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## Americans with Disabilities Act Toolkit

### Section 1: Introduction

Many transportation and disability services professionals are familiar with the famous July 26, 1990 signing of the Americans with Disabilities Act. They understand the world of opportunities that have opened up with the availability of lifts and ramps on buses and the installation of curb ramps at street corners. They appreciate the respect and dignity that that comes with the societal shift toward using person-first language in both formal writing and casual conversation. They're aware that accommodations are made during public meetings for those who are blind, who have low vision, or who are deaf or hard-of-hearing.

We're now a generation into ADA implementation and what professionals—many of whom were too young to remember the passage of the ADA—may not know is the history behind the disability movement. In this *History of the ADA* Information Series, Easter Seals Project ACTION has created a set of eight resource sheets (including this introduction) that capture this history with a special emphasis on disability history in the United States. Take a step back in time, consider current trends, and think of a future where seamless international accessibility means that travelers with different abilities can more easily experience their world.

The following sheets are downloadable and adaptable for training purposes or PowerPoint presentations and can be used together or separately depending on the length of the training session.

1. Introduction
2. Disability History – Pre 1964
3. Precursors to the ADA (1964-1990)
4. Passage of the ADA
5. ADA & Accessible Transportation
6. In Your Community
7. Beyond the U.S. Border
8. Find Out More (Resources)



Wounded Warrior Project basketball game. [www.care2.com](http://www.care2.com)



Easter Seals Project ACTION is funded through a cooperative agreement with the U.S. Department of Transportation, Federal Transit Administration.

## Americans with Disabilities Act Toolkit

### Section 2: Disability History Until 1964

Since the founding of the nation, people with disabilities have contributed greatly to society. In 1776, Stephen Hopkins, who had cerebral palsy, signed the Declaration of Independence and famously stated, “My hands may tremble, my heart does not.” Almost 150 years later, another one of our country’s major leading figures also had a disability—President Franklin Delano Roosevelt. Many other people with disabilities have helped push our country forward and set high standards of achievement for people with disabilities, such as Helen Keller and Ray Charles, but their journeys were certainly not easy as they faced many stereotypes and challenges.



“Miss Florence E. Prouty with five children with handicaps on the sidewalk in front of the Fallon School” (cropped). [DN-0008952](#), Chicago Daily News negatives collection, Chicago History Museum.

Until the passage of the Americans with Disabilities Act in 1990, most people with disabilities were not able to live independently and were widely discriminated against and excluded from society. From housing choices and employment opportunities to social gatherings and participation in civic life, Americans with disabilities were treated as second-class citizens. In fact, settlement laws restricted people with disabilities from moving to the American colonies as colonists thought that they would require financial support<sup>1</sup>.

The issues of independence and community inclusion did not gain widespread attention until after the passage of the Civil Rights Act of 1964—which did *not* include disability as a category protected from discrimination. This module covers the years in our nation’s history leading up until 1964, both the progressive programs as well as the shameful practices that occurred across the country. Only through acknowledging our past and understanding how far we have come can we under the value of ADA.

<sup>1</sup> Isaacson Kailes, June. *Independent Living Articles*. Copyright 1998-2002, last updated 2004. Accessed November 21, 2013 from <http://www.jik.com/ilarts.html>.

## I. Institutions

From after the Revolutionary War up until the independent living movement gained steam in the 1960-70s, many Americans with disabilities spent their entire lives in institutions. Segregated and away from society, people with a variety of disabilities became virtual prisoners without free will and the ability to pursue a life one's choosing. To relieve overcrowding, many people with disabilities who were physically able were often sent to work on farm colonies without pay.

In 1999, the U.S. Supreme Court ruled in *Olmstead v. L.C.* that states must eliminate unnecessary segregation of people with disabilities and provide services in the most integrated setting possible. This decision led to the closure of many institutions, though many, such as nursing homes, remain. Notably, an article in the Wall Street Journal reported that "About 30,000 people remain in 160 state-operated facilities in the U.S."<sup>2</sup> Institutions for people with disabilities in the U.S. have included:



Courtesy of the National Library of Medicine, Prints and Photographs

"Patients Paring Vegetables, Craig Colony For Epileptics" 1898. [Source: National Library of Medicine, Prints and Photographs](#)

- **The Perkins Institution** – Established in 1848 and founded by Samuel Gridley Howe in Boston, Massachusetts. This was the first residential institution for people with cognitive disabilities. In the century following its establishment, the Perkins Institution housed hundreds of thousands of children and adults with developmental disabilities, many for the remainder of their lives.<sup>3</sup>
- **The New York City Farm Colony** – Established in 1829 with a design "to evoke the ease of rural living, avoiding an institutional design to reflect changing attitudes in the treatment of the poor."<sup>4</sup> In contrast to an idyllic image, inmates suffered from overcrowding, the staff was habitually intoxicated, and a seven-year-old boy was murdered in the 1920s.
- **Forest Haven Asylum** – Opened in 1925 in Laurel, Maryland originally as a farm colony. Mental, physical, and sexual abuse was rampant, staff were under-qualified, and some doctors were even declared medically incompetent.<sup>5</sup>

<sup>2</sup> Ansberry, Clare. "At Nation's Older Institution for the Disabled, 13 Lives in Limbo," *The Wall Street Journal*. June 8, 2013. Accessed November 21, 2013 from

<http://online.wsj.com/news/articles/SB10001424127887324125504578511054249338218>

<sup>3</sup> Rehabilitation Research & Training Center on Independent Living Management. *Disability History Timeline*. Copyright 2001, rev. 2002. Accessed December 4, 2013 from

<http://isc.temple.edu/neighbor/ds/disabilityrightstimeline.htm>

<sup>4</sup> <http://abandonednyc.com/2013/02/26/wreaking-havoc-in-the-staten-island-farm-colony/>

<sup>5</sup> Maurer, Pablo. "Abandoned D.C.: Inside The Ruins of the Forest Haven Asylum." *DCIST*. Retrieved November 21, 2013 from [http://dcist.com/2013/11/abandoneddc\\_haven.php#photo-1](http://dcist.com/2013/11/abandoneddc_haven.php#photo-1).

## II. Education

Until the 1970s, education was not a protected right for children with disabilities. Children with disabilities who received any education at all usually went to special segregated schools, such as schools for children who were deaf or blind. In the 1950s and 60s, some children with disabilities did attend regular local schools but only with much parental persistence and assistance once there.

In 1817, the Connecticut Asylum for the Education and Instruction of Deaf and Dumb Persons, the first formal education for people with disabilities in the US, was opened in 1817. Thomas Hopkins Gallaudet was the principal until 1830. In 1864, his son established Gallaudet University (at the time called the Columbia Institution for the Deaf and Dumb and Blind) and the U.S. Congress authorized it to grant college degrees to people with disabilities, making it the first college in the world for people with disabilities.

Eighty-four years later, in 1948, Timothy Nugent founded the University of Illinois at Galesburg Rehabilitation Education Services program and it became a prototype for disabled student programs and independent living centers across the country.<sup>6</sup> This program was a step toward integration at the university level.

## III. Medicine, Technology, and Policy

In ancient cultures and medieval courts in Europe, societal attitudes toward people with disabilities were often negative. Some people without disabilities were suspicious or superstitious about those with disabilities with a range of notions, from thinking people with disabilities were possessed by evil spirits to believing that they were protected by supernatural forces<sup>7</sup>. Over time, attitudes shifted from negativity to pity, an improvement but still not accepting of full equality. In the 18<sup>th</sup> – 20<sup>th</sup> centuries, many developments in medicine, technology, and government policies helped improve rights for people with disabilities, though wide-scale abuses still occurred around the world.

### 1700s

- Edward Alanson, English surgeon, improves process for amputations.
- 1784 – Valetin Huay starts the Institute for Blind Children in Paris, France and introduced reading via raised letters.
- Phillippe Penil, French physician, removes chains from mentally ill patients.

### 1800s

- First efforts to define mental disorders.
- Louis Braille develops the raised point system for reading.
- The U.S. Civil War results in staggering numbers of people with disabilities. 30,000 amputations in the Union army alone. Raises public awareness for addressing such needs.

