



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

Headquarters

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

MAY 30 2012

Mr. Robert J. Fiume
Executive Director
COLTS
800 North South Road
Scranton, PA 18504

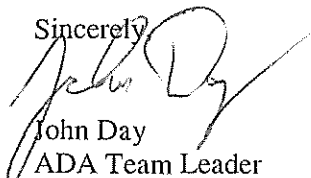
Dear Mr. Fiume:

This letter concerns the Federal Transit Administration's (FTA) Americans with Disabilities Act of 1990 (ADA) Complementary Paratransit Service Review of the County of Lackawanna Transit System (COLTS) conducted May 19- 22, 2008. FTA would like to thank you and your staff for the cooperation provided during the review. We appreciated the opportunity to speak with you and John Tomcho of Lackawanna County Coordinated Transportation System (LCCTS) on February 14, 2012 to discuss the findings and to answer your questions. As discussed during the call, FTA has clarified the finding concerning COLTS' complaint process. Enclosed is a copy of the Final Report which will be posted on FTA's website on our ADA page.

We appreciated your informing us that COLTS plans to acquire LCCTS by the end of the year. With that transition in mind, we ask COLTS to provide updated corrective actions and revised implementation dates to address the findings in the report. After reviewing the revisions, FTA will work with COLTS to establish specific milestones and timelines that FTA will use to monitor COLTS' progress, with the goal of resolving as many of the findings as possible prior to COLTS' acquisition of LCCTS.

Please provide the revised corrective action plan within 30 days of the date of this letter to Susan Clark, Equal Opportunity Specialist, at sue.clark@dot.gov with another electronic copy to Jonathan Ocana, Acting Regional Civil Rights Officer for Region III, at jonathan.ocana@dot.gov. If you have any questions concerning this request, please contact Ms. Clark at (202)493-0511 or at her e-mail address above. Thank you.

Sincerely,



John Day
ADA Team Leader
FTA Office of Civil Rights

Enclosure

cc: Brigid Hynes-Cherin, Acting Regional Administrator for Region III
Jonathan Ocana, Acting Regional Civil Rights Officer for Region III
Mr. Carmen Libassi, Chair
COLTS Board of Directors
233 Swartz Street
Dunmore PA, 18512 (Report Enclosed)

County of Lackawanna Transit System

Scranton, PA

**ADA Complementary Paratransit Service
Compliance Review**

May 19-22, 2008

Summary of Observations

Prepared for

**Federal Transit Administration
Office of Civil Rights
Washington, DC**

Prepared by

Planners Collaborative, Inc.

With

TranSystems Corp.

Final Report: May 30, 2012

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1 Purpose of the Review

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

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the ADA and the DOT regulations implementing the ADA. As part of its oversight efforts, FTA, through its Office of Civil Rights, conducts periodic reviews of fixed route transit and ADA complementary paratransit services operated by Federal grantees.

The purpose of these reviews is to assist the transit agency and FTA in determining whether capacity constraints exist in ADA complementary paratransit services. The reviews examine policies and standards related to service capacity constraints such as those measured by on-time performance, on-board travel time, telephone hold times, trip denials, and any other trip-limiting factors. The reviews consider whether there are patterns or practices of a substantial number of trip limits, trip denials, early or late pickups or arrivals after desired arrival or appointment times, long trips, or long telephone hold times, as defined by the transit system's established standards or typical practices if standards do not exist. The examination of patterns or practices includes looking at service statistics and basic service records and operating documents, and observing aspects of service delivery and operations including dispatch, reservations and scheduling to determine whether records and documents appear to reflect true levels of service delivery. Comments are solicited from local disability organizations and customers. Technical assistance is provided to assist the transit agency in monitoring service for capacity constraints.

FTA conducted an on-site compliance review of ADA complementary paratransit service provided by the County of Lackawanna Transit System (COLTS) from May 19 to 22, 2008. Planners Collaborative, Inc., located in Boston, Massachusetts, and TranSystems Corp., also located in Boston, conducted the review for the FTA Office of Civil Rights. The review focused primarily on compliance of COLTS' ADA complementary paratransit service with the requirement in the DOT ADA regulations that this service be operated without capacity constraints (49 CFR § 37.131(f)).

The review also examined compliance of COLTS' ADA paratransit service with the requirements related to eligibility determinations, rider assistance policies, service area, response time, fares, trip purposes, days and hours of service, and coordination with other ADA paratransit services in the area. Sections 37.123 through 37.127 of the DOT ADA regulations require that a process be established for determining who is ADA paratransit eligible and that determinations of eligibility be made consistent with regulatory criteria. Section 37.129(a) requires that ADA complementary paratransit be origin-to-destination service. Section 37.131(a) requires that ADA complementary paratransit service be provided in all geographic areas where non-commuter fixed route service is provided. Section 37.131(b) requires that "next-day" service be provided. Section 37.131(c) requires that ADA complementary paratransit fares be no

more than twice the full fixed route fare. Section 37.131(d) requires that ADA complementary paratransit service be provided without restrictions or priorities placed on trip purpose. Section 37.131(e) requires that ADA complementary paratransit service be provided during all days and hours that fixed route service is provided. Section 37.139(g) requires that plans for ADA complementary paratransit service address efforts to coordinate with other public entities that have contiguous or overlapping ADA complementary paratransit service areas.

This report summarizes the observations and findings of the on-site review of COLTS' ADA complementary paratransit service. First, a description of the approach and methodology used to conduct the review is provided. Then, a description of key features of transit services provided by COLTS—fixed route bus and ADA complementary paratransit service—is presented. All of the findings of the review are summarized in Section 4. Section 5 includes observations on service area, hours, and fares. Observations and findings related to the eligibility determination process are presented in Chapter 6. Observations and findings related to each element of the prohibition on capacity constraints are then presented in Sections 7 through 10. Recommendations for addressing some of the findings are also included for consideration by COLTS.

COLTS was provided with a draft copy of the report for review and response. A copy of the correspondence received from COLTS on December 9, 2009, documenting their response to the draft report, is included as Attachment A.

2 Overview

This review focused primarily on compliance with the DOT ADA requirement that ADA complementary paratransit be operated without capacity constraints. The regulations identify several possible types of capacity constraints. These include waiting lists for trips, limits on the number of trips provided, and patterns or practices that result in a significant number of trip denials missed trips, untimely pickups, or excessively long trips. Capacity constraints also include any operating policies or practices significantly limit the amount of service to persons who are eligible for ADA complementary paratransit.

To assess each of these potential types of capacity constraints, the review focused on observations and findings regarding:

- Trip denials and wait-listing of trips
- Trip caps
- On-time performance
- Travel times

This review also includes observations and findings related to five other sets of policies and practices that could affect access to ADA complementary paratransit service:

- Rider assistance policies
- Service area, response time, fares, trip purposes, and service times
- Efforts to coordinate with other ADA complementary paratransit services in the area
- ADA complementary paratransit service eligibility process
- Telephone capacity

The review also addresses scheduling, dispatching, operation of service and an analysis of resources as a potential contributor to capacity constraints.

