

## 17. American with Disabilities Act

---

Section 504 of the Rehabilitation Act of 1973, as amended by 29 U.S.C. 794, prohibits discrimination on the basis of handicap by recipients of federal financial assistance. The ADA, as amended by 42 U.S.C. 12101 et seq., affords equal opportunity for employment, transportation, telecommunications, and places of public accommodation for people with disabilities (commuter bus services is exempt). Caltrans and subrecipients must also comply with 49 CFR Parts 27, 37, and 38 implementing the ADA and Section 504 in ensuring those requirements are met through these provisions:

- Prohibit discrimination against individuals with disabilities.
- Specify accessibility requirements for the design and construction of new transportation facilities.
- Require that vehicles acquired be accessible to and usable by individuals with disabilities, including individuals using wheelchairs (with limited exceptions for demand responsive systems providing equivalent service to individuals with disabilities) or a demonstration of inability to obtain an accessible vehicle despite good faith efforts to do so.
- Require governmental authorities, including a private non-profit entity “standing in the shoes” of the State as subrecipient operating fixed route transit must have complementary paratransit plans on file. Subrecipients of federal funds should ensure compliance in the areas of employment, public services, public accommodations, telecommunications, and other provisions. Certification is accomplished annually through the funding application packages containing appropriate assurances.

To ensure compliance with the ADA and US DOT regulations, Caltrans requires that subrecipients who operate fixed route transportation services for the general public must provide ADA complementary paratransit service for persons who, because of disability, are unable to use the fixed route system. The ADA regulations (49 CFR Parts 27, 37, and 38) include six service criteria (service, comparable response time, comparable fares, no trip priorities, days and hours, and capacity constraints) which must be met by the ADA complimentary paratransit service providers.

If a subrecipient operates a fixed route transit service, the subrecipient must describe how it meets the ADA complimentary paratransit requirement in the annual application for FTA funds.

Subrecipients who provide other route deviation transit services in lieu of ADA complementary service such as deviated fixed-route or demand responsive must make the service accessible and available to the general public. To be considered demand responsive, service provided must deviate for the general public, not just for persons with disabilities meeting paratransit eligibility criteria. If deviations are restricted to a particular group, the service ceases to be a form of demand-responsive service for the general public and ADA complementary paratransit service is required.

Caltrans also requires that all vehicles purchased with FTA funds are wheelchair accessible. In addition to the federal accessibility requirements, California State law, Government Code 4500, requires all new vehicles used for public fixed route bus service be accessible to persons with disabilities, including wheelchair users. All subrecipients certify when signing the Standard Agreement that they will comply with 49 CFR 27 implementing the ADA. For agencies purchasing vehicles directly, Caltrans reviews all bid specifications and procurement contracts to ensure that subrecipients specifically comply with Parts 37 and 38 of the ADA, Accessibility Standards.

Subrecipients must have an approved ADA paratransit plan in place and make a copy of the plan available to Caltrans HQ. Also, if changes are made to the plan subrecipients shall update the plan to reflect changes in the plan January 31 each year that changes were made to the plan. As need Caltrans shall review and approve the ADA plans and updates.

Subrecipients shall notify the public of the ADA policy on the service providers website and in their riders guide.

Subrecipient shall certify annually in compliance certificate of continued compliance with complementary paratransit service as required in 49 CFR part 37.

Caltrans staff shall conduct periodic reviews of fixed route transit and ADA Complimentary Paratransit services operated by subrecipients.

Additionally, Caltrans requires that all vehicles acquired with FTA funds are equipped, maintained, and operated in accordance with 49 CFR Parts 27, 37, and 38 and that the service provided does not discriminate against individuals with disabilities. All federally funded vehicles and newly constructed facilities, including joint use stops and depots for intercity bus transportation, must comply with ADA accessibility standards.

Prior to approval of bid documents, Caltrans will forward the Transit Facility PS&E Checklist, and Plans, Specifications and Estimates Certification forms to the subrecipient. These forms must be completed by the resident engineer and returned to Caltrans certifying that the project meets federal and state requirements to include ADA standards.

The ADA requires of transportation providers a number of specific service provisions to be in place and operational. As part of the triennial on-site monitoring visit, Caltrans staff will require subrecipients to respond to a series of questions to monitor compliance with ADA-required service provisions by Caltrans staff including:

- Subrecipient ADA Paratransit Plan
- Complimentary Paratransit service operated by fixed route service providers
- Route deviation systems used in lieu of the ADA complimentary paratrasit to ensure accessible vehicles used and that the service is available to the general public
- Website of service providers to ensure accurate service information is provided and that service provided is advertised to the general public
- Maintenance of accessible features
- Procedures to ensure lift availability
- Use of lifts and securement devices
- Vehicle identification mechanisms if vehicles for more than one route serve the same stop
- Use of service animals
- Use of accessibility features
- Accessible formats for public information and communications
- Lift and/or ramp deployment
- Service for persons using respirators or portable oxygen (per Title 13)
- Adequate time for boarding and disembarking vehicles
- Service provider drivers are proficient in using the ADA equipment in their vehicle
- Training

Subrecipients should undertake all reasonable means to provide for the needs of sight and hearing impaired individuals in their communications within their facilities. Braille-etched sign and other forms of written communication as well as telephone devices for the hearing impaired are some examples of facility improvements, which are covered under the ADA.

~~All vehicles purchased with FTA funds are wheelchair accessible. In addition to the federal accessibility requirements, California State law, Government Code 4500, requires all new vehicles used for public fixed route bus service be accessible to persons with disabilities, including wheelchair users. All subrecipients certify when signing the Standard Agreement that they will comply with 49 CFR Part 27 implementing the ADA. For those agencies purchasing vehicles directly, Caltrans reviews all bid specifications and procurement contracts to ensure that subrecipients specifically comply with Parts 37 and 38 of the ADA,~~

~~Accessibility Standards. As part of the triennial on-site monitoring visit, subrecipients are required to respond to a series of questions to monitor compliance with ADA required service provisions including:~~

- ~~• Maintenance of accessible features.~~
- ~~• Procedures to ensure lift availability.~~
- ~~• Use of lifts and securement devices.~~
- ~~• Vehicle identification mechanisms if vehicles for more than one route serve the same stop.~~
- ~~• Use of service animals.~~
- ~~• Use of accessibility features.~~
- ~~• Accessible formats for public information and communications.~~
- ~~• Lift and/or ramp deployment.~~
- ~~• Service for persons using respirators or portable oxygen (per Title 13).~~
- ~~• Adequate time for boarding and disembarking vehicles.~~

~~Caltrans must also ensure that all vehicles acquired with FTA funds are equipped, maintained, and operated in accordance with 49 CFR Parts 27, 37, and 38 and that service provided does not discriminate against individuals with disabilities. All federally funded vehicles and newly constructed facilities, including joint use stops and depots for intercity bus transportation, must comply with ADA accessibility standards.~~

~~Prior to approval of bid documents, Caltrans forwards the Transit Facility PS&E Checklist, and Plans, Specifications and Estimate Certification forms to the subrecipient. These forms are completed by the resident engineer and returned to Caltrans certifying that the project meets federal and State requirements to include ADA standards.~~