



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

September 21, 2015

**RE: Petition for rulemaking to amend US Department of Transportation (DOT) regulation 49CFR 37.131 (c) governing Americans with Disabilities Act (ADA) paratransit**

Docket Number DOT-OST-2015-0075

Thank you for the opportunity to provide comments regarding the petition to amend the DOT ADA regulations concerning paratransit fares. The Consortium for Citizens with Disabilities (CCD) Transportation Task Force strongly urges the DOT to deny the petition.

The Consortium for Citizens with Disabilities is a coalition of national consumer, advocacy, provider and professional organizations based in Washington, D.C. who advocate on behalf of people of all ages with physical and mental disabilities as well as their families. We strive for an American society in which all individuals, aided by an enabling government, have the freedom and opportunity to exercise individual decisions concerning their own lives, welfare, and personal dignity.

The Task Force recommends denying the petition for the following reasons: (1) the petition request goes against the intent of paratransit under the ADA to ensure equivalent fixed route service, (2) increased rates could place paratransit out of reach for many people with disabilities, (3) approving this petition could lead to unintended rate increases for paratransit riders across the country, (4) the technology is available for riders and operators to determine rates.

**1. Increased Fares against the Intent of the ADA to Ensure Equal Access to Transportation**

ADA paratransit is meant to provide an equivalent and accessible service for individuals who cannot use fixed route service. Increasing fares will place accessible transportation even farther out of reach for many individuals who rely on paratransit for transportation to work, school, medical appointments, maintain relationships, and to participate in society. Anecdotal evidence suggests that some people with disabilities utilize paratransit because, while buses are accessible, many subway stations, sidewalks, and bus stops remain inaccessible. Adverse weather conditions can also make travel via traditional fixed route service impossible. Increasing fares when the fixed route system remains inaccessible to many does not ensure access for all.

**2. Income is a Barrier: Increased Fares Could Place Transportation Out of Reach**

According to an Institute of Medicine Committee on Disability in America report, lower incomes are a factor in barriers to adequate transportation for people with disabilities.<sup>1</sup> Nearly 30% of working age people with disabilities live in poverty (a poverty gap of 15.1 percent compared to individuals without disabilities) and only 34% are employed.<sup>2</sup> While rates may be increasing across the board for all transit users, people with disabilities should not be expected to pay a disproportionate amount (above and beyond the double fare already allowed).

### **3. Amending DOT Regulations Could Lead to Unfair and Increased Rates across the Country**

If DOT chose to amend the ADA rule based on this petition, providers and agencies nationwide could begin amending fare calculations that lead to increased fares. We understand that transit agencies are facing budget shortfalls across the board. Disproportionately increasing paratransit fares places the burden of paying for increasing costs on those who have the fewest resources and greatest need.

### **4. The Amendment is Not Necessary**

As noted in comments submitted by the Disability Rights Education and Defense Fund (DREDF), amending the current ADA regulations is not necessary. Paratransit fares in Los Angeles County only need to be corrected for a few routes. Existing technology could be used to easily calculate fares for drivers and passengers. New Jersey Transit calculates fares for the entire state. In addition, suggesting the current rate structure, which falls outside of existing regulation, is preferable because it is simple for riders to understand implies that a more costly, and limited fare structure should be offered to passengers with disabilities, rather than ensuring the lowest cost, highest quality transportation. This argument patronizes the passengers and places the onus for a higher rate structure on the passengers themselves.

### **Deny the Petition Request, Ensure Community Concerns Considered**

Thank you for the opportunity to comment on the petition to amend the DOT ADA regulation. The CCD Task Force urges DOT to deny the petition request. Should you decide to allow the petition, we urge you also to meet with opponents of the petition before issuing a decision to ensure all perspectives are considered. If you have questions or would like further information, please contact or Carol Tyson, United Spinal Association, (202) 556-2076 x7104, ctyson@unitedspinal.org, or Dara Baldwin, National Disability Rights Network, (202) 5408-9514 x102, dara.baldwin@ndrn.org.

Sincerely,

Dara Baldwin  
National Disability Rights Network

Carol Tyson  
United Spinal Association

Consortium for Citizens with Disabilities, Transportation Task Force Co-Chairs

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<sup>1</sup> Sandra Rosenblum, "Transportation Patterns and Problems of People with Disabilities," *The Future of Disability in America*, Institute of Medicine Committee on Disability in America; Field MJ, Jette AM, editors; National Academies Press (2007).

<sup>2</sup> Annual Disability Statistics Compendium Employment and Poverty data compiled from U.S. Census Bureau, 2013 American Community Survey.