<sup>6</sup> Rehabilitation Research & Training Center on Independent Living Management. "Disability History Timeline."

<sup>7</sup> Choma Wa Munyi. "Past and Present Perceptions Toward Disability: A Historical Perspective." Accessed November 21, 2013 from <http://dsq-sds.org/article/view/3197/3068>.

## 1900s

- 1916 – Helen Keller delivers her *Strike Against War* speech at Carnegie Hall. She stated, “Let them remember, though, that if I cannot see the fire at the end of their cigarettes, neither can they thread a needle in the dark. All I ask, gentlemen, is a fair field and no favor.”
- 1925 – Freda Kahlo starts painting after sustaining a significant spinal cord injury in a bus accident in Mexico City and becomes one of the most influential painters of the 20<sup>th</sup> century.
- 1927 – *Buck v. Bell*, Supreme Court case legitimized the forced sterilization of patients at a Virginia home for people with intellectual disabilities.
- 1932 – President Franklin Delano Roosevelt elected president for four terms. Contracted polio in 1921.
- 1934 – California Council of the Blind was formed as the first such advocacy organization.
- 1935 – President FDR signs the Social Security Act.
- 1935 – 300 members of the League for the Physically Handicapped protest against the Works Progress Administration for discriminating against people with disabilities. Results in several thousand jobs nationwide.
- 1942 – *Skinner v. Oklahoma* ruled that forced sterilization as a punitive measure was not constitutional.
- 1948 – Dr. Howard A. Rusk founds a rehabilitation hospital for World War II veterans. Establishes the foundation of the rehabilitation model in use today.
- 1950 – Beginning of the Barrier Free Movement. Combined effort of the Veterans Administration, President’s Committee on the Employment of the Handicapped and National Easter Seals Society starts addressing the removal of barriers in buildings.
- Sterilization continued in psychiatric institutions through the early 1960’s.



“Helen Keller listening to the radio with her hand.” [SIA Acc. 90-105](#).  
Acc. 90-105 - Science Service,  
Records, 1920s-1970s, Smithsonian

## Post-War Developments

Much of the United States’ progress with disability services and rights revolves around veterans returning from war. In 1798, President John Adams enacted the first military disability law for seamen who were sick or had disabilities<sup>8</sup>. Later, to accommodate veterans returning from World War I, Congress passed the first laws to fund vocational rehabilitation, such as the Smith-Hughes Law (Vocational Education Act) of 1917, the Soldier’s Rehabilitation Act of 1918, and, in 1920, the Smith-Fess Act (Civilian

<sup>8</sup> Computer/Electronics Accommodation Program. Accessed November 21, 2013 from [http://www.cap.mil/Documents/CAP\\_Presidential\\_timeline.pdf](http://www.cap.mil/Documents/CAP_Presidential_timeline.pdf)

Vocational Rehabilitation Act). The Civil War, with unprecedented numbers of amputees, also helped raise awareness about disability issues.

The difference between the focus and treatment of people with disabilities between war and peacetime may be due both to the large influx of people with disabilities as well as the high level of attention given to the causes. During wartime, veterans who had previously been full participants in society, including in the workforce, faced many barriers upon return. Improving conditions for people with disabilities was both patriotic and necessary to keep society functioning.



*“Winnifred Holt teaching checkers to blind officers.”* [Between ca. 1910 and ca. 1915]. [LC-B2- 3704-9 \[P&P\]](#). Library of Congress.

Wars may have helped bring more attention to the rights of and services for people with disabilities, but the disability community did not unitedly demand full inclusion until after the Civil Rights Act of 1964. When it was passed, the Civil Rights Act was a landmark piece of legislation that outlawed discrimination against racial, ethnic, national and religious minorities, and women—but not people with disabilities. From 1964 to 1990, Americans with disabilities would have to work hard and make a lot of noise to ensure equal rights for people with disabilities as well.



*“Institutionalization Is Not Necessary”* from *The Care, Cure, and Education of the Crippled Child*, 1924. Published by the International Society for Crippled Children. Accessed 11/20/13 from the [Disability History Museum](#).



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## Americans with Disabilities Act Toolkit

### Section 3: Precursors to the ADA (1964-1990)

When the [Civil Rights Act](#) was passed in 1964 after years of demonstrations and boycotts led by the African American community, the country as a whole was forced to look much deeper about what *equality* meant in practice. From voting and going to school, to getting a job and dining in a restaurant, true equality must pervade every aspect of American society. By leaving out disability in the definition of discrimination, however, the Civil Rights Act left out a large part of the population that society had systematically discriminated against for years.

The years after 1964 leading up to the passage of the Americans with Disabilities Act of 1990 brought the force of the disability community to the forefront in America. Though prominent leaders from the disability movement had spoken up in the past, such as Stephen Hopkins and Helen Keller, the disability community had not yet staged large scale protests or boycotts to enact national legislation. That changed as Americans with disabilities no longer permitted themselves to be treated as second-class citizens.

#### I. Independent Living Movement

After the Civil Rights Act was passed in 1964, the disability rights movement moved forward full force. [Access Living](#) credits five social movements with energizing the disability movement:

- **Deinstitutionalization movement** – Moved people to live at home in their communities.
- **Civil rights movement** – Showed that classes of people could receive protection under law, and, with Rosa Parks riding in the front of the bus, highlighted the inability of people with disabilities to ride the bus.
- **"Self-help" movement** – Grew as self-help books and peer-support groups became more popular, with Alcoholics Anonymous established in the 1950s.



*Jack and Della Mae Smith...He Lost Both Legs in a Mine Roof Cave-In after a Year on the Job, But Fought for 18 Years to Receive Workmen's Compensation...06/1974. Photo by Jack Corn. U.S. National Archives' Local Identifier: [412-DA-14129](#).*



- **Demedicalization movement** – Opened up medicine and empowered people to meet their own needs.
- **Consumerism** – Encouraged people to question products' and services' reliability and cost.

Access Living summed up the importance of these movements best: “Embracing these principles, people began to view themselves as powerful and self-directed, not as passive victims, charity recipients, cripples, or not whole people. Disability began to be seen as a natural, not uncommon – but certainly not tragic – experience in life.”

Perhaps the most pivotal perhaps in the disability rights movement was Ed Roberts, who is sometimes called the father of independent living. After contracting polio at the age of 14, becoming mostly paralyzed, and needing to use an iron lung to breath, Roberts graduated from high school and went on to earn a B.A., M.A., and partially a Ph.D. His fight to attend the University of California, Berkeley highlighted both how people with disabilities were fully able to take part and contribute to society as well as the negatives stereotypes and physical boundaries that stood in their way.

*I'm tired of well meaning noncripples with their stereotypes of what I can and cannot do directing my life and my future. I want cripples to direct their own programs and to be able to train other cripples to direct new programs. This is the start of something big – cripple power. – Roberts, [IL USA](#)*

Starting with the admittance to college, Roberts had to fight for almost everything he needed to live independently while pursuing his education. An official at UC Berkeley reportedly stated, “We’ve Tried Cripples Before and It Didn’t Work”<sup>1</sup>. After he started at the school in 1962, Roberts, who depended on his 800-pound iron-lung to breath, agreed to be housed in the wing of a medical center if it would be treated like a dorm. Over the next few years as other students with disabilities enrolled, he helped create the Cowell Residence Program; the “Rolling Quads,” a group of students with disabilities who advocated for barrier removal and support services; and the Physically Disabled Students’ Program, the first student-led disability service program in the U.S. These efforts on the UC Berkeley campus helped lead to the development of the Berkeley Center for Independent Living, the first CIL in the country, in 1972.

## II. Transportation

Reverend Wade Blank, who did not have a disability, also contributed immensely to the disability rights and independent living movements. As a former nursing home worker, Wade helped people with disabilities move out of nursing homes. In 1972, he founded the Atlantis Community, which was consumer-based and community controlled. Four years later, Blank helps found Americans Disabled for Accessible Public Transit (ADAPT) which became the nation’s first activist organization for people with disabilities.

<sup>1</sup> IL USA. *Ed Roberts: The Father of Independent Living*. Retrieved October 20, 2013 from [www.ilusa.com/links/022301ed\\_roberts.htm](http://www.ilusa.com/links/022301ed_roberts.htm).



