



F E D E R A L T R A N S I T A D M I N I S T R A T I O N

Birmingham – Jefferson County
Transportation Authority (BJCTA)
Paratransit Compliance Review Report

January 15, 2015

Federal Transit Administration



U.S. Department of Transportation
Federal Transit Administration

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Executive Summary

Objective and Methodology –

BJCTA’s ADA Complementary Paratransit Program includes the following positive program elements:

Positive Program Elements

- BJCTA’s revised training program is detailed and comprehensive.

BJCTA’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 and 37:

Administrative Deficiencies

- Information provided by BJCTA’s website and printed communications is inconsistent and differs from agency practices.
- BJCTA’s eligibility certification letters do not provide specific reasons for decisions in cases of temporary or conditional eligibility determinations. In addition, these letters do not consistently provide all required information.
- BJCTA inappropriately limits conditional eligibility for applicants receiving dialysis and other treatments, restricting their service to trips for the purpose of treatment.
- BJCTA’s eligibility appeals process does not afford appellants separation of function.
- BJCTA’s public information does not clearly explain that ADA paratransit service is available for visitors and how to obtain it.
- BJCTA public information, policies and procedures contain incorrect references to service animals, common wheelchair, and standees on lifts.
- BJCTA’s no-show, service suspension and appeal policies do not consider frequency of use related to suspensions.
- BJCTA policies and procedures for ADA paratransit complaint intake, processing, investigation, and resolution are unwritten and do not include standards for timely handling.

BJCTA's ADA Complementary Paratransit Program has the following substantive deficiencies that needs to be addressed to bring the program into compliance with 49 CFR Parts 27 and 37:

Substantive Deficiencies

- BJCTA requires fare payment for eligibility-related trips.
- BJCTA does not comply with the regulatory requirement to accept and schedule all eligible ADA paratransit trip requests within one hour before or after the time requested.
- BJCTA maintains a waiting list for trip requests, thereby limiting the availability of service to ADA paratransit-eligible individuals.
- BJCTA provides ADA paratransit service with substantial numbers of trips with excessive trip lengths.
- BJCTA's ADA paratransit subscription trips occupy more than 50 percent of rides provided, while ADA paratransit capacity constraints exist.
- BJCTA accepts as ADA paratransit fares only pre-paid tickets and passes, thereby violating the next-day ADA paratransit trip provision requirement.
- BJCTA was unable to demonstrate that it makes ADA complementary paratransit service available throughout an area extending three-quarters of a mile around each BJCTA bus route.
- Published hours and days of service for ADA complementary paratransit service do not match fixed route service on some BJCTA bus routes.

1. General Information

This chapter provides basic information concerning this compliance review of Birmingham-Jefferson County Transportation Authority (BJCTA). Information on BJCTA, the review team, and the dates of the review are presented below.

Grant Recipient:	Birmingham-Jefferson County Transportation Authority (BJCTA)
City/State:	Birmingham, AL
Grantee Number:	1073
Executive Official:	Ann D. August, General Manager
On-site Liaison:	Starr Culpepper, Executive Assistant
Report Prepared By:	Milligan and Company, LLC
Dates of On-site Visit:	April 28 – May 2, 2014
Review Team Members:	Dan Wagner, Sandra Swiacki, Cynthia Lister, Habibatu Atta

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 and 37) include eligibility requirements and service criteria that must be met by ADA complementary paratransit service programs.

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 DOT 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 conducted an independent analysis of sample data. In addition, the review team solicited comments from eligible riders and from local disability organizations.

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

4. Introduction to BJCTA

Birmingham-Jefferson County Transportation Authority (BJCTA) of Birmingham, AL is the largest transit system in Alabama. It provides public transit services in the Birmingham metropolitan area, which includes Jefferson County and some 33 municipalities, of which 10 contract annually with BJCTA to offer public transportation. BJCTA provides fixed route bus and ADA complementary paratransit service. About 400,000 people live in the BJCTA service area, which covers over 200 square miles.

BJCTA operates 109 buses on 38 routes between the hours of approximately 4 a.m. and 12:30 a.m., six days a week. No bus or ADA paratransit service is provided on Sundays. All BJCTA buses are accessible via ramps or lifts.

Funding for public transportation is a continuing concern in the state of Alabama. Jefferson County is now in the process of emerging from bankruptcy. Over the past 30 years, BJCTA has employed 22 general managers. The present general manager has been in office since January 2013.

Introduction to Paratransit Services and Organizational Structure

BJCTA's ADA paratransit service area extends southeast to Bessemer from Birmingham's northern suburbs and covers approximately 200 square miles. Service is provided using a fleet of 30 lift-equipped vans owned by BJCTA. Vehicle maintenance, driver training, and eligibility, reservations, scheduling, dispatch, and customer service functions are performed at BJCTA's operations headquarters facility by BJCTA employees. BJCTA operating data shows that approximately 72,617 paratransit rides were provided from January to March in fiscal year 2014.

BJCTA is not the designated coordinator for the region's Medical Transportation Program, but has recently been designated a Medicaid transportation provider, enabling the agency to receive some reimbursement for any Medicaid trips it may provide using fixed route or ADA paratransit service.

BJCTA's website, www.bjcta.org, provides fixed route schedules and maps, information about bus and paratransit fares and service, and an ADA paratransit riders' guide. Because a recent program offers free rides on fixed route to anyone showing a BJCTA ADA paratransit eligibility card, the site emphasizes vehicle and service accessibility.

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 deficiencies 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 detail below.

5.1 Scope

The review focused on whether the BJCTA ADA paratransit service 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 BJCTA's 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) and 27.121(b))
- Nondiscrimination (49 C.F.R. §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 availability in accessible formats upon request
 - Eligibility decisions made within 21 days or presumptive eligibility granted pending a decision
 - Written notification of all decisions
 - All denials or conditional eligibility determinations completed in writing with specific reasons for the decision
 - 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 § 133)
- Training requirements (49 CFR § 173)

5.2 Methodology

FTA's Office of Civil Rights sent a notification letter dated January 6, 2014, to Ms. Ann August, BJCTA's Executive Director, confirming the dates of the review and requesting that information be sent to the review team in advance of the on-site visit.

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

- BJCTA's description of how its ADA complementary paratransit service is structured
- Public information describing BJCTA's ADA complementary paratransit service
- BJCTA'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 FTA, BJCTA made additional information available during the visit:

- Copies of completed driver manifests for the most recent six-month period
- Service data for the most recent six-month period
- A list of complaints related to capacity issues: trip denials, on-time performance, travel time, and telephone access
- Eligibility data information for the most recent 12-month period
- Work shift assignments for paratransit personnel
- Complementary paratransit fleet roster
- A listing of paratransit employees, showing hire and termination dates
- Daily vehicle pull-out records
- Run structure
- Vehicle pre-trip inspection and preventative maintenance forms
- Subscription trips by hour
- Training curricula for each type of complementary paratransit employee
- Procedures for providing information and communication in accessible formats

The on-site review of BJCTA's ADA complementary paratransit service took place from April 28 to May 2, 2014. The review began with an opening conference, scheduled to be held at 9 a.m. on Monday, April 28, at BJCTA headquarters at 2121 Rev. Abraham Woods, Jr. Blvd., Ste. 500 in Birmingham. Tornado activity in the Birmingham vicinity necessitating moving the opening

conference to a more secure facility. The opening meeting took place at 10 a.m. at BJCTA's operations headquarters. Attendees included:

Birmingham-Jefferson County Transportation Authority

- Ann D. August, Executive Director
- Dale Knutson, Manager, Risk Assessment & Security
- Barbara Murdock, Chief of Staff
- Demetrus Crittenden, Director, Operations
- Ernestine Cobb, Manager, Operations
- Lorine Kelley, ADA Officer
- Adrian Marsalis-Solomon, Manager, Customer Service / Marketing
- Phyllis Goode, Compliance Officer
- Deirdre Byrd, Office Administrator – Transportation
- Jamal Boykin, Information Technology Specialist
- Lee Jackson, Director, Maintenance
- Debra Anderson-Bune, Director, Administration
- Starr Culpepper, Executive Assistant and ADA Review Coordinator
- Nicholas Porterfield, Network Administrator

Federal Transit Administration (via conference call)

- John Day, ADA Team Leader
- Carlos Gonzalez, Civil Rights Officer, Region IV

Milligan and Company, LLC

- Dan Wagner, Lead Reviewer
- Cynthia Lister, Reviewer
- Sandra Swiacki, Reviewer
- Habibatu Atta, Reviewer

The meeting was opened with an announcement that due to the emergency weather conditions, all non-essential personnel were being dismissed at noon and ADA paratransit service would shut down at or before 3 p.m.

Following the opening conference, the review team met with BJCTA managers to discuss the information sent in advance as well as the information and material that was available on site. BJCTA policies and procedures were discussed.

For the remainder of the day, the review team worked at BJCTA operations headquarters. They discussed the process in place at BJCTA to record and respond to customer complaints. Some members of the review team met with BJCTA managers to discuss service area definition and service hours and days. Other members of the review team began observations of the trip reservation, scheduling, and dispatching processes. The review team met with reservations agents and schedulers to discuss procedures used to develop the final driver manifests. The reservations supervisor was interviewed regarding telephone system organization, and reservations center policies and procedures. Review members interviewed the head dispatcher regarding dispatching policies and procedures. Team members also discussed BJCTA's

eligibility process with staff and gathered eligibility files to examine. They inspected the computer system and other measures to record and analyze certification activity.

On Tuesday, April 29, members of the review team returned to BJCTA headquarters. The same emergency weather conditions were in place and accordingly, the team's ability to observe ADA paratransit operations continued to be limited. Team members continued observations of service delivery and met with managers and supervisors to discuss agency policies and procedures used. The head scheduler was interviewed regarding BJCTA scheduling policies, procedures and practices. The review team continued examination of completed driver manifests as part of verification of BJCTA's on-time performance and began reviewing and tabulating BJCTA customer comments. BJCTA managers and senior BJCTA management were interviewed regarding resources, budgeting, and staffing.

The review team paid particular attention to policies regarding trip reservations and whether BJCTA 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.

On Wednesday, April 30, the emergency weather ended. The review team continued its observations of the reservation, scheduling and dispatching processes. Operations activity was slow as riders readjusted to regular service provision. Other team members interviewed drivers, visited the maintenance facility and inspected vehicles, and continued review of eligibility and appeal files.

On Thursday, May 1, the review team completed driver interviews, continued reviewing eligibility files, and continued examining completed driver manifests as a part of verification of BJCTA's on-time performance. The review team observed reservations, scheduling and dispatch activities. Reviewers continued examining on-time performance, on-board travel times, and eligibility determination records.

The review team gathered and analyzed the following information:

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

The review team examined fixed route bus and light rail service hours, days, and area as compared with ADA paratransit service days, hours and area, and compared on-board paratransit travel times with those on the fixed route service, with an emphasis on paratransit trips with lengthy travel times.

On Friday, May 2, 2014, the review team tabulated the various data that had been gathered and prepared for the exit conference.

The exit conference took place at 1 p.m. on Friday, May 2, 2014, at BJCTA headquarters located at 1800 SW 1st Avenue in Birmingham. Attending the conference were:

Birmingham-Jefferson County Transportation Authority

- Ann D. August, Executive Director
- Dale Knutson, Manager, Risk Assessment & Security
- Barbara Murdock, Chief of Staff
- Demetrus Crittenden, Director, Operations
- Ernestine Cobb, Manager, Operations
- Lorine Kelley, ADA Officer
- Adrian Marsalis-Solomon, Manager, Customer Service / Marketing
- Phyllis Goode, Compliance Officer
- Deirdre Byrd, Office Administrator – Transportation
- Jamal Boykin, Information Technology Specialist
- Lee Jackson, Director, Maintenance
- Debra Anderson-Bune, Director, Administration
- Starr Culpepper, Executive Assistant and ADA Review Coordinator
- Nicholas Porterfield, Network Administrator
- Cynthia Dowdell, Safety Manager
- Julie McMillan, Director, Finance
- Henry Ikwut-Ukwa, Manager, Planning & Development
- Wytangy Peak, Senior Planner
- Johnnye Lassiter, Vice Chairman, Board of Directors
- Bacarra Sanderson-Mauldin, Board Member

Federal Transit Administration (via conference call)

- John Day, ADA Team Leader
- Carlos Gonzalez, Civil Rights Officer, Region IV

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- Dan Wagner, Lead Reviewer
- Cynthia Lister, Reviewer
- Sandra Swiacki, Reviewer
- Habibatu Atta, Reviewer

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 and 37 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 BJCTA's ADA paratransit system are provided, with corrective actions and a timetable to correct deficiencies for each of the requirements.

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.

Advisory comments detail recommended or suggested changes to policies or practices to ensure best 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.

Based on the data collected and policies, procedures and actions examined during the review, the review team observed no failure to establish an ADA paratransit eligibility process or to accept and process applications therefor. Reviewers saw no evidence of attempts or actions steering applicants or potential applicants to other transportation programs.

BJCTA has an eligibility determination process in place. Managers informed the review team that as of March 30, 2014, there were 2,699 individuals registered for BJCTA service. Approximately 715 customers are active with the BJCTA program and eligible to receive BJCTA service. BJCTA defines an active rider as one who has used the service within the past 12 months. The review team's independent analysis of eligibility data for the 13-month period February 1, 2013, to March 1, 2014, provided by BJCTA as part of its baseline package showed that BJCTA's eligibility unit processed a total of 786 applications, an average of approximately 60 applications per month. Sixty-one percent (479) represented new applicants and 39 percent, recertifying riders.

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, a deficiency was found with the administrative burdens requirement. BJCTA requires fare payment for eligibility-related trips.

