

# EQUIPMENT MAINTENANCE

THIS SERIES OF TOPIC GUIDES INCLUDES:

- 1** Equipment Maintenance
- 2** Stop Announcements and Route Identification
- 3** Eligibility for ADA Paratransit
- 4** Telephone Hold Time in ADA Paratransit
- 5** Origin To Destination Service in ADA Paratransit
- 6** On-Time Performance in ADA Paratransit
- 7** No-Shows in ADA Paratransit

A Series of  
Topic Guides  
for Transit  
Agencies,  
Riders, and  
Advocates on  
the Americans  
with Disabilities  
Act (ADA) and  
Transportation

The series is available at <http://dredf.org/ADAtg>

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## INTRODUCTION

The Americans with Disabilities Act (ADA) requires transit agencies to maintain in operative condition those features of facilities and vehicles necessary to make the facilities and vehicles accessible. This requirement applies to the full range of accessibility features, including elevators in train stations, wheelchair lifts and ramps on buses, accessibility-related signage, and many other features and equipment.

This Topic Guide on Equipment Maintenance<sup>3</sup> first explains the ADA maintenance requirements and provides suggestions for best operational practices to implement these requirements. Then, after discussing additional points that riders and advocates need to know, including the rider's role in equipment maintenance, subsequent sections discuss additional practices for transit agencies related to selecting vehicles and equipment, policies and training, preventive maintenance, bus stop accessibility, monitoring, complaint investigation, and discipline that help ensure accessibility equipment is maintained in good working order, consistent with the ADA requirements.

The Topic Guide Series on ADA Transportation is for transit agencies, public transit riders, and disability advocates. The Topic Guides bring together the requirements of the ADA and the U.S. Department of Transportation (DOT) ADA regulation, Federal Transit Administration (FTA) determinations, and best operational practices on each topic. The Federal Transit Administration enforces the ADA in the area of publicly funded transit. Readers who wish to understand the most authoritative and up-to-date interpretations of the ADA transportation requirements may wish to check both the text and endnotes of this Topic Guide to find specific FTA determinations on particular equipment maintenance issues.

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### **FTA determinations in ADA compliance reviews indicate key transit agency requirements and responsibilities.**

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The determinations FTA makes in its ADA compliance reviews indicate key transit agency requirements and responsibilities that are important for transit agencies to implement. In each ADA compliance review, FTA *Findings* are the basis for corrective actions by the transit agency. FTA *Recommendations* identify one possible way to address the Findings. Many of the reviewed agencies have implemented service improvements since the time of their reviews. The FTA ADA compliance reviews may be found in full at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3899.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3899.html), or go to [www.fta.dot.gov/ada](http://www.fta.dot.gov/ada) and select FTA ADA Compliance / ADA Compliance Review Final Reports.

The Topic Guide series on ADA Transportation also draws information from many other sources, including DOT Disability Law Guidance; FTA ADA Letters of Finding and Bulletins; Transportation Research Board and National Council on Disability publications; National Transit Institute courses; Easter Seals Project ACTION publications and Distance Learning Sessions; American Public Transportation Association draft Recommended Practices; and the recommendations of nationally recognized ADA transit operators, planners, and researchers on the best operational practices for implementing ADA requirements.

## MAINTAIN ACCESSIBLE FEATURES IN OPERATIVE CONDITION

The ADA requires transit agencies to maintain in operative condition those features of facilities and vehicles necessary to make the facilities and vehicles accessible.<sup>4</sup> These features include lifts, ramps, kneeling mechanisms (often called kneelers), automatic stop announcement annunciators, and wheelchair securement devices on buses and vans (also referred to as tie-downs) as well as elevators and escalators, signage, fare payment equipment, clear paths of travel, public address systems, the proper gaps between platforms and rail cars, and other systems to facilitate communications with people with impaired vision or hearing.

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### Accessibility features must be repaired promptly.

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The ADA requires that accessibility features must be repaired promptly. When an accessibility feature is out of order, the transit agency must take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature.

While isolated or temporary interruptions in service or access due to maintenance or repairs do not constitute illegal discrimination, a pattern of such interruptions in service, or an overly long interruption in service could be considered discrimination. This concept, which underlies the ADA maintenance of accessible features requirement, acknowledges that any piece of equipment or feature can break down on occasion, without necessarily violating the ADA. However, if there is a *pattern* of breakdowns in service, or an *overly long* interruption in service, that may constitute discrimination, because it can indicate a failure by transit agencies to make consistent, diligent efforts to keep accessibility equipment in working order.

Compliance with the ADA maintenance requirements entails transit agency efforts in every phase of operations including design, policy, training, inspection, maintenance, repair, monitoring, complaint investigation, and discipline.

## ELEVATORS

Elevator maintenance in rapid, light, commuter, and Amtrak train stations is a key equipment maintenance issue. Where elevators are part of an accessible route in rail stations, elevator outages render the train system inaccessible to many people with disabilities.

### *Redundant Elevators*

At the time of construction, having two elevators per station in each location, thereby providing redundancy in case one elevator stops working, is a best practice. Transit agencies should consider installing redundant elevators at all existing key stations with elevators in rapid, light, and commuter rail, and at all Amtrak stations with elevators.

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**Elevators should be inspected frequently.**

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### *Inspection of Elevators*

All elevators should be inspected frequently. A best practice is for station inspectors to check elevators and escalators for any problems at the start of each day of service. If a train system has station attendants, it is a best practice for their jobs to require checking elevators regularly throughout the service day.

### *Elevator Outages*

It is important to have a central data collection point for all elevator outage issues. Elevator breakdown information should come from many sources—through calls and complaints from riders, by station attendants, from station inspectors, by maintenance and repair contractors, and so forth. Unless all this information is centralized, it will be difficult to give riders accurate information about the status of elevators.

The public information office should work from this central elevator status database to send elevator outage messages throughout the system and to post elevator status information and alternative transportation policies online. Elevator outage and alternative transportation information should also be posted on signs in all stations. It is a best practice to place this information at all entrances to stations with inoperable elevators, including the accessible entrances, so that riders will discover the problem before they enter the station. System-wide announcements should be made over the public address system in all stations as well as on board all trains.<sup>5</sup> It is a good practice to have a centralized phone system so riders can check in advance to ensure they can use their desired station. Some transit agencies send e-mails or

text messages to interested riders regarding periods of elevator outage and alternative transportation information.

When an accessibility feature such as an elevator is out of order, the transit agency must take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature. Many rail systems provide a temporary wheelchair-accessible shuttle van service from a nearby station (also termed a shuttle bridge) in order to assist riders who need the inoperable elevator to reach their desired station.

In stations equipped with escalators and one elevator, but no stairs, if the elevator stops working, there may occasionally be an individual with a disability who may not be able to use the moving escalator to exit the station. For example, some people with depth perception disabilities, some people who move slowly, and some people with vision disabilities who travel with service animals may rely on elevators or stairs, but may not be able to use a moving escalator safely.<sup>6</sup> Transit systems should be aware of these needs and should develop emergency procedures for assisting riders in this situation.

### ***Preventive Maintenance and Repair of Elevators***

Preventive maintenance is key for keeping elevators in working order. Sometimes transit agencies perform preventive maintenance only when repairs are being made due to elevator failures. This is a poor practice that tends to result in more frequent breakdowns.

Elevator repair contracts should require repairs to be made promptly.<sup>7</sup> Contracts for preventive maintenance should require the maintenance to be done at times when the trains are not in service. If train service operates every day around the clock, maintenance should be performed at low ridership times, such as late night or early morning.

Some rail systems have stations with split platforms—a platform for trains going in one direction, served by an elevator, and a separate platform for trains going in the opposite direction, served by a second elevator. In these stations, it is best for the transit agency to close one elevator at a time for maintenance, rather than both at the same time. This allows riders with disabilities the option of traveling one stop past their destination, and then taking a train back in the opposite direction for one stop, so they can use the working elevator at their desired destination. This is often faster than taking the shuttle back to their stop. However, it does not replace the need for the shuttle bridge, which may be a necessary alternative in some situations.

## ADDITIONAL MAINTENANCE REQUIREMENTS FOR PUBLICLY FUNDED BUS TRANSIT AGENCIES

### REGULAR AND FREQUENT MAINTENANCE CHECKS

There are additional ADA maintenance requirements for publicly funded bus transit agencies. Transit agencies must establish a system of regular and frequent maintenance checks of bus lifts and ramps. They must be carried out frequently enough to determine if the equipment is operative.<sup>8</sup> Daily maintenance checks are a best practice. These checks are often called pre-trip inspections.

Lifts and ramps should be tested with a full load. On occasion, lifts might appear to work well when cycled without any weight, but still have problems when they are cycled with weight comparable to that of a passenger using a wheelchair.

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#### Test lifts with a full load.

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It is also a best practice for pre-trip inspections to include other accessibility equipment, such as automatic stop announcement annunciators, public address (PA) systems, wheelchair securement devices, and bus kneeling mechanisms. Inspections should also include checks that all of the necessary securement and restraint system components are on-board and functioning.<sup>9</sup> They should check any other on-board technology for stop announcements and route identification, the stop request activators in the securement areas, and the vehicle signage, particularly the lighting for destination signs. More detailed information on stop announcement and route identification technology may be found in the Topic Guide on *Stop Announcements and Route Identification*, which is available at <http://dredf.org/ADAtg>.

Another best practice is for vehicle operators (drivers) to conduct the pre-trip inspections themselves. Drivers should fully cycle lifts and ramps before pulling out at the beginning of their shifts. In addition to providing a check on the equipment's working condition, pre-trip inspections by drivers ensure that drivers are familiar with how to work each piece of equipment before leaving the yard. This is particularly important when a bus fleet includes multiple models of lifts, ramps, securement systems, and PA systems.

Pre-trip inspection forms should list all access equipment, and should require vehicle operators to affirmatively indicate that each type of equipment is working.<sup>10</sup>

[Also see *Preventive Maintenance* below, p. 19.]



## REMOVE VEHICLE FROM SERVICE BEFORE NEXT SERVICE DAY

According to the ADA, when a lift or ramp is discovered to be inoperative, the transit agency must take the vehicle out of service before the beginning of the vehicle's next service day and ensure that the lift or ramp is repaired before the vehicle returns to service.<sup>11</sup> The transit agency may not put a bus with a broken lift or ramp into service on any bus route. This prohibition applies regardless of whether or not the route is designated as an accessible route.<sup>12</sup>

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**The transit agency may not put a bus with a broken lift or ramp into service.**

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If there is no other vehicle to replace the one with the broken lift or ramp, and if taking the vehicle out of service would reduce the transportation service available to the general public, the transit agency may keep the vehicle in service with an inoperable lift or ramp for no more than five days (if the transit agency serves an area of 50,000 or fewer population) or three days (if the transit agency serves an area of over 50,000 population) from the day on which the lift or ramp is discovered to be inoperative. After this time, vehicles with inoperable lifts or ramps may not be kept in service, even if there are no spare vehicles.

The cases when this exception may be used have become more rare, as more years have passed since the enactment of the ADA. Most transit buses are now accessible to people with disabilities. Also, transit agencies should have an adequate ratio of spare accessible vehicles—15% to 20% is generally accepted in the transit industry. Thus, the need to hold buses out for a lack of accessible spares should not occur often.

