

FTA

FEDERAL TRANSIT ADMINISTRATION

Indianapolis Public Transportation Corporation (IndyGo)

ADA Paratransit Compliance Review

Final Report

June 2016



U.S. Department of Transportation
Federal Transit Administration

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Table of Contents

Executive Summary	1
1. General Information	3
2. Jurisdiction and Authorities.....	4
3. Purpose and Objectives	5
3.1 Purpose.....	5
3.2 Objectives.....	5
4. Introduction to Indianapolis Public Transportation Corporation (IndyGo)	6
4.1 Introduction to Paratransit Services and Organizational Structure	6
5. Scope and Methodology	7
5.1 Scope.....	7
5.2 Methodology	8
5.3 Stakeholder Interviews.....	11
6. Findings and Advisory Comments.....	13
6.1 Comparable Paratransit Service	13
6.2 Paratransit Eligibility Process	14
Absence of Administrative Burdens	14
Paratransit Eligibility Standards	14
Accessible Information	18
Eligibility Determinations or Presumptive Eligibility within 21 Days.....	18
Written Eligibility Determinations including Specific Reasons for Denials or Temporary or Conditional Eligibility Determinations.....	19
Recertification of Eligibility at Reasonable Intervals.....	20
Administrative Appeals Process for Denials or Decisions Granting Conditional or Temporary Eligibility.....	21
Complementary Paratransit for Visitors	23
6.3 Types of Service	23
6.4 Service Criteria for Complementary Paratransit	24
Service Area.....	24
Response Time.....	25
Fares	27
No Trip Purpose Restrictions.....	27
Hours and Days of Service	28
Absence of Capacity Constraints	28
No restrictions on the number of trips provided to an eligible individual	29
No waiting list for access to the service.....	29
No substantial numbers of significantly untimely pickups for initial or return trips .	29

No substantial numbers of trip denials or missed trips	31
No substantial numbers of trips with excessive trip lengths	33
No operational patterns or practices limiting the availability of service to ADA eligible people	35
6.5 Subscription Service	42
6.6 Reasonable policies for proposed service suspensions for missing scheduled trips and the right to appeal	43
6.7 Complaint Resolution and Compliance Information	46
6.8 Nondiscrimination	47
6.9 Training Requirements	48
6.10 Service Under Contract with a Private Entity (if applicable)	50
6.11 Service Provided by Another Public Entity (if applicable)	51
6.12 Coordination of Service	51
Summary Table of Compliance Review Findings	53
Attachment A: – FTA Notification Letter to the Indianapolis Public Transportation Corporation	60
Attachment B: – Indianapolis Public Transportation Corporation’s Response to Draft Report	66

Executive Summary

Objective and Methodology

This report reviews the Indianapolis Public Transportation Corporation (IndyGo)'s complementary paratransit service, Open Door, within Marion County, Indiana, which includes the City of Indianapolis. Its objective is to verify whether IndyGo is meeting its obligations under the 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 paratransit riders and local disability organizations
2. Site visit: a four-person review team's data analyses supported by on-site observations of how IndyGo Open Door handles trip requests, scheduling and dispatching, examinations of eligibility applications and related documents (including appeals), and interviews with IndyGo and contractor 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

IndyGo's ADA Complementary Paratransit Program includes the following positive program elements:

Positive Program Elements

- IndyGo's policy and practice is to process completed applications promptly. Reviewers' analysis showed that the agency makes eligibility determinations within an average of 11 days.
- IndyGo partners with the local disability community in conducting administrative appeals hearings.
- IndyGo budgets and plans to meet all ADA paratransit demand, including upgrading technology and fleet expansion.

IndyGo's ADA Complementary Paratransit Program has the following administrative deficiencies that are easily correctable to bring the program into compliance with 49 CFR Parts 27, 37 and 38.

Administrative Deficiencies

- Eligibility certification letters do not provide specific, transit-based reasons for decisions in determinations of ineligibility, or temporary or conditional eligibility.

IndyGo's ADA Complementary Paratransit Program has the following substantive deficiencies that need to be addressed to bring the program into compliance with 49 CFR Parts 27, 37 and 38.

Substantive Deficiencies

- IndyGo's administrative appeals process does not explain the distinction, if any, between internal administrative reviews and an eligibility appeal, and does not always appear to maintain separation of function. Eligibility appeals decision letters do not contain specific reasons for the decision rendered.

Please see Section 6 for a discussion of each deficiency. The Summary Table of Compliance Review Findings (following Section 6) lists all findings. Unless otherwise stated, IndyGo must address all deficiencies within 60 days of receipt of this report.

1. General Information

This chapter provides basic information concerning this compliance review of the Indianapolis Public Transportation Corporation (IndyGo)'s complementary paratransit service, Open Door. Information on IndyGo, the review team, and the dates of the review are presented below.

Grant Recipient:	Indianapolis Public Transportation Corporation (IndyGo)
City/State:	Indianapolis, IN
Grantee Number:	1202
Executive Official:	Michael A. Terry, President and CEO
On-site Liaison:	Paula Haskin, Director, Flexible and Contracted Services
Report Prepared By:	Milligan and Company, LLC
Dates of On-site Visit:	February 15–19, 2016
Review Team Members:	Cynthia Lister, Habibatou Atta, Allison Reed, Kristin S. Tighe

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.

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 USC 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 the transit system'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 public operator'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 additional reporting. Advisory comments are statements detailing recommended or suggested changes to policy or practice to ensure effective practices under the ADA.

4. Introduction to Indianapolis Public Transportation Corporation (IndyGo)

Indianapolis Public Transportation Corporation (IndyGo) of Indianapolis, IN, provides public transit services in Marion County, IN, which includes the City of Indianapolis. IndyGo's operations consist of regular fixed route bus service, including Bus Rapid Transit (BRT) routes, and ADA paratransit service for persons with disabilities. IndyGo's fixed route service consists of 157 buses that operate over 31 routes. IndyGo's has one bus garage, located at 1501 West Washington Street in Indianapolis; a new Downtown Transit Center, representing an investment of over \$27 million, was in construction at the time of the review.

4.1 Introduction to Paratransit Services and Organizational Structure

IndyGo offers its ADA paratransit service, Open Door, within an area of 396 square miles. Transportation is provided by a fleet of 75 accessible vehicles owned by IndyGo and operated by MV Transportation, Inc. (MV), under contract to IndyGo. In addition, MV performs the associated reservations, scheduling, dispatch, fleet maintenance, and driver training functions. MV's subcontractor, Van Horn, furnishes supplemental drivers and vehicles as needed to enable Open Door service to meet all demand. At the time of this review, First Transit, Inc., staffed IndyGo's customer service office under contract to IndyGo. This unit handles customers' information requests, complaints and commendations for both fixed route and ADA paratransit services. - Finally, Hawkeye Health performs most of Open Door's ADA paratransit eligibility activities under contract to IndyGo. As of December 2015, 5,856 customers were registered with Open Door as ADA-eligible. Of these, 3,201 had used the service during the previous 12 months, accounting for a total of approximately 280,000 trips. On average, IndyGo Open Door transports approximately 1,150 eligible riders during a typical weekday. IndyGo does not provide any non-ADA demand-response transportation.

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 the IndyGo ADA paratransit service, Open Door, 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 IndyGo's ADA paratransit service area, response time, fares, and hours and days of service, as well as its 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, and/or trips of excessive length; policies which cause riders to arrive late to appointments; or long telephone hold times, as defined by the transit system's established standards (or typical practices if standards do not exist).

Overall, the complementary paratransit compliance 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

The FTA Office of Civil Rights sent a notification letter to Michael A. Terry, the Indianapolis Public Transportation Corporation's President and CEO, on October 22, 2015 confirming the dates for the review and requesting that information be sent to the review team in advance of the on-site visit (Attachment A).

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

- IndyGo's description of how its ADA complementary paratransit service is structured
- Public information describing Open Door, IndyGo's ADA complementary paratransit service
- IndyGo's standards or goals for on-time performance, trip denials, missed trips, paratransit trip length, on-time performance, and telephone hold times

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

- Copies of completed driver manifests for recent months
- 36 months of IndyGo Open Door service data, including the number of trips requested and subscription trips per hour
- Records of IndyGo Open Door 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
- IndyGo's summary of complaints

- Eligibility data and information for the most recent 12-month period
- An IndyGo Open Door complementary paratransit fleet roster
- Data regarding IndyGo Open Door's run structure and daily vehicle pull-out records
- A listing of paratransit personnel and their start dates and work shift assignments
- Training curricula for each type of complementary paratransit staff and contracted personnel
- Capital and operating budgets and cost data
- Procedures for providing information and communication in accessible formats

The on-site review of IndyGo's ADA complementary paratransit service took place from February 15 through 19, 2016. The opening conference was held at 9 a.m. on Monday, February 15, at the IndyGo offices at 1501 West Washington Street, Indianapolis, IN. The following people attended the meeting:

Indianapolis Public Transportation Corporation (IndyGo)

- Michael A. Terry, President and CEO
- Roscoe Brown, Jr., Chief Operating Officer, Vice President of Operations
- Paula Haskin, Director of Flexible and Contracted Services
- Jill Russell, General Counsel
- Jennifer Bruner, Director of Compliance and Civil Rights
- Nancy Manley, Vice President of Finance, Chief Financial Officer
- Bryan Luellen, Director of Public Affairs
- William Taylor, Transportation Supervisor
- Ruth Wendt, Flexible Services Operation Specialist

Hawkeye Health (eligibility contractor)

- Lori Olivier, Owner/Partner
- Annie McKown, Office Manager

MV Transportation (transportation contractor)

- Arnold Hisle, General Manager
- Raquel Brown, Call Center Supervisor

Milligan and Company, LLC

- Cynthia Lister, Lead Reviewer
- Allison Reed, Reviewer
- Kristin S. Tighe, Reviewer

Following the opening conference, the review team met with IndyGo management to discuss the information sent in advance and the information and materials that were made available on site. IndyGo policies and procedures were discussed. During the remainder of the day, team members discussed the eligibility process with IndyGo staff and gathered eligibility and appeal files to examine. Reviewers interviewed call center personnel and observed and documented the process

for taking reservations. Other team members discussed the processes in place at IndyGo to provide service and eligibility materials in accessible formats upon request, and to record and respond to customer complaints. Reviewers requested detailed complaint records from recent months for further examination.

On Tuesday, February 16, 2016, the review team began observing dispatch activities and continued observing and documenting the reservations process, reviewing eligibility determination and appeal records, and interviewing IndyGo staff and contracted personnel regarding the eligibility determination process. IndyGo managers provided information on agency resources, budgeting, and staffing. In addition, team members interviewed drivers, reviewed training files and materials, and interviewed training staff. Reviewers examined fixed route schedules and interviewed managers to ascertain whether Open Door paratransit met regulatory standards for areas, days, and hours of complementary service. The review team paid particular attention to policies regarding trip reservations and whether IndyGo used any form of trip caps or waiting lists. In addition, the review team researched whether there appeared to be a pattern or practice of denying a significant number of trip requests. This portion of the review examined the policies and procedures concerning negotiation of requested trip times.

The review team gathered and analyzed the following information:

- Comments from riders and advocates through telephone interviews, and through a review of comments and complaints on file at FTA and IndyGo
- Reservations policies and performance standards
- Service reports prepared by IndyGo showing the number of trips served and the number of trips denied for the past three years
- Call center reports showing telephone activity in reservations
- Direct observations of the handling of trips by review team members and interviews with IndyGo staff about the ability to accommodate trip requests

On Wednesday, February 17, 2016, the review team continued observing the reservations and dispatching processes and examining on-time performance, on-board travel times, and eligibility determination records. The review team compared on-board paratransit travel times with those on the fixed route service, with an emphasis on paratransit trips with lengthy travel times, and examined telephone data. Team members visited a facility where functional assessments are conducted as part of IndyGo's eligibility process, observed an assessment, and interviewed the customer and the assessor. Reviewers met with scheduling personnel to examine the scheduling software, examine its mapping capabilities, and discuss procedures used to develop final driver manifests. In addition, team members began examining completed driver manifests as a part of verification of IndyGo Open Door's on-time performance.

On Thursday, February 18, 2016, the review team tabulated the various data that had been gathered, identified and obtained any remaining needed items, and prepared for the exit conference.

