

# Transcript

## FTA ADA Circular Webinar 3:

### The ADA and Fixed Route Service Requirements

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>> All right, hello, everyone. Welcome to FTA's third webinar in the ADA circular series. Today we will be talking about fixed route transit. My name is Dawn Sweet, I'm the program manager for complains and communications here in the Office of Civil Rights and with me are John Day, program manager for policy and technical assistance who will be handling the Q&A box, and Richie Nguyen on our team who will be helping out, as well. Everyone is in listen-only mode because of the number of participants that we have today, but we do want this session to be as interactive as possible. So as we go through the slides, we encourage you to post questions in the Q&A box. You'll see the box at the top of your screen on the left-hand side. And once John answers a question, it will appear live for everyone to see. We'll get to as many questions as we can. And for those that we can't get to, note that we will be posting a Q&A along with a recorded version of this session and the slides on our Civil Rights training web page in the near future. To set the stage, I'll put some background on the circular and why we undertook the project and its purpose and then we'll talk about the big topics in the fixed route service chapter and that's chapter 6 of the circular. And at the end we'll leave plenty of time for John, Richie, and I to talk through some of the questions that you posed in the Q&A box.

All right. So why did we embark on this project? Well, we did an internal review here at FTA a couple of years ago. And from that review, we had identified ADA as one of the top areas of deficiency findings in our oversight program. And it was second only to procurement. So it was from this assessment that we recognize that guidance was needed to help our grantees avoid these findings, because of course you don't want to get findings but we also don't want to issue findings.

And the secondary purpose of the circular, though, is to help us answer some of these persistent, recurring questions that we all get on the ADA side.

When we talk about the circular, we're emphasizing that it doesn't create any new requirements; instead, it takes this rather imposing body of existing regulatory requirements of 49 CFR Parts 27, 37, 38, 39 and the facility standards and consolidates them into one document, or, if you will, for one-stop shopping with hyperlinks to the regulations and other helpful material.

It provides guidance on how agencies can implement the regulations, presents local options

along with helpful tools such as checklists and template policies and letters.

The circular is organized into 12 chapters. It's organized by topic. So the information does not strictly follow the organization of the regulations themselves. It is around 300 pages, so it can feel intimidating when you first look at it, but it's important to emphasize that the circular isn't intended to be read cover to cover like a novel. I've done it a few times. It's a long, long read. Instead, it's intended to be a reference document.

So we hope that if you've got a question about a specific ADA topic, you'll be able to go to the circular and find the answer quickly. I hope you've had time to look at the PDF version on our website. It's got a detailed table of contents. It's all hyperlinked, so you can just click in the table of contents. It will take you right to that section of the circular.

When you look at the circular for the first time as a fixed route provider, one thing that may stand out is that chapter 6 is a relatively short chapter. And in the regulations, in part 37 at § 37.3, fixed route is essentially defined as any transit operated along a prescribed route according to a fixed schedule. And that includes bus and rail.

So we're talking about a huge service area, obviously. The chapter is just 15 pages long, one of the shorter chapters in the circular.

So why is that? Well, it goes back to the fact that the circular is organized by topic. And when you think about it, there aren't really a lot of ADA requirements that are specific to fixed route. A lot of the big issues that you encounter on fixed route are cross-cutting and applicable to paratransit and general public demand responsive service. And all of these requirements are addressed in chapter 2 titled general requirements. We modeled that chapter after a chapter in the Title VI circular with the same title.

And it's there you're going to find guidance on lift and securement use. When is a wheelchair too big or heavy to be transported? What do you tell your operators to do when they can't secure a wheelchair? There's a big discussion on one of the hottest topics in fixed route service, service animals. Gives guidance on the definition, differences between DOT's and DOJ's definition. And the questions that your operators or station managers can ask people, if they need to, who are accompanied by animals to help discern whether those are, in fact, service animals that meet the regulatory definition.

It's in Chapter 2 where you're also going to find other cross-cutting sections on personnel assistance and training, maintenance of accessible features such as elevators, accessible information. How do you make information accessible, for example, to people who use screen readers who are blind? And of course the new DOT rule on modification of policy that became effective last July. And again those are huge issues for fixed route, but they're also very important -- equally important issues for paratransit providers and general public demand responsive providers, which is why they're all consolidated together in Chapter 2.

In Chapter 3, you'll find transportation facilities. All of the design requirements for new construction and alteration. It's also a big area at the ADA that also warranted its own chapter. And, again, very relevant to fixed route if you're undertaking any construction or alteration projects.

