



# The Americans with Disabilities Act and Inclusive Public Space

Barry Whaley, M.S.

Burton Blatt Institute-Syracuse University

# What is the Americans with Disabilities Act (ADA)?

- The ADA is a landmark civil rights law that guarantees equal treatment for people with all disabilities or individuals who have an association or relationship with someone who has a disability.
- The goal of the ADA is the full inclusion of people with disabilities in all aspects of American society.

# The ADA Amendments Act (ADAAA) Restoration of the Definition of Disability

- Supreme Court rulings narrowed the definition of disability so fewer people had protections
- Focus became proving disability not the alleged discrimination
- ADAAA restored the definition of disability
- Requires a broad interpretation of mitigating measures, episodic conditions and broadened “regarded as”



# Why do we need the ADA?

- Society tended to isolate individuals with disabilities
- People with disabilities continue to experience various forms of discrimination.
- Before the ADA, people with disabilities who experienced discrimination based on disability did not have legal remedies to address the issues.
- Continuing existence of unfair and unnecessary discrimination.



# What does the ADA cover?

- Title I                      Employment Protections.
- Title II                      Public Entities and Transportation.
- Title III                      Public Accommodation and Commercial Facilities.
- Title IV                      Telecommunications.
- Title V                      Technical Provisions.

# Life Impact: Transportation and Travel (ADA Title II)



- Public transportation, such as light rail, transit and busses, is required to be accessible to people with disabilities. Covered under Title II of the ADA.

# Life Impact: Transportation and Travel (ADA Title III)



- Taxi companies (covered by Title III of the ADA) are required to provide accessible service. This means that transportation companies cannot refuse service if you use a mobility device such as a walker or a wheelchair.

# What is a disability?

- The ADA defines disability as a legal term, not a medical term.
- ...A physical or mental impairment that substantially limits one or more major life activities.



# Question 1



- How many people with disabilities currently live in the United States?

# Answer to Question 1

- Over 70 million (or 1 in 4 adults) have a disability that impacts a major life area.

[CDC Data Shows Over 70 Million U.S. Adults Reported Having a Disability](https://www.cdc.gov/media/releases/2024/s0716-Adult-disability.html)

web: [cdc.gov/media/releases/2024/s0716-Adult-disability.html](https://www.cdc.gov/media/releases/2024/s0716-Adult-disability.html)

source: Centers for Disease Control and Prevention

## Question 2



- How many people aged 65 and older live in the United States?

# Answer to Question 2

55.8 million people

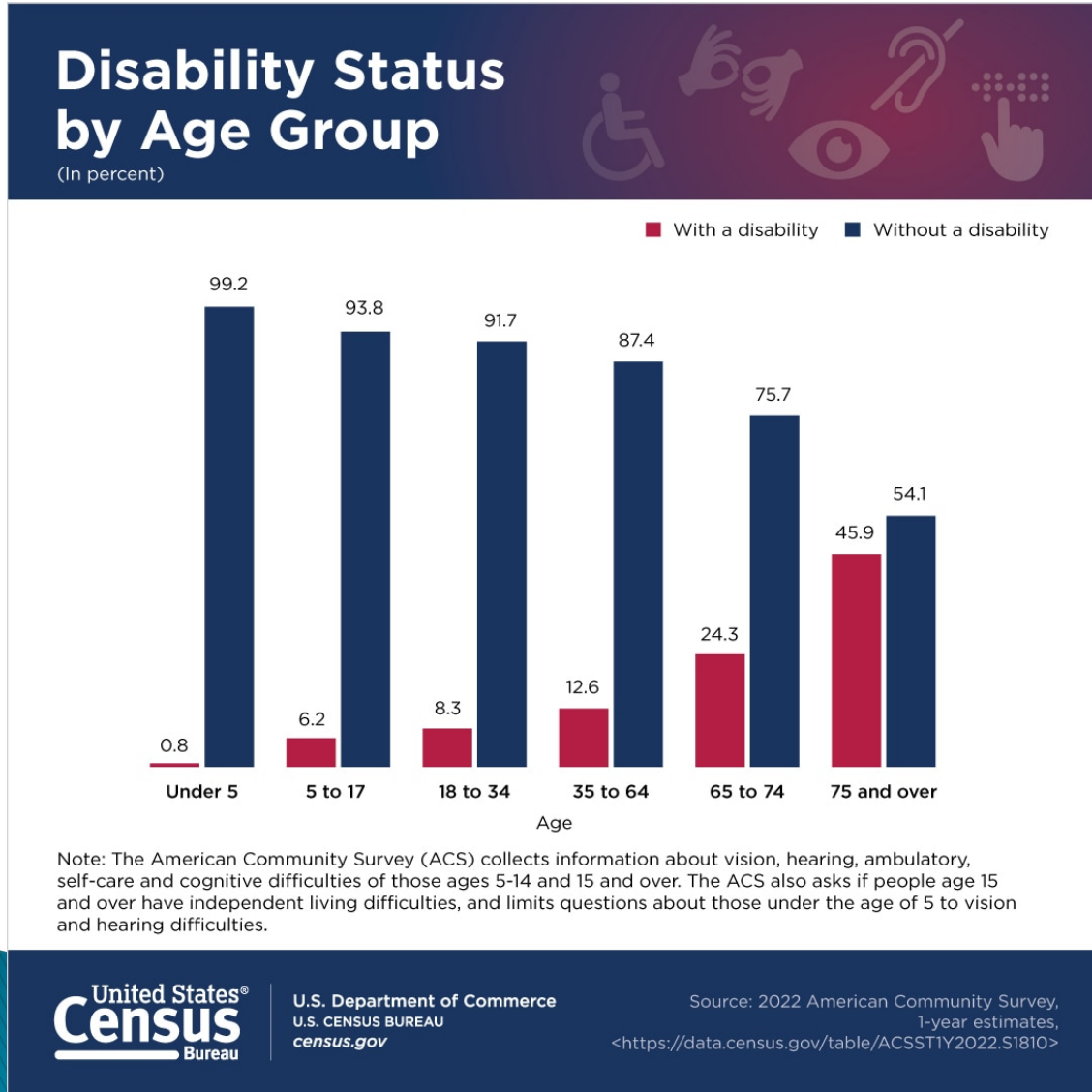
[U.S. Older Population Grew From 2010 to 2020 at Fastest Rate Since 1880 to 1890](https://www.census.gov/library/stories/2023/05/2020-census-united-states-older-population-grew.html)  
(U.S. Census Bureau)

