



The Americans with Disabilities Act and You:

Frequently Asked Questions on Taxicab Service

*Presented by Easter Seals Project ACTION
and the Taxicab, Limousine & Paratransit Association*

Taxicabs play a critical role in helping to move America. Last year, taxis safely and efficiently delivered **2 billion** passengers to offices, homes, airports, shopping malls, churches, hotels, stadiums and many other community destinations.

As much as 10 percent of the customer base for taxi service consists of people with a disability affecting mobility, hearing, vision, thinking and other physical and mental processes. In fact, 54 million people in America live with disabilities, and they have the same needs and interests as everybody else. They have jobs, families, classes, meetings, travel plans, and other activities to keep them on the move, and they need transportation, including taxicabs, to help them get where they are going.

The rights of people with disabilities to access transportation are guaranteed under federal law, the landmark Americans with Disabilities Act (ADA). With this document, Easter Seals Project ACTION and the Taxicab, Limousine & Paratransit Association seek to answer several important questions about taxi service for customers with disabilities.

What is the ADA and why are taxicabs affected?

On July 26, 1990, the Americans with Disabilities Act became law, paving the way to accessible public and private transportation for people with a variety of disabilities. The ADA protects the civil rights of people with disabilities and ensures their access to employment, public accommodations (such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers), telecommunications – and public and private transportation.

It is commonly recognized that the law affects public transit systems, such as bus and rail lines. Taxi services must comply with ADA requirements as private companies, primarily engaged in the business of transporting people, that provide demand-responsive transportation.

What is meant by 'demand-responsive transportation'?

With demand-responsive service, the customer takes action to initiate transportation. In the case of using taxi service, the customer must make a telephone call, send an email, fax a request, or make a Web-based reservation to schedule a ride.

In addition, other services that involve calling for a car and a driver, such as limousine or sedan transportation, fall within ADA requirements the same as taxicab services. So too do taxi companies that contract with hotels to provide airport shuttle service.



How does the ADA affect operations?

Under the law, each taxi service shall ensure that personnel are trained to proficiency. Not only does this relate to safe operation of vehicles and equipment, drivers must be able to properly assist and treat customers with disabilities in a respectful and courteous way. As stated in Appendix D to the ADA, training and retraining are just as necessary for the driver of a taxicab, a hotel shuttle, or a tour bus as they are for an operator of a transit bus.

What else does the ADA say about proficiency and training?

Appendix D to the ADA states that every transportation provider who serves people with disabilities must have been trained so that he or she knows how to provide the service in the right way. When it comes to providing service to people with disabilities, ignorance is no excuse for failure. This requirement pertains to taxicab company employees and drivers alike.

An employee or driver who has forgotten what he was told in past training sessions, resulting in a lack of knowledge about what needs to be done to serve people with disabilities, does not meet the standard of being trained to proficiency.

Training must be appropriate to the duties of each employee. A dispatcher must know how to use a TDD¹ and enough about various disabilities to dispatch the appropriate vehicle. A driver must know how to operate lifts and securement devices properly.

The requirements address both technical tasks and interacting with customers. Drivers need to know how to run equipment the right way. Every person who has contact with the public also has to understand the necessity and details of treating people with disabilities courteously and respectfully. This requirement pertains to both company employees and drivers.

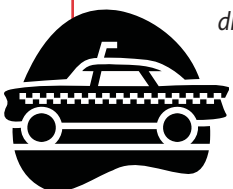
One of the best sources of information on how best to train personnel to interact appropriately with individuals with disabilities is the disability community itself. Consequently, the ADA urges public and private transportation providers to consult with disability organizations concerning how to train their personnel. Involving these groups in the process of establishing training programs, in addition to providing useful information, should help to establish or improve long-term working relationships.

