

When Might They be Breaking the Law?

Potential ADA Violations vs. a Bad Day on Transit

On most days, public transit provides safe and reliable service. Vehicles are generally well maintained and safe. Drivers are normally qualified and properly trained. On-time performance in most communities is at or above 90%. However, no system is perfect, and every day in every transit system from coast to coast, riders complain to just about anyone who will listen of an entire litany of transit, paratransit, and other transgressions, great and small. But when does a bad experience represent something more than bad service? The following tables outline a few examples that should illustrate the differences between a potential ADA violation and a really bad day on transit.

Fixed-Route Transit

A Bad Day	A Potential ADA Violation	Explanation
I was at the stop, and the driver passed right by. Now I'm late for work.	I was at the Downtown Transfer Center with my guide dog. While I was trying to find out what bus was parked in front of me, another one pulled up behind it and took off before I could get back there to find out where it was going. Turns out that was my bus. I have complained about this problem before, but nothing gets done.	Being passed by a bus does not violate the ADA unless the reason for the pass-up represents an ADA violation. The ADA requires the transit agency to identify the destination of each bus when at a stop serving multiple routes. Failure to do so represents a potential ADA violation.
I boarded what I thought was the bus I take every day. I didn't realize the agency added a bus making limited stops, but they did. As a result, I missed my stop and had to backtrack.	Our transit system has external speakers that broadcast the route destinations for the buses, but they often don't work. Most drivers will tell me the route numbers when I ask, but there are a couple of drivers who either refuse or just mumble, and I have a hard time hearing them. Today, I got one of those drivers. I've ridden with her before, so I assumed it was	Both examples could be considered technical violations of the ADA. However, when the Federal Transit Administration investigates ADA complaints, they look for patterns of conduct that suggest policies, procedures or practices that represent potential violations. A single driver or bus not providing a destination announcement would not be considered a violation. An

	my bus; it was not. I ended up way off course and very late.	ongoing issue like poor maintenance of external speakers that make destination announcements and/or a driver(s) who routinely do not make required announcements could be viewed as a potential ADA violation. This would be especially true if the repeated failures have been reported to the agency in the form of service complaints.
The seats up front were all full: a woman with three bags of groceries on one side and someone in a large wheelchair on the other. I had to move farther back, and as a result, I could barely hear the stop announcements and almost missed mine.	When I boarded the bus, the driver saw my white cane and told me that I needed to sit at the front of the bus. He then began shouting at a couple of teenagers and a mom with a child to get them to move. I didn't need to sit in the front and didn't want to. I told him, but he told me it was for my safety and refused to move the bus until I took one of the seats. I was so embarrassed; it was the lady with the small child who ended up moving.	While the ADA requires transit agencies to make priority seats available, it does not permit agencies to force other passengers to move. On the other hand, the ADA prohibits an agency from requiring a person with a disability to accept an unwanted accommodation. If a person with a disability does not want to sit in one of the seats at the front of the bus, the ADA gives them the right not to.
The stop announcement system was broken, and I missed my stop.	The stop announcements were broken—again, and when I complained to my driver, he said that the Maintenance Department doesn't really know how to fix them. He then proceeded to forget to announce my stop, and now, I'm waiting for a ride to get back to my appointment. And I'm late!	An occasional malfunction of accessibility equipment is not considered a legal violation. Repeated malfunctions, coupled with the agency's failure to address the issue, either mechanically or operationally, represents a potential violation.
The bus was an hour late, and by the time I got settled, I was really hungry. The driver yelled at me for eating the energy bar I had in my backpack. How rude!	The bus was really late, and I was feeling like my blood sugar was super low. I pulled out the chocolate bar I have for emergencies, and the driver yelled at me. I told him I was diabetic, and he threatened to	Transit agencies can establish policies prohibiting eating and drinking. However, the ADA requires agencies to make "reasonable modifications" for people whose disabilities can be accommodated through

	throw me off the bus if I didn't put "that candy" away. I was so embarrassed, and I felt like I was going to pass out.	minor modifications that do not create an undue burden for the agency.
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ADA Paratransit

A Bad Day	A Potential ADA Violation	Explanation
I requested a 3:30 p.m. pick-up, and the agent told me she couldn't get me a trip until ten minutes after four. What a drag!	I requested a 3:30 p.m. pick-up, and the agent told me she couldn't get me a trip until after 5 p.m. What a drag!	The ADA is explicit. Transit agencies can negotiate pick-up times up to one hour before or after the requested pick-up time. Anything greater than one hour is a violation of the law.
The driver was really late, and I ended up getting to the store after it closed.	I travel home from work every afternoon at 4 p.m. My ride is always late by thirty minutes or more, and my ride time is usually two hours or more. Heck, I could drive it in ten minutes if I could just drive.	Even the best paratransit service will run late once in a while, and doing so does not represent an ADA violation. If a customer is routinely picked up late (and especially if it's the same trip day in and day out that is provided late), the FTA may view this as a pattern of lateness, and this could be construed as a service denial under the ADA. Additionally, the ADA does not equate paratransit travel times with travel times by car, but if a trip's travel time on paratransit routinely exceeds the amount of time the same trip would take on fixed-route transit, there may be a violation.
I had to share my ride with three other people, all going in different directions, all getting dropped off before I was. Made for a really long and annoying trip.	I am always late to work, and my driver blames the dispatcher who is constantly adding trips to her manifest because the provider is short on drivers. I'm about to lose my job.	The ADA does not have different rules for work or medical trips. The potential violation stems from the fact that the lateness may be the result of chronic staff shortages and a practice of combining trips that results in routinely late service for the rider.

<p>I was left at the supermarket, and when I complained, the driver apparently told them I wasn't ready to board when he arrived. I explained that I was in line paying, and I know the driver saw me because I saw him.</p>	<p>I was standing at the front of the store with my groceries, and the driver left without me. When I complained, the driver said that I wasn't outside where he could see me. This is frustrating because I am blind, and the agency has noted this in my file. Since I can't see the vehicle when it arrives, the driver is supposed to get out and introduce himself to me.</p>	<p>The first rider was no-showed because they were not at the designated pick-up location. The driver has no obligation to wait beyond the published boarding window. In the second instance, the rider is designated for "Door-to-Door" service based on their inability to see the vehicle. The driver should have provided door-to-door service, meaning that he should have exited the vehicle, looked for the rider near the outermost door of the rider's pick-up location, and then assisted the rider to the van.</p>
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This information is adapted from our course, [Gearing Up for Transit: Options and Advocacy Skills for People Who Are Blind or Have Low Vision](#). The course was developed by [Accessible Avenue, LLC](#).



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