***Meeting the Transportation Needs of Individuals with Disabilities Following a Disaster***

The Office of the Secretary of the U.S. Department of Transportation (DOT) is providing this guidance to public transportation and emergency management agencies to emphasize the needs of individuals with disabilities following a disaster. This document responds to a request by the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities (ICC). To access the ICC’s 2009 report, and for more information regarding the ICC, please visit [www.DisabilityPreparedness.gov](http://www.DisabilityPreparedness.gov).

DOT recognizes the circumstances of any given disaster will determine the ability to continue or restart public transportation services. Such circumstances include road conditions; the level of accessibility in the community, e.g., the condition of sidewalks and other pedestrian rights-of-way; availability of vehicles; and timeline of recovery. We recognize that, depending on circumstances, it can take a while to restart public transportation services, including those accessible to people with disabilities, but there is no “disaster exception” to the Americans with Disabilities Act (ADA).  As services are restarted, accessible services need to start up on approximately the same timetable. The following principles and legal obligations apply in disaster recovery situations:

* A community's public transportation system is a crucial resource that directly impacts activities across areas of employment, education, recreation, social services, health care, and general civic participation.
  + - ADA civil rights obligations requiring accessibility in transportation services apply to transportation providers whether or not they receive Federal funding. Among providers receiving Federal funding, civil rights obligations apply to both direct recipients and subrecipients.
    - The requirement for accessibility of transportation service applies during both the response and recovery stages of an emergency.
    - To the extent practicable, vehicles used to transport individuals to and from evacuation centers, shelters, and disaster recovery centers should be accessible to individuals with disabilities, including individuals who use wheelchairs. When some vehicles are inaccessible, individuals with disabilities should receive priority for accessible vehicles.
    - Vehicles used to re-establish fixed route service (particularly to places of employment, education and health care) should be accessible to people with disabilities, including individuals who use wheelchairs.
    - Specialized services such as paratransit should not be viewed as the sole option for accessible transportation.
    - During response and recovery after a disaster, transportation agencies continue to have an obligation to transport service animals with their owners.
    - Whenever temporary alternatives are necessary for ensuring accessibility (e.g., using ramps as a result of damaged platform), a timeline should be established for resolving the issue.
* Communities should engage in pre-disaster planning to meet the emergency transportation needs of individuals with disabilities and others with access needs.
* Individuals with disabilities and their representatives should be involved in the planning for re-establishment of transportation services during the long-term recovery of the community.
  + - Communities should plan for how residents may access alternative medical facilities, particularly via public transportation, if local facilities are damaged or destroyed.
    - Communities and transportation providers should collaborate closely with Federal, State and other local other governmental and nongovernmental organizations to consider unmet needs throughout the recovery planning process. Typical areas of enduring need after a disaster include transportation for and during relocation.
    - Communities should understand the composition of the local and regional population and ensure they are meeting the needs not just of individuals with disabilities, but also of those who are limited English proficient (LEP populations) and who may require translation services and/or printed instructions and information from public entities in languages other than English. In addition, elderly, low-income, minority and other populations that rely on public transportation will be impacted if public transportation is discontinued or if routes are changed after a disaster. Assessing the locations of these populations can be achieved by an analysis of census and services delivery data.
* Individuals with disabilities are typically more reliant on community infrastructure – especially housing that is near public transportation and other needed services – in order to live independently in the community. Yet, following a disaster, they may be displaced far away from a public transportation route, or farther away from the city center. So attention to where housing is created, where public transportation is established, and where people with disabilities can live most independently post-disaster, is particularly critical.
* Individuals who were living independently prior to the disaster and were displaced from their community need to re-establish support networks in their new location, which may include registering for ADA complementary paratransit. Given that it typically takes 30 days to register for this service, the ability to become mobile within a new location can be greatly delayed. Transit agencies are required to grant visitor status for a reasonable time to individuals with identification showing they were eligible at home, and such service may exceed the 21 days provided for in the DOT’s ADA regulation.  Transit agencies are encouraged to provide service to any evacuee who requests paratransit service, even if the individual does not have identification or documentation showing that he/she was eligible at home.  Transit agencies should work to expeditiously go through the eligibility process for evacuees who are permanently relocated. In addition, individuals with disabilities may be able to learn to use the transit system in their new location. Therefore, as individuals seek to return to normal daily life, they may benefit from opportunities to receive travel training to build their familiarity with the public transportation system.
* During the recovery, the provision of public transportation should be considered in the context of the new geography and population. For example, depending on the extent of the damage to infrastructure and relocation of residents, certain routes may not make sense. Some neighborhoods previously not served by public transportation may need to be considered for service. During recovery, there is an opportunity to rethink new public transportation routes and mechanisms that get people who were relocated as a result of the disaster to important community facilities and features.
* There is broad flexibility under FTA’s planning and capital funding programs for states, metropolitan planning agencies and transit authorities to spend FTA funds for emergency preparedness and response planning. However, FTA does not have funding available for emergency response. Transit agencies are advised to contact their FTA regional office for assistance with recovery efforts.

Applicable regulatory provisions underlying this guidance can be found in 49 CFR part 37, Transportation Services for Individuals with Disabilities, which can be accessed at: <http://www.fta.dot.gov/civilrights/ada/civil_rights_3906.html>.

The Federal Transit Administration has published a guide: *Disaster Response and Recovery Resource for Transit Agencies* that provides additional information for transit agencies and communities on planning for and meeting the needs of people with disabilities following a disaster. That report is available at [*http://transit-safety.volpe.dot.gov/publications/safety/DisasterResponse/HTML/DisasterResponse.htm#Section\_2*](http://transit-safety.volpe.dot.gov/publications/safety/DisasterResponse/HTML/DisasterResponse.htm#Section_2)*.*