## ACCESSIBILITY EQUIPMENT FAILURE DURING PRE-TRIP INSPECTION

If access equipment is not working properly during the pre-trip inspection process, the vehicle operator should report it immediately. A repair should be made or the vehicle should be removed from service and a spare bus with working equipment should be assigned. Some transit agencies have found it effective to assign a mechanic to the pullout area during major pullouts in order to address problems quickly.<sup>13</sup> If minor repairs can fix the problem, this avoids delays.

In general, all access equipment should be working before a bus pulls out. Some have argued that if the public address system is not working, the vehicle operator can call out the stops without amplification. But since the DOT ADA standards for transportation vehicles requires

that buses over 22 feet in length be equipped with PA systems, the ADA requirements for the maintenance of accessible features applies to PA systems as well, which should be in good operating condition when the buses are in service.<sup>14</sup> FTA ADA compliance reviews have found that unamplified voice announcements are frequently not audible throughout the vehicle, particularly on larger 35 and 40-foot buses.<sup>15</sup>

## **FAILURE IN SERVICE: REPORT BY MOST IMMEDIATE MEANS AVAILABLE**

The ADA requires transit agencies to ensure that vehicle operators report, by the most immediate means available, any failure of a lift or ramp to operate in service.<sup>16</sup> In practice, this means that vehicle operators should immediately radio in to dispatch any lift or ramp failure.

## **PROVIDE ALTERNATIVE SERVICE**

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**If the next bus won't come for more than 30 minutes, the transit agency must provide prompt alternative service.**

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If a vehicle is operating on a fixed route<sup>17</sup> with an inoperative lift or ramp, and the headway to the next accessible vehicle on the route exceeds 30 minutes, the ADA requires the transit agency to promptly provide alternative transportation to individuals with disabilities who are unable to use the vehicle because the lift or ramp does not work.<sup>18</sup> The DOT ADA regulation Appendix D, which provides interpretive guidance on the regulation, states that the wait time for alternative transportation should be short—less than 30 minutes.<sup>19</sup>

### ***Methods For Providing Alternative Service***

Typical methods used for providing alternative service include dispatching a road supervisor or an extraboard driver with an accessible vehicle; contacting the ADA complementary paratransit service provider to arrange for an immediate trip; or contacting a private van service that is under contract to the transit agency to provide immediate alternative service. In practice, this ADA requirement means that immediately upon hearing of a lift or ramp failure, dispatchers should check the headway to the next bus with a working lift or ramp, and provide the driver with appropriate instructions. If the headway to the next bus is under 30 minutes, it is also important for the dispatcher to contact the next bus and confirm that the lift or ramp is in operable condition.

Transit agencies should establish procedures that detail how dispatchers are to arrange for alternative transportation. If a transit agency relies on its paratransit program or its contractors to provide alternative service, the arrangements should be spelled out clearly. Dispatchers should be thoroughly trained in initiating alternative service. Contracts for back-up service should be in place.

### ***Best Practices In Providing Alternative Service***

In addition to notifying dispatch, it is a best practice for transit agencies to establish a policy that, when there is an in-service lift or ramp failure, vehicle operators may not leave the pickup location until they receive instructions from dispatch and inform the waiting rider what to expect. This policy should be included prominently in any public information on accessible buses, so riders know the procedure has not been followed if a driver pulls away without contacting dispatch and then informing the rider about what to expect.

One transit agency best practice is for drivers to give a card to riders who cannot be boarded due to lift and ramp failures. This card has the date, bus number, location, and time, in order to document the failure and to discourage vehicle operators from simply saying “the lift does not work” and pulling away. A brochure on how to use accessible buses includes an explanation of this practice so that riders know to ask for the card if they encounter a problem. Transit systems are encouraged to adopt similar procedures.

In addition to notifying dispatch, most systems have a “Defect Card” or similar system that is kept on the vehicle and completed by the driver, if equipment fails in service. The vehicle operator notes the problem and leaves the card with the vehicle at the end of the shift. This alerts maintenance crews to the need for a repair or check.

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### **A best practice in alternative service: using road supervisor vehicles.**

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A best practice in providing alternative service is the use of road supervisor vehicles. Road supervisors resolve bus problems in the field, and provide assistance to passengers when the bus driver needs additional support. It is recommended that when transit systems purchase road supervisor vehicles, they obtain wheelchair accessible ramp-equipped minivans. They can be used to provide alternative service for broken bus lifts and ramps. An advantage to using road supervisor vehicles is that road supervisors use the same dispatch system as the fixed route buses, whereas paratransit is on a different dispatch. Some transit agencies also use accessible road supervisor vehicles to assist passengers using power wheelchairs that break down while in use on the transit system.

In 2005, the City of Detroit entered into a settlement agreement with the U.S. Department of Justice concerning ADA fixed route bus requirements. The settlement includes provisions for alternative service, and is available at [www.ada.gov/detroittransito5.htm](http://www.ada.gov/detroittransito5.htm).<sup>20</sup>

## POST-TRIP INSPECTION AND MAINTENANCE OF PROBLEM EQUIPMENT

Transit agencies should conduct an immediate maintenance check at the end of each bus run or shift of all accessibility equipment that is reported to fail in service, including lifts and ramps. Records should be maintained of instances in which failures are reported and no problems are found. If this becomes a pattern for a particular bus, more extensive diagnostics should be run on that lift or ramp. If it is shown to be a pattern for a particular driver, a “spotter” check of the performance of that driver should be scheduled.

## FALSE CLAIMS OF BROKEN LIFTS AND RAMPS

Sometimes bus drivers have said that bus lifts or ramps are broken in order to avoid boarding an individual with a disability. Whether a lift is broken and the driver does not report it, or a driver says a lift is broken when it is not, it is a violation of the ADA.

Transit agencies should implement operational procedures to prevent false claims of broken lifts or ramps, including post-trip inspection and maintenance of problem equipment [also see *Post-Trip Inspection and Maintenance of Problem Equipment* above, p. 12]. Also, they should vigorously and consistently enforce disciplinary policies for drivers found to falsely report lift and ramp failures, to avoid operating a lift or ramp when requested, or to bypass people with disabilities who wish to board. Transit agencies should seek support for strict discipline from labor unions or other recognized employee associations when these violations are thoroughly documented.

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**Sometimes buses simply do not stop for travelers using wheelchairs.**

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## PASS-BYS OF RIDERS WITH DISABILITIES

Sometimes buses simply do not stop for travelers using wheelchairs or other people with disabilities who need the lift or ramp. Often referred to as a “drive-by” or a “pass-by,” a would-be rider with a disability is left without knowing whether the lift or ramp is damaged, the

securement locations on the bus are already in use, or the driver is simply denying the ride for other reasons. There have also been pass-bys of other people with disabilities, such as people who are blind or have vision impairments.

Intentional bus pass-bys of people who use wheelchairs or other would-be passengers with disabilities are violations of the ADA. If both wheelchair securement areas are occupied, it is a best practice for the driver to stop and let the waiting passenger know.

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**Intentional bus pass-bys of people using wheelchairs are violations of the ADA.**

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If there are reports of rider pass-bys, it is strongly recommended that transit agencies implement monitoring programs to ensure that this problem is dealt with promptly. The best ways to monitor for rider pass-bys are secret rider programs or in-service monitoring by individuals who will not be easily recognized as system inspectors. [Also see *Monitoring for Compliance* below, p. 22.]

## LIFTS THAT ARE DIFFICULT TO MAINTAIN

In some locations, frequent lift breakdowns result from old lift technology that has become difficult to maintain or takes a long time to fix because replacement parts are not readily available. Transit agencies should consider complete rebuilds or replacements of the lifts. Just as engines and transmissions are sometimes rebuilt or replaced, and other maintenance short of full remanufacture is performed, wheelchair lifts may need to be overhauled or replaced.

If a transit agency decides to keep buses in service beyond the FTA-defined useful life, at which point large buses become eligible for replacement,<sup>21</sup> it is a best practice to replace the lifts as part of any major maintenance or remanufacture that extends their useful life. With lifts or ramps now standard equipment on all new buses, rebuilding or replacing lifts no longer poses the structural problems encountered in the past when trying to add lifts to buses that were not originally accessible.

## WHAT ELSE RIDERS AND ADVOCATES NEED TO KNOW

### THE RIDER'S ROLE

Riders can assist a transit agency to maintain accessibility equipment.

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**Riders can assist a transit agency to maintain accessibility equipment.**

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#### 1. For the bus

- Radio in the breakdown. When a rider using a wheelchair or a person with any disability wants to board a bus using the lift or ramp, but the lift or ramp is said to be broken, the rider should tell the driver to radio in the breakdown. Virtually all transit buses have radio capability.
- Note the stop location, time, route number, and bus number whenever possible so that the transit agency can fully investigate the problem lift or ramp.
- Ask for alternative service, if the headway to the next bus exceeds thirty minutes. If the next accessible bus won't come for more than thirty minutes, the rider should ask for alternative service to reach his or her destination. [Also see *Provide Alternative Service* above, p. 10.]
- Ask any other persons who may have observed the problem if they are willing to be identified as witnesses if needed and include their names and phone numbers in any complaints filed with the transit agency or the Federal Transit Administration.
- If there are other accessibility equipment problems such as broken or missing tie-downs, malfunctioning stop announcement equipment, or inoperable stop request activators in wheelchair securement locations:
  - > Inform the bus driver
  - > Record the bus number, date, time, route, location, and what the problem is
  - > Inform the transit agency, through the agency customer comment process

#### 2. For the train

- Report elevator failures. Promptly report any elevator failure or malfunction to the transit agency.

- If there are problems with other accessibility equipment such as escalators, fare payment equipment, signage, the public address system, or obstacles in the path of travel, report the problem to the transit agency.

Riders, advocates, and transit agencies should all work to ensure that the best practices in equipment maintenance (many of which are described in this Topic Guide) are implemented. Riders are an important source of information about transit service. And as the National Council on Disability showed, disability advocates can play an important role in improving the performance of their transit agencies.<sup>22</sup>

## ENFORCEMENT OF YOUR ADA RIGHTS

If you think your transit agency is not in compliance with the ADA, there are several avenues available for enforcement. You may pursue them in any order; you are not required to use them in the order listed below.

### **1. File a local complaint**

You can file a complaint with your local transit agency and/or otherwise communicate with local agency staff. Transit agencies are required to have procedures to receive, resolve, maintain records of, and report on complaints.<sup>23</sup> It is best to file the complaint quickly, as soon as possible after the problem, and keep a copy of it. Include as many details as possible (who, what, when, where, and so on). Find the transit agency Customer Service department or ADA Coordinator to learn how to submit the complaint. Transit agencies usually have one or more of the following options for filing complaints: by e-mail, through their websites, by telephone, and/or by postal mail. If the issue remains unresolved after allowing a reasonable amount of time for a response, you can file a complaint with the Federal Transit Administration in Washington D.C. and show your local complaint records [also see *File an ADA complaint in Washington D.C.* below, p. 16].

### **2. Engage in local advocacy**

You can also engage in a variety of efforts to advocate for changes by your local transit agency.

You may be able to obtain assistance from local, state, and national disability rights organizations, including:

- Your state's Protection and Advocacy Agency, which you can find by going to <http://ndrn.org/> and scrolling down to the "Get help in your state" section, or by calling 202/408-9514 (or by TTY, 202/408-9521).
- Your local center for independent living (CIL), which you can find by going to

[www.ilru.org/html/publications/directory/index.html](http://www.ilru.org/html/publications/directory/index.html) or calling 713/520-0232 (Voice/TTY). You can also find CILs by going to [www.ncil.org/directory.html](http://www.ncil.org/directory.html).

