



NATIONAL AGING AND DISABILITY TRANSPORTATION CENTER

2021 FTA Section 5310 Compendium

Americans with Disabilities Act: Requirements for Section 5310 Recipients

Background

The Americans with Disabilities Act (ADA) is a civil rights law prohibiting discrimination against persons with disabilities. Under Title II of the ADA, public transportation must be accessible to and usable by people with disabilities, including wheelchair users. The U.S. Department of Transportation (U.S. DOT) regulations pertaining to transportation, 49 CFR [Parts 27, 37](#) and [38](#), are written to ensure non-discrimination so that people with disabilities will not be excluded from, or denied participation in, using transportation systems or facilities.

The ADA applies to public and private providers of transportation regardless of whether the provider receives Federal financial assistance. For the Section 5310 (Enhanced Mobility for Seniors and Individuals with Disabilities) Program, providers must follow specific requirements to ensure that riders with disabilities have fair and equitable access to transportation services.

FTA Section 5310 Recipients

Private nonprofit entities that receive Section 5310 funding and provide services to their clients or members of a particular agency are subject to the ADA requirements that apply to private transportation entities. Section 5310 funding for projects that are open to the general public are to meet the ADA requirements applicable to public entities providing fixed-route or demand responsive services. ADA requirements described in this information brief apply to both private human service and public providers, including contracted service for Section 5310 grantees.



Personal Care Attendant

The ADA guarantees people with disabilities equal access to public transportation. This means that public transportation providers cannot refuse services because a person has a disability. Under U.S. DOT ADA regulations, [49 CFR Section 37.5\(e\)](#), it further requires that a transit entity is prohibited from requiring an individual with disability be accompanied by a Personal Care Attendant (PCA). If a person has a PCA with them, the attendant is not expected to provide assistance related to the transportation service. PCAs are typically tasked to perform highly personal functions unrelated to transportation. Likewise, transit personnel must provide assistance with boarding and disembarking but are not required to perform tasks typically provided by the PCA.



Accessible Vehicles

Vehicles funded by Section 5310 must be accessible to all, including those who use mobility devices or have disabilities that require accessible equipment. For vehicles, examples of accessibility features include:

- Lifts and ramps
- Lighting at entry doors and steps
- Mobility aid securement areas and tie-down systems
- Public address systems and other communication equipment
- Seat belts and shoulder harnesses (where securement systems are required)
- Signage

A listing of ADA requirements for vehicles can be found at [49 CFR Part 38](#).

Equivalent Service

ADA regulations for DOT programs require that all vehicles acquired for use in fixed route or demand responsive service must be accessible to and usable by persons with disabilities, including wheelchair users. Non-accessible vehicles may only be acquired for use in demand responsive systems (or fixed route systems operated by private entities) if the entity can demonstrate that an equivalent service is provided for people with disabilities, including wheelchair users, using an accessible vehicle. Providers using non-accessible vehicles must provide equivalent service using an accessible vehicle to the same destinations, at the same cost, and at the same time. Services must be provided in the most integrated setting appropriate that meets the needs of a rider with a disability and the general public.

Service provided to individuals with disabilities, including wheelchair users, must be equivalent to the service provided to other individuals in the following ways ([Section 37.105](#)):

- Response time
- Fares
- Geographic service area
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and ride reservation capability
- Any constraints on capacity or service availability

Passengers with Mobility Devices

The U.S. DOT requires that agencies provide transportation for people with disabilities, including the wheelchair and rider if the lift and vehicle can accommodate them. Transit providers must be aware of the weight and capacity of the lift/ramps for each vehicle. Lifts must have a minimum design load of 600 pounds, and lift platforms must accommodate a wheelchair measuring at least 30 inches by 48 inches. If a vehicle has a lift with a higher design load and a wider platform, the provider must accommodate the heavier and/or larger occupied mobility device.

Driver Assistance and Training

Transit providers must ensure that their personnel are trained to properly assist individuals with disabilities using the service in a respectful and courteous way. Drivers must operate vehicles safely and be trained to properly use wheelchair lifts, ramps, securement systems and related equipment. Drivers must allow adequate time for people with disabilities to board and exit from vehicles and be sensitive to individual needs and preferences, keeping in mind functional ability is unique to each individual rider.



All agency staff responsible for the provision of transit services must be trained on the organization's accessibility policies and procedures, including ADA requirements, and is recommended to include people with various disabilities as part of any training. By providing inclusive training opportunities, staff can learn directly from people with disabilities and hear about their experiences with transportation.

Service Animals

Transportation providers must accommodate service animals, which are described as animals that are "individually trained to work or perform tasks." Under [§ 37.3](#) of the U.S. DOT regulations, a service animal is any guide dog, signal dog, or *other animal* individually trained to work or perform

tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. There are no national certification processes for identifying service animals.

Transportation entities cannot require:

- A certificate
- An identification card
- A note from a physician
- The animal to wear a vest or other identifying gear



Transit agencies cannot have a policy requiring riders to provide documentation for their service animal before boarding a bus or train or entering a facility, but personnel may ask riders two questions: (1) is the animal a service animal required because of a disability? and (2) what work or task has the animal been trained to perform?

Agencies may have a policy that service animals do not occupy a seat. In general, service animals are trained to stay at a rider's feet on the floor or under a seat. Service animals can ride on lifts but must be under control of the rider to protect the animal and harness away from moving parts of the lift. Furthermore, there is no limit to the number of service animals that a rider could bring onto a vehicle as each animal may provide separate types of assistance.

