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April 21, 2014

U.S. Department of Transportation,
1200 New Jersey Avenue S.E., West Building,
Ground Floor, Room W12-140,
Washington, DC 20590-0001

Subject: Comments on Docket No. FTA-2014-0003

Dear Docket Clerk:

Access Services, which provides Americans with Disabilities Act (ADA) transportation to people with disabilities in Los Angeles County, appreciates the opportunity to submit comments on Docket No. FTA-2014-0003.

Access Services agrees with the comments submitted by the American Public Transportation Association (APTA) and the California Association for Coordinated Transportation (CalACT) that the material in proposed Circular Amendment 1, published February 19, 2014 at 79 FR 9585 is inappropriate for inclusion in a circular.

In attempting to clarify the various requirements flowing from or related to the *Americans with Disabilities Act* (ADA), FTA has instead offered a restatement of statutory and regulatory requirements and a collection of best practices. The text itself demonstrates this, with phrasing such as "a good practice is to," "common practices include," and "FTA recommends." In the context of a circular, these practices are extremely likely to be interpreted by FTA field personnel, oversight contractors, and passengers as requirements.

Moreover, even were FTA to simply attempt to explain existing requirements, the highly technical and subjective nature of some aspects of ADA service would result in expansion or contraction of the statutory and regulatory requirements. Paraphrasing, or attempting to describe the intent of particular requirements (e.g., definitions "intended to be interpreted" in some particular way) is inappropriate. FTA is not authorized to expand or contract the requirements inherent in statute or DOT regulation. If DOT

intends a particular interpretation, DOT itself must make that intent clear in its own regulatory actions.

A good example of the potential confusion that can occur when you try to combine the intentions of a circular with that of a best practices manual can be found on Page 8-6 ("Scheduling Trip Requests"). The text clearly states that when a rider calls to reserve a trip they may request a departure time or an arrival time. It implies that a paratransit system is required to offer both to the customer when many paratransit systems, including Access, solely offer one or the other. Given that there is no mention of scheduling to arrival time in the regulations, this is another example of FTA and its consultants expanding regulatory interpretations far beyond the actual language with no proper comment opportunity under the Administrative Procedures Act.

Access strongly suggests FTA discontinue this effort to create a circular, limited as it is to the stilted process of proposed language, comment, and final language. Of far more value would be to move this project to creation of a best practices manual, much as FTA created for grantee procurement practices. In that effort, the entire community could be engaged in a far more meaningful way.

Thank you again for this opportunity to provide comment on this proposed circular. If you have any questions, please contact me at 213-270-6000 or via e-mail at Verrinder@accessla.org.

Sincerely,

A handwritten signature in black ink that reads "Shelly Lynn Verrinder". The signature is written in a cursive style and is positioned above the typed name.

Shelly Verrinder
Executive Director
Access Services