And then finally, Chapter 4 is vehicle acquisition and specifications. It's all of the design standards for accessible vehicles which are largely the same for fixed route buses and paratransit vans. A wheelchair lift is a wheelchair lift under the regulations.

This chapter, though, also includes the specifications for rail cars.

So fixed route providers, perhaps more than anywhere in the circular, it's important to treat the circular as a reference and refer to these other chapters for any questions or guidance that you need.

Our first webinar of the year covered chapter 2 and a recorded version is now available on our Civil Rights web page. We will be doing future pages on vehicle acquisition and specifications so watch for those.

Alright. So what topics are specific to fixed route and in Chapter 6? Well the really important ones, Chapter 6 covers priority seating in the securement area, alternative transportation when bus lifts breakdown, obstructions at bus stops that make it difficult for your operators to deploy ramps or lifts. There's a section on passenger boarding considerations. How do you ensure that your boarding policies are nondiscriminatory? And, of course, primarily for people who are blind or low vision, stop announcements and route identification. And I'll cover a couple of the hot topics in each of these areas that are in Chapter 6.

Alright. Priority seating in the securement area, this is a topic in which we received a lot of feedback in the draft chapter that went out for public comment. Chapter 6 explains that typically the priority seating area and the securement area are two separate spaces on the bus. Priority seating under the regulations must be the first set of forward-facing seats while the securement area is usually under a bank of side-facing flip-up seats. The regulations explain that personnel need to ask certain people to move from these areas. And those individuals are different depending on whether you're dealing with the priority seats or the securement area. For priority seating, the operator would need to ask nondisabled and non-senior passengers to move if the seat is needed by a person with a disability.

For the securement area, however, the operator would ask all ambulatory persons to move, including those with disabilities if the securement space is needed by a wheelchair user.

So in the regulations, there is not an exception for people with disabilities in the securement area to be asked to move. So it's very different from the priority seating in that respect.

And we do get complaints from ambulatory individuals who feel that they shouldn't be asked to move because they, too, have a disability. And we definitely understand that feeling. And we try to explain that the flip-up seats actually aren't required. Those are optional. What's required on the bus is to have that clear floor space for the securement area and to have the securement devices. And those areas, of course, are the only places that people with mobility devices can be accommodated.

In the comments on the draft, the industry did highlight that there are some bus configurations where the securement area is under the first set of forward-facing seats. That is, it's in the priority seating area. And the question becomes who has to move in those situations? And it's a really interesting question. And it's not one that's addressed explicitly in the regulations.

So in the circular, we can simply note that local agencies may need to develop their own policies on the use of these shared spaces. And you'll see that in a few places of the circular where the regulations just don't get real specific. It might be helpful if they did. But since they don't, the circular isn't prescriptive, either.

And then, finally, this section of the circular notes that while agencies do not need to compel people to move from either the priority seating or the wheelchair securement area, you can develop mandatory move policies. And many of our grantees, including some of the biggest ones, have adopted these mandatory move policies.

Alright. Alternative transportation. In Chapter 2, again general requirements, there's a discussion about the need in the regulations to accommodate people when accessibility features such as elevators and public address systems are out of order. And that requirement is very broad. But the regulations get very specific in terms of lift breakdown in service on fixed route. And the regulations require agencies to dispatch alternative transportation to someone who needs a working vehicle lift when the headway to the next bus is more than 30 minutes.

So the circular discusses this requirement and the need for agencies to get that alternative transportation to a waiting customer promptly. And it also gives suggestions on ways that your operator can communicate with the rider so they know the game plan.

The circular also recognizes, however, the proliferation of ramp-equipped buses after the regulations were issued in the early 1990s. Often ramps can be easily deployed manually by the operator. And there's nothing in the regulations that dictates that ramps actually be mechanically operated or have a mechanical component. So the circular notes that you can have a policy requiring operators to pull out the ramp instead of dispatching a separate alternative vehicle.

Often the most preferred, expedient solution for everyone involved. And probably you will find good customer service, as well, because you're not left leaving one of your riders out on the curb.

