

A faded background image of a map showing a street grid. Several areas are highlighted with colored outlines: a red outline on the left, a green outline in the upper left, a purple outline in the center, and an orange outline in the upper right. A yellow line runs diagonally across the map.

# **AMERICANS WITH DISABILITIES ACT**

## **COMPLIANCE RESPONSIBILITIES FOR PUBLIC TRANSIT PROVIDERS**

January 10, 2024



# Session Coverage

- ◆ ADA References and Resources
- ◆ ADA Overview and Definitions
- ◆ General Nondiscrimination Requirements
- ◆ Fixed Route Requirements
- ◆ Demand Response Requirements
- ◆ Complementary Paratransit
- ◆ Provision of Service Requirements
- ◆ Common ADA Findings From Recent ODOT Compliance Reviews

# References and Resources

- ◆ 39 CFR part 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance ([link](#))
- ◆ 49 CFR part 37 – Transportation Services for Individuals with Disabilities ([link](#))
- ◆ 49 CFR part 38 – Accessibility Specifications for Transportation Vehicles ([link](#))
- ◆ FTA Circular 4710.1 ([link](#))
- ◆ FTA Contractors Manual ([link](#))



# ADA Applicability

- ◆ Public and Private Entities that Provide Public Transportation
- ◆ Public Transit Services Provided Under Contract or Other Arrangement
  - University Transportation Systems
  - Taxi Services
  - Vanpools Operated by Public Entities



# Applicability

## ◆ Exclusions

- Elementary and Secondary School Transportation
- Transportation for Recreation, Not Primarily for Transport (e.g., amusement park rides, ski lifts, historic rail cars or trolleys operated in museum settings)
- Transportation Exclusively for Own Employees
- Transportation Systems Operated by Religious Organizations or Private Clubs



# ADA Overview

- ◆ The Americans With Disabilities Act (ADA) of 1990
  - Originally Signed Into Law on July 26, 1990
  - Five Titles, Modeled, in Part, After the Civil Rights Act of 1964
  - Substantial Impact on Public Transportation
  - Oversight Split between Multiple Federal Agencies: US DOJ, US DOT, EEOC, FCC



# Title II of the ADA

- ◆ Subtitle B - Applies To Transportation Services Provided By Public Entities
  - Implementing Agency is the USDOT
  - 39 CFR Part 27
    - Section 504 of the Rehabilitation Act of 1973
  - 49 CFR Parts 37 and 38
    - Part 37 – Key ADA Rule Governing Transit Services
    - Part 38 – Accessible Vehicle Rule



# Definitions

## ◆ Disability

- A Physical or Mental Impairment That Substantially Limits One or More Major Life Activities of an Individual
  - A Record of Such an Impairment
  - Being Regarded as Having Such an Impairment (ADA protects individuals who are regarded as having a physical or mental impairment against adverse actions based on that belief)





# Definitions

- ◆ Physical or Mental Impairment
  - Any Physiological Disorder or Condition, Cosmetic Disfigurement, or Anatomical Loss Affecting One or More of the Following Body Systems:
    - Neurological, Musculoskeletal, Special Sense Organs, Respiratory Including Speech Organs, Cardiovascular, Reproductive, Digestive, Genito-Urinary, Hemic and Lymphatic, Skin, and Endocrine
    - Any Mental Or Psychological Disorder, Such as Emotional or Mental Illness, Specific Learning Disabilities



# Definitions

- ◆ Physical or Mental Impairment
  - The Term Physical or Mental Impairment Includes, But Is Not Limited to, Such Contagious or Non-Contagious Diseases and Conditions as:
    - Orthopedic, Visual, Speech, and Hearing Impairments; Cerebral Palsy, Epilepsy, Muscular Dystrophy, Multiple Sclerosis, Cancer, Heart Disease, Diabetes, Mental Retardation, Emotional Illness, Specific Learning Disabilities, HIV, Tuberculosis, Drug Addiction and Alcoholism



# Definitions

- ◆ Major Life Activities

- Functions Such As Caring For One's Self, Performing Manual Tasks, Walking, Seeing, Hearing, Speaking, Breathing, Learning, and Work



# Definitions

## ◆ Modes of Transit Service

### ○ Fixed Route Service

- System of Transporting Individuals...On Which Vehicles Operate Along a Prescribed Route According to a Fixed Schedule

