



**Statewide  
Independent Living  
Council of Georgia**



# GENERAL ACCESSIBILITY

**REQUIREMENT:** “Public and private entities providing transportation services shall maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signage and systems to facilitate communications with persons with impaired vision or hearing” § 37.161 (a)

“Accessibility features shall be repaired promptly if they are damaged or out of order. When an accessibility feature is out of order, the entity shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature” § 37.161 (b)

**DISCUSSION:** The regulations do not state a time limit for making particular repairs, given the variety of circumstances involved. As Appendix D to § 37.161 notes, however, “repairing accessible features must be made a high priority.”



For vehicles, examples of accessibility features include:

- Lifts and ramps, Lighting, Mobility aid securement areas and systems
- Public address and other communications equipment, Seat belts and shoulder harnesses (where securement systems are required) Signage For facilities, examples of accessibility features include: Accessible paths to and within facilities Communications equipment, Elevators, Fare vending equipment and fare gates, Platforms and handrails Ramps, Signage To meet the § 37.161(a) and (b) requirements, transit agencies are obligated to inspect all accessibility features often enough to ensure they are operational and to undertake repairs or other necessary actions when they are not.
- Consider the effect the maintenance activities (and potential outages) will have on system wide accessibility and provide replacement service if necessary during such periods. Refrain from taking elevators out of service simultaneously at multiple busy rail station hubs.

### **ACCOMMODATING RIDERS WHO RELY ON WORKING ACCESSIBILITY FEATURES:**

When an accessibility feature is not working due to maintenance or repairs or unexpected outages, § 37.161(b) requires a transit agency to “take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature.”

The regulations do not prescribe a particular method for accommodating individuals, but the method an agency chooses must be effective. An accommodation may be as simple as designating personnel to provide information to customers when a public address system is out of order. One of the most common accommodations, however, involves elevators. When a station elevator is out of service due to mechanical failures or for schedule maintenance, accommodations are often needed in order to prevent riders from being stranded and to allow them to continue to use the system.

### **TO VIEW THE FULL FEDERAL ADA REGULATIONS DOCUMENT PLEASE VISIT:**

<https://tinyurl.com/federaladaregulations>



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# TRANSPORTATION & WHEELCHAIRS

**ACCOMODATING RIDERS USING WHEELCHAIRS:** “Except as provided in this section, individuals using wheelchairs shall be transported in the entity’s vehicles or other conveyances.

(1) With respect to wheelchair/occupant combinations that are larger or heavier than those to which the design standards for vehicles and equipment of 49 CFR Part 38 refer, the entity must carry the wheelchair and occupant if the lift and vehicle can accommodate the wheelchair and occupant. The entity may decline to carry a wheelchair/occupant if the combined weight exceeds that of the lift specifications or if carriage of the wheelchair is demonstrated to be inconsistent with legitimate safety requirements.

(2) The entity is not required to permit [riders who use] wheelchairs to ride in places other than designated securement locations in the vehicle, where such locations exist” (§ 37.165(b)).

Under § 37.165, transit agencies must transport individuals using wheelchairs if their devices meet the definition of a wheelchair and can be accommodated on



the vehicle (e.g., they fit on the lift or ramp and in the securement area). A vehicle that complies with the base Part 38 specifications will be able to accommodate, at a minimum, all occupied wheelchairs weighing up to 600 pounds and measuring 30 inches in width and 48 inches in length (formerly known as a “common wheelchair”). Vehicles that exceed the minimum Part 38 specifications (e.g., those that have lifts with design loads of 800 pounds and securement areas larger than 30 x 48 inches) will accommodate larger, heavier devices.

**WHEELCHAIR DEFINITION:** A wheelchair is defined in § 37.3 as “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 definition does not include devices not intended for indoor use (e.g., golf carts or all-terrain vehicles) or devices not primarily designed to assist individuals with mobility impairments (e.g., bicycles or tricycles). It is important to note that the definition of a wheelchair does not require specific elements or equipment such as front rigging (footplates or leg rests), wheel locks or brakes, push handles, or positioning belts or harnesses. Any transit agency policy, therefore, requiring wheelchairs to be equipped with specific features in order to be transported or allowing for the denial of service because of the perceived condition of a passenger’s mobility device is not permitted under § 37.165(b) and would be a discriminatory policy prohibited by § 37.5(a). If a transportation provider has a vehicle and equipment that meets or exceeds standards based on Access Board guidelines, and the vehicle and equipment can in fact safely accommodate a given wheelchair, then it is not appropriate, under disability nondiscrimination law, for the transportation provider to refuse to transport the device and its user.

