

FTA

FEDERAL TRANSIT ADMINISTRATION

Memphis Area Transit Authority

ADA Paratransit Compliance Review

Final Report

December 2020



U.S. Department of Transportation
Federal Transit Administration

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Executive Summary

Objective and Methodology –

This report details the results of a compliance review of the complementary paratransit service operated by the Memphis Area Transit Authority (MATA) in Memphis, TN. The review's objective is to verify whether MATA is meeting its obligations under the Americans with Disabilities Act (ADA) to provide paratransit as a complement to its fixed route service.

This compliance review included three stages:

1. Preparation: compilation of information covering policies and procedures and interviews with eligible MATA paratransit riders and local disability organizations
2. Site visit: a three-person review team's observations of MATA's paratransit trip requests, including scheduling and dispatching, examination of eligibility applications and related documents (including appeals), and interviews with MATA employees
3. Analysis and reporting: using site visit data, identification of deficiencies requiring corrective actions and suggestions of effective practices in complementary paratransit service

Key Findings

MATA's complementary paratransit service includes the following positive program elements:

Positive Program Elements

- MATApplus eligibility determination is generally prompt; over 90 percent of determinations are made in 21 or fewer days, most in-person assessments are scheduled for 11 or fewer days from the date of the applicant's call
- Based on an analysis of a sample of completed trips, MATApplus on-time pickup performance is over 90 percent. Five percent of pickups are more than more than 15 minutes late
- Telephone hold times do not appear to be a capacity constraint

MATA has the following administrative deficiencies that are easily correctable to bring its program into compliance with 49 CFR Parts 27, 37 and 38:

Administrative Deficiencies

- The MATApplus fare for trips with origin and destination within 3/4-mile of a light rail stop is more than twice the light rail fare
- MATA is not keeping a record of complaints related to MATApplus for the required five years

MATA has the following substantive deficiencies that need to be addressed to bring its program into compliance with 49 CFR Parts 27, 37 and 38:

Substantive Deficiencies

- MATA’s eligibility determination process for MATApplus does not fully consider specific impairment-related conditions that prevent travel to and from fixed route boarding and disembarking locations. Some determinations did not fully consider or fully document information about ability to travel to and from boarding and disembarking locations.
- MATA is denying a significant portion of trip requests for MATApplus service, and is undercounting its denials, either by mis-coding certain denials or not tracking them
- MATA is miscoding missed trips as no-shows, potentially 20–30 percent
- MATApplus has a high proportion of untimely drop-offs for trips with known appointment times. An analysis of sample trips with appointment times had 25 percent late drop-offs

Please see Section 6 for a discussion of all 28 deficiencies. The Summary Table of Compliance Review Findings (following Section 6) lists all findings. Unless otherwise stated, MATA must address all deficiencies within 90 days of receipt of this report.

1 General Information

This chapter provides basic information concerning this compliance review of MATA. Information on MATA, the review team, and the dates of the review are presented below.

Grant Recipient:	Memphis Area Transit Authority
City/State:	Memphis, TN
Recipient Number:	1125
Executive Official:	Gary Rosenfeld, Chief Executive Officer
On-site Liaison:	La Barbara Houston, MATApplus Manager
Report Prepared By:	the Collaborative, Inc.
Dates of On-Site Visit:	January 21–24, 2020
Review Team Members:	David Chia, the Collaborative, Inc. Alison Goyer, the Collaborative, Inc. Russell Thatcher, Thatcher Consulting, LLC

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2 Jurisdiction and Authorities

Public entities that operate fixed route transportation services for the general public are required by the U.S. Department of Transportation (DOT) regulations implementing the Americans with Disabilities Act of 1990 (ADA) to provide ADA complementary paratransit service for persons who, because of their disability, are unable to use the fixed route system. These regulations (49 CFR Parts 27, 37, 38, and 39) include eligibility requirements and service criteria that must be met by ADA complementary paratransit service programs. Section 37.135(d) of the regulations required that ADA complementary paratransit service met these criteria by January 26, 1997.

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the ADA and the DOT regulations implementing the ADA.

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3 Purpose and Objectives

This chapter discusses the purpose and objectives of an FTA ADA complementary paratransit compliance review and the review process.

3.1 Purpose

Pursuant to 49 CFR §§27.19 and 27.123, as part of its oversight efforts, the FTA, through its Office of Civil Rights, conducts periodic reviews of fixed route transit and ADA complementary paratransit services operated by its grantees. Compliance with all applicable requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101–12213) including the DOT’s ADA regulations is a condition of eligibility for receiving federal financial assistance.

3.2 Objectives

The primary objective of this paratransit review is to verify whether a public operator of a fixed route transit system that benefits from FTA funding is meeting its obligations under the ADA to provide paratransit as a complement to its fixed route service. This review examines the policies, procedures, and operations of MATA’s ADA complementary paratransit system concerning service provision, including origin-to-destination service; eligibility, including the process used to determine who is eligible for the service; receiving and resolving complaints; and meeting the ADA complementary paratransit service criteria as specified in 49 CFR §37.131.

The review team observed dispatch, reservations, and scheduling operations, and analyzed service statistics, basic service records, and operating documents. To verify the accuracy of the MATA’s reported information and evaluate its methodology, the review team also conducted its own independent analysis of sample data. In addition, FTA solicited comments from eligible riders and from local disability organizations.

This report will summarize findings and advisory comments. Findings of deficiency require corrective action and/or additional reporting. Advisory comments are statements detailing recommended or suggested changes to policy or practice to ensure effective practices under the ADA.

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4 Introduction to Memphis Area Transit Authority

The Memphis Area Transit Authority (MATA) provides fixed route bus, light rail, and ADA complementary paratransit service in Memphis and adjacent Shelby County, TN. MATA is an entity of both Memphis and the state of Tennessee. It has a nine-member board of commissioners with oversight responsibilities. The board selects the MATA chief executive officer. MATA's administrative office and garage are located at 1370 Levee Road, Memphis.

MATA contracts with First Transit Bus, Inc., for all operations and administration. First Transit provides this service through Mid-South Transportation Management, Inc. (MTM), a wholly owned 501(c)(3) corporation, established expressly to carry out its responsibilities under the contract. MATA has no employees.

MATA's operating budget for fiscal year (FY) 2019, was \$65.96 million. The operating budget in FY 2018 was \$60.24 million (data from MATA's audited financial statements, exclude depreciation). Each year, about half of the funding for operations came from City of Memphis subsidies, with grants from FTA and Tennessee comprising most of the remaining operating funds.

MATA's fixed route service consists of 42 bus routes and three light rail routes. Days of service vary by route, ranging from weekdays only to seven days per week. Base fare for bus service is \$1.75. Base fare for light rail service is \$1. In FY 2019, MATA's fixed route ridership was 6,217,400 (FTA National Transit Database).



For more information on MATA, go to www.matatransit.com

4.1 Introduction to Paratransit Services

MATA provides ADA complementary paratransit service through its “MATApplus” service. Most of MATApplus operations focus on ADA complementary paratransit riders.

As presented in Table 4.1, in FY 2019, there were 191,447 ADA paratransit riders (including personal care attendants and companions). In terms of weekly ridership, this is approximately 3,700 trips. This was a 1.6 percent decrease in ridership from the prior fiscal year.

Table 4.1 – MATApplus ADA Paratransit Ridership

Fiscal Year	Scheduled Trips	Total Passengers¹	Weekly Passengers	Annual Ridership Change
2016		200,888	3,863	
2017	225,714	195,493	3,759	-2.7%
2018	222,908	194,610	3,742	-0.5%
2019	220,251	191,447	3,682	-1.6%
2020 (6 mos.)	113,676	93,062	3,579	-2.85 (based on 12-month projection)

¹Passengers include personal care attendants, companions

Since January 2019, MATA has had a contract with the City of Memphis to provide trips to senior citizens to and from senior centers. During calendar year 2019, senior ridership on MATApplus was 10,194 (about 200 trips per week).

As mentioned above, all MATApplus staff are employees of Mid-South Transportation Management (MTM), a subsidiary of First Transit Bus, Inc. Scheduling, dispatching, supervision, driver check-in, and vehicle maintenance take place at the main MATA facility, 130 Levee Road, Memphis. Trip requests are taken at the MATA customer information and call center: Hudson Transit Center, 444 North Main Street, Memphis. Eligibility staff are located at the Airways Transit Center, 3033 Airways Boulevard, Memphis.

The paratransit fleet consists of approximately 70 active vehicles. This includes fourteen 29-foot small buses; the remainder of the fleet are smaller vans. All vehicles are equipped with a lift or ramp with capacity of either 800 or 1,000 pounds. They range in age from model year 2007 to 2019. All of the small buses have mileages over 250,000; at least five of the vans have mileages over 500,000. With the exception of two leased vans, MATA owns the vehicles. Vehicle maintenance takes place at 1370 Levee Road. MTM mechanics perform vehicle maintenance.

5 Scope and Methodology

The purpose of this review is to provide FTA with a tool for determining whether a public operator of a fixed route system is in compliance with the paratransit requirements under DOT ADA regulations. However, the deficiencies identified and findings made in this report are by necessity limited to the information available to and the observations made by the review team at the time of the site visit. A lack of findings in a particular review area does not constitute endorsement or approval of an entity's specific policies, procedures, or operations; instead, it simply indicates that no deficiencies in the delivery of service were observed at the time of the review.

The scope of the review and the methodology employed by the review team is described in greater detail below.

5.1 Scope

The review focused on whether MATA's complementary paratransit service ("MATApplus") operates according to the service criteria specified in 49 CFR §37.131 of the DOT ADA regulations, and without capacity constraints prohibited under 49 CFR §37.131(f). The review examined MATA's service area, response time, fares, and hours and days of service, as well as MATA's policies, standards, and procedures for monitoring service provision, including on-time performance, on-board travel time, telephone hold times, and avoiding trip denials and missed trips. The review seeks to ascertain whether service is being provided to eligible individuals within at least the minimum required service area on a next-day basis, during the same hours and days as the fixed route system, for not more than twice the fixed route fare for the same trip; whether there are patterns or practices that result in a substantial number of trip limits, trip denials, untimely pickups, or trips of excessive length; policies that cause riders to arrive late to appointments; or long telephone hold times, as defined by the transit agency's established standards (or typical practices if standards do not exist).

Overall, the complementary paratransit review included the following regulatory requirements:

- Complaint resolution and compliance information (49 CFR §§27.13(b), 27.121(b), and 37.17)
- Nondiscrimination (49 CFR. §37.5)
- Service under contract (49 CFR §37.23) (if applicable)
- Requirement for comparable complementary paratransit service (49 CFR §37.121)
- ADA paratransit eligibility: Standards (49 CFR §37.123)
- Paratransit eligibility process (49 CFR §37.125) including:
 - Information is made available in accessible formats upon request
 - A decision is made within 21 days or presumptive eligibility is granted pending a decision
 - There is written notification of all decisions

- All denials or conditional eligibility determinations are completed in writing with specific reasons for the decision
- There is an administrative appeals process for denials and conditional eligibility determinations
- Reasonable policies for suspending service to eligible riders who establish a pattern or practice of missing trips
- Complementary paratransit service for visitors (49 CFR §37.127)
- Types of service (49 CFR §37.129)
- Service criteria for complementary paratransit (49 CFR §37.131) including:
 - Service area
 - Response time
 - Fares
 - Trip purpose restrictions
 - Hours and days of service
 - Capacity constraints
- Subscription service (49 CFR §37.133) (if applicable)
- Training requirements (49 CFR §37.173)

5.2 Methodology

FTA's Office of Civil Rights sent a notification letter to MATA's chief executive officer Gary Rosenfeld on November 19, 2019, requesting him to send information to the review team before the site visit (Attachment A).

Prior to the on-site visit, the review team examined the following service information:

- MATA's description of how its complementary paratransit service is structured
- Public information describing MATA's ADA complementary paratransit service
- MATA's standards or goals for on-time performance, trip denials, missed trips, complementary paratransit trip length, on-time performance, and telephone hold times, which were contained in "Enclosure 1: Pre-Site Visit"

As requested by FTA, MATA made additional information available during the visit:

- Copies of completed driver manifests for recent months
- Thirty-six months of service data, including the number of trips requested
- Records of consumer comments and complaints related to capacity issues: trip denials, on-time performance, travel time, and telephone access
- Procedures for passenger service reports reporting complaints and other incidents
- MATA's summary of complaints
- MATA's fleet roster

- A listing of paratransit employees and their start dates
- Capital and operating budgets and cost data

The on-site review of MATA ADA complementary paratransit service took place from January 21–24, 2020. The visit began with an opening conference, held at 9 a.m. on Tuesday, January 21 at MATA’s administrative office, 1370 Levee Road, Memphis. The following people attended the meeting:

- Gary Rosenfeld, Chief Executive Officer, MATA
- Bernhard Rudolph, Chief Financial Officer, MATA
- Alvin H. Pearson, Chief Operations Officer, MATA
- Anthony Amos, ADA Compliance Officer, MATA
- La Barbara Houston, MATAplus Manager, MATA
- Tiffany Casey, Director of Transit Operations, MATA
- Keith Stone, Senior Manager of Customer Experience, MATA
- John Day (by phone), Program Manager for Policy and Technical Assistance, FTA
- Dee Foster (by phone), Regional Civil Rights Officer, FTA Region 4
- David Chia, Review Team Leader
- Alison Goyer, Review Team Member
- Russell Thatcher, Review Team Member

Following the opening conference, the review team met with the several MATA managers who have a role in providing MATAplus service. Team members gathered information about MATA’s corporate structure. Team members also discussed the information provided by MATA in advance of the site visit and began to follow up on a range of MATAplus policies and procedures. They also worked with MATA staff to identify sample operations data available for analysis. In the afternoon, team members began to review MATAplus service criteria, nondiscrimination policies, and performance standards. Team members then traveled to the Hudson Transit Center (444 North Main Street, Memphis) to listen to customer service representatives accept trip requests.

On Wednesday, January 22, one team member met with the MATA staff members who conduct the MATAplus eligibility determination process at MATA’s eligibility center, located at the Airways Transit Center (3033 Airways Boulevard, Memphis). He discussed the process, as well as the suspension policies and service to visitors. He also reviewed a set of applicant files to assess determinations and verify the documentation maintained by MATA. Two team members returned to the Hudson Transit Center to listen to customer service representatives accept trip requests. Also at the Hudson Transit Center, a team member worked with MATA’s senior manager of customer experience to gather information on telephone performance and customer complaints. In the afternoon, two team members returned to the administrative office to begin review of the sample trip data and continue to review MATA policies. They also interviewed seven MATAplus drivers.

On Thursday, January 23, all three review team members met with MATA chief executive officer and MATAplus manager. The chief executive officer presented information about

changes made to the agency over recent years. Team members then continued to analyze data and review eligibility files. One team member continued to work with the senior manager of customer experience to get customer complaint information. Team members also gathered information about MATAplus resources and the budget process. One team member interviewed the lead MATAplus scheduler. In the afternoon, two team members observed MATAplus dispatching.

On Friday, January 24, the review team continued to analyze data. They followed up on complaint records. They reviewed further operations and resource data. They prepared for the exit conference, which took place at 1 p.m. at MATA's administrative office. Attending the conference were:

- Gary Rosenfeld, Chief Executive Officer, MATA
- Bernhard Rudolph, Chief Financial Officer, MATA
- Alvin H. Pearson, Chief Operations Officer, MATA
- Anthony Amos, ADA Compliance Officer, MATA
- La Barbara Houston, MATAplus Manager, MATA
- Tiffany Casey, Director of Transit Operations, MATA
- Keith Stone, Senior Manager of Customer Experience, MATA
- John Day (by phone), Program Manager for Policy and Technical Assistance, FTA
- Dee Foster (by phone), Regional Civil Rights Officer, FTA Region 4
- David Chia, Review Team Leader
- Alison Goyer, Review Team Member
- Russell Thatcher, Review Team Member

MATA was provided with a draft copy of the report for review and response. A copy of the correspondence received from MATA on [date of receipt], documenting their response to the draft report, is included as Attachment B. [to be included in Final Report]

5.3 Stakeholder Interviews

Before the site visit, the review team interviewed four complementary paratransit riders and two representatives of agencies that work with paratransit riders. In addition, one rider filed a formal complaint with FTA. The following is a summary of comments received:

Eligibility. No interviewee cited concerns with the initial eligibility determination process, or with the process for recertification. One current rider said that getting the photo ID card was inconvenient.

Telephone access. All interviewees cited problems with the telephone system. Three mentioned that their voicemails (when all lines were busy) were not always returned. Two said that the mailbox for voicemails was sometimes full.

Reservations, denials, and wait lists. All interviewees said that there were trip denials. One rider said that when she asked for a pickup time, some customer service representatives did not

negotiate, but simply said “yes” or “no” to the specific requested time. One rider said that she would rarely get a trip if she called 1–2 days ahead.

On-time performance. Interviewees had mixed views on pickup performance. The rider who filed a written complaint to FTA was particularly dissatisfied, claiming that pickups were “sometimes 2–3 hours late. Some interviewees said that on-time performance had improved but was still uneven. Two riders said that when they have requested drop-off times, the drivers are often not aware of the drop-off times.

Travel times. Two riders said that they occasionally had travel times that seemed unusually long.

Drivers. Interviewees had mixed views on drivers. One said that most (“half to three-quarters”) were good. Another said that the older drivers were more respectful and more knowledgeable about the service area. One rider said that certain drivers are “unprofessional,” talking to riders about other riders.

Resolving complaints. All interviewees were not satisfied with MATA’s handling of their complaints. Two said that they asked for responses but did not always receive one. Two said that they did not believe that MATA took all complaints seriously. The rider who filed a written complaint claimed that MATA did not approve his wheelchair for transport as retaliation for a complaint.

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6 Findings and Advisory Comments

This chapter details the findings for each of the areas pertinent to the regulations found in 49 CFR Parts 27, 37 and 38 outlined in the Scope and Methodology section above. For each area, an overview of the relevant regulations and a discussion of the regulations as they apply to MATA's complementary paratransit service is provided below, with corrective actions and a timetable to correct deficiencies for each of the requirements and sub-requirements where necessary.

Findings are expressed in terms of "deficiency" or "no deficiency." Findings of deficiency denote policies or practices found to be not in compliance with DOT ADA regulations or matters for which FTA requires additional reporting to determine whether an ADA compliance issue exists.

Findings of deficiency always require corrective action and/or additional reporting, and will always be expressed as:

- A statement concerning the policy or practice in question at the time of the review
- A statement concerning the DOT ADA requirements being violated or potentially being violated
- A statement concerning the required corrective action to resolve the issue

Advisory comments are statements detailing recommended or suggested changes to policies or practices to ensure effective practices under the ADA or otherwise assist the entity in achieving or maintaining compliance.

6.1 Comparable Complementary Paratransit Service

Requirement: Under 49 CFR §37.121, the transit agency operating a fixed route system must provide paratransit service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system.

Discussion: During this review, no deficiencies were found with the requirement. See Attachment C for the "MATApplus Rider's Guide" (Rider's Guide). In particular, page 7 of the Rider's Guide states:

MATApplus is a shared ride form of public transportation that complements MATA's fixed-route service. MATApplus provides service that is equivalent to that of the fixed-route system. MATApplus offers service for all types of trips for varied purposes such as employment, medical, educational and recreational.

6.2 Paratransit Eligibility Process

Absence of Administrative Burdens

Requirement: Under 49 CFR §37.125, the transit agency must establish an eligibility process for complementary paratransit. The process may not impose unreasonable administrative burdens on applicants, and, since it is part of the entity’s nondiscrimination obligations under §37.5(d), may not involve “user fees” or application fees to the applicant.

Discussion: During this review, no deficiencies were found with the requirement to not impose unreasonable administrative burdens on applicants for MATAplus service.

MATA’s overall process is designed to be straightforward and easy for applicants. Attachment D includes copies of the current application form, interview form, and functional assessment form.

Part I of the application, which is completed by applicants, is three pages and requests general information (name, address, emergency contact information, mobility aids used, and current fixed route use). Part II of the application, which is completed by professionals familiar with applicants, requests information about disability or health condition, about the use of personal care attendants (PCAs), and recommends, but does not require, that the most recent medical or diagnostic records or information be attached if the applicant has vision, hearing, speech, developmental, and/or mental health disabilities. This information is used as the basis of determinations—in place of functional assessments—for applicants with these types of disabilities.

The application can be downloaded from MATA’s website or requested by calling MATA. There is no application fee.

MATA requires all applicants to have in-person interviews. Applicants who have disabilities other than vision, hearing, speech, developmental, and/or mental health disabilities also have functional assessments. As needed, MATA provides transportation free of charge. MATA has dedicated vehicles that provide transportation to and from the eligibility center, and most rides are direct or shared with only one other applicant. Interviews and assessments take about 45 minutes on average and transportation home is typically available immediately or shortly after the process is completed.

MATA issues a photo identification card to approved applicants. There is no charge for the initial card and photos are taken at the time of the interview so there is no cost to applicants to have photos taken in advance. Lost photo ID cards are replaced for a nominal \$5.00 fee. The information requested in the in-person interview is appropriate and reasonable. Functional assessments test relevant skills and focus on tasks required to use fixed route transit services.

Paratransit Eligibility Standards

Requirements: Under 49 CFR §37.123(e)(1)-(3), the transit agency's eligibility processes, application materials, and public information must be comprehensive enough to permit the transit agency to determine that the following individuals are ADA paratransit eligible:

Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities

Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities

Any individual with a disability who has a specific impairment-related condition that prevents the individual from traveling to a boarding location or from a disembarking location

Discussion: During this review, deficiencies were found with the requirement that eligibility determinations be made in accordance with the regulatory criteria. The review team observed, based on a review of MATA's eligibility materials and interviews with eligibility staff, that the process did not fully consider specific impairment-related conditions that prevent travel to and from fixed route boarding and disembarking locations. Team members also found, based on a review of a sample of eligibility determination files, that some determinations did not fully consider or fully document information about ability to travel to and from boarding and disembarking locations. Finally, the review team found that the eligibility process bases decisions about use of PCAs solely on assistance needed during travel, rather than the actual functions that the PCA performs throughout the day, and directs all questions concerning the use of a PCA solely to medical professionals, who typically have little to no knowledge of the applicant's decision to employ the services of a PCA.