web: [census.gov/library/stories/2023/05/2020-census-united-states-older-population-grew.html](https://www.census.gov/library/stories/2023/05/2020-census-united-states-older-population-grew.html)

source: U.S. Census Bureau



# Disability as We Age



- ▶ **Source:**  
[Disability Status by Age Group](#)  
(U.S. Census Bureau)
- ▶ **Web:**  
[census.gov/library/visualizations/2024/comm/disability-status-age-group.html](https://census.gov/library/visualizations/2024/comm/disability-status-age-group.html)

# Non-Obvious Disabilities

- Most disabilities are not obvious, yet they have an impact on daily lives. For instance:
  - Arthritis
  - Intellectual disability
  - HIV/AIDS
  - Seizure disorders
  - Substance Abuse disorders
- This can lead to misunderstanding and to greater stigmatization.



# ADA and Disability Determination



- The ADA has three prongs of disability determination:
  - have a disability;
  - have a record of having a disability;
  - are regarded as having a disability.

# Americans with Disabilities Act Overview

- Full Participation
- Independent Living
- Equality of Opportunity
- Economic Self-Sufficiency





# Full Participation

- Removing barriers
  - Physical
  - Communication
  - Unconscious biases
  - In our policies and practices

So, people with disabilities have equal and full participation in all aspects of society.





# Equality of Opportunity

- The ADA ensures that people who have disabilities have equality in public life, work, schools, transportation, commercial establishments.
- “Let the shameful wall of exclusion finally come tumbling down.”

George H.W. Bush - July 26, 1990



# Independent Living

- No one should be denied
  - Dignity.
  - Choice.
  - Equality of opportunities in all aspects of daily life.
- People who live with disabilities must be considered the overall expert on what they need to lead a full life.