### ○ Demand Response Service

- Pick-up and Drop-off Passengers at Locations According to Passengers Needs



# Definitions

## ◆ Modes of Transit Service

### ○ Commuter Bus Service

#### ▪ Characterized by:

- Service Predominantly in One Direction
- Operation in Peak Periods
- Limited Stops
- Use of Multi-Ride Tickets as the Fare Media
- Routes of Extended Length

# General Nondiscrimination Requirements

- ◆ Must have a process for addressing ADA complaints that incorporates due process standards and provides for prompt and equitable resolution
- ◆ Must advertise the process for filing an ADA-related complaint through means such as website and rider guides
- ◆ Must publicize the name or title, address, telephone number, and email of an employee designated to coordinate ADA compliance

# General Nondiscrimination Requirements

- ◆ Cannot Require an Individual to Use Designated Priority Seats
- ◆ Cannot Impose Special Charges on Individuals Who Use Wheelchairs
- ◆ Cannot Require That an Individual With Disabilities be Accompanied by an Attendant
- ◆ Cannot Refuse Service Due to Insurance Company Requirements



# Nondiscrimination

- ◆ Refusal of Service due to Rider Conduct:  
An Entity Shall Not Refuse to Provide Service to an Individual With Disabilities Solely Because the Individual's Disability Results in Appearance or Involuntary Behavior That May Offend, Annoy, or Inconvenience Others





# Nondiscrimination

- ◆ DOT Rulemaking
  - October 19, 2011
    - Expanded Conditions When a Transit System May Exclude an Individual from Service
    - The Individual Constitutes a Direct Threat to Others



# Nondiscrimination

- ◆ Service Denial Due to Rider Conduct
  - It Is Not Discrimination For an Entity to Refuse to Provide Service to an Individual With Disabilities Because That Individual Engages In:
    - Violent
    - Seriously Disruptive
    - Illegal Conduct
    - Conduct That Poses a Direct Threat to Others



# Nondiscrimination

- ◆ Service Denial Due to Rider Conduct
  - Seriously Disruptive, Illegal, Violent Behavior
    - Meant to be a High Standard
      - Appearance or Involuntary Behavior That Offends or Inconveniences Other Passengers Does Not Meet This Threshold
    - Most Common Scenario - Passengers with Hygiene Issues
      - FTA Notes That It Would Not be Appropriate to Deny Service
      - Condition Must Disrupt the Provision of Service
      - Appeal to Family, Friends, Case Workers, etc., to Assist in Remedy



# Nondiscrimination

- ◆ Service Denial Due to Rider Conduct
  - Determining a Direct Threat
    - Individual Assessment, Based on Reasonable Judgment
    - Determine Probability That Potential Injury Will Occur
  - Do Not Presume Certain Conduct Will Occur Based on a Specific Disability
- ◆ Best Practice
  - Provide Written Notice Before Imposing Denials



# Nondiscrimination

- ◆ Examples of Common Discriminatory Practices
  - Refusing to Provide Service Because of a Person's Disability
  - Requiring Individuals With Disabilities to Use Seat Belts or Shoulder Harnesses When Other Riders on the Same Vehicle are Not Also Required to do the Same



# Nondiscrimination

- ◆ Examples of Common Discriminatory Practices
  - Requiring Wheelchairs Users to Wear a Special Body Belt as a Condition of Using Lifts
  - Requiring Riders Who Board A Vehicle With a Service Animal to First Disclose the Nature of Their Disability to Receive Transportation



# Nondiscrimination

- ◆ Examples of Common Discriminatory Practices
  - Requiring Adults to Accompany Children Under a Certain Age in Order to Use Complementary Paratransit Service Without Having the Same Age Requirement to Ride the Fixed Route System
  - Prohibiting an Individual With a Disability From Serving as a Personal Care Attendant (PCA) For Another Rider With a Disability



# Accessible Facilities

- ◆ New Facilities

- Must be Accessible

- ◆ Alterations to Existing Facilities

- Must Ensure Accessibility of Altered Portions
- Path of Travel to and From Altered Area(s) Must be Accessible to Maximum Extent Possible
  - Unless the cost of doing so is disproportionate to the cost of the alterations (i.e., exceeding 20 percent of the cost of the alteration to primary area)



