



**DISABILITY  
LAW  
CENTER**  
Utah's Protection and Advocacy Agency

## **Written Comment on Proposed Changes in UTA Transit Services**

April 18, 2007

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## **WRITTEN COMMENT ON PROPOSED CHANGES IN UTA TRANSIT SERVICES**

Submitted on April 18, 2007 to:

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**VIA E-MAIL: IRENE HUNTSMAN AT IHUNTSMAN@RIDEUTA.COM**

### **Background**

Utah Transit Authority (UTA) is a provider of bus, rail, Paratransit and other public transportation services along the Wasatch front. UTA is proposing a three-year fare schedule which includes increases to its current fares and establishes the fare structure for FrontRunner commuter rail, scheduled to open in 2008.

### **About the Fare Proposal**

In addition to across-the-board fare increases, UTA is eliminating the Paratransit unlimited monthly pass and replacing it with 30-Trip and 60-Trip Paratransit punch cards. The price for an unlimited monthly pass is currently \$69.00. UTA is proposing a 30-Trip punch card for \$44.00 and a 60-Trip punch card for \$76.00. On January 1, 2009, the price will increase to \$54.00 for a 30-Trip punch card and \$93.75 for a 60-Trip punch card.

The move from the current unlimited pass to a 60-Trip punch card represents a nearly 26% increase in cost (by 2009). At the same time, the new punch card will limit the number of trips and expire at the end of each month.

### **The ADA and Public Transportation**

The Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, telecommunications and transportation.<sup>1</sup>

Title II of the ADA covers all activities of state and local governments, their departments and agencies and any other instrumentalities or special purpose districts of state and local governments.<sup>2</sup> Title II

<sup>1</sup> Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

<sup>2</sup> 28 CFR Part 35 (Title II, Department of Justice)

requires that state and local governments give people with disabilities equal opportunities to benefit from all their programs, services and activities, including transportation.

The transportation provisions of Title II cover public transportation services, such as city buses and public rail transit.<sup>3</sup> Public transportation authorities may not discriminate against people with disabilities in the provision of their services. They must comply with requirements for accessibility in newly purchased vehicles, make good faith efforts to purchase or lease accessible used buses, remanufacture buses in an accessible manner and provide Paratransit where they operate fixed-route bus or rail systems for people with disabilities who cannot use the fixed-route bus service.

## Concerns About Fare Increases

**The Disability Law Center (DLC) is concerned that UTA's fare proposal for transit services violates Title II's transportation provisions.** The fare proposal eliminates the Paratransit unlimited monthly pass while retaining the regular transit service monthly pass. We believe that this inequity runs afoul of the ADA by offering a greater benefit to regular transit passengers than to Paratransit passengers. The proposed fare schedule treats regular transit passengers differently than it treats Paratransit passengers, which is expressly prohibited under the ADA.

## Concerns About Route Changes

The ADA requires that transportation authorities provide Paratransit service to origins and destinations that have a width of  $\frac{3}{4}$  of a mile on each side of each fixed route.<sup>4</sup> At the end of each route, the transportation authority must also serve the semi-circular area that has a  $\frac{3}{4}$  mile radius from the end point of the route. **Because of the bus route redesign and the elimination of fixed routes, customers that rely on Paratransit will lose their services if they live or work more than  $\frac{3}{4}$  of a mile from the fixed route stop.** Unlike regular transit passengers, it is difficult or impossible for Paratransit customers to travel a few blocks to a fixed route stop or a point within the  $\frac{3}{4}$  mile radius. We therefore believe that the bus route redesign disproportionately effects Paratransit customers. This disparate treatment is prohibited under the ADA.

## Concerns About Paratransit Eligibility

**The DLC is concerned that UTA's strict enforcement of Paratransit eligibility requirements combined with higher Paratransit fares and fewer routes discriminates against people with disabilities.** Paratransit passengers, many of whom are low-income, rely on Paratransit service. We believe that UTA's fare proposal and the bus route redesign favor commuters and other passengers who use transit services for convenience. Most Paratransit passengers do not use Paratransit services out of convenience; they use them out of necessity. With the higher fares and fewer routes current Paratransit passengers may be unable to do the things that others take for granted – go to work, the doctor's office and the grocery store – to name a few.

## Conclusion

The DLC respectfully requests that UTA rethink its proposed fare schedule and bus redesign because we believe the current proposal discriminates against people with disabilities who use Paratransit services. If UTA does not implement our requested changes, we may consider other administrative and judicial options to secure compliance with the ADA.

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<sup>3</sup> 49 CFR Parts 27, 37, 38 (Title II, III, Department of Transportation)

<sup>4</sup> 49 CFR Part 37.131 (Title II, III, Department of Transportation)