An advisory comment is made regarding MATA's use of the weight of an applicant and the weight of an applicant's mobility device in making eligibility determinations.

Eligibility Process and Materials. MATA made significant changes to its MATAplus eligibility determination process in January 2019. Prior to that time, determinations were made based on an application form and verification of disability by treating professionals. Since January 2019, determinations have also included in-person interviews and functional assessments when appropriate.

An applicant requests or downloads the application form, completes the form and calls for an interview appointment. The applicant brings the completed application to the interview. MATA eligibility staff review applications and conduct in-person interviews. A local contractor, Direct Medical, provides staff to conduct the functional assessments.

MATA's ADA compliance officer, who manages the eligibility process, has experience in disability and medical services, including as a behavior specialist, mental health court advocate, developer of individual education plans (IEPs), and disease intervention specialist. MATA's ADA compliance specialist, who conducts most interviews, has experience as a paramedic and has completed the National Transit Institute's course on ADA paratransit eligibility determinations. One of the two contractor staff has a background in vision and hearing services. The other has experience as an assessor of home accessibility for persons with physical disabilities.

Concurrent with the implementation of its new in-person process, MATA also made changes to its determination materials, presented in Attachment D.

The new application form is shorter and simplified. The old application form included questions about abilities to get to and from boarding and disembarking locations and path-of-travel barriers; these questions were removed from the new, simplified form. MATA eligibility staff indicated that the intent was to capture that information in interviews and functional assessments.

An applicant completes Part I of the application. It documents whether the applicant came to the interview via paratransit, fixed route, private vehicle, or other means; and if the primary respondent is a family member, social service agency representative, or other. It then includes the following questions:

1. Whether the disability is permanent or temporary
2. If the applicant uses portable oxygen
3. Whether the applicant uses a mobility device, and if yes, what type
4. Proximity of the closest bus stop to the applicant's home
5. "How far is too far?" with possible responses including "Less than 1 block"; "1-2 blocks"; and "3-4 blocks"
6. Whether applicants need handrails and/or lifts/ramps to get on and off of buses, and whether they can climb three 10-inch stairs
7. How applicants typically travel, with possible responses of "Someone drives, MATApus, Fixed Route, and Uber/Lyft"
8. Whether applicants currently use fixed route services, and if so, how often and to what main destinations
9. Whether the applicant is interested in travel training or a senior/disabled discount ID for MATA fixed route services

Applicants are also asked, "If you use a wheelchair/scooter, is the total combined weight of you and your mobility device more than 600 pounds?" All of MATA's paratransit vehicles have lifts or ramps that can accommodate 800 pounds, and half can accommodate up to 1,000 pounds. This improperly limits eligibility on the basis of weight, which is not one of the regulatory factors for eligibility, and artificially limits service to much less than MATA's paratransit vehicles and equipment are capable of accommodating.

During the eligibility determination process, MATA can gather information about the combined weight of applicants and their mobility devices that is consistent with the capacities of the paratransit fleet. The actual weight, rather than whether it is above or below a specific threshold is then determined and applied appropriately during the provision of service. Note that this information is used to determine whether *service* can be *provided*, and not as a reason to deny *eligibility*. MATA may also consider alternatives, such as accommodating riders who are able to board separately from their mobility devices, or those who may be able to use a different mobility device that fits within the vehicles' capacities when traveling.

Part II of the application must be completed by a professional familiar with the applicant. MATA accepts verification from a variety of professionals, including physicians, health care professionals, rehabilitation specialists, and social workers. Part II requests information about disability or health condition and about the use of PCAs. It also encourages professionals to attach medical or diagnostic records or information if the applicant has a vision, hearing, speech, developmental, or mental health disabilities. The form explains that, if provided, this information may be used in lieu of a functional assessment to help make a determination.

The question about use of PCAs first asks the professional, "Does the applicant (your patient) require the assistance of a PCA?" with two possible responses: "Yes" and "No." The professional is then given some information about possible use of PCAs, is given a list of types of assistance that might be needed, and is asked to check off the assistance that the applicant would need. All five examples of the types of assistance that may be needed relate to getting to and using fixed route services. None of the examples relate to the actual function of a PCA throughout the day. MATA may not rely upon the medical professional's response as to the individual's decision to employ the services of a PCA to perform personal functions. The use of a PCA is a functional decision made by the individual; it is not a medical determination, and the professional may have little or no knowledge of whether the applicant has hired a PCA or under what conditions one might be needed.

As the above description of the application indicates, there are few questions about travel abilities other than physical abilities to board and disembark from buses. Applicants are asked about current use of fixed route services, but not the underlying reasons why they can or cannot use fixed route services. Questions about getting to and from fixed route boarding and disembarking locations are limited to maximum walking distance and distance from the applicant's home to the closest fixed route bus stop.

The interview form does have a space for "Additional Comments/Notes," but a review of 32 sample determination files found little additional documentation of discussions with applicants, and no documentation of discussions about path-of-travel barriers. The review of sample applicant files did indicate that eligibility staff often include additional documentation of the proximity of the applicant's home to the closest fixed route bus stop, such as Google map distances.

Neither Part I of the application nor the interview form include questions about the applicant's own use of a PCA. Use of PCAs is only asked of the medical professional who completes Part II

of the application. MATA must solicit any information as to the applicant's use of a PCA directly from the applicant, and may only record whether or not the applicant travels with a PCA.

Functional assessments are also limited in scope. Assessors record an applicant's primary disability or medical condition, whether applicants are receiving any treatment, and ask what is their "chief complaint." Assessors ask an applicant what mobility devices the applicant uses when traveling outdoors, and record information about the applicant's use of the mobility device, such as how long the applicant has used it, whether the applicant can use it independently or requires full or partial assistance.

Assessors observe an applicant navigating up and down a ramp designed to simulate a fixed route bus ramp deployed at a curb, and record how long it took the applicant to go up and down the ramp. If an applicant uses a wheelchair, the applicant is asked to maneuver in and out of a mock-up of a securement area and the time required to do so is recorded.

Applicants then participate in a Tinetti Balance and Gait Test: a test designed and validated to predict the risk of falling. The test involves standing from an armless chair, various observations of standing balance, and observations of gait while walking a short distance across the assessment room.

The assessment form has space for additional notes and comments, which sometimes include observations about applicants walking or wheeling within the eligibility center (approximately 200 feet total).

The MATA eligibility manager indicated that when the new process was first designed, the functional assessment was to include a short walk in the outside environment with more detailed observations of walking speed and endurance, and abilities to navigate curbs and curb ramps and various surfaces. He said, however, that MATA was not successful in finding a local company or agency willing to conduct outdoor functional assessments. He said several prospective contractors cited insurance and liability issues.

In advance of the sit visit, MATA provided the review team with a summary of the eligibility determination process, "MATAplus Functional Assessment & Interview Process." Page 6 of the summary lists what is to be done if applicants are denied eligibility and then appeal: in part, "Conduct Applicant Environmental/Terrain Assessment within 10 days to determine barriers to the nearest bus stop (the original denial is often reversed at this step)." The existence or lack of barriers to the nearest bus stop *could* be a factor for trips that begin or end at the home, but must not be a factor in determining the overall eligibility of applicants. MATA must consider travel throughout the ADA paratransit service area, and the existence of applicable barriers to and from all bus stops in the area, when establishing the individual's eligibility.

Eligible riders, application volume, and certification outcomes. As of January 24, 2020, MATA records showed that 6,878 individuals were registered as ADA paratransit eligible.

MATA finds applicants to be either eligible or not eligible. Those found to be eligible are provided unconditional, unlimited service. MATA has elected not to find applicants

“conditionally eligible” or include conditions of eligibility in determinations. Applicants who have a temporary disability are given an expiration date that is less than the standard three years of eligibility, but are still designated as unconditionally eligible, only for this shorter term. MATA has elected not to have a separate determination category of “temporary eligibility,” and does not track those with shorter-term eligibility separate from those granted full-term eligibility.

Table 6.1 shows eligibility determination statistics and outcomes for calendar year 2019, from the implementation of the new in-person process to the end of the year. Included are the number of completed applications received each month, the number of applicants found eligible each month, and the number found not eligible (denied) each month. Also shown are the number of recertification requests each month—existing riders who reapplied at the end of their term of eligibility—and the number of appeals received each month.

As shown, MATA received 751 completed applications in this 12-month period, an average of 63 per month. A total of 705 applicants (94 percent) were found to be eligible, and 46 (6 percent) were found not eligible. Eight of the 46 applicants who were denied (17 percent) requested appeals.

Table 6.1 – MATApplus 2019 Eligibility Determination Statistics and Outcomes

Month	Applications Received	Approved (% Approved)	Applicants Denied	Recertification Requests	Appeals Requested
January	49	40 (82%)	9 (18%)	16	1
February	51	39 (76%)	12 (24%)	13	2
March	53	50 (94%)	3 (6%)	19	1
April	65	62 (95%)	3 (5%)	17	2
May	50	46 (92%)	4 (8%)	10	1
June	65	63 (97%)	2 (3%)	24	0
July	70	70 (100%)	0 (0%)	12	0
August	80	76 (95%)	4 (5%)	18	0
September	62	61 (98%)	1 (2%)	19	0
October	75	73 (97%)	2 (3%)	30	0
November	69	66 (96%)	3 (4%)	22	0
December	62	59 (95%)	3 (5%)	25	1
TOTALS	751	705 (94%)	46 (6%)	225	8

MATA received only 225 requests for recertification from riders whose eligibility expired in 2019. MATA did not require that all eligible riders come back in to be recertified under the new in-person process. Existing riders only had to reapply when their past eligibility expired. With 6,878 eligible riders in the system, and with a standard three-year term of eligibility, this is a very small number of recertification requests. One would expect closer to 2,000 recertifications, just under one-third of total certified riders. The small number of recertification requests suggests that either there is a much smaller number of active riders—typically defined as those using the service at least once in the past 12 months—or the vast majority of existing riders are choosing not to reapply.

Review of sample determination files. To assess whether MATA staff properly applied the regulatory criteria for eligibility, the review team reviewed files for 32 eligibility determinations. This included: 18 determinations that found applicants eligible; seven that found applicants not eligible and the applicant did not appeal; and seven that found the applicant not eligible and there was an appeal. The sample was selected from determinations made in calendar year 2019—under the new in-person process.

All information contained in the files was reviewed. The reasonableness of each eligibility decision, based on the information in the file, was then discussed by the review team members. Where there were questions, review team members also discussed the determinations with MATA eligibility staff.

The review team identified the following issues based on this review of sample determination files:

- In one case, the applicant had paraplegia and diabetes, was an amputee, and used a power wheelchair. The applicant indicated in the interview that he could travel more than four blocks. MATA staff determined that there were two bus stops within four blocks of the applicant's home. The functional assessment indicated that he could use his power wheelchair independently and navigated up and down the assessment ramp in 10 seconds. There was no information in the file—neither discussions with the applicant nor assessment observations—about potential path-of-travel barriers such as a lack of sidewalks or curb ramps. The applicant was found not eligible and the determination letter stated that he could navigate more than four blocks, there were two bus stops near his home, and that “there are no medical/physical disabilities listed that verify paratransit need.”
- In a second case, the professional verification indicated that the applicant had bilateral knee arthritis, hip arthritis and dementia. The applicant reported using a variety of mobility devices, including a power wheelchair, scooter, and cane. The applicant stated she could not walk more than one block, but did indicate sometimes using fixed route service with her power wheelchair. The applicant participated in the functional assessment using a rollator style walker, was found to be a very high fall risk, and was not able to navigate the ramp in the center without assistance. The applicant was found not eligible. The determination letter provided only general reasons for the denial, including that the applicant could use the fixed route service. The case was discussed with MATA staff who indicated that the functional assessment observations were discounted because the applicant was not using her power wheelchair and could use fixed route service with that device. Again, even though a power wheelchair might allow the applicant to travel longer distances to get to and from bus stops, path-of-travel barriers were not discussed with the applicant or considered in the final determination.
- In a third case, the professional verification indicated that the applicant had arthritis and a “permanent bone/joint condition.” The applicant indicated that she could only walk 1-2 blocks and that she experienced pain when walking. The functional assessment noted that she was able to walk up and down the bus ramp and that she was not a fall risk (26 of

28 on the Tinetti test). The applicant was found not eligible and the determination letter noted that she passed the Tinetti test and “there are no medical/physical disabilities listed that verify paratransit need.” Other than the applicant’s statement of a 1–2 block maximum walking distance, the file contained no information to suggest she could walk greater distances. The functional assessment assessed risk of fall, but did not assess endurance or maximum reasonable walking distance.

- In a fourth case, the professional verification indicated osteoarthritis. The applicant indicated a maximum walking distance of two blocks, use of a cane, and problems when walking on uneven surfaces. The functional assessment found the applicant to be a high fall risk (only 17 of 28 in the Tinetti test). The applicant was found not eligible and the determination letter contained only a general statement that “there are no medical/physical disabilities listed that verify paratransit need.” The applicant appealed and was found eligible after an internal review of the file. There was no additional documentation of the reason for the change. The initial determination did not adequately address the applicant’s claim of a very limited walking distance and appeared to discount the results of the Tinetti test.
- In a fifth case, the professional verification indicated diabetic retinopathy, glaucoma, and “cognitive abilities due to mental health issues.” The applicant indicated a maximum walking distance of two blocks and an inability to cross streets. The functional assessment indicated a high fall risk (19 of 28 on the Tinetti test) and the assessor comments indicated “has balance challenges.” The applicant was found not eligible and the determination letter provided only general reasons for the denial, including that the person could use the fixed route service. The applicant appealed, submitted a new professional verification that stated a high risk of falling, and was found eligible based on an internal review of the file and this additional information. The initial determination did not address the claim of very limited walking distance or inability to cross streets and appeared to discount the results of the Tinetti test.

In summary, the review found the following issues with MATA’s determinations of ADA paratransit eligibility:

- MATA sometimes uses distance from applicants’ homes to the nearest bus stops and the existence or lack of barriers on the path of travel to those bus stops as a primary criterion making determinations of individual eligibility. This information is only appropriate for specific trips that begin or end at the home. It should not be a factor in determining the broader eligibility of the individual to travel throughout the service area over the term of eligibility.
- MATA does not always adequately consider endurance, maximum reasonable walking distance, and path-of-travel barriers making determinations. The interview form does include the question “How far is too far?”, but applicant statements of limited walking distance is often discounted without any other documentation to counter these claims. The functional assessments only observe walking over a very short distance (less than 200 feet) and assessors do not offer any conclusions about maximum reasonable walking

distance. Determination files contain very little documentation of discussion or observations of path-of-travel issues, such as a lack of sidewalks or safe accessible path-of-travel, street crossing abilities, lack of curb ramps, ability to navigate uneven or steep terrain, or impacts of extreme weather.

- Decisions concerning accommodation of PCAs are made based solely on information from medical professionals, who have no input into the individual's decision to employ the services of a PCA, and based solely on functions that must be performed during travel instead of the applicant's need for a PCA throughout the day.

Corrective Action Schedule: Within 90 days of the issuance of the final report, MATA must submit a revised eligibility determination process and materials that address the following:

- Removing an applicant's ability to get only to and from nearby bus stops as a factor in determining overall individual eligibility
- Including path-of-travel issues, e.g., lack of sidewalks or safe accessible paths, lack of curb ramps, uneven or steep terrain, and extreme weather, as potential barriers to the applicant's individual ability to use the fixed route system
- Thorough consideration of the types of street crossings that applicants are able to safely cross
- Thorough consideration of an applicant's ability to travel up to 3/4-mile to get to and from bus stops throughout the ADA paratransit service area
- The process for recording an applicant's use of a PCA must simply inquire of the applicant whether they use a PCA, and only record the applicant's response

Advisory Comment: MATA should clarify in its application that the information collected on weight is not used for purposes of determining eligibility, but to assess whether its vehicles are able to accommodate an applicant and their wheelchair.

Accessible Information

Requirement: Under 49 CFR §37.125(b), the transit agency must make all information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility available in accessible formats, either as a rule or upon request.

Discussion: During this review, no deficiencies were found with the requirement to provide accessible eligibility information, or with how MATA communicates the availability of materials in accessible formats to applicants and potential applicants. An advisory comment is made regarding the production of braille material.

Team members examined MATA's public information materials, website information, and ADA paratransit eligibility materials. They found that MATA provides eligibility information and materials in alternate accessible formats (large type, braille, online, computer file) upon request.

MATA informs the public about the availability of accessible information both on its website and in the Rider's Guide. Page 2 of the Rider's Guide includes the statements, "This guide is available in an alternate format by calling MATA at 901-722-7193. It is also available by emailing mpluscertification@matatransit.com." There is a more general statement about the availability of any information in alternative formats is in the "Reasonable Modifications/Accommodations" section of the Rider's Guide:

MATA will provide information (upon request) in various formats such as large print, braille, etc. to help persons with disabilities. MATA also has TTY services available. To request information in any of these formats or for a reasonable accommodation, call MATApplus ADA Department at 901-722-7193 or 901-722-7165

This same statement is also on the MATA website on the MATApplus page.

As appropriate, MATA's eligibility staff discusses the need for information in accessible formats during the eligibility interview. If the applicant indicates the for large type, staff prints sample information in various font sizes to determine the format that works best for the individual. This is then recorded in the applicant's file and used for subsequent communications.

MATA eligibility staff indicated that they often produce information in large type. MATA can also produce information in braille, but that no requests for braille have been received in recent years. MATA has reached out to local organizations about braille capability and has identified an organization called Clover Nook that is able to produce material in braille. This organization has indicated a turnaround time of one to two weeks depending on the size of the document.

Advisory Comment: It is an effective practice for MATA to stock a limited quantity of the most commonly used documents or information in accessible formats for quick response to requests. MATA could have a few copies of the Rider's Guide and other public information in braille format to provide quicker response to any requests received.

Eligibility Determinations Within 21 Days

Requirement: Under 49 CFR §37.125(c), if the transit agency has not made an eligibility determination on the 21st day following submission of a complete application, it must treat the applicant as eligible on the 22nd day and have a process in place to provide service to the applicant beginning on the 22nd day and until the eligibility determination has been made. The transit agency's process must communicate the right to this presumptive eligibility to applicants so they are aware of their rights to schedule and use the service beginning on the 22nd day.

Discussion: During this review, no deficiencies were found with the requirement to have a presumptive eligibility process in place and/or make an eligibility determination within 21 days of receipt of a complete application, or with how MATA communicates presumptive eligibility to applicants. Two advisory comments are made: one about informing applicants about the processing time; and one about documenting the time required to schedule interviews.

MATApplus applicants are required to bring completed applications with them to in-person interviews. MATA considers applications to be complete if both parts of the application are

completed: the part completed by the applicant; and the verification of disability by professionals. The 21-day processing time begins on the day of the interview, assuming the applicant brings the completed application.

In some cases, an applicant schedules an interview, brings an application with Part I completed, but does not have a completed professional verification of disability. In these cases, MATA staff still review the application and conduct an interview and functional assessments. An applicant is told that he still needs to obtain professional verification of disability and that the application will be held on file until this is done. MATA staff indicated that they hold these incomplete applications indefinitely and periodically call applicants to remind them to complete the process. Information on the MATA website, as well in the Rider's Guide (page 10), discusses presumptive eligibility:

It is an ADA requirement that complete applications receive a response within twenty-one (21) days of the interview/assessment, or you will have "Presumptive Eligibility" to ride until an official rendering of an eligibility decision is rendered. If a determination of your eligibility has not been determined in twenty-one (21) days, MATA will notify you of your "Presumptive Eligibility." At that time, you will be able to call MATApplus to set up your trip(s). If twenty-one (21) days have elapsed, you may continue to use MATApplus until a certification determination is made.

Page one of the application form states, "Depending on the outcome of all four steps—you may be granted certification within twenty-one (21) days following the interview and assessment."

MATA's eligibility staff maintains an electronic spreadsheet that lists all applicants, the dates they participated in interviews, and the dates that MATA made the determinations. Staff review this spreadsheet each day to see if any applicants submitted completed applications more than 21 days ago and if determinations are still pending. If so, calls are made to applicants to inform them of their presumptive eligibility. Staff makes those individuals active and eligible to use the service in the paratransit software system.

The receptionist at the eligibility center schedules interviews and keeps a log of calls from applicants. The log notes the day and time that applicants called, as well as the agreed upon date and time of the interview. During each call, the receptionist asks applicants if they have completed the application and obtained verification of disability from a professional. She also reminds applicants to come with the mobility devices used when traveling in the community.

The review team examined the interview scheduling log for the period from December 4, 2019 through December 17, 2019. A total of 56 interviews were scheduled during this period. In 51 cases, interviews were scheduled within one to 11 days of the applicant's call, with the average being five days. Five interviews were scheduled in 14 to 25 days, but the receptionist recalled that in each of these cases, the applicant requested a day that was further out than the initial offer. In most cases, this was in order to have the interview after the holidays.

The review team also examined 32 determination files from calendar year 2019 and noted the dates when interviews and functional assessments were conducted and the dates on letters of

determination. The number of days between the interviews/assessments and determinations of eligibility were then calculated. Table 6.2 shows the results of this analysis. For this sample, 91 percent of determinations were made within 21 days. Three determinations took more than 21 days. Two of these took 22 days and the third took 27 days.

Table 6.2 – Eligibility Determination Processing Times for 32 Applicants in 2019

Processing Time (Days)	Number of Determinations	% of Determinations
1–7 days	21	66%
8–14 days	2	6%
15–21 days	6	19%
22+ days	3	9%
TOTALS	32	100%

Advisory Comments: It is an effective process to include language in the material sent to prospective MATApplus applicants that they will be considered presumptively eligible and will be able to use the service if a decision is not made within 21 days. The current MATApplus application form only says that “... you may be granted certification within twenty-one (21) days following the interview and assessment.” Although more complete information about presumptive eligibility is contained in the Rider’s Guide and on-line, some applicants may not have the Rider’s Guide or may not read the online information.