2.1 Pre-Review

Prior to the on-site visit, the review team examined relevant service information provided by COLTS. This information included:

- A description of the organization of the ADA complementary paratransit service
- Public information describing the ADA complementary paratransit service
- Copies of contracts with the service broker and related contractors
- A description of COLTS' standards for on-time performance, trip denials, travel times, and telephone service

COLTS was requested to make additional information available during the on-site visit. This information included:

- Copies of completed driver manifests for the past six months (for each carrier)
- Six months of service data, including the number of trips requested, scheduled, denied, canceled, and the number of no-shows, missed trips, and trips provided by COLTS
- A breakdown of trips requested, scheduled, and provided

- Detailed information about trips denied in the last six months including origin and destination information, day and time information, and customer information
- On-time performance information
- Detailed information about trips identified in the last six months with excessively long travel times
- Telephone call management records
- Records of customer comments and complaints related to capacity issues: trip denials, on-time performance, travel time, and telephone access

2.2 On-Site Review

An on-site review of the service was conducted from May 19 to 22, 2008. The on-site review began with an opening conference, held at 9 a.m. on Monday, May 19, 2008. In attendance were the following:

Paul Talerico	COLTS
John Tomcho	Lackawanna County Coordinated Transportation System (LCCTS)
David Chia	Planners Collaborative
Scott Hamwey	Planners Collaborative
Tom Procopio	TranSystems

Also taking part in the opening conference by telephone was David Knight of FTA's Office of Civil Rights.

Mr. Knight thanked COLTS for its cooperation. He described the purpose of the review and emphasized that it was intended to help COLTS to improve its ADA complementary paratransit service. Mr. Knight outlined the steps in the review process:

- Preliminary findings and an opportunity to respond would be provided at a closing meeting on Thursday, May 22
- A draft report would be provided to COLTS for review and comment
- COLTS' comments would be incorporated into a final report, which would then become a public document

Mr. Tomcho of LCCTS, the private non-profit agency with which COLTS contracts to provide ADA complementary paratransit service, described the components of LCCTS's service and its major funding sources.

Mr. Chia, review team leader, described the review's objective to identify significant impediments, if any, to people with disabilities receiving the service to which they are entitled under ADA, and to assist COLTS in improving service if warranted. He described the scope of the review as including review of policies, procedures, practices that can affect performance and availability of effective service. The areas to be addressed include service design criteria; eligibility; telephone access; reservations and scheduling; operating procedures, practices and performance; and adequacy of resources. He went on to present the schedule for the on-site review, including the elements of the operation that would be observed by day. A copy of the

review schedule is provided in Attachment B. The review then proceeded generally in accordance with the review schedule.

An exit conference was held at 1 p.m. on Thursday, May 22, 2008. Attending the exit conference were:

Paul Talerico	COLTS
Kurt Kempter	COLTS
John Tomcho	LCCTS
David Chia	Planners Collaborative
Scott Hamwey	Planners Collaborative
Tom Procopio	TranSystems

Also taking part in the opening conference by telephone was David Knight of FTA's Office of Civil Rights. Mr. Knight opened the exit conference by thanking COLTS and LCCTS staff for their cooperation in the review. He then reviewed the purpose of the review and the timetable for transmitting a draft report to COLTS and then issuing a Final Report for this review.

The review team members then presented an overview of the assessment and initial observations and findings in each of the following areas:

- Consumer comments and complaint handling
- Eligibility determinations
- Service design parameters
- Telephone access
- Handling of trip requests and trip denials
- Trip scheduling, dispatching, and carrier operations
- On-time performance and service delivery
- Trip duration
- Resources (vehicles, manpower, and financial resources)

The review team thanked COLTS and LCCTS staff for their cooperation during the field review.

3 Background

The County of Lackawanna Transit System (COLTS) is operated by Lackawanna County, PA. It is headed by a general manager. COLTS' administrative offices and operations and maintenance facility are located at 800 North South Road, Scranton, PA.

COLTS operates fixed route bus service over 25 routes in Lackawanna County, primarily in the city of Scranton. The COLTS service area (Fiscal Year 2008 PA Department of Transportation Annual Performance Report) is 140 square miles, with a (2000 US Census) population of 339,009. Its fixed route fleet consists of 37 buses. On weekdays, most routes operate between 6 a.m. and 6:30 p.m. Service is more limited on Saturdays, with some routes operating between 9 a.m. and 5:30 p.m.

According to the PA DOT Annual Performance Report, in FY 2008 COLTS provided 2,030,106 passenger trips on its fixed route service. The buses traveled 1,097,749 vehicle miles over 90,046 revenue hours.

The base fare for the bus is \$1.25. Transfers are 25 cents. Reduced fares are available for seniors, persons with disabilities, and children. There is a monthly pass for unlimited rides, as well as discounted 10-ride tickets.

In FY 2008, the total operating budget for COLTS was \$7.099 million. The largest source of operating revenue was state funds (\$5.39 million, 76 percent). Fares comprised 16 percent (\$1.14 million) and local funds comprised 7.5 percent (\$0.53 million). Federal operating assistance comprised less than 1 percent of operating revenue.

3.1 Description of ADA Complementary Paratransit Service

COLTS provides ADA complementary paratransit service with its "Special Efforts Accessibility Transportation System" (SEATS) program. COLTS provides SEATS service via contracts with LCCTS and Northeastern Transit System (NET). SEATS service is available on weekdays from 6 a.m. to 6 p.m. and on Saturday from 9 a.m. to 5 p.m. The service area includes areas within Lackawanna County that are one mile of a COLTS bus route. There is a transfer point (Wilkes-Barre/Scranton International Airport) for connections to paratransit service in adjoining Luzerne County.

COLTS (through LCCTS) accepts trip reservations for SEATS service on weekdays from 6 a.m. to 4 p.m. They accept trip requests as early as one month in advance and as late as the previous weekday (e.g., Monday request for a Tuesday trip, Friday request for a Saturday or Monday trip). Riders can request either a pickup or drop-off time when making a reservation. The fare for a one-way SEATS trip within Lackawanna County is \$2.50. For a transfer trip between Lackawanna County and Luzerne County (using SEATS and the Luzerne County ADA complementary paratransit service), the one-way fare is \$3.75.

According to LCCTS "Personnel Policy – Drivers," "drivers are responsible to open doors for passengers, assist passengers on and off the van, and assist passengers when necessary to and

from their home or another facility (i.e. hospital, doctor's office, personal care, home nutrition center, etc.)."

In FY 2007, COLTS reported that it provided 6,821 SEATS trips. For the first 10 months of FY 2008, it reported 5,106 SEATS trips.

SEATS Contractors

COLTS has a contract with LCCTS to provide most aspects of SEATS service, including eligibility certification, trip reservations and scheduling, daily operations, and vehicle maintenance. LCCTS owns the vehicles used for SEATS service. LCCTS is a tenant within the COLTS administrative and operations facility in Scranton.