The BJCTA certification letter directs applicants found eligible to contact BJCTA to schedule a trip to obtain a photo ID card which must be used in order to ride the system. This trip is not free, but at the individual's expense. BJCTA imposes a fare when providing eligibility-related transportation, including trips for the purpose of obtaining a BJCTA photo ID necessary to use the service after being found eligible. Reviewers confirmed this policy through examination of eligibility files and service information, and interviews with management. Under 49 CFR §37.5(d), the practice of charging fares for eligibility-related trips represents an administrative burden. This practice could dissuade potential applicants from applying for eligibility or from exercising appeal rights.

Corrective Action Plan and Schedule: BJCTA must immediately cease collecting fares for travel to and from eligibility assessments, interviews, or photo ID card issuance, and within 30 days of the issuance of the final report provide to the FTA evidence that fares are no longer being collected for such purposes.

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 by individuals with disabilities

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

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

Discussion: During this compliance review, deficiencies were found with the requirements related to the paratransit eligibility process.

Review team members found that eligibility determinations did not always reflect sufficient accuracy or appropriateness. Reviewers noted that BJCTA had not established written standards, policies and procedures for the processing, review, documentation, and reporting of eligibility requests.

Determinations

During the onsite visit, reviewers examined a random sample of 18 eligibility files and certification letters from the period January through April 2014. They observed the following:

BJCTA Eligibility Letter Sample: Review of Determinations January 2014 - April 2014

Total Letters Reviewed	18
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Eligibility Decision Review	Total	Percent
Decision Did Not Appear Sufficiently Logical/ Thorough	7	38.9%
Determination Not Appropriate / Accurate	7	38.9%
Procedural Flaws Identified	1	5.6%

Team members found that seven eligibility determinations (39 percent) did not appear to reflect sufficient accuracy, appropriateness, and thoroughness. Of the 18 determinations, six found applicants conditionally eligible. These appear to inappropriately limit eligibility, thereby not meeting the requirements of 49 CFR §37.123 (e)(3).¹ In the sample of eligibility applications reviewed, all six applicants made conditionally eligible were designated “dialysis only.” See discussion below under Section 6.4, *No Trip Purpose Restrictions*. BJCTA’s practice appears to grant applicants receiving dialysis treatments conditional eligibility to/from dialysis treatments only, rather than stating conditions that are functionally based. The seventh certification found the applicant ineligible. In this case, reviewers noted procedural flaws: The medical information was incomplete and materials should have been returned to the designated professional for clarification before the determination was made.

Eligibility Process

¹ An accurate and appropriate eligibility decision must be based on the applicant’s most limiting condition(s) and functional ability to use fixed route service throughout the service area, and take into consideration weather, architectural and environmental conditions (including path of travel). Examples of inappropriate decisions include restricting an individual’s eligibility based upon residence address, proximity to a bus stop, ability to use fixed route occasionally or for particular trips, interest in travel-training, or trip purpose.

The review team examined BJCTA application submission and processing. ADA paratransit applications can be requested by phone or obtained in person or by mail. They can also be downloaded as readable text from the BJCTA website, under the heading “Riding on MAX.” Notations on some applications indicate that these were submitted by email or fax.

BJCTA’s eligibility unit is housed in the agency’s operations facility, which adjoins the bus and paratransit vehicle parking areas. Determinations are made by the eligibility manager, a BJCTA employee. BJCTA’s paratransit operations manager and eligibility manager have participated in National Transit Institute (NTI) ADA Paratransit Eligibility Determination workshops. BJCTA’s paper application asks about factors such as path of travel issues, endurance/fatigue, previous travel training, and adverse weather conditions. BJCTA offers in-person and telephone assistance in completing the form. The application includes a form to be completed and signed by a designated medical professional who states that he or she has reviewed the information in the application and it is correct. BJCTA does not require that this individual be the applicant’s current treating professional. The professional verification function is not kept separate from filling out the application. The applicant takes the application and verification form to the medical professional for completion and signature, and then forwards these materials to BJCTA.

Reviewers observed that among the processed applications inspected, very few had been completely filled out. Questions had been left blank by applicants. In addition, several medical verification forms inspected by reviewers contained statements indicating that the professional signing did not appear to understand what BJCTA’s accessible fixed route transportation offers. Team members noted that BJCTA does not use an application checklist for pre-review to identify missing or incomplete items and action taken, or to flag accuracy of information or questions. The eligibility database printouts contained notations that incomplete applications had been returned to the applicant or professional for additional information, sometimes more than once. In the event that completed documentation has not been returned to the agency after a month has elapsed and a follow-up phone call has been made, BJCTA’s practice is to declare the application incomplete and take no further action. BJCTA’s stated goal is to issue the determination letter within the required 21 days of receipt of a complete application.

Application Activity

As part of its pre-review baseline package, BJCTA supplied the review team with printouts from BJCTA’s eligibility database arranged by month of application receipt which listed applicants’ names with outcomes and noted whether the application was for recertification. Using this data, reviewers analyzed BJCTA eligibility application volume and outcomes during the 13-month period February 1, 2013 – March 1, 2014.

BJCTA ADA Paratransit Eligibility Activity
February 1, 2013 - March 1, 2014
(Based on data provided by BJCTA)

	Feb -13	Mar- 13	Apr -13	May -13	Jun -13	Jul- 13	Aug- 13	Sep- 13	Oct -13	Nov- 13	Dec- 13	Jan -14	Feb -14	Tot	%
Apps Rec'd	63	53	56	71	55	58	107	74	49	47	37	51	65	786	
New Apps	42	23	29	45	37	31	55	57	32	29	25	33	41	479	61%
Uncond. Eligible	35	15	24	37	34	29	53	44	32	27	23	30	33	416	
Cond. Eligible	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
Temp. Eligible	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
Ineligible	4	0	4	5	0	2	1	9	0	1	1	1	5	33	7%
Incomplete (returned; not rec'd back)	3	6	1	3	3	0	1	4	0	1	1	2	3	28	
Recert	21	30	27	26	18	27	52	17	17	18	12	18	24	307	39%
Uncond. Eligible	19	27	26	26	18	24	52	17	17	17	11	17	24	295	
Cond. Eligible	0	1	0	0	0	0	0	0	0	0	0	0	0	1	
Temp. Eligible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Ineligible	2	1	0	0	0	0	0	0	0	0	1	0	0	4	1%
Incomplete (returned; not rec'd back)	0	1	1	0	0	3	0	0	0	1	0	1	0	7	

While volume fluctuates from month to month, it appears the agency can expect to receive an average of 60 applications per month (two or three per business day). BJCTA appears to find most applicants, new or recertifying, unconditionally eligible. For new applicants, the denial rate is approximately seven percent. A few recertifying applicants were determined to be ineligible.

In reviewing the eligibility data BJCTA provided, reviewers noted that the summary sheet of eligibility activity was not supported by the backup data attached (printouts of eligibility database entries). Reviewers' analyses used the backup data. For BJCTA management to perform effective oversight, all application activity must be accurately and completely documented and reported.

Information Materials

As part of its onsite review, team members examined BJCTA's public information materials and website information; eligibility materials, certification files and records, and eligibility program software; and interviewed the manager of BJCTA's eligibility unit. BJCTA's public information about eligibility standards, processes and application and appeal procedures does not appear to be consistent from one document to another.

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

- written eligibility policies, processes, and procedures for application submission, processing, review, and tracking, the purpose of which is to assure that all application activity is accurately documented, and that the agency can demonstrate that its eligibility determinations are being made in accordance with regulatory criteria and in a way that accurately reflects applicants' functional abilities.
- written policies, processes and procedures for monitoring and reporting on eligibility activity, including performance standards, to assure staff compliance with DOT ADA regulatory requirements, and to permit management to perform effective oversight of service.

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 for accessible information.

Upon request, BJCTA will provide eligibility and service materials in large print and Braille. Under the "Riding on MAX" heading, BJCTA posts service and eligibility information on the BJCTA website, and provides a link for downloading the ADA paratransit application as readable text (not a pdf). BJCTA eligibility staff record accessible information requests in the customer's file. In addition, the BJCTA eligibility manager routinely assists applicants in completing applications in person or by phone, as requested. The eligibility manager informed reviewers that she works with the regional blind community on an ongoing basis to assure that blind and visually impaired individuals receive the information they need, in a format they can use.

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 for eligibility determinations and presumptive eligibility.

During the onsite visit, reviewers assessed the timeliness of BJCTA's application processing. The review team examined a random sample of 18 eligibility files and certification letters from the period January through April 2014. The sample included decisions granting unconditional, conditional, or temporary eligibility, and denials. Onsite, the review team's sampling of 18 applications found that determinations for four (20 percent) were not made within 21 days. Nonetheless, reviewers found no evidence that presumptive eligibility was not granted in those cases.

The review of application processing time showed that six decisions (33 percent) were made in seven days or less, 14 (78 percent) were made within 21 days, and four decisions (22 percent) were not rendered within 21 days. For this sample, overall BJCTA rendered eligibility decisions in an average of 14 days.

**BJCTA: Summary of Application Processing Times for
a Sample of 18 Eligibility Determinations
January 2014 - April 2014**

Days to Make Determination		Total	%
7 or fewer days		6	33%
8 to 17 days		8	44%
21 Days or Less		14	78%
22 to 30 days		2	11%
31 to 50 days		1	6%
51 to 80 days		1	6%
Over 81 days		0	0%
Over 21 Days		4	22%
TOTAL		18	100%

Presumptive eligibility is part of BJCTA's existing eligibility process. BJCTA's certification letter templates include a sample letter awarding 30 days of presumptive eligibility to be issued in the event that a determination not be made within 21 days of receipt of a completed application. With regard to timely issuance of the certification letter, BJCTA's stated policy is that applicants must be notified of their eligibility decision in writing as soon as possible after the determination has been made. The eligibility manager informed reviewers that her practice is to issue the certification letter immediately after determination.

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 for written eligibility determinations.

Reviewers observed that BJCTA letters awarding conditional or temporary eligibility did not provide specific reasons for the decision. In addition, certification letters did not always include, in written notices of eligibility determination, all five required information elements (individual's name, transit provider's name, paratransit coordinator's phone number, eligibility expiration date, and conditions/limitations on eligibility, appropriately described) plus an explicit statement of applicant's right to appeal the decision and the right to a hearing.

During onsite review, team members examined BJCTA certification files, documents, and computer records, and interviewed the manager of BJCTA's eligibility unit. Reviewers analyzed a random sample of 18 BJCTA eligibility determination letters from January through April 2014. Among these 18 letters, six found applicants unconditionally eligible; six determined that applicants were ineligible, five granted conditional eligibility, and one granted temporary eligibility. Following are the results of analysis of the letters' content:

**BJCTA -Eligibility Letter Sample: Process/Content Review
January 2014 - April 2014**

Total Letters Reviewed 18

Written Notice Includes the Following Required Elements:	Total	Percent
Individual's Name	11	61.1%
Transit Provider Name	18	100.0%
Paratransit Coordinator's Phone #	7	38.9%
Eligibility Expiration Date	11	61.1%
Conditions/Limitations on Eligibility, Appropriately Described	0	0.0%

Decision with Less than Unconditional Eligibility Includes the Following:	Total	Percent
Basis for Determination	6	50%
Appeal Process Information	6	50%

The one letter granting temporary eligibility did not provide information about the appeal process or the basis for this determination. Of the six letters that granted conditional eligibility, none appropriately described the conditions or limitations on the individual's eligibility.

BJCTA provided reviewers with copies of sample eligibility templates. Team members noted that the templates for temporary or conditional eligibility did not include the specific reasons underlying this decision—why someone was made conditionally eligible, or eligible for a shorter period of time, rather than unconditionally eligible for the full period of eligibility. Not all templates included the required basic information regarding the applicant's right to appeal and appeals process.

Corrective Action Plan and Schedule: Within 60 days of the issuance of the final report, BJCTA must provide to the FTA for review revised certification letters including the following items:

- specific reasons for determinations of ineligibility, temporary or conditional eligibility;
- all five required information elements (applicant's name; agency name; telephone number of the agency's paratransit coordinator; expiration date for eligibility; any conditions or limitations on eligibility, including the use of a PCA); and
- information about applicant's right to appeal and right to a hearing.

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 of eligibility.

The review team observed that BJCTA's recertification policies and process 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.

BJCTA's eligibility process includes recertification at three-year intervals. The BJCTA recertification process notifies customers by mail 90 days prior to expiration of eligibility. Follow-up notices are sent at 60 days. Certification letters state that eligible riders who experience any health changes or changes in medical equipment that affect their ability to use public transit may apply to recertify at any time.

The review team's analysis of the eligibility database records provided at the time of the reviewers' initial request for data showed that recertification applications account for 39 percent of the total applications handled by BJCTA, representing approximately 24 of the approximately 60 applications received each month. BJCTA's application form for recertification is the same form used for new applicants, with a different title. The agency procedures for handling the completed application, making a determination and issuing the certification letter are the same. Recertification of unconditionally eligible riders whose disability-related condition is not expected to change or improve over time may, on a case by case basis, undergo accelerated recertification involving only an updating of the customer's records.

As part of its examination of BJCTA eligibility policies, standards and procedures, public information, and eligibility records, the review team observed no differences in the handling of new and recertification applications. Eligibility standards, policies, and procedures appear to be implemented consistently whether the applicant is a new applicant or an eligible rider undergoing recertification.

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 for the administrative appeals process.

BJCTA's eligibility appeals policy states that appeals must be requested within 60 days of the date of decision. Reviewers noted that determination letters for individuals found ineligible state that the individual has the right to appeal, but also state that appeals must be requested within 30 days. In addition, determination letters for conditional eligibility provide no specific information about appeals, stating only: "We are enclosing information on your right to appeal the eligibility limitations, if any." The policy and information materials do not make it clear that while appellants have the right to be present at their hearings, they are not required to attend. In discussing the eligibility appeals process with BJCTA managers, reviewers were unable to obtain specifics regarding separation of function although the policy states that this will occur.

The BJCTA Eligibility Manager reported no eligibility appeal activity for April 2011 through March 2014.