It is also an effective process when scheduling in-person interviews to record the initial date offered as well as the final agreed upon date and to note if any delay was requested by the applicant. This more accurately documents the availability of interviews and the reasons for any delays in scheduling and conducting interviews.

Written Eligibility Determinations

Requirements: Under 49 CFR §37.125(d), determinations of eligibility must be made in writing. The documentation must include the name of the eligible individual, the name of the transit provider, the telephone number of the entity’s paratransit coordinator, an expiration date for eligibility, and any conditions or limitations on the individual’s eligibility including the use of a personal care attendant (PCA). Under §37.125(e), if applicants are found to be ineligible, the determination must state the specific reasons for the decision (a mere statement that the applicant has been found to be ineligible is not sufficient). If an individual has been determined to be conditionally or temporarily eligible, the determination must state the conditions under which eligibility is granted and the basis for that determination. Information concerning the applicant’s right to appeal under §37.125(g) must also be provided.

Discussion: During this review, one deficiency was found with the requirement to include the basis for determinations of temporary eligibility and with the requirement to provide information about the right to appeal to individuals determined to have temporary eligibility.

MATA provides written determinations of MATApplus eligibility. Team members examined letters sent for 32 determinations made in calendar year 2019. This included 18 letters finding

applicants eligible and 14 letters finding applicants not eligible. MATA does not specify conditions of eligibility or determine some applicants to have conditional eligibility.

Applicants found to be eligible receive both a letter and a photo identification card. Together, the letter and ID card contain all of the information required by the regulations. The letter states that individuals have been “approved for MATApplus paratransit service.” The letter also includes the name of a contact person at the MATA Eligibility Center, as well as the telephone number for MATApplus, through which the Eligibility Center can be reached. The ID card includes the eligible individual’s name and the date of expiration of eligibility. Both the letter and the ID card identify MATA as the issuing entity.

While MATA grants eligibility of less than three years to certain applicants, it does not designate these individuals as having “temporary” eligibility. MATA sends the same letter to these applicants as it does for individuals who receive eligibility for three years. The only difference is that the date of expiration on the ID card is for less than three years. These letters do not provide the specific reasons why a shorter term of eligibility has been granted, do not inform individuals of their right to appeal, nor provide instructions on how to initiate an appeal.

Letters to applicants found not eligible include the reasons for the determination. Prior to April 2019, many letters included the same standard statement:

After careful review of the MATApplus application received, the information gathered during the face-to-face interview and functional assessment, the applicant currently does not meet the requirements set by the ADA. It has been determined that the applicant can navigate to and understand Fixed Route service.

Since April 2019, the sample letters contain more detailed and specific reasons for decisions that find applicants not eligible. Two representative letters, one from March 2019 and one from November 2019 are presented in Attachment E. As shown, both letters inform applicants of their right to appeal and provide instructions for how to request an appeal.

Corrective Action Schedule: Within 90 days of the issuance of the final report, MATA must revise letters used to inform individuals of a shorter than standard term of eligibility to include the specific reasons for the determination. The letters must also inform individuals of their right to appeal and provide instructions on how to initiate an appeal.

Recertification

Requirement: Under 49 CFR §37.125(f), the transit agency is permitted to require paratransit riders to recertify eligibility at reasonable intervals. As stated in Appendix D, a reasonable interval would be between one and three years.

Discussion: During this review, no deficiencies were found with the MATApplus recertification process or with how MATA communicates recertification of eligibility to applicants.

MATA requires individuals with MATApplus full-term eligibility to be recertified every three years. MATA notifies riders of the need to reapply 60 days prior to the expiration of their

eligibility. MATA also extends the term of eligibility by 30 days if applicants have not reapplied or completed the recertification process.

Administrative Appeal Process

Requirements: Under 49 CFR §37.125(g), the transit agency must have a process for administering appeals through which individuals who are denied eligibility can obtain review of the denial. The transit agency is permitted to require written notice, within 60 days of its written decision denying or limiting eligibility, that the applicant wishes to exercise his or her right to an appeal hearing. The transit agency cannot require the “filing of a written appeal.”

The appeal process must include an opportunity for the applicant to be heard and to present information and arguments, with appropriate separation of function (i.e., a decision by a person not involved with the initial decision to deny eligibility). Appeal decisions must be provided in writing and explain the reasons for denying the appeal. The appeal hearing must be scheduled within a reasonable amount of time, and if a decision has not been made within 30 days of the completion of the appeal process, the appellant must be provided paratransit service from that time until and unless a decision to deny the appeal is issued, as required.

Discussion: During this review, deficiencies were found with the requirements of the process for appealing eligibility denials or decisions that limit eligibility and with how the transit agency communicates the appeal process to applicants. Advisory comments are made regarding the communication of the appeal process and appeal policies to applicants and to the public.

The review team examined information about MATA’s appeal process and policies contained in:

- MATApplus Rider’s Guide (page 11)
- Appeal information attachments to determination letters that find applicants not eligible (see Attachment E)
- Summary information about the eligibility process titled “MATApplus Functional Assessment & Interview Process” provided by MATA in advance of the on-site review
- MATApplus page of the MATA website

All four sources of information indicate that appeals are accepted for up to 60 days after the initial determination. However, the Rider’s Guide and summary information suggest that appeals only apply when applicants are found not eligible. Appeal information in the Rider’s Guide is under the heading “Application Denial,” and the appeal information in the eligibility process summary is under the heading “If an applicant is denied certification steps.” The attachment to determination letters that explains the appeal process is only sent to those found not eligible.

However, the website is inconsistent in describing when appeals apply. Under the heading “Right to Appeal,” it states, “Applicants have the right to appeal any decision that denies an application.” One of the answers in the “Frequently Asked Questions” section states, “An appeal process is available for any individual seeking eligibility who does not agree with any conditions of the eligibility determination process.”

The contractor who handles eligibility for MATApplus confirmed that MATA does not accept appeals from applicants for whom MATA grants temporary eligibility. While FTA regards anything other than full eligibility to be a form of denial, and therefore subject to appeal, temporary eligibility as used by MATA appears to function as a type of full eligibility for the expected duration of the applicant's disability. Applicants who have requested temporary eligibility are informed during their interview and 30 days before the expiration of the temporary certification of their right to request a temporary extension and/or an updated assessment to evaluate full-term eligibility (by phone and without submitting a new application). Applicants are also granted a grace period for a reasonable period of time after the expiration of the temporary eligibility within which to contact MATA. Individuals continue to receive unconditional eligibility until they have an updated assessment for full-term eligibility.

If an applicant requests an appeal, the summary of information indicates that an "environmental/terrain assessment" is conducted within 10 days "to determine barriers to the nearest bus stop" and that "the original denial is often reversed at this point." MATA eligibility staff indicated that the environmental/terrain assessment looks at the path of travel from the applicant's home to the nearest fixed route bus stop. MATA staff also indicated that a full review of the initial determination is also conducted when appeals are requested and before appeal hearings are conducted. Applicants are notified in writing if the initial determination is reversed and appeal hearings are not scheduled.

Page 11 of the Rider's Guide notes that "After your appeal hearing, you will receive a written response regarding the decision within ten (10) days." The information about appealing that is attached to determination letters does not indicate when decisions will be made. Neither the Rider's Guide nor the attachment to determination letters mentions that MATA will provide presumptive eligibility if it does not make a decision in response to an appeal in a timely way.

The Rider's Guide indicates that appeals take place in person. It states, "You have the opportunity to be represented at the hearing and may present information and arguments at that time."

To request appeal hearings, an applicant returns a portion of the attachment to determination letters. An applicant only needs to check that he "Intend[s] to Appeal" and sign and date that portion of the attachment.

MATA has formed a three-person Appeals Committee to hear in-person appeals. None of the members of the committee are employed by MATA or have any affiliation or association with the agency. The members include an ADA employment specialist, an independent ADA consultant, and a member of the disability community.

In calendar year 2019, MATA received eight appeal requests from applicants. In seven of these cases, initial determinations were reversed based on the internal review of the file and/or an environmental/terrain assessment. The eighth request was filed in late December of 2019 and was still under internal review as of the review team's site visit (January 2020). As of the site visit, there were no in-person appeal hearings in 2020.

Corrective Action Schedule: Within 90 days of the issuance of the final report, MATA must develop and submit revised public information about the MATApplus eligibility appeal process. The information must indicate that applicants have the right to appeal if the initial determination limits their eligibility in any way, setting conditions on their eligibility, or denying eligibility. The information should also indicate that presumptive eligibility will be provided should appeal decisions not be made in the timeframe established by MATA (currently, 10 days after the hearing).

Advisory Comment: It is an effective practice to provide full and consistent information about the MATApplus appeal process and policies in all communications with applicants and the public. MATA currently provides somewhat different and partial information in each of these places. This includes:

- Attachment to determination letters
- Rider's Guide
- Information on the website

Complementary Paratransit for Visitors

Requirements: Under 49 CFR §37.127(d) and (e), paratransit service must be made available to visitors not residing in the jurisdiction(s) served by a transit agency for any combination of 21 days during any 365-day period, beginning with the visitor's first use of the service during the 365-day period. The transit agency must treat as eligible all visitors who present information that they are eligible for paratransit service in the jurisdiction in which they reside; for those who do not present such documentation, the transit agency may require documentation of the individual's place of residence and, if the individual's disability is not apparent, of his or her disability. In no case may the transit agency require visitors to apply for or receive eligibility certification for its own paratransit service before providing this service.

Discussion: During this review, deficiencies were found with the requirement to provide paratransit service to visitors but who do not have documentation of eligibility from another public entity. Deficiencies were also found with the requirement to provide 21 days of service during any 365-day period beginning with the visitor's first use of the service during the 365-day period.

MATA's "Visitor's Policy" is included on the MATApplus page of the MATA website:

If you are visiting Memphis, and have been determined eligible by another transit or public agency, then MATA will honor that eligibility while you are here

1. Before you arrive, or before you need to use the Paratransit service, you need to provide proof of your eligibility. Proof should be faxed to 901-623-2983
2. Contact your local certifying agency. Ask them to notify MATA of your ADA eligibility
3. You will be able to use MATA's Paratransit service for 21 days during a calendar year

4. If you need service beyond 21 days, you will need to apply for local certification

This policy has several components that improperly limit service to visitors. The policy does not include any provision for providing service to visitors with disabilities who do not have documentation of ADA paratransit eligibility from another public entity. For those who do, the policy requires proof of eligibility to be transmitted to MATA via fax. The sole reliance on fax technology represents a barrier to service, as most individuals do not have ready access to a fax machine. Further, the policy requires visitors to undertake an additional step to contact their local agency to transmit proof of eligibility to MATA. As discussed in 49 CFR 37.127(c), service must be provided to “all visitors who present documentation that they are ADA paratransit eligible.” There is no need to require independent verification of eligibility from another transit system, nor is it permissible under this provision. Finally, the policy limits eligibility to 21 days of service “during a calendar year,” not during a 365-day period beginning with the visitor's first use of the service as required under 49 CFR 37.127(e).

Corrective Action Schedule: Within 90 days of the issuance of the final report, MATA must revise its visitor policy in the following ways:

- MATA must indicate that individuals who do not have documentation of ADA paratransit eligibility from another public entity can request service as a visitor by providing documentation of their place of residence and, if the individual’s disability is not apparent, of his or her disability
- MATA must establish other immediate, more commonly available means of accepting information from visitors in addition to fax transmission, such as email and text messaging
- MATA must accept proof of eligibility directly from visitors
- MATA must provide 21 days of MATApplus service during any 365-day period beginning with the visitor’s first use of the service during the 365-day period

6.3 Types of Service

Requirement: Under 49 CFR §37.129(a), the transit agency’s ADA complementary paratransit service must be provided on an origin-to destination-basis. The transit agency may determine through their local planning process whether to establish either door-to-door or curb-to-curb service as the basic mode of paratransit service. Where the local planning process establishes curb-to-curb service as the basic paratransit service mode, however, provision must still be made to ensure that the service available to each passenger actually gets the passenger from his or her point of origin to his or her destination point. To meet this origin-to-destination requirement, service may need to be provided to some individuals, or at some locations, in a way that goes beyond curb-to-curb service.

Discussion: During this review, no deficiencies were found with MATA policies and practices to provide complementary paratransit service on an origin-to destination-basis. According to the Rider’s Guide (page 16):

Operators will assist the customer from their origin to their destination and on or off the vehicle. Operators should verbally indicate to a visually impaired customer waiting at the curb that the paratransit vehicle has arrived. In cases where needed and requested, drivers should provide sighted guide assistance to and from the bus. When assisting customers, it is an agency policy that the operators cannot lose sight of the bus or enter the building or home. The operator can assist to the door only.

In interviews with review team members, drivers understood the need to provide passenger assistance as required. Riders interviewed by the review team did not indicate any problems with receiving origin-to-destination assistance from drivers.

6.4 Service Criteria

Requirement: Section 12143(c)(3) of the ADA directed the Secretary of Transportation to establish service criteria to be used when determining whether the service provided by paratransit is comparable to the regular fixed route service. These criteria are contained in 49 CFR §37.131 and include service area, response time, fares, and hours and days of service, and prohibit restrictions on trip purpose and capacity constraints that limit the availability of service to eligible individuals. The review team assessed MATA's paratransit system using these criteria as described below.

Service Area

Requirement: Under 49 CFR §37.131(a)(1), all public operators of a fixed route system must provide complementary paratransit service that covers, at a minimum, all areas within a 3/4-mile radius of all of its bus routes, and within a "core service area" that includes any small areas that may be more than 3/4-mile from a bus route, but are otherwise surrounded by served corridors. This includes any areas that cross political boundaries or taxing jurisdictions but are within a 3/4-mile radius of a fixed route, unless the transit agency does not have the legal authority to operate in those areas. For transit agencies operating a light rail or rapid rail transit service, the complementary paratransit service area must also include a 3/4-mile radius around each station, with service provided from points within the service area of one station to points within the service area of another.

Discussion: During this review, no deficiencies were found with the service area of MATApplus. Service is offered to all areas within 3/4-mile of MATA's fixed bus routes and trolley routes. Advisory Comments are made concerning updating and making consistent public information about the MATApplus service area.

As a policy, MATApplus provides paratransit trips within 3/4-mile of its bus and trolley routes. The Rider's Guide (page 7) states:

MATApplus paratransit service operates during the same days and hours as the fixed-route bus system. The service area extends three-fourths (3/4) of a mile beyond the fixed-routes. Points of origin and destinations that are not within the three-fourths (3/4) of a mile corridor, are not eligible for ADA paratransit service.

While the review team found that MATAplus provided service to all areas within 3/4-mile of a bus or trolley route, the dispatchers, customer service representatives (CSRs), and the public had not been provided with a correct map of the MATAplus service area. The service area map provided by MATA to the review team includes nine “islands,” or gaps in service area, that are surrounded by paratransit service. Following 49 CFR §37.131(a)(1), the “core service area” must include any small areas that may be more than 3/4-mile from a fixed route but are otherwise surrounded by served corridors. In practice, these islands receive MATAplus service. When a dispatcher entered an address located within one of the islands into the paratransit software, the software accepted the trip as being eligible for a trip.

The review team observed that MATAplus riders generally understood the service area boundaries, with a few exceptions. The review team read and analyzed a year’s worth of MATAplus rider complaints, dating from January 2019 to January 2020. The team found several complaints from riders who did not understand the service area boundaries or were confused by a change in service area. The review team found that MATAplus management responded promptly to these complaints with an explanation of the service area.

Advisory Comments: It is an effective practice for MATA to update and distribute a corrected map that accurately displays the MATAplus service area. It is also an effective practice for MATA to update the description of service area in the Rider’s Guide to explain that areas beyond 3/4-mile but surrounded by fixed routes corridors are also part of the service area.

Response Time

Requirement: Under 49 CFR §37.131(b), the transit agency must schedule and provide paratransit service to any ADA complementary paratransit eligible person at any requested time on a particular day in response to a request for service made the previous day, including during times comparable to normal business hours on a day when the offices are not open before a service day. Reservations may be taken by reservation agents or by mechanical means. Under 49 CFR §37.131(b)(2), while the transit agency may negotiate the pickup time with the rider prior to a trip being scheduled, it cannot require a rider to schedule trips to begin more than one hour before or after the rider’s desired departure time. Any greater deviation would exceed the bounds of comparability. The transit agency must have policies and procedures in place to ensure that schedulers and dispatchers do not adjust the rider’s negotiated pickup time or the pickup window without the rider’s consent.

Under 49 CFR §37.131(b)(4), if the transit agency proposes to change its reservations system, it shall comply with the public participation requirements equivalent to those of §37.137 (b) and (c). The transit agency may permit reservations to be made up to 14 days in advance of an eligible individual’s desired trips, subject to the same trip negotiation requirements as next-day trips required under §37.131(b)(2).

Discussion: During this review, deficiencies were found with the limited hours that MATA accepts trip requests for MATAplus. Deficiencies were also found with how MATA customer service representatives negotiated with callers on requested pickup times.

MATA accepts reservations for MATAplus trips one to three days in advance. The telephone phone lines are open 8 a.m.–4 p.m. every day, including holidays. However, the MATA administrative office is open for a greater span of hours: 8 a.m.–5 p.m.

If all telephone lines are busy, calls are forwarded to a voicemail system. MATA CSRs are responsible for listening to these voicemails. MATA has a policy of returning these calls within one hour.

Review team members observed CSRs accept trip requests during one afternoon (January 21) and one morning (January 22). Team members observed trip denials. While CSRs recorded some of these denials into the paratransit software, they did not record other denials.

- Team members observed trip requests that CSRs explicitly denied, particularly for trip requests made one or two days in advance—and some trips as far ahead as three days in advance
- CSRs negotiated some trip requests—and the caller accepted—beyond 60 minutes, but they did not record these as denials
- If one leg of round trip was negotiated successfully, but the other leg was denied, the CSR sometimes recorded this transaction as one refusal and one denial
- For some denials, the CSR did not enter the trip requests into the paratransit software system, but would move on to the next call
- CSR recorded some denials as “advance cancellations”
- CSRs were open with riders on lack of capacity. They reminded riders to call three days in advance—or likely face no capacity

The review team also observed that CSRs did not fully understand how to negotiate pickup times. It appeared that the paratransit software was not set up to display available pickup times that were one hour before and one hour after the requested time. Some CSRs checked a box on the screen that presented potential pickups times that were within 60 minutes of the caller’s requested time (“search wide”). Team members observed that otherwise, CSRs searched for only the exact time that the caller requested and only expanded the search window when prompted by the caller.

Corrective Actions Schedule: Within 90 days of receiving the final report, MATA must demonstrate that it is accepting and scheduling next-day trip requests for MATAplus during its normal business hours. MATA must also update its Rider’s Guide and all other public information to reflect any changes to the hours when it accepts trip requests.

MATA must also re-train its CSRs and demonstrate that they know the proper definition for a trip denial and the procedures for recording a trip denial.

Finally, MATA must demonstrate that its paratransit system has been designed, implemented, and is operating to meet 100 percent of expected demand for next day service.

Advisory Comments: It is an effective practice for MATA to train CSRs to negotiate pickup times if a caller’s exact requested time is not available. Searching for—and offering—alternate times within 60 minutes of the requested time may reduce the number of trip denials.

Fares

Requirement: Under 49 CFR §37.131(c), ADA paratransit fares must be no more than twice the fixed route fares for the same trip at the same time of day on the fixed route system, excluding discounts. The transit agency must allow eligible riders to travel with at least one companion (with additional companions accommodated on a space-available basis). If the passenger is accompanied by a personal care attendant (PCA), the transit agency must provide service to one companion in addition to the PCA. Companions may be charged the same fare as the eligible rider; no fare may be charged for a PCA.

Discussion: During this review, one deficiency was found with MATA’s fare policy for MATApplus service. The fixed route system includes three light rail routes where all single rides are \$1. MATApplus charges more than twice that amount for all trips within 3/4-mile of the light rail stops.

MATA’s base fare for all bus routes within city limits is \$1.75 for a single trip, with an additional \$0.80 for trips taken to areas outside of Memphis city limits. MATApplus charges \$3.50 per trip for its ADA paratransit service, with an additional \$1.60 fare for trips taken outside of the city limits. Riders are permitted one personal care attendant to accompany them, free of charge. Each guest is charged \$3.50 per ride, with ride availability dependent on capacity.

The downtown trolley system consists of three routes. The fare is \$1 for a single trip. Consequently, the maximum allowable fare for a comparable MATApplus trip is \$2. The review team interviewed dispatchers and looked at the settings in the paratransit software. Team members confirmed that the paratransit riders are charged \$3.50 for all trips in Memphis, including those comparable to a trip made using the downtown trolley service.

Appendix III to the DOT regulations addresses the issue of fare comparability in its comments on Section 37.131:

[In determining the comparable fixed route fare on which the paratransit fare is to be based,] the comparison would be made to the mode on which a typical fixed route user would make the particular trip, based on schedule, length, convenience, avoidance of transfers, etc.

In other words, the relevant criterion is the fare that a “typical fixed route user” would pay for the chosen fixed route service. Would this typical user choose to walk to the any of the MATA trolley stops to ride the for \$1, or would this user choose to ride other MATA fixed route services for \$1.75? In making this choice, the lower fare and generally more frequent service on the trolleys (headways at the time of the site visit: 12 minutes on the Main Street Line; 15 minutes on the Madison Avenue Line; 20 minutes on the Riverfront Line) are incentives to use the trolley for the trip. However, the total time and walking distance from the origin to the fixed route service and from the fixed route service to the rider’s destination are considerations

that in some circumstances may lead a typical rider to choose a different route to make the trip despite the higher fare that is charged. This decision will depend on the particular origin and destination of the rider's trip. For trips that are aligned in parallel with one of the trolley lines, a rider might choose to walk 3/4-mile at each end from origin to trolley stop and from trolley stop to destination. On the other hand, if the trip is aligned perpendicularly to a trolley line, there may be little value in using the trolley, and the typical rider would choose to use a bus route that runs in the direction of the trip. Therefore, the choice that a typical rider would make depends in large part on the direction of their trip: parallel, perpendicular, or at an angle to a trolley line.

