



## Transportation and the Americans with Disabilities Act (ADA)

Thank you for joining the CCD Transportation Task Force on the 30<sup>th</sup> Anniversary of the ADA!

### How does the ADA cover transportation?

In 1990 Congress passed the ADA, a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and public accommodations. The purpose of the law is to ensure that people with disabilities have equal rights and opportunities. Some obligations for transportation include:

- Under Title II, public transportation and rights-of-way must be accessible to people with disabilities, including buses, subways, passenger rail services, and sidewalks. Accessibility requirements include stop announcements, accessible destination information, lifts and ramps, and accessibly designed interiors. Additionally, complementary paratransit service that provides limited origin-to-destination service is required where and when fixed-route service exists.
- Under Title III, private transportation services, including shuttles, private buses, taxis, on demand services, and motor coaches, must also be accessible to people with disabilities. If private transportation service vehicles are not accessible, the service must provide equivalent service to people with disabilities (see [49 CFR 37.105](#)).
- Just as vehicles and services must be accessible, transit facilities, intermodal centers, rail stations, and platforms must meet accessibility standards that enable people with disabilities to use all areas of a transportation facility.
- People with disabilities can bring their service animals on public and private transportation services.

### Which agencies ensure ADA compliance?

The U.S. Department of Transportation (USDOT) primarily regulates transportation under the ADA. The U.S. Access Board issues standards and guidance while USDOT shares enforcement authority with the Department of Justice. The Federal Highway Administration (FHWA) ensures compliance in the public right-of-way. The Federal Railroad Administration (FRA) ensures compliance for intercity and commuter rail. The Federal Transit Administration (FTA) administers laws related to public transportation. The Federal Motor Carrier Safety Administration oversees the ADA regulations requiring accessible motor coach services. The National Highway Traffic Safety Administration (NHTSA) has the authority to regulate adaptive automotive equipment and retrofitted vehicles and to ensure universal design and safety for people with disabilities is a guiding theme in autonomous vehicle research, standards and USDOT activities.

*“How are we going to focus on better policy change long-term? Because this thing [COVID-19] isn’t going away anytime soon... and we can’t be forgotten. It’s bad enough we’re still fighting for the basics of the ADA, [which] passed 30 years ago.”*

*–COVID-19 Survey Respondent on Transportation during the Pandemic*

## **Compliance Remains a Major Barrier to Transportation Access and Mobility**

Transportation compliance issues continue to complicate or impede access to transportation.

Examples of common complaints include:

- Inaccessible Amtrak stations
- Failure to make stop announcements
- Capacity constraints on paratransit
- On demand services (Uber, Lyft, taxis) refusal to serve people who use service animals, and limited or no wheelchair accessible options
- Inaccessible sidewalks, crosswalks, and transit stops

## **Real Mobility Requires More than Accessibility Standards**

Although the ADA requires most transportation services to be accessible when provided, the ADA does not require transportation services, especially public transportation, to exist. People with disabilities regularly experience mobility limitations due to long waits, infrequent service, limited service areas, and affordability. Disabled Black, Indigenous, and People of Color may experience racial profiling. Rural areas, including tribal lands, often lack basic public transportation services while low-income and minority communities are often underserved by transportation. Moreover, transportation service reductions due to COVID-19 disproportionately impacted people with disabilities and other communities with less access to private vehicles. True mobility requires a commitment to invest in transportation infrastructure and services that are accessible, equitable, and convenient.

## **Congress Plays an Important Role in Ensuring Mobility Access and Equity**

Congress should take the following steps:

- Fund transit and programs that serve people with disabilities, including Section 5310
- Actively promote equitable mobility and enforce Title VI of Civil Rights Act and the EJ EO
- Ensure innovative transportation systems, such as Autonomous Vehicles, are accessible
- Support inclusion of Disability Access to Transportation Act and Freedom to Move Act provisions in surface transportation reauthorization
- Honor trust and treaty responsibilities by funding tribes so they can provide accessible transportation based on their nation’s needs

## **Resources & Panelists:**

- CCD Transportation Task Force: [Contacts and Materials](#), [Task Force AV Principles](#)
- National Council on Disability: [Transportation Reports and Correspondence](#)
- Links for Panelists: [Rooted in Rights](#), [Crushing Colonialism](#), [Krip Hop Nation](#), [Sins Invalid](#)
- Video: [“Disabled People Ride Bikes \(and Trikes, and Tandems and Recumbents\)!”](#)

###

The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.