The exit conference took place at 11 a.m. on Friday, February 19, 2016 at the IndyGo offices. Attending the conference were:

Indianapolis Public Transportation Corporation (IndyGo)

- Michael A. Terry, President and CEO
- Roscoe Brown, Jr., Chief Operating Officer, Vice President of Operations
- Paula Haskin, Director of Flexible and Contracted Services
- Jill Russell, General Counsel
- Jennifer Bruner, Director of Compliance and Civil Rights
- Hardi Shah, Director of Budget
- Bryan Luellen, Director of Public Affairs
- Ruth Wendt, Flexible Services Operation Specialist

Federal Transit Administration (FTA)

- John Day, Program Manager for Policy and Technical Assistance, Office of Civil Rights
- Marisa Appleton, Regional Civil Rights Officer, Region V
- Richie Nguyen, Equal Opportunity Specialist, Office of Civil Rights
- Derek Davis, Transportation Program Specialist, Region V

Hawkeye Health (eligibility contractor)

- Annie McKown, Office Manager

MV Transportation (transportation contractor)

- Arnold Hisle, General Manager
- Raquel Brown, Call Center Supervisor

Milligan and Company, LLC

- Cynthia Lister, Lead Reviewer
- Allison Reed, Reviewer
- Kristin S. Tighe, Reviewer
- Habibatu Atta, Reviewer

FTA provided IndyGo with a draft copy of the report for review and response. A copy of IndyGo's response to the draft report is included as Attachment B.

5.3 Stakeholder Interviews

Prior to the on-site review, the review team contacted organizations serving the Greater Indianapolis regional disability community. The purpose of this activity was to invite agencies to participate in stakeholder interviews, determine whether service complaints had been filed with IndyGo, and identify practices that required further attention and analysis during the review.

The following ten organizations were contacted to participate in the stakeholder interviews:

- Mobility Advisory Committee (MAC), IndyGo's accessibility advisory committee;
- National Federation of the Blind of Indiana;
- Fresenius Medical Care (dialysis services);
- DaVita Dialysis (dialysis services);
- The ARC of Indiana;
- Heartland Residential Services (services for persons with intellectual disabilities);

- AccessAbility, Central Indiana's center for independent living (CIL);
- Easter Seals Crossroads;
- United Cerebral Palsy Association of Greater Indiana; and
- ADA Great Lakes Center (information, technical assistance, and training).

Four representatives agreed to participate: two from the Mobility Advisory Committee (MAC), one from Fresenius Medical Care - Indianapolis Midtown (FMC), and one from the National Federation of the Blind of Indiana (NFB). In addition, the FMC representative of FMC contacted two clients to enable reviewers to obtain first-hand input about IndyGo's paratransit service. United Cerebral Palsy Association of Greater Indiana (UCP) forwarded the reviewers' inquiry to the ARC of Indiana; nonetheless, the ARC representative did not reply. Of the ten disability community organizations contacted, seven did not respond despite repeated requests.

The agency representatives were asked questions regarding:

- IndyGo's eligibility process and appeals;
- service provision, including reservations, telephone hold times and voice mail usage, on-time performance, and driver assistance
- trip denials and wait lists;
- administrative burdens including requiring riders to be accompanied by personal care attendants, imposition of user fees or other charges associated with applying to use the service;
- complaints and how these are handled; and
- feedback regarding visitors using the service.

Agency/organizational participants stated that in general, service is good, but mentioned the following issues reported by their clients:

- multiple riders going in different directions, prolonging ride times;
- new drivers not knowing the route;
- five-minute vehicle wait policy should be extended;
- drivers should have autonomy to adjust order of drop offs;
- rude and inconsiderate drivers;
- reservation staff errors;
- rude customer service staff;
- individuals who are blind should not have to continue recertifying.

In discussing call volume, one MAC representative reported a noticeable improvement in telephone hold times since subscription service has been added. Likewise, the ability to cancel a ride without speaking to an agent has lessened hold times.

In the course of one interview, the FMC client told reviewers that she had filed several formal complaints within the last year with IndyGo regarding employee and driver performance, specifically rudeness. However, she did not have dates and complaint numbers available.

Reviewers identified the following issues for on-site follow-up: reservations phone queues and staff courtesy, productive scheduling, overly long trips, driver recruitment, and training.

6. Findings and Advisory Comments

This chapter details the findings for each of the areas pertinent to the regulations found in 49 CFR Sections 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 IndyGo's paratransit system are 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 shall 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 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 compliance review, no deficiencies were found with the requirement to 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, or with how the transit agency communicates information on ADA paratransit service.

IndyGo has an active ADA paratransit eligibility determination process in place. Based on the data collected and policies, procedures, and actions examined during the review, the review team observed no failure on the part of IndyGo to establish an ADA paratransit eligibility process, to accept and process applications, or to provide service. Reviewers saw no evidence of attempts or actions steering applicants or potential applicants to other transportation programs.

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 compliance review, no deficiencies were found with the requirement to not impose unreasonable administrative burdens on applicants.

IndyGo Open Door does not charge application or photo fees and does not charge a fare to new or recertifying applicants for transportation related to the application process.

Paratransit Eligibility Standards

Requirement: 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 system 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 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 which prevents the individual from traveling to a boarding location or from a disembarking location

Discussion: During this compliance review, no deficiencies were found with the requirements related to the paratransit eligibility process, or with how the transit agency communicates eligibility for ADA paratransit service to applicants.

IndyGo has established policies and procedures for the processing, review, and assessment of ADA paratransit eligibility applications which appear to conform to DOT ADA regulations and are broadly publicized and explained. As part of the on-site review, team members examined the agency's public information materials and website information, and reviewed eligibility materials, certification files and records, and eligibility program software. They interviewed the individuals responsible for handling Open Door eligibility applications and assessing applicants' functional ability to access, use, and navigate public transportation independently. Team

members also visited a facility where functional assessments are conducted as part of IndyGo's eligibility process, observed an assessment, and interviewed the customer and the assessor.

Eligibility Process

IndyGo's eligibility process features a paper application, verification by a designated professional, and the use of in-person interviews and functional assessments for the majority of applicants. Categories of eligibility include Unconditional, Unconditional Temporary, Visitor Unconditional, and Ineligible.

IndyGo contracts with Hawkeye Health to perform most of its ADA paratransit eligibility-related activities. Hawkeye provides (1) an eligibility assistant, based at IndyGo's offices, to perform application logging, tracking, and interview scheduling, and (2) two assessors who conduct in-person interviews, document their findings, and make eligibility recommendations to IndyGo management. Eligibility interviews and functional assessments take place at two health services facilities in Indianapolis.

IndyGo's ADA paratransit application forms can be downloaded from the IndyGo website, requested by phone, or obtained by mail. The application includes a medical/professional verification form to be completed and signed by a designated medical professional who then either returns the form to the applicant, or sends it directly to IndyGo's assessment office. The applicant forwards these materials to IndyGo. Both forms briefly describe IndyGo's accessible fixed route service, ask about the applicant's transit-related functional abilities, and include issues such as path of travel, endurance/fatigue, wayfinding skills, previous travel training, low light conditions, and adverse weather conditions. IndyGo offers phone assistance in completing the form. The designated professional verification form includes sections where the respondent can provide information on physical, intellectual, mental health, and hearing disabilities, blindness or vision impairments, and multiple disabilities.

After receiving both forms and checking them for completeness, IndyGo's assessment office calls the applicant to schedule an in-person interview and functional assessment. During the interview, experienced health care professionals ascertain the applicant's functional ability to access, use, and navigate fixed route service independently, using IndyGo's Eligibility Certification Intake and Interview form. They may also administer the Tinetti Assessment Tool to examine the applicant's balance and gait. Based on the information already collected, the assessor at times may arrange for other assessment measures (for example, a vision examination). IndyGo provides free transportation to and from this interview and any other requested assessment activities.

Assessors must submit their report forms with recommendations to IndyGo electronically within five business days. IndyGo's Director of Flexible and Contracted Services reviews the file, makes the determination, and issues Open Door's determination letter.

As part of its on-site review, team members examined IndyGo's public information materials and website information; eligibility materials, certification files and records, and eligibility program software; and interviewed the manager of IndyGo's eligibility unit. IndyGo's public information

about eligibility standards, processes, and application and appeal procedures appears to be consistent from one document to another. Reviewers observed that IndyGo's Open Door application activity appears to be accurately documented and reported.

Application Volume; Certification Outcomes

Reviewers analyzed IndyGo eligibility application volume and outcomes during the 2015 calendar year. The agency's data shows that as of December 30, 2015, 5,856 individuals were registered as eligible for Open Door ADA paratransit service, of which 3,201 were active riders (defined by IndyGo as a rider who has used the service within the past 12 months). Open Door furnished these eligible riders with a total of approximately 280,000 trips during the same period. This analysis revealed that the agency's eligibility unit processed, on average, approximately 118 applications per month. Of these, about three-fourths were new applicants and one fourth was recertifying riders.

IndyGo Open Door ADA Paratransit Eligibility Activity Calendar Year 2015						
	<i>New Applicants</i>	<i>Recertification</i>	<i>Visitors</i>	<i>Approved</i>	<i>Denied</i>	<i>Appeals</i>
Jan-15	77	26	2	107	9	2
Feb-15	67	31	2	94	11	1
Mar-15	100	26	1	147	6	-
Apr-15	95	24	4	128	7	-
May-15	116	20	1	141	9	-
Jun-15	100	27	1	136	7	-
Jul-15	78	33	1	115	7	-
Aug-15	96	30	2	134	11	-
Sep-15	103	19	2	92	4	-
Oct-15	100	24	4	134	5	1
Nov-15	70	21	1	96	7	2
Dec-15	72	29	1	98	12	1
Totals	1,074	310	22	1,422	95	7

IndyGo appears to find a majority of applicants, new or recertifying, unconditionally eligible. For the universe of all applicants, Open Door's denial rate is approximately seven percent. As the above data show, recertifying as well as new applicants, may be determined to be ineligible.

Determinations

The review team examined a random sample of 32 eligibility files from the calendar year 2015 and tabulated the outcome of each application:

**IndyGo ADA Paratransit Eligibility File Sample - Determinations
by Category
[January through December 2015]**

Determination Outcomes	Number of Determinations	% of Determinations
Unconditional eligibility	15	47%
Conditional eligibility	-	0%
“Trip by trip” eligibility	-	0%
Temporary eligibility	1	3%
Visitor eligibility	-	0%
Not eligible	16	50%
Total	32	100%

Applicant and Determination	Number of Determinations	% of Determinations
New applicants found Unconditionally Eligible	11	34%
New applicants found Not Eligible	11	34%
Recertifying applicants found Unconditionally Eligible	5	16%
Recertifying applicants found Not Eligible	5	16%
Total	32	100%

Reviewers observed that IndyGo’s application, interview, and assessment process considers factors of functional ability such as path of travel issues, endurance/fatigue, ability to travel independently, ability to travel throughout the service area, and how environmental, architectural, and adverse weather conditions can impact the effectiveness of a mobility device or white cane. The process solicits information from applicants and treating professionals in assessing applications from individuals with intellectual or mental health disabilities. Reviewers found that among the random sample of 32 eligibility files from 2015, 31 determinations appeared appropriate, consistent, and without prohibited administrative burdens. In one instance where an individual was denied eligibility, team members questioned and noted as a potential procedural flaw the absence from the file of a Tinetti assessment, which had not been conducted.

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 compliance review, no deficiencies were found with the requirement to provide accessible eligibility information or with how the transit agency communicates the availability of materials in accessible formats to applicants and potential applicants. An advisory comment, however, is made regarding this requirement.

This requirement obligates transit agencies to ensure that individuals with disabilities have timely access to adequate service and eligibility information, including temporary service changes. Team members examined IndyGo's public information materials, website information, and Open Door eligibility and appeals correspondence and materials. They found that Open Door will provide eligibility and service materials in alternate accessible formats. Nonetheless, although IndyGo makes information about Open Door programs available in accessible formats, notices to the public that such materials are available upon request are not readily apparent. It is a best practice for transit agencies to publicize the availability of accessible-format information upon request in its electronic and published communications, but also in the texts of letters communicating service information or decisions that potentially impact ADA paratransit eligibility. IndyGo may routinely wish to include statements regarding accessible-format information availability in its letter templates and customer communications.

Eligibility Determinations or Presumptive Eligibility 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 the 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 compliance 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 the transit agency communicates presumptive eligibility to applicants.

IndyGo's public information, and the Open Door application, state that eligibility determinations will be made within 21 days of receipt of a completed application, including the in-person interview, and that in the event that a decision has not been made within 21 days, temporary eligibility will be granted until the determination is issued. In interviews, it was evident that management and contracted personnel understand the importance of complying with this requirement.