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

- a revised eligibility appeals policy and process, covering reporting, tracking and monitoring activities, which include separation of functions in the handling of an appeal and do not require appellants to be present at their hearings
- revised eligibility materials, denial, temporary and conditional determination letters, and public information which provide consistent, specific information about BJCTA's administrative appeals process and individuals' right to appeal decisions regarding eligibility

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 BJCTA 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 from its own paratransit system before providing this service.

Discussion: During this compliance review, deficiencies were found with the requirement for complementary paratransit service for visitors.

BJCTA's ADA paratransit ride guide explains that BJCTA makes visitor service available and how to obtain it. This document was formerly available on the agency's website as well as in print. However, it has been removed from the website for revision and the website, which is a primary source of information for potential visitors, no longer mentions the availability of ADA paratransit service for visitors.

The review team interviewed the eligibility manager about visitor eligibility. Based on the observations made, and information materials, policies, procedures and actions examined during the review, the review team observed no failure on the part of BJCTA to provide visitor service. Reviewers observed that BJCTA's ADA paratransit ride guide states that the recipient is eligible to use the service for 21 days per year. BJCTA places no conditions on visitor eligibility; visitors are unconditionally eligible. Team members reviewed the current visitor list, which contained 23 names of individuals using the service as visitors to the area.

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

- revised public information (written and electronic) about the availability of visitor service and how to obtain it.

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.

The review team observed no failures to have policies and procedures in place to provide assistance to riders from the vehicle to the first doorway for riders who due to their disability require additional assistance to complete the trip and no evidence that BJCTA charges those needing door-to-door service an extra fee. BJCTA information materials and eligibility determination letters state that door to door assistance is available if requested. In verifying the provision of origin-to-destination service, the review team examined printed trip manifests, observed reservations and dispatch activities, and interviewed drivers. Reviewers verified that BJCTA's Stratagen 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.

BJCTA driver training emphasizes passenger assistance and meeting the needs of customers with a variety of disabilities. During interviews, BJCTA drivers indicated their awareness of and compliance with BJCTA's requirement to provide customers with good customer service, including assistance to and from the vehicle to the door.

6.4 Service Criteria for Complementary Paratransit

Requirement: Section 12143(c)(3) of the ADA directed the Secretary of Transportation to establish minimum criteria to establish 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 bus system must provide complementary paratransit service that covers, at a minimum, all areas within three-quarters of a mile of all of its bus routes, and within a "core service area" that includes any small areas that may be more than three-quarters of a 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 three-quarters of a mile of a fixed route, unless the public transit agency does not have the legal authority to operate in those areas. 49 CFR 37.131(a)(2) requires that for entities operating a light rail or rapid rail system, the paratransit service area must also include a three-quarters of a 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. With regard to jurisdictional boundaries, 49 CFR 37.131(a)(3) states that an entity is not required to provide paratransit service in an area outside the boundaries of the jurisdiction(s) in which it operates, if the entity does not have legal authority to operate in that area, but that the entity shall take "all practicable steps" to provide paratransit service to any part of its service area.

Discussion: During this compliance review, deficiencies were found with the requirement for service area.

The review team was unable to confirm BJCTA's precise service area boundaries, and at the time of the review, BJCTA managers could not demonstrate to reviewers that service was being provided within all locations that are within three-quarters of a mile of BJCTA fixed routes.

Reviewers observed that to establish whether an address was inside the ADA paratransit service area, BJCTA reservations agents consulted map books and Google Earth, and used their knowledge of BJCTA's fixed route system. Team members learned that precise service area boundaries have not yet been installed in the scheduling software. The BJCTA/MAX Riders Guide, available online, in print and in alternate formats, states that the BJCTA ADA paratransit service area covers all locations that are within three-quarters of a mile of BJCTA's bus routes.

Team members examined two eligibility letters sent to individuals who live outside the service area. They confirmed that both the determination letters and the letter template appeared to address this issue appropriately. The text informs recipients that although they are certified to use BJCTA service, their home address is not within BJCTA's service area. To access BJCTA's ADA paratransit service, they will need to reach the service area boundary. In addition, the two determination letters also enclosed a list of names and contact information for local community transportation providers who operate outside BJCTA's service area.

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

- copies of BJCTA's service area maps showing bus routes and ADA paratransit service areas as installed in Stratagen
- a written policy, procedures and timeline for reviewing and updating BJCTA's ADA paratransit service area concurrent with each schedule change, to assure that the service area will continue to mirror fixed route bus service and reflect any service changes

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 trip, subject to the same trip negotiation requirements as next-day trips required under §37.131(b)(2).

Discussion: During this compliance review, deficiencies were found with the response time requirement.

At the time of the review, BJCTA did not comply with the regulatory requirement to accept and schedule all eligible ADA paratransit trip requests within one hour before or after the time requested. In addition, BJCTA's board reports and other documents showed that capacity denials were being issued each month (see discussion below under Section 6.4, *Trip Denials*).

At the time of the review, BJCTA's reservations unit accepted trip requests seven days a week from 8 a.m. to 5 p.m. The BJCTA/MAX Paratransit Riders Guide states that reservations for next day service will be accepted until 5 p.m. on the preceding day, and that reservations may be

made up to 14 days in advance. Riders can schedule trips by appointment time or requested pickup time. To place a trip request, riders call the phone number listed in the riders guide. Callers may request a pickup time or a drop-off time for each trip. BJCTA provides both next-day and subscription reservations.

Trip Reservations

Review team members interviewed reservations staff and supervisors concerning adequacy of training, ADA understanding, data entry and coding procedures, and BJCTA's operational practices. They independently analyzed sample data and compared results with those provided by BJCTA. Due to tornado activity, BJCTA was forced to suspend service during the first day of the review. Weather alerts continued on the second day. During the review, team members observed the following telephone calls to the reservations unit:

**BJCTA ADA Paratransit
Observations of Reservations Unit Calls
April 30 – May 2, 2014**

Types of Calls Observed	Total	Outcomes	Total
Reservation trip request	9	Scheduled	3
Cancellation	0	Denied due to capacity	0
Dispatch	6	Wait list	0
General Info (fares, etc.)	5	Refused by Rider	0
Used wrong phone prompt	3	Schedule Later	5
Other	1	Other	15
Total	24	Rider terminated trip request	1
		Total	24

Because reservations agents record trip requests and cancellations on paper before entering these in Stratagen, reviewers were able to obtain reservation agents' paper log sheets for Wednesday, April 23, 2014. While these did not capture any trip reservations entered outside the reservations unit, and do not list denial or wait list/schedule later information, they provide supplemental information regarding the volume of requests for trips one or two days ahead, and the number of riders served.

BJCTA - Analysis of Reservations Agent Log Information Sample Day April 23, 2014						
	Total Trip Requests Logged	Next-Day Trips Req., (4/24)	Req., 2 Days Ahead (4/25)	Req., 3-14 Days Ahead	Trip Cancellations	Total Unique Riders
Agent #1	42	14	4	24	2	14
Agent #2	36	12	8	16	0	14
Agent #3	45	11	5	29	0	11
Total	123	37	17	69	2	39

Reviewers noted the following with regard to BJCTA reservations practices:

1. One of BJCTA's monthly operations reports, "Trip Breakdown Summary," includes a tabulation of trips scheduled outside the 60 minute window. As reported, this represents a practice which violates the regulatory requirement to accept and schedule all eligible ADA paratransit trip requests within one hour before or after the time requested.

BJCTA - Trips Scheduled Outside the 60-Minute Window October 2013 -March 2014 (Based on data provided by BJCTA)	
Month	Scheduled Outside Window and Accepted
October	33
November	30
December	26
January	18
February	30
March	28
Total	165

2. Stratagen contains two functions, *schedule later* and *wait list*, which reviewers noticed were frequently used by reservations agents. At the time of the review, it appeared that more trip requests were placed in these two categories than were scheduled directly by agents. Within the reservation unit, the review team observed confusion over the meaning and handling of these two categories. Reviewers were told that one category was used for individuals who had already negotiated pickup times, but wished to improve these; the other category was used for individuals whose requests could not be accommodated at that time and required individual, manual scheduling. Reservations staff informed reviewers that it was BJCTA's practice for agents to keep checking the system during the day to try to move the pickup

times for wait list trips closer to what had originally been requested. Team members did not note any written policies, procedures, or standards in place regarding the use of these functions.

3. With regard to telephone access, reviewers noted that reservations staff were professional in communicating with callers. BJCTA did not seem to monitor staff compliance through periodic test calls, auditing of phone calls, or review of recordings of call center phone conversations. BJCTA reservations agents did not appear to use a written script in receiving and scheduling trip requests. In responding to trip requests, reservations agents did not repeat trip reservation information back to customers, nor did they ask if riders needed assistance beyond the curb at either end of their trip.
4. At the time of the review, reviewers observed that BJCTA did not appear to have established policies, standards, or procedures for handling and reporting capacity denials in a manner that complies with DOT ADA regulatory requirements. Reservations staff stated that whenever the software indicated inability to schedule a requested trip, staff denied the trip request and the computer system recorded the request as a capacity denial. (Stratagen tracks capacity, adversarial, and eligibility denials and BJCTA was able to provide denial records for the six months preceding the review.) No further steps were taken to accommodate the requested trip at that time, such as requesting that the scheduling unit place the trip manually. The individual might call back later and if that second request could not be accommodated, it would again be recorded as a capacity denial. In examining BJCTA's capacity denial records, team members confirmed the documentation of multiple requests for and denials of the same trip for the same rider. In addition, however, as discussed further under *Trip Denials*, it appeared based on the data provided to reviewers that staff were not correctly or consistently recording capacity denials.

Scheduling

BJCTA uses the Stratagen software system for trip scheduling. At the time of this review, staff did not use Stratagen's schedule optimization process.

BJCTA's final scheduling process begins in the late afternoon of the day before service, ending at approximately 7 p.m. Scheduling staff manually insert into the schedules any trips or trip requests remaining in the next day's wait list and schedule later files. During the review, late-day inspection of these two software files showed ten or more such trips for the following day. BJCTA did not appear to have written policies, procedures or standards for the handling of rides in these categories, or for trips that are rescheduled during final review. Staff told reviewers that in placing previously unscheduled trips, and in rescheduling confirmed trips, BJCTA's procedures are as follows: Schedulers must manually assign all trips and trip requests remaining in the schedule later and wait list files; call the customer to negotiate or renegotiate the pickup time while keeping it within the one hour ADA window; and document the calls and outcomes.

Reviewers also observed that customers called scheduling directly either to obtain trip reservations, or to request "improved" pickup times for already confirmed trips or to change scheduled pickups for subscription trips. It is BJCTA's practice to accommodate such requests whenever possible.

Team members observed that as part of their final review, the scheduling staff visually scan the next day's schedules to examine vehicle loads and locations, and review individual vehicle schedules searching for opportunities to assign multiple trips to one vehicle (multi-load). The schedulers also identify and resolve through rescheduling, if possible, any trips longer than 60 minutes, and any trips with anomalies. Reviewers noted that BJCTA's practice seems to be to lock subscription trips within the schedule. As a result, these trips rarely are rescheduled or reassigned to another vehicle to create a more productive schedule by assembling clusters of trips with common pickup or drop-off points.

Reviewers were unable to collect accurate data for next-day service requests or develop an accurate trip request timeline over BJCTA's 14 day reservation period. However, the review team's observations of BJCTA's reservations unit found that of nine calls involving trip requests, seven were for next-day service. Two calls requested service two days in advance; these were scheduled. Of the seven next-day requests, one was scheduled, five were placed in the schedule later/wait list files, and one was scheduled but subsequently cancelled. In addition, as previously discussed, analysis of a sample day of paper reservations agent logs showed that approximately one-quarter to one-third of the trip requests received that day were for next-day service. An additional 15 percent requested second-day service.

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

- copies of revised BJCTA paratransit scheduling system parameters that demonstrate compliance with the agency's response time obligations under 49 CFR §37.131(b)(2).
- written policies, processes and procedures for reservations and scheduling, including establishing a standard of zero capacity denials and putting in place tracking and monitoring procedures to measure staff compliance, to assure the acceptance, documentation and scheduling within one hour before or after the time requested of all eligible ADA paratransit trip requests.

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 pay the same fare as the eligible rider; no fare may be charged for a PCA.

Discussion: During this compliance review, deficiencies were found with the requirements for paratransit fares.

BJCTA ADA paratransit fares are payable only using pre-purchased tickets or passes. Unlike BJCTA's fixed route service, drivers do not accept cash fare payments. This policy requires paratransit riders to obtain fare instruments before they can use the service. The requirement

does not meet BJCTA's obligations under 49 CFR §37.131(b) with regard to response time, as it precludes individuals who do not have the required fare media from making next-day trips.

BJCTA's fare structure appears to meet the regulatory requirements. At the time of the review, the base fare for fixed route service was \$1.25. ADA paratransit fares were \$2.00 for a one-way trip ticket, \$20 for a ten-ride ticket, and \$80 for a monthly pass. The BJCTA/MAX Riders Guide and website state that eligible customers may bring a PCA with them on their trip, who will ride free of charge, and that companions pay the regular BJCTA fare. No fees or fares are charged for door to door service or service animals.

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

- a written plan and schedule for the implementation of cash fare acceptance on BJCTA's ADA paratransit vehicles
- updated public information materials stating that ADA paratransit riders can pay fares in cash as well as by using prepaid fare instruments.

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, deficiencies were found with the requirements regarding trip purpose restrictions.

Of the sample of 18 eligibility letters dating from January through March 2013, examined by reviewers, all six awarding conditional eligibility were found to restrict service to dialysis trips only. This inappropriately links eligibility to trip purpose. Eligibility must be based solely on an individual's functional ability to use the fixed-route system. Because the factors that may prevent riding fixed route service following dialysis, or chemotherapy or radiation treatments (such as severe fatigue), might also exist at other times, applicants must be found eligible to use ADA paratransit whenever such conditions occur.