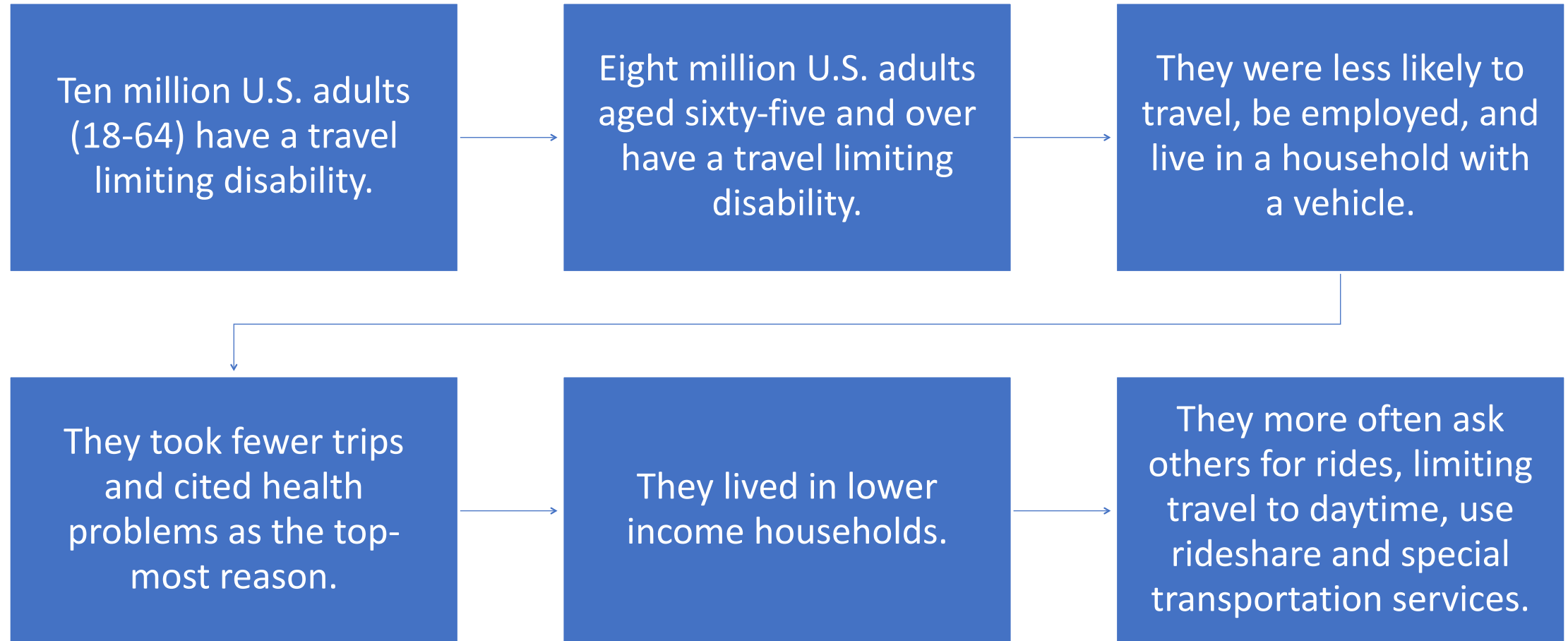
# Economic Self-Sufficiency

---

- Equal opportunity to:
  - Work at a job you want to do.
  - Access to goods and services (physical and virtual).
  - Banking and financial security.
  - Enjoy leisure and recreation of your choice.
  - Affordable health care.