MATA fixed route service in the area of the three trolley lines offers a grid of bus routes running on frequent headways (collectively) parallel to the trolley lines, making the \$1.75 bus service in this area relatively convenient for trips in the downtown area within one or two blocks of the \$1 trolley lines. Considering a distance of 3/4-mile, the service areas of the trolley routes overlap with service areas of many MATA bus routes.

In conclusion, MATA may choose to set a \$2 fare for all MATApplus trips with an origin and destination within 3/4-mile of a stop of a particular trolley line. Alternatively, MATA can conduct an analysis on a trip-by-trip basis for MATApplus trips with origin and destination within 3/4-mile of a stop of a trolley line to determine if a typical fixed route user would choose to use the trolley line. If the analysis determines that the fixed route user would not choose to use the trolley line, MATA may charge a fare of \$3.50 for the comparable MATApplus trip.

Corrective Action Schedule: Within 90 days of receiving the final report, MATA must revise its fares for MATApplus trips to ensure fare comparability with the light rail system. MATA may choose to charge up to twice the \$1 fare for all trips taken within 3/4-mile of trolley stops, or to establish a "fare comparability zone" based on local travel patterns where the paratransit fare would not exceed twice the light rail fare. In such a scenario, where MATA can demonstrate that a typical fixed rider would use bus service, the fare may be based on the comparable bus fare. If MATA chooses to charge the higher fare for certain of these trips, it must provide its methodology for making the determinations. MATA must update the fare section on its website and in its Rider's Guide.

No Trip Purpose Restrictions

Requirement: Under 49 CFR §37.131(d), there can be no restrictions or priorities based on trip purpose. When a user reserves a trip, the entity will need to know the origin, destination, time of travel, and how many people are traveling. The entity does not need to know why the person is traveling and should not even ask.

Discussion: During this review, deficiencies were found with this requirement. MATA CSRs accepted certain trip requests based on a list of destinations even as they denied trips for other destinations. The destinations for the accepted trip requests indicate that MATA was prioritizing trips for certain purposes.

During observations of MATApplus CSRs, the review team member observed trip denials (discussed earlier in this section of the report (Response Time)). However, CSRs would also accept certain trip requests, depending on the destination, referring to a printed list with added

handwritten notes. If a caller requested trips to or from one of the addresses on the list, a CSR would accept the trips, even if the paratransit software indicated that there was no capacity available for the trips. The CSR would enter the trips into the paratransit software and confirm the trips with the caller (the CSR would leave the trips as unscheduled in the paratransit software). The addresses on this list were dialysis centers, other medical facilities, and senior day centers. This indicates that MATA was giving priority to trips based on the purpose of the trips.

Corrective Action Schedule: Within 90 days of receiving the final report, MATA must demonstrate that it has ceased trip prioritizations of any kind, and that it has capacity to provide next-day service to any eligible rider between any two points within its service area. MATA must also demonstrate that its CSRs, schedulers, and dispatchers are not prioritizing the scheduling or handling trips based on trip purpose.

Hours and Days of Service

Requirement: Section 37.131(e) of the DOT ADA regulations requires that the ADA complementary paratransit service be available during the same hours and days as the fixed route service. This means that if a trip can be taken between two points on the entity's fixed route system at a specific time of day, it must also be able to be taken on paratransit. It also means that the service area may change depending upon the time of day or day of the week, when certain routes or areas may not be served. This requirement applies on a route-by-route basis. For example, an area that has fixed route bus service on weekdays but not weekends must have complementary paratransit service (provide trips) on weekdays but not necessarily on weekends; an area that has bus service from 5 a.m. until 9 p.m. must have complementary paratransit service, at minimum, from 5 a.m. until 9 p.m.

Discussion: During this review, no deficiencies were found with the MATApplus hours and days of Service. The fixed route system operates buses and trolleys between 5 a.m. and 12:15 a.m., with route schedules varying dependent on specific route. Many routes have reduced weekend service.

The reservation software is programmed to reflect the weekend/weekday scheduling differences. The review team found that the CSRs understood and were able to explain to riders the variations in service areas that were dependent on time and day of week.

Absence of Capacity Constraints

Requirement: Under 49 CFR §37.131(f), the transit agency may not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following: restrictions on the number of trips an individual will be provided; waiting lists for access to the service; or any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons. Such patterns or practices include, but are not limited to, substantial numbers of significantly untimely pickups for initial or return trips, substantial numbers of trip denials or missed trips, or substantial numbers of trips with excessive trip lengths.

No restrictions on the number of trips

Requirement: Under 49 CFR §37.131(f)(1), the transit agency may not impose restrictions on the number of trips provided to an eligible rider.

Discussion: During this review, no deficiencies were found with this requirement. MATA does not have a policy of restricting the number of MATApplus trips that an individual may take. Review team members observed no practice of trip caps during the site visit.

No waiting list for access to the service

Requirement: Under 49 CFR §37.131(f)(2), the transit agency is prohibited from establishing policies or engaging in practices or procedures that establish waiting list(s) for accessing the service.¹

Discussion: During this review, no deficiencies were found with the requirement to establish waiting lists for MATApplus trips for ADA-certified riders.

As discussed earlier in this section of the report (Response Time), if calls for trip requests are on hold for two minutes, the MATA phone system sends these calls to voicemail. MATA CSRs check the voicemail on a regular basis, keep a running log of voicemails in a spreadsheet. According to the senior manager of customer experience, MATA's goal is to respond to messages within one hour of receipt.

The review team reviewed sample voicemail logs. Based on sample logs of voicemails received, and MATApplus return calls, it appears that CSRs are responding to most messages within one hour and all messages within 90 minutes.

No substantial numbers of significantly untimely pickups

Requirement: Under 49 CFR §37.131(f)(3)(i)(a), the transit agency must provide ADA paratransit service without any substantial numbers of significantly untimely pickups for initial or return trips.

Discussion: During this review, no deficiencies were found with the requirement that complementary paratransit service be provided without a substantial number of untimely pickups. No deficiencies were found with MATA's performance standard.

In material provided to the review team prior to the site visit, MATA stated:

¹ Under §37.133(c), waiting lists may only be established for participation in subscription service that may be offered as part of the transit agency's complementary paratransit system.

MATApplus operates with a 30-minute pickup window, vehicles arriving during the pickup window are considered on time. Once the vehicle arrives during the 30-minute window the vehicle will wait 5 minutes for the passenger to board. The established goal for OTP [on-time performance] is 90 percent.

MATA provided the review team with sample data that included all scheduled trips for December 8–21, 2019. As shown in Table 6.3, of the 6,572 completed trips, 91.3 percent of the trips were early or on-time: 56.8 percent within the pickup window of 0/+30 minutes, and 34.5 percent earlier. This yields 8.7 percent of trips with late pickups. Of these late pickups, 5.3 percent were more than 15 minutes late; 2.1 percent were more than 30 minutes late.

Table 6.3 – On-Time Pickup Performance for MATApplus Trips: December 8–21, 2019

Trips	Number	Percent
ALL completed trips	6,572	100%
Early	2,266	34.5%
In window (0/+30)	3,736	56.8%
Early or in Window	4,002	91.3%
All late	570	8.67%
1–15 minutes late	224	3.41%
16–30 minutes late	207	3.15%
>30 minutes late	139	2.12%

No substantial numbers of trip denials or missed trips

Requirements: Under 49 CFR §37.131(f)(3)(i)(b), the transit agency must provide paratransit service without substantial numbers of trip denials or transit agency missed trips. A denial occurs whenever a transit agency is unable to provide a trip on a next-day basis as requested by an eligible passenger between points within the paratransit service area, at a time when the fixed route system is operating, subject to the limitations on trip time negotiation. Under 49 CFR §37.131(b), the transit agency may negotiate pickup times with a passenger, but cannot require the passenger to schedule a trip to begin more than one hour before or after his or her desired departure time. If the trip cannot be arranged within this timeframe, a denial has occurred whether or not the passenger accepts a departure time of more than one hour earlier or later. In addition, when a denied trip makes a subsequent requested trip impossible, as could occur in the case of an individual taking a round trip to and from a specific location, two trips have been denied.

Discussion: During this review, deficiencies were found with the number of MATApplus trip denials and with MATA’s improper tracking of MATApplus trip denials. Deficiencies were also found with the number of MATApplus missed trips, MATA’s improper tracking of MATApplus missed trips, and with MATA’s incomplete definition of missed trip.

In material sent to the review team prior to the site visit, MATA set forth its definition for trip denials:

MATApplus... does not require the trip to begin more than one hour before or after the desired time, if the trip cannot be accommodated during the time frame a denial has occurred. If one leg of the trip cannot be scheduled within the time frame it is considered a denial.

In material sent to the review team prior to the site visit, MATA reported a denial rate of 2.3 percent during FY 2019. During the first 6 months of FY 2020, the reported denial rate was 1.7 percent.

As discussed earlier in this section of the report (Response Time), review team members observed MATA customer service representatives (CSRs) accept trip requests during one afternoon (January 21) and one morning (January 22). During both periods, team members were observing two MATA CSRs. Team members observed trip denials.

Over the course of these periods, team members observed callers request a total of 74 trips. Of these requests, 20 resulted in denials: either outright denials, trips offered more than 60 minutes from the requested time, or both legs of a round trip if one leg was denied. The denial rate for this sample was 27 percent (20 of 74).

Separately, a team member listened to recordings of phone calls taken by MATA CSRs on December 9, 2019 (Monday), 2–4 p.m. During this time period, callers requested 46 MATApplus trips. Of these, 17 trip requests were denied. The denial rate for this sample was 37 percent.

In material sent to the review team prior to the site visit, MATA defined a missed trip as follows:

If the bus arrives outside of the 30-minute ready window, the trip is considered a missed trip. If the passenger accepts the trip outside of the 30-minute ready window it is considered a miss trip/transported.

This definition is not complete. Missed trips, which are caused by agencies and not by riders, result from trips that are requested, confirmed, and scheduled, but do not take place. This may occur for any of the following reasons:

- The vehicle arrives and departs without the rider before the beginning of the pickup window (without any indication that the rider no longer wants to make the trip)
- The vehicle does not wait the required time within the pickup window, there is no contact with the rider, and the vehicle departs without the rider
- The vehicle arrives after the close of the pickup window and departs without the rider (either because the rider is not there or declines to take the trip because it is late)
- The vehicle never arrives at the pickup location

Table 6.4 presents the number and rate of missed MATApplus trips reported by MATA in information provided to the review team prior to the site visit.

Table 6.4 – MATAplus Missed Trips

FY	Scheduled Trips	Reported Missed Trips	Missed per 1000 sched.	% Missed of Scheduled Trips
2017	225,714	284	1.26	0.13%
2018	222,908	95	0.43	0.04%
2019	220,251	97	0.44	0.04%
2020 (6 mos.)	113,676	78	0.69	0.07%

The review team checked a sample of 51 scheduled trips (from the December 8–21, 2019 sample period) recorded as rider no-shows to verify that they were no-shows rather than missed trips. A team member looked at the time that the vehicle arrived at the pickup address; the time that the vehicle departed the pickup address; and negotiated pickup time. Of these 51 coded no-shows:

- For eight, the driver waited fewer than five minutes
- For one, the driver arrived and left before the pickup window began
- For six, data is missing: the driver arrived within the pickup window, but it is impossible to determine how long the driver waited before departing without the passenger

This sample indicates that 20–30 percent of coded rider no-shows may actually be missed trips by MATA. This could represent a crucial miscounting of no-shows when MATA is contemplating suspension of riders for excessive no-shows.

Corrective Action Schedule: Within 90 days of receiving the final report, MATA must specify the steps that it will take to eliminate its substantial number of MATAplus trip denials. MATA must also ensure that its CSRs and managers properly identify and record all trip denials.

MATA must also submit a revised definition of a missed trip to include instances when:

- The vehicle never arrives at the pickup address
- The vehicle arrives and departs without the passenger before the beginning of the window
- The vehicle departs without the passenger before the allotted wait time within the window has expired
- The vehicle arrives after the close of the pickup window and departs without the passenger

MATA must also demonstrate that it is properly counting no-shows and missed trips, and demonstrate how it will ensure that any coded no-shows are not actually missed trips prior to issuing a suspension.

No substantial numbers of trips with excessive trip lengths

Requirement: Under 49 CFR §37.131(f)(3)(i)(c), the transit agency must provide ADA paratransit service without substantial numbers of trips with excessive trip lengths.

Comparability is based on the length of time required to make a similar trip between the same two points using the fixed route system, including time spent traveling to and from a boarding point and waiting for the fixed route vehicle to arrive. FTA recommends basing paratransit travel time on the comparable fixed route travel time, plus 20–30 minutes to allow for a reasonable estimate of time spent walking to and from a bus stop, waiting for the bus to arrive, and making any necessary transfers from one vehicle to another.

Discussion: During this review, no deficiencies were found with the number of trips with excessive trip lengths. An advisory comment is offered regarding MATA’s long-trip standard.

In material sent to the review team prior to the site visit, MATA stated, “Trips are comparable to fixed route trip, including walk, wait, and transfer time. MATApplus has parameters set for on board time up to 1:30 without transfers.”

MATApplus managers said that they monitor trip lengths, both relative to MATA’s standard of 90 minutes, and with respect to their respective comparable fixed route trips.

Based on the sample of December 8–21, 2019 completed trips, the average (mean) trip length was 32 minutes, and the median trip length was 25 minutes. Thirteen percent of trips were longer than 60 minutes; 3.7 percent of trips were longer than 90 minutes.

The review team analyzed a sample of 22 trips from the sample period, all with travel time of greater than 60 minutes. The team used the trip planner on the MATA website to compute the trip lengths for the comparable fixed route trips (same day of week, same pickup time, same origin and destination) of these 22 long trips. Table 6.5 presents the results of the analysis.

Table 6.5 – Comparison of MATApplus Travel Times to Comparable Fixed Route Trips

MATApplus Travel Time Compared to Fixed Route Travel Time	Number of Trips
Sample size of long trips	22
< fixed route travel time	7
1–20 minutes longer than fixed route travel time	9
21–30 minutes longer than fixed route travel time	4
> 30 minutes longer than fixed route travel time	2

It does not appear that there are a substantial number of MATApplus trips with excessive trip lengths.

Advisory Comments: It is an effective practice for MATA to clarify its trip length standard for MATApplus trips to include only a comparison to comparable fixed route trips, and not to include an absolute maximum trip length (such as 90 minutes).

No operational patterns or practices limiting the availability of service: Telephone hold times

Requirement: 49 CFR §37.131(f) prohibits any operational patterns or practices that significantly limit availability of service to ADA eligible people. Examples of such operational patterns or practices include insufficient capacity to take reservations, long telephone hold times, and untimely drop-offs for appointments.

Discussion: During this review, no deficiencies were found with MATA’s telephone performance for MATApplus service. Advisory comments are offered regarding monitoring of telephone system performance.

Information provided to the review team prior to the site visit stated that MATA’s standard for maximum telephone hold time is three minutes. Furthermore, “MATApplus has a goal of 90% for all call to be answered within the standard time.” This goal does not specify the timeframe that MATA intends to use to determine if it is meeting the standard.

MATApplus customers call (901) 722-7171 and choose from an automated menu:

- Option 1 to cancel a scheduled trip
- Option 2 to reserve a trip or get client ID info
- Option 3 check on a ride for today

In addition to the hold time standard of three minutes, the senior manager of customer experience said that, if a call is not picked up within 120 seconds, the call rolls to voicemail. MATA’s policy is for CSRs to return all calls that are sent to voicemail within one hour. MATA provided the review team with a spreadsheet where the reservation agents log the voicemails and log the time that the calls are returned. This data indicated that MATA is generally meeting its policy. The review team analyzed telephone data for the sample period of December 8–21, 2019. This data included information for all incoming calls to MATA. Based on the total number of calls and the span of the calls (6 a.m.–6 p.m.), it appears that the data includes calls handled by CSRs for both MATApplus and MATA fixed route service. Table 6.6 presents highlights of this analysis. The table lists all hourly periods during these days when:

- Average hold time for incoming calls during hourly period exceeded 75 seconds
- Maximum hold time during hourly period at least 180 seconds (three minutes)

All such instances are shaded in yellow.

Table 6.6 – Analysis of MATA Telephone Hold Times: December 8–21, 2019

Date	Day	Time (60-minute segment)	Average Hold Time	Maximum Hold Time
Dec 9	M	8 a.m.	59	195
Dec 18	W	8 a.m.	79	178
Dec 19	Th	9 a.m.	42	193
Dec 12	Th	11 a.m.	38	180
Dec 9	M	1 p.m.	40	182
Dec 11	W	1 p.m.	85	172
Dec 19	Th	1 p.m.	37	207
Dec 20	F	1 p.m.	37	185
Dec 10	T	2 p.m.	81	182
Dec 11	W	2 p.m.	85	184
Dec 12	Th	2 p.m.	70	186
Dec 17	T	2 p.m.	48	191
Dec 18	W	2 p.m.	80	175
Dec 11	W	3 p.m.	102	183
Dec 16	M	3 p.m.	62	186
Dec 17	T	3 p.m.	117	188
Dec 20	F	3 p.m.	92	186
Dec 10	T	4 p.m.	40	193
Dec 11	W	4 p.m.	83	174
Dec 16	M	4 p.m.	87	183
Dec 17	T	4 p.m.	102	184
Dec 20	F	4 p.m.	76	175

The data indicates that the busiest times for the MATA CSRs generally occur during the afternoon hours. Of the 40 hourly periods (10 weekdays, four hours each day) during weekday afternoons for this sample period, 18 of these periods had average hold time that exceeded 75 seconds and/or the maximum hold time was at least 180 seconds. The data provided, however, did not include the percent of calls for which the hold time was within three minutes. As a result, it was not possible to determine for all hours whether MATA was meeting its own goal.

In addition to the analysis presented in Table 6.6, the review team notes that no data was available for Sundays (furthermore, MATA provided the review team data for all days in December 2019, and no data was available for Christmas Day). While transit agencies generally have lower telephone call volumes on Sundays, this could not be verified for MATA.

Advisory Comment: It is an effective practice for MATA to have data that allows it to determine whether it is meeting its goal for telephone hold times. MATA's existing telephone system does not capture the data needed to determine if 90 percent of calls are on hold for three minutes or less. It is also an effective practice to collect and analyze data for all days, including Sundays and holidays, to verify that telephone performance is meeting the goal during all days.

No operational patterns or practices limiting the availability of service: Untimely drop-offs for appointments

Requirement: 49 CFR §37.131(f) prohibits any operational patterns or practices that significantly limit availability of service to ADA eligible people. Examples of such operational patterns or practices include insufficient capacity to take reservations, long telephone hold times, and untimely drop-offs for appointments.

Discussion: During this review, one deficiency was found with this requirement. MATApplus has a high proportion of untimely drop-offs for trips with known appointment times. Advisory comments are also made regarding tracking trips with known appointment times and establishing performance standards.

MATA does not have a standard for MATApplus on-time drop-off performance. MATA does not measure drop-off performance for MATApplus on an ongoing basis.

MATA did not provide appointment times for trips in the sample period data (December 8–21, 2019) that the review team used to analyze pickup performance and trip lengths. Instead, the review team analyzed data from the sample MATApplus manifests (which had printed appointment times for certain trips) provided by MATA prior to the site visit. These manifests covered the period November 3–9, 2019. Table 6.7 presents a summary of this analysis.

Table 6.7 – On-Time Drop-off Performance for MATApplus: November 3–9, 2019

Trips	Number	Percent
ALL Trips with requested drop-off time	220	100%
0-15 minutes early	58	26.4%
16-30 minutes early	44	20.0%
> 30 minutes early	63	28.6%
All on time	165	75.0%
All late	55	25.0%
1–15 minutes late	32	14.5%
16–30 minutes late	17	7.7%
>30 minutes late	6	2.7%

As shown in Table 6.7, 25 percent of trips in the sample with a requested drop-off time were late. Of the late drop-offs, 10.5 percent were more than 15 minutes late.

Corrective Action Schedule: Within 90 days of receiving the final report, MATA must demonstrate that it has made operational changes to improve the on-time drop-off performance of MATApplus and provide supporting data.

Advisory Comment: It is an effective practice for MATA to establish a standard for on-time drop-off performance. It is also an effective practice for MATA to monitor on-time drop-off performance on an ongoing basis.

6.5 Subscription Service

Requirement: Under 49 CFR §37.133, the transit agency is permitted (but not required) to provide subscription service (pre-arranged trips at a particular time not requiring individual trip reservations for each trip). If provided, however, subscription service may not comprise more than 50 percent of the available trips at any given time unless the system is experiencing no capacity constraints.

Discussion: During this review, deficiencies were found with the requirements concerning the provision of subscription trips as part of the ADA paratransit program or with how the transit agency communicates this requirement to eligible riders and potential users of the service.

MATA offers subscription service for its MATApplus riders. The Rider's Guide, page 9, states:

Subscription Service is offered to MATApplus customers who have travel patterns to and/or from the same locations, during the same days and hours, at least three (3) days per week. Individuals who have schedules that change frequently are not eligible for subscription service.

For the two-week sample period analyzed by the review team, the proportion of subscription trips for the 10 weekdays of ranged from 52–56 percent. Given the capacity constraints discussed in Section 6.5 of this report (Trip Denials), MATA is required to limit the proportion of subscription trips during service hours when capacity constraints take place.