BJCTA's stated policy regarding trip purpose restrictions is that BJCTA service operates without trip prioritization and serves all trip purposes. Public information materials do not mention trip purpose. Reviewers found no evidence of prioritizing application processing based on trip purpose.

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

- a revised eligibility policy and process; samples of eligibility certification letters demonstrating that restrictions based on trip purpose are no longer being imposed

- a written plan and schedule to identify and inform all BJCTA registrants whose eligibility has been restricted based on trip purpose, as well as samples of letters and other materials to be sent to these registrants

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, deficiencies were found with the requirements for hours and days of service.

At the time of the review, published days and hours of service for ADA complementary paratransit service did not match BJCTA's fixed route service hours on Friday evenings.

Information provided to the public states that it is BJCTA's policy to provide BJCTA ADA paratransit service during all days and hours of its fixed route bus service. BJCTA's website shows ADA paratransit hours to be from 4 a.m. to 11:30 p.m. Monday through Friday, and until 12 midnight on Saturday. Reviewers verified that ADA paratransit driver and dispatch shift assignments provide coverage for the advertised service hours and review of manifests confirmed that when requested, BJCTA ADA paratransit trips are scheduled and provided throughout the advertised paratransit service hours.

The review team compared BJCTA ADA paratransit service hours as advertised to the public with the service days and hours programmed into Stratagen. These were compared with BJCTA bus service featured on the system website and in published schedules. Reviewers identified the following discrepancies, marked in yellow, with regard to early morning and late evening service hours on weekdays and weekends:

BJCTA/ADA Paratransit Hours/Days of Service						
Start and End Times for Fixed Route Bus Service						
Line	Monday-Thursday		Friday		Saturday	
	Start	End	Start	End	Start	End
BJCTA Paratransit Riders Guide (revised 4-1-2014)	4:30 a.m.	10 p.m.	4:30 a.m.	10 p.m.	4:30 a.m.	10 p.m.
Paratransit Service Hours listed on BJCTA Website (as of 6-4-2014)	4 a.m.	11:30 p.m.	4 a.m.	11:30 p.m.	4 a.m.	12 p.m.
Bus Route 26	8:55 a.m.	9:24 p.m.	8:55 a.m.	9:24 p.m.	5:47 a.m.	10:24 p.m.
Bus Route 28	4:49 a.m.	10:21 p.m.	4:49 a.m.	10:21 p.m.	4:34 a.m.	10:06 p.m.
South Bessemer Bus Route 1	4:02 a.m.	10:44 p.m.	4:02 a.m.	10:44 p.m.	5:48 a.m.	9:32 p.m.
Bus Route 45	4:38 a.m.	11:06 p.m.	4:38 a.m.	11:06 p.m.	5:35 a.m.	10:15 p.m.

BJCTA ADA Paratransit Hours/Days of Service						
Start and End Times for DART Service						
Line	Monday-Thursday		Friday		Saturday	
	Start	End	Start	End	Start	End
BJCTA Paratransit Riders Guide (revised 4-1-2014)	4:30 a.m.	10 p.m.	4:30 a.m.	10 p.m.	4:30 a.m.	10 p.m.
Paratransit Service Hours listed on BJCTA Website (as of 6-4-2014)	4 a.m.	11:30 p.m.	4 a.m.	11:30 p.m.	4 a.m.	12 p.m.
Blue Line (North/South)	10 a.m.	10 p.m.	10 a.m.	12 p.m.	10 a.m.	12 p.m.
Red Line (East/West)	9 a.m.	5 p.m.	9 a.m.	5 p.m.	9 a.m.	5 p.m.
Green Line (Southside Loop)	11 a.m.	10 p.m.	11 a.m.	12 p.m.	11 a.m.	12 p.m.

Corrective Action Plan and Schedule: BJCTA must immediately begin providing ADA paratransit service until 12:00 p.m. on Fridays in the areas surrounding the Blue and Green Lines, and within 60 days of the issuance of the final report provide to FTA for review:

- written policies and procedures for reviewing and updating BJCTA's ADA paratransit service hours to ensure comparability with fixed route service whenever schedules change

- printouts of updated Stratagen parameters demonstrating that BJCTA service hours are comparable to BJCTA fixed route service.
- revised public information materials reflecting comparability of service hours

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.

Discussion: During this compliance review, deficiencies were found with capacity constraint requirements.

The review team identified several operational patterns or practices appearing to restrict access to BJCTA's ADA paratransit service and limit service availability:

- BJCTA has not planned and budgeted to meet 100 percent of expected demand for next day service, or developed written policies and procedures to implement this standard and track and monitor compliance.
- BJCTA has not put an effective data management program in place to enable consistency and uniformity in paratransit operations and eligibility data collection and reporting.
- BJCTA has not set scheduling software parameters that comply with the agency's response time obligations under 49 CFR §37.131(b)(2).

These practices appear to limit service performance and impede management's ability to perform effective oversight of service and eligibility. Further discussion of these issues and specific corrective actions can be found in the following sections. As discussed elsewhere in this document, reviewers also observed that other BJCTA operational practices such as unrestrained subscription service and unlimited same-day service changes appear to impede BJCTA's ability to meet baseline DOT ADA regulatory obligations.

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

- written policies, processes and procedures, including an implementation schedule, for monitoring, tracking and reporting the handling of trip requests and the provision of service to assure the agency meets the DOT ADA response time requirements found in 49 CFR §37.131(b)(2) and (f), and to permit management to perform effective oversight of service and assure staff compliance.

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 for no restrictions on the number of trips provided.

The review team observed no evidence of practices or policies which restrict the number of trips an eligible individual is provided. BJCTA's stated policy regarding service use is that ADA paratransit service is provided on an unconstrained basis. Public information materials do not state any limits on the number of trips an individual may take, or mention the subject. During repeated observations of BJCTA'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.²

Discussion: During this compliance review, deficiencies were found with the requirement for no waiting list(s) for non-subscription service.

BJCTA maintains waiting lists for service. One of the agency's monthly operations reports, "Trip Breakdown Summary," documents that not all trip requests initially placed in the scheduling categories of *wait list* and *schedule later* ultimately are scheduled within one hour before or after the requested time.

BJCTA - StandBy, Will Call, and Wait List Trips Not Provided October 2013 -March 2014 (Based on data provided by BJCTA)						
Month	Total Trips	Scheduled Trips		StandBy Trips	Will Call Trips	Wait List Trips
October	14,129	9,856		12	0	37
November	13,007	8,047		25	0	49
December	13,249	8,032		12	0	50
January	13,350	7,532		0	0	36
February	11,794	7,575		6	0	51
March	11,892	8,886		5	0	6
Total	77,421	49,928		60	0	229

² 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.

BJCTA has an explicit obligation to establish policies, procedures, and standards that will ensure that eligible trip requests are accommodated without any operational pattern or practice that significantly limits the availability of service to ADA-eligible individuals, in particular the practice of maintaining waiting lists for accessing service, and also to track, monitor and review staff compliance with this requirement.

Interviews with scheduling and dispatch staff showed that BJCTA has a process in place for negotiating, scheduling, documenting, and providing as many of the “schedule later” and “wait list” trips as possible. Nonetheless, the agency’s data indicates that eligible trip requests have not been accommodated within the required one hour before or after the requested time (nor does it appear that the trip requests that were not honored were recorded as capacity denials). Based on the data reported, interviews with staff, and examination of computer files, reviewers concluded that BJCTA’s handling of trip requests designated as *schedule later* and *wait list* represents the use of prohibited waiting lists for service.

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

- written policies, processes and procedures for reservations and scheduling, including planning and budgeting to meet 100% of anticipated demand and putting in place tracking and monitoring procedures to measure staff compliance, to assure the acceptance, documentation and scheduling within one hour before or after the time requested of all eligible ADA paratransit trip requests. Provide a schedule for implementation.
- a written terms of service document that explains to staff, customers and the public how BJCTA will meet the requirements of 49 CFR §37.131(f)(2) and 131 (f).

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 on-time performance requirements.

Based on the data and documentation provided and observations made, the review team concluded that BJCTA has established standards for timely pickups and appears to regularly meet or exceed its goal. The agency’s stated on-time performance standard for pickups is 90 percent. BJCTA considers on-time pickups to be within the pickup window (+/- 20 minutes) or earlier.

Reviewers examined on-time performance data provided by BJCTA for October 2013 through April 2014. Based on this data, 90 percent of the time BJCTA vehicles arrive at the pickup location at or before the negotiated pickup time or within 20 minutes thereafter.

**BJCTA ADA Paratransit On-Time Performance by Month
October 2013 - March 2014
(Based on data provided by BJCTA)**

Vehicle Arrival at Pickup Location

	Total Trips Pro- vided	Within 20 min. Window Before Negotiated Pickup Time or Earlier		Exactly On Time		Within 15 minutes After Negotiated Pickup Time (Within 20-min. Window)		Total	OTP %
Oct	9,823	1,495	15.22%	6,493	66.10%	971	9.88%	8,959	91%
Nov	7,988	1,407	17.61%	5,063	63.38%	771	9.65%	7,241	91%
Dec	7,975	1,574	19.74%	4,793	60.10%	795	9.97%	7,162	90%
Jan	7,495	1,578	21.05%	4,487	59.87%	727	9.70%	6,792	91%
Feb	7,521	1,376	18.30%	4,402	58.53%	790	10.50%	6,568	87%
Mar	8,823	1,557	17.65%	5,286	59.91%	998	11.31%	7,841	89%
Avg.	8,271	1,498	18.26%	5,087	61.32%	842	10.17%	7,427	90%

**BJCTA ADA Paratransit On-Time Performance by Month
October 2013 - March 2014
(Based on data provided by BJCTA)**

Vehicle Arrival at Pickup Location

	16-30 minutes after Negotiated Pickup Time (within 20 min window up to 10 mins late)		11-25 minutes late		26-40 minutes late		41+ minutes late	
Oct	494	5.03%	206	2.10%	87	0.89%	77	0.78%
Nov	391	4.89%	175	2.19%	77	0.96%	104	1.30%
Dec	416	5.22%	189	2.37%	93	1.17%	115	1.44%
Jan	315	4.20%	137	1.83%	72	0.96%	179	2.39%
Feb	472	6.28%	192	2.55%	111	1.48%	178	2.37%
Mar	490	5.55%	239	2.71%	104	1.18%	149	1.69%
Avg.	430	5.20%	190	2.29%	91	1.11%	134	1.66%

The data indicates that 60 percent or more of pickups occur at the negotiated time. An additional 15 to 18 percent of pickups are reported as early—within the 20-minute window or before it. Another 15 percent of vehicles are reported to arrive within 20 minutes after the negotiated pickup time.

When a vehicle arrives early, BJCTA requires that the driver notify dispatch and wait until the pickup window commences. At that point, if the customer is not ready to board, a dispatcher will attempt to telephone the rider or the facility to inform them that the vehicle is waiting and establish whether the rider is ready or available. Only at this point may dispatch authorize the driver to leave the site. Agency managers and staff stated that if a vehicle arrives before the “ready time” (pickup) window begins (more than 20 minutes early), the customer has no obligation to board until the pickup window commences 20 minutes before the negotiated time. Paratransit driver training, and dispatcher procedures, emphasize that customers must not be required, expected or pressured to board early.

Through dispatch observation, reviewers independently cross-checked BJCTA’s on time performance data and witnessed successful dispatcher efforts to keep service moving on time. In addition, using driver manifests, the team collected a base sample of 29 randomly selected trips from January and February 2014. The sample included individuals using wheelchairs as well as ambulatory riders and travel within and between suburban areas and downtown Birmingham covering all five BJCTA operations zones. This analysis showed that for trips requested by pickup time, vehicles picked up the customer within the 20-minute arrival window 93 percent of the time. In the one instance where an appointment time was specified, the vehicle arrived at its destination was more than 30 minutes late.

**BJCTA: On-Time Performance
Results of Reviews of Sample Manifests**

On-time Performance - Pickups		
	P/U	P/U %
Total Trips in Sample	28	100%
In window (-20/+20)	26	93%
Late	2	7%
>30 Minutes Late	1	
16-30 Minutes Late	1	

On-time Performance – Appointments (Drop-Offs)		
	D/O	D/O %
Total Trips in Sample	1	100%
Exactly on Time	0	0%
Late	1	
>30 Minutes Late	1	100%

Among the sampled trips, analysis indicated that most customers were picked up within BJCTA’s pickup window. Reviewers noted that in this sample, individuals using wheelchairs experienced approximately the same level of on-time performance as did riders who were ambulatory.

Each month, managers report fixed route and ADA paratransit on-time performance to BJCTA's board. The agency does not have a standard for drop-off performance.

With regard to record keeping and data verification of on-time performance, reviewers noted that at the time of the review, BJCTA relied on drivers to write accurate pickup and drop-off times on manifests. Several days after service provision, a BJCTA staff archiver checks manifests, completes missing entries by examining dispatchers' computer records, and manually enters the manifest information in Stratagen. The agency's paratransit service performance statistics are derived from this data. BJCTA does not appear to have policies and procedures in place to monitor and enforce drivers' recording of accurate times or trip outcome information on manifests, and reviewers did not observe any formal process for cross-checking the accuracy of data entered in the system.

Reviewers also noted that BJCTA's practice of freely permitting customers to make same-day changes in service and scheduling can lead to incomplete manifest data. BJCTA allows riders to change, on the day of service and at times even after boarding the vehicle, their confirmed pickup or drop-off points (sometimes both), as well as to alter their scheduled pickup or appointment times, often by several hours. Thus, a trip scheduled from X to Y may become, on the day of service, a trip from X to Z. The pickup time may be two hours earlier/later than originally scheduled so that the return trip is made at 12:30 or 1 or 2: 50 or 4 p.m. as originally scheduled. This practice enables some riders to create new, same-day trips, perhaps on other vehicles, in place of their originally scheduled travel. Section 6.5, *Subscription Service*, observes that a number of the trips which BJCTA rebuilds or creates on the day of service to accommodate same-day requests for a different pickup or drop-off location or time are subscription trips.

