

Supporting Employees with Disabilities: The Americans with Disabilities Act and the New Freedom Program

Recruiting employees with disabilities has become commonplace for many employers, especially as the number of retiring baby boomers rise. However, some employers may hesitate to actively recruit people with disabilities for fear that difficulties in traveling to and from work may affect their reliability. Don't let this be a deterrent. The Americans with Disabilities Act (ADA) has significantly expanded access to service on publicly funded transit and rail systems for people with disabilities, making it easier for travelers with a disability to access work and related destinations.

The ADA and Transportation Access

Public transit agencies that provide fixed-route service using federal funding are required by law to provide complementary paratransit service that complements those agencies' regularly scheduled services according to these main guidelines:

- Be provided within 3/4 of a mile of a bus route or rail station
- Operate same hours and days as regularly scheduled service
- Fares can be no more than twice the regular fixed-route fare

The ADA includes guidelines for not only transportation services, but also transportation facilities, vehicles, and other equipment.

ADA complementary paratransit services are demand-response services (trips the customer schedules in advance and taken by transit-agency owned or contracted vehicles). To use them, customers must meet ADA eligibility criteria, including being unable to use regularly scheduled bus or rail services because of their disability. The ADA gives transportation providers flexibility as to exactly when they pick up and drop off ADA passengers, as long as it is within a one-hour window either side of the scheduled time.

Easter Seals Project ACTION [http://projectaction.easterseals.com/site/PageServer?pagename=ESPA_homepage] provides excellent resources on transportation services for people with disabilities.

The New Freedom Program

The New Freedom program (Section 5317) was created by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) 2005 federal transportation

The Joblinks "Transportation Toolkit for the Business Community" was created with funding from the Office of Disability Employment Policy, U.S. Department of Labor, through a cooperative agreement between the Community Transportation Association of America and the Federal Transit Administration. The opinions and conclusions expressed herein are solely those of the authors and should not be construed as representing the opinions or policy of any agency of the federal government. May 2009.

The "Transportation Toolkit for the Business Community" gives businesses the information they need now to assist their employees in achieving a timely, cost-efficient commute that promotes their productivity and job satisfaction. View other fact sheets and resources at www.ctaa.org/transportation_to_work for information on how to access transportation-related tax benefits, partner with local providers to find answers to employees' and customers' transportation needs, become part of a transportation management association, and more.

This toolkit was created by the Community Transportation Association of America's Joblinks Employment Transportation Initiative—serving communities since 1993 in solving employment transportation issues.



reauthorization legislation. It supports new public transportation services and public transportation alternatives beyond those required by the ADA that assist individuals with disabilities with their transportation needs, including transportation to and from jobs and employment support services. Funding is provided directly to state or local governments, who in turn can arrange for services to be provided by the local public transit agency or private contractors. Easter Seals Project Action introduction to new freedom covers commonly asked questions about the New Freedom Initiative [http://projectaction.easterseals.com/site/PageServer?pagename=ESPA_technical_assistance_NFP_Intro_Q_and_A#Overview].

Finding Local ADA Complementary Paratransit Services

To help employees with a disability locate the paratransit service provider in their area, contact one or more of the following:

- The American Public Transit Association website has links to state and county public transportation systems nationwide. Choose your state on the national map [publictransportation.org/systems] and review the options available in your community.
- Easter Seals Project ACTION hosts the National Accessible Travelers Database [http://projectaction.easterseals.com/site/PageServer?pagename=ESPA_travelers_database], which allows you to search for accessible transportation services city and state or zip code.
- Local government agencies that provide services to people with a disability, a local center for independent living (nonprofit), and local disability services advocacy groups should also be familiar with transportation options for people with disabilities.

Giving Employees with a Disability the Confidence to Use Public Transit Services

Often a person with a disability may be able to use regularly scheduled public transit services but may not know how, or they may not know about the existence of ADA complementary transportation paratransit services. In both cases, knowledge and first-hand experience are the keys to successfully using these services.

Many transportation agencies and other local agencies provide travel orientation and travel-training services for local riders. Travel orientation is a short-term (one

session) introduction to a particular transportation system. A trainer orients the new rider to the system, acquainting them with travel schedules, relevant accessible features of the system, and how to purchase fares; helping them plan their trips; and often taking them for trial rides on the system until the new user is comfortable using the service by themselves.

Travel training is a more intensive, one-on-one designed to teach people with disabilities to navigate throughout their community safely, whether on public transit, using taxis, walking, or using another mode.

Tax-Incentives for Businesses Enabling Transportation for People with Disabilities

The federal government provides businesses with two tax incentives for improving transportation access for people with disabilities:

- Disabled Access Tax Credit (Title 26, Internal Revenue Code, Section 44). Allows eligible small businesses (\$1 million or less gross receipts, 30 or fewer employees) to take a tax credit equal to 50% of “eligible access expenditures” (\$250–10,250/year) to remove architectural, communication, physical, or transportation barriers that prevent a business from being accessible to, or usable by, individuals with disabilities.
- Tax Deduction to Remove Architectural and Transportation Barriers to People with Disabilities and Elderly Individuals (Title 26, Internal Revenue Code, section 190). Allows businesses to deduct up to \$15,000/taxable year of expenditures to make a facility or public transportation vehicle owned or leased in connection with a trade or business more accessible to, and usable by, individuals who have a disability or are an older adult.

See Facts About Disability-Related Tax [<http://www.eeoc.gov/facts/fs-disab.html>] for additional information.