Disability advocacy pins from the Smithsonian Institution collection. From left to right, 1976, 1986, 1990, and year unknown. The third one features a photo of Reverend Wade Blank.

In the beginning ADAPT focused on getting lifts on buses, and its members staged many protests that included preventing buses from moving. ADAPT activist Mark Johnson is quoted as saying, “Black people fought for the right to ride on the front of the bus. We’re fighting for the right to get on the bus.”<sup>2</sup> Over time and after the passage of ADA, ADAPT began to focus on disability issues other than transportation access, such as the ability to choose to receive health care at home in the community rather than in nursing homes.

The first rapid transit system in the U.S. to become accessible for people who use wheelchairs was Bay Area Rapid Transit in the Berkeley/San Francisco region of California. After three years of planning in 1965, the BART board of directors decided that the system should be accessible to all people with disabilities except those who were non-ambulatory. After much campaigning by Harold Willson as well as representatives from the Architectural Barriers Committee of the Easter Seals Society, the California state legislature agreed to redesign BART to be accessible to wheelchair-users in 1968. BART then became “a Section 504 model for a barrier-free train system.”<sup>3</sup>

Shortly after California decided to make BART accessible to wheelchair users, the Urban Mass Transportation Act of 1970 which required that mass transit vehicles have wheelchair lifts. Regulations were not implemented, however, until 1990 with the passage of ADA<sup>4</sup>.

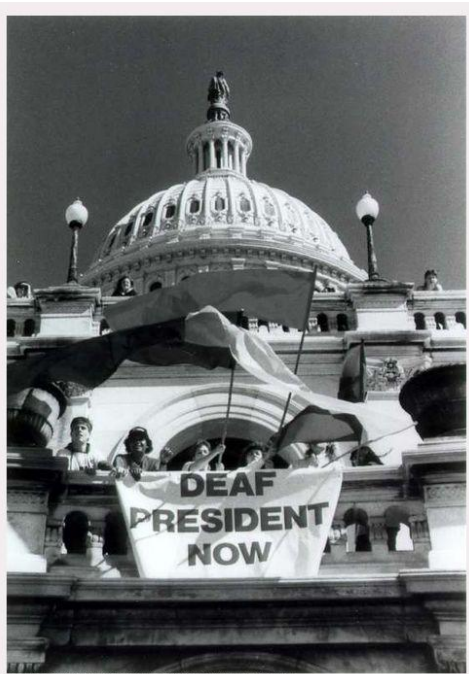
### III. Voting

Perhaps one of the most important rights for Americans is the ability to exercise their vote, which is not a guaranteed right in many parts of the world. In 1965, the Voting Rights Act removed discriminatory activities against minorities and it also provided that

<sup>2</sup> Powers, Roger; Vogeles, William B.; Bond, Douglas; Kruegler, Christopher; McCarthy, Ronald M. *Protest, Power and Change: An Encyclopedia of Nonviolent Action from ACT-UP to Women’s Suffrage*. Copyright 1997: Library of Congress Cataloging-in-Publication Data. Page 11.

<sup>3</sup> Fleischer, Doris and Zames, Freida. *The Disability Rights Movement: From Charity to Confrontation*. Page 64. Copyright 2001 by Temple University.

<sup>4</sup> Rehabilitation Research & Training Center on Independent Living Management. *Disability History Timeline*. Copyright 2001, rev. 2002. Accessed December 4, 2013 from <http://isc.temple.edu/neighbor/ds/disabilityrightstimeline.htm>



Courtesy of the Gallaudet University Archives

*Gallaudet University Student Protest, #1, Gallaudet Student University Protest. March 1988.*  
[Source: Gallaudet University Archives](#)

people with disabilities could receive assistance to vote. A more disability-specific voting act was passed in 1984, Voting Accessibility for the Elderly and Handicapped Act, which provided for access to voting places and permanent, accessible voting sites.

#### IV. Health Care

A major step toward creating better services to support people with disabilities was the passage of Title XIX of the Social Security Act in 1965 which established regulations for the Medicaid program. Medicaid provides health and medical-related assistance to people with low income, of which people with disabilities were and continue to be a large percentage due in large part to lack of transportation to get to jobs, accommodations at work, and societal attitudes. Aspects of health care that Title XIX covers includes: State Plans for Medical Assistance and Payment to States; Nursing Facilities; Home and Community-Based Care; Covered Outpatient Drugs; Medicaid Managed Care Organizations; and Medicaid Program Improvement Strategies<sup>5</sup>.

#### V. Technology

Improvements in technology also made life in the community more possible. For instance, in the 1960s, Robert Weitbrecht, a deaf scientist, developed the teletypewriter (TTY) which allowed people who were deaf or hard of hearing to call each other directly<sup>6</sup>. As relay service were developed, people who were deaf or hard of hearing could also call people with telephones. In 1987, California was the first state to create and require a Telecommunications Relay program throughout the state. It was not until ADA was passed in 1990, though, that TTY services were required on a 24/7 basis across the country, making telephone communication finally accessible to people who were deaf or hard of hearing nationwide.

<sup>5</sup> Health Information & the Law, *Medicaid (Title XIX of the Social Security Act)*. Last updated April 2012. Copyright 2012, Robert Wood Johnson Foundation. Accessed November 22, 2013 from <http://www.healthinfolaw.org/federal-law/medicaid-title-xix-social-security-act>

<sup>6</sup> National Association of the Deaf, *TTY and TTY Relay Services*. Accessed November 22, 2013 from <http://www.nad.org/issues/telephone-and-relay-services/relay-services/tty>

## VI. Barrier Removal

Physical access also started to improve in government buildings. In 1961, the American National Standard Institute established the first accessibility standards titled, *Making Buildings Accessible to and Usable by the Physically Handicapped* (amended in 2009). Seven years later, in 1968, Congress passed the Architectural Barriers Act which required all buildings designed with federal funds to be accessible. Notably, this act did not apply to non-federal public spaces, such as restaurants, hotels, and recreational facilities. In addition, it did address how people would get to the accessible spaces from home.

## VII. Education

Education for children with disabilities was not common, protected, or a right until 1975 with the passage Education for All Handicapped Children Act. Finally, a law protected the right of children to live at home with their families and attend the local schools. The 1975 law mandated free and appropriate education (FAPE), required the development of Individual Education Programs (IEPs) and Least Restrictive Placements (LREs), and ensured due process<sup>7</sup>.

From the passage of the Civil Rights Act in 1964 up until ADA of 1990, people with disabilities fought hard for each small gain. Incremental success was not enough, however, and people with disabilities did not give up protesting and demonstrating until they were finally able to have the law recognize their full rights as American citizens. It took the passage of ADA to cement into law the right to full community integration for every American regardless of ability.



*Caption: There are seven million handicapped children in America. They need special education to develop their full potential as people. And they have a right to that education. Yet less than half the children who need special education are getting it. For information about special education for handicapped children -- or for help -- write...Department of Health, Education & Welfare U.S. Office of Education, Bureau of Education for the Handicapped (1968). [Source: Harvey Liebergott Collection.](#)*



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<sup>7</sup> NCLD Editorial Team, *What Is FAPE, and What Can It Mean For My Child?*. National Center for Learning Disabilities. Website copyright 2013. Accessed December 4, 2013 from <http://www.ncl.org/parents-child-disabilities/ld-rights/what-is-fape-what-can-it-mean-my-child>.

## Americans with Disabilities Act Toolkit

### Section 4: Passage of the ADA

The passage of the ADA resulted from a long struggle by Americans with disabilities to gain equal protection under law in our society. The foundation for the Americans with Disabilities Act (ADA) was set by earlier movements including the Civil Rights Act of 1964, the Architecture Barriers Act of 1968, and the Rehabilitation Act of 1973.

In 1979, the U.S. Department of Transportation Section 504 ruling required that federally funded transportation facilities and programs should be accessible to all “regardless of handicap.” A comprehensive law requiring equal opportunity for people with disabilities was supported in the late 1980s.