On a related note, we see a lot of misunderstanding that alternative transportation needs to be dispatched when the bus is full and a wheelchair user can't get on or somebody else who needs the lift. And that's not the case. Again, it's very specific to when the lift isn't working and the headway is more than 30 minutes. So the circular has a discussion on what it means to have a bus that's full. And it's usually one of two things: The securement areas are already occupied with wheelchair riders, and that, as we all know happens depending upon the length of the bus. Only one or two securement spaces are required. Or the bus is at capacity with no more space for riders. So maybe there are ambulatory people in those areas, but there's nowhere else for them to go. And under the ADA, there's never a requirement for other people to vacate a bus or rail car to accommodate people with disabilities who may come afterwards.

Alright. Obstructions at bus stops. Chapter 6 talks about bus stops. The design specifications for the bus stops themselves, the dimensions of the pad and the connecting pathways, all of that information is in the facilities chapter, in Chapter 3. But Chapter 6 talks about bus stop usage. And it has a discussion on the regulatory provision that agencies can't declare bus stop off limits to people with disabilities and refuse to deploy the lift unless one of or two bees

conditions are present. First, the lift will be damaged if the operator deploys it. Or, second, temporary conditions prevent the safe use of the stop by all.

So it would be inappropriate to conclude that a stop is safe for nondisabled people but not safe for people who are blind or use walkers or wheelchairs. And that goes back to this whole principle of everyone has a right to assume the same level of risk and decide how much risk they're going to take for themselves personally.

This section also incorporates a discussion of reasonable modification of policy in this context. The quintessential example of reasonable modification of policy, the one that is presented first in the preamble to the rule, it was in DOT's press release announcing the rule that went into effect in July, is this idea that agencies can have a policy of stopping only at designated bus stops and fixed rate service. Very, very common. But if a stop is obstructed by something, so let's say a parked car that prevents the driver from deploying the lift at that spot, the agency essentially needs to modify that policy and have the driver pull up a reasonable distance from that stop to deploy the lift or ramp unless a direct threat is present or it would result in a fundamental alteration of service.

So the circular explains that we're talking feet and not blocks here. There's no need to create flag stops that would fundamentally alter your service from its fixed route nature.

I think this is also kind of a good example of how agencies have been doing reasonable modification all along even though the rule feels relatively new. Repositioning the bus this way is probably something that your operators have always done. Routine practice. And the rule just kind of formalized that requirement and put that, again, routine action in this framework of reasonable modification.

There's a short section in Chapter 6 on boarding considerations that addresses the importance of insuring your policies and practices are nondiscriminatory.

So, for example, you'll want to make sure that operators are pulling close to the curb using any kneeling feature that's part of your bus to make sure that, for example, people who are ambulatory but have disabilities can actually use your service.

The Chapter also discusses the order in which riders are boarded. So, for example, there may be a group of people waiting at a bus stop along with a wheelchair user. The driver might board everybody who's ambulatory first because it's more expedient, but it would be discriminatory for that driver not to hold open that securement space for the wheelchair user who is there before other people who were boarded.

The regulations also require agencies to ensure that people with disabilities have adequate time to complete boarding and disembarking of the vehicle. And the circular explains this is a broad requirement, but it's going to be accomplished differently on bus than it is on rail. And it gives some examples of how to meet this regulatory requirement.

The last two sections of Chapter 6 cover stop announcements and route identification. Critical provisions, as we all know, for people who are blind or low vision primarily. For stop announcements, the regulations require agencies to make on board announcements of approaching stops in a way that allows people with disabilities to know where they are and when to exit the bus or rail car. And it's important to emphasize that stop announcements applies to commuter service,

too, to both bus and rail. There's been some misunderstanding that we've seen about this, that the requirement only applies to regular fixed route, kind of like the paratransit obligation.

But, again, it applies to commuter bus and rail, too.

This Section also answers a question that we get a lot and clarifies that there is no requirement for a visual indicator, such as an LED sign to accompany the verbal stop announcements. That sounds counterintuitive at first, but the reason is that on a bus it's assumed that people who are sighted can look out the window and orientate themselves, know where they are and get off the bus. And then on rail, the regulations require station name signs be placed in approaching stations that are visible from a seated and standing position on the train. So that people who are deaf, for example, and can't hear the announcements can at least see the sign and know this is their station and they need to get out.

The regulations set only general requirements for when and where stops are announced. The stop announcement list, however, is developed locally between the transit agency and the community it serves.

There are four required elements of stop announcements. The first two, as shown on the slide, have some flexibility at the local level. Stops call must include major intersections and destination points and must be done at sufficient intervals. And neither of these elements is defined in the regulations, but intentionally so. As Appendix D for Part 37 states, for example, the rule does not define what major intersections or destination points are. It's a judgment matter best left to the planning process.