IndyGo appears to process all applications in a timely manner and to document its handling of applications. The reviewers' analysis of 32 randomly sampled applications found none where

determinations had been made after 21 days. The average processing time appeared to be 11 days. Examination of Open Door tracking records for application progress confirmed this conclusion. Managers stated that whenever possible, IndyGo issues the determination letter on the same day that the decision is made. Application file review supported this statement.

Days to Make Determination	Total	Percentage
7 or fewer days	5	16%
8 to 21 days	27	84%
21 days or less	32	100%
Over 21 days	0	0%
TOTAL	32	100%

Written Eligibility Determinations including Specific Reasons for Denials or Temporary or Conditional Eligibility Determinations

Requirement: Under 49 CFR §37.125(d), determinations of eligibility must be made in writing. 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 compliance review, deficiencies were found with the requirement to make eligibility determinations in writing and with how the transit agency communicates eligibility determinations to applicants.

IndyGo's eligibility certification letters finding applicants ineligible or temporarily eligible do not provide sufficiently detailed, transit-related reasons for the decision provided.

The reviewers examined 32 randomly selected Open Door applications. They found that of the 16 certification letters where individuals were found ineligible, all provided complete appeal process information. However, none offered specific, transit-related reasons for the determination. Statements such as, *The extent of your disability does not appear to affect independent travel, or applicant did not demonstrate any limitations which prevent him/her from using the fixed route, or applicant currently uses fixed route for all of his trips and rides a bike,* are not sufficiently detailed, nor do they cite specific skills necessary to use and access fixed route service. As noted in Appendix D to §37.125, in the determination letter, "A mere recital that the applicant can use fixed route transit is not sufficient." Reasons for a determination must specifically relate assessment findings regarding identified tasks to the regulatory basis for eligibility.

Chapter 9 in FTA Circular 4710.1, issued in 2015, gives this example on pages 9-17 to 9-18:

...an applicant may claim that arthritis affecting the knees prevents him or her from walking to and from bus stops, but information gathered from professionals or through functional assessments did not substantiate this claim. Section 37.125(d) requires the determination letter to provide specific reasons for the denial. For example, “You indicated that you could not use fixed route services because arthritis in your knees prevented you from walking to and from bus stops. However, information from the professional you identified for verification of your disability indicated that you had mild osteoarthritis that did not limit your ability to walk to or from bus stops. The physical therapist who conducted the assessment of your walking ability also reported that you walked the 1/2-mile route at the assessment center without any apparent discomfort or change in gait.” In contrast, it would not be appropriate, for example, to offer the following explanation for a denial: “The information we obtained indicated that you were not prevented from using fixed route transit service.”

Similar to the example from the Circular, the Open Door determination letter making an individual unconditionally eligible on a temporary basis (for six months) did not explain the agency’s reasons for limiting the term of eligibility.

In this regard, reviewers observed that in addition to applications, customers’ files contained many pages of assessors’ notes resulting from the in-person interview, functional assessment, and application review which could support the decision from the standpoint of the applicant’s functional abilities. Nonetheless, IndyGo does not use an application summary or cover sheet to list milestone tasks with dates completed, to identify questions and incomplete items with action taken, or most importantly to provide a statement of the assessor’s recommendations with specific reasons supported by a brief list of transit-related functional tasks. Instead, one must review the entire file to identify essential points. A summary of this kind could facilitate the preparation of determination letters.

Corrective Action Schedule: Within 60 days of the issuance of the final report, IndyGo must provide to FTA for review revised letter templates and copies of recent determination letters that include specific, transit-based reasons for determinations of ineligibility, temporary, or conditional eligibility and for any limitations on eligibility.

Recertification of Eligibility at Reasonable Intervals

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 compliance review, no deficiencies were found with the recertification process or with how the transit agency communicates recertification of eligibility to applicants.

As part of its examination of IndyGo’s eligibility policies, standards, and procedures, public information, and eligibility records, the review team observed no differences in the handling of new and recertification applications. The review team observed that IndyGo’s recertification

policies and processes meet the same standards as its policies and processes for new applicants, and are structured to permit eligible riders adequate time to apply for recertification.

IndyGo's eligibility process includes recertification at three-year intervals. The agency notifies customers by mail two months prior to expiration of their eligibility. IndyGo now uses a simplified self-certification process for recertifying certain unconditionally eligible riders whose functional abilities are not likely to change over time even with different mobility aids. Eligible riders who experience any health changes or changes in medical equipment that affect their ability to use public transit are permitted to recertify at any time. In 2015, the agency received, on average, approximately three recertification requests for every ten new applications.

Administrative Appeals Process for Denials or Decisions Granting Conditional or Temporary Eligibility

Requirement: 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 authority (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 compliance review, deficiencies were found with the requirements of the process for appealing eligibility denials or decisions that limit eligibility. IndyGo's form to be used in requesting an appeal asks appellants to state the reasons for the appeal; the appeal process does not distinguish between an internal review and an administrative appeal, and does not appear to afford appellants separation of functions. Additionally, hearing decision letters sent to IndyGo appellants do not provide the required specific reasons (similar to the level of detail required to be provided in the initial determination letter) for the decision provided.

Appeal Process

IndyGo's two-step administrative appeal process includes an initial administrative review by Open Door managers, followed by (if requested) an in-person hearing by a three-person panel composed of disability community members and one IndyGo representative not involved in the original decision.

IndyGo certification letters finding applicants ineligible or temporarily eligible inform recipients of their right to appeal within 60 days and contain in the body of the letter basic information on IndyGo's administrative appeal process. These letters always enclose an "appeal form", and IndyGo also accepts appeal requests by phone, both of which FTA identifies as customer-

friendly practices. In following up on appeal requests, IndyGo again informs prospective appellants in writing that they have the right to appear in person, to be accompanied by others, and to submit or bring written or oral information if they wish. IndyGo also will provide an ASL or language interpreter to assist at the hearing upon request.

IndyGo coordinates the appeal process, receiving, logging and tracking the request, scheduling the hearing, informing the appellant, and documenting its outcome. If an appellant needs to reschedule a hearing, IndyGo accommodates the request. Three-person panels composed of two members of the disability community and one IndyGo representative not involved in the original decision hear appeals in an informal setting. The panel is required to render decisions within 30 days. As part of the agency's policy, IndyGo registrants receive service during the appeal period; new applicants do not.

Requirement for Written Appeal; Initial Internal Review, or Administrative Appeal

The agency's eligibility determination letter states: *Once your appeal is received, it will be reviewed with any additional documentation. If your appeal is denied, you will be contacted regarding whether you wish to have an in-person appeal before the appeals committee.*

Reviewers also noted that the attached appeal form contains a check-off box which states. *I disagree with IndyGo's decision and I wish to appeal for the following reasons....* While it is appropriate to require individuals to submit requests for appeals in writing, agencies may not require such requests to include the basis or reasons for the appeal. It is unclear how IndyGo's initial internal review process differs from an administrative appeal of eligibility, for which DOT ADA regulations require an in-person hearing, and whether it violates the requirement for separation of functions.

Reasons for Decision; Separation of Function

Reviewers examined six 2015 appeal files. Of these, four decisions were reversed after initial internal review by IndyGo, based on additional document submission. Two were heard by appeals panels, which upheld the original decisions. In all cases, decisions were rendered in writing within five days of either the hearing date or the date of the appellant's request. The 2015 letters conveying appeals decisions did not provide specific reasons for these as DOT ADA regulations require. In addition, each was signed by the same IndyGo manager who had signed the original decision letter, thereby also violating the requirement for separation of functions.

Corrective Action Schedule: Within 60 days of the issuance of the final report, IndyGo must provide to the FTA for review the following:

- an updated administrative appeals policy and procedures which explain the difference between an initial internal review and an administrative appeal, assure appellants of separation of functions, and provide specific written reasons for hearing decisions; and,
- a revised appeal request form that does not require appellants to state the basis or reasons for the appeal.

Complementary Paratransit for Visitors

Requirement: Under 49 CFR §37.127(d) and (e), paratransit service must be made available to visitors not residing in the jurisdiction(s) served by IndyGo 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 system 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 system must accept a certification that they are unable to use fixed-route service. In no case may the transit system require a visitor to apply for or receive eligibility certification for its own paratransit system before providing this service.

Discussion: During this compliance review, no deficiencies were found with the requirement to make paratransit eligibility available to individuals meeting the definition of a visitor, or with how the transit agency communicates visitor eligibility to individuals.

The review team interviewed Open Door managers concerning visitor eligibility and examined IndyGo's revised visitor policy. The updated document makes visitor service available promptly and states that visitors without eligibility from another system can obtain service by presenting proof of address and, if not apparent, of disability. On February 12, 2016, FTA's Office of Civil Rights notified IndyGo management that its revised Open Door visitor policy had been reviewed by FTA, and that a Triennial Review finding concerning the previous policy had been closed. However, as of February 15, 2016 the agency had not yet updated its printed and electronic public information to reflect the revised policy. It is recommended that IndyGo issue the revised policy as soon as possible.

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 its 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 compliance review, no deficiencies were found with the requirement to provide origin-to-destination service to eligible riders or the transit agency's procedures to provide additional assistance beyond the curb if needed due to disability for eligible riders to complete their trips. An advisory comment, however, is made concerning this requirement and how the transit agency communicates the availability of origin-to-destination service and passenger assistance to eligible riders.

As confirmed through on-site interviews with managers, drivers, and other personnel, driver training materials, and records review, IndyGo provides Open Door service on an origin-to-

destination basis. However, public information does not clearly describe the service as such. This can discourage potential users and suppress demand. It is a best practice for transit organizations to offer riders explicit information about the agency's terms of service in its electronic and published materials, and also in the texts of letters communicating service or eligibility information. It is recommended that IndyGo include a statement regarding its provision of origin-to-destination service in its eligibility and appeal letter templates and customer communications.

In verifying the provision of origin-to-destination service, the review team examined printed trip manifests, observed reservations and dispatch activities, reviewed driver and reservations agent training materials, and interviewed drivers. Although Open Door provides door-to-door driver-assisted ADA paratransit service to any rider who requests or requires this due to disability, public information does not make this clear. IndyGo's Open Door Rider Guidelines states, in describing the ADA paratransit service the agency provides: "It's a curb to curb, reservation based, shared ride service."

The review team observed no failures to have policies and procedures in place to provide assistance from the vehicle to the first doorway for riders who, due to their disability, require additional assistance to complete the trip. As confirmed by driver interviews and the lead trainer, driver training repeatedly emphasizes that service must be provided on a door-to-door, driver-assisted basis. There was no evidence that Open Door charges those needing door-to-door service an extra fee. Reviewers verified that IndyGo's scheduling software is not programmed to charge extra fares for door-to-door service or driver assistance. Team members observing dispatch activities found no indication that origin-to-destination service was not being provided.

6.4 Service Criteria for Complementary Paratransit

Requirement: Section 12143(c)(3) of the ADA directed the Secretary of Transportation to establish minimum service criteria to be used when determining whether the service provided by paratransit is comparable to the regular fixed-route system. These criteria are contained in 49 CFR §37.131, and include service area, response time, fares, 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 the transit agency's ADA 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 ¾-mile radius of all of its bus routes, and within a "core service area" that includes any small areas that may be more than ¾-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 ¾-mile radius of a fixed route, unless the public transit agency does not have the legal authority to operate in those areas. For entities operating a light rail or rapid rail system, the paratransit

service area must also include a ¾-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 compliance review, no deficiencies were found with the requirement to provide ADA paratransit service available to eligible individuals to and from origins and destinations within the service area, or with how the transit agency communicates the service area to eligible riders and potential applicants.

Using detailed service area maps and paratransit scheduling software, the review team was able to confirm Open Door service area boundaries, match these to IndyGo's fixed route service, and verify that ADA paratransit service is being provided to Marion County and all locations within three-fourths of a mile of IndyGo fixed routes. IndyGo Open Door Rider Guidelines state that the service "operates throughout all of Marion County although federal regulation only requires service within three-fourths of a mile of an operating IndyGo fixed route".

Response Time

Requirements: 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 pickup times with the rider prior to the trip being scheduled, it cannot require the rider to schedule a trip to begin more than one hour before or after the individual'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 advance 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 compliance review, no deficiencies were found with the response time requirements to provide reservation service, schedule and provide next-day service, to negotiate pickup times with riders, and limit any negotiation or schedule changes to within 60 minutes of the requested pickup time, or with how the transit agency communicates the reservation, pick-up time negotiation and change processes and schedule changes to eligible riders.

