



California's protection & advocacy system

Discrimination Fact Sheet: Paratransit

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Paratransit

Paratransit is a transportation service for individuals with disabilities who are unable to use public transportation services. Public transportation agencies are required, under the Americans with Disabilities Act (ADA), to provide paratransit services.

A transit agency must provide paratransit service within 3/4 of a mile of a bus route or rail station. This service must be available on the same days and at the same hours as regular transit services. You may be charged an increased fare for paratransit services, but this fare cannot be more than double the regular fare.

Eligibility for Paratransit Services

You are eligible for paratransit service if you are unable use public transit because of your disability. To determine whether you can use public transportation, transit agencies consider a number of factors. These factors include the ability to walk or wheel to and from the transit stop, ability to enter and exit the station, ability to signal for stop, and ability to handle unexpected situations. The Disability Rights Education & Defense Fund has more information: <https://dredf.org/ADAtg/elig.shtml#appendix1>

Requesting Service

Contact your local transit agency to request access to your local paratransit service. Each agency is responsible for creating its own review process, so requirements may vary among transit agencies. Most transit agencies will have a website with an application form you can complete and submit online. You can also submit a letter to that agency requesting service. A

sample letter is included at the end of this fact sheet. A transit agency should not charge you for requesting paratransit services.

The transit agency may ask you to support your request for paratransit services with a letter from your doctor. The agency may also ask you to attend an in-person interview or assessment to determine if you are eligible.

The transit agency must respond to your application within 21 days. If the agency does not respond in time, it must begin paratransit services. Services may stop if your application is ultimately denied. A paratransit agency must provide you with specific reasons for denying your application.

If your application is approved, the transit agency should give you written notice that includes at least the following:

- your name;
- the name of the transit provider;
- the telephone number for the paratransit coordinator;
- the expiration date for eligibility (usually one-to-three years, and you can apply to continue your service after that); and
- any conditions or limitations on your eligibility. For example, you may be eligible for paratransit for one route but not for other routes.

Scheduling Services

Once approved, you can schedule trips by following your transit agency's scheduling process. Transit agencies are required to offer next-day service, and must agree to pick you up within an hour of the time that you requested.

Transit agencies must allow you to travel with a personal attendant. A personal attendant is someone who helps you with tasks either during your ride or at your destination. Transit agencies may not charge your attendant a fare. If you need an attendant or believe you may sometimes need an attendant, then you should include that information on your application.

Transit agencies must also allow you to have at least one companion. A companion is someone who is traveling with you to keep you company or as a friend. Your attendant does not count as a companion. The transit

agency has the right to charge your companion a fare, but that fare cannot be more than double the regular service fare.

Denials and Loss of Service

You can appeal a denial of paratransit service. Appeals must be accepted up to 60 days after your denial. Some agencies may give you more time to appeal. You can make an appeal in person or in writing.

The transit agency has 30 days to respond to your appeal. Responses must be in writing. If the agency does not respond in time, it must provide service unless and until it denies the appeal.

The transit agency may stop or suspend your services if you engage in violent, seriously disruptive, or illegal conduct, or if you have a pattern of missing scheduled trips. Accidents or one-time incidents are not a pattern. Only intentional, repeated, or regular actions should be considered a pattern of missing trips.

A transit agency must notify you in writing if it plans to stop or suspend services. The notice must state the specific services they are suspending and give reasons for the suspension. The notice must also give the date service will resume. The transit agency should give you an opportunity to appeal the suspension. Services should continue during the appeal process.

Transit agencies may require recertification of paratransit eligibility. You may lose paratransit services if the agency determines you are no longer eligible.