So the circular, again, is not prescriptive in how you have to identify these locations and the intervals that you need to call stops. But it presents some options, it gives you suggestions such as ensuring the stops are worded using a consistent formats.

The regulations, though, do require explicitly that agencies announce first any stop requested by a person with a disability, which is pretty self-explanatory. And also, all transfer points with other fixed routes.

And there were a lot of comments on the transfer points discussion on the draft circular chapter, and we clarified this requirement in the final version. Industry commenters were concerned that the draft left the impression that they needed to announce all the connecting routes of other agencies that they share stops with. And the circular explains that that isn't the case. An agency does not need to announce the other routes, the lines, the transportation services that its stop shares; it must only announce the stop itself, which might be as simple as announcing State Street. It would then be left up appropriately to the rider to know the schedule for the connecting service they want to take. And your job is simply just to make sure that they know that this is the stop that they need to get off at to pick up that connection.

There's extensive discussion in the chapter on how to monitor the delivery of stop announcements. Stop announcements are one of those areas in the ADA where everything can look perfect on paper. Policies can be great and comprehensive. The driver training looks sufficient. But compliance falls apart in the actual implementation on the street or on the tracks. Maybe the operator just isn't calling the stops or the automated enunciator on the vehicle isn't working or it

isn't synchronized right. Monitoring on the bus or train ideally with some kind of secret rider component is essential. And to help you with this effort, we've included a sample form in the circular for monitoring stop announcements. In service. And it's the one that we use when we go on site to do our specialized stop reviews. Sometimes during our triennial review process, as well of the it captures not only whether the stop was made but, equally important, how effectively? Was it audible? Was it loud enough? Was it timely? Would a person have enough time to push the stop request button to get the bus driver to stop and get off at their stop?

The chapter then moves on to a section on route identification. And we have seen in our oversight program, including recently, situations where route identification is confused with stop announcements or forgotten altogether in agency policies.

I guess the best way to think about it is that route identification occurs outside the vehicle, on the platform or on the street, whereas stop announcements occur on the vehicle.

And for route identification, agencies need to make sure that people with disabilities, again primarily but not exclusively people with visual disabilities, know which train or bus to board.

In some respects the requirement is more straightforward than stop announcements requirement because there's not discretion as to when you need to do it in the regulations. The regulations are clear that for route ID, it needs to be done at all stops or stations served by more than one route or line.

So the regulations are prescriptive, again, in terms of when you need to do it but not necessarily how you need to do it. So there's flexibility there. Typically performed by an automated enunciator or verbally by the operator or conductor.

And like the stop announcements, the circular includes a form for monitoring the performance of route identification. And, again, it's the same form that we use in our oversight reviews. So it's an optional form that you can use or a modified version.

So those are the highlights from Chapter 6 of the circular. I know John's been fielding questions in the Q&A box. I'm sure we have many more waiting. So we'll spend some time now talking about those questions. If we don't get to your question, again we're collecting all of the questions during this webinar series. And we'll be posting a Q&A on the Civil Rights training web page in the near future.

And in the meantime, too, if you think of questions after the webinar, you can always submit them through FTA's "contact us" tool. You'll see a contact us icon at the bottom of FTA's home page and it will bring you to a dropdown menu. And in the menu, just select Civil Rights and Accessibility from the choices. Then your question will get routed real time to the Office of Civil Rights.

So I'll turn the floor over to John now to get the discussion started on the questions.

>> JOHN DAY: Okay. First, there's a lot of questions. First up, if a transit service is considered a hail service, by that I assume we're talking about a flag stop type of service, but picks up passengers at the start of the route and discharges them at the end of the route, are they required to have paratransit running the same hours as the primary route service?

And of course the answer is yes. It is a fixed route system. And you would be required to

operate paratransit during the same hours and days and along the same routes as your fixed route system.

A lot of questions we got on so-called mandatory-to-move policy, and the question being: Is it only for the flip-down seats over the securement area? And I think what we were trying to say, if I'm not mistaken, is that the regulations say that you have to ask people occupying the priority seating to move. You have to ask people, including other people with disabilities, to move from the seats that occupy the securement location.

There is no regulatory requirement that you actually force them to move. That's left up to the local process and we're aware of some local jurisdictions that do have mandatory move policies and are prepared to enforce that. So that's very much a local issue. And I don't know if anybody else has anything more on that.

>> DAWN SWEET: No. I think that's consistent and with what we say in the circular.