LCCTS is the coordinated paratransit service provider for Lackawanna County. LCCTS also provides service for the following programs:

- Pennsylvania DOT shared ride, "Shared Ride" (65 and older)
- Lackawanna County Area Agency on Aging, "AAA" (60 to 64 years old)
- Medical Assistance
- General public (no subsidy)

COLTS has a separate contract with NET, which provides SEATS service on Saturdays.

3.2 COLTS ADA Complementary Paratransit Performance Standards

COLTS stated that it had adopted LCCTS' performance standards, for trip denials, telephone hold time, on-time pickups, and travel time. The service standards are described below.

- **Denials:** COLTS described its standard as "zero denials, and said that "[t]rips which are scheduled within the service times and areas are all reserved."
- **Telephone hold time:** COLTS' "goal" was to answer the phone within three rings. Three LCCTS staff were available to answer the phones.
- **On-time pickups:** The on-time window was 15 minutes before to 15 minutes after the scheduled pickup time (-15/+15). COLTS and LCCTS clarified in a telephone conversation with FTA staff on February 14, 2012 that the window for on time drop-offs at the time of the review was also 15 minutes before to 15 minutes after the appointment time (-15/+15).
- **Travel time:** The standard for travel time was not more than 45 minutes aboard a SEATS vehicle.

There were no standards for on-time performance or carrier missed trips.

The review team observed that COLTS exercised little or no oversight of LCCTS for COLTS ADA complementary paratransit service (SEATS), including LCCTS performance with respect

to these standards. Section 37.23 of the DOT ADA regulations requires that when a public entity, such as COLTS, enters into a contractual or other arrangement with a private entity, such as LCCTS or NET, the public entity shall ensure that its contractors meet the requirements that would apply to COLTS if COLTS provided the service.

3.3 Consumer Comments

Prior to and during the on-site visit, the review team gathered comments from consumers to assist the reviewers in identifying riders' concerns. Review team members conducted telephone interviews with SEATS riders and reviewed customer complaints on file with COLTS and LCCTS.

At the time of the review, FTA had not received any written complaints concerning SEATS service

Consumer Interviews

Prior to the review team's site visit, review team members conducted telephone interviews with nine users of SEATS service. These consumer comments were used to gain a better insight into, and identification of, issues to be addressed during the site visit. Each was asked for comments on various aspects of the service including:

- Eligibility determination process
- Telephone hold times, trip denials and getting trips scheduled at desired times
- On-time performance
- On-board travel times
- Vehicle operator assistance and professionalism
- Vehicle condition
- Complaint resolution

Concerning the resolution of complaints, one SEATS rider said LCCTS handled some complaints to her satisfaction and others not so well. An advocate for a SEATS rider claimed that an LCCTS staff member was "nasty" to the rider and took away subscription service (made him call for each day's trips) after the rider complained.

Team members also asked for any other comments on the service not covered by the specific questions. Please refer to Sections 5 to 10 of this report for summaries of the consumer comments related to the service issues covered in the respective sections.

Rider Comments on File at LCCTS

While requirements to respond to complainants are not included in the DOT ADA regulations, transit providers are required to receive and maintain records of rider complaints. It is a common and effective practice for transit provider to respond to complainants and for transit providers to investigate allegations to ensure that all DOT ADA requirements are being met.

At the time of the site visit, COLTS did not maintain its own records on rider comments concerning SEATS service: it relied on LCCTS to accept and respond to comments. Furthermore, until April 2008, LCCTS did not keep records customer complaints. Since April 2008, LCCTS complaints have been logged on an LCCTS Complaint Form.

Calls came in through the main LCCTS phone number and whoever answered the phone (e.g., dispatcher, intake person, or clerk) listened to the customer's complaint and then got a supervisor/superintendent to speak with the customer. If a supervisor was not available, the calls were forwarded to the LCCTS Administrative Manager, who discussed the concern directly with the customer. If the Administrative Manager was not available, the customer was forwarded to his voicemail. Even when a supervisor was able to talk with the customer, the administrative manager sometimes spoke with the customer if they are still not satisfied.

According to LCCTS staff, on the rare occasions when an LCCTS complaint comes into COLTS, COLTS forwards the phone call to the LCCTS phone system, where it was treated the same way as were all other LCCTS complaints. LCCTS did not know if a call was coming from COLTS unless the caller said so, or the COLTS staff stayed on the line until the call was connected.

From the time that LCCTS began logging complaints until the time of the site visit (less than one month), LCCTS had not received complaints or comments via e-mail or letter.

The information collected on the form consisted of the following:

- Person lodging complaint
- Date received
- Time received
- Phone number
- Date of incident
- Mode of transportation (van, taxi)
- Driver
- Nature of complaint (description)
- Investigated by
- Date
- Reason for problem
- Action taken by
- Description of action
- Follow-up needed, if any

The complaint forms did not indicate which LCCTS service was involved—except for Medical Assistance service, as this is a reporting requirement for that contract. The Administrative Manager was able to identify the service for the nine written complaints received from the start of the written records in April 2008 to the time of the review team's site visit. The complaint forms were kept in a three-ring binder in the Administrative Manager's office. One of the nine "complaints" was actually a positive comment.

Of the eight complaints, two were related to SEATS service; two were related to shared ride service; two were related to Medical Assistance service; and two were “general.” One SEATS complaint concerned a driver that passed a passenger who was walking to meet him. The other SEATS complaint concerned poor vehicle condition.

When complaints came in regarding driver performance, the Administrative Manager spoke directly with the driver. If it was very serious complaint, he would recommend that his union representative be present (he noted that typically it was just himself and the driver). Response letters were not generated.

4 Summary of Findings

This chapter summarizes the findings made as a result of the review. Findings denote deficiencies in ADA compliance or topics on which FTA requires additional reporting to ensure an ADA compliance issue does not exist. Findings shall always require corrective action and/or additional reporting. Recommendations are statements detailing suggested changes to policy or practice to ensure best practices under the ADA. The basis for findings and recommendations are detailed in Chapters 5 through 10.