IndyGo's reservations unit is open Monday through Friday from 6 a.m. to 6 p.m., and from 7 a.m. to 4 p.m. on Saturdays, Sundays, and holidays. Open Door negotiates and schedules trip requests one to three days in advance, with a 30-minute pickup window (the vehicle can arrive at any point during the 30 minutes) that is structured for 5 minutes before the negotiated pickup time to 25 minutes after it. Riders can schedule trips by requested pickup time, or by

appointment time. At the time of the review, reviewers observed that IndyGo complies with the regulatory requirement to accept and schedule all eligible ADA paratransit trip requests within one hour before or after the time requested, and that next-day trip requests were accepted routinely and without discussion. Team members saw no evidence of contracted personnel adjusting a rider's negotiated pickup time or pickup window without the customer's consent.

Reservations agents, who are contracted personnel, enter customers' trip requests into Trapeze reservations software, scheduling trips based on the requested time and trip origin/destination. During the trip reservation process, the software presents the agent with several options for the customer's consideration, all within the one-hour trip negotiation window. If the trip cannot be scheduled at the exact time requested, the agent schedules a trip within one hour of the originally requested time. This may require consultation with the scheduler who is stationed within the reservations unit specifically to assist agents. The scheduler is responsible to analyze daily ride schedules and make appropriate changes in order to accommodate all trip requests within one hour of the originally requested time, while maximizing efficiencies in scheduling and vehicle routing.

Reviewers interviewed Open Door reservations personnel concerning ADA understanding, data entry and coding procedures, and IndyGo's operational practices. They independently analyzed sample data and compared results with data provided by IndyGo. During the review, team members observed and documented the following 64 telephone calls received by the reservations unit:

IndyGo ADA Paratransit Observations of Reservations Unit Calls February 15 and 16, 2016			
Types of Calls Observed	Total	Outcomes	Total
Reservation trip request	57	Scheduled	55
Cancellation	6	Denied due to capacity	0
Dispatch	0	Wait list	0
Customer Service	0	Refused by Rider	2
General Info (fares, etc.)	0	Schedule Later	0
Used wrong phone prompt	0	Rider terminated trip request	0
Other	1	Other	7
Total	64	Total	64

Reviewers noted that of the total of 64 calls, all 57 trip requests were able to be accommodated, although two customers declined the trip offered within one hour of the requested time by the reservation agent. The agent recorded this as an adversarial denial. Approximately 11 percent of the observed reservation calls used appointment time rather than pickup time. When responding to trip requests, agents repeated trip reservation information back to customers for confirmation and closed with a reminder about the 30-minute pickup window.

Using Trapeze scheduling software, the final scheduling process begins in the late afternoon of the day before service, ending at approximately 7 p.m. Team members observed that as part of the final review, scheduling staff visually scan the next day's schedules to examine vehicle loads and locations, and review individual vehicle schedules for opportunities to assign multiple trips to one vehicle (multi-load) or improve service by assigning certain trips to supplemental taxi service. The schedulers also identify, and resolve when possible, any trips longer than 60 minutes and any trips with anomalies.

Fares

Requirement: Under 49 CFR §37.131(c), ADA paratransit fares must be no more than twice the fixed route fare 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 system 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 compliance review no deficiencies were found with the requirements for comparable paratransit fares or policies or practices concerning fares, PCAs or companions, or with how the transit agency communicates these policies and procedures to eligible riders.

Passengers may pay IndyGo's \$3.50 ADA paratransit fare using cash or pre-purchased tickets. This fare represents two times the IndyGo fixed route fare of \$1.75. Personal care attendants pay no fare; companions pay the same fare as the eligible rider they accompany.

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 compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided free from restrictions or priorities based on trip purpose in written policies and procedures, the eligibility process and observed reservation and scheduling practices, or with how the transit agency communicates these policies procedures and practices to eligible riders and potential applicants.

Open Door public information materials do not mention trip purpose, nor do they cite any prioritization or restriction on service to eligible riders related to trip purpose. IndyGo's stated policy is that the service operates without trip prioritization and serves all trip purposes. During observations of reservation and scheduling practices, the review team identified no inquiries about trip purpose and no indications of trip prioritization.

In reviewing IndyGo Open Door certification letters and eligibility materials, team members found no trip purpose-based determinations. Reviewers found no evidence of prioritizing application processing 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 ADA 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 ADA complementary paratransit service, at minimum, from 5 a.m. until 9 p.m.

Discussion: During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided during the same hours and days as fixed route service, or with how the transit agency communicates the hours and days of service to eligible riders and potential applicants.

IndyGo's Open Door Rider Guidelines state: "Open Door operates seven days a week and the same hours as fixed route service." IndyGo provides Open Door complementary paratransit throughout its overall service area whenever one or more fixed routes are operating. To ensure Open Door service hours/days are comparable to fixed route service, reviewers compared weekday, Saturday, and Sunday schedules for each IndyGo fixed route with Open Door's earliest available pickup times and latest available return-trip pickup times. They found that days and hours of service for ADA complementary paratransit service match IndyGo's fixed route service hours. They also observed that Open Door has an administrative process in place to keep abreast of potential alterations to fixed route service hours and days, and to adjust ADA paratransit service hours promptly to reflect any fixed route service changes.

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 provided to an eligible individual

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

Discussion: During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without limiting the number of trips that an eligible rider may take, or with how the transit agency communicates this requirement to eligible riders and potential users of the service.

IndyGo's stated policy regarding service use is that ADA paratransit service is provided on an unrestricted basis. Public information materials do not mention any limits on the number of trips provided. The review team observed no evidence of practices or policies restricting the number of trips an eligible individual is provided. During observations of Open Door's reservations, scheduling and dispatch units, the review team found no policy, formal or informal, limiting or capping the number of trips an individual may take and no indications of such restrictions.

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 and/or procedures which establish waiting list(s) for accessing the service.¹

Discussion: During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without the use of waiting list(s) for access to the non-subscription portion of the service, or with how the transit agency communicates this requirement to eligible riders and potential users of the service.

IndyGo Open Door's management stated that the agency's reservations, scheduling and dispatch process does not include the use of waiting lists for service. The review team's observations and the agency's data indicate that eligible trip requests are accommodated within the required one hour before or after the requested time, at the time the customer places the reservation request.

No substantial numbers of significantly untimely pickups for initial or return trips

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 compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without substantial numbers of significantly untimely pickups for initial or return trips, with the transit agency's standards for defining when trips are

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 paratransit system.

timely and untimely or its plan for monitoring service to determine whether or not either type of capacity constraint exists, or with how the transit agency communicates this requirement to eligible riders and potential users of the service.

IndyGo Open Door has established contractual standards for timely pickups. The agency's current standard for on-time performance is 95 percent. Ninety-five percent of the month's trips must be picked up within the 30-minute window (defined as between five minutes before to 25 minutes after the negotiated pick up time). For rides scheduled by appointment time, 95 percent of the month's trips must arrive at the destination by the agreed upon time.

Reviewers first examined on-time performance data provided by IndyGo for the six-month period ending December 31, 2015. As shown below, IndyGo's data indicated that IndyGo's vehicles arrived at the pickup location at or five minutes before the negotiated pickup time, or within 25 minutes thereafter, an average of 87 percent of the time.

IndyGo Open Door: Reported On-Time Performance						
July – December 2015						
	Jul '15	Aug '15	Sept '15	Oct '15	Nov '15	Dec '15
Total trips scheduled	23,623	23,839	23,831	24,825	22,606	23,528
Arrived early or within 30 minute window	21,220	20,297	20,584	21,610	19,928	20,657
Arrived late (after 30 minute window)	2,403	3,542	3,247	3,215	2,678	2,871
% vehicle arrival on-time, including both early arrivals and vehicles arriving within 30-minute window	90%	85%	86%	87%	88%	88%

When a vehicle arrives early, IndyGo requires the driver to notify dispatch and wait until the pickup window commences at five minutes before the negotiated pickup time. Then, if the customer is not ready to board, a dispatcher will telephone the rider or facility to inform them that the vehicle is waiting and establish whether the rider is ready or available. Only after the vehicle has waited for five minutes within the pickup window may dispatch authorize the driver to leave the site. Contracted personnel stated that if a vehicle arrives before the "ready time" (pickup) window begins, the rider has no obligation to board until the pickup window commences. Driver training and dispatcher procedures emphasize that patrons must not be required, expected, or pressured to board early.

Through dispatch observation, reviewers then independently cross-checked IndyGo Open Door's on time performance data. Finally, using driver manifests, the team collected a base sample of 90 randomly selected trips from April through September 2015. The sample included individuals using wheelchairs as well as ambulatory riders, and examined travel throughout Marion County. This analysis of selected trips showed that for trips requested by pickup time, customers boarded vehicles within the window or early 89 percent of the time.

Calculated On-time Performance: IndyGo Open Door April - September 2016		
Total trips in Sample	90	100%
In window (-5/+25) or Early	80	89%

Late (arrival after window)		
Late (arrival after window)	10	11%
1-15 minutes late	6	-
16-30 minutes late	3	-
>30 minutes late	1	-

Within the sample, 60 percent of the vehicles arriving late were delayed by no more than 15 minutes. Further analysis established that among the sampled trips, 33 individuals using wheelchairs experienced 82 percent vehicle arrival in the window or early. Of the 57 riders who were ambulatory, 53 arrived in the window or early, showing 93 percent on-time performance. The randomly selected sample did not include any trips scheduled by appointment.

For the six-month period July through December 2015, IndyGo received an average of only 17 complaints per month regarding Open Door on-time performance.

No substantial numbers of trip denials or missed trips

Requirement: Under 49 CFR §37.131(f)(3)(i)(B), the transit agency must provide ADA paratransit service without substantial numbers of trip denials or transit agency missed trips. A denial occurs whenever a transit system 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) of the DOT ADA regulations, the transit system 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 compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without substantial numbers of trip denials or missed trips. No deficiencies were found with the transit agency's standards for defining denials and transit agency missed trips or its plan for monitoring service to determine whether or not either type of capacity constraint exists.

Reviewers found that IndyGo has established standards, policies, and procedures for the handling, documentation and reporting of trip denials, which the agency documents as capacity,

eligibility, or adversarial denials. IndyGo’s performance standard for capacity denials is zero—no capacity denials. Over several days of observations, team members noted that IndyGo consistently accommodated eligible trip requests within one hour before or after the requested time.

The following table, using data provided by IndyGo, summarizes Open Door trips requested, scheduled, denied, missed, and completed for the six-month period July through December 2015.

IndyGo Open Door: Analysis of ADA Trip Request Outcomes							
Six Month Period July - December 2015							
	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Total
Trips requested	30,068	29,229	29,027	30,377	28,529	29,434	181,659
Capacity denials	0	0	0	0	0	0	0
Missed trips	46	101	52	80	67	78	424
Scheduled	23,623	23,839	23,831	24,825	22,606	23,528	181,537
Completed trips: eligible riders	22,879	23,170	23,150	24,091	21,956	22,770	131,506
Completed trips: all riders	23,727	24,020	23,940	24,944	22,708	23,583	142,922

ADA Trip Denials

To meet its obligations under the DOT ADA regulations, a transit agency must count the following incidents as ADA capacity denials, whether during reservations or scheduling:

- If the next-day ADA paratransit trip cannot be provided at all
- If the rider *accepts* a pickup time more than one hour before or after the requested time
- If the rider *refuses* a pickup time more than one hour before or after the requested time
- If only one leg of a round trip can be reserved and the customer declines to make the trip, *two trips* have been denied. If only one leg of a round trip can be reserved and the customer accepts the trip, *one trip* has been denied.

In its written response to FTA’s initial information request, IndyGo stated: “IPTC (IndyGo) requires a zero denial for ADA mandated trips. Trips will be added or negotiated that may exceed budgeted hours to maintain zero ADA denials.” (IndyGo management subsequently confirmed to reviewers that when meeting all Open Door demand requires providing more service than was budgeted, the service is provided nonetheless.) At the time of this review, IndyGo had documented no capacity denials for several years. Members of the review team observed no failures by reservations staff to accommodate and record all eligible trip requests. Training includes extensive discussion of capacity denials and procedures for handling trips that are difficult to schedule. For the six-month period July through December 2015, IndyGo Customer Service received no complaints concerning ADA capacity denials.