# Acquisition of Accessible Vehicles

<b>Service Type</b>	<b>Vehicle Type</b>	<b>Acquisition</b>	<b>Requirement</b>
<b>Public Entities</b>			
<b>Fixed Route Bus</b>	<b>New Non-Rail Vehicles</b>	<b>Purchase or Lease</b>	<b>Accessible</b>
	<b>Used Non-Rail Vehicles</b>	<b>Purchase or Lease</b>	<b>Accessible, unless unable to acquire accessible after a good faith effort</b>
<b>Demand Response Bus</b>	<b>New Non-Rail Vehicles</b>	<b>Purchase or Lease</b>	<b>Accessible unless service for individuals with disabilities is equivalent</b>
	<b>Used Non-Rail Vehicles</b>	<b>Purchase or Lease</b>	<b>Accessible unless service for individuals with disabilities is equivalent</b>

# Reasonable Modifications

- ◆ Public entities are required to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to their services, *unless making such modifications would fundamentally alter the nature of the service or create a direct threat to the health or safety of others*



# Reasonable Modifications

- ◆ Information on the reasonable modification process must be readily available to the public, and must be accessible
- ◆ Advance notice can be required, but flexibility is also needed to handle requests that are only practicable on the spot
- ◆ Individuals requesting modifications are not required to use the term “reasonable modification”



# ADA and Fixed Route Operations

- ◆ Inoperable Lift on Route with Headways Greater Than 30 Minutes
  - Obligation to Ensure Alternative Transportation



# Fixed Route Operations

## ◆ Deployment of Lifts

- Transit Agency Must Permit a Passenger Who Uses a Lift to Disembark From a Vehicle at Any Designated Stop, Unless
  - The Lift Cannot Be Deployed
  - The Lift Will Be Damaged If It Is Deployed
  - Temporary Conditions at the Stop, Not Under the Control of the Entity, Preclude the Safe Use of The Stop By Passengers



# Fixed Route Operations

## ◆ Priority Seating

- Designed for Elderly and Individuals with Disabilities
- Drivers Are Not Required to Compel Passengers Occupying These Seats to Move
- The Transit Agency May Form Its Own Policy on Mandatory Moves



# Fixed Route Operations

- ◆ Adequate Boarding and Disembarking Time
  - The Transit Agency Must Ensure That Adequate Time is Provided to Allow Individuals With Disabilities to Complete Boarding or Disembarking From the Vehicle



# Fixed Route Operations

- ◆ Stop Announcements
  - Must Announce at:
    - Transfer Points with Other Fixed Routes
    - Major Intersections and Destinations
    - Sufficient Intervals Along a Route to Permit Individuals with Visual Impairments to be Able to Orient Themselves to Their Location
  - Manual or Automated Announcements
  - Not Necessary to Use a P.A. System If Vehicle is Small Enough and the Driver Can Be Heard





# Commuter Bus

- ◆ Case-By-Case Analysis Required To Determine If A Fixed Route Qualifies as a Commuter Route
- ◆ **Commuter Bus Service Does Not Require Complementary Paratransit**



# Commuter Bus

- ◆ Characteristics
  - Service Predominantly in One Direction
  - Limited Stops
  - Routes of Extended Length
- ◆ Commuter Services Can be Hybrid (e.g., Traditional Fixed Route for Some Portions and Commuter Service for Reminder)



# Demand Response Operations

- ◆ Key Distinction From Fixed Route:
  - A Passenger Must Interact With the Transit System in Order to Use the Service
- ◆ ADA Service Requirement for Demand Response Services
  - Equivalent Service



# Demand Response Operations

## ◆ Equivalent Service

### ○ Seven (7) Criteria

- Response Time
- Fares
- Geographic Area of Service
- Hours And Days of Service
- Restrictions or Priorities Based on Trip Purpose
- Availability of Information and Reservations Capability
- Any Constraints on Capacity or Service Availability



# Demand Response Operations

- ◆ Equivalent Service
  - Obligation is Only to Provide Equivalent Service – Good or Bad
- ◆ While Acquisition of Accessible Vehicles is Recommended, When Service is Equivalent, Non-Accessible Vehicles May Be Purchased
  - Certification Must Be Submitted to ODOT

# Demand Response Operations

To: ODOT Rail & Public Transit Division – Capital Program Manager  
Regarding: Vehicle Grant Agreement # \_\_\_\_\_

## Certification of Equivalent Service

\_\_\_\_\_ (name of agency) certifies that its demand responsive service offered to individuals with disabilities (as defined in 49 CFR 37.3), 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:

- 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 reservation capability; and,
- 7) Constraints on capacity or service availability.