4.1 ADA Complementary Paratransit Service Criteria

1. At the time of the site visit, COLTS did not maintain its own records on rider comments or complaints concerning SEATS service; it relied on LCCTS, its contractor, to accept and respond to them. LCCTS began keeping records of customer complaints in 2008. To meet the requirements of §§27.13(b) and 27.121(b) of the DOT ADA regulations, COLTS must establish a process to receive complaints from riders and resolve them promptly and equitably, and to keep copies of complaints on file for one year and maintain a summary of complaints on file for five years. As the fixed route provider, COLTS must not delegate the responsibility for the establishment of a complaint process that meets these requirements to the contractor operating ADA paratransit service.
2. At the time of the site visit, COLTS did not provide SEATS ADA paratransit service to or from points in neighboring Luzerne County that were within ¾-mile of a COLTS bus route. As the fixed route provider, COLTS must ensure that SEATS ADA complementary paratransit is provided between all points that are within ¾-mile of a COLTS bus route, including those that cross jurisdictional boundaries. COLTS can provide this service itself, or revisit its interagency agreement with Luzerne County Transportation Authority (LCTA) so that LCTA provides this service.
3. At the time of the onsite visit, SEATS service operated Monday through Friday from 6 a.m. to 6 p.m. and on Saturday from 9 a.m. to 5 p.m. However, service on one COLTS fixed route began at 5:45 a.m. (Route #31), and operated until 6:35 p.m. on others (Routes #12, #14, and #45/48/49). On Saturdays, fixed route service was available from 9 a.m. to as late as 6:25 p.m. (Route #52). For these routes, the SEATS service hours were not comparable to the COLTS fixed route service hours as required by §37.131(e) of the DOT ADA regulations. As the fixed route provider, COLTS must ensure that SEATS ADA service is available during all hours that fixed route bus service is available. As part of COLTS' response to this finding, please provide a copy to FTA of the directive(s) to LCCTS to meet this requirement, along with revised public information reflecting the actual service hours.
4. At the time of the onsite visit, SEATS riders whose inter-county trips between COLTS and LCTA required a transfer Wilkes-Barre/Scranton International Airport were precluded from trips with drop-offs prior to 9 a.m. or pickups later than 3 p.m., as the transfer was available only hourly from 9 a.m. to 3 p.m. The hours when ADA paratransit transfers may take place at the Wilkes-Barre/Scranton International Airport must be extended for earlier drop-off or later pickup times to ensure comparability with fixed route inter-county trips that involve a transfer at the airport.

5. At the time of the review, the \$3.75 SEATS fare for inter-county trips exceeded the maximum fare allowed under §37.131(c)(1) of the DOT ADA regulations. An inter-county fixed route trip with no transfer on COLTS Routes #28 or #31 cost \$1.25. The inter-county SEATS ADA paratransit fare should have been no more than \$2.50 (twice \$1.25). An inter-county fixed route trip that involved one ride on a COLTS bus and one ride on an LCTA bus cost \$1.50 (\$1.25 plus the 25 cents transfer). The SEATS ADA paratransit fare for an inter-county trip with one transfer should have no more than \$3.00 (twice \$1.50).
6. LCCTS included copies of a “Scooter Transfer” agreement and a “Seatbelt Agreement” with the materials sent to riders eligible for SEATS service. These “agreements” seek to waive liability to LCCTS for complying with requirements under DOT ADA regulations regarding the transport of mobility devices, transfers to vehicle seats, and seat belt use. There are no provisions within the DOT ADA regulations which allow COLTS or its contractors to request, require or enforce such waivers. In addition, the “Scooter Transfer” agreement appears to discriminate against scooter users in violation of the non-discrimination provisions of the DOT ADA regulations at §37.5(b), and it may discourage riders from using SEATS service. At the time of the review, DOT ADA regulations required transport of all “common wheelchairs,” defined as a “mobility aid belonging to any class of three- or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered” and not exceeding 30 inches in width, 48 inches in length, and 600 lbs in weight¹. An eligible rider using a scooter must be allowed to board if the scooter meets this definition. Under §37.165(e) of the DOT ADA regulations, COLTS and its contractors may recommend *but cannot require* that a rider transfer to a vehicle seat. COLTS must direct its contractors to cease the use of these agreements, cease enforcing these agreements, and remove references to these agreements from public information. Please provide copies of the directives to FTA.

4.2 ADA Complementary Paratransit Eligibility

1. Contrary to the contract between COLTS and LCCTS at the time of the review, COLTS staff played no role in the eligibility determination process for SEATS service other than having one manager on the appeals committee. COLTS relied on LCCTS staff to handle all aspects of the eligibility determination process. To meet the requirements of §37.125 of the DOT ADA regulations, as the fixed route provider COLTS is responsible for establishing a process for determining ADA paratransit eligibility.
2. LCCTS policy at the time of the review was that an individual may be certified for either COLTS SEATS program, the Shared Ride Program, or the Lackawanna County Area Agency on Aging (AAA) program, but not more than one. This included revocation of a rider’s eligibility for SEATS ADA paratransit service upon becoming eligible for one of the other transportation services by virtue of age or other factors. This policy and practice violates the non-discrimination provisions of the ADA at §37.5(b) and the due process requirements of §37.125 of the DOT ADA regulations. As the fixed route provider, COLTS

¹ Effective October 19, 2011, this definition was revised to define “wheelchair” as “a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.” The concept of a “common wheelchair” has been removed.

must direct LCCTS to accept and process applications for ADA paratransit from individuals regardless of age and regardless of eligibility for or use of other transportation services. As part of COLTS' response to this finding, a copy of this directive must be provided to FTA.

3. At the time of the review, material sent to eligible riders stated "Clients with wheelchairs are allowed an escort at no charge. Guests who have been authorized to ride with client must pay full fare," implying that only SEATS riders using wheelchairs may travel with a personal care attendant (PCA) at no charge. The policy also required that guests must be pre-registered in order to ride with a SEATS rider. COLTS must direct LCCTS to cease enforcing these policies and COLTS must revise the policies to be consistent with the DOT ADA regulations. There are no provisions in the DOT ADA regulations which require pre-registration of companions, and eligible riders who do not use wheelchairs are entitled to travel with a PCA. COLTS must direct LCCTS to cease enforcing this policy. To meet its obligations under §37.131(c)(2) and (c)(3) for comparable ADA paratransit fares, SEATS public information and procedures, and ADA eligibility determination letters must also be revised to clarify that SEATS riders who do not use wheelchairs may also travel with a PCA and the PCA will not be charged a fare. Under the DOT ADA regulations, eligible riders, including those who do not use wheelchairs, are also permitted to travel with an additional person, a companion, with additional companions accommodated on a space available basis. Each companion pays the same fare as the eligible ADA paratransit rider. As part of COLTS' response to this finding, provide a copy of the directive, revised eligibility determination letter and public information informing eligible riders of the policy changes to FTA.
4. At the time of the review, applicants found to be ineligible for SEATS service were not provided with a specific reason for this decision. Letters denying eligibility simply stated "[u]pon reviewing your application, it has been determined that you are ineligible for the SEATS program." As explained in Appendix D to Section 37.125 of the DOT ADA regulations, in the case of a denial "the reasons must specifically relate the evidence in the matter to the eligibility criteria of this rule and the entity's process." As part of COLTS' response to this finding, once the letters have been created, a representative sample must be provided to FTA for review.
5. At the time of the review, applicants found to be ineligible for SEATS service were informed of their right to appeal the decision. However, the denial letter did not address the applicant's right to an in-person hearing, which is required by Section 37.125(g)(2) of the DOT ADA regulations. As the fixed route provider, COLTS must establish an appeal process that includes a hearing.
6. At the time of the review, the eligibility appeals committee included the LCCTS Administrative Manager, who made the initial decision to deny applicants' eligibility. This is in violation of the separation of function requirement of the DOT ADA regulations under §37.125(g)(2). The LCCTS Administrative Manager must be removed from the appeal committee; neither the person involved in making the determination under appeal, a member of the same office, nor a superior or subordinate of the original decision-maker can be involved in the appeal. FTA requests a listing of appeal committee members and organizational affiliations to ensure that separation of function is guaranteed.

