

Cape Romain– Bull’s Island

Ferry Accessibility Standards

Federal Register / Vol. 75, No. 128 / Tuesday, July 6, 2010 / Rules and Regulations, pp 38881

“While exemptions or scoping provisions based on vessel size might be appropriate for accessibility standards, the Department believes that there is no basis by which to justify an exemption from the nondiscrimination provisions not related to such standards. The provisions of this rule are do not require physical changes to a vessel, but rather concern an operator’s policies to ensure treatment for disabled passengers that is consistent with the intent of the ADA.”

Link: <http://www.gpo.gov/fdsys/pkg/FR-2010-07-06/pdf/2010-15101.pdf>

Draft: <http://www.access-board.gov/pvaac/pvag-draft-2008.htm>

Van Accessibility Standards

PART 37—TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (ADA)

§ 37.171 Equivalency requirement for demand responsive service operated by private entities not primarily engaged in the business of transporting people.

A private entity not primarily engaged in the business of transporting people which operates a demand responsive system shall ensure that its system, when viewed in its entirety, provides equivalent service to individuals with disabilities, including individuals who use wheelchairs, as it does to individuals without disabilities. The standards of § 37.105 shall be used to determine if the entity is providing equivalent service.

Section 37.77 Purchase or Lease of New Non- Rail Vehicles by Public Entities Operating a Demand Responsive System for the General Public

Section 224 of the ADA requires that a public entity operating a demand responsive system purchase or lease accessible new vehicles, for which a solicitation is made after August 25, 1990, unless the system, when viewed in its entirety, provides a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service provided to individuals without disabilities. This section is the same as the October 4, 1990 final rule which promulgated the immediately effective acquisition requirements of the ADA.

The Department has been asked to clarify what “accessible when viewed in its entirety” means in the context of a demand responsive system being allowed to purchase an inaccessible vehicle. First, it is important to note that this exception applies only to demand responsive systems (and not fixed route systems). The term “equivalent service” was discussed during the passage of the ADA. Material from the legislative history indicates that “when viewed in its entirety/ equivalent service” means that “when all aspects of a transportation system are analyzed, equal opportunities for each individual with a disability to use the transportation system must exist. (H. Rept. 101–184, Pt. 2, at 95; S. Rept. 101–116 at 54). For example, both reports said that “the time delay between a phone call to access the demand responsive system and pick up the individual is not greater because the individual needs a lift or ramp or other accommodation to access the vehicle.” (Id.)

Consistent with this, the Department has specified certain service criteria that are to be used when determining if the service is equivalent. As in previous rulemakings on this provision, the standards (which include service area, response time, fares, hours and days of service, trip purpose restrictions, information and reservations capability, and other capacity constraints) are not absolute standards. They do not say, for example, that a person with a disability must be picked up in a specified number of hours. The requirement is that there must be equivalent service for all passengers, whether or not they have a disability. If the system provides service to persons without disabilities within four hours of a call for service, then passengers with disabilities must be afforded the same service.

The Department has been asked specifically where an entity should send its “equivalent level of service” certifications. We provide the following: Equivalent level of service certifications should be submitted to the state program office if you are a public entity receiving FTA funds through the state. All other entities should submit their equivalent level of service certifications to the FTA regional office (listed in appendix B of this part). Certifications must be submitted before the acquisition of the vehicles.

Paragraph (e) of this section authorizes a waiver for the unavailability of lifts. Since demand responsive systems need not purchase accessible vehicles if they can certify equivalent service, the Department has been asked what this provision is doing in this section.

Paragraph (e) applies in the case in which an entity operates a demand responsive system, which is not equivalent, and the entity cannot find accessible vehicles to acquire. In this case, the waiver provisions applicable to a fixed route entity purchasing or leasing inaccessible new vehicles applies to the demand responsive operator as well.

Link: http://www.fta.dot.gov/documents/Part_37-PDF_all_10-1-07_edition.pdf

DEPARTMENT OF INTERIOR SECTION 504 GUIDELINES FOR FEDERALLY-ASSISTED PARK AND RECREATION PROGRAMS AND ACTIVITIES

VI. Program Accessibility

A. General. A recipient will have afforded equal opportunities to handicapped persons if each of its programs, activities, and services, when viewed in their entirety, are accessible. A qualified handicapped person cannot be denied the benefits of, or be kept from participating in, any recipient’s programs or activities because existing facilities are inaccessible to or unusable by handicapped persons.

Link: <http://www.in.gov/dnr/outdoor/files/504.pdf>

Draft Final Accessibility Guidelines for Outdoor Developed Areas

Beaches, etc

Link: <http://www.access-board.gov/outdoor/draft-final.htm>

Toilets/Bathrooms

The draft final accessibility guidelines do not include provisions for pit toilets or warming huts. The technical assistance document that accompanies the final accessibility guidelines will include examples of pit toilets and discuss how provisions in 603 and 604 of the ADA-ABA Accessibility Guidelines can be applied to pit toilets. 603 Toilet and Bathing Rooms.

Link: <http://www.access-board.gov/ada-aba/final.cfm#a603>