>> JOHN DAY: Yeah. I also want to say, too, there were a lot of questions that came up concerning demand responsive service and paratransit service, which we've got whole webinars on those very subjects. Unfortunately, the paratransit webinar did not record, so we'll be doing that one again at some point in time. And the demand responsive webinar hasn't happened yet. So be on the lookout for that one, and hopefully we can answer all your questions with demand responsive service.

If a rider has made permanent modifications to their wheelchair which makes securement according to equipment directions impossible, is it better to secure or not secure?

And I think, again, that gets to the regulations don't require that wheelchairs be secured. The bus has to have the securement system, but it's up to the local process to determine whether or not securement is mandatory. And where securement is mandatory, you still can't deny service if you can't figure out how to secure someone's chair.

So whether or not it's better to secure or not to secure, that's really up to your policy. If you have a mandatory securement policy, you can secure them to the best of your ability, but you can't deny service.

>> DAWN SWEET: Yeah, I would add, too, because this question comes up a lot, but if somebody is refusing to be secured, you can deny transportation, that you do have a right to establish a mandatory securement policy. And, again, if somebody doesn't let you attempt to secure the chair, then you don't need to transport them. Okay. Another one having to do with securement area. When the security area is occupied by a walker that is used as a mobility device and the other securement area is also being used, can you turn down the waiting wheelchair at the bus stop?

>> DAWN SWEET: Yeah, we addressed this precise in a decision letter on our website. It's under the category of "priority seating." And in that case the complainant did use a walker. He was not happy about being asked to move. And the driver asked him to move. And we did, we spent quite a long time on the phone with him explaining that the driver, yeah, should have asked him to move. His walker was foldable. Typically walkers aren't – there's no need for them to be secured. People often can fold them or just hold them in front of them in another seat. So generally speaking,



yeah, you would ask the person if they're capable of using the walker to move from the securement space.

>> JOHN DAY: Okay. Here's an interesting one. Any suggestions for gaining parking enforcement attention from local jurisdictions? For example, parked cars blocking our stops so we cannot reach the curb.

And I think that's probably something you need to discuss with higher ups in the city or whatever, the county, whatever municipality you happen to be serving. Let them know they're paying for the bus system to run. People can't use the bus system because there are parked cars blocking the bus stops. You know, you really need to get some enforcement. I think that's something that maybe if the local police department won't respond directly to you, maybe you need to go to the mayor's office or something like that.

>> DAWN SWEET: Yeah, I think it's interesting, too, that I have seen communities, including the one that I was in, where parking is legal at the bus stop. So there are legally parked cars in front of the bus stop.

>> JOHN DAY: Maybe the first thing is to get some no parking signs on the bus stop.

>> DAWN SWEET: It doesn't make sense to me, but, yeah.

>> JOHN DAY: Okay. This person says their ramps are unsafe to allow wheelchair passengers to board or debark without the use of a curb. The majority of stops are located in areas without a curb. Must we accommodate wheelchair passengers where curbs are not present?

I think the main issue might be whether or not the buses you have are compliant with the vehicle standards. The maximum slope to the ground is 1:4. That's in Part 38 in the vehicle standards. Yes, that's rather steep. But personnel are required to provide assistance with boarding. If the slope is any steeper than that, then I think you probably have a compliance problem with your vehicles.

This is a good one for dawn. She's the complaint guru. Some bus operators announce major stops and some don't announce the stops. I made a complaint before, but nothing happened.

>> DAWN SWEET: Okay. And maybe you made a complaint before the recent modification rule came into effect, I hope. But the reasonable modification rule also enhanced the local complaint process requirement. So for 20-plus years there's been a requirement in the DOT ADA regulations for agencies to have a process in place for promptly resolving complaints.

And the rule change now requires agencies to also promptly communicate a response to the complainant. So in some cases prior to the rule, agencies were taking a lot of internal measures, may have identified an issue, again taken steps to correct it but not reported back to the complainant.

And after July of last year, agencies are required to actually communicate a response to the complainant.

So that's one part of the answer. The other part would be if you filed complaints, you're getting responses, nothing seems to happen, you always have the option of filing a complaint with the FTA Office of Civil Rights and we can look at the matter.

It's important when you do file a complaint with us or with one of our grantees that you're

very specific in terms of route numbers and dates and times, exactly what happened. We get too many complaints, frankly, that just say “well, drivers never call stops.”

And there’s really nothing that really any of us can do with that. We just can’t pursue it. We wouldn’t know where to start. So definitely document, document, document. And just keep your options open and continue to work with your transit agency, too.

