

Access to Transportation by People with Disabilities
Illustrations of Implementation from the United States – Quick Reference

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This paper provides examples of the implementation of U.S. disability laws pertaining to accessible transportation. A more detailed description is provided in the attached policy paper.

Legislation

Under the Americans with Disabilities Act (ADA), individuals cannot be denied transportation services because of a disability. The Air Carrier Access Act (ACAA) is a separate statute specifically for air travel, but provides the same nondiscrimination requirement. In promulgating these statutes, federal agencies were mindful of several types of existing barriers and addressed these issues when crafting regulations, which apply to all public entities, and those private entities whose primary business is transporting individuals.

- **Physical Barriers**

Federal law and regulations require modifications which include providing alternative transportation systems (paratransit) to individuals with disabilities; installing wheelchair lifts and securement devices on buses and ensuring that these lifts and devices are properly maintained; providing accessible rest stops, stations, and airport facilities (including restrooms, elevators, and station platforms); assisting in boarding passengers with disabilities when needed; allowing service animals to accompany individuals with disabilities in facilities and vehicles; ensuring accessible public rights-of-way (including curb cuts and ramps on sidewalks); and making any other reasonable modifications to policies or practices in order to comply with the ADA or ACAA. One example of a modification in a policy or practice is allowing passengers with disabilities to give their bus fare directly to the bus driver rather than to place the coinage in the fare machine.

- **Informational Barriers**

Federal regulations also require accessible travel information. These modifications include announcing bus stop and transfer points on buses and providing signage that can be easily understood by individuals with sensory or developmental disabilities.

- **Attitudinal Barriers**

The Department of Transportation (DOT) regulations also require proper training of transit employees, which includes treating passengers with disabilities in a respectful and courteous manner, while also recognizing the differences in types of disabilities.

DOT awards grants annually for new local programs and initiatives that improve accessible transportation. In addition, DOT, along with the Department of Justice (DOJ), has implemented several safeguards to help ensure that individuals are not discriminated against because of a disability.

- **Technical Assistance**

DOT and DOJ offer technical assistance to help the transportation industry, the disability community, and other individuals or entities that have rights and responsibilities under the ADA and ACAA provisions better understand the law. Technical assistance is offered through a variety of methods, including the dissemination of literature and several websites that provide guidance on the implementation of the statutes.

- **Compliance Monitoring**

DOT will periodically review ADA and ACAA compliance reports, which must be furnished by entities receiving federal transportation funding. Reports usually contain the background of the entity's transportation system, findings and observations of ADA compliance, and recommendations. Along with the report, entities are required to keep all complaints on file.

- **Enforcement**

Upon receiving a complaint against a public entity for an ADA violation, DOT will investigate the complaint, attempt conciliation, and if necessary, take action against the entity, including making cuts in financial assistance. DOT can only enforce complaints against public entities for ADA violations involving transportation; complaints against private entities are under the jurisdiction of DOJ. Individuals who have experienced discrimination can also pursue an ADA claim through the courts. Under the ACAA, air carriers are required to implement their own grievance process; however, violations of the ACAA can result in enforcement action by DOT. For many years most courts recognized an implied private right of action to enforce the ACAA, but in the last few years the courts have moved to prohibit hearing these claims.¹

¹ "Position Paper on Amending the Air Carrier Access Act to Allow for Private Right of Action" (National Council on Disability, July 8, 2004), available at: <http://www.ncd.gov/newsroom/publications/2004/aircarrier.htm>.

Other Initiatives

President George W. Bush has established the Federal Interagency Coordinating Council on Access and Mobility, a collaboration between various federal agencies. The Council has launched a “United We Ride” initiative, providing resources to promote governmental and non-governmental collaboration in the provision of improved transportation for individuals with disabilities. One resource under the initiative is a “Framework for Action” self-assessment tool, to assist states and local communities in identifying areas for improvement in transportation.

Several agencies and the disability community have engaged in informal collaboration to eliminate barriers for people with disabilities in the context of airport security screening. The collaboration has led to the development of guidelines and training programs to increase awareness of disability issues among security staff and ensure the rights of travelers with disabilities and their traveling companions during security screenings.

The U.S. Department of Agriculture (USDA) and DOT have collaborated to improve access to transportation by people with disabilities in rural areas. The USDA, for example, offers direct and guaranteed loans and grants to facilitate the development of public transportation facilities serving rural populations, where an estimated 40 percent of Americans with disabilities have no public transportation available to them.