In some cities, the disability community and the transit agency have succeeded in building a collaborative relationship in which they work together to improve transit service for people with disabilities.

### **3. File an ADA complaint in Washington, D.C.**

You can file a complaint with the Office of Civil Rights of the Federal Transit Administration (FTA) in Washington, D.C., by:

- Filling out and sending the Rider Complaint Form at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3889.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3889.html)
- Going to the FTA ADA website at [www.fta.dot.gov/ada](http://www.fta.dot.gov/ada) and selecting ADA Technical Assistance / File an ADA Complaint with the FTA
- Sending a complete letter to:

Director  
FTA Office of Civil Rights  
East Building – 5th Floor, TCR  
1200 New Jersey Ave. SE  
Washington, D.C. 20590

Include as many details as possible (who, what, when, where, and so forth), including a record of ongoing ADA violations you believe have occurred. As the FTA Office of Civil Rights states on the Rider Complaint Form:

You should include specific details such as names, dates, times, route numbers, witnesses, and any other information that would assist us in our investigation of your allegations. Please also provide any other documentation that is relevant to this complaint.<sup>24</sup>

### **4. File a lawsuit**

The other method of enforcing the ADA is to file a lawsuit.

## **OTHER RESOURCES**

You will find many other resources on the FTA ADA website at [www.fta.dot.gov/ada](http://www.fta.dot.gov/ada). You may also contact the FTA Office of Civil Rights by e-mail at [FTA.ADAAssistance@dot.gov](mailto:FTA.ADAAssistance@dot.gov) or by telephone at 202/366-4018 or 888/446-4511 (or by TTY at 800/877-8339).



In addition to providing technical assistance via telephone and e-mail, the FTA Office of Civil Rights conducts ADA compliance reviews of several transit agencies every year. These are posted on the FTA ADA website at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3899.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3899.html).

Additional resources may be available from a variety of local, state, and national disability rights organizations.

## WHAT ELSE TRANSIT AGENCIES NEED TO KNOW

### SELECTING VEHICLES AND EQUIPMENT

#### *Ramp Buses Recommended*

#### **Low-floor ramp-equipped buses avoid lift reliability problems.**

Many transit agencies have switched from lift-equipped buses to low-floor ramp-equipped buses, to avoid lift reliability problems. The ramps are much easier to maintain in operative condition. And in low-floor buses, if the automatic deployment system for the ramp fails, it is a simple matter for the vehicle operator to fold out the ramp manually. Thus, riders can still board, despite the mechanical problem. Consequently, ramp buses offer significant advantages.

However, there are some difficulties with low-floor ramp-equipped buses. One is that the ramp can be steep where no curb is available and the ramp must be deployed to the street. The slope can be as steep as 1:4 (that is, one unit rise in four units length), which is the maximum slope allowed by the current DOT ADA Accessibility Specifications for Transportation Vehicles.<sup>25</sup> In many cases, people with disabilities using manual wheelchairs will need driver assistance to board at this slope. The ADA requires this driver assistance.<sup>26</sup> The U.S. Access Board has proposed a revision to restrict the maximum allowed ramp slope in new buses to 1:6 when deployed to the street.<sup>27</sup>

There are ways to reduce this bus ramp slope problem. If low-floor buses are purchased, include a kneeling feature in the design. Instruct vehicle operators to always kneel the bus when deploying the ramp. This will reduce the ramp angle. Also instruct vehicle operators to curb the bus whenever possible, and stress the importance of deploying the ramp to a curb, so that the ramp angle is minimized. Lastly, work with local public works and law enforcement agencies to keep bus stops free of cars so it is easier for bus drivers to reach the curb by:

- Enforcing parking regulations;
- Installing no-parking signs designating bus stop areas;
- Installing visible markings designating bus stop areas; and/or
- Installing curb extensions (also called curb bulbs) to prevent parking in the bus stop areas.

Another difficulty with low-floor buses is more limited interior space due to the large wheel housings. Transit systems that obtain low-floor buses are responsible for ensuring that their equipment meets the ADA requirements.<sup>28</sup> Transit agencies should carefully consider the securement (tie-down) locations to allow adequate turning and maneuvering space inside the vehicle. Transit agencies should also bring prototype buses to their location and invite some riders with disabilities, including people using scooters as well as various types of wheelchairs, to board and disembark, testing the ramp, ramp angle, and interior layout. Another resource is the U.S. Access Board proposed revisions, which describe the needed maneuvering space in more detail (see §§ T203.3 and T4 at [www.access-board.gov/vguidedraft2.htm](http://www.access-board.gov/vguidedraft2.htm)).<sup>29</sup>

Despite these difficulties, most people in the transit industry agree that the benefits of low-floor buses strongly outweigh their limitations.

### ***Other Issues in Selecting Vehicles and Equipment***

Developing some uniformity in the accessibility equipment used on its bus fleet can help a transit agency with maintenance, with the size of the parts inventory needed, and with driver training.<sup>30</sup>

When specifying and purchasing equipment, transit systems should consider options that will keep vital mechanical parts from exposure to the elements, to the maximum extent possible. For example, some lifts can be mounted in less-exposed locations or can be covered. Some speakers used for route identification announcements are subject to accelerated deterioration from exposure to weather, if mounted externally, but they can be located to minimize exposure.<sup>31</sup>

### **POLICIES AND TRAINING**

Transit agencies should have detailed, written policies and procedures that address each of the ADA equipment maintenance requirements. Some transit systems do not have comprehensive policies for every regulatory requirement.<sup>32</sup> A lack of written policies can contribute to inconsistency in compliance.

The policies should be covered thoroughly in employee training.<sup>33</sup> Important training elements include:

- Participation by people with disabilities to discuss both disability sensitivity and common problems for people with disabilities using transit
- Hands-on training in using the equipment, including demonstrating the ability to correctly operate it, and learning how to resolve common problems that can cause failures, such as deploying lifts and ramps where the ground is not uneven
- Using the equipment to simulate what it is like for a rider to board, be secured, ride, and disembark using the lift or ramp
- Training in how to handle any failures at pullout and in service
- Training dispatchers and vehicle operators to handle failures properly and arrange alternate transportation when appropriate

## PREVENTIVE MAINTENANCE

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**Keeping equipment in working order starts with preventive maintenance.**

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Keeping equipment in working order starts with preventive maintenance (PM).<sup>34</sup>

Transit agencies should conduct periodic reviews of in-house or contractor compliance with required inspections and preventive maintenance procedures.

PM checklists sometimes do not specifically identify access equipment as items to be checked. Sometimes they are identified under an “Other” category on the checklist. Using the manufacturers’ recommended preventive maintenance information, transit agencies should develop detailed inspection and maintenance checklists for lifts and other complex pieces of equipment. Mechanics should complete these checklists and attach them to the primary inspection form to verify that all recommended inspections and preventive maintenance have been performed. It is a best practice for transit agencies to specifically list all accessibility-related items on PM checklists, including lifts, ramps, kneeling features, securement systems, passenger restraint systems, public address systems, automated announcement systems, signage, and related equipment.<sup>35</sup>

Lifts and ramps should be tested with a full load. On occasion, lifts might appear to work well when cycled without any weight, but still have problems when they are cycled with weight comparable to that of a passenger using a wheelchair.

Transit agencies should follow the manufacturer's recommended maintenance for each piece of equipment. In addition, it is a best practice for transit agencies to clean and lubricate lift and ramp mechanisms frequently. Particularly after storms and other bad weather, it is recommended that the lift or ramp mechanism be cleaned using a pressure air hose, and lubricated, to immediately remove dirt, salt, and other contaminants that can affect long-term operability. While some corrosion and wear is to be expected over time, a regular and thorough lift cleaning program and a design that protects the lift from the weather can greatly improve lift reliability.

More detailed information on stop announcement equipment may be found in the Topic Guide on *Stop Announcements and Route Identification*, which is available at <http://dredf.org/ADAtg>.

### ***Cleaning Is Part of Preventive Maintenance***

When cleaning the interior of buses, it is important to avoid sweeping or washing dirt and debris into the wheelchair lift mechanism.

Accessibility equipment such as securement devices should be periodically cleaned. It is a best practice to keep components of wheelchair securement and passenger restraint systems off the floor. When left on the floor, they are tripping hazards and become dirty. Some transit agencies have added hooks to the vehicles' sidewalls or the bottom of flip-up seats to keep these devices off the floor, which has the added benefit of making them easier to reach for both drivers and riders.

## **BUS STOP ACCESSIBILITY**

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**Sometimes lifts appear to fail in service because a bus stop is not accessible.**

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Sometimes lifts appear to fail in service because a bus stop is not accessible. Modern lifts have multiple safety sensors. Unless the lift is deployed evenly to the ground, sometimes the lifts will appear to be broken because the end gates do not deploy unless the sensors detect that the platform is at ground level. Thus, it is important for transit agencies to review bus stop accessibility.

Transit agencies are encouraged to make use of Easter Seals Project ACTION publication, *Toolkit for the Assessment of Bus Stop Accessibility and Safety*, available from Project ACTION free of charge at

[http://projectaction.easterseals.com/site/PageServer?pagename=ESPA\\_BusStopToolkit](http://projectaction.easterseals.com/site/PageServer?pagename=ESPA_BusStopToolkit).

Transit agencies may not have direct control over the public right-of-way where bus stops are located. The Maryland Transit Administration (MTA) has undertaken a successful program to improve some of its bus stops, even though it is not generally responsible for facilities in the public right-of-way. Read about the MTA program in Appendix 1, *Comparison of Capital Costs for Fixed-Route Bus Stop Improvements to Paratransit Operating Cost*, p. 26.

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**MTA has successfully improved bus stops, even though it is not responsible for the public right-of-way.**

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The Suburban Mobility Authority for Regional Transportation (SMART) in Detroit employs a bus stop technician/coordinator who reviews bus stop locations for accessibility. This transit agency also developed a “Guide for Creating a Transit Friendly Environment” for distribution to local communities and developers that includes guidance on accessible bus stop design.<sup>36</sup> Another best practice is for transit agencies to post a form on their websites for individuals in the community to request new bus stops or bus stop improvements, including accessibility improvements. Transit agencies can then advertise to the disability community that if riders encounter access issues at bus stops, they may bring them to the transit agencies’ attention.

## KEEPING A COMPLETE PARTS INVENTORY

Work with manufacturers of accessibility equipment to develop a list of the parts that should be purchased and stocked, and the quantity of each part, based on manufacturers’ experience. Also review maintenance and repair records to base the determination of needed parts on actual repair histories.