Corrective Action Schedule: Within 90 days of receiving the final report, MATA must review its pattern of MATApplus subscription trips by hour of day and day of week. It must then adjust the number and/or distribution of subscription trips, and demonstrate that the proportion of subscription trips does not exceed 50 percent of the available trips during any hour during which MATApplus has capacity constraints.

6.6 Reasonable No-Show Policies and the Right to Appeal

Requirements: Section 37.125(h) of the DOT ADA regulations states that the transit agency “may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA eligible individuals who establish a pattern or practice of missing scheduled trips.” FTA has permitted transit agencies to regard late cancellations as no-shows if and only if they have the same operational effect on the system as a no-show, generally within less than 1–2 hours of the scheduled trip time.

Under 49 CFR §37.125(h)(1), trips missed by riders for reasons beyond their control, including trips missed due to operator or transit agency error, must not form a transit agency's basis for determining that such a pattern or practice exists. The transit agency's policies must therefore distinguish between no-shows that are within the rider's control and those that are not, and propose sanctions only on the basis of the former. In order to establish whether a rider has engaged in a pattern or practice of missing scheduled trips, the transit agency must also account for a passenger's frequency of use. The appeal process required under §37.125(g) must be

available to an individual on whom sanctions have been imposed, and the sanction must be stayed pending the outcome of the appeal.

Discussion: During this review, deficiencies were found with the requirement concerning the lack of a timeframe in which MATA considers multiple violations to be repeat violations. Deficiencies were also found with MATA's not specifically addressing late cancellations in its no-show policy. No deficiencies were found relating to the reasonableness of proposed suspension periods and/or the required process for appealing proposed suspensions of service, or with how the MATA communicates these requirements to eligible riders and potential users of the service. An advisory comment is made regarding this requirement.

MATA's policies and procedures regarding no-shows and late cancellations are described in the Rider's Guide. The Rider's Guide (page 15) states that customers will be considered no-shows if they are not at the agreed upon pickup location within five minutes of the time that the vehicle arrives within the 30-minute pickup window. It also notes that vehicles will wait at least five minutes after the scheduled pickup time. The Rider's Guide (page 13) also states that trip cancellations made less than one hour prior to the scheduled pickup time are considered late cancellations. The Rider's Guide also states that return trips are not automatically canceled if riders cancel or no-show the "going" portion of trips.

The Rider's Guide (page 14) details the no-show suspension policy:

- Riders can be suspended if they no-show 10 times within a 30-day period and the no-shows are 15 percent or more of the trips scheduled by the rider during that period
- Trips missed due to errors of the transit agency, operator errors, or circumstances beyond the rider's control are not attributed as no-shows to the rider
- If riders feel that no-shows are charged in error or were beyond their control, they can appeal the no-show charges by calling or writing MATA (and a number and address are provided)
- If suspensions are proposed, riders can request appeals by calling or writing MATA using the number and address provided
- Appeals of suspensions are heard in person and riders are informed of the date, time and location
- Appeal decisions are rendered in writing within five working days
- If riders request an appeal, paratransit service will continue to be provided until the appeal is heard and decided
- A warning letter is issued for the first violation of the policy. Suspensions for subsequent violations are as follows:
 - Second violation—one-day suspension
 - Third violation—five-day suspension
 - Subsequent violations—10-day suspension

The no-show suspension policy does not specify the period of time within which a violation will be considered a repeat violation. In addition, the policy only addresses no-shows; it is unclear

whether the policy also includes late cancellations (for example, whether MATA considers a late cancellation as the equivalent of a no-show, and whether late cancellations will count toward possible service suspension).

MATA's eligibility staff are responsible for implementing the no-show suspension policy. They indicated that suspensions had not been proposed during their time with MATA (three years). They also said that if suspensions were to be proposed, any appeals would be heard by the same three-person external committee that hears eligibility appeals.

Finally, the review team's analysis of a sample of no-shows found that 20–30 percent of coded rider no-shows may actually be missed trips. Because a rider may only be suspended for a reasonable period of time in response to a pattern or practice of missing scheduled trips, it is critical to verify whether trips not taken represent actual no-shows on the part of the rider or missed trips on the part of MATA. Missed trips are not a basis for rider suspension, but may constitute a prohibited capacity constraint and must be tracked as such.

Corrective Action Schedule: Within 90 days of receiving the final report, MATA must submit a revised no-show suspension policy that specifies the timeframe in which MATA will consider policy violations as repeat violations rather than first-time violations. For example, subsequent violations within a one-year period from the first violation might be considered repeat. After one year, MATA may choose to consider additional violations as first violations for purposes of calculating the period of suspension. MATA must also include in the revised no-show suspension policy a discussion of whether it considers a late cancellation as the equivalent of a no-show, and whether late cancellations will count toward possible service suspension. Finally, MATA must demonstrate that it is verifying the accuracy of no-shows and late cancellations before sending out notices of proposed suspensions, and that missed trips are specifically excluded.

6.7 Complaint Resolution

Requirements: Under 49 CFR §§27.13(a) and 37.17(a), the transit agency must designate at least one person to coordinate its efforts to comply with the nondiscrimination requirements contained in DOT ADA regulations.

Under 49 CFR §§27.13(b) and 37.17(b), the transit agency must adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints. This includes sufficiently advertising to the public the process for filing a complaint. Public advertising will typically include the agency's website. The complaint procedures must be accessible to and usable by individuals with disabilities. Finally, a transit agency must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant by a means that will result in documentation of the response.

Under 49 CFR §27.121(b), the agency must keep all complaints of noncompliance on file for one year and a record of all such complaints (which may be in summary form) for five years.

Establishing these policies and procedures is the responsibility of the transit agency, not its contractors.

Discussion: During this review, a deficiency was were found with MATA complaint procedures. MATA was unable to provide the review team with complaints (or a record of all such complaints) for the most recent five-year period.

The MATA website lists a telephone number for complaints and provides a link to a form for ADA-related complaints. This process is clear for users. There is also a telephone number for hearing and speech impaired callers.

The website states, “within 10 working days of receipt of the formal complaint, the Compliance Officer will notify the complainant and begin an investigation.” It also states, “the investigation will be conducted and completed within 60 days of the receipt of the formal complaint.” The review team found that MATA adhered to this standard for responding to complaints. There was at least one person designated to respond to complaints.

Since 2017, MATA has used “Kayako” software to process and store complaints. All complaints that are taken by phone are also entered into this system. Once a complaint is received, it receives a priority rating: “high level” complaints get a 48-hour time period for a response, while lower-level complaints are given a longer timeframe. A complaint is then referred to the appropriate manager, who reviews the complaint and requests additional information or evidence as necessary. The response is recorded in the software and once resolved the complaint is closed out.

The review team received and reviewed one years’ worth of MATAplus complaints, dating from January 2019 to January 2020. In this period, there were 256 complaints. MATA was not able to provide the review team with a summary of complaints from the most recent five years.

Corrective Action Schedule: Within 90 days of receiving the final report, MATA must submit a summary of the most recent five years of complaints related to MATAplus.

6.8 Nondiscrimination

Requirement: Under 49 CFR §37.5, the transit agency is prohibited from discriminating against an individual with a disability in connection with the provision of transportation service, or denying any individual with a disability the opportunity to use the transportation services it provides to the general public. Discriminatory practices include and are not limited to requiring the use of alternate transportation services, requiring persons with disabilities to be accompanied by an attendant, imposing user fees or special charges upon people with disabilities, and requiring people with disabilities to use designated priority seating.

Discussion: No deficiencies were found with MATA’s procedures for service suspensions due to rider conduct. No deficiencies were was found with MATA’s public information or with policies related to alternate transportation services, requiring persons with disabilities to be accompanied

by an attendant, imposing user fees or special charges upon people with disabilities, or requiring people with disabilities to use designated priority seating.

6.9 Training Requirements

Requirement: Under 49 CFR §37.173, each public or private entity which operates a fixed route or demand responsive system shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities.

Discussion: During this review, deficiencies were found with the requirement to train personnel to proficiency as appropriate to their duties.

MATA's senior manager of customer experience manages the call center staff and described the training process to the review team. Training for new employees primarily consisted of shadowing more experienced employees. However, the review team found that these experienced CSRs also lacked a sufficient understanding of how the DOT ADA regulations apply to their responsibilities. For example, one CSR who trained new employees did not have a complete understanding of when to enter trip denials into the paratransit software system.

The review team observed that CSRs were practicing varying techniques to search, book, and cancel trips in the reservations software. MATA did not provide the CSRs with a standardized training process or training materials to which to refer, resulting in varying degrees of proficiency in properly applying ADA regulations. A few examples of inconsistencies in practice that resulted from uneven training include:

1. CSRs made varying efforts to secure trips for customers. For example, the review team observed on one afternoon that one CSR was more consistent about using the paratransit software to search for trip availability, while another CSR promptly informed the caller that there were no trips available without searching the system.
2. CSRs used inconsistent practices for entering denials into the system. Some CSRs would orally deny trip requests and would not enter the trip request (or denial) into the system.
3. CSRs used the paratransit software's "search wide" function to varying degrees of proficiency. The review team observed two CSRs who would initially search only for the exact time that the customer requested, only widening the search if the initial search did not yield results.

Based on the review team's observations, the senior manager of customer experience does not appear to have sufficient training, particularly with regard to applying the DOT ADA regulations to all aspects of his work. He informed the review team that he had not received any training from MATA specific to the DOT ADA regulations; as a result, this manager lacked sufficient knowledge to properly train and monitor the staff to ensure that they are complying with the DOT ADA regulations.

The review team found that drivers were trained to proficiency. In interviews with review team members, drivers understood the requirements for origin-to-destination service. All said that they aid riders, as needed.

Corrective Action Schedule: Within 90 days of receiving the final report, MATA must document that it has provided and will continue to provide training to its CSRs and supervisors, appropriate to their duties, to enable them to operate the system in compliance with DOT ADA regulations governing the provision of complementary paratransit.

6.10 Service Under Contract with a Private Entity (if applicable)

Requirement: Under 49 CFR §37.23, the transit agency must ensure that any private entity with which it has entered into a contract or other arrangement to provide ADA paratransit service meets all the obligations of the DOT ADA regulations, including those for service provision and vehicle acquisition, that the transit agency would be required to meet, if it provided the service directly.

The transit agency must have policies and procedures in place to monitor the performance of its contractor(s) and ensure that these requirements are met. The transit agency is not permitted to neglect monitoring or to limit its monitoring to the terms and conditions of its contract or other arrangements with the private entity or entities.

Discussion: During this review no deficiencies were found with regard to ADA compliance issues for contracted ADA complementary service, including and not limited to service provision and vehicle acquisition, or with how the transit agency communicates, oversees and/or manages its obligations concerning contracted service with respect to eligible riders, applicants and potential applicants.

MATA contracts with First Transit, Inc. for the management and operation of the public transit system in the Memphis urban area. First Transit provides this service through Mid-South Transportation Management, Inc. (MTM), a wholly owned 501(c)(3) corporation, established expressly to carry out its responsibilities under the contract.

Section 47 of the General Contract Provisions, which are part of the contract with MATA, requires that First Transit comply with all applicable requirements of Section 504 of the Rehabilitation Act, as amended, as well as the ADA, as amended, and all applicable ADA regulations.

The contract requires First Transit to perform the services in strict accordance with the standards and specifications established by MATA. This includes performance standards and operating policies for the MATAplus service. The contract also requires First Transit to provide regular reports on the services provided and on compliance with performance standards.

All staff at MATA, including the CEO, are employees of MTM. MATA has no employees. The CEO, however, is appointed by the City of Memphis. The MATA board of directors is the entity that can independently monitor the contract and service provided by First Transit.

The MATA board receives information and data each month on service performance. Reviewers examined a recent board packet and noted that it included:

- Information on rider comments
- Rider comments per 100,000 boardings
- Ridership
- On-time performance
- MATApplus reservation calls, call wait time and call duration
- MATApplus dispatch calls, average call wait time, and calls abandoned
- MATApplus vehicle service miles
- Miles between road calls
- Preventable and non-preventable accidents
- MATApplus eligibility center data, including the number of applications received, number approved, number denied, and number of appeals

6.11 Service Provided by Another Public Entity (if applicable)

Requirement: 49 CFR Part 37 applies to any public entity that provides designated public transportation or intercity or commuter rail transportation. Under 49 CFR §37.21(b), for entities receiving Federal financial assistance from the Department of Transportation, compliance with the applicable requirements of Part 37 is a condition of section 504 of the Rehabilitation Act of 1973 and of receiving financial assistance. Where a transit agency relies on another public entity to provide complementary paratransit service on its behalf, the transit agency remains responsible for meeting the requirements of 49 CFR Part 37. In other words, the transit agency must ensure that the service provided on its behalf meets all of the requirements that the transit agency would be required to meet, if the transit agency provided the service directly. The transit agency must have policies and procedures in place to monitor the performance of such service to ensure that these requirements are met; the transit agency is not permitted to defer to the public entity operating the service.

Discussion: During this review, no deficiencies were found with regard to ADA compliance issues of service provided by an entity receiving Federal financial assistance from the Department of Transportation on behalf of another entity receiving such assistance or with how the transit agency communicates its obligations concerning contracted service to eligible riders, applicants and potential applicants. This requirement is not applicable to MATA. MATA does not rely on any other public entities to provide ADA paratransit service.

6.12 Coordination of Service

Requirement: Under 49 CFR §37.139(g), public transit operators were required to address efforts to coordinate service with other fixed route operators with overlapping or contiguous service areas or jurisdictions when developing their complementary paratransit plans. Coordination is an ongoing process; while these efforts are likely to have evolved over time, it is expected that such transit agencies will have a mechanism in place to ensure that paratransit

riders have an ability to make interjurisdictional trips on a comparable basis to individuals using the fixed route system.

Discussion: During this review, no deficiencies were found with how MATA coordinates service with other fixed route operators with overlapping or contiguous service areas or jurisdictions. This requirement is not applicable to MATA. MATA does not have a fixed route operator with an overlapping or adjacent service area.

Summary Table of Compliance Review Findings

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding Deficiency/ No Deficiency or Advisory Comment	Finding(s) of Deficiency	Response Days/ Date*
1	Comparable complementary paratransit service	37.121	No deficiencies		
2	Absence of administrative burden	37.125 & 37.5	No deficiencies		
3	ADA paratransit eligibility standards	37.123(e) (1)-(3)	4 deficiencies 1 advisory comment (see report text)	<p>Eligibility determination uses distance from applicants' homes to the nearest bus stops and the existence or lack of barriers on the path of travel to those bus stops as a primary criterion making determinations of individual eligibility</p> <p>Eligibility determination does not fully consider specific impairment-related conditions that prevent travel to and from fixed route boarding and disembarking locations</p> <p>Eligibility determination bases decisions about use of PCAs solely on travel needs</p> <p>Questions about an applicant's use of a PCA are directed solely toward the professional who is completing a portion of the application. Use of a PCA is not a medical determination. The individual determines their own need for a PCA, which may only be recorded</p>	90 days

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding Deficiency/ No Deficiency or Advisory Comment	Finding(s) of Deficiency	Response Days/ Date*
4	Accessible information	37.125(b)	No deficiencies 1 advisory comment (see report text)		
5	Eligibility determinations within 21 days	37.125(c)	No deficiencies 2 advisory comments (see report text)		
6	Written eligibility determinations including specific reasons for denials or temporary or conditional eligibility	37.125(d) (e)	1 deficiency	Determinations letters to applicants receiving less than full eligibility do not offer specific reasons for the determination	90 days
7	Recertification of eligibility at reasonable intervals	35.125(f)	No deficiencies		
8	Administrative appeals process for denials and conditional eligibility	37.125(g)	1 deficiency 1 advisory comment (see report text)	Determination letters to applicants receiving less than full eligibility lack information on right to appeal, instructions on how to initiate an appeal, and information on presumptive eligibility if appeal decision not made in MATA's timeframe	90 days

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding Deficiency/ No Deficiency or Advisory Comment	Finding(s) of Deficiency	Response Days/ Date*
9	Complementary paratransit for visitors	37.127	4 deficiencies	<p>Policy on service for visitors does not allow individuals without ADA paratransit eligibility from another public entity to request visitor service by sending documentation of their place of residence and their disability</p> <p>Policy on service for visitors requires transmission of eligibility documentation to MATA solely by fax</p> <p>Policy on service for visitors unnecessarily asks visitor to have local transit agency send eligibility documentation to MATA</p> <p>Incorrect visitor service timeframe</p>	90 days
10	Types of service	37.129	No deficiencies		
11	Service area	37.131(a)	No deficiencies 2 advisory comments (see report text)		
12	Response time	37.131(b)	3 deficiencies 1 advisory comment (see report text)	<p>MATA does not accept trip requests for MATApplus during all normal business hours</p> <p>CSRs do not properly negotiate trips, do not understand trip denials</p> <p>MATA is not meeting demand for MATApplus next day service</p>	90 days

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding Deficiency/ No Deficiency or Advisory Comment	Finding(s) of Deficiency	Response Days/ Date*
13	Fares	37.131(c)	1 deficiency	Fare for trips comparable to those taken using the light rail system are greater than twice the light rail. MATA has no method for determining fare comparability for light rail service.	90 days
14	No trip purpose restrictions	37.131(d)	1 deficiency	CSRs accepted trip requests while denying other requests depending on trip destinations that are related to trip purposes	90 days
15	Hours and days of service	37.131(e)	No deficiencies		
16	Absence of capacity constraints	37.131(f)	See below		
17	No restrictions on the number of trips provided to an individual	37.131(f) (1)	No deficiencies		
18	No waiting list for access to the service	37.131(f) (2)	No deficiencies		
19	No substantial numbers of significantly untimely pickups for initial or return trips	37.131(f) (3)(i)(a)	No deficiencies		

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding Deficiency/ No Deficiency or Advisory Comment	Finding(s) of Deficiency	Response Days/ Date*
20	No substantial numbers of trip denials or missed trips	37.131(f) (3)(i)(b) 37.131(3) (1)(b)	5 deficiencies	MATAplus has significant number of denials MATA is undercounting MATAplus denials MATA has incomplete definition of missed trips MATAplus has significant number of missed trips MATA is counting missed trips as no-shows	90 days
21	No substantial numbers of trips with excessive trip lengths	37.131(f) (3)(i)(c)	No deficiencies 1 advisory comment (see report text)		
22a	No operational patterns or practices significantly limiting service availability (telephone hold times)	37.131(f)	No deficiencies 2 advisory comments (see report text)		
22b	No operational patterns or practices significantly limiting service availability (untimely drop-offs)	37.131(f)	1 deficiency 2 advisory comments (see report text)	MATAplus has significant number of late drop-offs for trips with known appointment times	90 days
23	Subscription Service	37.133	1 deficiency	MATAplus has greater than 50 percent subscription trips while experiencing capacity constraints	90 days

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding Deficiency/ No Deficiency or Advisory Comment	Finding(s) of Deficiency	Response Days/ Date*
24	No-show, late cancel and reasonable service suspension & appeal policies	37.125(h) (1)-(3)	2 deficiencies 1 advisory comment (see report text)	MATA's no-show suspension policy does not specify the period of time within which a violation will be considered a repeat violation MATA's no-show suspension policy does not address whether it regards late cancellations as the equivalent of no-shows MATA does not verify whether no-shows are accurate prior to issuing suspensions.	90 days
25	Complaint Resolution & Compliance Information	27.13(a)(b) & 27.121	1 deficiency	MATA does not have summary of five years' MATApplus complaints	90 days
26	Nondiscrimination	37.5	No deficiencies		
27	Training	37.173	2 deficiencies	CSRs need further training in ADA regulations Manager of the CSRs also needs additional training in ADA regulations	90 days
28	Service under contract with a private entity	37.23	No deficiencies		
29	Service provided by another public entity	37.21(b)	Not applicable		
30	Coordination of service	37.139(g)	Not applicable		

Attachment A

FTA Notification Letter to Memphis Area Transit Authority



U.S. Department
of Transportation
**Federal Transit
Administration**

Headquarters

East Building, 5th Floor, TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

November 19, 2019

Gary Rosenfeld
Chief Executive Officer
Memphis Area Transit Authority
1370 Levee Road
Memphis, TN 38108

Dear Mr. Rosenfeld:

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the Americans with Disabilities Act of 1990 (ADA) and the Department of Transportation's (DOT) implementing regulations of 49 CFR Parts 27, 37, 38, and 39 as they apply to public transportation. As part of its ongoing oversight efforts, FTA through its Office of Civil Rights conducts on-site ADA specialized reviews of grant recipients. The Memphis Area Transit Authority (MATA) has been selected for a review of its complementary paratransit service to take place January 21–24, 2020.

The purpose of this review will be to determine whether MATA is meeting its obligations to provide paratransit service as a complement to its fixed route bus service in accordance with the service criteria and eligibility requirements contained in Subpart F of 49 CFR Part 37, and other related requirements contained in 49 CFR Parts 27, 37, 38 and 39.

The review process includes data collection prior to the on-site visit, an opening conference, an on-site analysis of the complementary paratransit service, and an exit conference. The entire on-site portion of the review will be completed within four days. FTA has engaged the services of the Collaborative, Inc., of Boston, MA, to conduct this specialized review. Representatives of the Collaborative and FTA will participate in the opening and exit conferences, with FTA participating by telephone.

We request an opening conference at 9 a.m. (CST), on Tuesday, January 21, to introduce the Collaborative team and FTA representatives to MATA. Attendees should include you or your designee, the paratransit service manager, the ADA coordinator, and other key staff. During the opening conference, the review team members will present an overview of the on-site activities.

Because review team members will spend considerable time on site during the week, please provide them with temporary identification and a workspace within or near your offices for the duration of their visit. Please let us know if you will designate a member of your staff to serve as MATA's liaison with the review team and coordinate the on-site review and address questions that may arise during the visit.

So that we may properly prepare for the on-site visit, we request that you provide the information described in Enclosures 1 and 2. Enclosure 1 consists of items that must be received within

30 calendar days of the date of this letter. Please forward these materials to the following contact person:

David Chia
the Collaborative, Inc.
122 South Street
Boston, MA 02111
617-338-0018, ext. 17
dchia@thecollaborative.com

Enclosure 2 consists of items that the Collaborative team will review on-site beginning on January 21, after the opening conference.