Missed Trips

Managers informed reviewers that the agency's stated objective is no missed trips. Missed trips appear as #7 on IndyGo's list of contractor performance evaluation standards, with a financial penalty of \$50 per occurrence. The preceding analysis of IndyGo service data showed missed trips accounted for significantly less than one percent of total Open Door scheduled rides, averaging about 0.3 percent.

Review team members examined vehicle manifests for December 2015 to ascertain if drivers had properly coded a random sampling of 40 missed trips, no-shows, and late cancellations, comparing the date and time with the pickup window of each trip request. As also discussed in Section 6.6, *No-Shows*, reviewers found that the drivers' initial coding for no-shows was appropriate in 90 percent of the sample trips. Team members were told that before no-shows are assessed, staff review and, if necessary, correct the coding, and that whenever a customer questions a no-show, the agency's practice is to remove the disputed no-show.

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 compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without substantial numbers of trips with excessive trip lengths, with the transit agency's standards for defining when trips are comparable with fixed route travel time and when trip lengths are excessive, and/or its plan for monitoring service to determine whether or not this type of capacity constraint exists.

Reviewers observed that IndyGo has established service and contractual standards for trip duration and instituted procedures to identify and whenever feasible resolve issues concerning overly long trips.

Within IndyGo's service area of 396 square miles, fixed route bus trips can involve one or more transfers and require travel times of almost two hours, not including wait times and allowances for delays due to traffic volumes. IndyGo managers stated that they strive to hold Open Door on board travel time to durations similar to trip lengths on fixed route service. IndyGo's purchased transportation contract therefore identifies on-board travel times of 60 minutes and 120 minutes as thresholds requiring staff and driver attention and, in the case of 120 minutes, research and potential corrective action. In its written response to FTA's initial information request, IndyGo stated: "In 2014 MV and IPTC (IndyGo) implemented standards for maximum on board times (OBT) which will impose a shorter MAX OBT for shorter length trips. Because these OBT

factors are based on direct travel time and not purely distance, they will take into account rush hours. Ex: A short trip that during off-peak takes 9 minutes to drive would have a 30 min MaxOBT applied to it. But this exact same trip at peak rush-hour would take 12 minutes to drive and have 40 minutes MaxOBT applied.” Additionally, Open Door has a general guideline to avoid keeping any passenger onboard the vehicle more than one hour and, according to the Open Door Rider Guidelines, drivers are responsible to notify dispatch when a rider has been on the vehicle for more than one hour. If a trip takes more than an hour, it is researched to identify the reasons the travel time was prolonged and to resolve the underlying problem.

With regard to travel time standards, IndyGo’s contractual standards for Open Door trip duration appear on the agency’s list of contractor performance evaluation standards. Financial penalties are imposed for individual trips which exceed 120 minutes (\$100 per) and numbers of trips over 90 minutes (\$100 for each full percentage point above one percent).

On the day before service is provided, IndyGo has established procedures to identify trips of excessive length and, whenever feasible, take corrective measures during final schedule review. Contractor personnel demonstrated that they track trip length and that the scheduling software appears to reliably predict on-board travel times. During final review, they reported, they scan the next-day’s schedules for trips that exceed 60 minutes and, if possible, move trips and adjust run schedules to reduce time on vehicles. Open Door also uses IndyGo’s web-based fixed route trip planning software to run monthly trip length comparisons with fixed route service.

To determine independently if there appeared to be a substantial number of significantly long non-group rides on Open Door service relative to trips made on IndyGo’s fixed route system, reviewers randomly selected 20 trips of more than 60 minutes in length from a computer-generated list covering the period of January through June 2015. Using actual Open Door travel times obtained from vehicle manifests, these rides were compared with the same trip taken on fixed route service using the online trip planner, with walk and wait times included. Three rides had to be eliminated from the sample because they were by definition not comparable—these trips had been provided in areas where no fixed route service at all exists, and would therefore have required the rider to walk between 40 and 50 minutes as part of travel. Of the remaining 17 trips, 11 (65 percent) were shorter than fixed route service. Compared with the same travel on fixed route, three (18 percent) were of similar length (zero to two minutes longer). The remaining three trips (18 percent) were somewhat longer on Open Door, exceeding comparable fixed route travel time by 14 to 23 minutes. Thus, for 15, or 88 percent, of the sampled trips, travel time was no more than 14 minutes longer than the same trip would have taken on fixed route service.

IndyGo Open Door: ADA Trip Length Comparison

Selected Trips Exceeding 60 Minutes: January through June 2015

Trip ID #	Estimated Trip Length in Minutes on Fixed Route	Recorded Trip Length in Minutes on Paratransit	Paratransit - fixed route: Difference in minutes	Description
5	122	60	-62	SHORTER: 65%
10	116	73	-43	
14	127	95	-32	
19	129	97	-32	
11	146	116	-30	
16	110	86	-24	
4	100	88	-12	
2	79	70	-9	
17	135	128	-7	
3	107	101	-6	
9	89	84	-5	
7	93	93	0	SIMILAR: 18%
8	126	127	1	
6	73	75	2	
12	118	132	14	SOMEWHAT LONGER: 18%
13	55	74	19	
18	47	70	23	

For the six-month period July through December 2015, IndyGo received an average of six complaints per month reporting long rides on Open Door service.

No operational patterns or practices limiting the availability of service to ADA eligible people

Requirement: This section also 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 compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without the use of any operational patterns or practices

that significantly limit the availability of service to ADA eligible people as described below, including and not limited to, long telephone hold times, telephone system capacity, or policies and practices of untimely drop-offs resulting in riders arriving late to appointment times when these are known to the transit agency, or failure to plan and budget to meet all demand for service, or with how the transit agency communicates this requirement to eligible riders and potential users of the service.

An advisory comment, however, is made regarding this requirement. It is a best practice for agencies periodically to reexamine call center telephone data with the objective of ensuring effective practices under the ADA. Although reviewers' test calls and initial observations onsite did not indicate concerns, analysis of hour-by-hour phone queue data suggests that IndyGo may wish to review Open Door reservations telephone records by hour and by day of week to improve access.

IndyGo Open Door Telephone System

IndyGo uses an Avaya telephone system, which was installed in 2012 and is scheduled to be replaced and upgraded in late 2016. System components include an Automated Call Distribution (ACD) system; digital recording capability; and CMS (Communication Management System) administrative, recorded information/service announcements, emergency statement, and reporting features. It also offers an after-hours menu. Its reporting capabilities include daily call reports and historical call information. Because this system does not possess the capability for others to listen in real time (remote access), the supervisor can audit conversations only by plugging in or listen to a recording after the fact.

Additionally, IndyGo's current Interactive Voice Response (IVR) phone program offers Open Door registrants a 24-hour automated information phone line to review trips for the current calendar week, cancel scheduled trips and listen to special service messages. The same IVR system also provides automated phone calls the evening before a scheduled trip as a reminder, with the option to cancel, and calls riders 10 minutes before their scheduled trip to remind them of their pickup window.

The published hours of operation for IndyGo Open Door's reservations center are from 6 a.m. to 6 p.m. on weekdays and, on weekends, from 7 a.m. to 4 p.m. In addition to a supervisor, staffing includes approximately five reservations agents.

IndyGo Open Door's reservations unit is staffed by MV employees. IndyGo monitors contractor compliance with its reservations telephone standards and policies daily and weekly, using the data and reports generated by the phone system. The unit supervisor is responsible to intervene whenever calls in queue begin to accumulate. If necessary, he can use personnel from other units to supplement reservations agents. IndyGo's new upgraded, cloud-based system will enable Open Door administrators and the supervisor to manage, record, and monitor calls in real time or afterward, remotely or on the spot.

IndyGo stated that the agency has established the following minimum performance standards for reservations call handling. Performance data is averaged over one-day and one-week periods:

- Calls answered/abandoned: Average answer rate, 92 percent or above; abandoned calls, eight percent or less
- Average queue time: Pick-up within 30 seconds
- Average talk time (call length): 2:00 minutes or less

In preparing for the on-site review, the review team conducted and documented 39 test calls to the IndyGo Open Door reservation unit during January and February 2016, using a computer program to provide exact telephone data. These calls were placed during morning, midday, and end-of-day reservations hours, Monday through Friday. Based on the sampling, no calls encountered a busy signal, and no calls were answered directly. All the reviewers' calls went into the queue and were answered. The test calls were tabulated as follows:

IndyGo ADA Pre-Review - Sample Test Calls January - February 2016 Length of Time in Queue (Hold Time)		
	Total Calls	% of Calls
<3 secs	2	5%
<60 secs	27	69%
60-90 secs	3	8%
>90 secs	7	18%
TOTAL	39	100%

The review team found that of the 39 test calls, 29 (74 percent) were answered within 60 seconds and an additional three were answered in no more than 90 seconds, for a total of 82 percent of the sample. Seven (18 percent) were answered after waiting more than 90 seconds and of these, five showed wait times of approximately two minutes. Two calls (about five percent of the sample) entailed a wait of more than three minutes. The shortest queue time was less than three seconds and none of the 39 calls were placed on a secondary hold (occurs when a call is answered, an individual identifies the call center and asks the caller to please hold/wait).

Reviewers then analyzed reservations unit phone data generated by IndyGo's ACD system for two sample weeks in January and February 2016, and compared this information with the test call results:

**IndyGo Open Door ADA Paratransit Telephone Activity - sample week of January 25, 2016
Reservations Unit**

A. Summary of Activity

	Monday 1/25/2016	Tuesday 1/26/2016	Wednesday 1/27/2016	Thursday 1/28/2016	Friday 1/29/2016
Total Calls Received	453	396	331	251	367
Calls Answered	426	371	309	245	344
Calls Abandoned	27	25	22	6	23
% of total calls rec'd	5.96%	6.31%	6.65%	2.39%	6.27%
Avg queue time (mins:sec)	2:22	1:57	1:56	1:15	1:40

	Monday 2/1/2016	Tuesday 2/2/2016	Wednesday 2/3/2016	Thursday 2/4/2016	Friday 2/5/2016
Total Calls Received	463	405	304	305	397
Calls Answered	411	378	288	293	364
Calls Abandoned	52	27	16	12	33
% of total calls rec'd	11.23%	6.67%	5.26%	3.93%	8.31%
Avg queue time (mins:sec)	1:56	1:51	1:30	1:58	2:02

When making test calls, reviewers had noticed that some of the longer waits occurred during the 5 to 6 p.m. period. They analyzed by hour the telephone data provided by IndyGo for the two sample weeks. This yielded the following information:

**IndyGo Open Door ADA Paratransit Telephone Activity - sample week of January 25, 2016
Reservations Unit**

B. Waiting Time Analyzed By Hour

AVERAGE TIME IN QUEUE/ON HOLD BY HOUR (mins:sec)					
	1/25/2016	1/26/2016	1/27/2016	1/28/2016	1/29/2016
6:00-7:00	2:03	0:42	1:10	0:49	0:59
7:00-8:00	2:01	4:13	1:57	1:56	1:17
8:00-9:00	1:55	2:30	2:02	1:16	1:34
9:00-10:00	1:59	1:17	1:24	0:19	1:03
10:00-11:00	2:51	1:52	1:44	1:38	0:40
11:00-12:00	2:52	2:28	4:08	1:43	1:47
12:00-13:00	2:29	1:41	1:58	0:45	1:21
13:00-14:00	1:23	2:34	2:09	1:02	1:18
14:00-15:00	2:57	2:55	2:29	1:12	3:31
15:00-16:00	3:07	1:34	0:38	1:45	3:09
16:00-17:00	1:48	0:47	0:44	0:32	1:38
17:00-18:00	3:02	0:59	2:55	2:11	1:47
Average time in queue	2:22	1:57	1:56	1:15	1:40

AVERAGE TIME IN QUEUE/ON HOLD BY HOUR (mins:sec)					
	Monday 2/1/2016	Tuesday 2/2/2016	Wednesday 2/3/2016	Thursday 2/4/2016	Friday 2/5/2016
6:00-7:00	1:26	2:32	1:28	1:10	0:57
7:00-8:00	1:02	1:44	0:45	1:21	1:29
8:00-9:00	1:39	1:09	1:35	0:27	1:04
9:00-10:00	1:06	2:02	0:54	2:35	1:49
10:00-11:00	1:43	1:13	0:45	0:54	3:29
11:00-12:00	1:45	1:37	0:27	1:16	1:40
12:00-13:00	1:52	1:44	1:06	2:15	1:56
13:00-14:00	1:24	2:25	1:52	1:50	1:11
14:00-15:00	2:23	1:53	2:25	2:40	2:24
15:00-16:00	3:45	2:14	1:20	1:52	3:05
16:00-17:00	2:20	1:50	1:51	5:11	1:58
17:00-18:00	2:47	1:54	3:35	2:08	3:22
Average time in queue	1:56	1:51	1:30	1:58	2:02

These analyses show that most of the time, Open Door achieves its goal to answer at least an average of 92 percent of calls received. However, the agency does not meet its very ambitious standard for reservations queue lengths not to exceed an average wait of 30 seconds. Analysis of

call volumes shows greater demand on Mondays, Fridays, and Tuesdays; hour-by-hour scrutiny shows demand fluctuating through the day and identifies longer waits on some peak days, but not always at the same times. Team members noted that for the six-month period July through December 2015, IndyGo Customer Service received no complaints concerning reservations telephone access.

