

## **Appeals Court Rules for MTA on Injunction Requiring Extra Service to Wheelchair Patrons**

(September 1) The Ninth Circuit U.S. Court of Appeals has reversed portions of a preliminary injunction that required the MTA to provide service to wheelchair patrons that exceeded requirements of the Americans with Disabilities Act (ADA).

In a ruling handed down Tuesday, a three-judge panel agreed with MTA that "several of the injunction's directives exceed standards established by federal law (and) go beyond preserving the status quo."

"We are satisfied with the ruling and have always intended to comply with federal regulations," said MTA Principal Deputy County Counsel Alan Terakawa.

The injunction, issued in September 1998, forced the MTA to take out of service at the end of a run any bus whose wheelchair lift, or other accessibility or safety equipment, becomes inoperable in service, and to substitute an available bus with operable equipment.

The injunction also required that radios, lifts, doors, wheelchair clamps and safety straps be in working order at the time a bus began its route. The ADA allows a transit agency 72 hours to repair inoperable equipment.

As a result of Tuesday's ruling, radios will be eliminated from inspection and reporting requirements. In addition, the MTA no longer will be required to ensure that its contractors comply with any terms in the preliminary injunction which exceed Department of Transportation regulations.

The injunction stemmed from a class action lawsuit filed earlier by the ACLU which seeks \$8.8 million in damages for alleged violations by MTA and Ryder/ATE of requirements spelled out in the ADA.

In seeking the injunction, attorneys for the ACLU argued that immediate relief was needed. The appeals panel determined, however, that "without expressing any opinion on the relief that might be available after trial on the merits, we cannot uphold preliminary relief that is so overbroad."

Trial on the ACLU lawsuit could begin in March 2000.

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