>> JOHN DAY: Okay. We’ve got all of a sudden a lot of questions in the Q&A box, I don’t know if it’s the lag or if people are starting to ask questions now. But I’m going to get through as many as I can.

How do on-board announcements affect systems that operate using a flag-down policy? And the answer is: Pretty much the way they work on any fixed route system. You would announce major intersections, points along the route sufficient for someone to orient themselves as to their location, and any stop upon request.

So in this case, if somebody says “I want to get off at Walmart,” you’re going to have to announce Walmart when you get there, remember to stop the bus and let the person off. But that’s how I would envision that working with a flag stop system.

Please clarify regarding fixed route. Are all stops required to be called out or would it just be for intersections or time points?

Well, it could be all stops, but we’ve run into agencies that have had problems trying to announce each and every stop throughout their system. Sometimes you barely get one stop announced and you’re right on top of the next one. So it’s going to depend on local conditions and what the local community wants.

You know, you would certainly announce major intersections, intervals -- and in some cases we’ve had some systems define major intersection as a signalized intersection, which in some cases that might work. Here in downtown D. C. where every intersection is pretty much signalized, again, that gets to be a little difficult.

But major intersections, points along the route sufficient to orient yourself to your location and any stop upon request. Major transfer points, things like that.

Okay. Let’s see. This one looks like a follow up.

This is another question about people having modified their wheelchairs and securement. Again, I think the answer is if you have a mandatory securement policy, you secure to the best of your ability. But you still have to accommodate the passenger.

When announcing a stop, do you need to use a microphone? That is a very good question. The answer depends on how big the bus is because buses under 22 feet don’t have to have a PA system.

But one of the reasons that a PA system is required on larger buses is so that the stop announcements can be heard. So there’s an expectation that a stop announcement would be made using the PA so that everybody on the bus could hear it.

Is there a convention as to how far away from a stop a stop should be announced? Announcing a stop at the stop may be too late for a rider to react, and that’s a very good point. And that’s something that’s going to have to be decided, again, at the local level as part of your stop

announcement program or policy. You might want to figure out how far in advance do we say the next stop is, 4th and Main, in order for somebody to be able to hit the stop request tape and be able to have the bus stop at 4th and Main.

You certainly don't want to be announcing the stop as you go flying by. That just doesn't work for people. But I don't think we have a rule of thumb. It's going to be different for everybody. If you operate during rush hour in a very congested environment, maybe a block away is sufficient. If you're operating at higher speeds, maybe you need longer than that in order for somebody to react. It's just going to depend.

Okay. This is the second or third time this has come up. What about stop announcements for dial-a-ride? Stop announcements apply to fixed route service. So I think that's the answer to that.

>> Dial-a-ride is demand responsive.

>> JOHN DAY: Dial-a-ride is demand responsive and we'll be covering that in a couple of weeks.

Okay. Let me see if I can scroll down. There's a whole lot of questions waiting in the queue.

Do you have to do stop announcement data collection? What we expect is that you'll monitor your stop announcements to make sure that they're made. That can include sending out secret riders to monitor the bus drivers or monitor the system or actually monitor both. Because if you have an automated system and it's not working, you're still going to want to make sure the bus drivers can make the stop announcements.

But just for your own purposes for making sure that you're compliant as well as, you know, in case we get any complaints or we do a compliance review, it's a good idea to monitor your stop announcements just to make sure that you are doing what's supposed to be happening.

Would assisting a passenger using a wheelchair at a fixed route stop be an appropriate reasonable accommodation if it was only required on one stop at one route, or would that be a fundamental change to service?

I guess it depends on what type of assistance you mean. Regulations already require assistance with using the lift, the ramp, the securement devices and things like that. And that may require that the bus driver get out of his or her seat in order to provide that assistance.

If you're talking about taking somebody from the bus stop to the door of their house on fixed route, that's not reasonable; that's a fundamental alteration of service.

What happens if a mobility device doesn't fit in the securement area? We have some regulatory text on that having to do with not blocking an aisle or not blocking an emergency exit that, you know, in that case you wouldn't have to accommodate someone.

>> DAWN SWEET: Yeah, there's an explicit regulatory provision that you can require wheelchairs to remain within the securement area, as well.