Last-minute introduction of a sizable number of new same-day trips hampers service provision and can disrupt the system. These practices make it difficult for BJCTA to verify on-time performance, missed trips, and no-show data.

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, deficiencies were found with the requirements that ADA paratransit service be provided without substantial numbers of trip denials or missed trips.

Team members observed that BJCTA consistently did not accommodate eligible trip requests within one hour before or after the requested time. Furthermore, reviewers noted that BJCTA had not established standards, policies, and procedures for the consistent recording, handling, and documentation of trip denials. In addition, BJCTA had did not provide effective oversight by putting a program in place to track, monitor and report on trip denials to enforce staff compliance with regulatory requirements.

The following table, using data provided by BJCTA, summarizes trips requested, scheduled, and denied for the period October 2013 through March 2014. It shows repeated capacity trip denials and a missed trip percentage that averages two percent.

BJCTA -Capacity Denials and Missed Trips: October 2013 -March 2014 (Based on data provided by BJCTA)					
Month	Total Trips Requested	Scheduled Trips		Capacity Denials	Missed Trips
October	14,129	9,856		6	196
November	13,007	8,047		8	286
December	13,249	8,032		1	274
January	13,350	7,532		2	236
February	11,794	7,575		5	166
March	11,892	8,886		4	74
Total	77,421	49,928		26	1,232

ADA Trip Denials

BJCTA defines an ADA trip denial as any inability to accommodate (schedule) an ADA-eligible trip request within one hour before or after the requested pickup time. At the time of this review, BJCTA recorded an average of more than four capacity denials per month.

To meet its obligations under the DOT ADA regulations, a transit agency must count the following incidents as ADA trip 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.

Reviewers observed that it did not appear that BJCTA reservations agents were correctly recording ADA trip denials when someone accepted or refused a pickup time more than one hour before or after the requested time, when a round trip could not be reserved, or when only one leg of a round trip could be reserved. For example, as discussed earlier under *Response Time*, the reported capacity denial totals of ten or less per month clearly do not include the approximately

30 trips per month accepted by riders where the negotiated time is more than one hour before or after the requested time which BJCTA documents elsewhere.

From conversations, observations, and questions about reports and practices, reviewers did not observe any written policies, procedures, or standards in place regarding capacity denials or the handling of eligible trip requests, and no monitoring or tracking to assure staff compliance. In dealing with capacity denials, reservations staff practice was to accept the computer system's response that no trip was available. Reservations agents took no further action to prevent a prohibited denial of service. While capacity denials were occurring, BJCTA reservations staff were also expending effort to further accommodate customers who already had scheduled rides, but sought to improve their pickup time. Staff informed reviewers that it was their practice to repeatedly check the scheduling system to identify a more convenient placement for these customers.

Missed Trips

BJCTA has no written missed trips goal. Administrators informed reviewers that the agency's objective is no missed trips-- to "pick up everyone." BJCTA defines missed trips ("failed trips") as trips that are cancelled or no-showed after the end of the customer's pickup window, and thus are not the fault of the customer. Riders are not penalized for such trips. Reviewers' discussions with drivers, dispatchers and BJCTA management confirmed their understanding 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.

Analysis of agency data showed missed trips accounting for approximately two percent of BJCTA's total scheduled rides. The number of missed trips declined in February and March of 2014.

BJCTA Missed Trips October 2013 - March 2014 (Based on data provided by BJCTA)						
	Oct. 2013	Nov. 2013	Dec. 2013	Jan. 2014	Feb. 2014	Mar. 2014
Total Trips Provided	9,823	7,988	7,975	7,495	7,521	8,823
Missed Trips	196	286	274	236	166	74

The BJCTA/MAX Riders Guide states that customers will not be charged no-shows for missed trips that were not the rider's fault. Review team members examined driver manifests for a sample week to determine if missed trips, no-shows, and late cancellations had been properly coded and entered in the system. Reviewers compared the date and time with the pickup window of each trip request. As discussed below in Section 6.6, *No-Shows*, reviewers found that the coding for no-shows and late cancellations was appropriate.

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

- written reservations policies and procedures document, with effective date, describing BJCTA's zero capacity denials goal and policy and outlining procedures to be followed in receiving, documenting and scheduling all eligible trip requests within one hour before or after the requested time, including requests which potentially could result in a capacity denial if not accommodated.
- revised public information materials documenting the zero capacity denials goal and policy.
- written policies and procedures for identifying, handling, and documenting missed trips which includes a performance goal of zero missed trips. This missed trips policy should link to the agency's revised no-show/late cancellation policy to prevent or correct the miscoding of missed trips as customer no-shows.

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 calculated using the agency's trip planner, 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, deficiencies were found with the requirement that ADA paratransit service be provided without substantial numbers of trips with excessive trip lengths.

The review team noted that BJCTA tracks and regularly reports on paratransit trip length, the agency's scheduling software appears to reliably predict on-board travel times, and BJCTA staff have established procedures and practices to identify trips of excessive length and take corrective measures during final schedule review on the day before service is provided as well as on the day of service.

BJCTA's standard for trip duration is that, as stated in the BJCTA/MAX Riders Guide, all paratransit trips are scheduled to take approximately the same amount of travel time as the same trip would take using fixed route service. Managers stated that the distance from one end of the BJCTA ADA service area to the other can involve travel times of up to 90 minutes. In discussing what is an overly long trip, BJCTA managers and staff do not use a percentage goal for travel time or a multiplier of fixed route travel time such as 1.5 or 2.0.

During interviews, the BJCTA scheduler and dispatch supervisor confirmed that Stratagen generates paratransit trip duration data and that the software's estimates are generally accurate. In addition, they stated that they are aware of which trips are likely to involve longer travel times, and are on the lookout for these. They noted it is their daily practice during final review

to visually scan next-day schedules to identify trips exceeding 60 minutes on the vehicle and whenever possible, move trips and adjust run schedules and vehicle assignments to reduce time on vehicles.

To determine independently if there were a substantial number of significantly long trips on BJCTA's paratransit service relative to trips made on BJCTA's fixed route system, reviewers identified for analysis ten randomly selected BJCTA trips of more than 60 minutes in length from a Stratagen-generated list of such trips. Team members found that due to the low number of trips in any one day involving longer time spent on a vehicle, it was necessary to sample trips from multiple days.

Team members examined performed trips with durations of more than 60 minutes from January 3, 6, 8, 9, and February 28, 2014. The ten sample trips were compared with the same trip taken on fixed route service using BJCTA's Trip Planner, with walk and wait times included in the fixed route comparison. Using fixed route service, two of the ten trips involved using only one bus route; the remaining eight required transferring from one route to a second. The review team used operator manifests to determine actual BJCTA paratransit travel times for those trips. Six of the ten paratransit trips were shorter, some markedly shorter, than the same trip using fixed route service. Four were longer. Of these, two approached or exceeded an hour longer. Thus, 40 percent of the randomly-selected trips examined exceeded the comparable fixed route trip by more than half an hour.

BJCTA: Results of Trip Length Comparison January 3, 6, 8, 9, and February 28, 2014			
Trip ID#	Estimated Trip Length in Minutes on Fixed Route	Recorded Trip Length in Minutes on Paratransit	Difference in minutes
1	101	88	-13
2	80	74	-6
3	84	71	-13
4	101	75	-26
5	111	62	-49
6	119	65	-54
7	53	86	33
8	25	70	45
9	71	130	59
10	69	150	81

Reviewers examined BJCTA monthly board reports for October 2013 through April 2014. These routinely include a one-page report comparing bus and ADA paratransit travel times for 25 trips. Copies of these reports were furnished to team members during the pre-review period. Trips selected as part of the sample groups for the board report almost always involve using two bus routes. Within the 25 sample trips listed each month, typically one or two are shown as

shorter on fixed route. The remainder seem to range from equivalent in length to fixed route service, to one-third as long as the same trip taken on the bus. The reports appear to show actual time on a transit vehicle; fixed route transfer and layover time are provided in a separate column and do not appear to be included in the final trip length calculation. No information was available regarding the process of selecting trips for these samples.

Review of customer complaints for the twelve-month period March 1, 2013 to February 28, 2014 showed no complaints about lengthy rides.

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

- written trip length policies and procedures document, with effective date, describing BJCTA's goal and policy for comparable time on vehicle and outlining procedures to be followed in scheduling and dispatching all eligible trip requests to achieve comparable travel times
- revised public information materials documenting the trip length goal and policy

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.

BJCTA Telephone System

BJCTA uses a Fidelity telephone system with 26 incoming trunk lines dedicated to four sites: Reservations, Scheduling, Dispatch (for trip status inquiries), and Eligibility. System components include an Automated Call Distribution (ACD) system, and digital recording capability. Installed in March 2013, the system includes unit components plus administrative features, after-hours menu, reporting and remote access features, and internal voice mail boxes. It does not record unless requested, but the supervisor can record calls on request, in mid-conversation. BJCTA's phone system offers caller ID and permits the use of recorded announcements in the event of emergency or computer outage. Each reservation station contains a telephone and computer terminal.

BJCTA's telephone system appears to have sufficient capacity to handle the incoming calls for trip requests, especially as phones ring in other units as overflow after a certain length of time in queue. The operations manager described the new phone system as having powerful monitoring and system management capabilities, but noted that the reservations supervisor had not received training in how to use these features. Thus, realtime monitoring and remote monitoring by administrators were not being performed.

In addition to three supervisors, BJCTA's paratransit operations staffing includes four reservations agents, one scheduler and three dispatchers, for a total of 11 full time equivalents. The reservations unit is equipped with five dedicated workstations, plus two additional stations planned. The system's overflow capability means that staff as far away as Central Station, located at the other side of the city, can log in to answer phones when needed. The unit has a total of five incoming lines and a queue capacity of over 50 calls. The dispatch unit features two dedicated workstations which can also be used for reservations overflow.

Because the reservations unit does not wear headsets, team members were unable to audit customer calls directly. On a day-to-day basis this also means that the supervisor is unable to audit or record calls, or to monitor unit activity unless beckoned by a reservations agent seeking assistance.

BJCTA maintains a regular shift schedule for staff. The reservations unit is advertised as being open to the public from 8 a.m. to 5 p.m., seven days a week. Advertised hours for dispatch are 3:30 a.m. to 10:30 p.m., but the unit remains open and staffed during all hours when BJCTA service is operating.

BJCTA has established the following performance standards for paratransit reservations and dispatch calls: 100 percent of all reservations and dispatch calls shall be answered within two minutes. Analysis of available data indicates this standard is achieved. BJCTA's October 2013 board report lists these additional telephone performance targets: Average time in queue (hold time) of 15 seconds or less; average abandoned call rate of 10 percent or less.

The review team analyzed telephone performance data generated by the ACD system for the sample weekdays Monday through Friday April 21-25, 2014, for BJCTA's reservations and dispatch units. The following was found:

**BJCTA ADA Paratransit Telephone Activity
Sample Week of April 21, 2014
Combined Reservations/Scheduling and Dispatch Units**

	Monday	Tuesday	Wednesday	Thursday	Friday
	4/21/2014	4/22/2014	4/23/2014	4/24/2014	4/25/2014
Total Calls Received	241	282	244	244	252
Calls Answered	238	273	238	237	246
Calls Abandoned	3	9	6	7	6
% of Total Calls Answered	99%	97%	98%	97%	98%
Avg Queue Time (mins:sec)	13 sec.	1.3 min.	18 sec.	55 sec.	41 sec.
Time in Queue (On Hold):					
# Calls 60 Sec. or Less	236	261	239	227	239
# Calls 61-90 Sec.	3	13	2	9	6
# Calls 91-120 Sec.	1	4	0	1	1
# Calls 121-240 Sec.	1	4	3	7	6
Max Queue Time (mins:sec)	25 sec.	5.7 min.	36 sec.	4.2 min.	2 mins.

BJCTA ADA Paratransit Telephone Activity
Sample Week of April 21, 2014
Combined Reservations/Scheduling and Dispatch Units

	AVERAGE TIME IN QUEUE/ON HOLD BY HOUR				
	Monday	Tuesday	Wednesday	Thursday	Friday
	4/21/2014	4/22/2014	4/23/2014	4/24/2014	4/25/2014
4:00-5:00	6 sec.	21 sec.	6 sec.	10 sec.	0
5:00-6:00	5 sec.	11 sec.	15 sec.	12 sec.	19 sec.
6:00-7:00	10 sec.	1.4 mins.	8 sec.	10 sec.	11 sec.
7:00-8:00	10 sec.	7 sec.	3 sec.	11 sec.	8 sec.
8:00-9:00	17 sec.	12 sec.	16 sec.	13 sec.	3.2 min.
9:00-10:00	19 sec.	32 sec.	23 sec.	27 sec.	25 sec.
10:00-11:00	9 sec.	27 sec.	18 sec.	17 sec.	15 sec.
11:00-12:00	5 sec.	21 sec.	17 sec.	11 sec.	10 sec.
12:00-13:00	6 sec.	20 sec.	19 sec.	23 sec.	18 sec.
13:00-14:00	7 sec.	24 sec.	12 sec.	20 sec.	26 sec.
14:00-15:00	8 sec.	16 sec.	17 sec.	1.4 min.	32 sec.
15:00-16:00	13 sec.	43 sec.	25 sec.	45 sec.	40 sec.
16:00-17:00	10 sec.	20 sec.	17 sec.	12 sec.	14 sec.
17:00-18:00	11 sec.	16 sec.	12 sec.	9 sec.	10 sec.
18:00-19:00	19 sec.	3 sec.	5 sec.	11 sec.	8 sec.
19:00-20:00	30 sec.	1 sec.	2 sec.	28 sec.	19 sec.