The Utah Transit Authority (UTA) parts management program is a best practice. UTA tracks usage of 45,000 different parts and assigns minimum and maximum stocking levels for each UTA division. Parts for all types of accessibility equipment are included in this system-wide inventory. An automated daily stock check enables a central warehouse to restock divisions within hours, and non-inventory items within two days. A separate program tracks more than 28,000 manufacturer numbers. Computerized requisitions, used to replenish warehouse inventory, include all known cross reference numbers to the same part, along with

manufacturer information, annual usage, past pricing, and previous vendor performance on a single form. Stock levels are updated monthly.<sup>37</sup>

### MONITORING FOR COMPLIANCE

In addition to having good policies and procedures, it is vital for transit agencies to monitor all practices related to equipment maintenance and the ADA. FTA ADA compliance reviews have found many gaps in transit agency monitoring of accessibility equipment maintenance.<sup>38</sup>

Below are recommended procedures for monitoring equipment condition, maintenance, repair, and successful operation:

- **Pre-trip Inspections and Pullout Process.** Periodically observe the pullout process to be sure that pre-trip inspections are performed correctly. On an ongoing basis, scan completed pre-trip inspection forms to be sure that they are completed correctly and thoroughly.
- **Pre-trip Inspection Forms.** Periodically examine a random sample of completed pre-trip inspection forms that indicate any problem with accessibility equipment. Track these incidents through the maintenance and pullout records to ensure that the problems were corrected promptly and the vehicles were not put back into service until repairs were made and documented. If pullout records show that vehicles were placed back into service without repair, verify that there were no spares and that the vehicles were not kept in service longer than allowed by the ADA. [Also see *Remove Vehicle From Service Before Next Service Day* above, p. 9.]
- **In-Service Defect Cards.** Periodically examine a random sample of defect cards that indicate any problem with accessibility equipment that occurred in service. As with pre-trip inspection forms, track these incidents through the maintenance and pullout records to ensure that the problems were corrected promptly once the vehicles returned to the garage, and the vehicles were not put back into service until repairs were made and documented. If pullout records show that vehicles were placed back into service without repair, verify that there were no spares and that the vehicles were not kept in service longer than allowed by the ADA. [Also see *Remove Vehicle From Service Before Next Service Day* above, p. 9.]
- **Preventive Maintenance Records.** Periodically select a random sample of vehicles in the fleet and examine the preventive maintenance records on file. Make sure that preventive maintenance is being performed in accordance with transit agency policy. Also check to make sure that the preventive maintenance inspections are correctly done and thoroughly documented.

- **Dispatch Logs.** Periodically examine dispatch logs and identify a sample of incidents when vehicle operators reported accessibility equipment in-service failures. Crosscheck with defect cards to be sure that vehicle operators documented the failures. Also, examine the dispatch logs to see if appropriate action was taken. Crosscheck the documentation of these incidents to make sure that the reported problems were reviewed and any needed repairs were made promptly once vehicles returned to the garage.
- **Equipment Failures By Vehicle Number.** Keep a record of all equipment failures by vehicle number. Identify vehicles that are particularly problematic. If certain vehicles show repeated lift or other equipment failures, consider whether more extensive rebuilds or modifications are appropriate. As lifts age, it may become necessary to replace or rebuild the lifts, just as other major components are replaced or rebuilt during the useful life of the vehicles. [Also see *Lifts That Are Difficult To Maintain* above, p. 13.]
- **Secret Rider Program.** Adopt a secret rider program to ensure that vehicle operators are not passing by riders using wheelchairs or people with other disabilities, and are using accessibility equipment appropriately. An innovative program developed by the Washington State Transit Insurance Pool (WSTIP), the Guest Rider Program, is a best practice in monitoring. In return for a transit agency agreement to have its own seasoned, high-performing road supervisors and vehicle operators make observations in other transit systems, the transit agency receives the same benefit from another agency. Participating members are observed twice per year. Guest riders are trained to blend in with the ridership and accurately report their observations of individual vehicle operator performance and the entire transit system. Aspects of ADA compliance are among the many areas of driver skills and vehicle functions observed by guest riders. For more information, contact WSTIP Member Services Manager at (360) 586-1800, extension 213.

## COMPLAINT INVESTIGATION

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**Thorough complaint investigation is an important part of ADA compliance.**

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The thorough investigation of all complaints related to the use of accessible transit service for people with disabilities is an important part of monitoring and compliance. Transit agencies should ensure that all rider complaints are recorded and investigated. Transit agencies are

required to have procedures to receive, resolve, maintain records of, and report on complaints.<sup>39</sup>

Transit agencies should provide timely responses to riders with information about the outcome of investigations. Transit systems should then use information obtained from investigations to address any performance issues and improve service, as an integral part of their ADA compliance effort.

In addition to recording, investigating, and responding to complaints, transit agencies should consider these procedures:

- Cross check any complaints received about malfunctioning lifts or ramps with dispatch records and defect cards to make sure that the drivers and dispatchers properly reported and recorded the malfunction. Repeated complaints that lifts or ramps did not work and riders could not board, without corresponding dispatch log entries and defect cards, might indicate that some drivers are “passing by” riders who use wheelchairs or inappropriately reporting to them that the lift/ramp does not work. If this is the case, transit agencies should consider targeted on-street monitoring by road supervisors or a secret rider program. [Also see *Monitoring for Compliance* above, p. 22.]
- Tabulate complaints by vehicle to help identify vehicles with high in-service failure rates. These vehicles will likely need additional maintenance and repair efforts. In some cases, lift or ramp overhauls may be cost-effective.
- Tabulate complaints by driver to identify drivers with a disproportionate number of complaints. Transit agencies may need to follow up with retraining, targeted on-street monitoring, or other actions.
- Tabulate complaints by boarding location or route to help identify routes or stops that may be causing operational problems. Transit agencies may be able to eliminate problems with some minor stop enhancements or other changes.

## DISCIPLINE

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**Progressive discipline is important.**

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Progressive discipline is an important aspect of keeping accessibility equipment in good working order. It is important for vehicle operators and other employees to understand that performance is being monitored and that there are consequences for violating established



policies. Failure to follow through with monitoring and progressive discipline can send the wrong message about the commitment of the transit agency to ADA compliance.

In particular, transit agencies should follow through vigorously and consistently on disciplinary procedures for drivers who falsely report lift or ramp failures, fail to attempt to operate a lift or ramp when requested, or pass by customers who use wheelchairs or have other disabilities.

Transit systems should seek the support of labor unions or other recognized employee associations for strict discipline in cases of documented violations.

If monitoring and progressive discipline have not been consistently implemented in the past, some agencies have found it helpful to effect change by:

- Redistributing policies and procedures and making it clear that compliance with the policies is expected
- Clearly communicating the progressive discipline that will be used
- Developing a procedure that will be used to monitor compliance with policies
- Gaining support from labor unions or other recognized employee associations for the monitoring and progressive discipline program
- Providing refresher training to ensure that all employees are familiar with the policies and procedures

## GENERAL RESOURCES FROM FTA

Many ADA resources are available on the website of the Office of Civil Rights of the Federal Transit Administration at [www.fta.dot.gov/ada](http://www.fta.dot.gov/ada). The FTA Office of Civil Rights may be contacted by e-mail at [FTA.ADAAssistance@dot.gov](mailto:FTA.ADAAssistance@dot.gov) or by telephone at 202/366-4018 or 888/446-4511 (or by TTY, 800/877-8339).

The FTA Office of Civil Rights plans to publish a recommended resource that will address many of the subjects in this Topic Guide. To receive *Fixed Route Bus Accessibility Maintenance, Reliability, and Use—Self-Assessment Tool for Transit Agencies*, go to [www.fta.dot.gov/ada](http://www.fta.dot.gov/ada) and select Sign Up For E-mail Updates for notification when it is available.

## APPENDIX 1

### Comparison of Capital Costs for Fixed-Route Bus Stop Improvements to Paratransit Operating Cost

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Transit agencies rarely have control over the public right-of-way, where the vast majority of bus stops are located, and frequently have little or no say in how sidewalks are constructed. Transit agencies are usually dependent on what they find and must be content to make the most of those facilities. This doesn't have to be the case.

#### BUS STOP IMPROVEMENTS

Maryland MTA has undertaken a program to improve some of its fixed-route bus stops, even though it is not generally responsible for facilities in the public right-of-way. Two levels of improvement have been carried out: "simple" and "enhanced."

Design and construction of simple bus stops includes obtaining permits from the localities, traffic control plans and minor fixing of sidewalks and the installation of a post and sign. **The total cost to MTA for 26 new stops was \$183,000, which amounts to about \$7,000 per bus stop.** Out of that, the design fee was \$110,000 including the consultant fee and ADA coordinator time. The fee for construction including management during construction was \$73,129. The relatively high cost for design was due to the major coordination efforts in the permit process.

Design and construction of enhanced bus stops included lighted shelters, a bench, trash can and branded pylons, the corresponding trenching to provide electricity, permits, replacing and fixing portions of sidewalks and installing signs and posts. **The total cost to MTA for 14 new enhanced bus stops was \$813,000, which amounts to \$58,000 per enhanced bus stop.** Out of that total, the design fee was \$350,000 and the construction cost was \$463,000.

The costs of the stops that MTA constructed did not include any right of way acquisition. However, MTA believes that as it gains more experience and develops standards and better relations with the localities (Counties and State), costs would decrease significantly for the design fee.

These improvements enhance customer service, benefit all riders, but also make stops available to persons with disabilities who might otherwise be accommodated only by paratransit. MTA says the project “illustrates the partnership of the MTA among its employees, contractors and with its customers. The completion of this project will serve as a model for how transit can be improved for everyone.”

## PARATRANSIT

According to MTA’s Finance Department, the costs of providing paratransit for FY '06 was \$40,935,000 plus overhead (multiply times 1.8067) which amounts to a total of \$73,957,264 for 965,000 trips. ***So the total cost per ride for FY '06 to MTA including the management overhead was \$76.64.*** Overhead was included in this cost because it was also added in the stop improvement cost.

One person using paratransit for work makes ten trips per week (\$766) and 500 trips (assuming two weeks vacation) per year (\$38,300). If that person can now use the fixed-route service, the cost of the simple improvement is recovered in ten weeks and the cost of the enhanced stop is recovered in eighteen months.

## ENDNOTES

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- 1 The authors of the Topic Guide Series on ADA Transportation are Marilyn Golden, Policy Analyst, Disability Rights Education & Defense Fund (DREDF) and Russell Thatcher, Senior Transportation Planner, TranSystems Corporation.

We wish to acknowledge our Advisory Committee and the additional people who reviewed the Topic Guide series. The Advisory Committee includes Linda Deavens, Director, Paratransit, Inc., Sacramento, California; Susan Gallagher, Manager of Accessible Services, San Francisco Bay Area Rapid Transit District, Oakland, California; Bonnie Hitch, Customer Service Manager, DART First State/Delaware Transit Corporation, Dover, Delaware; Kevin Irvine, formerly Senior Advocate, Equip for Equality, Chicago, Illinois; Toby Olson, Executive Secretary, Washington State Governor's Committee on Disability Issues and Employment, Olympia, Washington; and Nancy Pineles, Managing Attorney, Maryland Disability Law Center, Baltimore, Maryland.

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The authors also extend appreciation to DREDF staff Ann McDonald-Cacho, Dave Nold, Julia Epstein, Linda D. Kilb, and Katie Keil.

- 2 This report was funded through a cooperative agreement between the Disability Rights Education & Defense Fund (DREDF) and the Federal Transit Administration (FTA), U.S. Department of Transportation. The views and policies expressed herein do not necessarily represent the views or policies of the Federal Transit Administration. The United States government assumes no liability for the contents or use of this report.
- 3 This Topic Guide discusses the provisions of the Americans with Disabilities Act (ADA) Department of Transportation (DOT) regulation at 49 C.F.R. §§ 37.161 and 37.163, and 49 C.F.R. Part 37, App. D, §§ 37.161 and 37.163, available at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3906.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3906.html).

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- 4 In several ADA compliance reviews and Letters of Finding, including these three, FTA has found that transit agencies have, overall, failed to maintain accessibility features in operative condition.