7. At the time of the review, LCCTS notified an applicant of its eligibility appeals decision either in writing or by a telephone call. The DOT ADA regulations at §37.125(g)(2) require that COLTS provide “written notification of the decision, and the reasons for it.” Please revise the letters and submit a representative sample to FTA.
8. At the time of the review, LCCTS appeared to deny applications for SEATS service that were determined to be “incomplete.” The lack of required specificity in the denial letter prevented the review team from determining the specific reason for the denial. Appendix D at §37.125 explains that the paratransit eligibility process may not impose unreasonable administrative burdens on applicants. In this situation, requiring an applicant to reapply would be an unreasonable administrative burden. COLTS must direct LCCTS to return the form to the applicant to enable the applicant to supply the missing information and resubmit the application. Please provide a copy of the directive to FTA.
9. At the time of the review, LCCTS appeared to deny applications for SEATS service on the basis of an applicant’s home address. The lack of required specificity in the denial letter prevented the review team from determining the specific reason for the denial. An applicant’s home address is not a basis for granting or denying eligibility. To meet the requirements of §37.125 of the DOT ADA regulations, COLTS must ensure that eligibility determinations are based on an individual’s functional abilities to use fixed route service, and not place of residence or proximity to a bus stop. Eligibility determinations must consider an applicant’s ability to travel to any origin and destination within the service area. Not all trips that the applicant might wish to make will begin at home, and the environmental conditions around each fixed route stop that might interact with a rider’s disability to prevent fixed route use (existence of curb cuts, terrain, or accessibility of intersections, for example) are not necessarily identical to those around the stop that is closest to the individual’s home. COLTS must direct LCCTS to cease denying eligibility based on an applicant’s home address and proximity to or distance from a fixed route stop and provide a copy of the directive to FTA.
10. At the time of the review, neither COLTS nor LCCTS had a written policy or procedure to grant or provide presumptive eligibility to individuals for whom an eligibility determination had not been made with 21 days of receipt of a complete application as required under §37.125(c) of the DOT ADA regulations. As the fixed route provider responsible for ADA paratransit service, COLTS must develop a system for tracking milestones in the application process including the date that a complete application is received and the date that a determination letter is mailed, as this information is essential to granting presumptive eligibility. COLTS must also revise its public information to inform applicants and prospective applicants that if an eligibility determination has not been made within 21 calendar days after receiving a complete application, the applicant will be treated as an eligible rider on the 22nd day and provided service until and unless the application is denied and provide the revised public information to FTA.

4.3 Telephone Access

1. At the time of the review, COLTS did not have a standard for telephone performance that it expected its contractors to meet; it relied instead on LCCTS’ vague guideline that no call should ring more than three times. Neither COLTS nor LCCTS monitored the phone system against this standard, as the phone system management software in use did not provide

reports or measures for monitoring performance. To ensure that SEATS ADA service is provided without any operational pattern or practice that significantly limits the availability of service, COLTS must develop a telephone performance standard specifying a maximum allowable hold time. The standard must be set to avoid significantly long hold times, and telephone hold times must be regularly tracked and monitored against this standard to give COLTS the information necessary to ensure that capacity is not constrained by a pattern or practice of significantly long hold times and to adjust staffing as needed to avoid them. FTA requests a copy of COLTS telephone performance standards for SEATS service, once the standards have been developed.

4.4 Trip Reservations and Scheduling

1. At the time of the review, LCCTS accepted reservations for COLTS SEATS service on weekdays from 6 a.m. to 4 p.m. Monday through Friday, but did not accept reservations on Sundays and 13 holidays. To meet the response time requirements of §37.131(b)(1) of the DOT ADA regulations, COLTS must ensure that reservation service is available on the day before a service day, during times comparable to normal business hours, on days when the offices are not open. In its response to the draft report, COLTS anticipated negotiating an agreement with the Lackawanna Voluntary Action Committee to provide reservations service. As part of COLTS response to this finding, FTA requests a copy of the agreement negotiated with Lackawanna Voluntary Action Committee or another entity to take trip requests on Sunday and a copy of COLTS process or procedure ensuring that eligible riders have an opportunity to negotiate pickup times as part of the process.
2. At the time of the review, COLTS contract with Northeastern Transit, Inc. (NET), its contractor for Saturday SEATS service, specified that LCCTS forward trip requests to NET no later than 2 p.m. on Fridays, when riders were entitled to make trip requests up to 4 p.m. As described in Chapter 9 of this report, the contract stated “NET will have total authority to make all final decisions relative to pickup times,” which meant that eligible riders were not permitted to negotiate pickup times. As the fixed route provider responsible for SEATS ADA service, COLTS must ensure that reservation service for Saturday SEATS trips meet the response time requirements described in §37.131(b)(1) and §37.131(b)(2), as stated in Section 8 of this report, including affording riders an opportunity to negotiate pickup times. In order to address this finding, COLTS must a) modify its contract with Northeastern Transit System (NET) so that the final list of Saturday SEATS trips is due after 4 p.m. on Friday; b) require that NET negotiate changes to riders’ pickup times and limit any changes to within 60 minutes of the requested time; and c) require NET to submit pickup and drop off information for Saturday SEATS trips to permit COLTS to monitor performance of SEATS Saturday trips. As part of COLTS response to this finding, please provide copies of these directive(s) to FTA.

4.5 Service Performance

1. At the time of the review, COLTS exercised little oversight over its contractors and had no written performance standards that it expected its contractors to meet regarding on-time performance, on-board time, and the avoidance of missed trips for SEATS ADA paratransit

service. As the fixed route provider, COLTS is responsible for ensuring that its ADA paratransit service is operated without capacity constraints, including but not limited to substantial numbers of significantly untimely pickups for initial or return trips; substantial numbers of denials and missed trips; and substantial numbers of trips with excessive trip lengths. These are capacity constraints prohibited by 37.131(f)(3)(i)(A), (B) and (C), regardless of how LCCTS and NET operate other transportation services. For example, if COLTS has adopted as its standard the 45 minute maximum on board time that LCCTS used at the time of the review, COLTS must monitor trip length of SEATS ADA trips and compare them to the comparable fixed route trip to ensure that SEATS service is performed within this standard. ADA paratransit trips are comparable to fixed route travel time if paratransit travel time is no more than approximately 20 minutes greater than fixed route travel time, which allows for time to and from fixed route stops and waiting time at the stop. As part of the response to this finding, FTA requests copies of performance standards for SEATS trips and COLTS' plan to monitor contractor performance.

