



**GATEWAY CITIES GOVERNANCE COUNCIL
SEPTEMBER 9, 2004**

SUBJECT: COMPARISON OF OPERATOR TIE-DOWN POLICIES

ACTION: RECEIVE AND FILE

BACKGROUND

The American with Disabilities Act was passed by the United States Congress in 1990. The ADA, as it is known, is a nondiscrimination statute, intended to ensure, among other things, that people with disabilities have equal access to transportation services. The ADA regulation outlines specific procedures for transit providers to follow to ensure compliance. Some examples include securement disabled passengers in wheelchairs or other mobility devices, required procedures for bus stop announcements, required signage for priority seating areas, and defined safety and maintenance procedures to name a few.

This report focuses on one element of the ADA regulation, namely, the federal requirement concerning the securement of disabled passengers. The current MTA policy on this matter is discussed and compared with its sister agencies in this region-- Long Beach Transit, Montebello Bus Lines, Norwalk Transit and the Orange County Transportation Authority. Areas of mutual compliance are noted as well as variations in the interpretation of the federal regulation.

DISCUSSION

Section 37.165 of the ADA identifies seven rules concerning securement of mobility-impaired passenger on fixed-route transit systems. These federal guidelines are shown in Attachment A. Also included in the table are the current policies for each of the regions operators. In most cases, the various policies adopted by the regions major fixed route operators suggest a common approach to compliance.

For example, they all comply with Rule 1 by providing securement areas for wheelchairs and other mobility devices on their buses. In most cases these areas are located in the front of the vehicle, but some also provide securement in the rear of the vehicle. They also comply with Rule 2 by providing various types of hardware to secure the wheelchair and or disabled passenger in place. The hardware consists of clamps, belts and straps used to secure the person and chair.

There is also substantial similarity in standardizing operating procedures among the various operators. For example, most agencies require operators to call into a central dispatch center when boarding a disabled passenger as well as when there is a problem such as a broken lift (Rule 4). They also instruct their operators to offer help to the disabled passenger if needed or when asked to do so (Rules 5& 6). This offer of help is also extended to other individuals with mobility problems such as an older person with a cane (Rule 7).

As demonstrated above, most transit operators walk on common path in the practical application of the ADA Tie-down Policy. However, there is one area that divides them and that is in the interpretation and application of Rule 3. The Rule states: “The entity may require an individual to permit their wheelchair or other mobility device to be secured”.

Of the five major transit operators in the region, only two require that wheelchairs be secured. The operators who have adopted this policy are Long Beach Transit and the Orange County Transportation Authority. All the rest, including MTA, do not require securement of the wheelchair as a condition to ride. The respective tie-down policies that are in place today were approved by the respective governing boards of each transit agency.

Attachment

A. Comparison of Transit Operator Tie-down Policies

Prepared by: Alex Clifford, General Manager, Gateway Cities Sector
Dan Nguyen, Service Development Manager
Michael Sieckert, Planning Manager

**ATTACHMENT A - COMPARISON OF TRANSIT OPERATORS TIE-DOWN POLICIES
CURRENT OPERATOR POLICY**

RULE	ADA REGULATION SECTION 37.165	MTA	LONG BEACH	MONTEBELLO	NORWALK	OCTA
1	All common wheelchairs and their users shall be transported in the entity's vehicles. The entity is required to place wheelchair in designated securement area.	Securement areas located in front section of most vehicles. A small number of buses have securement areas in the rear section of the bus.	Securement areas located in front and back section of the buses (currently operating a few vehicles with backdoor lifts).	Securement areas located in front or rear section of vehicles.	Securement areas located in front section of vehicles.	Securement areas located in front and mid section of vehicles.
2	Entity must provide and use a securement system to ensure that the wheelchair remains in the securement area.	Harness type seat belt and either rear wheel clamp or two wheel tie-down straps available to secure patron/chair.	Seatbelt and shoulder harnesses available, wheelchair tie-down strap system in place.	Shoulder and seat belt restraints. Rear wheel clamp and 4-point tie-down straps.	Not available at this time	At least two methods must be used including wheelchair locks, floor restraints, retractable tension restraints, or seat belt method.
3	Entity <u>may</u> require an individual to permit their wheelchair or other mobility device to be secured.	No mandatory requirement to secure patrons.	Wheelchairs (scooters, etc.) will be secured using the wheelchair restraint system. Seatbelt and shoulder harness available upon request. Operators are currently requested to ask the patron if they desire the use of the seatbelt and shoulder harness.	No mandatory requirement to secure patrons.	No mandatory requirement to secure patrons.	Patrons will be secured using the wheelchair restraints system.
4	Entity cannot deny transportation to a wheelchair user on the grounds the device cannot be secured or restrained by the securement system.	Operator to call BOC when boarding wheel-chair patron. In addition, operator to report lifts problems to BOC and location of passenger. Operator must also notify Bus Operations Control (BOC) if a customer using a wheelchair refused to be secured	Operator must call Dispatch and report problem. Transport without restraint is subject to approval by a supervisor, and only if alternate service cannot be provided or other restrictions in accordance with ADA do not allow the anticipated delay (30 minute rule) in transporting the passenger. Passenger must also concur or request.	Operator instructed to call Dispatch and report problem. Operator may not deny transportation to a person because the wheelchair cannot be secured or restrained.	Operator must call Dispatch and report problem. Transport without restraint is okay.	Operator to call Central Communications and report problem, location of patron.

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5	Entity may recommend to wheel-chair user they transfer to a vehicle seat, but not require them to do so.	Operator to assist patron if requested. Mobility device must be secured.	Operator to assist patron if requested and seating is available. Mobility device must be secured.	Operator may not require an individual to transfer to a seat. Those who wish to transfer to a seat must be allowed to do so.	Not available at this time	No mention of this option in the current policy.
6	Entity shall assist in securing a wheelchair person in the securement area where necessary or upon request. The operator is permitted to leave his seat to do so.	Operator to ask if patron needs help with securement device or in reaching securement area. Offer of assistance must include at minimum the words, "Do you need help securing your chair?" Operator must provide such assistance if requested.	Operators are required to assist all persons using a mobility device that are required to be restrained. Operators are required to leave their seat to assist any disabled person upon request.	Where necessary or when requested, the operator must help with the securement device. If necessary for the Operator to leave his/her seat to provide the assistance, he/she must do so.	Where necessary or when requested, the operator will help with the securement device.	If wheelchair can be restrained, it must be secured regardless of patron's wishes.
7	Entity will permit other individuals with mobility problems to use vehicle lift or ramp to enter vehicle, subject to approved lift models.	Patron to be instructed to use handrails and be still on lift. Operator to use caution to avoid injury to patron. Any customer will be allowed to use the lift or ramp upon request	Requested by the passenger. Standees are only allowed to use lifts with handrails. Operator will give the passenger specific instructions on how to use the lift.	When requested by passenger. Operator must be extremely careful in using the lift for standing passengers.	Not available at this time.	Operator to use caution avoids injury to patron or themselves.