>> JOHN DAY: Okay. For a commuter bus service where afternoon trips primarily involve boarding in a downtown area and traveling out to the suburbs, do drivers need to make stop announcements while still downtown even though the vast majority of passengers are boarding and not alighting? The regulations are pretty clear. You announce major intersections. You announce

transfer points. You announce intervals sufficient along the route to orient passengers to their location at any stop upon request. That's for all fixed route service, commuter bus services, fixed route service.

We provide a fixed route system during the daytime and a demand response service at night. Do we only have to provide paratransit during the fixed route service? That is correct.

Do we have examples of agencies with mandatory move policies? What is the policy enforcement tool suspension of service?

>> DAWN SWEET: I think that we do. I would encourage you if you want to just submit your question or your request to contact us and we could probably point you to a few links on other agencies' websites.

>> JOHN DAY: Okay. Let's see.

Is there anything in the rules that addresses passive restraint systems? Other than the federal motor vehicle safety standards that talk about air bags, I don't know of any.

>> DAWN SWEET: Talking about automatic securement, maybe?

>> JOHN DAY: Yeah, I'm not sure what that question is about. But, you know, there is a requirement -- the specifications for securement systems are found in Part 38 of the DOT ADA regulations. And they talk about the forces they have to restrain and things like that. There's nothing about active or passive in those requirements.

If you're inventing something that would be passive, I would say look to Part 38 and look at the requirements to see the forces that it has to withstand.

Okay. This is, what, our third webinar and I don't think any one of these has gone by without a service animal question.

>> DAWN SWEET: My favorite.

>> JOHN DAY: If a passenger claims a pitbull is a service animal that intimidates passengers with barking, can we deny service? The passenger also has the dog sit on the seats and feeds the dog on the bus. The owner threatened to sick the dog on the bus operator.

First of all, if service animal is any animal that's been individually trained to provide assistance to a person with a disability, such as pulling a wheelchair, fetching dropped items, things of that nature. So it doesn't distinguish species let alone breed.

But if the dog is acting in a way that is seriously disruptive to service or represents a direct threat to the health or safety of others, then you would be able to deny service on that basis.

>> DAWN SWEET: Yeah. I think first it's not a requirement that you allow service animals to occupy a passenger seat. So that would be one issue that you can require the dog to remain under the owner's control at his or her feet. And so if the dog is acting up and jumping on the seat, that would suggest that perhaps it's not within the owner's control and not a service animal.

If the owner is threatening people with the dog, that seems potentially seriously disruptive, perhaps a direct threat, and that would be another ground for refusing service.

>> JOHN DAY: Okay. How many bus stops should the be ADA accessible? The expectation that any/all of them would be. We recognize that a lot of them are along the public right

of way and that the transit system often doesn't have control over those locations, they're under somebody else's jurisdiction. That's one of the reasons why paratransit is required as a compliment to the fixed route system. But the expectation is that any and all bus stops will be accessible.

Okay. I think this is a follow-up. The example in our case is a customer requesting a bus to stop unusually close to the curb because of their disability, and that is being deemed unreasonable. What is the best way to explain that to them?

Well, obviously you have to get the bus close enough to the curb that you can deploy the lift or the ramp onto the curb. And I guess this is a good time to point out that the regulations do specify that lifts and ramps, you have to accommodate standees on your lift or ramp. So if the issue is the person can't step onto the bus and onto the street and then back onto the curb, then I would say if you really can't get the bus closer to the curb than that, then what you would do is you would deploy the lift to the ramp for that passenger and they would get off the bus that way.

Let's see what else we've got here.

I thought drivers were only required to help with manual wheelchairs, pushing an electric wheelchair up a ramp is not easily possible. Yes, we recognize that and we've put out guidance to that effect.

You know, again, if this has to do with the ramp slope, I would again point out that the requirement is that the bus -- the ramp has to have the least slope practicable not to exceed 1:4 when deployed to the ground. And if that's too steep for someone to negotiate, then they are going to be paratransit-eligible on that basis.

>> DAWN SWEET: Yeah. And we do address this in the circular, too, and explain why there's no requirement for drivers to push . . . power chairs or operate power chairs. In some cases, for example, people may in power chairs exceed the design load of the lift or ramp. That's more potentially an issue with demand responsive services. And they may want to board separately. But the circular does explain that it's unreasonable to expect a driver to know how to operate everyone's chair.

So when it comes to helping people get up ramps, it is specific to manual wheelchairs. And it's important that we emphasize that there's not a requirement that operators be able to physically push 600 pounds, either. They've got to provide a reasonable level of assistance, so that means pushing somebody from behind while they're trying to propel their chair, as well. But the driver doesn't need to take any action that would constitute a direct threat to his or her safety.