**Public Demand Responsive Agencies:** In accordance with 49 CFR 37.77, public entities operating demand responsive systems for the general public which receive financial assistance under 49 U.S.C. 5311 or 5307 must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Public entities receiving FTA funds under any other section of the FTA Act must file the certification with the appropriate FTA regional office. **This certification is valid for no longer than one year from its date of filing.**



# Demand Response Operations

- ◆ Equivalent Service

- When a Demand Response Fleet is 100 Percent Accessible, FTA States the Equivalent Service Standard Applicable to Demand Response Systems Does Not Apply
- Presumptive Equivalency

# Demand Response Operations

- ◆ Monitoring for Equivalency
  - Recommended Procedures
    - Periodically Review Trip Denials
      - Calculate the Percentage of Trips Requested by Riders Who Require Accessible Vehicles That Were Denied
        - »  $\frac{\text{Divide Denied Trips Requested by Riders Who Need Accessible Vehicles}}{\text{Total Trips Requested by Riders Who Need Accessible Vehicles}}$
      - Compare This With The Percentage of Trips Requested By Riders Who Do Not Need Accessible Vehicles That Were Denied



# Demand Response Operations

- ◆ Types of Demand Response Service
  - Dial-a-Ride Service
  - Taxi Subsidy Service
  - Vanpool Service
  - *Route Deviation Service - US DOT ADA regulations regard a system that permits user-initiated deviations from routes or schedules as demand response, for which ADA complementary paratransit is not required*



# Demand Response Operations

## ◆ Route Deviation

- Must Accept Deviation Requests From All Riders to be Considered Demand Response
- Must Advertise the Availability of Route Deviations in Schedules and Other Public Information



# Demand Response Operations

## ◆ Route Deviation

### ○ Restrictive Practices

- No Excessive Fares for Deviations
- Limiting the Areas Where Deviations Can Occur
- Limiting Deviations to Specific Trip Purposes
- Capping the Number of Deviations an Individual Can Request
- Limiting Number of Deviations Per Run



# Complementary Paratransit

- ◆ Meant as a Safety Net to Those Individuals With Disabilities Who Cannot Otherwise Navigate or Use an Accessible Fixed Route System
- ◆ All Public Entities Operating Fixed Route Service Must Provide Complementary Paratransit – *remember, deviated fixed routes are considered demand response and do not trigger the requirement to provide complementary paratransit*



# Complementary Paratransit

- ◆ Complementary paratransit service must be provided within a  $\frac{3}{4}$ -mile radius of all fixed routes
- ◆ The fare charged to ADA paratransit riders must not exceed twice the fare that would be charged for a similar trip on the fixed route system



# Complementary Paratransit

## ◆ Origin-to-Destination Service

### ○ Definition

- Origin-to-Destination Service Means Providing Service From a Passenger's Origin to the Passenger's Destination
- Modes
  - Curb-to-Curb
  - Door-to-Door
    - » When An ADA Paratransit Operator Chooses Curb-to-Curb, it Must Provide Assistance to Those Passengers Who Need Assistance Beyond the Curb



# Complementary Paratransit

## ◆ Eligibility Process

- Transit Systems Required to Provide Complementary Paratransit Must Also Institute an Eligibility Process
  - Three Categories
    - Category 1 – Unconditionally Eligible
    - Category 2 – Eligible Due to Lack of Accessible Vehicles, Stops or Stations
    - Category 3 – Temporary or Conditional Eligibility



# Complementary Paratransit

- ◆ If an eligibility decision is not made within 21 days of receipt of a complete application, presumptive eligibility must be granted until a decision is made
- ◆ Persons who are denied eligibility or given conditional or temporary eligibility must be provided written notice with specific reasons for the decision
- ◆ Applicants must be notified of the right to an appeal, including: having at least 60 days to file, an opportunity to be heard, separation of functions, and a written notification of the appeal decision and rationale





# Complementary Paratransit

- ◆ PCAs and Companions
  - Eligible Users Must be Permitted to Travel With a Personal Care Attendant (PCA)
  - PCAs May Not Be Charged a Fare
  - A PCA Typically Assists With One or More Daily Life Activities Such as Providing Personal Care, Performing Manual Tasks, or Providing Assistance With Mobility or Communication
  - Assistance May Not be Tied to the Transit Trip
  - PCAs Can Be Other Individual With a Disability