The Americans with Disabilities Act was signed into law on July 26, 1990 by President George H.W. Bush. When the ADA was enacted, there were 43 million Americans with disabilities. At the current time, the number is approximately 55 million.<sup>1</sup>

#### ***Why the ADA?***

The purpose of the ADA, as identified in the law itself, is to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” The goal of the ADA is to allow people with disabilities the opportunity to freely participate in society and the nation’s commerce. The ADA seeks to accomplish that goal by guaranteeing equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government



*President George H.W. Bush signing the Americans with Disabilities Act into law on July 26, 1990—the largest such signing ceremony in history.*

<sup>1</sup> Easter Seals Project ACTION. (2010). *ADA Essentials for Transit Board Members*.  
<http://www.projectaction.org>

services, and telecommunications.<sup>2</sup> This ascribed purpose and goal get at the heart of why the ADA was established. Congressional findings support that physical or mental disabilities do not diminish and individual's right to fully participate in all aspects of society and that societal isolation, segregation, and discrimination remain a serious and pervasive social problem. As noted by the National Council on Disability, "Not only did ADA directly address discrimination in terms of its personal impact on the lives of people with disabilities, it also addressed the huge economic toll on the nation resulting from...billions of dollars in unnecessary expenses resulting from dependency and non-productivity."<sup>3</sup>

### **ADA Titles**

ADA's titles contain federal requirements in five areas. Overarching, key requirements are posted below. Additional requirements are outlined in each title.

#### Title I – Employment

- Key requirement: An employer, employment agency, labor organization or joint labor-management committee may not discriminate on the basis of disability in regard to job application procedures, hiring, advancement or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.
- Title II - Public Services and Transportation
  - Key requirement: Title II ensures non-discrimination on the basis of disability in receipt of services, when basic eligibility criteria are met, and in employment by public agencies. People with disabilities must not be excluded from participation in or be denied benefits of services, programs, or activities or subject to discrimination by a public agency.
- Title III - Public Accommodations and Services
  - Key requirement: People with disabilities shall not be discriminated against on the basis of disability in the services, facilities, privileges, advantages, or accommodations of any place of public accommodation. Eligibility criteria that tend to exclude those with disabilities may not be used. Public accommodations examples include lodging, restaurants, theaters, professional and personal services, public gathering places, schools, community centers, and recreation facilities)

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<sup>2</sup> U.S. Department of Justice. Information and Technical Assistance on the Americans with Disabilities Act. Retrieved 6-25-09 from [www.ada.gov](http://www.ada.gov).

<sup>3</sup> National Council on Disability. (2000). *Promises to Keep: A Decade of Federal Enforcement of the Americans with Disabilities Act*. National Council on Disability: 1990-2000. Washington, D.C. (ERIC Document Reproduction Service No. ED 444 292)

- Title IV – Telecommunications
  - Key requirements: The Federal Communications Commission shall ensure that interstate and intrastate telecommunications relay services are available to the extent possible, and in the most efficient manner to people in the U.S. who have hearing and speech impairments. Any television public service announcement produced or funded in whole or part by a federal agency shall include closed captioning of the verbal content of the announcement.
- Title V – Miscellaneous Provisions
  - Key requirements: No person with a disability is required to accept accommodation, aid, service, opportunity or benefit that the individual chooses not to accept. Retaliation or coercion is prohibited against a person who has opposed an act or practice made unlawful by the ADA, filed a charge regarding such a practice, or testified, assisted with, or otherwise participated in an investigation of such a practice.

### ***Federal Agencies Responsible for Administering ADA Regulations***

When it comes to administering ADA requirements, the U.S. Department of Justice, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Transportation, and the Federal Communications Commission have primary federal enforcement responsibilities respectively as the law applies to private employers, state and local governments, all facilities and programs open to the public, and providers of telecommunications equipment and services. The ten primary agencies that administer the law follow in alphabetical order:

1. Federal Communications Commission (FCC) – Title IV laws on telephone relay service and closed captioning.
2. U.S. Access Board – The U.S. Access Board established minimum guidelines to ensure that the ADA requirements are applied to buildings and facilities, passenger rail cars, and vehicles. The Access Board guidelines include accessibility requirements for architecture and design, historic buildings, transportation, and communication. While the guidelines are not used directly by the public, they serve as minimum requirements for standards adopted by the federal agencies that have responsibility for administering the ADA (as noted above).
3. U.S. Department of Agriculture – Title II complaints regarding federally funded USDA programs and services.
4. U.S. Department of Education – Title II discrimination laws regarding public services funded through U.S. ED, including resolving complaints and providing technical assistance.

5. U.S. Department of Health and Human Services – Title II laws and discrimination complaints related to state and local government health and social services agencies.
6. U.S. Department of Housing and Urban Development – Title II laws as relates to state and local public housing, housing assistance, and housing referrals.
7. U.S. Department of the Interior – Title II complaints about parks and recreation-related services and education program discrimination.
8. U.S. Department of Justice – Administration of Title II and Title III requirements (titles are also administered by the U.S. Department of Transportation)
9. U.S. Department of Labor – Title I laws regarding employment.
10. U.S. Department of Transportation - Title II and Title III laws related to transportation and public accommodations. Other titles as relates to employment, communications, and miscellaneous provisions.


### ***U.S. Department of Transportation and the ADA***

A complete guide to ADA regulations as they relate to transportation is available in the ESPA resource [\*ADA Essentials for Transit Board Members: Fundamentals of the Americans with Disabilities Act and Transit Public Policy\*](#). As a summary, the U.S. DOT Office of the Secretary is responsible for developing and issuing ADA regulations concerning transportation. The following three U.S. DOT administrations also have a role in ensuring ADA compliance:

Federal Highway Administration (FHWA) – ensures ADA compliance in the public right-of-way (roadway travel lanes, medians, planting strips, sidewalks) and on projects using federal surface transportation planning.

Federal Railroad Administration (FRA) – administers intercity and commuter rail compliance with ADA and Title VI Civil Rights requirements.

Federal Transit Administration (FTA) – FTA’s Office of Civil Rights administers Title II public transportation laws related to public transportation services and facilities for people with disabilities.

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## Americans with Disabilities Act Toolkit

### Section 5: ADA & Accessible Transportation

A complete guide to ADA regulations as they relate to transportation is available in the ESPA resource [ADA Essentials for Transit Board Members: Fundamentals of the Americans with Disabilities Act and Transit Public Policy](#). As a summary, the U.S. DOT Office of the Secretary is responsible for developing and issuing ADA regulations concerning transportation. The following three U.S. DOT administrations also have a role in ensuring ADA compliance:

Federal Highway Administration (FHWA) – ensures ADA compliance in the public right-of-way (roadway travel lanes, medians, planting strips, sidewalks) and on projects using federal surface transportation planning.

Federal Railroad Administration (FRA) – administers intercity and commuter rail compliance with ADA and Title VI Civil Rights requirements.

Federal Transit Administration (FTA) – FTA’s Office of Civil Rights administers Title II public transportation laws related to public transportation services and facilities for people with disabilities.



Public transportation systems implement the ADA by providing accessible services, vehicles, and rail cars; allowing service animals on board; and providing information in alternative formats for people who are blind or who have visual impairments, people who are deaf or hard of hearing and people with cognitive disabilities. In addition, public transportation systems must provide accessible facilities, stations, pathways, stops, and stop announcements on fixed-route services.

*49 CFR Part 38 sets requirements for bus accessibility.*

*Photo: Easter Seals Project ACTION*

Compliance with U.S. DOT regulations is required under the Code of Federal Regulations Title 49, Part 27 (49 CFR Part 27) as a condition of eligibility for recipients of federal funding. 49 CFR Part 37 regulates transportation services and facilities (e.g. buildings, stations and bus stops), and Part 38 regulates vehicles and systems.

The following sections outline the key requirements of ADA-accessible transportation provision in the U.S.

### ***Part 27 Requirements***

49 CFR Part 27 is the U.S. DOT regulation implementing Section 504 of the 1973 Rehabilitation Act (as amended). Part 27 ensures that no otherwise qualified individual with a disability in the U.S. is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance, solely by reason of the person's disability. While the ADA applies whether federal funding is involved or not, 49 CFR Part 27 requires compliance with U.S. DOT ADA in order for an agency, such as a transit system, to be eligible to receive federal funding and establishes procedures under which federal funding may be terminated on the basis of noncompliance.

