

# Ability of Disability: Challenging Perceptions

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# Including People with Disabilities in Transportation Systems

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# Overview

- 1970's Laws
- Issues
- Lawsuits
- ADA
- Misconceptions

# 1970's Laws

Section 16 (a) of Urban Mass Transportation Assistance Act of 1970 declared national policy:

- “Handicapped and elderly” have same right to use mass transportation.
- Special efforts must be made in planning and designing mass transportation so they can effectively utilize it.

# Section 504 of the Rehabilitation Act of 1973

“No otherwise qualified handicapped individual in the United States as defined in Section 7 (6) shall, solely by the reason of his handicap, be excluded in participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance.”

# Issues

- Can courts enforce these laws (private right of action)?
- Do these laws require all new buses to be accessible?
- Can special services (e.g., paratransit) be provide instead of accessible buses?
- Is there a limit on how much money must be spent?

# Buses

- In 1970's, all buses had high floors (34" above the street ).
- In 1976, USDOT required buses purchased with Federal funds to offer optional wheelchair lift.
- In 1977, first lift equipped buses were delivered to Los Angeles.

# First Lawsuits

- Between 1974 and 1976, 14 lawsuits were filed to stop purchase of inaccessible buses.
- Courts ruled it unreasonable to stop all bus procurement while industry developed accessible buses.
- Courts ruled in favor of private right of action to enforce Section 504 and USDOT regulations.



# Transbus

- In 1972, USDOT awarded \$27 million to bus manufacturers to design low floor bus.
- In 1976, disability groups sued USDOT to require all buses procured with Federal funds to specify a low floor and ramp design.
- In 1977, USDOT issued regulation requiring all bus solicitations issued after September 30, 1979 to specify a low floor and ramp design.

# No Bids

- In 1979, Philadelphia, Los Angeles and Miami issued joint solicitation for 530 low floor ramped buses.
- Bus manufacturers did not submit bids; instead they produced new line of high floor buses.
- In 1991, New Flyer Industries produced first low floor ramped bus for U. S. market.

# USDOT 1976 Regulations

- Required special efforts in planning transportation projects for people with disabilities.
- Can be met by purchasing lift-equipped buses or providing special services (local option).

# USDOT 1979 Regulations

- HEW issued Section 504 coordination guidelines in 1978 requiring all new facilities, including buses, to be accessible and existing facilities to be retrofitted where necessary to achieve program accessibility.
- USDOT revised its regulations in 1979 to comply with HEW guidelines.

# APTA Lawsuit

- APTA lawsuit challenged 1979 regulations.
- Court ruled against regulations because they imposed extreme financial burden on transit agencies.
- USDOT issued interim regulations in 1981 allowing transit agencies to self-certify that they were making special efforts to provide services to people with disabilities.

# USDOT 1986 Regulations

- Allowed local option to provide accessible buses, special services, or combination of both.
- Established minimum service criteria.
- Established spending cap (3% of operating costs).

# ADAPT Lawsuit

- ADAPT lawsuit challenged 1986 regulations.
- Court ruled:
  - 1970's laws did not require all transportation systems to be accessible.
  - Spending cap was arbitrary.

# Pre-ADA Accessibility

APTA survey of 174 transportation systems in 1987 showed:

- 18% operated accessible buses
- 44% provided special services
- 38% had a combination of accessible buses and special services



# ADA Established Clear Mandate

- All new vehicles used in fixed route systems must be accessible.
- Paratransit must be provided to complement fixed route service.
- All new and altered rail stations must be accessible.
- Key stations in existing rail systems and all AMTRAK stations must be retrofitted for accessibility.

# Misconceptions of People with Disabilities

- Were sick or frail
- Would slow down bus systems and pose danger to other passengers
- Few would use accessible buses
- Would be more cost effective (cost per ride) to provide special services than accessible buses
- Misconceptions resulted in resistance to inclusive design

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# What we are learning through virtual BORPSAT

- Accessible transportation is not just a DOT issue
- Employment is not just a DOL issue
- Lack of coordination locally is often a result of lack of *federal* coordination
- Rider input should drive planning and delivery
- “Leave No Rider Behind”



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