BJCTA monitors staff compliance with its telephone standards and reports this information in the monthly board report. The March 2014 report states that the abandoned call rate for the paratransit department was five percent, based on a total of 5,394 calls received and 281 calls abandoned.

During the pre-review period in March and April 2014, the review team conducted and documented 39 calls to the BJCTA reservation unit. Based on the sampling, 95 percent of the calls went into the queue. Two calls were answered directly. The longest queue time observed was six minutes and 48 seconds, in the early morning; the average queue time was 26 seconds. Of the 39 calls, 36 (92 percent) were answered in under 60 seconds. Two calls (five percent) involved queue times greater than 90 seconds. The phone system disconnected one call 17 seconds after it entered the queue. None of the 39 calls was placed on a secondary hold, which occurs when a call is picked up and an individual identifies the reservations unit and asks the caller to please wait.

BJCTA Computer System

For its paratransit scheduling and dispatching software, BJCTA uses Version 6 of Stratagen. In October 2013 the agency upgraded from Version 2, which had been installed in 2002. BJCTA obtained the eligibility, reservations and scheduling, dispatch, and agency modules. Reports are part of each module; BJCTA supplements these with user-defined reports (SQL) and the

FleetNet software program which tracks safety, payroll, human resources, planning, work orders, fixed assets, vehicles, maintenance, and complaints. BJCTA has dedicated approximately 15 Stratagen licenses and 13 of the agency's Fleetnet licenses to its ADA paratransit service.

Vehicle Fleet; Vehicle Availability

BJCTA owns and provides the vehicles for its ADA paratransit service. All vehicles were purchased at the same time in 2010. The present BJCTA fleet of 30 body on chassis minibuses, all of which are accessible using lifts, has an average age of about four years. All but two vehicles have reached or exceeded 100,000 miles on the road. BJCTA uses a Motorola radio communications system with an 800 megahertz trunked 10-channel system for voice and, as part of this system, ADA paratransit operations has its own dedicated channel.

To determine if there are presently sufficient vehicles available to cover scheduled runs, and an adequate supply of spare vehicles, the review team examined BJCTA's run structure and daily vehicle availability records. BJCTA schedulers and managers stated that to meet weekday peak pullout, 25 vehicles in the morning and 20 in the afternoon, plus spares, would be needed. These analyses showed that BJCTA currently has enough of its own vehicles on hand to always cover the number of runs created, but that driver availability remains a concern.

Driver Availability

The operations manager stated that BJCTA plans for one part-time paratransit and 35 full-time drivers, with typically 23 to 25 drivers on the road. To determine if there was an adequate workforce to cover scheduled runs and sufficient backup on the day of service so that BJCTA would not have to resort to covering driver absences using supervisors as emergency drivers, the review team selected two weeks for analysis.

Reviewers analyzed BJCTA records for the two sample weeks of April 6-12, and April 13-19, 2014, and obtained data regarding driver availability and run coverage. These records show 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 open runs that day. With the assistance of spare and extra-board drivers and using supervisors to drive on each day, no runs were documented as uncovered during these weeks. This data suggests that using spare and extra-board drivers alone, BJCTA is not able to cover runs, and that the ongoing necessity to use supervisors to cover runs is a matter for attention.

**BJCTA Driver Availability and Run Coverage:
Sample Week 4/6 - 4/12/2014**

	Number of Runs Assigned	Number of Runs Uncovered	Extra Board (On-Call) Drivers	Supervisors Used to Cover Runs
Mon., 4/7	33	0	3 Available/3 Used	4
Tues., 4/8	33	0	3 Available/3 Used	4
Wed., 4/9	34	0	3 Available/3 Used	4
Thurs., 4/10	34	0	3 Available/3 Used	4
Fri., 4/11	32	0	4 Available/4 Used	4
Sat., 4/12	13	0	4 Available/4 Used	3

**BJCTA Driver Availability and Run Coverage:
Sample Week 4/14 - 4/19/2014**

	Number of Runs Assigned	Number of Runs Uncovered	Extra Board (On-Call) Drivers	Supervisors Used to Cover Runs
Mon., 4/14	31	0	4 Available/4 Used	4
Tues., 4/15	30	0	3 Available/3 Used	3
Wed., 4/16	31	0	3 Available/3 Used	5
Thurs., 4/17	30	0	3 Available/3 Used	5
Fri., 4/18	27	0	4 Available/4 Used	4
Sat., 4/19	15	0	4 Available/4 Used	3

Planning; capital and operating budgeting

BJCTA operating data shows that the ADA paratransit service has experienced steady gains in ridership over the past three years:

FY 2011: 82,367
FY 2012: 92,798
FY 2013: 95,219
FY 2014 through March: 72,617

Reviewers met with BJCTA's executive director and director of finance to discuss the process used to plan and budget for ADA paratransit services each year. Each department is responsible for developing service and budget estimates for the next year. In the BJCTA budget process, the ADA paratransit budget is determined by projected passenger trips and vehicle productivity. BJCTA managers estimate future ridership after reviewing recent ridership levels, then develop estimates for the next year's operating and capital needs.

**BJCTA - Budget Information
FY 2012 – FY 2014**

	FY 2012	FY 2013	FY 2014 proposed	FY 2014 through 3/14
Capital (BJCTA)	\$2,191,294	\$12,037,117	\$7,608,253	n/a
Operating (BJCTA)	\$26,395,318	\$27,889,446	\$28,976,133	n/a
ADA Paratransit	n/a	\$4,160,367	\$3,637,901	\$1,613,760
Service Hours	70,712	73,212	81,662	81,662 (est)

At the time of the review, the agency's FY 2015 budget was midway in the approval process and undergoing review by the City of Birmingham. During this meeting, reviewers were informed that the BJCTA budget includes a three percent increase for FY 2015. In addition, reviewers confirmed that the agency's long-range planning recognizes the need to upgrade technology and communications equipment as well as to add vehicles. As stated previously, BJCTA leadership hopes to add automated vehicle locator units and mobile data terminals to each ADA paratransit vehicle beginning in FY 2016. The agency also has prepared a capital budget forecast for FY 2015 and forward that includes replacing BJCTA vehicles at nine years of age, and fleet expansion.

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, deficiencies were found with the requirements concerning the provision of subscription trips.

Reviewers observed that, depending on the hour, subscription service can represent 70 to 90 percent of weekday ridership. Meanwhile, the BJCTA system has continued to incur capacity constraints for eligible trip requests. Subscription services appear to limit the availability of BJCTA's ADA paratransit service to eligible individuals.

The BJCTA/MAX Riders Guide states the conditions under which a trip will be eligible for subscription scheduling, mentioning that the agency reserves the right to limit the level of subscription service. BJCTA's public information materials include penalties for frequent cancellation of standing order trips. However, the agency does not appear to enforce these.

BJCTA provided the following information regarding the levels of subscription trips on its ADA paratransit service during the period October 2013, through March 2014:

BJCTA ADA Paratransit Subscription Trips : October 2013 - March 2014 (Based on data provided by BJCTA)			
Month	Total Trips Provided	Total Subscription Trips	% Subscription Trips
October 2013	9,856	7,522	76.3%
November 2013	8,047	6,072	75.5%
December 2013	8,032	5,879	73.2%
January 2014	7,532	5,513	73.2%
February 2014	7,575	5,352	70.7%
March 2014	8,886	6,299	70.9%
TOTALS	49,928	36,637	73.3%

The review team's independent analysis indicates the extent to which subscription service appears to dominate BJCTA vehicle schedules. Review of subscription data by hour of service shows that standing order levels exceed 90 percent during morning peak hours, and at 75 to 85 percent during the 2 to 4 p.m. period:

BJCTA ADA Paratransit Subscription Levels by Hour
September 2013 - February 2014
(Based on data provided by BJCTA)

Hour of day	Sept. 2013		Oct. 2013		Nov. 2013		Dec. 2013		Jan. 2014		Feb. 2014	
	Total trips	% subscr	Total trips	% subscr	Total trips	% subscr	Total trips	% subscr	Total trips	% subscr	Total trips	% subscr
3 a.m.	0	0%	0	0%	0	0%	1	0%	0	0%	0	0%
4 a.m.	133	99.3%	186	99.5%	170	97.7%	172	96.5%	161	93.2%	127	96.1%
5 a.m.	410	95.4%	439	96.7%	384	92.2%	377	90.5%	357	94.7%	331	94.3%
6 a.m.	870	94.0%	1031	93.7%	799	93.9%	765	94.4%	757	92.6%	721	89.7%
7 a.m.	1014	91.1%	1215	88.3%	969	88.5%	909	88.5%	883	86.8%	917	86.8%
8 a.m.	630	71.1%	672	74.7%	549	69.6%	580	72.1%	567	69.3%	553	66.7%
9 a.m.	542	64.4%	660	65.9%	597	65.0%	589	61.1%	541	61.9%	540	60.2%
10 a.m.	579	66.5%	649	67.3%	527	66.6%	548	65.7%	549	64.3%	535	59.4%
11 a.m.	460	51.3%	514	48.6%	456	49.6%	460	51.5%	368	52.5%	344	48.6%
12 noon	341	39.6%	364	34.6%	340	32.1%	324	32.1%	327	32.7%	318	23.9%
1 p.m.	475	56.4%	559	59.9%	393	62.3%	407	47.9%	344	48.8%	412	46.6%
2 p.m.	1242	85.8%	1358	87.9%	1124	86.4%	1170	86.1%	1116	85.0%	1157	85.1%
3 p.m.	736	72.6%	856	78.9%	684	75.4%	634	70.8%	587	67.5%	625	65.5%
4 p.m.	740	75.4%	820	80.2%	660	84.4%	643	77.8%	604	77.0%	589	75.7%
5 p.m.	251	59.8%	292	56.5%	212	59.9%	234	59.8%	186	58.6%	208	53.4%
6 p.m.	137	48.2%	140	52.1%	107	48.6%	112	33.9%	97	41.2%	108	39.8%
7 p.m.	43	37.2%	41	36.6%	32	31.3%	55	52.7%	40	70.0%	58	43.1%
8 p.m.	47	17.0%	39	23.1%	29	24.1%	40	12.5%	29	41.4%	25	28.0%
9 p.m.	31	16.1%	21	19.1%	15	20.0%	12	33.3%	19	52.6%	7	28.6%

At the time of the review, BJCTA's website and the BJCTA/MAX Riders Guide indicated that standing orders were available, and also that the agency would modify existing standing orders upon request. The agency does not appear to have established a formal process to review and reschedule existing standing orders to maximize efficient use of vehicles. It appears that subscription trips were added at different times, adjusted or moved, and remain locked within the schedule. Reviewers observed that the scheduling staff attempts to move trips from vehicle to vehicle and regroup rides to improve vehicle efficiency and eliminate long deadhead runs. However, BJCTA does not yet use Stratagen to optimize schedules during final schedule review. On the day of service, team members noted that dispatchers may reassign subscription trips, but this is usually done in response to service delays, vehicle breakdowns, etc., and trips are moved only on that day, not as a permanent change. Vehicle manifests appear to reflect insufficient grouping of riders from common origin points or to common destinations ("batching"). The inefficiencies created by a lack of batching were also discussed in driver interviews.

Reviewers noted that a number of the trips which BJCTA reschedules or creates on the day of service to accommodate same-day requests for a different pickup or drop-off location, or time, begin as subscription trips.

Corrective Action Plan and Schedule: Within 60 days of the issuance of the final report, BJCTA must provide to the FTA for approval the following items:

- a written plan of action and implementation schedule showing steps BJCTA will take to reduce the level of standing order trips to below 50 percent of trips provided, calculated by hour
- revised service provision policies, procedures, standards, and terms of service, including performance standards, provisions for monitoring and reporting subscription service levels, periodic review of existing standing orders and if necessary rescheduling or removal
- public information materials, including agency outreach materials, explaining revisions to subscription service policies, procedures, and terms of service

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 one to two 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, deficiencies were found with the requirements concerning the transit agency’s no-show and late cancellation policies.

BJCTA’s policies for no-shows/late cancellations and service suspension/appeals are not reasonable, in that they do not consider frequency of use related to suspensions, and designate any cancellation after 5 p.m. on the day before the trip to be a late cancellation. Information provided to riders does not state explicitly that customers will not be penalized for no-shows that are beyond the customer’s control, although the policies state this, nor do policies or information

materials make clear that the individual has the right to attend the hearing, but that attendance is not required.

BJCTA's written policy considers a trip to be a no-show when the rider cancels less than two hours before the scheduled pickup time; a no-show occurs when the vehicle arrives within the pickup window, waits five minutes, and the rider still has not arrived. Reservations must be cancelled no later than 5 p.m. on the day before service; cancellations after that time are considered late cancellations. Under BJCTA's current written policy for service suspensions resulting from rider no-shows and late cancellations, after two no-shows in 30 days, a rider may be suspended for 7 days. The next suspension is for 30 days for three additional no-shows in the following month. BJCTA also imposes a 30-day suspension for what it calls "excessive advance cancellations." Staff informed the review team that these policies are not enforced and are being reviewed.

BJCTA has procedures in place to track no-shows and late cancellations. As shown in the following analysis, the agency appears to have been able to significantly reduce no-show totals over the six month period of October 2013 to March 2014:

BJCTA No-Show/Late Cancellation Activity October 2013 - March 2014 (Based on data provided by BJCTA)						
	Oct. 2013	Nov. 2013	Dec. 2013	Jan. 2014	Feb. 2014	Mar. 2014
Total Trips Provided	9,823	7,988	7,975	7,495	7,521	8,823
No-Shows	501	371	370	386	199	45
Late Cancellations	721	775	733	1,206	953	688

Managers informed the review team that the agency had just begun using door hangers which drivers leave at the door of a residence when the customer does not appear to take the scheduled ride within five minutes of the vehicle's arrival during the pickup window. Reviewers observed that it is BJCTA's practice to reverse any no-show disputed by a customer. Only the penalties for excessive early cancellations reflect frequency of use; there was no evidence that BJCTA considers frequency of travel before issuing a notice of intent to suspend for no-shows or late cancellations.