Vehicle Fleet and Vehicle Availability

To determine if there are presently sufficient vehicles available to cover scheduled runs with an adequate supply of spare vehicles, the review team examined IndyGo Open Door's run structure and daily vehicle availability records.

IndyGo owns and provides 75 accessible vehicles and their on-board vehicle computer systems. The contractor (MV) operates the vehicles and owns one of the DriveCam units installed on each vehicle, while IndyGo owns an additional five units also on each vehicle. This total does not include additional vehicles provided on an as-needed basis by VanHorn, MV's subcontractor. The following table shows the distribution of vehicle types in IndyGo's fleet. Sixty-two percent of the present fleet is six years old; one-quarter of the fleet has been replaced this year. It appears that at present IndyGo can call on sufficient vehicles to cover the number of runs created, when supplemented by overflow service provision. The agency is expecting delivery of an additional 15 new lift-equipped vans later in 2016.

IndyGo Open Door Vehicle Fleet Data		
As of September 30, 2015		
Year/make/model (all vehicles accessible)	Total number of vehicles	Average mileage as of 9/30/15
2015 Chevy Express 3500	19	7,000-28,000
2014 Chevy Express 4500	3	78,000-81,000
2012 VPG MV-1	4	62,000-77,000
2011 Ford E350	1	97,000
2010 Chevy Express 3500	1	208,000
2009 Freightliner Sprinter 3500	10	160,000-215,000
2009 Chevy Express 3500	37	250,000-375,000
Total	75	

Driver Availability

At the time of the review, Open Door management told the review team that its contractor, MV, employed approximately 73 drivers for IndyGo Open Door service. This total does not include an additional 45 supplemental drivers employed by VanHorn, MV's subcontractor. To establish if there is a workforce adequate to cover scheduled runs and sufficient backup on the day of service so that the contractor would not have to resort to covering driver absences using supervisors as emergency drivers, the review team selected two sample weeks for analysis.

Reviewers analyzed Open Door service records for the sample weeks of October 25-31, 2015 and November 8-14, 2015. These records illustrate daily driver availability and run coverage, showing the number of runs created each day, the open runs due to driver call-outs, and the spare and standby/“extra board” drivers available to cover its open runs that day. This data indicates that although the service regularly calls on its spare and extra-board drivers, it is by making daily use of supplemental service that IndyGo Open Door has been able to cover its open runs. No supervisors were used to cover runs.

IndyGo Open Door Driver Availability and Run Coverage				
Sample Week 10/25-10/31/15				
	Number of Runs Assigned	Number of Runs Uncovered (Open)	Extra Board (On-Call) Drivers Available/Used	Number of Supervisors Used to Cover Runs
Sun., 10/25	24	0	3; 3	0
Mon., 10/26	83	7	0; 0	0
Tues., 10/27	83	5	1; 1	0
Wed., 10/28	83	8	0; 0	0
Thurs., 10/29	83	6	2; 2	0
Fri., 10/30	83	13	1; 1	0
Sat., 10/31	22	2	7; 7	0

Sample Week 11/08-11/14/15				
	Number of Runs Assigned	Number of Runs Uncovered (Open)	Extra Board (On-Call) Drivers Available/Used	Number of Supervisors Used to Cover Runs
Sun., 11/08	24	1	3; 3	0
Mon., 11/09	83	9	1; 1	0
Tues., 11/10	83	11	1; 1	0
Wed., 11/11	83	8	2; 2	0
Thurs., 11/12	83	12	1; 1	0
Fri., 11/13	83	13	3; 3	0
Sat., 11/14	22	2	3; 3	0

Both IndyGo and MV stated that they actively monitor driver call-outs, and that driver recruitment represents an ongoing major effort. To address both concerns, MV is offering signing bonuses and perfect attendance bonuses.

Planning: Capital and Operating Budgeting

Members of the review team met with IndyGo's finance and administration team to discuss how the organization plans and budgets for ADA paratransit service each year. The agency's ADA paratransit budget is determined by projected passenger trips, vehicle productivity, and planning for technology, communications equipment, and vehicle upgrades. The review team was able to verify that IndyGo budgets and plans to meet all ADA paratransit demand, and that the agency's long-range planning effort attempts to anticipate needs for technology and communications upgrades, as well as vehicle replacement.

IndyGo already budgets and plans for the use of a supplemental (overflow) service providing drivers and vehicles to meet the agency's performance requirements and maintain zero capacity denials. IndyGo's planning and budgeting effort covers both long- and short-term projections. Senior managers stated that in addition to capital investment of almost \$3 million in vehicles directly attributable to the Open Door program, the agency's capital budget is providing several million dollars in new technology and equipment investment that benefits Open Door service, specifically in the form of telephone, communications and software upgrades. Fleet management efforts also include a five-year vehicle replacement plan.

IndyGo ADA Paratransit Operations and Capital Budgets FY13 - FY16

Operations

	2016		2015		2014		2013	
	Budget		Budget	Actual Exps	Budget	Actual Exps	Budget	Actual Exps
Total Operations	\$ 69,740,279		\$ 66,667,625	\$ 62,852,447	\$ 66,004,852	\$ 61,487,709	\$ 65,170,644	\$ 62,633,676
ADA Paratransit	\$ 9,192,936		\$ 8,820,146	\$ 8,904,226	\$ 8,662,153	\$ 10,266,229	\$ 8,596,530	\$ 8,577,195
Paratransit as a % of Operations Budget	13.18%		13.23%	14.17%	13.12%	16.70%	13.19%	13.69%

Capital

	2016		2015		2014		2013	
	Budget		Budget	Actual Exps	Budget	Actual Exps	Budget	Actual Exps
3 Paratransit Vehicles						\$ 187,633	-	-
20 PT Vehicles				\$ 1,272,900				
22 PT vehicles				\$ 1,400,190				
Total Capital Investments	\$ 220,000		\$ -	\$ 2,673,090	\$ 2,589,224	\$ 187,633	\$ -	\$ -

6.5 Subscription Service

Requirement: Under 49 CFR §37.133, transit agencies are 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 compliance review no 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.

The review team observed that for the six-month period ending December 31, 2015, subscription service accounted for an average of 54 to 58 percent of Open Door ridership. IndyGo Open Door has a written policy and performance standard of zero capacity denials. Reviewers observed no indications suggesting that IndyGo Open Door is issuing capacity denials and not recording these.

6.6 Reasonable policies for proposed service suspensions for missing scheduled trips and the right to appeal

Requirement: Section 37.125(h) of the DOT ADA regulations states that transit agencies “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 systems 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 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 system error, must not form the 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 appeals 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 compliance review, no deficiencies were found with the requirements concerning the transit agency’s no-show and late cancellation policies, the reasonableness of proposed suspension periods and the required process for appealing proposed suspensions of service, or with how the transit agency communicates these requirements to eligible riders and potential users of the service. An advisory comment is made, however, concerning the agency’s service suspension policy.

IndyGo’s no-show policy imposes progressive sanctions during each calendar year beginning January 1. The fourth offense results in a 30-day suspension; the penalty for a fifth offense during the same year is left to the appeals committee’s discretion. Chapter 9.12.4 of FTA Circular 4710.1 states: “While it is reasonable to gradually increase the duration of suspensions to address chronic no-shows, FTA generally considers suspensions longer than 30 days to be

excessive.” Hence, with regard to IndyGo’s fifth penalty, the agency must assure that subsequent penalties are not excessive and are within a “reasonable period of time.”

IndyGo’s written Late Cancellation/No-Show Suspension Policy excludes no shows beyond the rider’s control, considers frequency of use, and imposes reasonable, progressive sanctions, with an annual “reset clause.” Reviewers observed that the agency’s tracking of no-shows and handling of suspensions and appeals appears appropriate.

Agency Policy

IndyGo’s policy, found in both the Open Door Rider Guidelines and the IndyGo website, is that no passenger will be suspended for incurring three or fewer cancellations in a given month. However, if the passenger accumulates more than three cancellations and also the total unexcused cancellations equal 11 percent or more of the rider’s total trips that month, IndyGo will impose progressive sanctions as follows:

- First Penalty: 5 day suspension of service
- Second Penalty: 7 day suspension of service.
- Third Penalty: 14 day suspension of service.
- Fourth Penalty: 30 day suspension of service.
- Fifth Penalty: Reviewed by appeals committee and decided on a case-by-case basis depending on severity of misuse.

Penalties are cumulative over a calendar year. However, on January 1 of each year, the record resets and all passengers return to zero penalties. Reviewers noted that when imposing a fifth penalty in one year, IndyGo must be mindful of the fact that FTA considers suspensions longer than 30 days to be excessive.

IndyGo’s policy uses these definitions:

- **Late Cancellation:** Cancelling two hours or less before the 30-minute pickup window.
- **No Show:** Not being present within the pickup window and not having cancelled more than two hours before the pickup window
- **Cancel At Door:** Passenger or a representative tells driver the ride is not needed after the vehicle arrives during the pickup window

The policy allows riders to request the researching of and to appeal any no-shows. Vehicle no-shows (arrivals after the pickup window) do not count as rider no-shows. IndyGo’s stated policy does not penalize riders for no-shows or late cancellations that are beyond the customer’s control. Before issuing a no-show, IndyGo attempts to contact the rider by telephone. If this action is unsuccessful, a dispatcher codes the trip as a no-show. With regard to suspension, IndyGo’s policy states that riders will receive written notification about the proposed suspension of service, listing the dates of any cancellations, instructions about the appeal process, and an appeal form. The individual will have 15 days from the date of notification to appeal before the suspension will be imposed. If an appeal is submitted, the passenger may continue to use Open Door service until a determination is made. If requested by phone or in writing, IndyGo will

schedule an in-person hearing and anyone can assist the passenger in the appeal process. The hearing will be conducted by a three-person panel of individuals not involved in the original decision.

Handling of No-Shows, Suspensions, and Appeals

Reviewers examined no-show and service suspension records to verify that IndyGo appropriately tracks and monitors no-shows and suspensions; that suspension notices state that rider has the right to appeal and provide the required information and materials to do so; and that the appeal process offers appropriate separation of functions, stays the suspension of service, and meets regulatory requirements for timing. IndyGo has developed a report to track and monitor riders' accumulation of no-shows and the progression of no-show sanctions throughout the year. The transit agency reports no-show data quarterly to the MAC, IndyGo's Mobility Advisory Committee. Team members learned that each month an average of approximately 200 Open Door riders no-show, incurring approximately 600 no-shows. An average of one or two appeals and 30 suspensions take place each month. IndyGo's sample service suspensions and appeals letters and enclosures provide detailed descriptions of the policy and process.

The Open Door Rider Guidelines state that customers will not be assessed no-shows for missed trips that were not the rider's fault. Trips that are cancelled or no-showed after the end of the pickup window are not recorded as the fault of the rider and customers are not penalized for these. Reviewers confirmed, through discussions with drivers, dispatchers and IndyGo management, the agency policy that if a vehicle does not arrive within the pickup window, the customer has no obligation to wait for the vehicle and must not be assessed a no-show or late cancellation. Review team members examined vehicle manifests for December 2015 to ascertain whether drivers had properly coded a random sampling of 40 missed trips, no-shows, and late cancellations, comparing the date and time with the pickup window of each trip request. The results of this analysis showed the following:

Analysis of 40 Randomly Selected IndyGo Trips Coded as No-Shows December 2015

No-show description	Total	%	Vehicle Arrived W/I Pick Up Window	%	Vehicle Arrived >30 Minutes after Neg. Time	%	Vehicle Arrived Before Neg. Time (Early)	%	Coded Correctly	%	Wait time Req't Met	%
Cancel at Door	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Missed Trip	10	25%	0	0%	9	82%	0	0%	10	28%	4	13%
No Show	30	75%	25	100%	2	18%	11	100%	26	72%	28	88%
Total	40	100%	25	100%	11	100%	11	100%	36	100%	30	100%
%	100%		63%		28%		28%		90%		80%	

As shown above, reviewers found that the drivers' initial coding for no-shows was appropriate in 90 percent of the sample trips. In addition, team members were told that as a follow-up, before no-shows are assessed, staff review and, if necessary, correct the coding. Whenever a customer questions a no-show, the agency's practice is to remove the disputed no-show.