49 CFR Part 27 requires U.S. DOT funding recipients that employ 15 or more people to:

- Designate at least one person who is responsible for coordinating compliance with the Part 27 requirements.
- Adopt complaint procedures incorporating due process standards that provide for prompt and equitable resolution of discrimination complaints.
- Maintain a copy of all complaints of ADA and/or Section 504 noncompliance for one year. Maintain a record (summary) of all ADA complaints and/or Section 504 noncompliance for five years.
- Permit access by responsible U.S. DOT officials to books, records, accounts, and other sources of information, and to facilities pertinent to compliance, during normal business hours.
- Make available information to participants, beneficiaries, and other interested parties information regarding the provisions of 49 CFR Part 27 and its application to the federally funded program or activity and apprising them of the protections against discrimination it provides.

The following section summarizes requirements for Parts 37 and 38. The summary is predominantly applicable to bus transportation. Parts 37 and 38 contain requirements for both bus and rail. For a summary of rail-specific requirements, refer to the Code of Federal Regulations and ESPA's *ADA Essentials for Transit Board Members*.

## **Part 37 Requirements**

The purpose of 49 CFR Part 37 is to implement the transportation and related provisions of Titles II and III of the ADA. Overarching operational requirements include:

- Both public and private organizations must meet ADA: A public entity entering into a contract or agreement with a private entity to operate transportation services must ensure that the private entity meets all ADA requirements for the public entity.
- Rider information: A public transportation system must provide adequate information on services in accessible formats and technology (e.g. timetables in braille or audio format).
- Assistance equipment and amenities must be in operating condition and vehicle operators and staff must make use of the accessible features: Equipment and facilities such as lifts, ramps, securement devices, signage, and communication devices should be in operating condition. If a feature is out of order, it must be repaired promptly, and in the interim, the transportation provider shall take reasonable steps to accommodate people with disabilities.
- Adequate time to board: Public transit operators must allow adequate time for people with disabilities to board and alight from vehicles.
- Service animals allowed: Service animals may accompany people with disabilities in vehicles and facilities. The U.S. DOT ADA regulations define a service animal as any guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability, regardless of whether the animal has been licensed or certified by a state or local government.
- Priority seating and signs: Fixed-route systems must have signs designating seating for passengers with disabilities. On fixed-route buses, at least one set of forward-facing seats must be marked as priority seating.
- Operator training: Each public and private transportation operator must ensure that personnel are trained to proficiency, as appropriate to their duties, to operate vehicles and equipment safely, and properly assist individuals with disabilities in a respectful, courteous way, and provide appropriate attention to the difference among individuals with disabilities.
- Accessible formats: Public transportation operators must make available to people with disabilities adequate information concerning transportation services. This obligation includes making adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule service.

### **Part 37 ADA-Complementary Paratransit Service Requirements**

ADA-complementary paratransit service must be provided where fixed-route service exists. 49 CFR Part 37 outlines the specific requirements for bus and rail fixed-route system complementary paratransit, radius of service area, service requirements, paratransit eligibility, planning requirements, and paratransit policies. The requirements for ADA-complementary paratransit are outlined in the Code of Federal regulations. Additional resources include FTA Circulars, ESPA's *Determining ADA Paratransit Eligibility Manual*, ESPA's *ADA Essentials for Transit Board Members*.

### **Part 38 Requirements**

49 CFR Part 38 provides minimum guidelines and requirements for accessibility specifications for transportation vehicles. Fixed-route service requirements include:

- **Stop announcements:** For all fixed-route services, stops shall be announced at transfer points, major intersections, destination points, and other points sufficient to permit people who have visual impairments to orient themselves to their location. In addition, the operator must announce any stop at the request of a rider with a disability.
- **Destination information on vehicles:** Vehicles shall have destination and route information on the front and boarding side of a vehicle. There are size requirements for the numbers and letters on the route information signs. On fixed-route services, there must be a means by which a rider who is blind or who has a visual impairment can identify the proper vehicle or be identified to the operator as a person seeking a ride on a particular route.
- **Lifts and Ramps:** [Check part on this.] Vehicles need a boarding device (e.g. lift or ramp) so that a passenger who uses a wheelchair or mobility device can reach a securement location onboard. Refer to U.S. DOT requirements for lift and ramp sizing and capacity based on vehicle type.
- **Illumination, contrast, and slip-resistant surfaces:** Stepwells and doorways of vehicles must be illuminated. Doors and steps need slip-resistant surfaces.
- **Farebox:** Fareboxes must be as far forward as possible, not obstructing passenger flow.
- **Turning room, handrails, and pull cords:** For passengers who use wheelchairs there must be sufficient turning and maneuvering space for wheelchairs. Handrails and stanchions (vertical rails) in the vehicle must be accessible. A stop control(s), such as pull cords or buttons, should be within reach of wheelchair securement locations.

*U.S. Access Board ADA Accessibility Guidelines (ADAAG) incorporated into U.S. DOT ADA Regulations*

Transit facilities, intermodal centers, rail stations and platforms must meet accessibility standards established by the U.S. Access Board's ADA Accessibility Guidelines as incorporated into U.S. DOT regulations. The requirements apply to new construction and alterations made to existing facilities to the extent feasible as defined by U.S. DOT regulations.

Facilities requirements apply to:

- Accessible path surface and width
- Boarding ramps and bridge plates
- Bus stops and shelters
- Curb ramps, doors, elevators, escalators, emergency alarms
- Fare collection, gates and turnstiles, grade crossings, parking
- Passenger drop-off areas, platforms edges, rescue assistance areas
- Restrooms, signs, stairs, public telephones, water fountains, wheelchair spaces

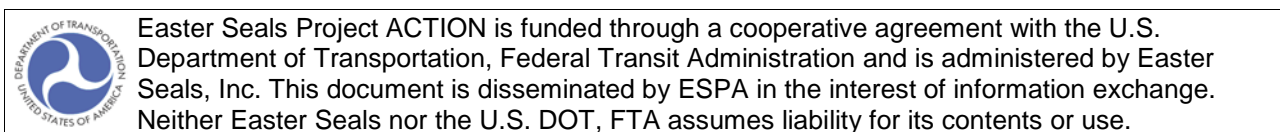
Accessible routes requirement:

In general, the accessible path of travel must coincide with the general circulation path, and the distance that people who use wheelchairs must travel is minimized compared to the general public, and elements such as ramps, vending, entrances, elevators, etc. must be located so as to minimize the distance people with disabilities must travel to use these elements.

Level boarding requirement:

Level boarding requirements pertain to rail facilities and platforms and the minimization of horizontal and vertical entry point gaps. The resulting gap must be small enough that ambulatory passengers can step across without difficulty and can be easily spanned by a short bridge plate when necessary for people with disabilities.

Additional rail-related ADA requirements pertain to key stations and also intercity rail stations at which both FRA and FTA requirements must be met.



## Americans with Disabilities Act Toolkit

### Section 6: In the Community *Planning & Public Participation*

“In the disability community, many of us live and work by the phrase ‘*Nothing about us without us*. Advisory committees that truly seek to improve accessibility and community involvement for people with disabilities must include people with disabilities in their membership and make their meetings accessible. ...It is important to include people with disabilities in every group that is making decisions for the community.” *Kelly Buckland, Executive Director, National Council on Independent Living (NCIL), 2012*

Under the **Americans with Disabilities Act**, events held for programs or projects receiving federal funds must be made accessible to those with disabilities. These events include public transportation meetings open to the public (e.g. board meetings, advisory committee meetings, and special events held as part of the planning process). The U.S.



Department of Transportation ADA regulations require public transportation operators to establish an ongoing mechanism for the participation of people with disabilities in the development and assessment of services for people with disabilities. In addition, there are specific requirements for public hearings and notice-and-comment periods regarding proposed service changes.