Taxi companies and drivers must provide service in a manner that does not discriminate against people with disabilities. Examples of discriminatory service include:

- ▶ the company or the driver denying service to individuals with disabilities who can use taxi vehicles
- ▶ the company or the driver charging higher fares or fees to passengers with disabilities
- ▶ the company or the driver denying a ride to a customer using a service animal. Service animals are discussed in greater detail below.
- ▶ the driver refusing to assist with stowing wheelchairs or other mobility devices

Although state, county and local policy varies, such practices may also violate applicable taxi rules, subjecting the operator to a fine or suspension of operating privileges. Customers who are discriminated against also have the right to file a complaint with the U.S. Department of Justice, Civil Rights Division, Disability Rights Section. Customers have both ADA and local recourse.

¹ A TDD (Telecommunications Display Device), also known as a text telephone or TTY, is a telephone equipped with a keyboard and display to allow people who have hearing and speech disabilities to send and receive typed messages using its keyboard.





“Can you explain non-discriminatory service in more detail?”

A taxi service and driver cannot deny a ride to an individual because of her disability if she is able to use a taxi. If the person is using a wheelchair or other mobility aid that can be stowed in the cab, and the passenger can transfer from a wheelchair to a vehicle seat, the company and the driver must provide service. Neither the company nor the driver can require the passenger to wait for a lift-equipped van.

Drivers also cannot refuse to assist with stowing a wheelchair in the trunk (since taxi drivers routinely assist passengers without disabilities with stowing luggage). Drivers cannot charge a higher fee or fare for serving a person with a disability, nor charge a higher fee for stowing a wheelchair. (Charging the same fee for stowing a wheelchair as for stowing a suitcase would be proper, however.) It may take a particular driver more time and effort to serve a person with a disability, but that is not justification for discriminatory conduct.

“I am aware that some people with disabilities travel with service animals. What exactly is a ‘service animal’?”

Dogs are the most common service animals, but other animals can also be trained to assist customers with disabilities. Service animals are individually trained to assist a customer with a disability and are allowed to ride in the passenger compartment of taxicabs. People with various types of disabilities use service animals.

Certification or identification is not required for the animal. Some, but not all service animals wear identification such as a tag, vest or harness.

“But my company has a ‘no pets’ policy. Are my drivers required to serve passengers traveling with service animals?”

Yes. A service animal is not a pet. The ADA requires a company to modify “no pets” policies to allow the use of a service animal by a person with a disability. This does not mean that a company must abandon its “no pets” policy altogether, but simply that an exception must be made to the general rule to accommodate service animals for people with disabilities. A customer is not required to indicate that he or she will be traveling with a service animal when calling to request a ride.

“What other policies does the ADA require me to modify?”

Overall, all policies should ensure that people with disabilities have the same opportunity to use the service as do customers without disabilities. Consequently, any reasonable request for modification of policy made by a person with a disability who wants to use your service should be considered.

Let’s say that a company has a policy that all luggage be stored in the trunk of the cab. An exception to this policy should be made to accommodate luggage for a passenger using a wheelchair or other mobility aid who needs the trunk space to store their mobility device. In this instance, the luggage could be stored on the floor in the cab or on the seat next to the customer. The customer should not have to choose between traveling with his mobility device and luggage.

What about the amount of fare that can be charged to passengers when taxi companies provide ADA complementary paratransit service to eligible individuals under an agreement with a transit authority?

Fares paid by the passenger for complementary paratransit service are restricted to double the fixed-route bus fare. There is no limit on what the sponsoring agency (e.g., transit authorities) may pay to the taxicab company for providing complementary ADA paratransit service. Companies can’t charge the regular taxi fare to the customer, because the mode through which paratransit is provided does not change the fare calculation. If ADA



complementary paratransit is provided via user-side subsidy taxi service rather than publicly operated dial-a-ride van service, the customer's fare can still be only twice the applicable fixed-route fare. The system operates the same for the passenger regardless of whether the paratransit trip is being provided in place of a bus or a rail trip for a customer who cannot use the fixed-route system. For example, if the applicable fixed-route fare is \$1.00, then the cost to the customer to utilize taxi service cannot exceed \$2.00.