“While GCRTS’s number of lift failures improved towards the end of the year, the average number of lift failures for most months is excessive. According to the National Transit Database, GCRTS operated 548 buses during peak times with a maximum service of 701 fixed-route vehicles in 2003 and experienced an average of 123 lift failures per month. This equates to roughly one out of every four or five buses failing each month. This does not meet the obligation under [the DOT ADA regulation] 37.161 and 37.163. FTA will continue to monitor GCRTS for lift failures, until such time as we are assured that GCRTS has corrected its deficiencies.”

Letter of Finding by Cheryl L. Hershey, then ADA Team Leader, Office of Civil Rights, Federal Transit Administration, October 20, 2005, regarding FTA Complaint No. 030245 against Greater Cleveland Regional Transit System and Maple Heights Transit System, Cleveland, Ohio, p. 3.

Finding: “AMA fails to maintain lift systems on its fixed route buses in good repair. Based on information collected during the period from October 2006 through February 2007 from four reporting sources, the total number of buses identified as having inoperable lifts during one of the inspections was 163, representing 63 percent of the active fleet of 259 buses.”

Recommendation: “Periodic preventative maintenance procedures should include inspection and repair of all accessibility features, including lifts, ramps, wheelchair securements, stop request controls, public address systems, variable message signs, and door and seating signs.”

Federal Transit Administration ADA Compliance Review of Autoridad Metropolitana de Autobuses (AMA), San Juan, Puerto Rico, *Review of Lift Reliability and Maintenance for Operation of Accessible Fixed Route Bus Service*, conducted March 5 – 8, 2007, Final Report dated October 15, 2007, pp. 36 and 39, available at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3899.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3899.html).

“A summary of buses with inoperable lifts showed that six of the 29 buses in the fleet have permanently inoperable lifts. GPT stated that the bus manufacturer is out of business, and it was not possible to repair the lifts. Six replacement buses with lifts are on schedule to be purchased in the future. Based upon the above stated

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facts FTA finds GPT to be in violation of DOT ADA regulations at Sections 37.161 and 37.163(b). FTA will place GPT in corrective action until all deficiencies related to inoperable lifts are corrected.”

Letter of Finding by Cheryl L. Hershey, then ADA Group Leader, Office of Civil Rights, Federal Transit Administration, October 13, 2004, regarding FTA Complaint No. 01-0249 against Gary Public Transportation Corporation (GPT), Gary, Indiana, p. 2.

- 5 This FTA ADA compliance review found that a train system was not consistent in announcing elevator outages on board the train, so that passengers may not find out an elevator is broken before arriving at their station.

Finding: “According to passengers, rapid transit personnel do not consistently announce elevator outages on board the trains, so passengers may not be aware that an elevator is out until they disembark at their station.”

Recommendation: “The MBTA should be more diligent about announcing elevator outages to passengers on board the rapid transit vehicles so that contingency plans and rerouting may occur prior to disembarking at a station with a broken elevator.”

Federal Transit Administration ADA Compliance Review of Massachusetts Bay Transportation Authority (MBTA), Boston, Massachusetts, *Summary of Observations, Assessment of Stop Announcement and Route Identification Efforts & Assessment of Lift Reliability and Maintenance*, conducted July 2000, Final Report dated April 20, 2001, p. II-28, available at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3899.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3899.html).

- 6 Because some travelers with vision impairments who use service animals rely on elevators, it is important to pay attention to the placement of elevators in new construction and alterations, and to make it possible for riders who are blind or have vision impairments to locate elevators as easily as possible. Detectable pathways connecting elevators to main entrances and/or other wayfinding features should be considered.
- 7 This FTA ADA compliance review found the transit agency elevator maintenance contract properly addressed the issue of timely elevator repair.

Finding: “The elevator maintenance contract appears to address the issue of timely repairs related to elevator reliability by requiring that elevators be repaired within 24 hours and that escalators be repaired within 72 hours.”

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Federal Transit Administration ADA Compliance Review of Massachusetts Bay Transportation Authority (MBTA), Boston, Massachusetts, *op. cit.*, p. II-28.

- 8 Several FTA ADA compliance reviews, including these three, found that pre-trip inspections did not include lift cycling.

Finding: "It appears that operators do not always cycle lifts as part of the pre-trip inspection. In their visits to six garages, reviewers observed the starter actively intercepting operators and instructing them to cycle their lifts prior to pull-out. It appeared that many operators would not have cycled their lifts prior to pull-out without the proactive intervention of the starter. Nevertheless, 12 of 138 operators (8.7 percent) were observed by the review team to not cycle the lift or ramp during pre-trip inspections."

Recommendation: "WMATA should consider assigning a yard dispatcher at each division to supervise pull-out and pre-trip inspections with the objective of ensuring that operators perform pre-trip inspections on all buses."

Recommendation: "WMATA should review the time allowed operators to complete the pre-trip inspection, particularly at facilities where there is little room to deploy lifts and ramps."

Federal Transit Administration ADA Compliance Review of Washington Metropolitan Area Transit Authority (WMATA), Washington, DC, *Review of Lift Reliability and Maintenance for Operation of Accessible Fixed Route Bus Service*, conducted August 20 – 23, 2007, Final Report dated August 29, 2008, pp. 36 and 39, available at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3899.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3899.html).

Finding: "AMA employees do not perform regular daily maintenance checks of lifts to determine their operability. AMA operators do not cycle their vehicles' lifts prior to pull out. Operators do not have regular pre-trip inspections, and they do not have any checklist or inspection form to document vehicle defects for maintenance and repair."

Recommendation: "AMA should develop a pre-trip vehicle inspection process for operators to inspect, record, and report the condition of the vehicle, before the operator uses the vehicle in passenger service. The inspection should include lifts, ramps, wheelchair securements, stop request controls, public address system,

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variable message signs, passenger information signs, and other accessibility features.”

Federal Transit Administration ADA Compliance Review of Autoridad Metropolitana de Autobuses (AMA), San Juan, Puerto Rico, *op. cit.*, pp. 36 and 39.

Finding: “Pre-trip inspections do not include lift cycling. Drivers are expected to cycle the lift while in service. Some drivers cycle lifts at the end of their morning peak service trips. There is no supervisory control of lift cycling. As a result, buses may be placed in service with minor, easily correctable problems with lifts.”

Recommendation: “It is recommended that lifts be cycled on a daily basis, preferably as part of the supervised pullout to ensure that lifts are functioning when they leave the garage.”

Federal Transit Administration ADA Compliance Review of Southeastern Pennsylvania Transportation Authority (SEPTA), Philadelphia, Pennsylvania, *Summary of Observations, Assessment of Stop Announcement and Route Identification Efforts & Assessment of Lift Reliability and Maintenance*, conducted August 20 – 24, 2001, Final Report dated April 18, 2002, pp. 52 – 53, available at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3899.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3899.html).

- 9 In several ADA compliance reviews, including these three, FTA found that drivers did not check securements during the pre-trip inspection.

Finding: “Overall, 90% of the lifts observed during pullout were functioning. Most drivers appeared to be comfortable operating the lift; however, none appeared to check securements during the pre-trip inspection.”

Federal Transit Administration ADA Compliance Review of Maryland Mass Transit Administration (MTA), Baltimore, Maryland, *Assessment of Lift Reliability and Maintenance*, conducted April 30 – May 3, 2001, Final Report dated April 17, 2002, p. 24, available at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3899.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3899.html).

Finding: “Pullout observations and bus inspections on May 10 and 11 indicated, however, that many operators do not appear to typically conduct a through inspection of the working condition of the securement and passenger restraint systems. Without prompting, few drivers checked the automatic retractors or other



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system features. Issues were also discovered with securement systems on 10 of the 94 buses inspected.”

Recommendation: “SMART should instruct drivers to thoroughly inspect the working condition of securement and passenger restraint systems as part of the pullout process. This inspection should include a check of the working condition of retractors. Any non-working securement systems noted in these inspections should then be repaired before buses are placed into service.”

Federal Transit Administration ADA Compliance Review of Suburban Mobility Authority for Regional Transportation (SMART), Detroit, Michigan, *Review of Reliability, Maintenance, and Operation of Accessible Fixed Route Bus Service*, conducted May 9 – 12, 2005, Final Report dated February 1, 2007, pp. 31 and 32, available at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3899.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3899.html).

Finding: “The operator did not check the wheelchair securements on six of the 18 buses.”

Finding: “The operator did not check the wheelchair restraints on eight of the 18 buses.”

Finding: “At least six (of 18) operators did not appear familiar in the use of the securements or restraints.”

Recommendation: “ART should direct Veolia to verify that operators check the operation of wheelchair restraints and securements during their pre-trip vehicle inspections.”

Federal Transit Administration ADA Compliance Review of Arlington County Transit (ART), Arlington, Virginia, *Review of Lift Reliability and Maintenance for Operation of Fixed Route Bus Service*, conducted March 10 – 13, 2008, Final Report dated May 11, 2009, pp. 31 and 34, available at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3899.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3899.html).

- 10** In this ADA compliance review, FTA found that public address systems were not included on pre-trip inspection checklists.

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Finding: "The PA systems were not functioning on three of the 12 PA equipped buses examined by the review team. While most accessibility equipment, including lifts, ramps and securement systems, is checked daily by bus operators as part of the pre-trip inspection process, PA systems are not on the 'Pre-Trip Inspection' form and do not appear to be checked regularly by bus operators. Also, PA systems are not included on the 'B' and 'BC' vehicle maintenance checklists."

Recommendation: "Pueblo Transit should revise the operator pre-trip inspection to include the PA system. Pueblo Transit should also include inspection of the PA system in its regular vehicle maintenance services."

Federal Transit Administration ADA Compliance Review of Pueblo Transit, Pueblo, Colorado, *Review of Lift Reliability and Maintenance for Operation of Accessible Fixed Route Bus Service*, conducted June 18 – 21, 2007, Final Report dated January 25, 2008, pp. 34 and 36, available at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3899.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3899.html).

- 11** Many FTA ADA compliance reviews and Letters of Finding, including these six, addressed the removal of vehicles from service due to inoperable lifts. In the first compliance review, FTA lauded a transit agency for implementation of this requirement. In the others, FTA found vehicles inappropriately in service with inoperable lifts.

Finding: "If a wheelchair lift or ramp fails while in service, Pueblo Transit appears to respond and, when necessary, remove the bus from service promptly and make the necessary repairs. In most cases, repairs are made before the next service day. Buses are not placed back into service if the repairs take longer."

Federal Transit Administration ADA Compliance Review of Pueblo Transit, Pueblo, Colorado, *op. cit.*, p. 33.

"SCT reports that 100 percent of its fleet has lifts. The documents provided to FTA and DOJ also show, however, that during the sample period, SCT inspectors reported 62 instances of buses with inoperable lifts, 40 percent of which SCT used in operation before repairing the malfunction. Considering the number of spare buses in SCT's fleet, FTA questions SCT's need to place such vehicles in service. We note that DOT's ADA regulations require the use of accessible buses when an accessible spare is available, and the use of an inaccessible bus for no more than three days if there is no spare vehicle available to take the place of the one with an inoperable lift. Moreover, SCT used 14 of its buses with inoperable lifts (more than 20 percent)

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for more than three consecutive days, in express violation of this DOT ADA regulation.