Reviewers learned that BJCTA attempts to accommodate riders when a no-show occurs. When a vehicle arrives and the customer is not ready, or not at the pickup point, BJCTA's practice is to provide a later vehicle when possible. Dispatchers attempt to route the next available vehicle to pick up the customer, and inform the rider as to how long the wait will be. The rider thus incurs a no-show, but also is able to make the trip.

Corrective Action Plan and Schedule: Within 60 days of the issuance of the final report, BJCTA must take the following actions:

- Immediately cease suspending riders under the current no-show and late-cancellation policy and reinstate service to persons currently under suspension
- Submit to FTA for review a revised no-show/late cancellation and service suspension policy, including the suspension appeal process, which includes a process for communicating with riders concerning no-shows, lists the threshold for and lengths of all proposed suspensions, and considers frequency of travel in making suspension decisions. Wording must be consistent among all documents and website information. Any text requiring attendance at hearings or written appeals must be removed.
- Submit to FTA for review a revised internal tracking and reporting procedure for no-shows, to include tabulation of frequency of travel
- Submit to FTA for review revised templates for no-show letters and copies of updated written and electronic public information materials reflecting these changes.

6.7 Complaint Resolution and Compliance Information

Requirements: Under §27.13(b), the transit agency must have administrative procedures in place that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints. Under §27.121(b), the transit 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.

Discussion: During this compliance review, deficiencies were found with the requirement to resolve complaints promptly and equitably.

BJCTA's draft paratransit policy manual does not provide written policies, procedures and standards for the handling and reporting of ADA paratransit complaints.

BJCTA has established agency-wide procedures for complaint intake, documentation, distribution, investigation, and response. BJCTA staff use a customer comment form to enter the report in the agency's database for tracking, and forward the complaint to the appropriate office for processing, distributing copies to management. Safety-related complaints must be investigated immediately by supervisors. Service complaints must be cleared with a written response within seven days of receipt. BJCTA management reviews complaints and includes complaint information in the monthly Board report. Managers stated that fixed-route and ADA paratransit complaints are retained for ten years or more, thereby meeting regulatory requirements.

Previously, customer comments regarding both ADA paratransit and fixed route service were received and recorded by the agency's customer service unit. In 2013, responsibility for ADA paratransit service comments was turned over to the paratransit unit. BJCTA's draft paratransit policy and procedures manual, not yet finalized, assigns managers to handle complaints relating to various topics. Fixed route and paratransit complaints relating to discrimination, bias, lack of service, or inappropriate treatment of customers with disabilities are sent to the paratransit eligibility manager. She stated that she enters in the agency's computer system any customer comment she receives, adding information about the outcome. The draft policy manual also

states that a written response to customer complaints must be provided within seven days. However, the draft manual does not contain written policies, procedures and standards specifically for ADA paratransit complaint handling and reporting.

While requirements to respond to complainants are not included in the DOT ADA regulations, 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. BJCTA's board reports dated November 20, 2013 contains a "Strategic Plan Scorecard" for the agency. Item 1.2 under the customer satisfaction heading states, "Investigate customer complaints and respond in writing, within seven business days." The report notes that the process for this activity is in place and that it is being carried out on an ongoing basis.

BJCTA provided the review team with copies of all ADA-related complaints for February 2013 through March 2014, a 13-month period. As shown in the following summary, these totaled 42 and included one commendation, 15 fixed route bus complaints (36 percent), and 27 ADA paratransit complaints (64 percent). On a per-month basis, these averaged one fixed route and two paratransit complaints per month.

BJCTA ADA-Related Customer Comments
March 1, 2013 to April 1, 2014 (13 months)

(Based on data provided by BJCTA)

	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Tot
Total ADA – related complaints	4	6	2	2	6	4	3	3	1	0	1	0	10	42
Paratransit	3	6	1	0	5	1	1	3	1	0	0	0	6	27
<i>On-Time Performance</i>	<i>0</i>	<i>2</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>3</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>	8
<i>Over-Long Trip</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	1
<i>Early Pick-Up</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>	2
<i>Service Animal</i>	<i>2</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	2
<i>Driver Unprofessional</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>2</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>	6
<i>Reckless Driving</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	2
<i>Failure to Assist</i>	<i>0</i>	<i>2</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	2
<i>Dispatcher Unprofessional</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>	1
<i>Other</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>2</i>	3

<i>% Paratransit-Related</i>	75%	100%	50%	0%	83%	25%	33%	100%	100%	0%	0%	0%	60%	
Fixed Route	1	0	1	2	1	3	2	0	0	0	1	0	4	15
<i>% Fixed Route-Related</i>	25%	0%	50%	100%	17%	75%	67%	0%	0%	0%	100%	0%	40%	
Commendations													1	1

BJCTA managers stated that fixed route and paratransit comments, commendations, and complaints can be filed by phone, in person at Central Station, or by using the comment form found on the agency website. All vehicles carry a phone number to report customer comments. BJCTA staff also collect complaints at ADA paratransit advisory committee and agency meetings, distribute customer comment cards at meetings, and honor drivers who provide excellent service. A system-wide rider satisfaction survey was conducted in 2010 and the agency hopes to repeat it in 2015. At the time of the review, the BJCTA website contained a customer satisfaction survey. Copies of selected customer comment forms for fixed route and ADA paratransit service are included in monthly BJCTA Board reports, but no monthly comment data is reported.

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

- written policies and procedures for ADA paratransit complaint intake, investigation, and resolution, including standards for timely handling, closure and retention.
- written policies and procedures for monitoring and reporting on the handling of ADA paratransit customer comments to permit management to perform effective oversight of service and assure staff compliance. Provide sample reports to FTA for review.

6.8 Nondiscrimination

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

Discussion: During this compliance review, deficiencies were found with regard to nondiscrimination requirements.

Reviewers noted that BJCTA's printed and website policies and procedures contain incorrect and outdated references or information concerning the "Common Wheelchair" and wheelchair sizes and weights to be accommodated. Information regarding standees on lifts and service animals did not reflect DOT ADA regulations.

No evidence suggested that persons with disabilities were being steered to alternate transportation services during eligibility or reservations, and there were no indications that eligible riders were being required to be accompanied by an attendant.

Review team members examined the BJCTA/MAX Riders Guide, website, and other service information. These were compared with service and eligibility data and information gathered during onsite observations, meetings, and interviews. BJCTA's actions to ensure that provision of transportation to people with disabilities is not denied or limited based on disability include partnering with regional disability groups and with BJCTA's Paratransit Advisory Committee, composed of seniors, people with disabilities, and advocates. The transportation manager serves as liaison to the advisory committee, which meets monthly; BJCTA's eligibility manager serves as the agency's liaison to the City of Birmingham ADA Committee, which also meets monthly.

During the pre-review period, four weeks before the on-site review, the review team contacted the following disability community organizations and agencies. The purpose of this activity was to learn whether service complaints had been filed with the transit agency and identify any indications of practices that might require further attention and analysis during the review.

- United Cerebral Palsy Association – Birmingham
- National Multiple Sclerosis Society - Birmingham
- Disability Rights and Resources - Birmingham
- Independent Living Resources of Greater Birmingham

Of the four local disability service organizations contacted in writing, none responded or indicated willingness to participate in interviews by the time of the review. One agency emailed the review team after the exit conference stating that managers could be interviewed at a later date.

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

- copies of revised public information materials and eligibility certification letters complying with 49 CFR §37.165 (b) (1) and (g) (wheelchair weight and size to be accommodated; use of lifts and ramps by standees), and 49 CFR §37.3 and 167 (d) (service animals – definition and use).

6.9 Training Requirements

Requirement: Under 49 CFR §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 training requirements.

BJCTA's fixed route operators and paratransit drivers are all BJCTA employees, trained by agency managers. Reviewers were told that during the past twelve months, BJCTA's fixed route and paratransit operator training has been completely redesigned and new materials prepared. Current BJCTA training standards stipulate that training shall be to proficiency. At the time of the review, after examining the driver training programs developed during the past year, the review team observed that the 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. Reviewers verified that neither the paratransit nor fixed route Operator Training Manuals contained outdated references to wheelchair weights or dimensions, used incorrect service animal concepts, or suggested or required that drivers operate customers' mobility devices.

BJCTA classroom and behind the wheel instruction for paratransit drivers includes disability awareness, sensitivity and communication; passenger assistance techniques and securing mobility devices; effective passenger service; defensive driving; vehicle, radio and communications specifics; BJCTA operating rules; and accident prevention and safety. 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. BJCTA documents successful completion of driver training and all refresher training. The agency's paratransit driver training includes 40 hours of classroom training, 40 hours behind the wheel, and 40 hours of accompanied in-service training with a trainer (cadet training).

In addition to BJCTA managers and staff, reviewers interviewed two longtime drivers. Using a standard set of questions, drivers were interviewed in private as they finished their runs or went on break. Three questions directly concerned training and vehicle condition; others asked about schedules and dispatch support, and verified driver understanding of BJCTA policies and procedures implementing DOT ADA regulatory requirements. Reviewers observed the following:

- When asked about pickup times being altered, drivers said that riders do indicate that they were given a different pickup time. One driver stated that it is usually more than a 15 to 20 minute difference.
- When asked about their understanding of the pickup window, one driver did not understand the meaning, while the other driver had confusion around the term. The driver was not clear as to which time, negotiated or requested time, applied to the window.
- When asked if and how often they ran late (outside the on-time window), drivers said that it happens too often.
- In response to the questions about the schedules and whether these are too tight, too loose, or about right, the drivers said that that schedules are too tight. They considered that dispatch and scheduling are not realistic in terms of how the rides are batched and the requirement to arrive within the window.
- Drivers commented that schedules, particularly afternoon schedules, often seemed scattered. Unless dispatchers intervened, vehicles often seemed to be sent "all over the map." Efficient,

productive pickups and drop-offs were not always possible. Drivers said they believed batching of nearby trips was not possible due to subscription service restrictions. Drivers reported frequent same-day trip changes (customers wishing to leave earlier, later, or from a different location). At times customers already on the vehicle wanted to change their destination or pickup time.

- All drivers demonstrated a good understanding of the procedures to follow when a rider seems to be a no-show.
- Drivers stated that they receive refresher training.

6.10 Service Under Contract with a Private Entity

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: BJCTA owns its ADA paratransit vehicles, and maintains this fleet using BJCTA personnel. All drivers are BJCTA employees. Reservations, scheduling, dispatch, training, eligibility, and customer service functions are performed exclusively by BJCTA staff and managers. No service is contracted. This provision is not applicable to BJCTA.

6.11 Service Provided by Another Public Entity

Requirement: 49 CFR Part 37 applies to any public entity that provides designated public transportation or intercity or commuter rail transportation. Under 49 CFR §37.21(b), for entities receiving Federal financial assistance from the DOT, 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: No other public entities provide service on behalf of BJCTA's ADA complementary paratransit service.

6.12 Coordination of Service

Requirement: Under 49 CFR §37.139(g), public transit operators are 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 other fixed route operators with service areas or jurisdictions overlapping or contiguous to that of BJCTA were identified. This provision is not applicable to BJCTA.

Summary Table of Compliance Review Findings

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
6.1 Comparable Paratransit Service						
1	Comparable paratransit service	37.121	ND			
6.2 Paratransit Eligibility Process						
2	Absence of administrative burden	37.125 & 37.5	D	A deficiency was found with the administrative burdens requirement. BJCTA requires fare payment for eligibility-related trips.	Cease collecting fares for travel to and from eligibility assessments, interviews, or photo ID issuance; and Provide to the FTA evidence that fares are no longer being collected for such purposes.	Immediately Within 30 days of the issuance of the final report

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
3	Paratransit eligibility standards	37.123 (e)(1)-(3)		Deficiencies were found with the requirements related to the paratransit eligibility process. Eligibility determinations did not always reflect sufficient accuracy or appropriateness. BJCTA has not established written standards, policies and procedures for the processing, review, documentation, and reporting of eligibility requests.	Provide to the FTA for review: <ul style="list-style-type: none"> written eligibility policy, processes and procedures for application submission, processing, review, and tracking, to assure that all application activity is accurately documented, and that the agency can demonstrate that its eligibility determinations are being made in accordance with regulatory criteria and accurately reflect applicants' functional abilities. written policies, processes and procedures for monitoring and reporting on eligibility activity, including performance standards, to assure staff compliance with regulatory requirements, and to permit management to perform effective oversight of service. 	Within 60 days of the issuance of the final report
4	Accessible information	37.125(b)	ND			
5	Eligibility determinations within 21 days	37.125(c)	ND			

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
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. BJCTA letters awarding conditional or temporary eligibility did not provide specific reasons for the decision. In addition, certification letters did not always include in written notices of eligibility determination all five required information elements (individual's name, transit provider's name, paratransit coordinator's phone number, eligibility expiration date, and conditions/limitations on eligibility, appropriately described) plus an explicit statement of applicant's right to appeal the decision and the right to a hearing	Provide to the FTA for review revised certification letters and templates which include the following: <ul style="list-style-type: none"> • specific reasons for determinations of ineligibility, temporary or conditional eligibility; • all five required information elements (applicant's name; agency name; telephone number of the agency's paratransit coordinator; expiration date for eligibility; any conditions or limitations on eligibility, including the use of a PCA); and • information about applicant's right to appeal and right to a hearing. 	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 Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	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. BJCTA's eligibility appeals policy states that appeals must be requested within 60 days of the date of decision. Determination letters for individuals found ineligible state that the individual has the right to appeal, but also state that appeals must be requested within 30 days. In addition, determination letters for conditional eligibility provide no specific information about appeals, stating only: "We are enclosing information on your right to appeal the eligibility limitations, if any." The policy and information materials do not make it clear that while appellants have the right to be present at their hearings, they are not required to attend. In discussing the eligibility appeals process with BJCTA managers, reviewers were unable to obtain specifics regarding separation of function although the policy states that this will occur.	Provide to the FTA for review: <ul style="list-style-type: none"> revised eligibility appeals policy and process, covering reporting, tracking and monitoring activities, which include separation of functions in the handling of an appeal and do not require appellants to be present at their hearings. revised eligibility materials, denial, temporary and conditional determination letters, and public information which provide consistent, specific information about BJCTA's administrative appeals process and individuals' right to appeal decisions regarding eligibility. 	Within 60 days of the issuance of the final report
9	Complementary paratransit for visitors	37.127	D	Deficiencies were found with the requirement for complementary paratransit service for visitors. BJCTA's public information does not clearly explain that ADA paratransit service is available for visitors and how to obtain it.	Provide to the FTA for review: <ul style="list-style-type: none"> revised public information (written and electronic) about visitor service and how to obtain it. 	Within 60 days of the issuance of the final report
6.3 Types of Service						