# Travel Behavior of People with Travel Limiting Disabilities (1/2)



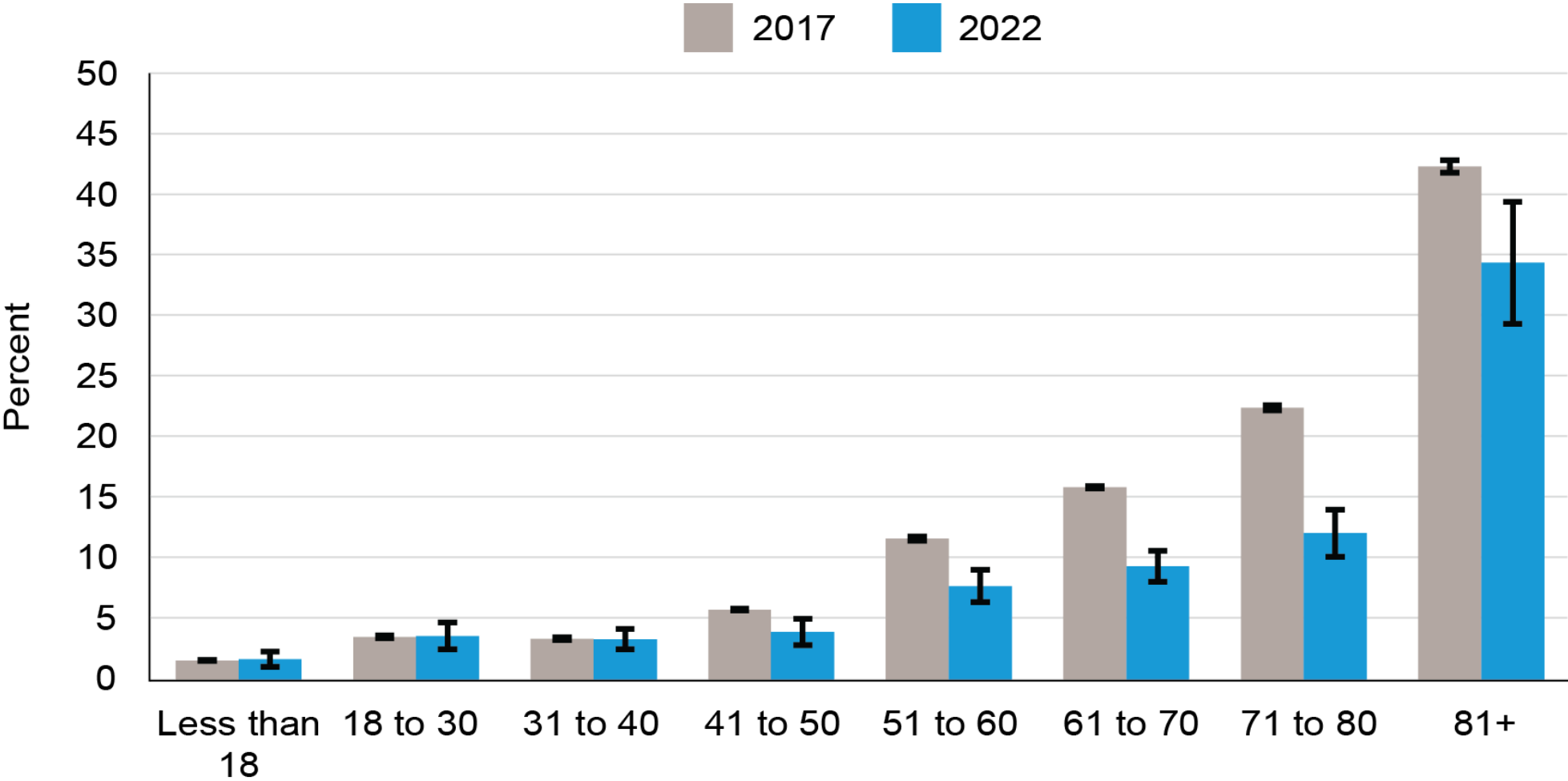
# Travel Behavior of People with Travel-Limiting Disabilities (2/2)

---

- People with travel-limiting disabilities make fewer daily trips than people without travel limiting-disabilities (1.7 v. 2.3 daily trips).
- People sixty-five years and older with travel-limiting disabilities made 1.1 daily trips compared to 2.0 daily trips for people without travel-limiting disabilities in the age group.
- Health issues were the leading cause of travel-limiting disabilities
- Other causes were transportation safety, transportation access, and transportation cost.

Bureau of Transportation Statistics. <https://www.bts.gov/travel-patterns-with-disabilities>