Finding: SCT placed some buses in service with inoperable lifts, despite the availability of spare buses with working lifts. Furthermore, some of those buses remained in service for more than three consecutive days.”

Michael A. Winter, then Director, Office of Civil Rights, Federal Transit Administration, letter to Ms. Christine Malafi, County Attorney, Suffolk County Department of Law, Hauppauge, New York, February 15, 2007, regarding Suffolk County Transit, Suffolk County, New York, p. 2. This letter was sent pursuant to a joint investigation by the U.S. Department of Justice (DOJ) and FTA, following a request by plaintiffs in *Collins v. Suffolk County*, Civ. No. 04-3384 (E.D.N.Y.) that the United States intervene in that litigation. The December 8, 2006, settlement agreement reached by the parties in *Collins* ended DOJ’s role. The joint investigation supplemented FTA’s efforts to resolve two prior complaints, FTA File Nos. 98-0244 and 04-0004, the latter submitted by the plaintiffs in *Collins*.

Finding: “Three of 39 (7.7 percent) buses with inoperable lifts were used in passenger service for four, five, and six days from the time the lift was reported as inoperable until the time it was repaired. The DOT regulations (49 CFR §37.163(e)) state that when there is no spare vehicle to replace a vehicle that has an inoperative lift, ‘the public entity may keep the vehicle in service with an inoperable lift for no more than ... three days (if the entity serves an area of over 50,000 population) from the day on which the lift is discovered to be inoperative.’”

Finding: “WMATA does not appear to have a consistent procedure to identify and hold buses with inoperable lifts or ramps to ensure that they are only used when no other bus is available and are used for no more than three days. Each of WMATA’s bus divisions has its own procedure for identifying vehicles available for use in passenger service each day. At some divisions, the maintenance managers identify vehicles unavailable for use in passenger service for the transportation managers. The lists provided do not appear to identify vehicles with inoperable lifts as unavailable or as having only limited availability as ‘trippers’ in relation to the date the inoperable lift was reported and the subsequent days it had been used in service.”

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Finding: "The review team was able to identify records of vehicle use in passenger service for 39 of the 45 buses with repair records. Of these 39 buses, at least 13 (33.3 percent) were used in service for one day or more. DOT regulations (49 CFR §37.163(d)) require transit agencies to take vehicles with inoperative lifts (and implicitly inoperable ramps as well) out of service when discovered to be inoperative and to repair lifts/ramps before returning vehicles to service. The 39 buses were identified from a review of WMATA records from the period June 7 to August 21, 2007, but focused on records for the week of June 24 through June 30."

Finding: "Seven of 20 WMATA bus operators interviewed said that they have had to pull out with a bus with an operable lift. All of the operators knew they were to inform the yard mechanic if the lift did not work during the pre-trip inspection, and all indicated that they would request another bus if the lift was inoperable."

Recommendation: "WMATA should develop systemwide procedures to identify and track vehicles with inoperable lifts, as unavailable or as having limited availability ('trippers'), related to the date the inoperable lift was reported and the subsequent days it was used in service."

Recommendation: "WMATA should review its procedures for reporting and recording buses whose lifts are identified as inoperable during pre-trip inspections to ensure that buses with inoperable lifts are only used in service when no other bus is available to cover service needs."

Federal Transit Administration ADA Compliance Review of Washington Metropolitan Area Transit Authority (WMATA), Washington, DC, *op. cit.*, pp. 35, 36, and 39.

Finding: "AMA appears to place buses with inoperable lifts in service when there are buses with operable lifts available. AMA assigned buses with inoperable lifts to passenger service on Saturday and Sunday, February 3 and 4, 2007—36 percent of the buses in revenue service on each day had inoperable lifts. It appeared that AMA had a sufficient number of vehicles with operable lifts so that it could have deployed fully accessible fleets on those two days."

Finding: "AMA operates buses with inoperable lifts in service for more than three days. Thirty-eight vehicles (representing 23 percent of typical weekday pull-out) with inoperable lifts on February 1, 2007, were assigned to service on more than three days during the period February 1 to 5, 2007, according to AMA daily pull-out

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records. Twenty-four 1995 Flxible buses are regularly used in service even though their lifts are inoperable. Fourteen of the Flxible buses were assigned to service on February 1, 2007. Fifty-six buses awaiting parts for inoperable lifts are available for daily service. Twenty-seven of these buses were assigned to service on February 1, 2007.”

Recommendation: “AMA should not schedule buses with inoperable lifts for service when buses with operable lifts are available. AMA should immediately change its practices in this regard for weekend service.”

Recommendation: “AMA should immediately discontinue use of buses with inoperable lifts, including all of the 1995 Flxible buses. In no case should buses be used in revenue service for more than three days without operable lifts, as required by 49 CFR § 37.163 (e).”

Federal Transit Administration ADA Compliance Review of Autoridad Metropolitana de Autobuses (AMA), San Juan, Puerto Rico, *op. cit.*, pp. 35 and 39.

Finding: “Team members’ review of SMART’s vehicle maintenance and operations records identified two instances during 2005 in which SMART kept vehicles in service with inoperable ramps for more than three days even though it had available accessible vehicles.”

Recommendation: “SMART should establish and enforce a policy of removing from service any vehicle with an inoperable ramp until the ramp has been repaired.”

Federal Transit Administration ADA Compliance Review of Suburban Mobility Authority for Regional Transportation (SMART), Detroit, Michigan, *op. cit.*, pp. 31 and 32.

Finding: “Comparison of maintenance records with bus pull-out records suggests that in at least one instance (Bus 5231 in October 2007) a bus continued in service for more than three days while awaiting repair of its lift.”

Recommendation: “ART and Veolia should promulgate a clear policy implementing 49 CFR §37.163(d) and (e)—the requirement to remove a bus with an inoperable lift/ramp from service before its next service day unless there is no spare bus and in no event more than three days.”

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Federal Transit Administration ADA Compliance Review of Arlington County Transit (ART), Arlington, Virginia, *op. cit.*, pp. 30 and 34.

- 12** These two FTA ADA compliance reviews discussed transit agency and driver policies or practices regarding buses with broken lifts or ramps, and whether they are put into service on routes not designated as accessible. The first compliance review observed that both drivers and pullout supervisors cited a transit agency policy that is inconsistent with the ADA: that a bus with an inoperable lift may be put into service on routes not designated as accessible, if necessary. The second compliance review found that vehicle operators “were under the impression that they do not have to use the lift on a route that is not designated as being accessible.” FTA makes such a finding if reviewers observed drivers refraining from using a lift or ramp while in service and, when interviewed, expressing the view that the lift or ramp need not be deployed on a route not designated as accessible. This suggests the drivers would view the usage of a bus with an inoperable lift or ramp on such routes as acceptable.

Field Observation: “When queried, both drivers and pullout supervisors stated that it was MBTA policy that routes designated as being accessible be given first priority for a bus with a functioning lift, but that a bus with a non-functioning lift would be sent out on routes that were not designated as accessible, if necessary.”

Federal Transit Administration ADA Compliance Review of Massachusetts Bay Transportation Authority (MBTA), Boston, Massachusetts, *op. cit.*, p. II-13.

Finding: “It appears that some drivers are under the impression that they do not have to use the lift on a route that is not designated as being accessible.”

Recommendation: “It is recommended that drivers be reminded that they are expected to provide service to persons with disabilities when they are driving a bus that is accessible whether or not the route is accessible.”

Federal Transit Administration ADA Compliance Review of Southeastern Pennsylvania Transportation Authority (SEPTA), Philadelphia, Pennsylvania, *op. cit.*, pp. 52 and 53.

- 13** These two FTA ADA compliance reviews found effective a transit agency practice of assigning a mechanic to the pullout area during major pullouts in order to address equipment problems that can be quickly repaired.

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Finding: "The pilot program at Charlestown/Bennett Garage in which the Yard Supervisor troubleshoots and repairs minor lift (and other) problems during pullout appears to increase the number of buses with operating lifts that are available for service."

Recommendation: "If successful, the Charlestown/Bennett pilot project should be expanded to all garages so that minor repairs may be made to equipment during pre-trip inspections, particularly ensuring that buses leave the garage with functioning lifts, kneelers, and PA systems. This MBTA initiative appears to have the potential to increase the number of in-service buses with functioning lifts at relatively low cost."

Federal Transit Administration ADA Compliance Review of Massachusetts Bay Transportation Authority (MBTA), Boston, Massachusetts, *op. cit.*, pp. II-20 and II-21.

Finding: "The use of maintenance and operations personnel to observe pullout appears to be very beneficial for troubleshooting lift problems before drivers leave the garage."

Recommendation: "The practice of monitoring pullout with lift-mechanics and division personnel should be done regularly."

Federal Transit Administration ADA Compliance Review of Maryland Mass Transit Administration (MTA), Baltimore, Maryland, *op. cit.*, pp. 24 and 25.

**14** ADA Accessibility Specifications for Transportation Vehicles, 49 C.F.R. § 38.35(a).

**15** In ADA compliance reviews, including this one, FTA has found that unamplified voice announcements often were not audible throughout the vehicle.

Finding: "Voice announcements made without amplification often were not audible or clear."

Recommendation: "PA systems should be repaired or replaced and kept in good working condition so that drivers may use them and be heard when announcing stops on fixed route buses. Further, PA systems on rapid transit/subway and commuter rail should be upgraded so that drivers are more easily understood and there is less static."

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Federal Transit Administration ADA Compliance Review of Massachusetts Bay Transportation Authority (MBTA), Boston, Massachusetts, *op. cit.*, p. I-1-20 and I-1-21.

- 16** Several FTA ADA compliance reviews, including these two, found gaps in the consistent immediate reporting of lift failures in service.

Finding: "Drivers do not appear to consistently report lift failures while in service as required by 49 CFR 37.163 (c)."

Recommendation: "Driver training should make clear the drivers responsibility to carry a key for the lifts, and reinforce the drivers responsibility to promptly report lift failures to appropriate supervisory personnel."

Federal Transit Administration ADA Compliance Review of Massachusetts Bay Transportation Authority (MBTA), Boston, Massachusetts, *op. cit.*, pp. II-20 and II-22.

Finding: "Customers noted that some drivers do not call in lift failures, nor do they attempt to use the lift in the presence of the passenger."

Recommendation: "It is recommended that procedures be reviewed and revised to assure that drivers are properly reporting lift failures, and that Control Center dispatchers are accurately recording them."

Federal Transit Administration ADA Compliance Review of Southeastern Pennsylvania Transportation Authority (SEPTA), Philadelphia, Pennsylvania, *op. cit.*, pp. 52 and 53.

- 17** Fixed route transit systems are those that operate along prescribed routes according to fixed schedules, in contrast to demand response transit service, in which a vehicle is dispatched or routed in response to a potential rider's request. For example, the subway train is a fixed route system; taxis are a demand response service.
- 18** Many FTA ADA compliance reviews, including these five, address the provision of alternative service when lifts and ramps fail to operate. In the first compliance review, FTA lauded a transit agency for thorough implementation of this requirement. In the other four, FTA found problems in the provision of alternative service.



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Finding: "SMART has established detailed and effective procedures to ensure that alternative service is provided to riders with disabilities should the access features of a bus fail in service. These procedures have been effectively communicated to operators and dispatchers. In addition, SMART's use of accessible minivans as Road Supervisor vehicles allows these employees to quickly respond to any lift or ramp failures. Fortunately, with the ability to manually operate bus ramps, these alternative service procedures appear to be needed only on rare occasions."

