**Comments, Disability Rights Education & Defense Fund (DREDF)**

**DOT-OST-2015-0075**

**We urge DOT to deny a petition to allow**

**Coordinated Fares for ADA Paratransit**

US DOT should deny this petition. This is a very poor reason for even considering a change to the DOT ADA regulation.

**1. ADA Paratransit Fares Already Much Too High**

ADA paratransit fares are already far too high. The current DOT ADA regulation, which requires that ADA paratransit fare not exceed two times the full fixed route bus and/or train fare, should be scrupulously maintained.

Ever since the first DOT ADA rulemaking in 1991, the disability community has always supported a position that the ADA paratransit fare should be no higher than the fixed route fare itself—that is, it should equal the fixed route fare, not exceed it. At that early stage in the development of the ADA, no one anticipated that bus fares would ever rise to the level they are today, nearly 25 years later. In fact, DOT officials have themselves stated that, had they been able to predict how high bus fares would rise, they would not have allowed ADA paratransit fares to be pegged as high as twice the fixed route fare.

There is anecdotal evidence that there are low-income people with disabilities riding three bus routes to work (utilizing free transfers), sacrificing their health in the process, because the ADA paratransit rides that they are legitimately eligible for would be an unaffordable luxury for them. The DOT ADA regulation should not be changed in a way that contributes to this unacceptable situation.

DOT must remember that the ADA is a civil rights law. It has been difficult to understand, since the original ADA rulemaking in 1991, how DOT could justify charging twice the full fixed route fare when ADA paratransit was supposed to be an equivalent service for people with disabilities who could not used the fixed route service. There should certainly be no change to fare rules that aggravate this already problematic situation.

**2. The Situation in Los Angeles County Is Easily Resolvable Through Other Means**

Regarding the specific situation in Los Angeles County, what Access Services Inc. (ASI), the ADA paratransit provider in L.A. County, is calling for, is, in fact, unnecessary. ADA paratransit fares only need to be corrected for a few routes. The problem can be fixed in a relatively easy and straightforward manner. There is existing, readily available technology that can be easily used to calculate fares, even in a complex environment. Another transit agency, New Jersey Transit, links to its fixed route trip planner to calculate fares throughout the entire state, which is likely even more complex than L.A. County.

Moreover, the ADA doesn’t require ASI to increase any fares, but rather, simply to lower fares where they exceed the limit of twice the full fixed route fare. Yet people with disabilities in L.A. County are being led to believe that unless the petition from ASI is granted, many fares “must go up.” Is ASI engaging in scare tactics in the disability community to garner support towards the goal of granting its petition?

**3. This Situation Is Inappropriate and Unripe for Rulemaking**

The situation in Los Angeles County is not typical, but rather, a very unusual exception. If DOT chooses to amend the ADA rule based on this unusual situation, and if the new provision is not written very narrowly and very expertly, then other transit agencies, and even ASI itself in the future, could use the new rule in a way that betters their financial situation at an unfair cost to riders. And it is not clear that a narrow provision on this complex phenomenon is something that experts in the field today know yet how to write.

We urge DOT to deny this petition!