*Planning meeting in Carbondale, Colorado*  
[www.pedbikeimages.org/Dan\\_Burden](http://www.pedbikeimages.org/Dan_Burden)

Beyond minimum requirements, public agencies may consider additional ways to actively engage community members. For example, encouraging customers with disabilities to serve on transit boards, transportation committees, or project advisory groups. To this end, the U.S. Department of Transportation report *Public Involvement Techniques for Transportation Decision-Making* includes a section on ADA-related public participation.<sup>1</sup>

<sup>1</sup> U.S. Department of Transportation, (1996). *Public Involvement Techniques for Transportation Decision-Making*. Retrieved 8-28-09. [www.fhwa.dot.gov/reports/pittd/contents.htm](http://www.fhwa.dot.gov/reports/pittd/contents.htm)

### Minimum U.S. DOT requirements include:

- The meeting location must be accessible by public transit, including paratransit.
- Primary entrances and doorways used for the meeting must be accessible, barrier-free, and usable by people with disabilities, including those who use wheelchairs.
- There should be circulation space for wheelchairs throughout and at the front of the meeting space.
- Microphones should be adjustable to wheelchair height.
- Path of travel signs for an accessible route to the meeting room should be posted.
- Meeting materials should be available in alternative formats prior to the meeting.
- Sign language interpreters should be available if requested.

The U.S. Department of Justice's report *Accessible Information Exchange: Meeting on a Level Playing Field*<sup>2</sup> provides webpages with recommendations for hosting accessible meetings. Areas addressed include: meeting locations; room set-up and how to arrange an accessible meeting space; presenting meeting content accessibly; services for participants who are blind or who have low vision and participants who are deaf or who have hearing loss; step-by-step evaluation of the accessibility of a meeting site; and ways to temporarily remove barriers from meeting sites. In addition, the report includes a regional listing of Disability and Business Technical Assistance Centers (DBTACs).

### Preparing for meeting accessibility

The U.S. DOT's Transportation Capacity Building Program provides a toolkit on involving people with disabilities in the public participation process. For certain modes, such as rail key stations and paratransit, mode-specific processes are required. The toolkit also explains 508 compliance related to information technology. The report *Public Involvement Techniques for Transportation Decision-Making*<sup>3</sup> includes a section on people with disabilities that provides a checklist of elements to consider when planning for meeting accessibility. Considerations covered include transportation, evacuation, parking, sidewalks, walkways, entrances & doors, floors, corridors, and elevators, the meeting rooms, restrooms, American sign language interpreters, telephone, handouts, signage, and lighting.

### Principles for Effective Public Engagement

In addition to the requirements identified by U.S. DOT, several national organizations and institutes have identified key principles for more effective public participation. The

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<sup>2</sup> *Accessible Information Exchange: Meeting on a Level Playing Field*, U.S. Department of Justice. Retrieved August 25, 2011. <http://www.ada.gov/business/accessiblemtg.htm>

<sup>3</sup> *Public Involvement Techniques for Transportation Decision-Making*. Prepared by Howard/Stein-Hudson Associates, Inc. and Parsons Brinckerhoff Quade and Douglas for Federal Highway Administration, Federal Transit Administration, U.S. Department of Transportation. September 1996. Retrieved March 7, 2014. [http://www.fhwa.dot.gov/planning/public\\_involvement/publications/techniques/](http://www.fhwa.dot.gov/planning/public_involvement/publications/techniques/)

California Institute for Local Government recommends that the following ten elements be part of any public engagement process<sup>4</sup>:

1. Inclusive planning – the process should include appropriate local officials and members of the intended participant communities
2. Transparency – clarity about process sponsorship, purpose design, and how results will be used
3. Authentic intent – primary purpose is to generate public views rather than persuade residents to accept a decision that’s already been made
4. Breadth of participation – The public engagement process includes people and viewpoints that are broadly reflective of the local agency’s population and affected residents.
5. Informed participation – Participants in the public engagement process have information and/or access to expertise consistent with the work that sponsors and conveners ask them to do.
6. Accessible participation – Public engagement processes are broadly accessible in terms of location, time, and language, and support the engagement of residents with disabilities.
7. Appropriate process – The public engagement process utilizes one or more discussion formats that are responsive to the needs of identified participant groups, and encourages full, authentic, effective, and equitable participation consistent with process purposes. This may include relationships with existing community forums.
8. Authentic use of information received - The ideas, preferences, and/or recommendations contributed by the public are documented and seriously considered by decision makers.
9. Feedback to participants – Local officials communicate ultimate decisions back to process participants and the broader public, with a description of how the public input was considered and used.
10. Evaluation – Sponsors and participants evaluate each public engagement process with the collected feedback and learning shared broadly and applied to future engagement efforts.

The National Coalition for Dialogue & Deliberation (NCDD) and the International Association for Public Participation (IAP2), the Co-Intelligence Institute and other collaborators identified core principles that reflect the common beliefs of those working in the field of public engagement, conflict resolution, and collaboration<sup>5</sup>:

- Careful planning and preparation
- Inclusion and demographic diversity

<sup>4</sup> *Principles of Local Government Public Engagement*, California Institute for Local Government. November 2012. Retrieved August, 12, 2014. <http://www.ca-ilg.org/PublicEngagementPrinciples>

<sup>5</sup> *Core Principles for Public Engagement*. May 2009. Retrieved August 12, 2014. <http://www.ncdd.org/pep/>



- Collaboration and shared purpose
- Openness and learning – help all listen to each other
- Transparency and trust
- Impact and action
- Sustained engagement and participatory culture

While the principles identified by the two organizations are similar, the Core Principles for Public Engagement document takes things a step further by suggesting the elements of a high quality engagement vs. a situation to avoid.

Examples of high quality public engagement:

- **Planning:** Creation of a hospitable, accessible, functional environments and schedules that serve participants' logistical, intellectual, biological, aesthetic, identity, and cultural needs.
- **Inclusion:** Participants reflect the demographic diversity of a community or representative of stakeholders of the issue. In some cases, participants may be randomly selected to represent a microcosm of the public.
- **Collaboration:** Organizers pay attention to the quality of communication, designs a process that enables trust to be built among members of the dialogue, permits deliberation of options with adequate time for solutions to emerge. People from different backgrounds and ideologies work together.
- **Openness and Learning:** Through skilled facilitation and guidelines, everyone is encouraged to share and learn in an open and respectful atmosphere. Both participants and leaders take away new skills and approaches to resolving conflicts, solving problems, and making decisions.
- **Transparency and Trust:** Relevant information, activities, and decisions are shared with participants and the public in a timely way. Consultants and facilitators are clear about their roles and are straightforward, concerned, and answerable. Members of the public can easily access information, get involved, and contribute to outcomes.
- **Impact and Action:** Participants believe and see evidence that their engagement was meaningful. Appropriate communications of media, government, businesses and non-profits occur. Stakeholders understand and act on the findings and recommendations.

Situations to avoid:

- Poorly designed programs
- Public meetings held in inaccessible, confusing venues
- Holding meetings at times or locations where public transit is not available
- Not addressing logistical, class, racial and cultural barriers to participation
- Presenting biased information that steers toward a particular outcome
- Participants thinking that their interests, concerns and ideas are suppressed or not considered
- Unresponsiveness; patronizing presentations; relevant decisions made in advance of meetings or already in process; loud voices drown out other opinions

- Involvement feels pointless to participants or meeting/involvement is lacking in clear purpose
- Weak or overly directive facilitation that interferes with people's ability to communicate openly and make progress
- Lack of time, inflexible process, or organizers who are "too busy" or biased to review and evaluate input
- Lack of information about who is involved, what's happening, and why things are happening
- No follow-through on recommendations or reporting back to constituents; energy created by an event quickly wanes.

Beyond the ADA, the U.S. DOT also provides guidelines on Title VI and Environmental Justice aspects of the transportation planning process. Recipients and sub-recipients of U.S. DOT funds need to be aware of the planning and reporting requirements of both programs and implement the requirements of both according to system size and population served.

### **Title VI**

Whenever the term "accessibility" is used in reference to public meetings, often the immediate thought that comes to mind is physical access. As noted earlier, there are layers to accessibility—including receiving and understanding transportation plans and services. Another element of accessibility is inclusion of traditionally underrepresented groups. The U.S. Department of Transportation's modal administrations (e.g., Federal Highway Administration, Federal Transit Administration) release circulars outlining the requirements pertaining to the Title VI program. FTA's Title VI circular is FTA C 4702.1B *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*.<sup>6</sup>

The objectives of the Title VI program are to:

- Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner.
- Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin.
- Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency (LEP).

