

Policies regarding How far will you go to assist

Information compiled September 13, 2007

The Question: We have a passenger that uses an electric wheelchair. The combined weight of the passenger and the chair is in excess of 700 pounds. On several occasions the battery on the chair has died and our dispatcher has asked the driver, and on occasion another employee like the bus washer, to push the passenger and chair to his destination. Our service is door-to-door, but if there is a mechanical failure like the battery running out, does it then become our responsibility to accommodate the passenger? In the past our philosophy was to assist the passenger off the vehicle, but not to load them into the vehicle if the chair battery was already dead. Our drivers do not wear back belts for heavy lifting or pushing.

What do you do in this situation?

Intercity Transit says... First of all the wheelchair with occupant is oversized. The ADA does not require that you provide service to a passenger whose combined weight with wheelchair is more than 600 pounds. While working equipment does not seem to be required by the ADA (ie, a person who has wheelchair with non-working brakes must still be permitted to ride), I would think that this situation would fall under the “seriously disruptive” category, as the writer states the battery has died “on several occasions”. I recommend contacting the FTA. Their ADA Assistance Toll Free Telephone Line is 1-888-446-4511 and the ADA Assistance Email is ada.assistance@dot.gov.

Island Transit says... We are curb-to-curb.
We do not assist when their chair is broken down.
I suggest calling the Fire Department or possibly AAA to charge the battery.

Jefferson Transit says... This is a tough one to answer. We pride ourselves in going the extra mile, but not to the physical detriment of our operators.

We train our operators to call for supervisory assistance in unusual cases like this. The supervisor will make a call, on site, whether or not it is advisable to move the mobility device manually. If we can do it safely, we do. Again, it is the supervisor's call whether or not we can get the passenger to the door or not, depending on the physical layout of the site. With 700 pounds, the options for doing this safely would be limited. The most likely scenario would be to get the passenger back home, probably abandoning the original trip, and get enough transit personnel to push without hurting any one individual. From that point it's the passenger's responsibility to get their device fixed.

If this were to occur more than once, the supervisor would talk with the passenger to figure out a solution to the problem – of course, we have the luxury of being a relatively small operation.

Our bottom line in any situation is always safety – passenger AND operator.

Link Transit says... Public transit has no obligation to transport this individual (by Federal standards) because the combined weight of the person and mobility device exceeds 600 pounds.

However, to fully answer the hypothetical question, let's assume the combined weight is less than 600 pounds. When our system was curb-to-curb we had an exception that allowed the driver to provide assistance to the door if requested by the rider. We have since changed our service to door-to-door.

Valley Transit says... We do not have this situation happen very often. When we do, we offer assistance to get the person where they need to go. This might require several employees to assist. If this is a reoccurring problem, we would ask that the passenger get their wheelchair fixed. I do not think it would be a good idea to leave someone stranded with a dead battery without offering some kind of assistance.