

# INFORMATION FOR OVER-THE-ROAD BUS PASSENGERS WITH DISABILITIES

## I. INTRODUCTION

This insert provides a general overview of the U.S. Department of Transportation's (DOT) requirements that apply to over-the-road buses (OTRBs) under DOT's Americans With Disability Act (ADA) regulations. Because the information below provides only a summary, DOT's actual ADA regulations should be reviewed for specific legal requirements (See 49 CFR part 37, subpart H). In general, DOT's ADA regulations ensure accessible, timely OTRB service for passengers with disabilities, including wheelchair users.

## II. GLOSSARY OF TERMS

The following provides a basic glossary of terms used by DOT's ADA regulations:

*Accessible Bus.* An accessible bus or accessible OTRB is a bus that includes a lift for getting passengers who cannot climb steps onto a bus, specific locations for securing the wheelchair to prevent it from sliding, and other features to ease travel for passengers with disabilities.

*Demand Responsive Service.* An OTRB company provides demand responsive service if it provides transportation to individuals via OTRB through a charter/tour system.

*Equivalent Service.* Equivalent service is service provided to passengers with disabilities that is as good as the type of service provided to passengers without disabilities (e.g., a different accessible vehicle is used to provide service to the same traveling points for the same cost within the same time frame as a regularly scheduled OTRB). Equivalent service requires that passengers be allowed to travel in their own wheelchairs.

*Fixed Route Service.* An OTRB company provides fixed route service if it provides transportation in which the OTRB is operated along a prescribed route according to a fixed schedule.

*Large Operator.* Under DOT's regulatory definition, a large operator or large OTRB company has gross annual transportation revenues equal to or exceeding \$9.5 million. This threshold is based upon the definition of Class I motor carrier and is adjusted annually for inflation with Bureau of Labor Statistics data.

*Mixed Service.* An OTRB company provides mixed service if it provides both fixed route and demand responsive service, and 25% or less of its OTRB fleet is used in fixed route service.

*OTRB.* An OTRB is a bus characterized by an elevated passenger deck over a baggage compartment.

*Small Operator.* Under DOT's regulatory definition, a small operator or small OTRB company has gross annual transportation revenues less than \$9.5 million. This threshold is based upon the definition of Class I motor carrier and is adjusted annually for inflation with Bureau of Labor Statistics data.

### **III. SERVICE REQUIREMENTS FOR OTRB COMPANIES**

#### **A. Fixed Route Companies**

A fixed route OTRB company must ensure that: (1) each new OTRB purchased or leased for fixed route service is accessible; and (2) the entire fixed route OTRB fleet consists of accessible buses by October 29, 2012.

#### **B. Demand Responsive and Mixed Service Companies**

Demand responsive OTRB companies must provide service in an accessible bus to passengers with disabilities on a 48-hour advance notice basis.

Mixed service OTRB companies must meet the requirements under the rule for both fixed route and demand responsive segments of their service.

#### **C. Alternatives for Small Companies**

##### **1. Small Fixed Route Companies**

Small fixed route OTRB companies, as an alternative to the general rule, can choose to (1) ensure each new OTRB that they purchase is accessible or (2) provide equivalent service to passengers with disabilities. There is no deadline by which part or all of their bus fleets must be accessible. Their fleets will become fully accessible when all inaccessible buses are replaced with new accessible buses. Before the fleet of a small fixed route OTRB company becomes fully accessible, the company must (1) provide service in an accessible bus to passengers with disabilities on a 48-hour advance notice basis or (2) provide equivalent service.

##### **2. Small Demand Responsive Companies**

Small demand responsive OTRB companies must provide accessible service to passengers with disabilities on a 48-hour advance notice basis. However, such companies are not required to fundamentally alter their reservation practices or displace other passengers in order to meet these requirements.

### **3. Small Mixed Service Companies**

Small mixed service OTRB companies can meet the alternatives to the general rule for both small fixed route OTRB companies and small demand responsive OTRB companies by providing accessible service within 48 hours. Small mixed service OTRB companies can comply with one set of requirements for all services that they provide.

## **IV. INTERMEDIATE AND REST STOPS**

- A. Whenever an OTRB makes an intermediate or rest stop, a passenger with a disability, including an individual using a wheelchair, must be permitted to leave and return to the bus on the same basis as other passengers. The OTRB operator must ensure that assistance is provided to passengers with disabilities as needed to enable the passenger to get on and off the bus at the stop (e.g., operate the lift and provide assistance with securement; provide other boarding assistance if needed, as in the case of a wheelchair user who has transferred to a vehicle seat because other wheelchair users occupied all securement locations).
- B. If an OTRB equipped with an inaccessible restroom is making an express run of three hours or more without a rest stop, and a passenger with a disability who is unable to use the inaccessible restroom requests an unscheduled rest stop, the OTRB operator shall make a good faith effort to accommodate the request. The OTRB operator is not required to make the stop. However, if the OTRB operator does not make the stop, the OTRB operator must explain to the passenger making the request the reason for its decision not to do so.

## **V. ADDITIONAL PASSENGERS WHO USE WHEELCHAIRS**

If the number of wheelchair users seeking to travel on a bus exceeds the number of securement locations on the bus, the OTRB operator must assign the securement locations on a first come-first served basis. The OTRB operator must offer boarding assistance and the opportunity to sit in a vehicle seat to passengers who are not assigned a securement location. If the passengers who are not assigned securement locations are unable or unwilling to accept this offer, the OTRB operator is not required to provide transportation to them on the bus.

## **VI. DISCRIMINATORY PRACTICES**

It is considered discrimination for any OTRB operator to—

- A. Deny transportation to passengers with disabilities, except as provided in 49 CFR section 37.5(h);

- B. Use or request the use of persons other than the OTRB operator's employees (e.g., family members or traveling companions of a passenger with a disability, medical or public safety personnel) for routine boarding or other assistance to passengers with disabilities, unless the passenger requests or consents to assistance from such persons;
- C. Require or request a passenger with a disability to reschedule his or her trip, or travel at a time other than the time the passenger has requested, in order to receive transportation; or
- D. Fail to provide reservation services to passengers with disabilities equivalent to those provided other passengers.

## **VII. INDIVIDUAL ACCESSIBLE/EQUIVALENT SERVICE REQUESTS**

All requests for accessible OTRB service (or equivalent service) must be documented by OTRB companies. The following request information must be documented on a form:

1. Company's name
2. Company's address
3. Company's telephone number
4. Passenger's name
5. Passenger's address
6. Passenger's telephone number
7. Scheduled date(s) and time(s) of trip(s)
8. Date and time of request
9. Location(s) of need for accessible bus or equivalent service, as applicable
10. Was accessible bus or equivalent service, as applicable, provided for trip(s)?  
Yes/No
11. Was there a basis recognized by U.S. Department of Transportation regulations for not providing an accessible bus or equivalent service, as applicable, for the trip(s)? Yes/No If yes, explain

The OTRB company must transmit a copy of the form with the above information to the passenger no later than the end of the next business day following the receipt of the request. A passenger with disabilities is required to make only one request, which covers all legs of the requested trip (e.g. in the case of a round trip, both the outgoing and return legs of the trip; in the case of a multi-leg trip, all connecting legs). The OTRB company must transmit a copy of the form to the passenger by first-class United States mail, by telephone, e-mail, or facsimile transmission. Refer to 49 CFR section 37.213(a)(2) for the specific transmission requirements.