

## FTA C 4710.1

Bus and van securement areas must also have a passenger seat belt and shoulder harness. Under the broad nondiscrimination provisions of § 37.5, a transit agency is not permitted to mandate that individuals using wheelchairs use seat belts and shoulder harnesses, unless the agency mandates the use of these devices by all passengers on the vehicle, including those sitting in vehicle seats. For example, on fixed route buses, if none of the other passengers is required to wear a seat belt and shoulder harness then neither can the person in the mobility device be required to do so.

Transit agencies may establish a policy that requires the seat belt and shoulder harness to be used by all riders, including those who use wheelchairs as well as those who use vehicle seats, if seat belts and shoulder harnesses are provided at all seating locations.

When developing seat-belt-use policies, it must be stressed that § 38.23(d)(7) prohibits the use of the seat belt and shoulder harness in lieu of securing the wheelchair itself. Wheelchairs must be secured separately with a securement system.

Transit agencies can require all riders in complementary paratransit vehicles to use seat belts and/or shoulder harnesses, even if there is not a similar requirement on larger fixed route vehicles. In some cases, state law could require an operator to adopt such a policy based on size/weight of the vehicle. Nevertheless, unless prohibited by state law, FTA encourages transit agencies to have a policy that allows a rider to present documentation demonstrating that using seat belts and shoulder harnesses would pose a health hazard and allow that rider to travel without a seat belt and shoulder harness. Some states have waiver processes for individuals to complete as well, where state law normally requires seat belt use due to the type of vehicle operated.

## What kinds of securement equipment must be provided in buses and vans?

- Section 38.23(d) of the DOT ADA regulations requires all ADA-compliant buses and vans to have a two-part securement system, one to secure the wheelchair, and a seat belt and shoulder harness for the wheelchair user. Section 38.23(a) requires vehicles over 22 feet in length to have enough securement locations and devices to secure two wheelchairs, while vehicles 22 feet and under must be able to accommodate at least one wheelchair.

## Does a wheelchair user have to use the seat belt and shoulder harness?

- Under the broad nondiscrimination provisions in Section 37.5 of the DOT ADA regulations, a transit operator is not permitted to mandate the use by wheelchair users of seat belts and shoulder harnesses, unless the operator

mandates the use of these devices by all passengers, including those sitting in vehicle seats. For example, on fixed route buses, if none of the other passengers are required to wear shoulder belts then neither can the person in the mobility device be required to do so.

Transit operators may establish a policy that requires the seat belt and shoulder harness to be used by all riders, including those who use wheelchairs as well as those who use vehicle seats, if seat belts and shoulder harnesses are provided at all seating locations. In some cases, state law could require an operator to adopt such a policy.

When developing seat-belt-use policies, it must be stressed that Section 38.23(d)(7) prohibits the use of the seat belt and shoulder harness in lieu of securing the wheelchair itself. If the passenger's wheelchair cannot be secured, or cannot be secured adequately to the satisfaction of both passenger and transit personnel, the seat belt and shoulder harness must not be used.

Many state seat belt laws also contain provisions exempting certain types of vehicles (such as buses and taxis) from compliance, as well as exceptions for persons who cannot use a seat belt for medical reasons. Any seat-belt-use policy established by a transit operator should reflect such provisions.