2. COLTS must direct contractors to honor pickup times negotiated with riders. At the time of the review, the scheduler sometimes adjusted the scheduled pickup time after trips were entered into the reservation system. If the adjustment was more than 15 minutes, LCCTS stated that riders were called and informed of the change; if the adjustment was less than 15 minutes, riders were not called. In addition to leading to late pickups and pickups and no-shows, this practice could lead to response time violations of §§37.131(b)(1) and (b)(2) of the DOT ADA regulations, as some of these changes are made without negotiations with the rider and may be outside the one-hour negotiation window. COLTS must direct LCCTS and NET to inform riders whenever it changes the scheduled pickup time from that which was initially negotiated with the rider, limit any changes to within 60 minutes of the originally-requested pickup time, and record any changes made to the negotiated time. As part of COLTS' response to this finding, please provide copies of the directive(s) to FTA. FTA appreciates COLTS' written commitment in its response to the draft report that on-time performance will be monitored more closely.
3. COLTS must direct contractors to record actual pickup and drop-off times, particularly during the LCCTS "verification" process. LCCTS' and NET's failure to provide this information prevented COLTS from determining whether SEATS riders experienced substantial numbers of significantly untimely pickups for initial or return trips, substantial numbers of trips with excessive trips lengths and/or substantial numbers of denials or missed trips. As these are capacity constraints prohibited by §37.131(f)(3)(i)(A) (B) and (C), COLTS must direct LCCTS and NET to enter requested pickup times and drop-off times into the scheduling software, so that COLTS can monitor performance of SEATS service. As part of COLTS' response to this finding, please provide copies of the directive(s) to FTA.
4. At the time of the review, LCCTS had a policy in which a rider's return trip is automatically cancelled if the rider is a no-show for the "going" trip. As the fixed route provider responsible for paratransit service, COLTS must ensure that LCCTS does not automatically cancel the return trip of a rider who no-shows the "going" trip. Under the next-day service provisions of §37.131(b), the passenger has an independent right to each of these trips. To automatically cancel a "return trip" as a result of a "no-show" for the "outgoing trip" would undermine this provision and the rider's right to the second independent trip. Further, §37.125 provides that a transit operator can develop a policy for no-shows, requiring due

process; to allow for cancellation of a second (i.e., "return") trip based upon a "no-show" for the first (i.e., "outgoing") trip would be contrary to these provisions. As part of COLTS' response to this finding, direct employees and contractors to cease this practice and provide a copy of the directive to FTA. As part of COLTS' response to this finding, please provide copies of a) the directive and b) a copy of COLTS' current no-show policy.

5. As the fixed route provider, COLTS must monitor performance of its contractors and work to improve performance within the pickup window. Based on a sample week (March 10 to 15, 2008), LCCTS had on-time performance of 79.9 percent of SEATS pickups within its (+)(-)15 minute window. If one considered early pickups in addition to those within the window, on time performance rose to 91.9 percent on-time. This level of performance, which allows between 8.1 and 20.1 percent of trips to be picked up outside the LCCTS on-time window of (+)(-)15 minutes, could discourage riders from using the service. If it had that impact it would result in an operational pattern or practice of a substantial number of late trips for SEATS customers contrary to 37.131(f)(3)(A) of the DOT ADA regulations.
6. COLTS must refine its standard or window for on-time drop-offs to appointments and must direct contractors to include the requested appointment time on driver manifests. Based on a sample week, LCCTS had on-time performance of 81.8 percent for SEATS drop-offs, which allowed 15 riders to arrive up to 30 minutes late to appointments and allowed one rider to arrive more than 30 minutes late to an appointment. At the time of the review, COLTS' standard for on-time drop-offs allowed riders to arrive 15 minutes prior to the appointment time to 15 minutes after the appointment time. Both the standard of permitting riders to arrive late for appointment times as well as the poor performance could discourage riders from using the service, resulting in a prohibited operational pattern or practice. COLTS has an implicit obligation to get riders to appointments on time (not late) and an explicit obligation to monitor performance to insure that SEATS ADA service is operated without any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons. COLTS must develop an on-time standard or window for on time drop-offs to appointments; require contractor(s) to track, measure review and report drop-off performance for all trips with a requested appointment time; and require contractor(s) to print the appointment times on driver manifests for all trips with a requested appointment time. As part of COLTS' response to this finding, please provide copies of the standard and directive(s) to FTA.

4.6 Resources

1. There were no findings of non-compliance requiring corrective action in Chapter 10 of this report. See Chapter 10 for recommendations.

5 ADA Complementary Paratransit Service Criteria

The review team compared COLTS' ADA complementary paratransit service with its fixed route service to determine whether it is comparable, with respect to three of the DOT ADA service criteria related to service design, as cited in the following areas:

- Type of service (49 CFR § 37.129(a))
- Service area (49 CFR § 37.131(a))
- Days and hours of service (49 CFR § 37.131(e))
- Fares (49 CFR § 37.131(c))
- Coordination with adjoining service providers (49 CFR § 37.139(g))

The review team analyzed consumer complaints; assessed information distributed to riders; reviewed COLTS policies regarding service area, days and hours, and fares; and interviewed LCCTS and contractor staff.

5.1 Consumer Comments

Of the nine consumer interviews conducted by the review team in advance of the on site assessment, two riders had comments on service criteria. Two riders said they were not offered trips that were within the COLTS fixed route service hours: one was not offered a 6 a.m. pickup; and one was not offered service after 4:30 p.m. One of the two also said she was denied a trip to a location on Fleet Way (the review team later determined that this location was not within $\frac{3}{4}$ -mile of a bus route).

Of the eight complaints recorded by LCCTS since tracking began in April 2008, none were related to service criteria.

5.2 Type of Service

Section 37.129(a) of the DOT ADA regulations indicates that ADA complementary paratransit service must be provided on an "origin-to-destination" basis. Transit agencies may designate the "base" level of rider assistance that they provide as either curb-to-curb or door-to-door. If the base service is curb-to-curb, transit agencies must have procedures in place to provide additional assistance beyond the curb if this is needed for eligible riders to complete their trips. This might include assisting riders to and from the front door and policies and procedures for providing this assistance in a safe and reasonable way.

As mentioned in Section 3.1 of the report, the LCCTS "Personnel Policy – Drivers" states that "drivers are responsible to open doors for passengers, assist passengers on and off the van, and assist passengers when necessary to and from their home or another facility (i.e. hospital, doctor's office, personal care, home nutrition center, etc.)."

5.3 Service Area

Section 37.131(a)(1) of DOT ADA regulations requires a transit provider operating fixed route bus service to provide complementary paratransit service that covers, at a minimum, all areas within $\frac{3}{4}$ of a mile of all of its bus routes, along with any small areas within its core service area that may be more than $\frac{3}{4}$ -mile from a bus route, but which are otherwise surrounded by served corridors. The service area for ADA complementary paratransit service must include areas outside of the defined fixed route jurisdiction—such as beyond political boundaries or taxing jurisdictions—that are within $\frac{3}{4}$ -mile of the transit operator’s fixed route, unless the public transit agency does not have the legal authority to operate in those areas. For entities operating a light rail or rapid rail system, the paratransit service area includes a $\frac{3}{4}$ -mile radius around each station, with service provided from points within the service area of one station to points within the service area of another.