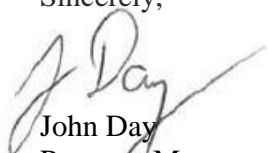
FTA requests your attendance at an exit conference scheduled for 2 p.m. (CST) on Friday, January 21. The exit conference will afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you or your designee, the paratransit service manager, the ADA coordinator, and other key staff attend the exit conference.

The FTA Office of Civil Rights will make findings and will provide them to you in a draft report. You will have an opportunity to correct any factual inconsistencies before FTA finalizes the report. The draft and final report, when issued to MATA, will be considered a public document subject to release under the Freedom of Information Act, upon request.

MATA representatives are welcome to accompany the review team during the on-site activities, if you so choose. If you have any questions or concerns prior to the opening conference, please contact me at (202) 366-1671, or via email at *john.day@dot.gov*.

Thank you in advance for your assistance and cooperation as we undertake this process. We look forward to working with MATA staff.

Sincerely,



John Day
Program Manager
FTA Office of Civil Rights

Enclosures (2)

cc: Yvette G. Taylor, Regional Administrator, FTA Region IV
Selene Faer Dalton-Kumins, Associate Administrator, FTA Office of Civil Rights

Enclosure 1: Pre-Site Visit

The following information must be submitted to the Collaborative within 30 calendar days from the date of this letter.

1. A description of how ADA complementary paratransit service is structured and provided, including:
 - How trip requests/reservations are handled (by a central reservation office? by the contractor?) and the address(es) where reservations are taken
 - How trips are scheduled (by a central scheduling office? by the contractor?) and the address(es) of the scheduling office(s).
 - How dispatching is handled (centrally? by the contractor?) and the address of the central dispatch office or the contractor's dispatch office(s).

Note that the Collaborative may contact you in advance to discuss this first question.

2. A copy of the current carrier and broker contract(s), if service is contracted out
3. A copy of the ADA complementary paratransit drivers manual
4. A copy of the ADA complementary paratransit application and materials, including procedures for visitor service
5. Written description of the agency's ADA eligibility appeal process
6. Copies of the ADA complementary paratransit riders guide and/or service brochure, or other documents that explain to the public and eligible riders how trips are requested and how service is provided
7. A copy of the agency's no-show suspension policy, if applicable
8. A description of the complementary paratransit service standards, including:
 - The on-time performance standards for pickups and drop-off (how is "on-time" defined and what is the goal for the percentage of trips to be provided within each standard?)
 - Trip denials and missed trips (how are these defined and what is the transit agency's standard regarding acceptable numbers or percentages of trip denials or missed trips?)
 - Travel time (on-board time) standards, including maximum travel time (if applicable) (how is this defined? what travel time is considered comparable to fixed route and what travel time is considered excessive? What are the agency's goals for the percentages of trips to be provided within each standard?)
9. Telephone call-handling performance standards for calls to reservations and dispatch, including:
 - Maximum and standard queue/hold times
 - Call pick up time
 - Calls abandoned
 - Goals for percentage of calls to be answered within these established standards

10. Copies of completed driver manifests for the most recent two-month period scanned or in electronic form (for each of the agency's contractors, if applicable)
11. Capital and operating budget and expenditure information for complementary paratransit service for the three most recent fiscal years, including the current federal fiscal year
12. The number of complementary paratransit trips, requested, scheduled, provided, and trips denied for the three most recent fiscal years, including the current federal fiscal year
13. Three copies of the fixed route system map

Enclosure 2: On-Site Visit

We request that the following information and/or assistance be available at the beginning of the on-site visit:

1. The following complementary paratransit data, by month, for the most recent six-month period (paper copies as well as in electronic format, if available):
 - Trips requested
 - Trips scheduled
 - Trips denied
 - Canceled trips
 - Passenger no-shows
 - Carrier missed trips
 - Trips provided
 - An itemization of trips requested, scheduled, and provided by recognized geographic areas, communities, or zones
 - A listing of trips denied each month showing:
 - customer's name
 - origin
 - requested destination
 - date and time
 - if the person was ambulatory or used a wheelchair
 - On-time performance information
 - A listing of trips that exceeded the 60 minutes, showing:
 - the customer name
 - origin
 - destination
 - date and time
 - if the person was ambulatory or used a wheelchair
 - total time on-board
 - A listing of passenger no-shows and carrier missed trips for the last month with negotiated pickup times and actual vehicle arrival and departure times
 - Telephone call management records (if available), showing:
 - hold times by date and time
 - total call volume
 - calls answered
 - calls abandoned
 - other call management performance data maintained
 - Copies of completed driver manifests (for each of the agency's contractors, if applicable)

2. A list of complaints by month for the last 12 months related to ADA complementary paratransit service. The list should include all complaints related to trip denials, missed trips, wait lists, trip caps, trip restrictions or limits, on-time performance, lengthy trips, phone capacity issues, etc. The list should show:
 - customer's name
 - nature of complaint
 - date of trip request, if applicable
 - requested trip origin, destination, date and time
 - scheduled trip time (if applicable) and carrier
 - date complaint submitted and format (phone, letter, email, in person)
 - resolution and any corrective action taken (any corrective actions requested and taken)
3. The following ADA paratransit eligibility information:
 - Copies of eligibility guidelines and policies and any assessment or interview forms
 - Sample letters of all types of determination (unconditional, conditional, temporary, trip eligible, if applicable)
 - Other letters related to receipt of applications, incomplete applications, eligibility appeals and other eligibility issues
 - Total number of ADA paratransit eligible individuals
 - Any documentation, policies, procedures and correspondence related to service suspensions for passenger no-shows
 - Access to eligibility files and appeals records
 - For most recent 12 months:
 - Number of applications received
 - Number of completed application considered and processed
 - Number of applications determined incomplete
 - Number of people determined unconditionally eligible
 - Number of people determined conditionally eligible
 - Number of people determined temporarily eligible
 - Number of people determined ineligible
 - Number of eligibility appeals and outcomes
4. Work shift assignments for reservationists (call-takers), schedulers, dispatchers, and drivers
5. Access to personnel records showing hire and termination dates for reservationists (call-takers), schedulers, dispatchers, drivers, and road supervisors
6. Current complementary paratransit fleet roster with vehicle type, make and model year and odometer reading, (designating whether the vehicles are accessible or inaccessible), numbers of accessible and inaccessible spares. For each accessible vehicle, please include the design load of the lift or ramp
7. Run structure (vehicles in service by hour of day)

8. Access to the most recent six months of daily vehicle pullout records showing late pullouts and closed runs
9. Vehicle availability reports for most recent six months
10. Copies of vehicle pre-trip inspection and preventative maintenance form(s)
11. Assistance with viewing and capturing parameters used in the scheduling software
12. Assistance with viewing and collecting data on vehicle run structures and peak pullout requirements
13. Subscription trips by hour
14. Training curricula for each type of complementary paratransit employee
15. Procedures for providing information and communication in accessible formats

Attachment B
Memphis Area Transit Authority Response Letter to Draft Report



December 7, 2020

John Day
Program Manager for Policy and Technical Assistance
Office of Civil Rights
Federal Transit Administration
1200 New Jersey Ave., S.E., Room E-54-310
Washington, DC 20590

Subject: MATA Services ADA Paratransit Compliance Review Draft Report

Dear Mr. Day:

Thank you for allowing the Memphis Area Transit Authority (MATA) the opportunity to respond to the Americans with Disabilities Act (ADA) Paratransit Compliance Review Draft Report. We would also like to thank the consultants and the Federal Transit Administration (FTA) Office of Civil Rights staff for their professionalism and willingness to provide technical assistance and insight during this review. While MATA has some concerns with some findings, we are committed to working with our partners at the FTA to achieve the goal of providing superior paratransit service to our paratransit customers.

This letter serves as MATA's request to have nonfactual findings identified in the draft removed before presenting the corrective actions for those found to be factual within the 60-day provision. In that regard, MATA believes that the Draft Report contains three inaccuracies related to the following:

- Item 3: *A.D.A. paratransit eligibility standards* – Deficiency #4
- Item 8: *Administrative appeals process for denials and conditional eligibility* – Deficiency #1
- Item 20: *No substantial numbers of trip denials or missed trips* – Deficiency #3

In addition to this letter, please find attached a copy of our MATA Resource Assignments to FTA ADA Paratransit Compliance Review Findings for your review.

ADMINISTRATIVE DEFICIENCIES

Item 3 – Finding of Deficiency #4

Use of weight of wheelchair and applicant as an eligibility determination factor. (Pages of reference: 19, 20, 26, and 57)

MATA is requesting that the F.T.A. remove this administrative deficiency from the final draft of the report, as MATA believes that the basis of this deficiency was a misunderstanding of MATA's eligibility processes. As the report indicates, MATA bases eligibility determinations

on an applicant's functional ability to use fixed-route transit during an in-person interview and assessment process. However, contrary to the deficiency, MATA does not use the applicant's wheelchair's weight as an eligibility determination factor in the assessment. MATA obtains the measurements and weight of the wheelchair for informational purposes regarding reasonable accommodations should they be needed, and an applicant's wheelchair weight has not been used to disqualify an applicant from eligibility.

Item 8– Finding of Deficiency #1

Determination letters to applicants receiving less than full eligibility lack information on the right to appeal, instructions on how to initiate an appeal, and information on presumptive eligibility if an appeal decision is not made in MATA's timeframe. (Pages of reference: 58)

MATA is requesting that the F.T.A. remove this administrative deficiency from the final draft of the report, as MATA believes that this deficiency was due to a misunderstanding of MATA's processes. When an applicant informs MATA that they currently, or expect to, receive a treatment, therapy, or medical intervention to attempt to improve his/her functioning, that s/he has experienced a recent health event that has significantly altered his/her usual level of functioning, or when an applicant tells us that s/he is experiencing a temporary condition, such as a temporary physical injury (i.e., a broken leg), MATA uses temporary/provisional certification for that applicant. This process ensures that the applicant can complete the necessary treatments/healing before a final decision is made.

At the end of the initial temporary eligibility period, the individual's certification can be: 1) extended to accommodate further treatments/healing; 2) terminated if the temporary situation is resolved (in the case of a temporary injury); or 3) reassessed to evaluate a full-term eligibility status once there is a resolution of the temporary condition and the applicant has returned to a baseline level of functioning with ongoing mobility limitations. All Temporary Eligibility decisions grant the applicant full eligibility until his/her temporary condition is resolved.

The applicant is informed during the interview and 30-days before the temporary certification expiration to keep in touch with MATA to discuss the next eligibility steps. A temporary extension and an appointment for an updated assessment to evaluate full-term eligibility are managed via phone call or written request from the applicant.

MATA believes that an appeal under these circumstances would not be appropriate. The applicant has already informed us that they have a temporary situation that affects his/her ability to function, so MATA is, at the time of the interview and assessment, unable to accurately determine the full-term eligibility status. Also, MATA's process allows the applicant to request continued temporary service and/or evaluation for a full-term certification by phone and without having to submit an additional application. MATA's process also allows a grace period for the applicant to continue under his/her initial temporary certification if s/he calls within a reasonable time frame after the Temporary Eligibility expires. In this case, the temporary eligibility functions to provide the applicant with unconditional ADA paratransit service until s/he is ready to have his/her ongoing baseline functioning evaluated.

Item 20– Finding of Deficiency #3

MATA has an incomplete definition of missed trips. (Pages of reference: 42, 43, 44, and 61)

MATA requests clarification on this deficiency from the F.T.A. of what is meant by miscoded missed trips. The purpose is to understand the correct definition of the concept and to determine the appropriate corrective action to address the deficiency.

Also, MATA would like the F.T.A. to reconsider the 60-day stipulated response time MATA is required to correct the factual audit findings in light of the shortage of resources during the COVID Pandemic. MATA would additionally request the names, titles, and contact information for F.T.A. personnel needing access to the information regarding the corrective actions and the implementation dates of those actions.

Thank you again for the opportunity to respond to the Draft Report. If you have any questions or would like to discuss further, please feel free to contact me at 901-722-7160 or by email at grosefeld@matatransit.com.

Sincerely,



Gary Rosenfeld
Chief Executive Officer
Memphis Area Transit Authority (MATA)

Attachment: MATA Resource Assignments to FTA ADA Paratransit Compliance Review Findings

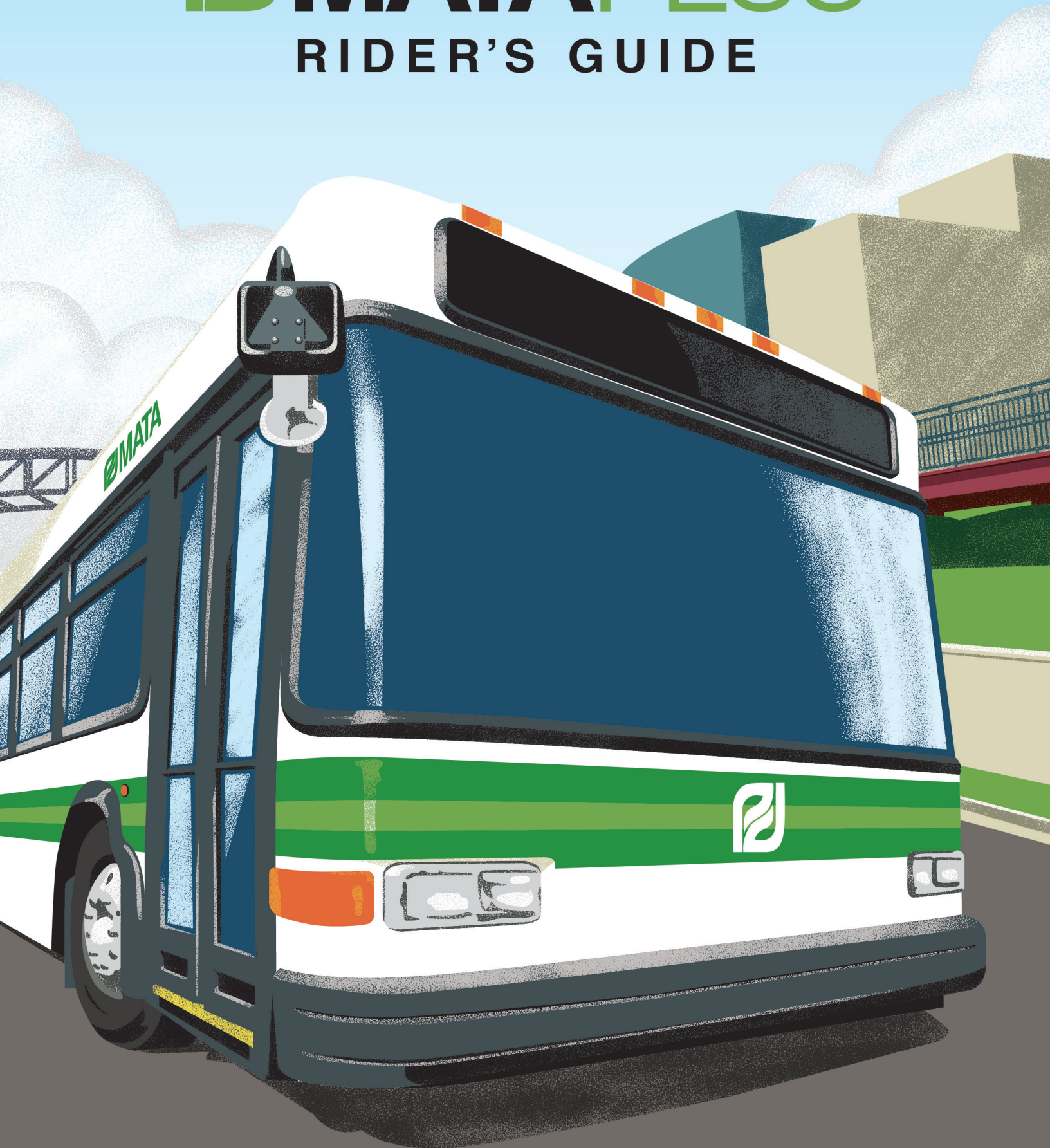
Cc:

Ted Harris, Chief Operations Officer
Anthony Amos, ADA Compliance Officer
Tiffany Casey, Director of Transit Operations
Patrina Chambers, Director of Grants & Procurement
La Barbara Houston, Senior Manager of MATAplus
Denise Simpson, Call Center Manager

Attachment C
MATApplus Rider's Guide

MATA PLUS

RIDER'S GUIDE



Updated May 2019

This guide is available in an alternate format by calling MATA at 901-722-7193. It is also available by emailing mpluscertification@matatransit.com.



MISSION STATEMENT

To provide safe, reliable, affordable and accessible transportation comparable to fixed-route service, for individuals with disabilities who are unable to use the fixed-route bus system.

Welcome to MATAplus!

As a part of the Memphis Area Transit Authority's continuing efforts to improve service to our customers, this Rider's Guide describes the overall services provided by the paratransit division of MATA. This guide should answer most questions about MATAplus services. (However, please note that additional ADA regulations may also apply).

I encourage you to familiarize yourself with the policies and procedures of MATAplus outlined in this guide. If you have any questions about any aspect of this guide, I encourage you to contact the MATAplus ADA Compliance Manager or ADA Compliance Specialist at 901-722-7165 or 901-722-7193.

Again, welcome to MATAplus and we look forward to serving you with your transportation needs.

A handwritten signature in black ink that reads "Gary Rosenfeld". The signature is written in a cursive, flowing style.

MATA Chief Executive Officer

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Introduction

MATAplus is a paratransit system that individuals certified with a disability can use with ease and comfort. All MATA Transit Centers and all fixed route buses are designed with accessibility features to accommodate both elderly and persons with disabilities. All MATA fixed-route buses are 100 percent accessible. *(MATA's fixed-route system consists of MATA's bus and Trolley service that operates on a set route, days, and scheduled times within the MATA service area.)*

Paratransit Service

Paratransit service means comparable transportation service required by the ADA for people with disabilities who are unable to use the fixed-route transportation system. [CFR 37.3]

MATAplus is a shared ride form of public transportation that complements MATA's fixed-route service. MATAplus provides service that is equivalent to that of the fixed-route system. MATAplus offers service for all types of trips for varied purposes such as employment, medical, educational and recreational.

SERVICE AREA

MATAplus paratransit service operates during the same days and hours as the fixed-route bus system. The service area extends three-fourths ($\frac{3}{4}$) of a mile beyond the fixed-routes. Points of origin and destinations that are not within the three-fourths ($\frac{3}{4}$) of a mile corridor, are not eligible for ADA paratransit service.

A trip may require more than one hour from origin to destination due to the size of the MATAplus service area and group trips. However, MATA is committed to trips that are not excessive in length and have adopted the standard that the travel times for paratransit trips will be the same as the fixed-route bus system.

To obtain more information regarding the MATAplus service areas, please call us at 901-722-7171 and speak to a MATAplus reservation agent.

IMPORTANT PHONE NUMBERS

Reservations	901-722-7171
Scheduling Problems	901-722-7171
To Check on Your Pick-up	901-722-7171
Senior Manager	901-722-7138
Complaint Line	901-522-9175
Fax	901-623-2983
TTY/Relay	901-523-2817
Application Request	901-322-4080
General Information	901-722-0311



Paratransit Eligibility

If you have a disability which prevents you from using MATA's fixed-route service, you may be eligible for MATApplus service. The ADA defines eligibility for complementary paratransit service in [49 CFR Section 37.123] of the federal regulations. Eligibility is limited to people who fall within one of these categories (*according to the ADA regulations*):

CATEGORY 1 — UNCONDITIONAL ALL TRIP ELIGIBILITY

The first category of eligibility includes people who are unable to use fully accessible fixed-route services. This includes any individual with a disability who is unable, because of a physical or mental impairment (including a visual impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), which is readily accessible to and usable by individuals with disabilities. *[49 CFR Section 37.123 (e)(i)]*

The eligibility criteria applies to individuals who cannot board, ride, or disembark from a fixed-route bus, even if they can get to a bus stop or station. Individuals in this category will be unconditionally-certified for any and all trips.

CATEGORY 2 — CONDITIONAL SOME TRIPS ELIGIBLE

The second category of eligibility includes any individual with a disability who needs the assistance of a wheel-chair lift or other boarding assistance device and is able with such assistance to board, ride, and disembark from any vehicle that is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route of the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route. *[CFR 37.123 (e) (3)]*

Individuals will be expected to use fixed-route service for some trips, but cannot be expected to use fixed-route under some conditions.

CATEGORY 3 — TEMPORARY/TRANSITIONAL/RECURRING CONDITIONS

The third category includes any individual with a disability who has a specific impairment-related condition that prevents such individual from traveling to a boarding location or from a disembarking location on such a system. *[(49 CFR Section 37.123 (e) (3)]*

The specific condition must prevent the person from using the fixed-route bus. Conditions causing more difficulty getting to and from stops does not apply. Eligibility can be unconditional or conditional.

CATEGORY 4 — NOT ELIGIBLE

An individual can reasonably be expected to use fixed-route service for any trips under all conditions.

MATA HALF-FARE CARDS

MATA issues discount identification cards that allow senior citizens and riders with disabilities to travel on the fixed-route bus system for half the regular fare. Riders with a MATApplus identification card may use it to receive half-fare discounts for trips on the fixed-route system. No other card is necessary.

To be eligible for discounts on the fixed-route service, you must be sixty five (65) years of age or older, or be ADA eligible with a physical or mental disability. These discounts do not apply to MATApplus. For further information, call MATA Customer Service at 901-523-8134.

There are two types of services that are offered on MATApplus:

ADVANCED DEMAND RESERVATION SERVICE

This service allows an individual rider to make a reservation for a trip anywhere from three days up to the day before the date of travel. There is no limit to the number of non-subscription trips that can be booked on any given service day. An unlimited number of trips may be reserved during one telephone call.