>> JOHN DAY: Okay. If an item such as a cart or a stroller is used as a mobility device, is the transit agency required to recognize it as a mobility device? Or is it considered a cart or stroller subject to the baggage rules?

I can certainly speak to the stroller issue. There are strollers that are basically pediatric wheelchairs, essentially, that you would have to accommodate. Carts, I think dawn has addressed.

>> DAWN SWEET: Yeah, right. That's an important point about the pediatric strollers. It comes up a lot. And I think we need to be cognizant that there are some devices out there that children use that look like strollers but do meet the regulatory definition of 37.3 of a wheelchair. So there's that part of it.

If you're talking like shopping carts, the answer is no. And in 2011, DOT added language to Part 37 in Appendix D that addressed shopping carts specifically. So I think if you search "shopping cart," it will come up. And the language says that you do not need to accommodate devices like shopping carts, bicycles, skateboards that aren't intended to be the mobile devices for people with disabilities.

>> JOHN DAY: Okay. What are the timely requirements for repairing stop announcement systems, wheelchair lifts, lights that light the way to wheelchair ramps, et cetera?

If something fails, it needs to be repaired promptly. I think that's the technical term that the regulations use is promptly.

The exception is for wheelchair lifts where when the lift is found to be out of service, the vehicle has to be taken out of service at the end of the service day and can't be put back into service unless and until the lift is fixed.

Now, if that creates a problem with not having enough vehicles to cover, depending upon the population of the area that you serve, you can keep that bus in service for three to five days. But that's the only thing that's rigidly specified in the rule like that.

For stop announcements, I guess the timeliness depends on how long you want to have to depend on the bus driver to announce stops on that particular bus versus getting the enunciators back up online.

So the stop announcements need to be made either way.

For ramps, usually they can be -- usually the ramp can be deployed manually, so that's not that big of an issue.

Let's see. Okay. Let me see what we've got here.

Does FTA still consider a segway a mobility device? We just had a meeting about that this morning, and the 2005 guidance still stands. You can find that on our website at [fta.dot.gov/ada](http://fta.dot.gov/ada).

Here's another one about complaints. You mention the "must reply" does that apply even if the passenger verbalizes no response needed?

>> DAWN SWEET: That's an interesting question. The regs are pretty specific that you have to communicate a response. So that's probably something that we would need to research more. You could submit it through "contact us."

I mean, you definitely want to make sure that you are keeping copies of the complaints for your recordkeeping in case we look at that when we come in for any type of oversight review. And communicate in some way to the complainant. Maybe the response in that case is "we're going look into this and we'll do this if this is what we find out" or "thank you for reporting it."

But some way to kind of close the loop with the complainant that you actually, first, got their complaint and that you're going to take it seriously and respond and maybe that's internally.

>> JOHN DAY: Okay. How does the reasonable accommodation apply to the fixed route? Well, first of all, reasonable accommodation is an employment title issue. It's reasonable modification to policies and practices. And the classic example as how it would apply to the fixed route is an example we just had here in Washington, D.C. last month. We had a major snowstorm. And up until today, a couple of weeks later, we've still had curb ramps plowed under with banks of

snow, bus stops and bus shelters plowed in. And in those cases, you know, it would be reasonable to pull up to the nearest clear area to let somebody on or off the bus. I think that's probably the best example I can think of as an obstructed bus stop and you pull up as far as you need to to let somebody off. We're talking feet, not blocks, certainly not miles.

>> DAWN SWEET: Yeah, I think the other kind of scenario that comes up a lot with fixed route is people who need assistance paying the fare, they don't have the strength or dexterity to swipe the smart card on the fare box. So in that case, you may have a policy that drivers are not to touch fare media. But you would modify that policy to provide assistance.

And we also -- the other issue that comes up a lot, and for some reason lately, is this idea of no shoes, no service policies. So there are people with disabilities who aren't able to wear shoes or maybe they don't have feet. There are all kinds of different scenarios. And so you would need to modify your policy to wave the shoes requirement for people who because of a disability can't wear shoes.

>> JOHN DAY: Okay. I think we've come to the end of our time here today. Thank you, everyone, for participating. If there's any questions that we haven't answered, we've got several ways for you to contact us. Through our "contact us" tool, and we'll get back to you as soon as we can. But thanks, everyone, for participating and apologize again for the technical difficulties.

(end of webinar)

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