

## **MTA's Accessibility 'Above and Beyond' Terms in Settlement of Federal Lawsuit**

(Dec. 5) For most of the past two years, the MTA has held its standards for maintenance and operation of wheelchair lifts and other ADA-related devices aboard Metro Buses to a level "above and beyond" that required by federal law.

Most of these practices already were in place, Monday, when the MTA agreed to settlement of a federal class-action lawsuit brought by the ACLU in January, 1998, on behalf of a group of mobility-impaired patrons. The settlement was approved by the Board earlier this year.

"The MTA goes above and beyond what is required by federal law and by the lawsuit settlement - and will continue to do so," said Tony Chavira, the agency's ADA compliance officer. The MTA began tightening up its compliance practices in early 1999. By November, 1999, they had been phased in at all operating divisions.

Among the most important provisions in the settlement reached in U.S. District Court are requirements that buses must be inspected daily and that broken equipment used by mobility-impaired patrons must be repaired within 72 hours.

The accessibility program initiated by the MTA in 1998 includes pre-trip inspections of wheelchair lifts, securement devices and other ADA-related equipment that all bus operators are required to perform before leaving the bus yard.

### **'Zero tolerance' rule**

Chavira said Operations Maintenance had adopted a "zero tolerance" rule in 1999 that keeps any coach with defective accessibility equipment off the streets until it is repaired - a tougher stance than the ADA rule or the settlement provision that allow such a bus to operate for 72 hours before it must be repaired.

At every bus division, Operations Maintenance has established "accessible equipment repair shops," staffed by specially selected and trained mechanics whose job is to repair wheelchair lifts and associated ADA equipment.

The MTA has mandated that its contract bus service companies follow the "zero tolerance" program and maintain accessibility equipment to the same standards. This is important, because the ACLU lawsuit originated as an action against the MTA and Ryder/ATE, Inc., an MTA contract operator who in 1998 provided bus service on Palos Verdes peninsula routes.

Under the terms of the settlement announced Monday, operators whose buses have inoperative accessibility equipment may not pass up mobility-impaired patrons, but are required to stop, explain the problem and call for alternative transportation.

The circumstances under which the MTA must provide alternative transportation to a mobility-impaired patron were expanded in the agreement to ensure that these patrons can reach their destinations in a timely manner. Alternative transportation must be provided within 30 minutes at least 90 percent of the time.

Bus operators face disciplinary action, including possible termination, for failing to stop for mobility-impaired patrons - even if their ADA equipment is inoperable, Chavira said.

### **Alternative transportation**

If the operator is unable to board the patron, he or she must alert Bus Operations Control to the need for alternative transportation. This can include service by a follower bus, by an access transport service, or even by an MTA van equipped with accessible equipment. Such vans, driven by TOSs, are assigned to each shift.

Other elements of the lawsuit settlement include a requirement, to take effect in April, 2001, that the MTA contract a company to monitor compliance with the terms of the agreement. The contractor may use operatives in wheelchairs to spot-check compliance by individual bus operators. This will be an expansion of a program the MTA has operated on its own for the past year or so.

The MTA continues to consult with its own Access Advisory Committee, whose mobility-impaired members provide advice on accessibility issues. The agency also works with Easter Seals which, through a contract with Metro Wheels, provides mobility-impaired volunteers to monitor operator conduct, check ADA equipment and report on ride quality.

"Accessibility service is not new to the MTA," Chavira points out, noting that the agency for many years had the nation's largest fleet of wheelchair accessible buses. In fact, this year marks the 20th anniversary of accessible service provided by the MTA and its predecessor agencies.

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