# Complementary Paratransit

## ◆ PCAs and Companions

- Riders Have the Right to be Accompanied By “At Least One” Companion in Addition to the PCA
- Companions Can Be a Spouse, a Child, a Co-Worker, a Friend, or Anyone Else Traveling With Riders
- Unlike PCAs, Companions May Be Charged the Same Fare as the Eligible Individual
- Transit Agencies Must Accommodate Additional Companions If Space Is Available, Meaning That They Do Not Displace Other Eligible Riders



# Complementary Paratransit

## ◆ Visitors

- Transit Agencies Must Provide Complementary Paratransit Service to Out-of-town Visitors For At Least 21 Days Within a 365-day Period When the Visitor Either:
  1. *Presents documentation from their home jurisdiction indicating that they are eligible, or*
  2. *Has an apparent disability or documentation of the disability*

# ADA Provision of Service Requirements

- ◆ Keeping Accessibility Equipment in Good Working Order
  - Lifts Should be Repaired Promptly
  - Must Take Alternative to Accommodate Individuals with Disabilities In Event of Equipment Failure
  - Requirement Extends Beyond Lifts
    - Any Equipment that Facilitates Use/Access of the Transit Service



# Provision of Service

- ◆ Keeping Accessibility Equipment in Good Working Order
  - Vehicles Must be Removed From Revenue Service Before Next Service Day
    - If No Spare Accessible Vehicle
      - Rural Areas – Up to Five Days in Service, Accommodation Must be Provided
      - Urban Areas – Up to Three Days in Service, Accommodation Must be Provided



# Provision of Service

- ◆ Accommodating Passengers Using Wheelchairs
  - Must Transport All Passengers Using Wheelchairs Within Legitimate Safety Requirements
  - Definition:
    - A Mobility Aid Belonging to Any Class of Three- or More Wheeled Devices, Usable Indoors, Designed or Modified for and Used by Individuals with Mobility Impairments, Whether Operated Manually or Powered
  - The Term “common wheelchair” Was Deleted From 49 CFR Part 37 Effective October 19, 2011



# Provision of Service

- ◆ Legitimate Safety Requirements
  - Combined Weight of Chair and Passenger Does Not Exceed Lift Specifications
  - Inconsistent with Legitimate Safety Requirements
- ◆ Any Transit Agency Policy Requiring Wheelchairs to be
  - Equipped With Specific Features
  - Be in a Specific State of Repair
    - Is Not Permitted



# Provision of Service

## ◆ Legitimate Safety Requirements

- Legitimate Safety Requirements Do Not Apply to Securement
- An Agency Cannot Impose a Limitation on the Transportation of Wheelchairs and Other Mobility Aids Based on the Inability to Secure the Device to the Satisfaction of the Transit Agency
  - DOT ADA regulations require transit personnel to use their best efforts to secure the device. Operators cannot refuse to accommodate a wheelchair because the device cannot be secured to the driver's satisfaction.





# Provision of Service

- ◆ Accommodating Other Devices
  - Agencies Are Not Required to Permit Other Types of Assistive Devices to be Used In Ways That Depart From or Exceed Their Intended Uses
    - Agencies Are Not Required To Permit Riders Who Use Walkers With Built-in Seats To Ride In Securement Areas While Seated on Their Walkers
      - You Can Require These Individuals to Transfer to a Vehicle Seat



# Provision of Service

- ◆ Seatbelt and Shoulder Harness
  - A Transit Agency is Not Permitted to Mandate That Individuals Using Wheelchairs Use Seat Belts and Shoulder Harnesses, Unless the Agency Mandates the Use of These Devices by All Passengers



# Provision of Service

- ◆ Standees on Lifts

- A Transit Agency Must Permit Individuals With Disabilities Who Do Not Use Wheelchairs, Including Standees, to Use a Vehicle's Lift or Ramp to Enter the Vehicle



# Provision of Service

- ◆ Other Passenger Assistance
  - Boarding/Disembarkment
  - Fare Payment Assistance – Yes (But Not Required to Reach Into Purses, Pockets, etc.)
  - Personnel Care Attendants
    - While Only Noted in Sections on Complementary Paratransit, All Modes Should Permit PCAs to Ride for Free
  - Luggage and Packages – Not an ADA Requirement
    - Use Sound Local Policies