Title VI programs shall include but are not limited to providing "...a public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission." Specific language in the Title VI circular provides direction on promoting inclusive public participation. Federal Transit Administration grant recipients can determine how, when, and how often certain public participation should take place

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<sup>6</sup> U.S. Department of Transportation, Federal Transit Administration. (2012). FTA C 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients. Retrieved 10-29-14 from [http://www.fta.dot.gov/legislation\\_law/12349\\_14792.html](http://www.fta.dot.gov/legislation_law/12349_14792.html).

and what public participation measures are appropriate based on demographic analysis of the population affected, the type of plan, program or service under consideration, and resources available. FTA's Circular 4703.1 *Environmental Justice Policy Guidance for Federal Transit Administration Recipients* includes examples of strategies for engaging minority and low-income populations. Strategies include:

- Scheduling meetings at times and locations convenient and accessible for minority or LEP communities.
- Using different meeting sizes and formats.
- Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement strategies to reach out to affected populations.
- Considering advertisements on radio, television, in print publications, or audio podcasts that serve LEP populations.
- Providing opportunities for public participation through non-written forms such as personal interviews or use of audio or video recording devices to capture oral comments.

All Federal Transit Administration recipients, sub-recipients, and contractors should review both circulars mentioned to determine all Title VI-related requirements for planning and reporting. The requirements mentioned in this module are just a sample of what's required under federal law.

### **Environmental Justice**

As noted earlier in this module, the Federal Transit Administration provides guidance in its Circular 4703.1 *Environmental Justice Policy Guidance for Federal Transit Administration Recipients*. An executive order requires the U.S. DOT, FTA to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of U.S. DOT programs, policies, and activities on minority populations and/or low income populations. For FTA this means incorporating non-discrimination principles into transportation planning and decision-making processes as well as project-specific reviews.<sup>7</sup>

Chapter III of the EJ circular identifies strategies and techniques for conducting public engagement for the affected population including getting to know the community, types of traditional public outreach, hosting successful public meetings, non-traditional outreach (e.g., informal group meetings), and using new media.

### **Trends in public engagement**

The Environmental Justice circular points out some ways to use non-traditional or newer methods to reach stakeholder groups. For example, the same minority group may

<sup>7</sup> U.S. Department of Transportation, Federal Transit Administration. (2012). FTA Circular 4703.1 Environmental Justice Policy Guidance for Federal Transit Administration Recipients. Retrieved 10-29-14 from [http://www.fta.dot.gov/legislation\\_law/12349\\_14740.html](http://www.fta.dot.gov/legislation_law/12349_14740.html).

engage or react differently depending on the region of the country, or the values and traditions of an area may affect messaging. Governments and agencies are asked to think beyond the standard, advertised meeting to see if there are other approaches to engaging the community. Would a smaller group provide more feedback than individuals would in a large public hearing? How can social media or the internet be used to get the word out or collect comments? How can crowdsourcing, blogs, or online comments be used? How can information be shared at public events such as fairs and festivals?

Beyond the U.S. Department of Transportation's minimum requirements, creativity and forward-thinking can come into play to reach out to communities. Additional resources include the Transportation Capacity Building Program at [www.planning.dot.gov](http://www.planning.dot.gov) and several Transportation Research Board reports on the subject of public involvement:

- [National Cooperative Highway Research Program \(NCHRP\) 25-25/Task 80: Potential Use of Social Media Impact in the NEPA Process \(2013\)](#)
- [NCHRP Synthesis 407: Effective Public Involvement Using Limited Resources \(2010\)](#)
- [NCHRP Report 710: Practical Approaches for Involving Traditionally Underserved Populations in Transportation Decisionmaking \(2012\)](#)

The definition of what constitutes effective public engagement continues to evolve as new communication media becomes available and as stakeholder expectations change. What remains constant is a need to get information to those affected by transportation projects. Whether messaging takes place via newspaper, internet, word-of-mouth or a flyer stapled to a telephone pole, in the end, goals and objectives remain constant: to involve citizens who traditionally haven't had the strongest voices in policy decisions but who are often the most directly affected by transportation-related decisions.



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## Americans with Disabilities Act Toolkit

### Section 7: Beyond the U.S. Border

#### International Disability Resources

There's much interest in what's going on beyond U.S. borders in the area of disability rights, requirements, and national-level policies on accessibility in employment, education, transportation, communications, and facilities. The following websites provide connections to disability policy in foreign countries. In addition, DREDF—the Disability Rights Education & Defense Fund—compiles [country-based laws](#) related to disability. The World Bank also has a series of webages on [disability data and initiatives](#) for regions of the world.

#### United Nations Convention

<http://www.un.org/disabilities/>

The Convention on the Rights of Persons with Disabilities and its Optional Protocol was adopted on December 13, 2006 at the United Nations Headquarters in New York, and was opened for signature on March 30, 2007. At that time, there were 82 signatories to the Convention, 44 signatories to the Optional Protocol, and one ratification of the Convention. This is the highest number of signatories in history to a UN Convention on its opening day. It is the first comprehensive human rights treaty of the 21st century and is the first human rights convention to be open for signature by regional integration organizations. The Convention entered into force on May 3, 2008. Countries are still signing the Convention. A list of all countries who signed originally or since 2007 is available on the [UN Enable website](#).



*Floor tactile markings at Hong Kong Transit System station in 2010.  
Photo: Easter Seals Project ACTION*

## **Africa**

The [World Health Organization](#) provides statistical data on African countries, estimating that 10% of people on the continent are affected by a disability. Numerous African nations have signed or ratified the U.N. Convention. According to [World Health Organization research](#), in comparison to other parts of the world, road traffic injuries are a leading cause of death or disability in Africa. There are an estimated nine million cases of blindness in sub-Saharan Africa and a further 27 million people who have visual impairments, representing the highest regional blindness ratio in the world.

## **Asia (including China & Japan)**

The [United Nations Economic and Social Commission for Asia and the Pacific](#) has a webpage with fact sheets on disability policy in the region's countries.

## **Australia & New Zealand**

### *Australia*

The Australian national government's [Disability Discrimination Act of 1992](#) protects against discrimination and promotes equal rights, equal opportunity, and equal access for people with disabilities.

The Government of Victoria adopted a [2006 Disability Act](#), 2007 Disability Regulations, and a 2012 amendment—all of which replaced earlier acts.

### *New Zealand*

New Zealand's [Office of Disability Issues](#) outlines the country's strategy which presents a long-term plan for changing New Zealand from a disabling to an inclusive society.

## **Middle East/North Africa**

Several Middle Eastern and North African countries have signed or ratified the U.N. Convention. The [World Bank](#) provides information on its site about disability-related initiatives in this region, particularly in Egypt and Yemen.

## **North America**

### *Canada*

[Disability-related policy](#)  
[Canadian Disability Policy Alliance](#)

### *Mexico*

Mexico signed and ratified the U.N. Convention in 2007.

## **Europe**

[European Union Agency for Fundamental Rights](#)

## [European Disability Strategy](#)

### **India**

India currently has several laws that pertain to participation and equality of people with disabilities. The 1995 Persons with Disabilities Act “gives effect to the proclamation on the full participation and equality of the persons with disabilities in the Asian and Pacific Region and provides for their education, employment, creation of barrier free environment, social security and similar overlooked areas.”

[Ministry of Social Justice and Empowerment](#)  
[Office of the Chief Commissioner for Persons with Disabilities](#)  
[Disabled World – Disability News India](#)

### **South America, Latin America & Caribbean**

Argentina, Venezuela, Chile, Ecuador, Bolivia, Paraguay, Uruguay, Peru, and Brazil are among countries that have signed onto or ratified the U.N. Convention.

<http://www.disabled-world.com/news/south-america/>

Caribbean governments that have signed or ratified the U.N. Convention include St. Vincent and the Grenadines, Costa Rica, Dominican Republic, Haiti, Dominica, Honduras, St. Lucia, and Trinidad & Tobago.