Additional Resources

You can find more information about paratransit services, eligibility criteria, and applying for services here:

- Federal Transit Administration website:
 - FTA Circular on ADA Guidelines for Transit Agencies:
https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_FT_A_ADA_Circular_C_4710.1.pdf
- Disability Rights Education & Defense Fund website:
 - ADA Paratransit Eligibility publication:
<https://dredf.org/news/publications/ada-paratransit-eligibility/>
 - ADA Paratransit Topic Guides:
<https://dredf.org/ADAtg/elig.shtml>

Administrative Complaints

The Federal Transit Administration (FTA) Office of Civil Rights is responsible for overseeing federal paratransit regulations. If you believe that your transit agency has not followed these regulations, has improperly denied you service, or has not offered you an opportunity to appeal its decision, you can file a complaint with the FTA. The FTA will investigate complaints and look for any ADA violations by the transit agency. The FTA will then inform the transit agency of these violations and set a deadline for the agency to address.

FTA Complaints:

Federal Transit Administration
Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

Complaint Form: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/fta-civil-rights-complaint-form>

Phone: 1-888-446-4511

The Department of Fair Employment and Housing (DFEH) enforces state civil rights laws. Any violation of the ADA is also a violation of state law. If you believe a transit agency has discriminated against you, you can also file a complaint with DFEH. DFEH complaints must be filed within one year of the discriminatory conduct. You can appeal a DFEH decision to the DFEH Director within 10 days of the decision. See 2 C.C.R. Section 10033.

DFEH Complaints:

Online Filing: <https://www.dfeh.ca.gov/filing-a-complaint-online/>

Phone: (800) 884-1684

TTY: (800) 700-2320

Mail: Call (800) 884-1684 and request the appropriate complaint form to print and return. Please allow additional time for mail and processing.

Litigation

Violations of the laws discussed above may also be enforced through private lawsuits. Please be aware that statutes of limitations restrict the timeframe for filing litigation and that you could potentially lose claims if you do not act within the applicable statute of limitations. These deadlines can be as short as two years from the date of discrimination. If you are interested in pursuing litigation, you should consult with an attorney as soon as possible.

If you are seeking less than \$10,000 in money damages, another option is to file a discrimination case in Small Claims Court. The statutes of limitations discussed above will apply. You cannot use a lawyer if you go to small claims court. Here is a link to a Disability Rights California publication that explains the process of using Small Claims for discrimination cases: <https://www.disabilityrightsca.org/publications/a-guide-to-small-claims-court-how-to-sue-if-a-business-or-landlord-discriminates>

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For legal assistance call 800-776-5746 or complete a [request for assistance form](#). For all other purposes call 916-504-5800 (Northern CA); 213-213-8000 (Southern CA).

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.

Sample Letter to Request Paratransit Services

[Date]

Dear [Transit Agency]:

I am writing to request paratransit services due to my [disability/disabilities]/ I am unable to use the fixed route system because [describe obstacles to using public transportation ex. stop is not accessible].

My [physician / psychiatrist / psychologist / therapist / social worker / occupational therapist / other individual (describe)] has deemed paratransit service necessary in light of my disability. Please see the attached letter from [doctor or professional's name].

I would like to use paratransit services for the following trips on a regular basis: [List days/times of travel, pick-up and drop off locations].

[I will need the assistance of an attendant on (some/all) trips to aid me (during the ride/at my destination). (Describe need for attendant).]

Federal and state law require that transit agencies provide paratransit service to persons with disabilities who are unable to use the fixed route system. Please respond to this request within 21 days, as required by law. Feel free to contact me at [your phone number and / or e-mail address] if you have any questions. Thank you.

Sincerely,

[Your name]

[Your address]

Sample Support Letter

[Date]

Dear [Business]:

I am the [physician / psychiatrist / psychologist / therapist / social worker / occupational therapist/ other] for [Name], and am familiar with [his / her] condition. [She / he] has a disability that causes certain functional limitations. These limitations include [list functional limitations that require the requested paratransit service].

[Name] is unable to use the fixed route system. [Describe how the obstacles that prevent use of public transportation. If an attendant is needed please describe the need for an attendant].

Thank you for providing this paratransit service for [Name].

Sincerely,

[Name and Title]