Accessible Communication

Transportation providers must make all communication available in accessible formats and technology such as Braille, large print, flash drive, email, Telecommunication Relay Service such as 711, etc. These formats are required to support riders and potential customers with various disabilities in getting usable information about transportation services. It is best to ask what type of accessible format that a person with a disability prefers to receive their information.

For web accessibility, it is critical to ensure that when developing, procuring, maintaining, or using electronic and information technology, web developers consider the needs of all end users, including people with disabilities. This means that all presented information, along with tables and charts, is usable by screen readers including text that can be accessed through key commands.

Images or drawings must also be tagged with alternative text so that a description of the image is provided for a person using a screen reader.

Reasonable Modification to Policy

"Reasonable Modification to Policy" is a U.S. DOT requirement that places an obligation on providers to modify their policies and practices to accommodate persons with disabilities unless those modifications would result in an undue burden or a fundamental alteration of the program.



Reasonable modification to policy examples can be found in U.S. DOT ADA Regulations at [Appendix E to Part 37—Reasonable Modification Requests](#). The examples provided are not exhaustive, and providers should look at each individual request and make determinations. Flexibility in perspective is helpful. U.S. DOT identifies additional examples of reasonable modification, such as:

- Transportation entities allowing food or drink on a vehicle for a customer who is diabetic.
- Transit operators may be allowed to handle fare for a customer who has a disability that makes fare payment difficult or impossible.
- A driver will stop a bus away from the bus stop so a person in a wheelchair can avoid obstructions at a boarding location due to construction or snow and ice.
- Demand response service providers may need to adjust their policy of curb-to-curb service to door-to-door service for the customer that needs assistance to the door to complete their trip.

If a reasonable modification request is denied, transit providers should consider other ways to ensure the individual with a disability receives transportation services.

Complaint Process

For transportation providers, a solid complaint process and policy will ensure that customer complaints and concerns are resolved quickly and fairly. ADA regulations at 49 CFR [Part 37.17](#) and [27.13](#) require agencies to have specific procedures in place to address complaints alleging ADA violations, also requiring a designated employee to be responsible for managing the overall process. The complaint process is the responsibility of the agency, and applies to all service provided by the agency including contracted service.

Complaints should be filed through a formal collection process and designated to a single point of contact; enabling a complaint and resolution to be easily tracked; ensuring that the agency provides appropriate due process for any actual ADA complaints received. Finally, transit agencies must clearly advertise the complaint process on websites, at in-person events, with print materials and in accessible formats. It is required that agencies maintain original copies of all ADA complaints for one year and keep a summary record of complaints for five years.

Suspension Policy

Any rider suspension policy should be time-limited, and a rider must have an opportunity to appeal a suspension. A rider must have a chance to resume service unless providing service is clearly deemed to be too dangerous to others. Service cannot be denied to individuals with disabilities because their disabilities result in appearance of or involuntary behavior that may offend or annoy others. If a rider acts to harm another person, the transit provider should consider contacting law enforcement, as local statutes may have legal bearing. Transportation entities must backup their decision to suspend service to a rider with documentation of current and prior events and any action taken, along with follow-up discussion and/or training with drivers.

As outlined in FTA's [49 CFR Section 37.3](#), a "direct threat" is defined as "a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services." This definition is consistent with the Department of Justice's regulations and focuses solely on whether an individual poses a significant threat to others and does not include threats of self-harm. Transit entities must demonstrate and document efforts that were made to modify practices and procedures so that the person could continue to ride – direct threat should be considered in circumstances where a rider is suspended or when service is refused.

Summary

All Section 5310 providers that operate human services transportation programs are required to provide accessible services for everyone meeting the ADA requirements without discrimination. Agencies that solely provide service to the general public must meet ADA requirements applicable to providing fixed-route or demand responsive services.

The U.S. DOT [reasonable modification](#) rule helps clarify and guide providers to ensure that people with disabilities have opportunities to use accessible transportation and be connected to their communities. Likewise, understanding service animal requirements and passenger assistance requirements under the ADA benefits both customers and providers to allow trips without undue difficulty.

A crucial element for providing quality accessible transportation is to have a solid, transit operator training program for ADA requirements and passenger assistance. The training is strongest when

guided by clearly written agency policies that promote practices which help customers make trips from their origin to destination.

References

Americans with Disabilities Act: Guidance, FTA Circular 4710.1

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_FTA_ADA_Circular_C_4710.1.pdf

Topic Guides on ADA Transportation

<https://dredf.org/ADAtg/index.shtml>

ADA Toolkit

<https://www.nationalrtap.org/Toolkits/ADA-Toolkit/Welcome>

DOT Final Rule, reasonable modifications to policies, practices and procedures for public transportation providers.

<https://www.federalregister.gov/documents/2015/03/13/2015-05646/transportation-for-individuals-with-disabilities-reasonable-modification-of-policies-and-practices>

Kansas RTAP, *How to Respond to Requests for Reasonable Modification to Your Policies? Use Common Sense*. <http://www2.ku.edu/~kutc/pdffiles/KTRFS16-ModifyPolices.pdf>

Facts About Service Animals and Transportation Bookmark. NADTC.

https://www.nadtc.org/wp-content/uploads/ES-NADTC-Vehicle-Service-Animal-Bookmark-1217_web.pdf

ADA Trending Questions Requiring Clarification: Complaint Process. NADTC.

<https://www.nadtc.org/resources-publications/resource/2017-trends-report-topic-spotlight-ada-complaint-process/>