### **Southeast Asia**

The [World Health Organization](#) has an information sheet on Disability in the Southeast Asia Region.

### **United Kingdom**

[Disability Rights](#)  
[Advocacy in the UK](#)



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## Americans with Disabilities Act Toolkit

### Section 8: Find Out More

Federal agencies, state and local governments, and national organizations provide resources and tools pertaining to laws, regulations, guidelines, and best practices pertaining to facilities and services for people with disabilities. This resource section highlights the agencies and organizations that offer key materials on the subject as well as federal acts and rulings that set the foundation for the ADA.

#### Laws and Rulings

##### [Civil Rights Act of 1964](#)

The Civil Rights Act prohibited discrimination on the basis of race, sex, religion, and national origin. The law applied to voting, public accommodations, public facilities, public education, and federally-assisted programs.

*New York City students participate in travel training to learn how to use public transit.  
Photo: NYC Department of Education*



##### [Architectural Barriers Act of 1968](#)

The ABA required that buildings constructed or altered by or on behalf of the United States government, leased by the federal government, or financed by federal grants or loans, be designed and constructed to be accessible to people with disabilities.

##### [Rehabilitation Act of 1973](#)

The Rehabilitation Act is considered the cornerstone piece of legislation leading to inclusion of people with disabilities in the U.S. This act noted that physical and communication accessibility is crucial to the integration of people with disabilities into every facet of society. In 1973, Congress linked access policy to civil rights and created a federal enforcement and technical assistance agency—the Architectural and Transportation Barriers Compliance Board, referred to as the U.S. Access Board.



### [U.S. Department of Transportation Rulings of 1979 \(49 CFR Part 27\)](#)

U.S. DOT Section 504 implementing regulations required that federally funded transportation facilities and programs should be accessible to all, “regardless of handicap.” The U.S. Department of Transportation carries out the intention of Section 504 under 49 CFR Part 27 *Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance*.

### [Americans with Disabilities Act of 1990](#)

Under the ADA, all programs, activities, and services provided by state and local government, including public transportation, are prohibited from discriminating on the basis of disability, regardless of whether the entities receive federal financial assistance.

### [ADA Amendments Act of 2008](#)

Since its enactment in 1990, the ADA has been subject to judicial interpretation and review in the court systems. The ADA Amendments Act of 2008 overturned Supreme Court and lower appellate court decisions as to what constitutes a disability. The amendments primarily affect employment provisions in the original law.

## **Federal Administration of the ADA**

The ADA is administered by the Departments of Justice, Labor, Transportation, the Federal Communications Commission, and the U.S. Equal Employment Opportunity Commission. Other federal agencies with ADA responsibilities include the U.S. Access Board, U.S. Department of Agriculture, U.S. Department of Education, U.S. Department of Health and Human Services, U.S. Department of Housing and Urban Development, U.S. Department of Interior, and the U.S. Department of Labor.

The U.S. Department of Transportation’s modal administrations (Federal Highway Administration, Federal Motor Carrier Safety Administration, and the Federal Transit Administration), stipulate requirements and provide resources related to ADA accessibility. ADA requirements for public transportation, ADA complementary paratransit services, and Over-the-Road (motorcoach) services are outlined in the Code of Federal Regulations (49 CFR Part 27, 37, 38). The [U.S. DOT/FTA Civil Rights webpage](#) contains an overview of requirements and lists guidelines and circulars containing detailed information for the federal transit grant programs. Federal agencies also provide information on conducting public meeting and accessible communication (e.g. providing materials in alternative formats).

### [U.S. Department of Justice](#) (ADA.gov)

The Department of Justice website provides information and technical assistance on the ADA, including a comprehensive list of laws and regulations, design standards, technical assistance materials, and enforcement information.

### [U.S. Access Board](#)

The Access Board is an independent federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards. The Board develops and maintains design criteria for the built environment, transit vehicles, telecommunications equipment, medical diagnostic equipment, and information technology.

### [U.S. Department of Transportation](#)

U.S. DOT regulations related to the ADA and Civil Rights fall under the purview of the modal administrations mentioned above. Public transportation ADA requirements are primarily the responsibility of the Federal Transit Administration and its grant recipients. Private transportation operators (those not receiving federal operating or capital funds) still have service and equipment compliance requirements under the ADA.

### [Federal Transit Administration](#)

FTA's Civil rights webpage covers ADA laws and regulations related to public transportation, Title VI of the Civil Rights Act of 1964, Disadvantaged Business Enterprise, Training, Equal Employment Opportunity, Emergency Preparedness, and Frequently Asked Questions.

#### [Title VI](#)

Title VI is a federal statute and provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Title VI compliance for public transportation operators receiving FTA assistance is addressed in [Title VI Circular C 4702.1B](#)

#### [Environmental Justice](#)

FTA's [Environmental Justice Circular C 4703.1](#) "is meant to ensure that FTA funding recipients avoid, minimize, or mitigate disproportionately high and adverse health and environmental effects, including social and economic effects, on minority populations and low-income populations. FTA funding recipients are also required to incorporate EJ principles into transportation planning and decision-making processes as well as project-specific environmental reviews."  
[FTA]

### [Federal Highway Administration](#)

The primary purpose of the Federal Highway Administration's (FHWA) Americans with Disabilities Act (ADA) program is to ensure that pedestrians with disabilities have opportunity to use the transportation system in an accessible and safe manner.

### [Federal Motor Carrier Safety Administration](#)

The FMCSA's ADA requirements specifically address reporting requirements, service request recordkeeping, equipment (e.g., lift, securement), and service requirements.

### [Federal Railroad Administration](#)

The FRA website includes general information on the ADA and specific information related to level boarding and rail platforms.

## **Organizations that Offer Transportation-related ADA Resources**

### [Association of Programs for Rural Independent Living](#)

APRIL is a national grass roots, nonprofit membership organization consisting of centers for independent living, their satellites and branch offices, statewide independent living councils, other organizations and individuals concerned with the independent living issues of people with disabilities living in rural America.

<http://www.april-rural.org/>

(501) 753-3400

### [Association of Travel Instruction](#)

Founded in 1998, ATI is a national professional association, which exists to develop the relatively new professions of travel training instructor and travel trainer for seniors and people with disabilities, other than those with blindness. The goal of ATI is to serve the practitioners who teach persons with disabilities and seniors to use public transit safely and independently.

<http://www.travelinstruction.org/>

(866) 507-4857

### [ADA National Network \(10 regional DBTACs\)](#)

The ADA National Network consists of 10 regional centers and an ADA Knowledge Translation Center. Funded by the National Institute on Disability and Rehabilitation Research (NIDRR), the ADA National Network provides information, guidance and training on the Americans with Disabilities Act (ADA), tailored to meet the needs of business, government and individuals at local, regional and national levels.

<https://adata.org/>

(800) 949-4232 Toll-free/TTY

### [Easter Seals Project ACTION](#)

Easter Seals Project ACTION provides free resources, webpages, compiled answers to frequently asked questions, a toll free assistance line, training, distance learning events, and research findings pertaining to accessible transportation for people with disabilities.

[www.projectaction.org](http://www.projectaction.org)

(800) 659-6428

(202) 347-7385 (TTY)

### [National Council on Independent Living \(NCIL\)](#)

NCIL is the longest-running national cross-disability, grassroots organization run by and for people with disabilities. Founded in 1982, NCIL represents thousands of organizations and individuals including: individuals with disabilities, Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), and other organizations that advocate for the human and civil rights of people with disabilities throughout the United States.

[www.ncil.org](http://www.ncil.org)

(877) 525-3400

(202) 207-0340 (TTY)

### **Books on the ADA Movement**

The following books provide first-person perspectives, its history in the U.S., and passage of the ADA. Both are available from Amazon, Barnes & Noble, other booksellers, or by checking your local free public library.

#### [No Pity: People with Disabilities Forging a New Civil Rights Movement](#)

Author: Joseph P. Shapiro

Publisher/date: Broadway Books, 1994

400 pages

#### [To Ride the Public's Buses](#)

Editors: Mary Johnson and Barrett Shaw

Publisher/date: The Advocado Press, 2001

200 pages



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