"Are companies required to purchase specially equipped vehicles with lifts and other devices?"

A taxi service is not required to purchase vehicles other than sedan-type automobiles in order to add accessible vehicles to its fleet and it is not required to purchase vehicles other than sedan-type automobiles in order to have a number of accessible vehicles in its fleet. Under the ADA, no private company entity is required to purchase an accessible sedan-type automobile.

"I'm considering purchasing some vans for our fleet. What ADA-related considerations should I keep in mind?"

If a taxi company purchases or leases a new vehicle (other than a sedan-type automobile), such as a van with a seating capacity of fewer than eight persons (including the driver), the acquired vehicle must be accessible, unless the company is already providing "equivalent service" (described below).

According to the ADA's requirements, private companies primarily engaged in the business of transporting people (including taxicab companies) are not required to acquire accessible vehicles when they purchase or lease used vehicles. See Appendix D Section 37.105 of the Regulations for a discussion of this issue.

"What do you mean by accessible? Does this entail special equipment and if so, what?"

Accessible means meeting the requirements for transportation vehicles and service under the ADA.

In terms of size and space, here are some dimensions to keep in mind:

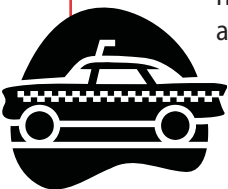
- ▶ For vehicles **in excess of 22 feet in length**, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 68 inches.
- ▶ For vehicles of **22 feet in length or less**, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 56 inches.

All of the accessibility requirements for vans, including the draft of the updated guidelines for vans, can be found by visiting the United States Access Board's Web site at <http://www.access-board.gov/transit/index.htm>

Public and private transportation providers need to maintain in working condition the vehicle features that make the vehicles and service accessible to and usable by people with disabilities. These features include, but are not limited to, lifts, ramps, securement devices, signage, and systems to facilitate communication with customers with visual and hearing disabilities. These accessibility features must be repaired promptly when they are damaged or out of order. When they are out of order, companies must take reasonable steps to accommodate customers with disabilities who would otherwise use the features.

"What else should I know about accessibility for customers with disabilities?"

There are things companies need to do to make service accessible, regardless of whether the service is provided in a sedan or a van. Companies probably communicate information to the public about policies, fares, telephone numbers and other kinds of customer service details. Such communications and information must be available in accessible ways (meaning for people with disabilities who communicate and gather information in a way other than





reading print, for example, or listening to a telephone recording) **and** in a format that the individual can actually use. Some examples of accessible formats are Braille, large print, audiotapes, TDD devices, email, and accessible Web sites. These and other formats allow people with disabilities to obtain information about transportation services. Customers are the best source of information about the specific formats that they as individuals can use, so please ask. This requirement to provide accessible information applies to both public and private transportation providers.

What is 'equivalent service'?

A demand-responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most **integrated setting** appropriate to the needs of the individual. An integrated setting enables individuals with disabilities to interact with people without disabilities to the fullest extent possible.

Elements to address in equivalent service:

- ▶ Response time
- ▶ Fares
- ▶ Geographic area of service
- ▶ Hours and days of service
- ▶ Availability of information
- ▶ Reservations capability
- ▶ Any constraints on capacity or service availability
- ▶ Restrictions priorities based on trip purpose (if the system is demand responsive)

The equivalency requirements do not dictate a particular response time. If the taxi company operates both sedans and vans and gets a sedan to a person without a disability in 30 minutes after a call for service, the system must get an accessible van to a person with a disability in 30 minutes.

"So I have to consider the rules for providing equivalent service when my company purchases a vehicle other than a sedan-type automobile?"

The following question must be asked every time a company purchases or leases a new vehicle other than a sedan-type automobile, such as a van with a seating capacity of fewer than eight persons (including the driver):

Does the present service meet the equivalent service standard, (not counting the vehicle to be purchased) for the next potential customer who needs accessible service?

