

Policies regarding scooter passengers

Information compiled October 19, 2005

The Question: What are your policies regarding scooter passengers and where they sit while traveling on the bus? Is it legal, or a violation of some ADA rule, to require scooter riders to switch to a bus seat (if physically able to do so)? If possible, please send a copy of your policy.

Ben Franklin Transit says... You can suggest but cannot require a person to transfer from a scooter to a bus seat. ADA is fairly clear on that. We try to encourage but unfortunately, for some, it is a higher safety risk to ask them to transfer than it is to remain seated on the scooter.

Ben Franklin does not require scooter users to move to a bus seat. We do secure their vehicle in the bus wheelchair stations.

Clallam Transit says... Scooter passengers have the option of moving to a regular seat, but they may stay seated on their scooter when it is secured.

CUBS says... Nothing in our ADA Plan addresses this particular issue. However, I don't think a client in a scooter should be required to switch to a bus seat because it would put the driver in the position of making a judgment call regarding the passenger's disability. It could be suggested to the passenger that he/she transfer to a seat to make more room available for those in wheelchairs/scooters, but I believe the choice should be the sole discretion of the passenger. The reason: what if the driver made the decision that a passenger was capable of transferring from a scooter to a seat and the passenger was unable to maintain his/her position in the seat when the vehicle came to an abrupt stop. Wouldn't it be the transit agency's liability?

Everett Transit says... We allow scooters onto the bus if the scooter will fit. We do allow the passenger to sit on the scooter while being transported. Paratransit does allow scooters to ride our vehicles. We cannot require that they get off the scooter, but our drivers will ask if they want to transfer to a seat.

Grays Harbor Transit says... We do not have a specific policy for scooters, our policy states that all wheelchairs must be facing forward with a 4 point tie down system for transportation. Our operators do ask the passenger to transfer from scooters for there comfort and safety, if they refuse we secure the scooter to the best of our ability; place a lap belt on the passenger and transport.

Intercity Transit says... We do not require passengers to transfer to a bus seat in any case.

Jefferson Transit says... We do not have a written policy about scooters. However, our approach is to *request* the passenger to switch to a bus seat for their own safety. If the passenger refuses, the driver calls dispatch and states that a passenger has remained on their scooter. This information is then recorded in the dispatch log book. The thinking being; if there is an incident or accident; transit will have a record of advising the passenger of their safest option.

The ADA regulations say "The entity may recommend to a user of a wheelchair that the individual transfer to a vehicle seat. The entity may not require the individual to transfer." Wheelchairs & scooters = standard mobility device.

Mason Transit says... We do not have an ADA service and only encourages people to transfer on our general purpose DAR, not requires.

Pullman Transit says... We do not have a policy on this issue. We transport them as if they were a wheelchair.

Spokane Transit says... It is against ADA regulations to require a person who is using a "common wheelchair" to move to a bus seat. The vehicle operator can request that a person move, but he/she cannot require the move. Spokane Transit has a comprehensive policy that says we will abide by the ADA, so the following is the federal rule and STA policy.

Common wheelchair (49 CFR 37.3 Definitions)

Wheelchair means 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" is such a device which does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied.

Lift and securement use (49CFR 37.165)

(a) This section applies to public and private entities.

(b) All common wheelchairs and their users shall be transported in the entity's vehicles or other conveyances. The entity is not required to permit wheelchairs to ride in places other than designated securement locations in the vehicle, where such locations exist.

(c)(1) For vehicles complying with part 38 of this title, the entity shall use the securement system to secure wheelchairs as provided in that Part.

(2) For other vehicles transporting individuals who use wheelchairs, the entity shall provide and use a securement system to ensure that the wheelchair remains within the securement area.

(3) The entity may require that an individual permit his or her wheelchair to be secured.

(d) **The entity may not deny transportation to a wheelchair or its user on the ground that the device cannot be secured or restrained satisfactorily by the vehicle's securement system.**

(e) **The entity may recommend to a user of a wheelchair that the individual transfer to a**

vehicle seat. The entity may not require the individual to transfer.

(f) Where necessary or upon request, the entity's personnel shall assist individuals with disabilities with the use of securement systems, ramps and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so.

(g) The entity shall permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle. Provided, that an entity is not required to permit such individuals to use a lift Model 141 manufactured by EEC, Inc. If the entity chooses not to allow such individuals to use such a lift, it shall clearly notify consumers of this fact by signage on the exterior of the vehicle (adjacent to and of equivalent size with the accessibility symbol).

Valley Transit says... We follow the ADA rules regarding scooter passengers. We can request passengers in scooters to move to a regular seat if they are physically able to do so. We can not require them to move if they wish to stay in their scooter.