Recommendation: "To further strengthen its already good policy concerning the provision of alternative, backup service, SMART should include more specific language requiring bus operators to inform riders of the exact arrangements being made to assist them when there is an in-service lift or ramp failure.

Federal Transit Administration ADA Compliance Review of Suburban Mobility Authority for Regional Transportation (SMART), Detroit, Michigan, *op. cit.*, pp. 30 and 32.

Finding: "The formal procedures established by Pueblo Transit for arranging for alternative transportation when lifts fail in service ('Procedures for Handling Wheelchair Clients When W/C Lifts are Inoperable') do not appear to be followed in practice. Bus operators tend to contact the garage maintenance staff, rather than dispatchers. Operators said that the Citi-Lift paratransit service is rarely used as a backup. In most cases where lifts fail in service, it appears that the garage maintenance staff coordinate the response and either send a replacement vehicle or mechanics to make the repair on the street."

Finding: "The review team observed one in-service lift failure. In this case, the bus operator did not keep the rider informed of the alternative transportation arrangements that Pueblo Transit was making."

Recommendation: "Pueblo Transit should review its procedures and actual practices for arranging for alternative transportation when lifts fail in service and make them consistent. To allow the Citi-Lift service to be considered more regularly. The policy and practice should be revised, so that bus operators notify dispatchers of lift failures, and the dispatchers then contact both the garage maintenance staff and the Citi-Lift program to determine the best options for responding to the in service failure. Doing so would facilitate a quicker response, using Citi-Lift if there is not a spare fixed route bus that can be used to respond in a timely way. It may also minimize the impact of lift failures on service as a whole."

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Recommendation: "Pueblo Transit should reinforce with bus operators that they should keep riders informed of the arrangements being made for alternative transportation when there are in-service lift failures."

Federal Transit Administration ADA Compliance Review of Pueblo Transit, Pueblo, Colorado, *op. cit.*, pp. 33 and 34.

Finding: "In addressing the needs of customers, interviewed operators employed different practices when operating buses with an inoperable lift. Some would tell the waiting customer that the next bus would arrive in 10 or 20 minutes, while others would call BOCC for the estimated time of arrival of the next bus with an operating lift. WMATA ADA training instructs operators to contact BOCC and inform the customer that BOCC will send a street supervisor to the scene if the wait for another bus is longer than 20 minutes."

Recommendation: "WMATA should retrain operators so that they understand the proper procedures for accommodating passengers when they are operating a bus with an inoperable lift. This would promote consistent treatment of customers in accordance with the DOT ADA regulations."

Federal Transit Administration ADA Compliance Review of Washington Metropolitan Area Transit Authority (WMATA), Washington, DC, *op. cit.*, pp. 37 and 40.

Finding: "It appears that when buses are operating with an inoperative lift, the MBTA does not always promptly provide alternative transportation to people who are unable to use fixed route buses without operable lifts."

Recommendation: "It is recommended that the MBTA review its procedures for providing alternative transportation to lift users when buses are operating with inoperative lifts in accordance with 49 CFR 37.163 (f)."

Federal Transit Administration ADA Compliance Review of Massachusetts Bay Transportation Authority (MBTA), Boston, Massachusetts, *op. cit.*, pp. II-21 and II-22.

Finding: "Although ART and Veolia appear to make a good faith effort to expeditiously pick up wheelchair passengers when a lift does not operate, the current policies, procedures, and directives do not explicitly address 49 CFR §37.163(f), which requires alternative transportation for customers with disabilities

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in the event of an inoperable wheelchair lift when the headway to the next accessible bus on the route exceeds 30 minutes. In addition, a third of the operators who were interviewed did not mention calling the dispatcher as part of their response to a lift failure; this may indicate a lack of awareness that a prompt call for assistance is needed to meet this requirement.”

Recommendation: “An explicit policy directive should be promulgated with respect to 49 CFR §37.163(f), requiring alternative transportation when the headway to the next accessible bus on the route exceeds 30 minutes.”

Federal Transit Administration ADA Compliance Review of Arlington County Transit (ART), Arlington, Virginia, *op. cit.*, pp. 32 and 34.

- 19 49 C.F.R. Part 37, App. D, § 37.163, *originally published at* 56 Fed. Reg. 45747 (Sept. 6, 1991).
- 20 Settlement Agreement Between the United States of America and City of Detroit at 2:04- cv-73152, ¶¶ H.1 through 3 (agreement effective Dec 2008). Copies of the complete settlement agreements are available at [www.ada.gov/detroittransito5.htm](http://www.ada.gov/detroittransito5.htm).

#### H. Alternative Transportation

1. As of the Effective Date of this Settlement Order, whenever an individual using a Wheelchair cannot board a City bus because the Wheelchair Lift does not operate, DDOT shall utilize the following procedures: While stopped at the bus stop and in the presence of the passenger using a Wheelchair, the Bus Driver shall contact Dispatch and provide Dispatch the location of the passenger and the direction he or she is traveling. Dispatch shall determine whether a bus with a known working Lift on that route will arrive at that stop within 30 minutes and communicate such to the Driver. If a bus with a working Lift will arrive within 30 minutes, the Driver shall ask the passenger to wait for another bus. If no bus with a known working Lift will arrive at that stop within 30 minutes, Alternative Transportation will be sent, and Dispatch shall tell the Driver approximately how long it will take the Alternative Transportation to arrive. The Driver shall inform the passenger that Alternative Transportation is on the way and approximately how long it will take to arrive. When the Alternative Transportation arrives, the driver of that vehicle shall inform Dispatch what time he or she arrived at the passenger's location. Dispatch shall record the date and time of the request, the location of the passenger, the Bus Driver's i.d. number, the time that Alternative Transportation was dispatched, the time the Alternative Transportation arrived at the bus stop, and the time that the passenger arrived at his/her destination.

2. DDOT shall ensure that Bus Drivers can communicate with Dispatch, without exiting the bus. As of the Effective Date of this Settlement Order, each bus and Alternative Transportation vehicle will be equipped with a functional radio in order to contact Dispatch. DDOT shall maintain the vehicle radios in working condition and shall inspect the radios on a daily basis and repair them promptly when damaged or out of order.

3. Alternative Transportation will arrive within 30 minutes of the Bus Driver's call to Dispatch requesting Alternative Transportation.

- 21** In the FTA Capital Program Grant Application Instructions, § (8)(a)(1) provides the FTA Service Life Policy:

Service Life Policy. Service life of rolling stock begins on the date the vehicle is placed in revenue service and continues until it is removed from service. Minimum normal service lives for buses and vans are given in the paragraphs below.

Large, heavy-duty transit buses (approximately 35'-40', and articulated buses): at least 12 years of service or an accumulation of at least 500,000 miles.

Medium-size, heavy-duty transit buses (approximately 30'): 10 years or 350,000 miles.

Medium-size, medium-duty transit buses (approximately 30'): 7 years or 200,000 miles.

Medium-size, light-duty transit buses (approximately 25- 35'): 5 years or 150,000 miles.

Other light-duty vehicles such as small buses and regular and specialized vans: 4 years or 100,000 miles.

Federal Transit Administration, Capital Program: Grant Application Instructions, C 9300.1A, 10-01-98, available at [www.fta.dot.gov/funding/grants/grants\\_financing\\_4128.html#chapter3](http://www.fta.dot.gov/funding/grants/grants_financing_4128.html#chapter3).

- 22** National Council on Disability, *The Current State of Transportation For People With Disabilities in the United States*, June 13, 2005, pp. 97 – 99.
- 23** This requirement is not in the DOT ADA regulation, but rather in what is called Part 27. Part 27 contains other transit agency obligations including the DOT regulation for Section 504 of the Rehabilitation Act of 1973, another disability rights law. Part 27, which is formally cited as 49 C.F.R. Part 27, is available at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3907.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3907.html). The reporting requirement is at 49 C.F.R. § 27.13(b), 49 C.F.R. Subpart C, §§ 27.121 – 27.129.

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- 24** Federal Transit Administration Office of Civil Rights, Rider Complaint Form, available at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_388g.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_388g.html).
- 25** ADA Accessibility Specifications for Transportation Vehicles, 49 C.F.R. § 38.23(c)(5).
- 26** 49 C.F.R. § 37.165(f) and 49 C.F.R. Part 37, App. D, § 37.165.
- 27** U.S. Access Board, Draft Revisions to the ADA Accessibility Guidelines for Buses and Vans, § T303.8.1, available at [www.access-board.gov/vguidedraft2.htm](http://www.access-board.gov/vguidedraft2.htm) (Notice of Availability at 73 Fed. Reg. 69592 (Nov. 19, 2008)). The U.S. Access Board is currently in an extended process of drafting and receiving public comment on proposed revisions to ADA accessibility guidelines for vehicles used to provide designated and specified public transportation. The Access Board first draft of such updated vehicle guidelines was released on April 11, 2007. Following public comment on that first draft, the second draft (cited here) was released on November 19, 2008. A formal Notice of Proposed Rulemaking (NPRM) will then be issued, leading to promulgation of a final rule after comments to the NPRM are analyzed.
- 28** 49 C.F.R. Part 38.
- 29** U.S. Access Board, Draft Revisions to the ADA Accessibility Guidelines for Buses and Vans, §§ T203.3 and T4, available at [www.access-board.gov/vguidedraft2.htm](http://www.access-board.gov/vguidedraft2.htm) (Notice of Availability at 73 Fed. Reg. 69592 (Nov. 19, 2008)), *op.cit.*
- 30** This FTA ADA compliance review found that standardization of accessibility features throughout the bus fleet would simplify stocking parts as well as conducting maintenance and repairs.

Finding: "Pueblo Transit's bus fleet includes seven different vehicle makes and models. More standardization of the fleet would make it easier and less expensive to stock parts and would make maintenance and repairs less complex."

Federal Transit Administration ADA Compliance Review of Pueblo Transit, Pueblo, Colorado, *op. cit.*, p. 33.

- 31** Easter Seals Project ACTION, Resource Guide to Effective Approaches for Increasing Stop Announcements and Route Identification by Transit Operators, *op. cit.*, p. 24.

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- 32** This FTA ADA compliance reviews found a lack of written policies that address ADA equipment maintenance requirements.

Finding: "There is no ART or Veolia written policy specifically limiting the operation of buses with inoperable lifts to no more than three days and only if no spare bus is available."

Finding: "Although Veolia procedures require that lift problems detected during pre-trip inspections must be reported, there is no policy stating that a bus with an inoperable lift should not continue in service on the day the problem is identified."

Finding: "There is no ART or Veolia written policy specifically prohibiting a bus with an inoperable lift/ramp from pulling out for service unless no spare bus is available. The current policies, procedures, and directives fail to address 49 CFR §37.163(d), which states that except when no spare vehicle is available, the transit entity shall take the vehicle out of service before the beginning of the vehicle's next service day after a lift is discovered to be inoperable."

Recommendation: "ART and Veolia should promulgate a clear policy implementing 49 CFR §37.163(d) and (e)—the requirement to remove a bus with an inoperable lift/ramp from service before its next service day unless there is no spare bus and in no event more than three days."

Recommendation: "Directives to operators regarding all aspects of ADA compliance should be issued in consolidated form by Veolia and reviewed with all bus operators and supervisors. The directives should address all parts of the applicable regulations (49 CFR Part 37 subparts 161, 163, 165, and 167). The consolidated directive should be reviewed with all operators and used in training."