If the answer is no, a company must acquire an accessible vehicle. If the answer is yes, a company may acquire an accessible or an inaccessible vehicle.

In asking the question, it doesn't matter whether or not requests for accessible service have been received in the past.

Given changes in the mixes of both customers and vehicles, the answer to the question about equivalent service will probably not be the same every time.

Since the ADA motorcoach regulations went into effect in 2000-2002, small fixed-route operators are the only operators who can choose between providing equivalent service to people with disabilities and providing service in an accessible vehicle with 48-hour advance notice.



If a small fixed-route operator chooses not to purchase any new motorcoaches and/or has no accessible motorcoaches in its fleet for service with 48-hour advance notice, the company is required to provide equivalent service.

If a small fixed-route company purchases or leases a new motorcoach after October 2001 for the fixed-route portion of its fleet, the vehicle must be accessible.

Charter/tour companies and large fixed-route companies have different obligations for acquiring accessible vehicles and providing accessible service. Please see Part 37 Subpart H of the ADA transportation regulations for these requirements.

“Can I contract with another company to provide equivalent service?”

The ADA allows contracting with another company to provide equivalent service if the company that is contracted with is actually able to provide the equivalent service.

What kinds of securement equipment must be provided in an accessible vehicle?

ADA regulations require all ADA-compliant vehicles to have a two-part securement system, one to secure the common wheelchair, and a seatbelt and shoulder harness for the customer using a wheelchair. Vehicles over 22 feet in length must have enough securement locations and devices to secure two common wheelchairs, while vehicles 22 feet and under must be able to accommodate at least one common wheelchair.

There must also be enough room inside the vehicle to permit the customer using a mobility aid to reach the securement location. The customer can either wheel themselves into the securement location or ask the driver for assistance.

If the customer asks for assistance in getting to the securement location and/or securing a wheelchair or mobility aid, the driver must provide it.

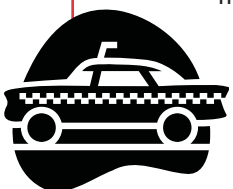
While securement systems vary from manufacturer to manufacturer, most of today's systems are based on a four-point tie-down – meaning that each of the four corners of the chair are restrained by a belt to a permanently mounted floor bracket. Research continues on improvements for securement systems. When the wheelchair or mobility aid is secured, it should move no more than 2 inches in any direction under normal vehicle operating conditions. All manufacturers provide specific instructions in the form of videotapes, handbooks, brochures, and driver instruction cards. A company should ensure that drivers are always trained to safely use equipment they operate.

What is a ‘common wheelchair’?

A “common wheelchair” is a mobility aid belonging to any class of three- or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A “common wheelchair” does not exceed 30 inches in width and 48 inches in length measured 2 inches above the ground, and does not weigh more than 600 pounds when occupied. Power scooters and any other mobility devices that meet the physical specifications of a common wheelchair must be considered a common wheelchair.

Is side door or rear door entry preferred to board accessible vehicles?

Both options have advantages and disadvantages. Some customers using wheelchairs or other mobility aids may prefer a side door entry, since they can sit closer to the driver and can exit the vehicle onto the sidewalk. The





extended ramp from a side entry vehicle may block the path of travel on the sidewalk for other people, including those who have visual disabilities.

Some drivers may prefer side-entry vehicles when there is sufficient space at the back of the vehicle. Others may prefer a rear-door entry vehicle if they find the boarding and de-boarding process is faster than a side-entry door.

How are customers who use wheelchairs supposed to position themselves once on the vehicle?

The U.S. Access Board's standards for accessible transportation vehicles require that in vehicles over 22 feet in length, at least one securement device or system shall secure the wheelchair or mobility aid facing toward the front of the vehicle. In vehicles 22 feet in length or less, the required securement device may secure the wheelchair or mobility aid either facing toward the front of the vehicle or rearward.