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# SERVICE ANIMALS

**WHAT IS CONSIDERED A SERVICE ANIMAL?** “The entity shall permit service animals to accompany individuals with disabilities in vehicles and facilities” (§ 37.167(d)). Per § 37.3, a service animal is: Any guide dog, signal dog, or miniature horse individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. Service animals are animals that are “individually trained to work or perform tasks.” If an animal’s only function were to provide emotional support or comfort for the rider, for example, that animal would not fall under the regulatory training-based definition of a service animal. However, the ADA regulations do not prohibit a transit agency from choosing to accommodate pets and comfort animals, which would be a local decision.



**WHAT QUESTIONS CAN BE ASKED?** Transit agencies cannot have a policy requiring riders to provide documentation for their service animal before boarding a bus or train or entering a facility, but personnel may ask riders two questions:

1. Is the animal a service animal required because of a disability?
2. What work or task has the animal been trained to perform?

The following guidance also applies to service animals: Transit agencies may refuse to transport service animals that are deemed to pose a direct threat to the health or safety of drivers or other riders, create a seriously disruptive atmosphere, or are otherwise not under the rider's control. For example, a rider with a service dog is responsible for ensuring the dog does not bite the driver or other riders.

**NOTICE AND EXPECTATIONS:** On complementary paratransit or other demand responsive services, transit agencies may ask riders for notification of their intent to ride with a service animal in order to help ensure adequate space is available for the animal. (An optional good practice is to keep such information in riders' files.) The regulations explicitly state that service animals must be allowed to accompany individuals on vehicles and in facilities. Encountering a service animal in the transit or other environment is an expected part of being in public.

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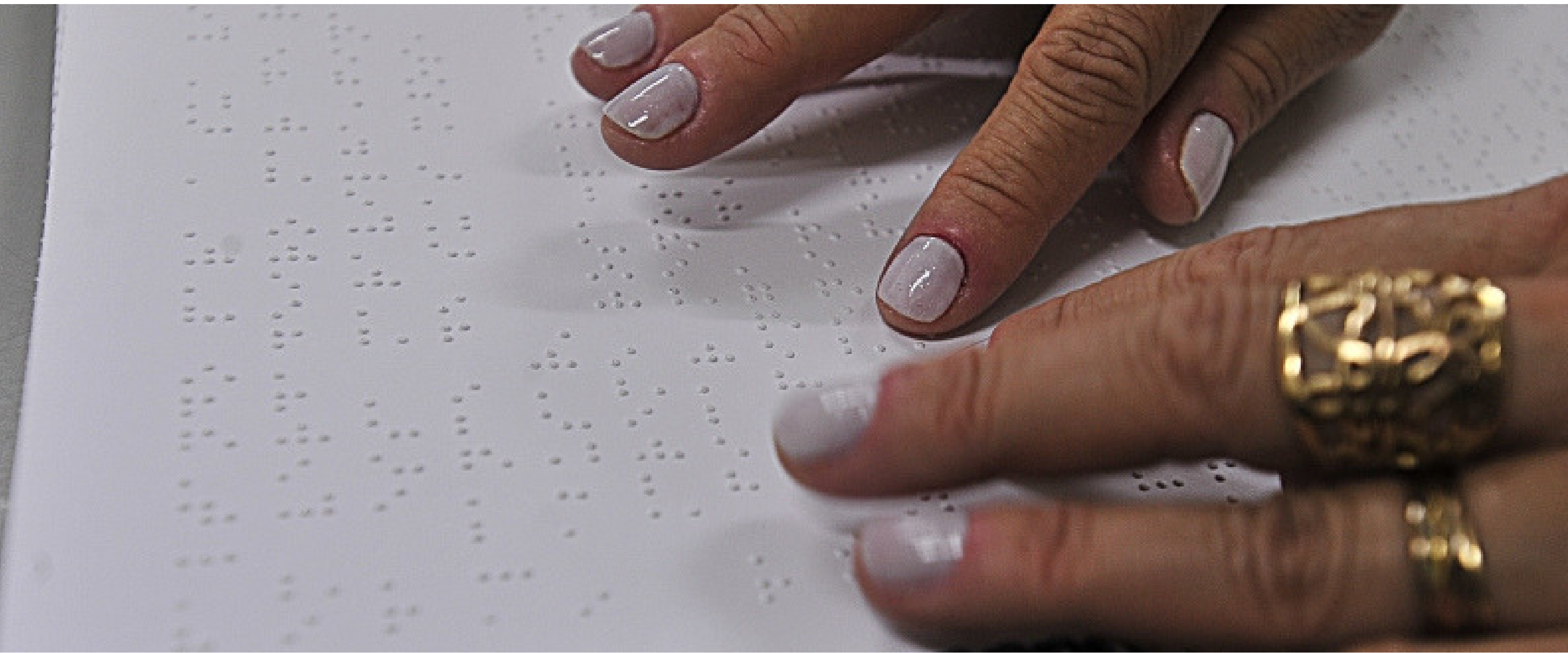
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# VISION | SPEECH | HEARING IMPAIRMENTS