SUBSCRIPTION SERVICE

Subscription Service is offered to MATApplus customers who have travel patterns to and/or from the same locations, during the same days and hours, at least three (3) days per week. Individuals who have schedules that change frequently are not eligible for subscription service.

When a person is approved for subscription service, it is necessary for that person to contact the scheduler to confirm the desired days and travel times. Once MATApplus verifies a subscription schedule, the customer does not have to make any further reservations except to cancel any trip he/she does not plan to take or to make an additional reservation.

Long-term or permanent changes to a subscription service must be submitted to MATApplus at least one week prior to the date when the change will take effect. Temporary changes to subscription service must be in effect for a minimum of two (2) weeks and be submitted one (1) week in advance of the effective date.

The regular subscription service can be reinstated with as little as one (1) week's notice. Unfortunately, same day service changes cannot be accommodated. Subscription service is offered as a convenience to our customers. Availability is based on a first come/first serve basis. Subscription is not required under ADA; therefore, certain restrictions may apply based upon availability. To check availability of subscription services, please call 901-722-7088.

NOTE: All MATApplus riders must call to make reservations for all holiday travel including all subscription riders. MATApplus operates a Saturday or Sunday schedule on all holidays. (Information regarding the specific schedule will be communicated to customers prior to the holiday).



Applying for Paratransit Service

To utilize MATApplus service, you need to complete an application. To request an application, please call 901-322-4080 or by TTY at 901-523-2817 from 8 a.m.–5 p.m. Monday through Friday.

The application for ADA paratransit eligibility asks for general identification information such as your address, date of birth, and telephone numbers. If someone completes the application for you, the application asks for general information about the individual or agency that assisted you. You will also be asked to provide a contact person and their general information.

You will be asked to describe how your disability prevents you from using the fixed-route bus service and what conditions make your need for paratransit service necessary. This self-evaluation will help the MATA team determine the category of your eligibility.

The Medical Verification Form of the application must be completed by a qualified physician, health care professional, rehabilitation professional or social worker that is familiar with the applicant's disability and can confirm the information provided on your application. This section of the application must be legible, and the medical diagnosis must be clearly specified and not abbreviated. In addition, the date and signature on the medical verification form must be within six months of submitting the application for processing. If you need assistance completing your application, please call 901-722-7193.

All applicants including those applying for recertification will be required to have a face to face interview and functional assessment at the MATApplus Eligibility Center to help determine eligibility for paratransit services. The MATApplus Eligibility Center is located inside of the Airways Transit Center at 3033 Airways Boulevard. No applications will be accepted by mail, fax or email. Please let us know if you need transportation when scheduling your interview/assessment at 901-322-4080. Transportation can be provided by MATA at no cost to you. A color photo is required and will be taken at the MATApplus Eligibility Center on the date of your scheduled interview/assessment.

It is an ADA requirement that all complete applications receive a response within twenty one (21) days of interview/assessment, or you will have "Presumptive Eligibility" to ride until an official rendering of an eligibility decision is rendered. If a determination of your eligibility has not been determined within twenty one (21) days, MATApplus will notify you of your "Presumptive Eligibility." At that time, you will be able to call MATApplus to set up your trip(s). If twenty one (21) days have elapsed, you may continue to use MATApplus until a certification determination has been made.

APPLICANT'S STATUS NOTIFICATION

Applicants will be notified in writing, or alternate formats if requested, about their eligibility. Upon approval, you will be sent a MATApplus photo identification card and a Rider's Guide instructing you how to use MATApplus services.

According to the ADA, you can receive all written correspondence in an accessible format.

APPLICATION DENIAL

You have the right to appeal any decision that denies your application. An appeal form will be included with your denial letter which must be submitted within sixty (60) days of receiving your denial letter.

Appeals should be submitted to: MATAplus ADA, 1370 Levee Road, Memphis, TN 38108.

Upon receipt of your letter of appeal form, MATA will notify you in writing of the location and time of the appeal hearing. You will have the opportunity to be represented at the hearing and may present information and arguments at that time. After your appeal hearing, you will receive a written response regarding the decision within ten (10) working days.

Should your disability status change in the future, you may submit a new application for paratransit eligibility.

RECERTIFICATION

MATAplus requires eligible customers to re-certify six (6) months to three (3) years determined by whether your certification was temporary or not. The eligibility expiration date appears on the ADA photo identification card. It is the responsibility of the customer to maintain a valid photo identification card and to reapply for the service two (2) months prior to the eligibility expiration date. If you are not recertified after thirty (30) days of notification, your name will be deactivated from the MATAplus database.

TEMPORARY DISABILITIES

Customers with temporary disabilities may obtain a MATAplus ADA photo identification card that is valid for the expected time for your recovery from the disability. If the disability continues beyond the expiration date, MATAplus will require another application from your physician or healthcare provider.

ADA PHOTO IDENTIFICATION CARDS

ADA photo identification cards will be sent to all approved applicants. Your MATAplus ADA photo identification card is accepted throughout the United States. It may be used to ride paratransit systems wherever these services are provided for up to twenty one (21) days during a one (1) year period. You must confirm exact scheduling rules and regulations with local transit authorities.

Your MATAplus photo ID card may be required each time you use the MATAplus service and is accepted as authorized identification necessary to obtain discounts on MATA's fixed-route services. Please contact MATA at 901-722-7193 for more information.

LOST ADA PHOTO ID CARDS

If you misplace your photo identification card, you may obtain a replacement card by calling the MATA ADA Certification department at 901-722-7193. The customer must pay the replacement cost of \$5.00 for the new identification card. Please send a note including your request, name and phone number. Payment must be in the form of a money order or check. No cash will be accepted.

Mail to: MATAplus ADA, 1370 Levee Road, Memphis, TN 38108.



Making a Reservation

To make a reservation, please call our MATApplus reservation agents at 901-722-7171.

Customers can make a reservation for trip(s) from one (1) to three (3) days in advance: Monday–Sunday & Holidays between 8 a.m.–4 p.m.

Individuals with hearing impairments may confirm their reservations through MATA's TTY number at 901-523-2817.

NOTE: MATApplus operators cannot make changes or cancel reservations. To change your reservation, you must contact a MATApplus reservation agent at 901-722-7171.

RESERVATION INFORMATION

Please have the following information available when making a reservation:

- Customer name
- The exact street address, (origin and destination).
- Name of apartment complexes or subdivision, as well as building, apartment, or suite numbers.
- Easily identified pick-up points should be communicated, where applicable, such as a hospital, shopping mall, or doctor's office.
- The appointment or pick-up time. (Please indicate if the customer is traveling with a Personal Care Attendant (PCA) or any escorts/companions. In addition, please indicate if the person traveling with you is a wheelchair user).
- The return trip information.

There is no limit to the number of non-subscription trips that a passenger can book on any given service day. An unlimited number of trips can be reserved during one (1) telephone call. Every effort will be made to accommodate the requested trips. However, please be aware that at times the requested trip may not be available. In those instances where demand goes beyond the available service, the MATApplus reservation agents will attempt to provide you with an alternate trip time as close to the originally requested time as possible.

Trip negotiations are permissible under the ADA. Riders who request a specific pick-up time that is not available will be offered a pick-up time nearest to the requested pick-up time within one (1) hour before or one (1) hour after the requested pick-up time. Negotiations of pick-up times will consider the rider's schedule, desired arrival and departure times.

Example: *If a rider requests an 8:30 a.m. pick-up to be at work at 9 a.m. and a 5 p.m. return trip, the a.m. time can be negotiated between 7:30–8:30 a.m. The p.m. time can be negotiated between 5 p.m.–6 p.m.*

If the rider refuses a trip provided within one (1) hour before or one (1) hour after the requested pick-up time, depending on the trip purpose such as an appointment, the declined trip will be considered a trip refusal. A rider may still accept an alternate pick-up time that is more than one (1) hour from the requested pick-up time. Every effort will be made to accommodate the requested trips.

Any accepted/unaccepted trip that is more than one (1) hour from the requested pick-up time will be considered a trip denial. All passengers have the right to reject an alternate trip time.

If a passenger gets a late trip and requires additional time, the rider may call the MATApplus dispatcher at 901-722-7171 to request a later return trip and the trip will not be charged as a no-show. If you request a later return trip, you will need to call when you are ready to return. You will need to wait for an available bus.

Will call trips are for medical or trips due to MATApplus arriving late only.

MATApplus customers may call the dispatcher at any time at 901-722-7171 and select prompt #3 to ask for an estimated time of arrival (ETA).

Please remember that you are responsible to arrange for the vehicle to gain access to gated communities or secured complexes. A driver cannot be delayed trying to locate personnel to provide access to a complex. There is no guarantee of the type of bus you will receive.

CONFIRMATION OF RESERVATIONS

Whenever possible, reservation confirmations are given when you call to make your reservation.

RESERVATION CHANGES

For the convenience for you and other passengers, please notify us regarding your reservation changes during the reservationist hours of 8 a.m.–4 p.m., the day before or earlier at 901-722-7171. Please note that late changes for scheduled trips can be disruptive to other passengers. We will make every attempt to accommodate your transportation needs.

CANCELING A TRIP

If a passenger has a scheduled trip on MATApplus and does not plan to take the trip, please call and notify MATApplus at least one (1) hour prior to the scheduled pick up time allowing enough time for a trip to be rerouted. If you have a scheduled return trip, MATApplus will not automatically cancel your return trip so as not to strand any passenger. You will need to cancel your return trip to avoid receiving a no-show for that trip.

Please notify us regarding your cancellation at 901-722-7171 and select prompt #2 at the earliest possible time.



No-Show Policy

Scheduling a trip and then failing to use the service, without properly canceling the trip, causes delays to the service and other passengers. Passengers who establish a pattern or practice of missed trips under the ADA could receive imposed sanctions. A pattern or practice involves intentional, repeated or regular actions, not isolated, accidental, or singular incidents which are within the control of the individual passenger. Missed trips due to errors of the transit agency, operator error, or circumstances beyond the passenger's control are not attributed to the passenger. If a customer is a no-show ten (10) times within a thirty (30) day period and the no-shows are 15 percent or more of the trips scheduled for the customer during the thirty (30) day period, a suspension may be issued.

If a passenger feels that any of the attributed no-shows were beyond their control and or were charged in error, they may contact MATApplus to appeal any charged no -show.

To request an appeal: Call 901-722-7193 or email mpluscertification@matatransit.com.

Appeals by mail can also be submitted to:

MATApplus ADA
1370 Levee Road
Memphis, TN 38108

NO-SHOW APPEAL PROCESS

If a passenger requests an appeal, paratransit service will continue to be provided to the passenger until the appeal is heard and decided. The passenger will be notified of the appeal date, time and location of the appeal. During the appeal process, the passenger will be allowed an opportunity to be heard and present information and arguments. After your appeal, you will receive a response regarding the decision within five (5) working days. If any of the appeals are overturned, the no-shows will be removed from the passenger's record.

NO-SHOW SUSPENSIONS

The goal of issuing suspensions to any passenger is not to deny the passenger service but to reduce the number of no-shows and correct the problem which can lead to a disruption in service. If any passenger's suspensions are upheld, the passenger's suspension will be as follows:

PENALTY

- 1st suspension — three (3) days
- 2nd suspension — one (1) week
- 3rd suspension — two (2) weeks
- 4th suspension — three (3) weeks
- 5th suspension — four (4) weeks



Pick-Up Procedures

For MATAplus to provide you with safe service you must specifically designate a location and inform us where you will be waiting to be picked up. MATAplus has developed the following procedure to ensure safe vehicle movement and standardized connecting point guidelines:

Customers living in large, multiple unit apartment complexes must meet the paratransit vehicle either at the curb closest to their address or at the curb closest to the main lobby, unless instructed otherwise.

DIFFICULT PICKUP LOCATIONS

MATAplus vehicles may not enter dead end streets or coves due to the inability of the operator to turn the vehicle around or back up the vehicle. Customers with pick-up locations in coves and dead-end streets may be required to meet the MATAplus vehicle. MATA will also provide additional time for persons with disabilities trying to reach MATA vehicles and while boarding or alighting vehicles when requested. MATAplus will relay this information through the MATA website or will contact the customer by phone. (In addition, in complexes where the vehicle cannot turn around, the customer must meet the bus at the nearest entrance).

Before any MATAplus vehicle can enter apartment complexes that are not easily accessible, the location must be inspected. If the facility has a guarded gate or limited access, the security staff should be informed by the customer of the scheduled pick-up and return times.

It is your responsibility to notify MATAplus of security procedures when the reservation is made and to arrange access for the vehicle. The paratransit vehicle cannot be delayed due to complicated access requirements.

A customer traveling from a large office complex, medical facility, or other similar area must meet the vehicle at a point closest to the main reception desk or main lobby entrance.

MATAplus is committed to arriving within the thirty (30) minute pick-up window. (**NOTE: *Thirty (30) minutes before or after the scheduled pick-up time***).

If the customer is not at the proper pick-up location within five (5) minutes from the time the bus arrives during the thirty (30) minute pick up window the vehicle will depart, and the customer will be declared a “no-show.” The MATAplus vehicle will not leave prior to five (5) minutes after your scheduled pick up time.

Out of courtesy for other MATAplus customers who are scheduled on the same vehicle, the driver will wait no longer than a five (5) minute grace period. Customers must be ready to depart at any time during the thirty (30) minute window which starts after your scheduled pick up time.

The MATAplus Interactive Voice Response (IVR) software system will call demand response customers by

telephone on the day before your scheduled trip to remind you of your scheduled trip. The software will also call you by telephone twenty (20) minutes prior to your schedule pick up time to alert you that the vehicle is on the way.

If you are unable to see the arrival of the vehicle, and because of your disability are unable to wait outside in weather extremes, you may request the dispatcher to notify you of the vehicle's arrival provided you can be contacted.

It is the customer's responsibility to be within viewing distance of the driver when the vehicle arrives. It is not the responsibility of the MATApplus driver to find you.

Please note that for your and other customer's convenience the MATApplus vehicle cannot wait while customers conduct business at their destination.

BOARDING THE MATAPLUS VEHICLE

Customers may be required to present their MATApplus ADA photo identification prior to boarding the vehicle. MATApplus customers are required to have the correct fare in cash or an authorized MATApplus fare card when boarding the vehicle.

Please be aware that operators cannot make change. Any customer that does not have correct change will be provided a refund coupon, which is redeemable at the Customer Service Center located inside of the William Hudson Transit Center at 444 N. Main Street.

OPERATORS ASSISTANCE

Operators will assist the customer from their origin to their destination and on or off the vehicle. Operators should verbally indicate to a visually impaired customer waiting at the curb that the paratransit vehicle has arrived. In cases where needed and requested, drivers should provide sighted guide assistance to and from the bus. When assisting customers, it is an agency policy that the operators cannot lose sight of the bus or enter the building or home. The operator can assist to the door only.

ASSIGNED VEHICLES AND OPERATORS

Please note that due to the complexity of the system, riders cannot request a pick-up in a certain vehicle or request certain operators. Customers are expected to ride in the vehicle dispatched for their trip with the vehicle operator assigned by the MATApplus team. If you have concerns or complaints about the condition of a vehicle or the operator's performance, please report it promptly to MATA Customer Service at (901) 522- 9175.



Travel Companion/ PCA's

When you are unable to travel alone, MATAplus encourages you to travel with a Personal Care Attendant (PCA). The need for a PCA is determined by the customer's healthcare provider or the customer.

MATAplus may suggest that you provide a PCA if you require assistance beyond what the operator can provide. PCAs can travel with MATAplus customers at no cost. If you require a PCA at any time, please note this information on your application. PCAs must travel from the same location and at the same time as the MATAplus customer.

When making your reservation, please advise the MATAplus reservation agent if you will be accompanied by your PCA and/or travel escort/companion and if either will be a wheelchair user. Additional escorts may travel on a space-available basis.

Travel escorts/companions are subject to the regular paratransit fare and must have the exact same travel arrangements as the customer. It is not necessary for the escort to be certified by MATAplus and they do not need a photo identification card.

You should inform the reservation agent at the time of the reservation whether a travel escort or a PCA or both will be accompanying you to ensure an accurate count of individuals traveling on a vehicle. Children age five (5) years and younger must be accompanied by a responsible adult.



MATApplus Fare

Personal care attendants ride free. All escorts/companions must pay the regular fare per trip, plus any zone fares. (Zone fare is an additional \$1.60 each way).

You may purchase MATApplus punch cards by mail by sending a self-addressed, stamped envelope (or \$1.00 to cover postage) with your payment. You may also use a credit card to purchase punch cards to be sent to you by mail. (Additional fees may be added for certified postage if requested.) Punch cards may be purchased at any of the three (3) transit centers:

MATA CUSTOMER SERVICE CENTERS

William Hudson Transit Center

444 North Main Street

901-274-6282

Monday–Friday

7 a.m.–6 p.m.

American Way Transit Center

3919 American Way

901-722-0322

Monday–Friday

7 a.m.–11 a.m. and 2 p.m.–6 p.m.

Airways Transit Center

3033 Airways Blvd

901-722-7080

Monday–Friday

8 a.m.–12 p.m.



Riding MATAplus Vehicles

AMBULATORY CUSTOMERS

Customers unable to use the steps to enter the vehicle may request the ramp or wheelchair lift be extended to board the vehicle. Ambulatory customers who use the lift must be able to stand without assistance to hold onto the handrails.

WHEELCHAIRS

MATAplus will transport all wheelchairs and its users if they can be accommodated by a MATAplus paratransit vehicle safely. MATAplus cannot transport customers with inoperative devices such as dead batteries or damaged vehicles.

SECUREMENT/SEATBELTS

It is the responsibility of the MATAplus driver to be sure that mobility devices are properly secured prior to transporting you. Customers using wheelchairs or scooters are required to have their mobility devices secured when being transported.

It is a MATAplus policy that all persons traveling on MATAplus must use seatbelts where available. Shoulder straps may be used at the customer's discretion. Mobility device securement and the use of seatbelts are for your safety. Failure to cooperate with the safety-related policies might result in loss of service.

It is also a MATAplus policy that operators must secure mobility devices when riders transfer from the device to a seat. However, there are some exceptions such as very heavy wheelchair or stretchers that exceed the weight limit and dimensions set forth in the guidelines. In these cases, the regulations allow you to refuse service regardless of other qualifying functional limitations that the user may have.

TRANSPORTING PACKAGES

Each customer can board with packages. The customer must be fully responsible for the packages, which must be secured and cannot occupy customer seating. If assistance is needed, MATAplus drivers may assist but are not required to offer assistance. Excessive luggage and large boxes cannot be accommodated.

Ambulatory customers with luggage may also request to use the lift or ramp.

SERVICE ANIMALS

ANIMALSService animals can ride with their owners. MATAplus will transport service animals that are properly constrained. It is the customer's responsibility to maintain control of their service animal.

If a driver is unsure that an animal is a service animal, you may be asked if the animal is a service animal and what tasks the animal has been trained to perform. If a service animal is not under the owner's control

or the animal poses a direct threat to the health or safety of others, you will be asked to remove the animal from the vehicle.

Note: *For safety reasons, drivers are not allowed to carry cages or handle the service animals. Drivers are not allowed to touch a service animal or their property without the owner's permission.*

YOUR RESPONSIBILITY WHEN RIDING MATAPLUS VEHICLES

The following rules of conduct are provided for your safety and comfort. Each customer must comply with the rules of conduct. Actions of misconduct, including illegal, violent or seriously disruptive behavior, will be grounds for suspension of services for the customer. Anyone found acting in an unsafe manner, which may endanger other customers, the operator, or the vehicle will be suspended from service immediately. MATA will consider an appeal for such suspension of services on a case-by-case basis.

Customers requiring physical assistance should have a PCA or escort accompany them when traveling on MATAplus. The PCA will be responsible for providing the physical assistance the customer requires. MATAplus operators will assist you. However, they are not allowed to leave sight of their vehicles or unattended.

It is the responsibility of the customer to watch for the bus. MATAplus operators are not responsible for going inside of establishments to look for customers. Special consideration will be given to customers with vision impairments and delayed dialysis treatments.

Customers requiring medication or oxygen at regular intervals should be advised that travel time on the paratransit vehicle is comparable to that of the fixed-route system. Rides are subject to delays that may result in a customer's on-board time being longer than sixty (60) minutes. Public transportation is subject to unpredictable conditions such as traffic delays, inclement weather, and mechanical problems.

Note: *MATAplus operators cannot be held responsible for the administering of medications. The administration of medication when in a MATAplus vehicle is the customer's responsibility.*

Any customer requiring assistance in the administering of medication or oxygen while on the vehicle must travel with a PCA or escort. Should the administration of medications or oxygen become necessary while on the vehicle, MATA will contact emergency medical personnel to administer the required medication at the customer's expense. Repeated incidents in which medication schedules disrupt or delay other MATAplus customers may result in the evaluation of the individual's suitability to use MATAplus services.

MATA has a "No Smoking" policy throughout the transit system. In addition, customers are prohibited from eating or drinking on the vehicle unless a medical problem exists that requires eating or drinking at specified times periods. In such cases, the customer must advise the driver.

Customers are prohibited from playing radios without the use of headphones.

Customers may not operate or tamper with any equipment while on the vehicle. This includes the operation of the hydraulic lift, ramp, doors and attempts to remove the wheelchair tie-downs or passenger seat belts.

REASONABLE MODIFICATIONS/ACCOMMODATIONS

MATA accommodates passengers with reasonable modifications which may include helping passengers insert money into fare boxes, allowing passengers to eat, drink, or take medicine aboard a transit vehicle to avoid a medical problem, and permitting passengers to board separately from their mobility devices when the passenger can not control the movement of the device.

Additionally, MATA will make reasonable accommodations for persons with disabilities during periods of construction, road closures and special events that disrupt normal vehicle patterns. MATA will also provide additional time for persons with disabilities trying to reach MATA's vehicles and while boarding or alighting vehicles when requested.