Additional securement devices or systems shall secure the wheelchair or mobility aid facing forward or rearward. Where the wheelchair or mobility aid is secured facing the rear of the vehicle, a padded barrier shall be provided. The padded barrier shall extend from a height of 38 inches from the vehicle floor to a height of 56 inches from the vehicle floor with a width of 18 inches, laterally centered immediately in back of the seated individual. Such barriers need not be solid provided equivalent protection is afforded.

Side-facing securement is not permitted under any circumstances in vehicles less than 22 feet in length, based on results of crash tests and sudden stop conditions under which the wheels of a side-facing wheelchair in contact with the vehicle floor experience a force that they are not intended to support. Three-wheeled scooters have a higher center of gravity and will tend to tip under sideward forces.

Side-facing securement subjects the customer to potentially dangerous force, even in normal situations, let alone a panic stop. The smaller the vehicle, the worse the problem is, since the g-forces are greater for a smaller vehicle. If a 40-foot transit bus slams on its brakes, its own mass keeps it moving, decelerating slower, and transfers less of the force to the securement system and the customer. In contrast, if a small van slams on its brakes, it decelerates much more quickly, and transfers higher force to the wheelchair, securement system, and the customer. As a result, the securement requirements in the ADA are greater for small vehicles.

Can a company require that common wheelchairs be secured to the accessible vehicle?

Yes, provided that a company has established such a policy. The ADA regulations allow public and private transportation providers to establish a policy that requires all riders to have their common wheelchairs secured while aboard a vehicle. Therefore, the driver may decline to provide service to a rider who refuses to allow his common wheelchair to be secured. Alternatively, a company may adopt a policy that allows common wheelchairs to ride unsecured. If the rider wishes his wheelchair to be secured, however, the driver must provide the requested assistance.

"What other kinds of assistance must be provided?"

- ✓ A company's policy must require drivers to assist people with disabilities with the use of securement systems, ramps and lifts, when necessary or upon request. If it is necessary for the driver to leave her seat to provide the required assistance, she should do so.
- ✓ A company's policy and drivers must permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle.
- ✓ Customers using wheelchairs may have a preference for boarding a vehicle facing forward or backing on the lift or ramp. A company's policy and drivers should respect the passenger's preference.



Can a company or a driver deny boarding to a rider whose common wheelchair is difficult to secure?

No. If a company has a policy that requires securement, or if a rider asks that the wheelchair be secured, the ADA requires drivers to use their best efforts to secure any mobility device, including a scooter that meets the definition of a common wheelchair.

Drivers cannot refuse to accommodate a common wheelchair or mobility aid because the device cannot be secured to the driver's satisfaction. Given the diversity of common wheelchairs, companies and drivers should ask the owner of the wheelchair as well as the manufacturers of securement devices and wheelchairs, to determine the best means of securement.

Three- or four-wheeled power scooters will be more difficult to secure than wheelchairs, since most wheelchair restraint systems are based on the four-point tie-down system.

If drivers have questions about how to secure a customer's wheelchair, scooter, or mobility aid, they should ask the customer. In most cases, customers will appreciate the desire to secure the mobility aid properly. Everyone wants a ride. In some situations, the driver and the customer will need to work together and do their best to come up with a solution.

Does a person using a wheelchair in an accessible vehicle have to use the lap belt and shoulder harness?

Under the broad non-discrimination provisions in Section 37.5 of the U.S. Department of Transportation's ADA regulations, a company or driver cannot require a person using a wheelchair to use seatbelts and shoulder harnesses unless the company's policy requires the use of these devices by all passengers, including those sitting in vehicle seats. For example, if passengers without disabilities are not required to wear shoulder belts then passengers using mobility devices cannot be required to use them.

A company may establish a policy that requires all riders to use the seatbelt and shoulder harness, if they are provided at all seating locations. In some cases, state law could require a company to adopt such a policy.

"Where can I get more information about accessible taxi services?"

Taxicab, Limousine & Paratransit Association
3849 Farragut Avenue
Kensington, MD 20895
(301) 946-5700
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