6.7 Complaint Resolution and Compliance Information

Requirements: Under 49 CFR §§ 27.13(a) and 37.17(a), the transit agencies 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 compliance review, no deficiencies were found with the requirement to designate an individual to coordinate compliance with DOT ADA regulations. No deficiencies were found with the requirement to resolve complaints promptly and equitably and keep summaries of complaints on file. No deficiencies were found with the requirement to resolve complaints promptly and communicate the resolution to complainants. No deficiencies were found with the requirement to advertise sufficiently the process for filing complaints.

Reviewers observed that IndyGo has well-established procedures in place for receiving, documenting, and promptly addressing customer comments, including commendations, complaints, suggestions, and inquiries. It is a common and effective practice for a transit provider to respond to complainants and for transit providers to investigate allegations to ensure that all DOT ADA requirements are being met. IndyGo's stated policy is that supervisors must immediately investigate safety-related complaints, and that if an Open Door customer requests a response, complaints must be followed up in person, by phone, within seven days (10 for fixed route service). IndyGo personnel document the provision of all responses to customers, with dates, in the permanent comment record.

IndyGo's customer service unit receives, documents and handles fixed route and Open Door complaints. Individuals may file service inquiries and suggestions, commendations, and complaints to the customer service unit in person, or by phone, mail or email. IndyGo Open Door managers also solicit customer comments at MAC advisory committee meetings and in agency meetings. IndyGo and contracted personnel enter the report in the agency database for

tracking and forward the comment to the appropriate unit for research, followup, and response, distributing copies to management. Reviewers verified that IndyGo complies with DOT's requirement to keep complaint records for one year and complaint summaries for five years. IndyGo managers stated that the agency retains its paratransit complaints within the computer system indefinitely, without deleting older records, thereby meeting regulatory requirements.

The review team obtained and examined copies of all IndyGo Open Door customer comments on file for the previous six months. The following summary analyzes customer comments about service from July through December 2015. As shown, commendations averaged three per month. Complaints averaged 74 per month, of which approximately 29 (40 percent) were ADA capacity constraint-related. On-time performance accounted for 24 percent of all complaints, averaging 17 per month; vehicle no-shows and lengthy rides each generated five or six complaints per month. Telephone access or capacity denials generated no complaints. With average total ridership of approximately 23,800 per month, team members calculated an average monthly complaint rate of 3.1 complaints per 1,000 trips delivered. Review of documentation confirmed that personnel had responded whenever requested by a customer.

IndyGo Open Door Customer Comments July - December 2015

	Jul-15		Aug-15		Sep-15		Oct-15		Nov-15		Dec-15		Total	
Total complaints	66		85		89		72		74		58		444	
Capacity constraint-related complaints	28		33		27		34		34		20		176	
<i>No Show Reports</i>	4	6%	3	4%	2	2%	12	17%	7	9%	4	7%	32	7%
<i>Lengthy Trips</i>	7	11%	7	8%	9	10%	5	7%	7	9%	3	5%	38	9%
<i>On-Time Performance</i>	17	26%	23	27%	16	18%	17	24%	20	27%	13	22%	106	24%
<i>Telephone Access</i>	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
<i>Capacity Denials</i>	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
% constraint-related	42%		39%		30%		47%		46%		34%		40%	
Non-constraint-related	38		52		62		38		40		38		268	
% non-constraint-related	58%		61%		70%		53%		54%		66%		60%	
Total rides provided	23,727		24,020		23,940		24,944		22,708		23,583		142,922	
Complaints per 1000 trips	2.8		3.5		3.7		2.9		3.3		2.5		3.1	
Total commendations	1		6		6		6		5		3		27	

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 deny 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: During this compliance review, no deficiencies were found with denying service to people with disabilities on the basis of disability, including and not limited to: requiring persons with disabilities to use ADA paratransit instead of the fixed-route system, requiring paratransit-eligible riders and potential applicants to use other special transportation services rather than the ADA paratransit service (such as may be operated by social and/or human-services agencies); requiring persons with disabilities to travel with PCAs; or imposing user fees or special charges upon people with disabilities and requiring people with disabilities to use designated priority seating.

Review team members examined IndyGo Open Door's Rider Guidelines, website, and other service information; carrier contracts; and procedures and training manuals for eligibility, reservations, scheduling, dispatch, and customer service personnel. These materials were compared with service and eligibility data and information gathered during on-site observations, meetings, interviews, and vehicle and facility inspections. Reviewers identified no discrepancies between the transit agency's published policies and standards concerning discrimination against persons with disabilities in connection with the provision of transportation and the procedures and practices followed by IndyGo Open Door managers and contracted personnel. IndyGo Open Door's printed and website policies and procedures contain no references to the "Common Wheelchair". The agency does not impose special charges for providing required accessible services to individuals with disabilities. No evidence suggested that persons with disabilities were being steered to alternate transportation services during eligibility, reservations, or other processes, and there were no indications that eligible riders were being required to be accompanied by an attendant.

IndyGo's website contains information about the Mobility Advisory Committee (MAC), the agency's disability advisory group. MAC is composed of volunteers who meet quarterly. This committee provides information and counsel to IndyGo concerning the provision of public transportation services for individuals with disabilities and provides education to the general public about these transportation needs. Meeting details and information on how to participate are posted on IndyGo.net.

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 compliance review, no deficiencies were found with the requirement to train personnel to proficiency as appropriate to their duties.

The review team examined the IndyGo contractor's driver training program and training records, and interviewed the contractor's trainer. They noted that the driver training content and materials were comprehensive, up to date and appeared to meet DOT ADA regulatory requirements regarding proficiency, appropriateness to assigned duties, and respectful treatment of individuals with disabilities. IndyGo's contractual driver training standards stipulate that training shall be to proficiency; training records and interviews with drivers and training staff indicate that this standard is met. The trainer stated that he expects trainee drivers to work to mastery and that he charts and posts trainees' daily performance improvement.

Reviewers learned that Open Door classroom and behind-the-wheel instruction for paratransit drivers includes disability awareness, sensitivity and communication; passenger assistance techniques and securement of mobility devices; effective passenger service; defensive driving; vehicle, radio and communications specifics; IndyGo's operating rules; and accident prevention and safety. The new-hire driver training program comprises at least 69 hours of classroom training and 32 to 40 hours of accompanied (supervised) driving. The latter activity continues until the trainer is satisfied that the new hire is ready to go out unaccompanied.

The trainer makes use of the Avatar program of videos for classroom training. Ongoing operator training includes one hour per month (12 hours per year) of safety training; post-accident training (up to four hours as needed); refresher training, both as part of complaint response and whenever new equipment or technology is introduced; and remedial training conducted on an as-needed basis for drivers who present safety, accident prevention, and /or passenger relations issues. Retraining and refresher training are offered to all drivers, but those who have had an incident or accident also receive mandatory coaching which uses driver cam materials. The contractor documents successful completion of driver training and all refresher training.

In addition to IndyGo's managers and contractor personnel, reviewers interviewed five MV drivers in private, using a standard set of questions. The interviews included seasoned professionals and some newer drivers. Issues addressed included training, vehicle condition, schedules, and dispatch support, and verified driver understanding of IndyGo's policies and procedures implementing DOT ADA regulatory requirements. Reviewers observed the following:

- All drivers were familiar with the on-time pickup window, saying that it was from five minutes before the negotiated time to 25 minutes afterward. All drivers added that riders do not seem to understand this, and three of the five drivers said that riders indicated that the pickup times they had negotiated on the phone differed from the time on the manifest.
- When asked about the most difficult part of the job, most drivers indicated it was difficult working with the dispatchers: the dispatchers are sometimes rude and not helpful when the drivers need their assistance.
- When asked if and how often they ran late (outside the on-time window), drivers said there are occasions when they may run late. Several said they try to arrive early to be able to make it to their next destination in a timely manner.
- Group trips returning from agencies where the riders are grouped on the same vehicle by request can result in long travel times.

- Almost all said they found the schedules about right or too tight. Several drivers mentioned concern with lack of committed/reliable drivers and with dispatch not scheduling properly as the cause for the schedule being tight.
- All drivers demonstrated that they understood what origin-to-destination service involves. All stated that service is door-to-door at no additional charge.
- Overall vehicles are in good condition and issues with the vehicles are repaired in a timely manner.

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

Requirements: 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 arrangement with the private entity or entities.

Discussion: During this compliance 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.

Personnel under contract to IndyGo perform Open Door reservations, scheduling, dispatch, training, eligibility, and customer service functions. At the time of the review, First Transit, Inc., staffed IndyGo's customer service office, handling customers' information requests, complaints, and commendations for both fixed route and ADA paratransit. Hawkeye Health performs most of Open Door's ADA paratransit eligibility activities. Although IndyGo owns its ADA paratransit vehicles, MV Transportation managers and staff provide ADA paratransit transportation and the associated reservations, scheduling, dispatch, fleet maintenance, and driver training functions. Maintaining Open Door contractor performance, effective service provision, and ongoing control over use of assets is therefore a paramount concern for IndyGo senior management.

IndyGo appears to be actively tracking, managing, and overseeing the present Open Door service. It achieves this using a variety of quality control mechanisms—day by day on-site observation and intervention; reviewing an array of software-generated service reports in order to identify and resolve emerging issues and trends; complaint review and customer outreach; and aggressive contract enforcement. IndyGo prepares detailed ADA performance reports which collect operating statistics and track data on ridership, eligibility, complaints, on-time performance, scheduling productivity, trip length and missed trips, phone queues, denials,

vehicle use, and repairs. Agency management reports many of these statistics to the IndyGo board and elected officials on a monthly basis.

Reviewers inspected the numerous service quality control reports IndyGo prepares as part of its ADA paratransit program. Team members examined documentation and computer records, observed and documented the provision of services, and interviewed IndyGo senior management and contracted managers in the customer service, ADA eligibility, and operations units. They observed that the data collected is used for both performance review and diagnostic purposes. IndyGo managers stated that planned future telephone, software, and communications upgrades will enable still closer scrutiny in years to come. Reviewers found that IndyGo convenes frequent on-site meetings with contractors whenever service issues arise, at times on a daily basis. The agency has established a lengthy list of key performance indicators and imposes liquidated damages, supported by documentation, whenever contract requirements are not met.

6.11 Service Provided by Another Public Entity (if applicable)

Requirement: Part 37 of title 49, Code of Federal Regulations, 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 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: This provision is not applicable to IndyGo. No public entities provide ADA complementary paratransit service on behalf of this transit agency.

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 systems 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 compliance review, no deficiencies were found with regard to IndyGo Open Door's efforts to coordinate service with other fixed route operators with overlapping or contiguous service areas or jurisdictions.

IndyGo service is provided anywhere within Marion County. The review team examined IndyGo's website and published materials and interviewed management and contracted staff. They found that IndyGo's website and its ADA paratransit brochure offer customers contact information through the Central Indiana Regional Transportation Authority's County Connect program, Cirta.us/pages/county-connect, for other agencies and services outside Marion County, and where designated transfer points are located in the region. Riders remain responsible for making their own travel arrangements or reservations with each system, if a reservation is required, and paying fares separately for trips on each system.

