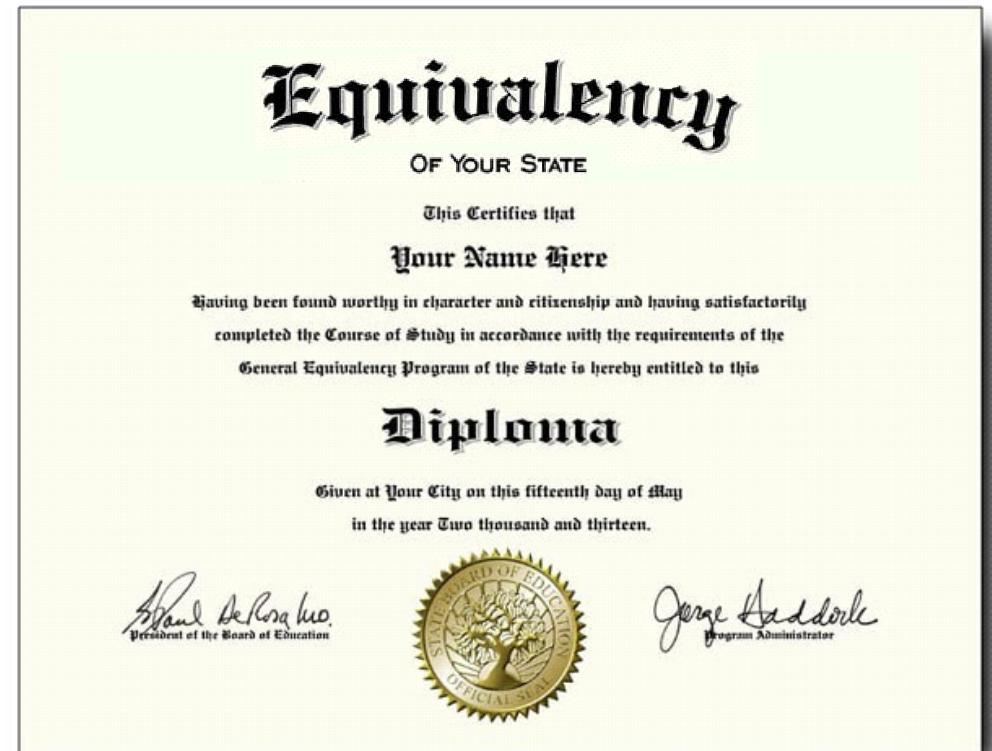
Accessible Vehicles

- **Regulations require every vehicle purchased or leased must be readily accessible**
 - **If the system when viewed in its entirety, provides a level of service for PWD equivalent to the level of service for non-PWDs it may purchase or lease new vehicles that are not readily accessible**
- **Need to provide certificate of equivalency before purchasing**



Equivalency Certifications

- Certificate to confirm **all** seven measures of equivalency are being met
- Providers with inaccessible vehicles need to analyze service data to ensure that service is the equivalent for all riders.



Sample Certification of Equivalent Service – See Guide

The XYZ agency certifies that its demand responsive service offered to individuals with disabilities including individuals who use wheelchairs is equivalent to the level and quality of service offered to individuals without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to

- Response times
- Hours and Days of Service
- Fares
- Restrictions on Trip Purpose
- Geographic Service Area
- Constraints on Capacity or Service Availability
- Availability of Information and Reservation capability

Entities operating demand responsive systems which receive financial assistance must file this certification with SANDAG before procuring any inaccessible vehicle. This certification is valid for not longer than one year from its date of filing.

_____ (Name of Authorized Official)
_____ (Title of Authorized Official)
_____ (Signature of Authorized Official)
_____ (Date of Signature)

Buildings Must be Accessible

- Every building built since 1991 required to meet the ADA
- If built before 1991 it must be upgraded to ADA if readily achievable
 - No grandfathering, but safe harbor in some cases due to cost or infeasibility making it not readily achievable, equivalent facilitation may be acceptable
 - Upgrade **required** when any renovations or alterations are made
- Have building examined by a California Certified Access Specialist to assess the compliance and identify remedies



The background of the slide is a dark blue, semi-transparent aerial photograph of a coastal region. It shows a large body of water on the left side, with a winding coastline and several smaller inlets. The land area is characterized by a mix of urban development, including roads and buildings, and natural terrain with hills and valleys. The overall color palette is dominated by various shades of blue, from deep navy to lighter, hazy tones, creating a professional and serene atmosphere.

Wrap up

Take Aways

- **Compliance with ADA is mandatory, not optional**
- **Same requirements apply to all Specialized Transportation Grant Program grantees (e.g. 5310 and Senior Mini Grant)**
- ***Pass along this information to others in your agency; disability awareness and ADA compliance are everyone's job***



Questions and Answers

grantsdistribution@sandag.org