

Know Your Rights

TRANSPORTATION

This fact sheet is designed to help people with disabilities understand their legal rights in the area of transportation. This fact sheet will cover:

- (1) Nondiscrimination in Public Transportation
- (2) Accessing Fixed Route vs. Paratransit Systems
- (3) Eligibility for Paratransit

YOU HAVE THE RIGHT NOT TO BE DISCRIMINATED AGAINST BY PUBLIC ENTITIES PROVIDING PUBLIC TRANSPORTATION.

Title II of the Americans with Disabilities Act (ADA), prohibits public entities from discriminating against people with disabilities in providing public transportation services.ⁱ The ADA covers bus and rail vehicles, transportation facilities (rail stations, bus stops, etc.), and bus and rail service.

Under the ADA, public transportation facilities that commenced construction after January 25, 1992 must be readily accessible to and useable by individuals with disabilities.ⁱⁱ Alterations to an existing public transportation facility must be made in such a manner that to the maximum extent possible, the altered portions are readily accessible to and useable by individuals with disabilities.ⁱⁱⁱ However, the ADA does not require public entities to make structural changes in existing transportation facilities constructed prior to January 25, 1992 unless the public entity is making other alterations to the facility.^{iv}

Public transportation authorities must also comply with requirements for accessibility in newly purchased transportation vehicles, make good faith efforts to purchase or lease accessible used vehicles, and remanufacture certain vehicles to be accessible.^v

YOU HAVE THE RIGHT TO REQUEST PUBLIC TRANSPORTATION THROUGH PARATRANSIT IF YOU CANNOT USE A FIXED ROUTE SYSTEM.

Fixed route system means a system of providing designated public transportation on which a vehicle is operated along a prescribed route according to a fixed schedule. An example of a fixed route system is a regular city bus route.

If you can use the fixed route system, transportation authorities cannot force you to use a “special” or a segregated system solely based on your disability. If you cannot use the fixed route system, you may be eligible for paratransit. Paratransit is a specialized, door-to-door transport service for people with disabilities who are not able to ride fixed-route public transportation all or some of the time. Paratransit is a complementary public transportation service, and must be comparable to the public fixed-route systems. This means the paratransit service must have an adequate capacity to meet demand, not make people with

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disabilities wait longer than the regular public transit system, be available for all kinds of trips (regardless of the trip's purpose) and allow people to schedule a ride anytime the day before the trip.

BUT REMEMBER—You must prove that you are eligible for paratransit.

To be eligible for paratransit, you must demonstrate an inability to use the fixed route system under one of the following three categories some or all of the time:^{vi}

Category 1: Individuals with physical or mental impairments, who cannot board, ride or disembark independently a regular bus. This category also includes people with mental or visual impairments who, as a result of their disability, cannot navigate the system.

Category 2: Individuals with a physical or mental impairment who could use accessible fixed-route transportation, but the accessible fixed-route transportation is not available at the needed time on a particular route (Ex. the accessible vehicle is down for maintenance, the lift cannot be deployed, etc.).

Category 3: Individuals with a specific impairment-related condition that prevents that person from traveling to a boarding location or from a disembarking location on the system. In this case, the impairment must prevent travel to or from a fixed-route stop. Significant inconvenience or difficulty does not form a basis for eligibility under this section.

Eligibility for paratransit may be determined at an in-person Transit Evaluation, where you may be:

- Asked questions about your ability to use public transportation, such as the bus
- Asked to complete a functional assessment to measure your ability to use public transportation

YOU HAVE THE RIGHT TO APPEAL A DENIAL OF YOUR REQUEST TO USE PARATRANSIT.

If you are found ineligible to use paratransit, you have the right to appeal within 60 days of the denial notice. The denial notice must state the reason you were not found eligible. Depending on the reason provided for the denial, collecting the following things for your appeal may be helpful:

- A detailed note from a doctor, social worker or service provider explaining why you cannot use a fixed route system or how your disability or its effects prevent you from using a fixed route system on your own
- A personal journal or daily log that includes details documenting the impact of travel on your disability, health, energy, stamina, etc.
- A list of the barriers that prevent you from traveling to the fixed route system (e.g. trees protruding from the sidewalk, signs, or certain weather conditions that affect your ability to navigate the route to/from the bus stop or in between stops).

If your appeal is denied, you can contact [Disability Rights Legal Center \(“DRLC”\)](#) for advocacy and/or referrals. You also have the right to file a complaint with the Federal Transit Administration (“FTA”) Office of Civil Rights. Address: FTA Office of Civil Rights, 400 7th Street, S.W., Room 9102, Washington, D.C. 20590. The FTA Office of Civil Rights also has a hotline, 1-888-446-4511. The complaint form is available on our website for download.

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