**EFFECTIVE COMMUNICATION:** ADA regulations are applicable to public accommodations, specifically visual impairment is listed as one of the conditions considered a disability and “seeing” as a major life activity (29 CFR pt. 36 § 36.104(c)).notes, however, “repairing accessible features must be made a high priority.” ADA requires public entities (state and local governments) and private entities (businesses and nonprofit organizations that serve the public) to provide auxiliary aids and services to make sure that individuals with speech, hearing and vision disabilities can understand what is said or written and can communicate effectively.

**AUXILIARY AIDS:** Examples of common auxiliary aids and services include: qualified sign language interpreters, in-person or through video remote interpreting (VRI) services, note takers , or the exchange of written notes, real-time computer-aided transcription services written materials, telephone handset amplifiers, assistive listening devices, and systems telephones compatible with hearing aids, closed-caption decoders, open and closed captioning, including real-time captioning voice, text, and video-based telecommunications products



and systems, including text telephones (TTYs), videophones, and captioned telephones or equally effective telecommunications devices, videotext displays, qualified readers, taped texts audio recordings, brailled materials and displays, screen -reader software, magnification software, optical readers, secondary auditory programs (SAP), large print materials, and accessible electronic and information technology. Public entities must use the aid or service that the individual with a disability requests unless an equally effective means is available or it would impose an undue burden. A private business should ask individuals with disabilities what communication method they prefer, but may choose a different method as long as it results in effective communication. A public entity or private business must pay for the auxiliary aid or service unless it can demonstrate that it would be an undue financial burden. In that case, the entity must provide a different auxiliary aid or service to provide effective communication. Public entities and private businesses cannot require an individual with a disability to bring someone to interpret for him or her.

**FOR FURTHER REFERENCE AND MORE DETAILED INFORMATION PLEASE VISIT:**

<https://www.ada.gov/effective-comm.htm>

[https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final\\_FTA\\_ADA\\_Circular\\_C\\_4710.1.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_FTA_ADA_Circular_C_4710.1.pdf)



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# REPORTING ADA VIOLATIONS

You can file an Americans with Disabilities Act (ADA) complaint alleging disability discrimination against a State or local government or a public accommodation (private business including, for example, a restaurant, doctor's office, retail store, hotel, etc.). A complaint can be filed either online using the link below, by mail, or by facsimile.

Please keep a copy of your complaint and the original documents for your own records.

**TO FILE AN ADA COMPLAINT ONLINE:** To complete online form please visit

- ENGLISH: <https://www.ada.gov/complaint/>

- EN ESPANOL: <http://www.ada.gov/complaint/?language=es>



**TO FILE AN ADA COMPLAINT BY MAIL:** Print off the ADA complaint form from the following website (<https://www.ada.gov/t2cmpfrm.htm>) & send completed form to:

US Department of Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section – 1425 NYAV  
Washington, D.C. 20530

**TO FILE AN ADA COMPLAINT BY FACSIMILE:** Fax the completed ADA complaint form to: (202) 307-1197.

## **2. WHAT INFORMATION SHOULD MY ADA COMPLAINT INCLUDE?**

- Your full name, address, the telephonenumber numbers where we can reach you during the day and evening, and the name of the party discriminated against (if known);
- The name and address of the business, organization, institution, or person that you believe has committed the discrimination;
- A brief description of the acts of discrimination, the dates they occurred, and the names of individuals involved;
- Other information you believe necessary to support your complaint, including copies (not originals) of relevant documents; and
- Information about how to communicate with you effectively. Please let us know if you want written communications in a specific format (e.g., large print, Braille, electronic documents) or require communications by video phone or TTY.

You may use the ADA online complaint form for any ADA complaint, but you are not required to do so.

## **3. WHAT ACCOMMODATIONS MAY I REQUEST IF I CANNOT PREPARE MY OWN ADA COMPLAINT BECAUSE OF MY DISABILITY?**

If you are unable to write because of your disability and are unable to submit a complaint online, by mail, or facsimile, the Department can assist you by scribing your complaint by phone or, for individuals who communicate by American Sign Language, by videophone. Contact the ADA Information Line at 1-800-514-0301 (voice) or 1-800-514-0383 (TTY) to schedule an appointment. Please be advised that it may take two weeks or more for Department staff to contact you.



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