Summary Table of Compliance Review Findings

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency /no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
1	Comparable paratransit service	37.121	ND	-	-	-
2	Absence of administrative burden	37.125 & 37.5	ND	-	-	-
3	Paratransit eligibility standards	37.123 (e)(1)-(3)	ND	-	-	-
4	Accessible information	37.125(b)		Although IndyGo makes information about Open Door programs available in accessible formats upon request, notices to the public that such materials are available upon request are not evident. IndyGo may routinely wish to include statements regarding accessible-format information availability in its letter templates and customer communications.	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency /no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
5	Eligibility determinations within 21 days	37.125(c)	ND	-	-	-
6	Written eligibility determinations including specific reasons for denials or temporary or conditional	37.125(d) & (e)	D	Deficiencies were found with the requirement for written eligibility determinations which provide specific reasons for decisions in cases of temporary, conditional, or non-eligibility. IndyGo's letters finding applicants ineligible do not always provide specific reasons for decisions.	IndyGo must provide to FTA for review: revised letter templates and copies of recent determination letters that include specific, transit-based reasons for determinations of ineligibility, temporary or conditional eligibility, and for any limitations on eligibility.	Within 60 days of the issuance of the final report
7	Recertification of eligibility at reasonable intervals	35.125(f)	ND	-	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency /no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
8	Administrative appeals process for denials and conditional eligibility	37.125(g)	D	Deficiencies were found with the requirements for the administrative appeals process for eligibility: the appeal process does not explain the difference between an initial internal review and an in-person administrative appeal, and does not appear to afford appellants separation of function. The form to be used in requesting an appeal asks appellants to state the reasons for the appeal. Eligibility hearing decision letters do not provide specific reasons for the decision provided.	IndyGo must provide to the FTA for review: <ul style="list-style-type: none"> an updated administrative appeals policy and procedures which explain the difference between an initial internal review and an administrative appeal, assure appellants of separation of functions, and provide specific written reasons for hearing decisions a revised appeal request form that does not require appellants to state the basis or reasons for the appeal. 	Within 60 days of the issuance of the final report
9	Complementary paratransit for visitors	37.127	ND	-	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency /no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
10	Types of service	37.129	Advisory Comment	Reviewers confirmed that IndyGo provides Open Door service on an origin-to-destination basis. However, public information does not clearly describe the service as such. This can discourage potential users and suppress demand. It is recommended that IndyGo include a statement regarding its provision of origin-to-destination service in its eligibility and appeal letter templates and customer communications.		
11	Service area	37.131(a)	ND	-	-	-
12	Response time	37.131(b)	ND	-	-	-
13	Fares	37.131(c)	ND	-	-	-
14	No trip purpose restrictions	37.131(d)	ND	-	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency /no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
15	Hours and days of service	37.131(e)	ND	-	-	-
16	Absence of capacity constraints	37.131(f)	ND	-	-	-
17	No restrictions on the number of trips provided to an individual	37.131(f)(1)	ND	-	-	-
18	No waiting list for access to the service	37.131(f)(2)	ND	-	-	-
19	No substantial numbers of significantly untimely pickups for initial or return trips	37.131(f)(3)(i)(A)	ND	-	-	-
20	No substantial numbers of trip denials or missed trips	37.131(f)(3)(i)(B) 37.131(3)(1)(B)	ND	-	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency /no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
21	No substantial numbers of trips with excessive trip lengths	37.131(f)(3)(i)(c)	ND	-	-	-
22	No operational patterns or practices significantly limiting service availability	37.131(f)	Advisory Comment	Although reviewers' test calls and initial observations onsite did not indicate concerns, analysis of hour-by-hour phone queue data suggests that IndyGo may wish to review reservations telephone access by day and hour to improve performance.	-	-
23	Subscription Service	37.133	ND	-	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency /no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
24	No-show, late cancel and reasonable service suspension & appeal policies	37.125(h) (1)-(3)	Advisory Comment	IndyGo's no-show policy imposes progressive sanctions during each calendar year beginning January 1. FTA generally considers suspensions longer than 30 days to be excessive. IndyGo must assure that subsequent penalties are not excessive and within a reasonable period of time.	-	-
25	Complaint Resolution & Compliance Information	27.13(b) & 27.121	ND	-	-	-
26	Non-discrimination	37.5	ND	-	-	-
27	Training	37.173	ND	-	-	-
28	Service under Contract	37.23	ND	-	-	-
29	Service provided by another public entity	37.21(b)	N/A	-	-	-
30	Coordination of service	37.139(g)	ND	-	-	-

Attachment A: – FTA Notification Letter to the Indianapolis Public Transportation Corporation



U.S. Department
Of Transportation
Federal Transit
Administration

Headquarters

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

October 22, 2015

Mr. Michael A. Terry
President and CEO
Indianapolis Public Transportation Corporation
1501 West Washington Street
Indianapolis, IN 46222

Dear Mr. Terry:

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 at 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 a number of on-site ADA compliance reviews of grant recipients. The Indianapolis Public Transportation Corporation (IndyGo) has been selected for a review of its Open Door complementary paratransit service to take place during the week of February 15, 2016.

The purpose of this review will be to determine whether IndyGo 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 and 38.

The review process includes data collection and analysis prior to the on-site visit, an opening conference, on-site observation and analysis of the IndyGo complementary paratransit service, and an exit conference. The entire on-site portion of the review will be completed within five days. FTA has engaged the services of Milligan and Company, LLC (Milligan), of Philadelphia, PA, to conduct this compliance review. The Milligan team and FTA representatives will participate in the opening and exit conferences, with FTA participating by telephone.

We request an opening conference at **9 a.m. on Monday, February 15, 2016**, to introduce the Milligan team and FTA representatives to IndyGo, including 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 the IndyGo Open Door offices for the duration of their visit. Please let us know if you will designate a member of your staff to serve as IndyGo's liaison with the review team and to 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**.

Electronic copies of documents are preferred. Please upload them to Milligan's file transfer protocol (FTP) site. Your reviewer will reach out to you concerning the use of the FTP site. Please be prepared to designate a point of contact for your agency, for which user access should be provided. You also have the option of sending the documents via email to Sandra Swiacki at sswiacki@milligancpa.com.

Enclosure 2 consists of items that the Milligan team will review on-site beginning on February 15, 2016, after the opening conference.

We request the exit conference be scheduled for **11 a.m. on Friday, February 20, 2016**, to afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you or your designee, the IndyGo Open Door 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 a Draft Report. You will have an opportunity to correct any factual errors before FTA finalizes the report. The Draft and Final Report, when issued to IndyGo, will be considered a public document subject to release under the Freedom of Information Act, upon request.

If you have any questions or concerns before the opening conference, please contact Anita Heard, Program Manager for this compliance review, at 202-493-0318 or via e-mail at anita.heard@dot.gov.

Thank you in advance for your assistance and cooperation as we undertake this process. We look forward to working with IndyGo and the Open Door paratransit staff.

Sincerely,



John Day
Program Manager for Policy and Technical Assistance
Office of Civil Rights

cc: Marisol Simon, FTA Region V Administrator
Marjorie Espina, FTA Region V Civil Rights Officer

**Indianapolis Public Transportation Corporation
(IndyGo)
Complementary Paratransit Compliance Review**

Enclosure 1

The following information must be submitted to Milligan 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 the contractor?) and the address where reservations are taken
 - How trips are scheduled (by the contractor?) and the address where scheduling is done
 - How dispatching is handled (by the contractor?) and the address of the central dispatch office

Note that Milligan 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, and copies of any joint operating agreements for ADA complementary paratransit with other public entities
3. A copy of the ADA complementary paratransit driver manual or handbook
4. Copies of the ADA complementary paratransit application(s) and eligibility information materials, including visitor service
5. Written description of the agency's ADA eligibility appeal process
6. A copy of the ADA complementary paratransit rider handbook, service brochure, and/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. Written description of the agency's ADA complementary paratransit service standards, including:
 - The on-time performance standards (how is "on-time" defined and what is the goal for the percentage of trips to be provided within the standards?)
 - What standards have been set regarding acceptable numbers or percentages of ADA trip denials?
 - The travel time standards, including maximum travel time (if applicable) (what travel time is considered comparable to fixed route and what travel time is considered too long? What are the goals for the percentages of trips to be provided within the standards?)

**Indianapolis Public Transportation Corporation
(IndyGo)
Complementary Paratransit Compliance Review**

9. Telephone call-handling performance standards for calls to reservation and dispatch, including:
 - Maximum and standard queue hold time
 - Call pickup times
 - Calls abandoned
 - Goals for the percentages of calls to be handled within these standards
10. Copies of completed driver manifests for the most recent six-month period, scanned or in electronic format (for each of the agency's contractors, if applicable)
11. Capital and operating budget and expenditure information for the agency's ADA complementary paratransit service for the three most recent fiscal years, including the current Federal fiscal year
12. The total number of ADA complementary paratransit trips requested, scheduled, and 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

**Indianapolis Public Transportation Corporation
(IndyGo)
Complementary Paratransit Compliance Review**

Enclosure 2

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

1. The following ADA complementary paratransit data, by month, for the most recent six-month period (paper copies as well as in electronic format, if available):
 - Service usage:
 - Trips requested (include both demand and subscription 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 showing customer's name, origin, requested destination, day, date, and time requested, and if the person was ambulatory or used a wheelchair
 - On-time performance information
 - Subscription trips by hour
 - A listing of trips that exceeded 60 minutes showing customer's name, origin, destination, day, date, and time of trip, if the person was ambulatory or used a wheelchair, and total time on-board
 - Telephone call management records (if available) showing hold times by hourly or half-hourly periods and day, total call volume, calls answered and abandoned
 - For the last month, a listing of passenger no-shows and carrier missed trips showing customer's name, origin, destination, day, and date of trip, with negotiated pickup times and actual vehicle arrival and departure times

2. A listing of all complaints related to ADA complementary paratransit service in the past year. 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. showing:
 - Customer's name
 - Nature of complaint
 - Date and time of trip request (if applicable)
 - Requested trip date, time, origin, and destination (if applicable)
 - Scheduled trip date, time, origin and (if applicable) carrier
 - Transit system resolution; any corrective actions requested and taken

**Indianapolis Public Transportation Corporation
(IndyGo)
Complementary Paratransit Compliance Review**

3. The following ADA paratransit eligibility information:
 - Copies of eligibility guidelines and policies and any assessment or interview forms
 - Sample letters for all types of determination used by agency--unconditional , conditional , temporary, visitor; trip-by-trip eligibility (if applicable)
 - Other letters related to receipt of applications, incomplete applications, eligibility appeals and other eligibility issues
 - Any documentation , policies, procedures and correspondence related to service suspensions for passenger no-shows
 - Total number of ADA paratransit eligible individuals currently registered
 - Eligibility data for the most recent 12 months, by month:
 - Number of applications received
 - Number of completed applications considered and processed
 - Number of applications determined incomplete
 - Number of people determined unconditional eligible
 - Number of people determined conditionally eligible
 - Number of people determined temporarily eligible
 - Number of people determined ineligible
 - Access to eligibility files and appeals records
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 ADA complementary paratransit fleet roster (by provider) with vehicle type, make, 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 day of week and hour of day)
8. Access to the most recent six months of daily vehicle pullout records showing late pullouts and closed runs, by provider (if appropriate)
9. Vehicle availability reports for most recent six months
10. Copies of vehicle pre-trip inspection and preventive 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. Training curricula for each type of ADA complementary paratransit employee
14. Procedures for providing information and communication in accessible formats

Attachment B: – Indianapolis Public Transportation Corporation's Response to Draft Report

From: Paula Haskin [<mailto:PHaskin@indygo.net>]
Sent: Tuesday, June 14, 2016 1:00 PM
To: Heard, Anita (FTA)
Subject: RE: IndyGo ADA Draft Report

Ms. Heard,

My apologies for the delay. There are no comments at this time.

Paula Haskin
Indianapolis Public Transportation Corporation
Director of Flexible and Contracted Services
1501 W. Washington ST.
Indianapolis, IN 46222
(317) 614-9208

From: Heard, Anita (FTA) [<mailto:ANITA.HEARD@dot.gov>]
Sent: Monday, June 13, 2016 3:34 PM
To: Paula Haskin <PHaskin@indygo.net>
Cc: Michael Terry <MTerry@indygo.net>
Subject: FW: IndyGo ADA Draft Report

Hi Paula,

Were there any comments before we finalize?

Anita Heard
Equal Opportunity Specialist
Internal EEO Program Coordinator
Federal Transit Administration
Office of Civil Rights, TCR
1200 New Jersey Ave.
E54-420, East Bldg.
Washington, DC 20590
Phone: 202-493-0318
Fax: 202-366-3475

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From: Heard, Anita (FTA)
Sent: Wednesday, June 01, 2016 12:54 PM
To: 'mterry@indygo.net'
Cc: Day, John (FTA); Mitchell, Yolanda CTR (FTA)
Subject: IndyGo ADA Draft Report

Mr. Terry,

Please find attached the Draft Report of the Indianapolis Public Transportation Corporation (IndyGo) ADA complementary paratransit review that took place during the week of February 15, 2016. Please review for any factual errors and provide any comments to me in seven days or by June 10, 2016.

If you have any questions, I can be reached at 202-493-0318 or via email.

Anita Heard
Equal Opportunity Specialist
Internal EEO Program Coordinator
Federal Transit Administration
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1200 New Jersey Ave.
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