The review team analyzed COLTS’ fixed route and SEATS service areas and looked at COLTS’ contractor LCCTS’ policies and practices to ensure compliance with this regulation.

SEATS serves all addresses in Lackawanna County within $\frac{3}{4}$ -mile of COLTS bus routes throughout the entire service day, regardless of whether or not these fixed routes have service throughout the service day. COLTS does not have a SEATS service area map, and the COLTS system map is not drawn to scale. Using individual timetables and maps, the review team created an overlay map of the COLTS route system on a map of Lackawanna and Luzerne counties. The review team provided LCCTS staff with a sample set of addresses in Lackawanna County to learn whether or not SEATS service would be available.

If a request comes in for a trip for which the LCCTS staff is uncertain whether the origin or destination is within the SEATS service area, LCCTS provides the address information to COLTS staff (either the dispatcher or the receptionist) who lets LCCTS know if the address is within the SEATS service area. The SEATS service area was described as that area within one mile on either side of fixed routes.

COLTS provides fixed route bus service into Luzerne County via Route #28 (which serves the communities of Avoca, Dupont, and Pittston, with portions of West Pittston also lying within $\frac{3}{4}$ -mile of the route). In addition, portions of the Luzerne County municipality of Duryea are within $\frac{3}{4}$ -mile of Route #31. However, SEATS does not directly serve any of these areas in Luzerne County.

COLTS has an agreement with the Luzerne County Transportation Authority (LCTA) to bring paratransit passengers to a transfer point at the Wilkes-Barre/Scranton International Airport, which straddles the county line. The inter-county agreement has not been formally updated since it took effect on September 1, 1992. The agreement is to “provide inter-county comparable paratransit service(s) in conformance with the ADA of 1990 to those persons who are eligible to use such service to destinations within the public transportation service area of each transit authority.”

This agreement does not specify that LCTA agrees to provide complementary paratransit service to locations within ¾-mile of COLTS fixed route bus system that are in Luzerne County. LCTA (through its contractor) provides ADA complementary paratransit service only within ¾-mile of its own bus routes. This does not include the communities of Dupont or Avoca. Therefore, locations in Dupont and Avoca which are ¾-mile of COLTS Route #28 do not receive ADA complementary paratransit service, as required by the DOT ADA regulations.

Locations within ¾-mile of COLTS Route #28 in West Pittston and Pittston that are also within ¾-mile of LCTA Route #16 are receiving ADA complementary paratransit service from LCTA. Locations in Duryea that lie within ¾-mile of COLTS Route #31, would receive ADA complementary paratransit service because they are also adjacent LCTA's Route #16. However, individuals traveling between these areas and locations in Lackawanna County served by SEATS would have to transfer from LCTA paratransit to SEATS.

5.4 Days and Hours of Service

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.

As published in its brochure, SEATS service hours are Monday through Friday from 6 a.m. to 6 p.m. and Saturday from 9 a.m. to 5 p.m.

A review of the COLTS bus routes found that the earliest weekday start time was 5:45 a.m. (Route #31), with the latest service being provided until 6:35 p.m. (Routes #12, #14, and #45/48/49). Saturday service runs from 9 a.m. to as late as 6:25 p.m. (Route #52). Therefore, the SEATS service hours are not as extensive as COLTS fixed route service hours in certain corridors. On weekdays, one COLTS bus route is in service before the SEATS service day begins at 6a.m., and 13 COLTS routes are in service after the SEATS service day ends at 6 p.m. On Saturdays, 16 COLTS bus routes are in service after the end of the SEATS service day at 5 p.m. (with two of these still in operation after 6 p.m.).

To comply with the ADA regulations, SEATS service must operate, at minimum, as late and on the same days as the fixed route bus service operates routes in the respective areas.

Furthermore, in the 1992 agreement providing for inter-county paratransit trips with a transfer at Wilkes-Barre/Scranton International Airport, there is a paragraph titled "Span of Service":

The first pickup (interchange of passengers at Wilkes-Barre/Scranton International Airport) will be no earlier than 9:00 AM and the last pickup will be

no later than 3:00 PM for the return trip to the originating county. The service is to be provided during the same days of operation as COLTS and LCTA.

Discussions with LCTA staff indicate that the hours within which transfers are provided are 9 a.m. to 3 p.m. or 3:30 p.m. These times would prevent a rider from arriving at a destination at an earlier time (e.g., 8 a.m.) or departing at later time (e.g., 4 p.m.) when SEATS provides service. LCTA provides weekday service on some of its bus routes as early as 5:25 a.m. and as late as 7 p.m. COLTS and LCTA should provide paratransit transfers both earlier and later in the service day for a rider who wants to travel during these comparable times.

5.5 Fares

Section 37.131(c) of the DOT ADA regulations requires that paratransit fares 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. In addition, fares for individuals accompanying ADA complementary paratransit riders must be the same fare as for the paratransit rider. Personal Care Attendants (PCAs) must be allowed to travel at no charge. Finally, a transit system may negotiate a higher fare to a social service organization or other organization for trips which are guaranteed to the agency.

The base fare for a fixed route bus trip on COLTS' system is \$1.25, and a transfer costs an additional \$0.25. All intra-Lackawanna County ADA complementary paratransit trips provided by LCCTS have a fare of \$2.50. Fares for intra-county trips appear to be consistent with DOT ADA regulations.

The 1992 inter-county agreement set \$3.00 as the fare for inter-county trips. Both LCTA and LCCTS confirmed that this fare had since been increased to \$3.75 for a one-way trip. The full fare is collected in the originating county. On the fixed route system, the fare for an inter-county trip depends on number of transfers required to make the one-way trip:

- An inter-county fixed route trip that involves a single ride on a SEATS bus and a single ride on an LCTA bus costs \$1.50 (\$1.25 plus the 25 cents transfer). Consequently, the fare for an inter-county paratransit trip for a SEATS rider between Lackawanna and Luzerne Counties that, for a comparable fixed route trip, would involve a single COLTS bus ride and a single LCTA bus ride should be no greater than \$3.00 (two times \$1.50). The inter-county paratransit fare of \$3.75 exceeds the allowed maximum.
- An inter-county trip with no transfer on COLTS Routes #28 or #31 requires a base fare of \$1.25. Consequently, the fare for an inter-county paratransit trip for a SEATS rider for a comparable fixed route trip should be no greater than \$2.50 (two times \$1.25). The inter-county paratransit fare of \$3.75 exceeds the allowed maximum.
- If an inter-county trip on the fixed route requires more than one transfer (in either the COLTS and/or LCTA service areas), the rider has to pay the full cash fare in each county (\$1.25 for COLTS, \$1.50 for LCTA), as well as any transfer fees (25 cents for COLTS, 40 cents for LCTA). For these trips, the inter-county paratransit fare of \$3.75 would be less than twice the fixed route fare and complies with the regulations.