Passengers may request modifications in advance or at the time they are needed. Passengers are not required to indicate "reasonable modification" when asking for an accommodation. MATA staff will work with passengers to find an alternative approach to accommodate their accessibility needs if a policy, practice, or procedural modification cannot be fulfilled. In addition, MATA will provide information (upon request) in various formats such as large print, braille, etc. to help persons with disabilities. MATA also has TTY services available.

To request information in any of these formats or for a reasonable accommodation, call the MATAplus ADA Department at: 901-722-7193 or 901-722-7165.

OPERATORS RESPONSIBILITIES

Drivers are expected to obey the same rules as our customers. The following additional rules also apply:

- Operators will assist customers in boarding and disembarking the vehicle.
- Operators do not accept tips or gratuities or act in a manner that would suggest that tipping is appropriate.
- Operators are responsible for the operation of the hydraulic lift, ramp and securing mobility devices safely in the vehicle.
- Operators can only handle fares when necessary to assist the customer.
- Operators cannot make change.
- Operators are not allowed to touch or communicate with a service animal with the owner's permission.

LOST & FOUND PROCEDURE

Any article left on the vehicle and are found, will be stored at the MATA Lost & Found Department located at the William Hudson Transit Center at 444 North Main Street. Articles will be held for thirty (30) days. To claim a lost article, please call 901-274-6282 or 901-523-8134 between 9 a.m.-5 p.m., Monday–Friday. Customers are responsible for claiming lost articles.



Suggestions, Comments & Complaints

MATA seeks to provide its customers with safe, reliable, and customer-oriented service. We look forward to working with you to provide the best service possible. If you have a suggestion, comment or a complaint about MATA services, please call 901-522-9175 or 901-522-7180.

Email complaints to: ridersfirst@matatransit.com

Or write to:

MATAplus Complaints Department
1370 Levee Road
Memphis, TN 38108

Specific details will help MATA thoroughly address your suggestions, complaints or comments in an expeditious fashion. Please remember to include the following information when calling or writing to us:

- Name, address, and telephone number.
- Location, date and time of experience, if applicable.
- Vehicle number and/or driver's name/badge number, if applicable.
- Reservation or service agent's name, if concerning a telephone conversation.
- Explanation of incident, suggestion, or comment.



1370 Levee Road • Memphis, TN 38108

matatransit.com/services/mataplus

Attachment D
MATApplus Application Form,
Interview Form and Functional Assessment Form

MATApplus

Please call 901-322-4080 to schedule an appointment for an interview and functional assessment after the completion of your application. Please **do not** drop-off applications without an appointment.

ADA Paratransit Eligibility Application

**PLEASE BRING COMPLETED APPLICATION & MEDICAL VERIFICATION FORM TO:
MATApplus Eligibility Center - 3033 Airways Blvd. - Memphis, TN 38131**

NOTE: Complete all pages of the application.
MATA will process incomplete applications.
Faxed or mailed applications will not be accepted.

The Memphis Area Transit Authority (MATA) will use this application as **1 of 4 steps** to determine eligibility for MATApplus (paratransit services). MATApplus is a curb-to-curb transportation service for individuals with disabilities who cannot use fixed-route buses. MATA's fixed-route services include bus and trolley transit. MATA bus/trolley services are fully accessible to individuals with disabilities. When we have individuals that cannot use fixed-route buses or the trolley, they can be certified for MATApplus. **To be certified, the applicant will need to complete this application and the medical verification form before the in-person interview and functional assessment. The applicant must complete the entire certification process to be deemed eligible MATApplus.** The steps to **eligibility** certification are as follows:

STEP 1:

- Complete your application (your demographic information and information about your disability)
- Have your Physician/Healthcare Services Provider complete and return **TO YOU** the **Medical Verification of Disability Form**.

STEP 2:

- Once you receive the **Medical Verification of Disability Form**, call the Eligibility Center to schedule your interview and possible functional assessment.
- Show-up at the assessment center for your interview and assessment (please arrive on time).

STEP 3:

- Participate in a face-to-face interview with the MATApplus Compliance Specialist.
- The applicant has a picture taken for their MATApplus I.D. Card, if applicable.
- If necessary, undergo a functional assessment (same-day and location).

STEP 4:

- Participate in a functional assessment with the Functional Assessment Specialist.
- Depending on the outcome of all four steps – you may be granted certification within twenty-one (21) days following the interview and assessment.

PLEASE COMPLETE THE ENTIRE APPLICATION

PART I – General Information to be completed by you, the applicant or your representative (Please legibly print or type)

Application Type (please check one)

Original Certification

Recertification

First Name: _____ **Last Name** _____ **Middle Initial** _____

How do you identify

Male

Female

Other

Date of Birth

<small>MM</small>	<small>DD</small>	<small>YYYY</small>

Street Address _____

City/State/Zip Code _____

Apartment # _____

Alternate Street Address _____

City/State/Zip Code _____

Phone # _____

Alternate Phone Number _____

Email address _____

Work Phone # _____

If you already have a MATApplus I.D. Card, please write your I.D. number here: _____

PART II – Emergency Contact Information

First Name: _____ **Last Name** _____ **Middle Initial** _____

Relationship: _____

Day Phone: () _____ **Evening Phone:** () _____

PART III – Mobility Information

Do you use a mobility device? Yes No

Please check all that apply

If yes, which of these mobility/communication aids or equipment do you use to help you get where you need to go? (Please check all that apply)

White Cane

Powered wheelchair

Powered scooter/cart

Cane

Manual wheelchair

Brace

Walker

Crutches

Oxygen

Picture Board

Alphabet Board

Prosthesis (specify) _____

None

Service animal

Other (specify) _____

If you use a wheelchair/scooter is the total combined weight of you and your mobility device more than 600 pounds? _____ What is the date you were last weighed by your doctor/healthcare provider? _____

PART VI – Questions about using a fixed-route or trolley

Are you currently using a MATA fixed-route bus or trolley for your transportation?

Yes No

If yes, how often are you using the bus or trolley? Please explain: _____

If yes, please list the routes: _____

PART V – Affidavit:

I verify that all statements are true and correct to the best of my knowledge. I understand that giving false information can disqualify my application and subsequent registration. I authorize MATA to obtain verification of any information presented in this application and to obtain essential medical information necessary for the determination of MATA’s Paratransit eligibility. I also agree to submit myself for an in-person interview and functional assessment by MATA for a determination of MATA’s Paratransit eligibility (MATAplus).

Applicant’s Signature _____

Date _____

*****PLEASE READ*****

We recommend the submission of the most recent medical/diagnostic records or information that verifies your disability related to:

- Vision/Hearing/Speech Condition
- Developmental/ Mental Condition -- (Voc. Rehab, School IEP & 504 documents excepted)

Alternate documents from professionals that specialize in those areas may be used instead of an assessment at this time. However, ask the assessment center for additional clarification about how old and type of an assessment we will accept.

Client #: _____

Date application received: _____

Date approved/denied: _____

Approved Denied

For office use only.

MATaplus

Medical Verification of Disability Form

*****PLEASE NOTE*****

This form must be completed in its entirety. Any form with requested information omitted will not be processed and can affect the certification of this applicant.

DATE: _____

Patient (Applicant) Name: _____ **Patient/(Applicant) Date of Birth:** _____

Dear Health Care Professional:

You are being asked to provide information regarding this individual's disability. The Federal Law is specific regarding ADA paratransit eligibility. The law restricts eligibility to individuals who:

1. because of their disability, cannot board, ride, or disembark from a regular fixed route bus or;
2. have a specific impairment-related condition, which prevents them from getting to or from a bus stop.

Therefore, the information, which you provide, will assist MATA in determining your patient's functional and cognitive ability to use public transportation. This form also helps MATA in deciding when and under what circumstance (s) the applicant can utilize the fixed route bus system. All of our vehicles are equipped with a wheelchair lift for individuals who need to use a wheelchair or cannot climb stairs. It is essential that you be as precise as possible in your evaluation. All information on this form will be kept strictly confidential and will not be released.

PLEASE NOTE: This does not include persons who find it difficult or uncomfortable to get to and from bus stops. In providing information, you should consider only the presence of a disability or health condition and not the applicant's age, lack of reliable transportation or economic status.

Applicant General Health Information:

Name of Healthcare Profession or Agency: _____

Address of Provider's Office: _____ Phone Number(s): _____

Fax Number: _____

How long have you been treating the applicant? _____

What is the nature of the disability or condition that affects the person's ability to use the regular fixed route bus system? (check all that apply)

- General Medical Condition
- Bone and Joint Condition
- Brain/Nerves/Muscle Condition
- Heart and Circulatory Condition
- Lung and Breathing Condition

We recommend the submission of the most recent medical/diagnostic records or information that verifies the applicant's disability for the following types of conditions from a specialist for consideration. May be used instead of an assessment.

- Vision/Hearing/Speech Condition
- Developmental/ Mental Condition *(School IEPs & 504 documents excepted)*

Status of applicant's/patient's disability:

The disability/condition that supports the applicant's case in qualifying for paratransit services is:

- Permanent
- Temporary

If the condition is temporary, estimate the applicant's time for full recovery and the possible length of time paratransit services will be needed before the applicant can resume normal travel/transportation practices. Check below if:

- The applicant's disability or health condition is only temporarily expected to prevent fixed route use,
or

- The applicant is newly disabled and expects to improve their functional abilities to allow fixed route use under at least some conditions.

If the condition is permanent, list the condition (s) and date of onset of the condition below:

Diagnosis/Disability:	Date of Onset:
1. _____	_____
2. _____	_____
3. _____	_____

Personal Care Attendant (PCA): _____

Does the applicant (your patient) require the assistance of a PCA? Yes No

The ADA has guidelines addressing an applicant’s need for assistance regarding that individual's inability to travel independently on either a fixed-route bus or ADA paratransit service or both. The need for assistance MUST relate to the individual's disability AND be beyond what the fixed route or ADA paratransit operator is expected to provide. On fixed-route, the need for assistance pertains only to the actual trip; on ADA paratransit, the need for assistance would apply to both the trip itself and at the destination. Check the appropriate box(es) and circle what type of assistance is needed for the task.

If the applicant were to use the fixed-route, would they need:

- Physical or navigational assistance to travel two blocks?
- Physical or behavioral assistance while waiting 10 min. for the bus/trolley?
- Physical or directional assistance in getting on or off the bus/trolley?
- Physical or behavioral assistance while riding the bus/trolley?
- Directional assistance regarding - when or where to get off the bus/trolley?
- Other _____
- Not Applicable

My signature below certifies that the above information is accurate. *(If the verifier of the applicant’s/patient’s information for qualification for paratransit service (MATApplus) is not a medical doctor, please provide your area of training/specialization, license number, and state that issued your license to practice within the profession below.)*

** Physician/Other Healthcare Provider**

License Number

State

Eligibility Interview Form

Date of Interview: _____

Interview Tracking# _____

Applicant Name: _____ How arrived? MATaplus ___ Fixed Route ___ POV ___

Interview info obtained by: ___ Applicant ___ Family Member ___ Home Care/Agency ___ Other _____

Applicant Information:

Temporary Condition? **Yes/No** If **yes**, how long estimated recovery time? _____

Permanent Condition? **Yes/No** Is O2 needed? **Yes/No**

What is the disability type/condition that affects the person's ability to use the regular fixed route bus system?

- Physical Condition
- Psychiatric Condition
- Cognitive Condition
- Vision/Hearing/Speech Condition
- Respiratory Condition

Mobility:

Mobility Device needed? **Yes/No**

If **yes**, what type of device is used? ___ Power WC/Scooter ___ Manual WC ___ Cane/Walker/Rollator

How close is the closest bus stop to applicant's home? _____

How far is too far?

- Less than 1 block
- 1-2 blocks
- 3-4 blocks

Is the applicant able to?

- Get on/off bus **with/without** handrails
- Able to board bus **with/without** lift or ramp?
- Able to board bus using three 10" stairs?

Assessments Recommended:

- ___ Physical Functional Assessment
- ___ Travel Training for Fixed Route Services
- ___ None

Current Transportation:

How do you normally travel? Someone drives MATApplus Fixed Route Uber/Lyft

Does utilize any of MATA's Services? **Yes/No** If **yes**, which services? Trolley Fixed Route Matapplus

If the applicant uses Fixed route services, how often used? frequently sometimes never

Address to main destinations:

1: _____

3: _____

2: _____

4: _____

Is the applicant interested Travel-Training or Senior/Disabled Discount ID for Fixed Route Services? Yes/No
Does the applicant have/want a Fixed Route

Additional Comments/Notes:

208

#1

Functional Assessment

Background Information:

Today's Date: 11-21-19

Weather: _____

Applicant's Name: _____ New Applicant Recertification

Primary Disability/Medical Condition: Arthritis

Secondary Disabilities/Medical Conditions: N/A

Currently Receiving Any Treatment: N/A

Chief Complaint as perceived by the applicant: N/A

Mobility Aids Reportedly Used Outdoors

- Wheeled walker
- Standard walker
- Rollator
- Single point cane
- Quad cane
- Low vision cane
- Manual wheelchair
- Power wheelchair
- Scooter
- Axillary crutches
- Loftstrand crutches
- Hemi walker

Braces: _____ Prostheses: _____

Oxygen: _____ Other: _____

N/A

Uses Mobility Aides: Full-Time Part-Time
If Part-Time, Explain: _____

N/A

Has used current mobility equipment how long? _____

N/A

Mobility Aid Use on level surfaces: Dependent Independent Partial-Assist
If Partial Assist, Explain: _____

If applicant uses a wheelchair, how do they operate it?

- Two hands
- Wearing splints or adaptive devices
- Two feet
- Joystick
- One hand
- Handlebars
- One foot
- Head array

N/A

Other: _____

Comments (optional):

Mobility / Balance Testing

Applicant is to begin assessment in an armless chair.
List assistive device that applicant is using today: _____

Sitting Balance 0 – Leans or slides in chair
 1 – Steady, safe

Arises 0 – Unable without help
 1 – Able, uses arms to help
 2 – Able, without using arms

Attempts to rise 0 – Unable without help
 1 – Able, requires > 1 attempt
 2 – Able to rise, 1 attempt

Immediate Standing Balance (first five seconds)

0 – Unsteady (swaggers, moves feet)
 1 – Steady but uses walker or other support
 2 – Steady without walker or other support

Standing Balance 0 – Unsteady
 1 – Steady but wide stance (heels > 4" apart or use of other support)
 2 – Narrow stance without support

Nudged (with feet close together, subject pushed on sternum three times)

0 – Begins to fall
 1 – Stagger, grabs, catches self
 2 – Steady

Eyes closed (same position as above)

0 – Unsteady
 1 – Steady

Turning 360 degrees

0 – Discontinuous steps
 1 – Continuous

0 – Unsteady (grabs / staggers)
 1 – Steady

Sitting Down 0 – Unsafe (misjudged distance, falls into chair)
 1 – Uses arms or not a smooth motion
 ② – Safe, smooth motion

Balance Score 14 /16

Gait Testing

Applicant, while walking with examiner, walks across the room first at "usual" pace, then back at a "rapid but safe" pace.

Initiation of Gait 0 – Hesitate to start
 ① – Starts smoothly

Right Foot: 0 – Does not pass left stance foot with step
 ① – Passes left stance foot

 0 – Right foot does not clear the floor
 ① – Right foot clears the floor

Left Foot: 0 – Does not pass right stance foot with step
 ① – Passes right stance foot

 0 – Left foot does not clear the floor
 ① – Left foot clears the floor

Step Symmetry 0 – Right and left step are not of equal length
 ① – Right and left step appear equal

Step Continuity 0 – Stopping or discontinuity between steps
 ① – Steps appear continuous

Path (observe excursion of 1 foot over 10 foot course)

 0 – Marked deviation
 1 – Mild / Moderate deviation
 ② – Straight without error

Trunk 0 – Marked sway or uses walking aide
 1 – No sway, but flexion of knees or back or spread arms when walking
 ② – No sway, no flexion, no use of arms and no use of aid

Walking stance 0 – Heels apart
 ① – Heels almost touching while walking

Gait Score 12 /12

Balance Score + Gait Score 26 /28

Risk for fall

- < 19 – High Risk
- 19-24 Medium Risk
- > 24 Low Risk

Navigation Low-Floor Bus Ramp (wheelchair users and ambulatory people)

Can navigate up ramp? Yes No Supervision for safety Cues for safety Physical assist required

Number of trials: 1

Time of performance: 8.0

Can navigate down ramp? Yes No Supervision for safety Cues for safety Physical assist required

Observations Notes (optional):

Maneuvering into Securement Area (wheelchair users)

Able to maneuver into area? Yes No Supervision for safety Cues for safety Physical assist required

Number of trials: _____ Forward Backward

Time of performance: _____

N/A

Observations Notes (optional):

Comments (optional):

Evaluator *Erwane Johnson*

Date *11/21/19*

Attachment E
Sample MATplus Eligibility Determination Letters

⑧ ①

MATAPLUS

Denial Notification

Dear [REDACTED]

March 15, 2019

After careful review of your application, it is the determination of the Certification Department that you do not meet the eligibility guidelines for paratransit service set forth under the American with Disabilities Act (ADA).

This determination is based on the following factors:

Paratransit services are for individuals that have a disability that prevents them from riding or understanding the fixed route system. After careful review of the MATAplus application received, the information gathered during the face-to-face interview and functional assessment, the applicant currently does not meet the requirements set by ADA. It has been determined that the applicant can navigate to and understand Fixed Route services. Enclosed is an application for the Fixed Route Reduced Fare application for your convenience.

Federal law restricts eligibility for ADA paratransit service to persons who cannot, due to a disability, utilize fixed route transit service. We would encourage you to use the fixed route service and hope you will become a regular customer. You can call our customer service center for assistance in planning trips. That number is 901 274 6282 (MATA).

If you do not agree with this decision, you have the right to an appeal. Appeals must be filed in writing within 60 days of this letter.

PLEASE CHECK THE FOLLOWING:

____ INTEND TO APPEAL

Signature

Date

MAIL TO: **MATApplus ADA Certification Department**
1370 Levee Road, Memphis TN 38108

MATA will notify you of the location and time of the appeals hearing. You will have the opportunity to be represented at the hearing and may present information and arguments at that time.

Tia Horton- ADA Compliance Specialist
(901) 722-7193 (o)
(901)623-2983 (f)

#1

MATAPLUS Denial Notification

Mailed
11.27.19

Dear [REDACTED]

November 26, 2019

After careful review of your application, it is the determination of the Certification Department that you do not meet the eligibility guidelines for paratransit services set forth under the American with Disabilities Act (ADA).

This determination is based on the following factors:

Application: Medical Verification Form did not list any medical conditions that enables the applicant from utilizing the Fixed Route System. There are no medical/physical disabilities listed to verify paratransit need.

Face-to-face interview: There were no additional medical conditions verified during the face-to-face interview or the application that qualifies for MATApplus paratransit services.

Functional assessment: Applicant passed the functional assessment with 26/28. There is 1 Fixed Route stop within the service area of the applicant's residence.

The applicant currently does not meet the requirements set by ADA. It has been determined that the applicant can navigate to and understand Fixed Route services. Enclosed is a Reduced Fare Application.

Federal law restricts eligibility for ADA paratransit service to persons who cannot, due to a disability, utilize fixed route transit service. We would encourage you to use the fixed route service and hope you will become a regular customer. You can call our customer service center for assistance in planning trips. That number is (901)274-6282 (MATA).

**Tia Horton-
ADA Compliance Specialist-
(901) 722-7193**

MATAPLUS

Denial Notification

November 26, 2019

If you do not agree with this decision, you have the right to an appeal. Appeals must be filed in writing within 60 days of this letter. Please complete the bottom half of this form and return within 60 days of this dated letter.

PLEASE CHECK THE FOLLOWING:

 INTEND TO APPEAL

Signature

Date

MAIL TO: **MATApplus ADA Certification Department**
1370 Levee Road, Memphis TN 38108

MATA will notify you of the location and time of the appeals hearing. You will have the opportunity to be represented at the hearing and may present information and arguments at that time. Please bring any additional documentation verifying your need for MATApplus paratransit services.

Tia Horton-
ADA Compliance Specialist
(901) 722-7193



U.S. Department
of Transportation
**Federal Transit
Administration**

Headquarters

East Building, 5th Floor, TCR
1200 New Jersey Avenue, SE
Washington, D.C. 20590

December 28, 2020

Gary Rosenfeld
Chief Executive Officer
Memphis Area Transit Authority
1370 Levee Road
Memphis, TN 38108

RE: ADA Complementary Paratransit Specialized Review Final Report

Dear Mr. Rosenfeld:

This letter concerns the Federal Transit Administration's (FTA) ADA Complementary Paratransit Specialized Review of the Memphis Area Transit Authority (MATA), conducted January 21–24, 2020. Enclosed is a copy of the Final Report, which will be posted on FTA's website on our ADA page.

The FTA Office of Civil Rights is responsible for ensuring that providers of public transportation comply with the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and the U.S. Department of Transportation's (DOT) implementing regulations at 49 CFR Parts 27, 37, 38, and 39. As part of our ongoing oversight efforts, FTA conducts a number of onsite reviews to ensure compliance with the ADA and the applicable departmental regulations. FTA uses the findings from these reviews to provide direction and technical assistance to transit agencies in order to achieve compliance with the ADA.

Unless otherwise noted, all corrective actions identified in the Final Report must be undertaken within 90 days of the date of this letter. Once we have reviewed your submissions, we will either request clarification or additional corrective action, or will close out the finding if your response sufficiently addresses the ADA requirements. Please email your responses to me at john.day@dot.gov.

We appreciate the cooperation and assistance that you and your staff have provided us during this review, and we are confident MATA will take steps to correct the deficiencies. If you have any questions about this matter, please contact me at (202) 366-1671, or via email at john.day@dot.gov.

Sincerely,

John Day
Program Manager
FTA Office of Civil Rights

Enclosure

cc: Yvette Taylor, Regional Administrator, FTA Region 4
Selene Faer Dalton-Kumins, Associate Administrator, FTA Office of Civil Rights