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
10	Types of service	37.129	ND			

6.4 Service Criteria for Complementary Paratransit						
11	Service area	37.131(a)	D	Deficiencies were found with the requirement for service area. At the time of the review, BJCTA managers could not demonstrate to reviewers that service was being provided within all locations that are within three-quarters of a mile of BJCTA fixed routes, wherever the agency has legal authority to operate.	Provide to the FTA for review: <ul style="list-style-type: none"> • copies of BJCTA's service area maps showing bus routes and ADA paratransit service areas as installed in the agency's Stratagen scheduling software. • written policy, procedures and timeline for reviewing and updating BJCTA's ADA paratransit service area concurrent with each schedule change, to assure that the service area will continue to mirror fixed route bus service and reflect any service changes. 	Within 60 days of the issuance of the final report
12	Response time	37.131(b)	D	Deficiencies were found with the response time requirement. At the time of the review, BJCTA did not comply with the regulatory requirement to accept and schedule all eligible ADA paratransit trip requests within one hour before or after the time requested.	Provide to the FTA for review: <ul style="list-style-type: none"> • copies of revised BJCTA paratransit scheduling system parameters that demonstrate compliance with the agency's response time obligations under 49 CFR §37.131(b)(2). • written policies, processes and procedures for reservations and scheduling, including putting in place tracking and monitoring procedures to measure staff compliance, to assure the acceptance, documentation and scheduling within one hour before or after the time requested of all eligible ADA paratransit trip requests. Provide an implementation schedule. 	Within 60 days of the issuance of the final report

13	Fares	37.131(c)	D	Deficiencies were found with the requirements for paratransit fares. BJCTA ADA paratransit fares are payable only using pre-purchased tickets or passes. Drivers do not accept cash fare payments. This policy requires paratransit riders to obtain fare instruments before they can use the service.	Provide to the FTA for review: <ul style="list-style-type: none"> • written plan and schedule for the implementation of cash fare acceptance on BJCTA's ADA paratransit vehicles • updated public information materials stating that ADA paratransit riders can pay fares in cash as well as by using prepaid fare instruments. 	Within 60 days of the issuance of the final report
14	No trip purpose restrictions	37.131(d)	D	Deficiencies were found with the requirements regarding trip purpose restrictions. Letters awarding conditional eligibility were found to restrict service to dialysis trips only.	Provide to the FTA for review: <ul style="list-style-type: none"> • revised eligibility policy and processes, eligibility certification letters demonstrating that restrictions based on trip purpose are no longer being imposed. • written plan and schedule to identify and inform all BJCTA registrants whose eligibility has been restricted based on trip purpose, and samples of letters and other materials to be sent to these registrants. 	Within 60 days of the issuance of the final report

15	Hours and days of service	37.131(e)	D	<p>Deficiencies were found with the requirements for hours and days of service. At the time of the review, published days and hours of service for ADA complementary paratransit service did not match BJCTA fixed route service hours on Friday evenings.</p>	<p>Provide ADA paratransit service until 12:00 p.m. on Fridays in the areas surrounding the Blue and Green Lines; and</p> <p>Provide to the FTA for review:</p> <ul style="list-style-type: none"> • written policy and procedures for reviewing and updating BJCTA's ADA paratransit service hours to ensure comparability with fixed route service whenever schedules change. • printouts of updated Stratagen scheduling software parameters demonstrating that BJCTA service hours are comparable to BJCTA fixed route service. • revised public information materials reflecting comparable service hours. 	<p>Immediately</p> <p>Within 60 days of the issuance of the final report</p>
16	Absence of capacity constraints	37.131(f)	D	<p>Deficiencies were found with capacity constraint requirements. Operational patterns or practices appearing to restrict access to BJCTA's ADA paratransit service and limit service availability include:</p> <ul style="list-style-type: none"> • BJCTA has not planned and budgeted to meet 100 percent of expected demand for next day service or developed written policies and procedures to implement this standard and track and monitor compliance. • BJCTA has not put an effective data management program in place to enable consistency and uniformity in paratransit operations and eligibility data collection and reporting. • BJCTA has not set scheduling software parameters that comply with the agency's response time obligations under 49 CFR §37.131(b)(2). 	<p>Provide to the FTA for review:</p> <ul style="list-style-type: none"> • written policies, processes and procedures for monitoring, tracking and reporting the handling of trip requests and the provision of service to assure the agency meets the DOT ADA regulatory requirements found in 49 CFR §37.131(b)(2) and (f), and to permit management to perform effective oversight of service and assure staff compliance. 	<p>Within 60 days of the issuance of the final report</p>

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)	D	Deficiencies were found with the requirement for no waiting list(s) for non-subscription service. BJCTA maintains waiting lists for service. Not all trip requests initially placed in the scheduling categories of <i>wait list</i> and <i>schedule later</i> ultimately are scheduled within one hour before or after the requested time.	<p>Provide to the FTA for review:</p> <ul style="list-style-type: none"> • written policies, processes and procedures for reservations and scheduling, including planning and budgeting to meet 100 percent of anticipated demand and putting in place tracking and monitoring procedures to measure staff compliance, to assure the acceptance, documentation and scheduling within one hour before or after the time requested of all eligible ADA paratransit trip requests. Provide a schedule for implementation. • written terms of service document that explains to staff, customers and the public how BJCTA will meet the requirements of 49 CFR §37.131(f)(2) and 131 (f). 	Within 60 days of the issuance of the final report
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)	D	<p>Deficiencies were found with the requirements that ADA paratransit service be provided without substantial numbers of trip denials or missed trips. BJCTA consistently did not accommodate eligible trip requests within one hour before or after the requested time. Furthermore, reviewers noted that BJCTA had not established standards, policies, and procedures for planning, budgeting and operating in a manner designed to meet 100 percent of anticipated demand, or for the consistent recording, handling, and documentation of trip denials. In addition, BJCTA did not provide effective oversight by putting a program in place to track, monitor and report on trip denials to enforce staff compliance with regulatory requirements.</p>	<p>Provide to the FTA for review:</p> <ul style="list-style-type: none"> • written reservations policies and procedures document, with effective date, describing BJCTA's policy for planning, budgeting and operating to meet 100 percent of anticipated demand, and outlining procedures to be followed in receiving, documenting and scheduling all eligible trip requests within one hour before or after the requested time, including requests which could result in a capacity denial if not accommodated. • revised public information materials documenting the capacity denials goal and policy. • written policy and procedures for identifying, handling, and documenting missed trips which includes a performance goal of zero missed trips. This missed trips policy should link to the agency's revised no-show/late cancellation policy to prevent or correct the miscoding of missed trips as customer no-shows. 	Within 60 days of the issuance of the final report
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21	No substantial numbers of trips with excessive trip lengths	37.131(f)(3)(i)(C)	27.131(b) & 27.121 (b) D	Deficiencies were found with the requirement that ADA paratransit service be provided without substantial numbers of trips with excessive trip lengths. Forty percent of the randomly-selected trips examined exceeded the comparable fixed route trip by more than half an hour.	Provide to the FTA for review the following items: <ul style="list-style-type: none"> written trip length policies and procedures document, with effective date, describing BJCTA's goal and policy for comparable time on vehicle and outlining procedures to be followed in scheduling all eligible trip requests to achieve comparable ADA paratransit travel times. revised public information materials documenting BJCTA's trip length goal and policy. 	Within 60 days of the issuance of the final report
22	No operational patterns or practices significantly limiting service availability	37.131(f)	ND			
6.5 Subscription Service						

23	Subscription Service	37.133	D	Deficiencies were found with the requirements concerning the provision of subscription trips. Depending on the hour, subscription service can represent 70 to 90 percent of weekday ridership, while capacity constraints continue to exist.	<p>Provide to the FTA for review:</p> <ul style="list-style-type: none"> • a written plan of action and implementation schedule showing steps BJCTA will take to reduce the level of standing order trips to below 50 percent of trips provided, calculated by hour. • revised service provision policies, procedures, standards, and terms of service, including performance standards, provisions for monitoring and reporting subscription service levels, periodic review of existing standing orders and if necessary rescheduling or removal. • public information materials, including agency outreach materials, explaining revisions to subscription service policies, procedures, and terms of service. 	Within 60 days of the issuance of the final report
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6.6 Reasonable Policies for Proposed Service Suspensions for Missing Scheduled Trips and the Right to Appeal						
24	No-show, late cancel and reasonable service suspension & appeal policies	37.125(h) (1)-(3)	D	Deficiencies were found with the requirements concerning the transit agency's no-show and late cancellation policies. BJCTA's policies for no-shows/late cancellations and service suspension/appeals are not reasonable in that they do not consider frequency of use related to suspensions, and designate any cancellation after 5 p.m. on the day before the trip to be a late cancellation. Information provided to riders does not state explicitly that customers will not be penalized for no-shows that are beyond the customer's control, although the policies state this, nor do policies or information materials make clear that the individual has the right to attend the hearing, but that attendance is not required.	Cease suspending riders under the current no-show and late-cancellation policy and reinstate service to persons currently under suspension Submit to FTA for review: <ul style="list-style-type: none"> • revised no-show/late cancellation and service suspension policy, including the suspension appeal process, which includes a process for communicating with riders concerning no-shows, lists the threshold for and lengths of all proposed suspensions, and considers frequency of travel in making suspension decisions. Wording must be consistent among all documents and website information. Remove any text requiring attendance at hearings or written appeals. • revised internal tracking and reporting procedures for no-shows, to include tabulation of frequency of travel. • revised templates for no-show letters; and copies of updated written and electronic public information materials reflecting these changes. 	Immediately Within 60 days of the issuance of the final report

6.7 Complaint Resolution and Compliance Information						
25	Complaint Resolution & Compliance Information	27.13(b) & 27.121	D	Deficiencies were found with the requirement to resolve complaints promptly and equitably. BJCTA's draft paratransit policy manual does not provide written policies, procedures and standards for ADA paratransit complaint handling and reporting.	Provide to the FTA for review: <ul style="list-style-type: none"> written policy and procedures for ADA paratransit complaint intake, investigation, and resolution, including standards for timely handling, closure and retention. written policies and procedures for monitoring and reporting on the handling of ADA paratransit customer comments to permit management to perform effective oversight of service and assure staff compliance. Provide sample reports to FTA for review. 	Within 60 days of the issuance of the final report
6.8 Nondiscrimination						
26	Non-discrimination	37.5	D	Deficiencies were found with regard to nondiscrimination requirements. Reviewers identified incorrect and outdated references to service animals, common wheelchair, and standees on lifts in BJCTA's printed and website policies and procedures, and eligibility materials.	Provide to the FTA for review: <ul style="list-style-type: none"> copies of revised public information materials and eligibility certification letters complying with 49 CFR §37.165 (b) (1) and (g) (wheelchair weight and size to be accommodated; use of lifts and ramps by standees), and 49 CFR §37.3 and 167 (d) (service animals – definition and use). 	Within 60 days of the issuance of the final report
6.9 Training Requirements						
27	Training	37.173	ND			
6.10 Service Under Contract with a Private Entity (if applicable)						
28	Service under Contract	37.23	N/A			

6.11 Service Provided by Another Public Entity (if applicable)						
29	Service provided by another public entity	37.21(b)	N/A			
6.12 Coordination of Service						
30	Coordination of service	27.139(g)	N/A			



BIRMINGHAM-JEFFERSON COUNTY TRANSIT AUTHORITY
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Anita Heard
Federal Transit Administration
Office of Civil Rights, TCR
1200 New Jersey Ave.
E54-420, East Bldg.
Washington, DC 20590

**Re: Birmingham- Jefferson County Transit Authority
ADA Paratransit Compliance Review**

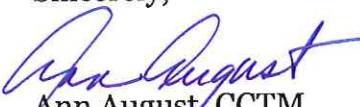
Ms. Heard:

Thank you, for sending the Draft ADA Compliance Review Report to the Birmingham- Jefferson County Transit Authority (BJCTA). The Agency would like to express our concern, with the amount of administrative deficiencies noted in the report. Many of these deficiencies were communicated onsite by the Milligan group, and we made every effort to correct those items and submitted the corrected information onsite and via email. Due to the fact we had a FTA Triennial Review only a few months before the ADA Compliance review, a couple of the deficiencies overlapped. The BJCTA would like the opportunity to resubmit the corrected information, as well as the confirmation email from Jeremy Furrer of the FTA, closing ADA deficiencies that are duplicate.

After the BJCTA's ADA Compliance Review exit conference was executed, we have made every effort to make the necessary changes in our system, policies, procedures, and information presented to the general public to ensure full compliance. We will continue to address the deficiencies that are open and will begin submitting our corrective actions and implementation schedules as soon as the Final Report is received.

Thank you for working and assisting us in our goal, to be fully compliant with all FTA ADA requirements. If you have any questions or comments, please feel free to contact me or my Executive Assistant, Starr Culpepper at (205)521-0117.

Sincerely,


Ann August, CCTM
Executive Director