# Percent Reporting a Travel-Limiting Disability by Age Group, 2017 and 2022



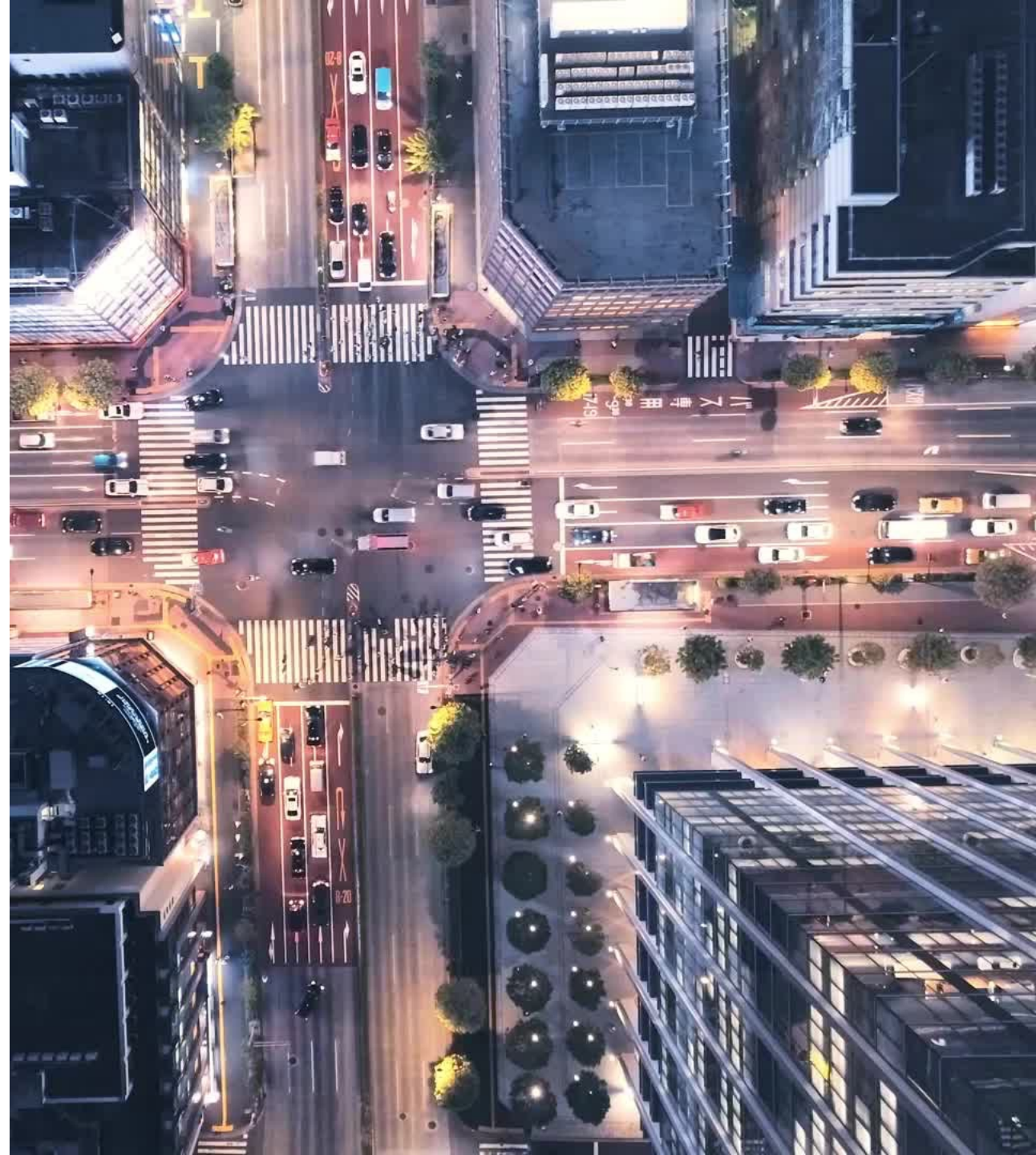


# Inclusive Public Space Project



# Project Settings (1 of 3)

- India
  - Delhi
  - Pune
- Kenya
  - Nairobi
  - Mombasa
- The Netherlands
  - Utrecht
  - Almere





# Project Settings (2 of 3)

- United Kingdom
  - Leeds
  - Glasgow
- United States
  - Syracuse
  - Atlanta



# Project Activities

- Law and Policy Analysis
  - National to local
- Interviews with pedestrians
  - Filming
  - Audio stories
- Interviews with stakeholders
  - Legal
  - Policy planners
  - Activists

# Deliverables

- Legal Publication  
(Law and Policy Analysis)
- Journal Articles
- Documentary-style films
- Virtual reality films
- U.S. dissemination event
- United Nations (UN) side event

# United States Deliverables - Interviews

## Interviews

- Pedestrian Participants
  - 15 Interviews
- Stakeholder Participants
  - 22 Interviews
    - 9 policy makers
    - 7 activists
    - 6 attorneys



# Emerging Findings (Infrastructure)

---

- Lack of sidewalks
- Poor sidewalk maintenance
- Construction obstructions
- Sidewalk obstructions
- Lack of curbs and tactile markings





- Cars and heavy vehicles
- E-scooters and bikes
- Pedestrians
- Other road users



# Emerging Findings (Reporting and Enforcement)

- Implementation gaps
- Emphasis on individual retrospective action, not proactive implementation
- Complexities of reporting
- Enforcement challenges

# Southeast ADA Center

**Phone:** 404-541-9001 or 1-800-949-4232

**E-mail:** [adasoutheast@syr.edu](mailto:adasoutheast@syr.edu)

**Web:** [adasoutheast.org](http://adasoutheast.org)

## Connect & Follow

[Instagram @southeastada](#)

[LinkedIn @southeast-ada-center](#)

[Facebook @southeastadacenter](#)



# Evaluation and Feedback of Presentation

Thank you for your participation in this presentation.

Your feedback is important to help determine the effectiveness of this presentation in meeting your needs and for future training.

[Evaluation of Presentation by Southeast ADA Center](#)

web: [bit.ly/seada-training-eval](https://bit.ly/seada-training-eval)