# Provision of Service

## ◆ Service Animals

- Difference in US DOT Regulation from US DOJ
  - Service Animals Are Animals That Are Individually Trained to Work or Perform Tasks
    - May Ask If an Animal Is a Service Animal
    - May Ask What Tasks the Animal Has Been Trained to Perform
    - Cannot Require Special ID Cards or Harnesses For the Animal
    - Animal Must Be Under Control of Passenger



# Provision of Service

- ◆ Portable Oxygen
  - Must Allow Travel With a Respirator or Personal Oxygen Supply, Consistent With Applicable USDOT Rules Regarding Transport of Hazardous Materials



# Provision of Service

## ◆ Accessible Information

- All Materials Necessary for a Customer to Use the Service (e.g., Schedules, Route Brochures, User Guides) Must be Available in Alternative Formats, Upon Request
- Information on How to Access Such Material Should be Clearly Printed on All Such Documents
- No Single Format Prescribed – Use a Format the Individual with Disabilities Can Use



# Provision of Service

- ◆ Accessible Information
  - Although USDOT Rules Do Not Specifically Mention Accessibility of Websites, FTA Urges Transit Systems to Refer to DOJ guidance, “Accessibility of State and Local Government Websites to People with Disabilities”

<https://www.ada.gov/websites2.htm>





# Provision of Service

- ◆ Alternative Telecommunications
  - System Must Have Means of Providing Telecommunication Access to Persons with Speech and Hearing Disabilities
  - Providing Accessible Information Includes Offering Alternatives to Voice Telephone Communications, Such as Using (and Having Appropriate Personnel Trained to Use) the National “711” Relay Service



# Provision of Service

- ◆ Training Personnel to Proficiency
  - Training To Proficiency Means That, Once Trained, Personnel Can Consistently and Reliably Operate Accessibility Features, Provide Appropriate Assistance to Individuals With Disabilities
  - Treat Riders in a Respectful and Courteous Way



# Provision of Service

- ◆ No-Shows/Suspensions
  - Transit Agencies May Suspend Riders Who Establish a Pattern or Practice of Missing Scheduled Trips After Providing a Rider Due Process
  - Only Actions Within the Control of the Individual May Count as Part of a Pattern or Practice
  - Late Cancellations (<2 Hours) Can be Counted as No-Shows



# Provision of Service

## ◆ No-Shows/Suspensions

- The threshold for establishing a “pattern or practice” of missing scheduled trips and/or making late cancellations must take into account frequency of rides and no-shows, and not use a simple number threshold
- Example
  - *“Within a 30-day period, three (3) or more no-shows/late cancellations that also represent at least 50 percent of scheduled trips will be grounds for temporary suspension of service.”*



# Provision of Service

- ◆ No-Shows/Suspensions
  - Due Process
    - Notify User in Writing of Suspension
    - Provide Opportunity for Appeal
    - Provide Opportunity to Present Evidence, be Represented by Counsel, etc.
    - Appeal Should be Heard by a Party Other Than the Individual Who Evaluated/Granted Suspension



# Provision of Service

## ◆ No-Shows/Suspensions

### ○ Duration of Suspension

- Suspensions Should be for a “Reasonable” Period
- Example
  - One Week on First Suspension
- Subsequent Suspensions Can be Progressively Longer (14, 21, and 30 Days)
- FTA Considers Suspensions Longer Than 30 Days Excessive

# Common ADA Findings From Recent ODOT Compliance Reviews

1. Failure to establish or communicate ADA complaint process, failure resolve promptly complaints, failure to maintain documentation pursuant to retention policy
2. Does not communicate the option for the public to request reasonable modification of policies, practices, or procedures
3. Denial of service or disruptive passenger policies inconsistent with ADA regulations
4. No-show suspensions are excessively long, do not take into account frequency of use, do not recognize factors beyond the control of the user, or do not permit due process

# Common ADA Findings From Recent ODOT Compliance Reviews

5. Personnel are not trained to proficiency
6. System does not make or fails to communicate that written material is available in alternative formats upon request
7. Service animals policies not consistent with the USDOT regulations
8. Failure to provide complementary paratransit in accordance with the required service criteria or failure to monitor performance
9. The subrecipient or operator has acquired non-accessible vehicles for demand response service without filing the required certification





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