Recommendation: "An explicit policy directive should be promulgated with respect to 49 CFR §37.163(f), requiring alternative transportation when the headway to the next accessible bus on the route exceeds 30 minutes."

Federal Transit Administration ADA Compliance Review of Arlington County Transit (ART), Arlington, Virginia, *op. cit.*, pp. 30 – 34.

- 33** Several FTA ADA compliance reviews, including these two, addressed vehicle operator training and its relationship to equipment maintenance. The first compliance review lauded

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the transit agency training program. The other compliance review found deficiencies in training vehicle operators.

Finding: "SMART has developed and implemented a very thorough employee training program that provides comprehensive instruction on the use of accessibility equipment as well as on the provision of quality service to all riders, including riders with disabilities. Interaction with individuals with disabilities is part of the training. Employees also ride the fixed route service using mobility aids as part of the training to better understand the perspective of riders with disabilities."

Federal Transit Administration ADA Compliance Review of Suburban Mobility Authority for Regional Transportation (SMART), Detroit, Michigan, *op. cit.*, p. 30.

Finding: "In many instances, the Driver Vehicle Inspection Report (DVIR) that is used to record defects found during pre-trip inspection as well as on the road indicates that the operator mistakenly believed the lift to be inoperable but pulled out the bus for service on that day. If the operator believes the lift to be inoperable it is for practical purposes non-functional. This situation is partly a deficiency in training operators in lift operation."

Finding: "All bus operators interviewed said they had received training in wheelchair boarding and securement. However, responses on what to do in the event that a wheelchair lift failed to operate were varied, indicating that the training is insufficient."

Recommendation: "Refresher training on lift operation should be targeted to individual operators who report an inoperable lift that turns out to be operable."

Federal Transit Administration ADA Compliance Review of Arlington County Transit (ART), Arlington, Virginia, *op. cit.*, pp. 30, 32, 34, and 35.

- 34** In several ADA compliance reviews and Letters of Finding, including these three, FTA addressed preventive maintenance. In the first one, FTA lauded a transit agency ramp maintenance program. In the others, FTA found gaps in a transit agency equipment maintenance programs.

Finding: "SMART has implemented inspection procedures that test the working condition of bus ramps at least twice each day, as well as during regular maintenance. Bus ramps are cycled by operators as part of the pullout process and

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the inspection forms used by operators specifically require checks of the ramp as well as the securement systems. Ramps are tested a second time each day by Coach Service Attendants (CSAs) as buses are returned to the garage. Ramps are also tested as part of the regular preventative maintenance program.”

Federal Transit Administration ADA Compliance Review of Suburban Mobility Authority for Regional Transportation (SMART), Detroit, Michigan, *op. cit.*, pp. 29 – 30.

“SEPTA’s response stated: ‘It should also be noted that on the Complainant’s return trip the wheelchair lift on the bus number 3445 did deploy and raise and lower but would not raise and lower with the Complainant in her wheelchair on the lift. There have been at least two other occasions where a lift would not function with the weight of the wheelchair passenger.’

“A wheelchair lift that won’t deploy with a passenger in a wheelchair on the lift is not ‘operative.’ ‘Operative’ means the lifts are operating for the purpose they were intended: to lift passengers in wheelchairs (or standees) into the bus.

“SEPTA stated in its response that there have been at least two other occasions when a lift would not function with the weight of the passenger and a wheelchair. This indicates that SEPTA’s checks and maintenance are insufficient to determine if lifts are ‘operative,’ absent mitigating circumstances that have not been offered by way of explanation ... . Based upon the above facts this constitutes a violation of the DOT ADA regulations at Section 37.163(b).”

Letter of Finding by Cheryl L. Hershey, then ADA Group Leader, Office of Civil Rights, Federal Transit Administration, October 14, 2004, regarding FTA Complaint No. 04-0014 against Southeastern Pennsylvania Transportation Authority (SEPTA), Philadelphia, Pennsylvania, p. 2.

Finding: “AMA fails to repair inoperable lifts promptly. Of the 163 buses identified as having inoperable lifts from four reporting sources spanning the period October 2006 through February 2007, work orders for repairs were issued for 43 (26 percent). Additionally, there was no record of repair for 85 of the 163 buses identified with inoperable lifts (52 percent), which also were not identified as awaiting parts.”

Finding: “At the time of the review there was no procedure in place to automatically notify the Operations (maintenance) Department when out-of-stock parts were



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received. As a result, buses with inoperable lifts were not being repaired because the maintenance staff was still awaiting parts that, in fact, had been received and were in stock.”

Recommendation: “The program to improve lift reliability ... should address the schedule for lift repair to ensure that it is sufficiently prompt to avoid the use of buses with inoperable lifts in passenger service.”

Recommendation: “AMA should immediately institute a procedure for the warehouse to inform the Maintenance Department when out-of-stock parts are received.”

Federal Transit Administration ADA Compliance Review of Autoridad Metropolitana de Autobuses (AMA), San Juan, Puerto Rico, *op. cit.*, pp. 37 and 40.

- 35** In this ADA compliance review, FTA found that public address systems were not included on maintenance checklists.

Finding: “The PA systems were not functioning on three of the 12 PA equipped buses examined by the review team. While most accessibility equipment, including lifts, ramps and securement systems, is checked daily by bus operators as part of the pre-trip inspection process, PA systems are not on the ‘Pre-Trip Inspection’ form and do not appear to be checked regularly by bus operators. Also, PA systems are not included on the ‘B’ and ‘BC’ vehicle maintenance checklists.”

Recommendation: “Pueblo Transit should revise the operator pre-trip inspection to include the PA system. Pueblo Transit should also include inspection of the PA system in its regular vehicle maintenance services.”

Federal Transit Administration ADA Compliance Review of Pueblo Transit, Pueblo, Colorado, *op. cit.*, pp. 34 and 36.

- 36** This FTA ADA compliance review commended a transit agency for proactive steps to encourage and enhance bus stop accessibility.

Finding: “SMART has developed a ‘Guide for Creating a Transit Friendly Environment’ that it distributes to local communities and developers to encourage transit-friendly design. This document provides guidance on accessible bus stop design. SMART also employs a bus stop technician/coordinator who reviews bus

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stop locations and accessibility as part of the bus route design process. These efforts are commendable and help ensure bus stop accessibility and usability of the service by riders with disabilities.”

Recommendation: “To strengthen its efforts to make bus stops accessible, SMART should consider adding to the bus stop portion of its website an item where riders with disabilities can indicate if there are bus stops that they would like to use that need accessibility improvements.”

Federal Transit Administration ADA Compliance Review of Suburban Mobility Authority for Regional Transportation (SMART), Detroit, Michigan, *op. cit.*, pp. 31 and 32.

- 37** Mary Kay Bonica, Manager of Purchasing & Materials, Utah Transit Authority, personal communication, October 12, 2009.
- 38** Many FTA ADA compliance reviews and Letters of Finding, including these six, have addressed transit agency monitoring of accessibility equipment maintenance. The first compliance review commended a transit agency monitoring practices. The other five found gaps in transit agency monitoring of accessibility equipment maintenance.

Finding: “SMART has implemented a thorough complaint and service monitoring process to ensure maximum compliance with service policies and procedures. Monitoring involves informal ‘secret riders,’ observations by National Transit Database (NTD) data checkers, as well as the formal complaint process. Constant monitoring of complaints, and rapid action on complaints, allows SMART to effectively monitor service quality and compliance with policies and procedures.”

Federal Transit Administration ADA Compliance Review of Suburban Mobility Authority for Regional Transportation (SMART), Detroit, Michigan, *op. cit.*, p. 30.

“SCT does not collect information on the length of time a rider must wait for an accessible bus or alternative form of transportation following the arrival of a bus experiencing a lift failure when the headway to the next accessible bus exceeds 30 minutes. SCT, therefore, cannot demonstrate its compliance with the requirement to provide such alternative transportation in a timely manner.”

Michael A. Winter, then Director, Office of Civil Rights, Federal Transit Administration, letter to Ms. Christine Malafi, County Attorney, Suffolk

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County Department of Law, Hauppauge, New York, February 15, 2007,  
*op. cit.*

Finding: "The lack of complete maintenance records and the absence of a start date for repair records make it impossible for either the review team or ART to determine whether a bus remained in service with an inoperable lift or ramp and, if so, for how long."

Finding: "Although the Veolia management team that took over in the fall of 2007 has made progress in organizing maintenance records, they do not in general indicate when a problem was first identified, making it impossible for the review team, ART, or Veolia to analyze the length of time that a lift/ramp (or other equipment) was inoperable."

Recommendation: "ART and Veolia should institute more complete record keeping that enables monitoring of the number of days between the report of an inoperable lift and its repair."

Federal Transit Administration ADA Compliance Review of Arlington County Transit (ART), Arlington, Virginia, *op. cit.*, pp. 30, 33 and 34.

Finding: "MTA has instituted a regular process of pre-trip inspections, preventive maintenance checks, and lift inspections as required by 49 CFR §37.163. However, lift failures, either during pullout or in-service are not reported and recorded in a consistent fashion in radio dispatch and maintenance logs."

Recommendation: "The procedure for reporting defective lifts through Radio Dispatch should be examined. It is not clear whether all calls are logged there, or only ones that require follow-up. This lack of record keeping makes it difficult to keep statistics on maintenance efforts."

Federal Transit Administration ADA Compliance Review of Maryland Mass Transit Administration (MTA), Baltimore, Maryland, *op. cit.*, pp. 24 and 25.

Finding: "The MBTA has instituted a regular process of pre-trip inspections, preventive maintenance checks, and lift inspections as required by 49 CFR §37.163. However, lift failures, either during pullout inspections or in-service, are not reported and recorded in a consistent fashion in MBTA maintenance records."

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Recommendation: "The requirement to cycle lifts during the pre-trip inspection should be reinforced and additional attention paid to the reporting procedure for defective lifts discovered during pull-out."

Federal Transit Administration ADA Compliance Review of Massachusetts Bay Transportation Authority (MBTA), Boston, Massachusetts, *op. cit.*, pp. II-19 and II-21.

Finding: "SEPTA does not appear to maintain consistent, reliable records of lift failures. It is unclear whether drivers comply with requirements for daily lift cycling and use of VCRs. The VCRs and Control Center reports appear to be inconsistent. This inconsistency makes it unclear whether the Wheelchair Lift Compliance Sampling Report ... includes all reported lift failures or just those that have been entered into the computer system (not including most faxes). Additionally, mechanics do not appear to be consistently recording PM of lifts in the VMIS."

Recommendation: "It is recommended that record-keeping practices be reviewed and improved. VCRs and CDLs appear to be redundant and possibly could be combined."

Federal Transit Administration ADA Compliance Review of Southeastern Pennsylvania Transportation Authority (SEPTA), Philadelphia, Pennsylvania, *op. cit.*, conducted August 20 – 24, 2001, Final Report dated April 18, 2002, p. 53.

- 39** This requirement is not in the DOT ADA regulation, but rather in what is called Part 27. Part 27 contains other transit agency obligations including the DOT regulation for Section 504 of the Rehabilitation Act of 1973, another disability rights law. Part 27, which is formally cited as 49 C.F.R. Part 27, is available at [www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3907.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3907.html). The reporting requirement is at 49 C.F.R. § 27.13(b), 49 C.F.R. Subpart C, §§ 27.121 – 27.129.