For a fixed route trip originating in Luzerne County using an LCTA route, the passenger is charged the LCTA fare of \$1.50 plus a \$0.40 transfer fee. This transfer plus an additional fare of \$0.50 is required by COLTS for travel in Lackawanna County. This yields a \$2.40 fare for a two-seat inter-county trip originating in Luzerne County. Therefore, the \$3.75 paratransit fare charged by LCTA for inter-county trips originating in Luzerne County appears to be consistent with DOT ADA regulations. Compliance on this issue is a matter of concern for LCTA and not COLTS, however

5.6 Coordination with Adjoining Service Providers

ADA regulations require transit agencies to coordinate with geographically adjoining agencies for paratransit riders who want to travel between service areas (49 CFR § 37.139(g)). As discussed earlier in this section of the report, the Luzerne County Transportation Authority provides fixed route bus service in Luzerne County, bordering Lackawanna County to the southwest. There is an inter-county agreement signed in 1992 providing for inter-county paratransit trips with a transfer at Wilkes-Barre/Scranton International Airport. The agreement also set the fare for inter-county paratransit trips (\$3.75 at the time of the site visit).

LCCTS staff said the procedure for making inter-county paratransit trip reservations is that the originating county takes the reservation for the entire trip, and then faxes the trip information to the destination county. If any destinations are outside of the destination county's ADA service area, the destination county's transit system tells the originating county that it cannot accept the trip request. If the rider is registered with SEATS, LCCTS informs the rider if the trip request is not in the service area. LCCTS staff said that the transfers at the airport between SEATS and LCTA are scheduled to occur on the hour, from 9 a.m. and 3 p.m. The transfers involve "live" hand-offs of the riders.

While COLTS has made an effort to coordinate paratransit service with entities (LCTA) that have contiguous service areas, there had been no formal update since 1992.

5.7 Trip Purpose

Section 37.131(d) of the DOT ADA regulations require that there be no restrictions or priorities based on trip purpose in the provision of ADA complementary paratransit service.

5.8 Findings

1. At the time of the site visit, COLTS did not maintain its own records on rider comments or complaints concerning SEATS service; it relied on LCCTS, its contractor, to accept and respond to them. LCCTS began keeping records of customer complaints in 2008. To meet the requirements of §§27.13(b) and 27.121(b) of the DOT ADA regulations, COLTS must establish a process to receive complaints from riders and resolve them promptly and equitably, and to keep copies of complaints on file for one year and maintain a summary of complaints on file for five years. As the fixed route provider, COLTS must not delegate the responsibility for the establishment of a complaint process that meets these requirements to the contractor operating ADA paratransit service.

2. At the time of the site visit, COLTS did not provide SEATS ADA paratransit service to or from points in neighboring Luzerne County that were within ¾-mile of a COLTS bus route. As the fixed route provider, COLTS must ensure that SEATS ADA complementary paratransit is provided between all points that are within ¾-mile of a COLTS bus route, including those that cross jurisdictional boundaries. COLTS can provide this service itself, or revisit its interagency agreement with Luzerne County Transportation Authority (LCTA) so that LCTA provides this service.
3. At the time of the onsite visit, SEATS service operated Monday through Friday from 6 a.m. to 6 p.m. and on Saturday from 9 a.m. to 5 p.m. However, service on one COLTS fixed route began at 5:45 a.m. (Route #31), and operated until 6:35 p.m. on others (Routes #12, #14, and #45/48/49). On Saturdays, fixed route service was available from 9 a.m. to as late as 6:25 p.m. (Route #52). For these routes, the SEATS service hours were not comparable to the COLTS fixed route service hours as required by §37.131(e) of the DOT ADA regulations. As the fixed route provider, COLTS must ensure that SEATS ADA service is available during all hours that fixed route bus service is available. As part of COLTS' response to this finding, please provide a copy to FTA of the directive(s) to LCCTS to meet this requirement, along with revised public information reflecting the actual service hours.
4. At the time of the onsite visit, SEATS riders whose inter-county trips between COLTS and LCTA required a transfer Wilkes-Barre/Scranton International Airport were precluded from trips with drop-offs prior to 9 a.m. or pickups later than 3 p.m., as the transfer was available only hourly from 9 a.m. to 3 p.m. The hours when ADA paratransit transfers may take place at the Wilkes-Barre/Scranton International Airport must be extended for earlier drop-off or later pickup times to ensure comparability with fixed route inter-county trips that involve a transfer at the airport.
5. At the time of the review, the \$3.75 SEATS fare for inter-county trips exceeded the maximum fare allowed under §37.131(c)(1) of the DOT ADA regulations. An inter-county fixed route trip with no transfer on COLTS Routes #28 or #31 cost \$1.25. The inter-county SEATS ADA paratransit fare should have been no more than \$2.50 (twice \$1.25). An inter-county fixed route trip that involved one ride on a COLTS bus and one ride on an LCTA bus cost \$1.50 (\$1.25 plus the 25 cents transfer). The SEATS ADA paratransit fare for an inter-county trip with one transfer should have no more than \$3.00 (twice \$1.50).
1. LCCTS included copies of a "Scooter Transfer" agreement and a "Seatbelt Agreement" with the materials sent to riders eligible for SEATS service. These "agreements" seek to waive liability to LCCTS for complying with requirements under DOT ADA regulations regarding the transport of mobility devices, transfers to vehicle seats, and seat belt use. There are no provisions within the DOT ADA regulations which allow COLTS or its contractors to request, require or enforce such waivers. In addition, the "Scooter Transfer" agreement appears to discriminate against scooter users in violation of the non-discrimination provisions of the DOT ADA regulations at §37.5(b), and it may discourage riders from using SEATS service. At the time of the review, DOT ADA regulations required transport of all "common wheelchairs," defined as a "mobility aid belonging to any class of three- or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered" and not exceeding 30 inches in width, 48 inches in

length, and 600 lbs. in weight². An eligible rider using a scooter must be allowed to board if the scooter meets this definition. Under §37.165(e) of the DOT ADA regulations, COLTS and its contractors may recommend *but cannot require* that a rider transfer to a vehicle seat. COLTS must direct its contractors to cease the use of these agreements, cease enforcing these agreements, and remove references to these agreements from public information. Please provide copies of the directives to FTA.

5.9 Recommendations

1. 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. At the time of the review when logging complaints, LCCTS did not record whether a complaint was from a SEATS rider. In addition, LCCTS did not respond in writing to rider complaints. Written, electronic, or phone complaints should initially be collected by COLTS. COLTS may choose to have LCCTS investigate certain aspects of the complaints. As part of its system of recording complaints and tracking their resolution, it is recommended that COLTS respond to each complainant.
2. Review and update the agreement for inter-county ADA paratransit service to account for the service and policy changes required by the findings. At the time of the review COLTS and LCTA had an agreement for providing inter-county paratransit trips which had not been updated since 1992.

² Effective October 19, 2011, this definition was revised to define “wheelchair” as “a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.” The concept of a “common wheelchair” has been removed.

6 ADA Complementary Paratransit Eligibility

Section 37.121 of the DOT ADA regulations requires transit systems to establish a process for determining ADA complementary paratransit eligibility including who is eligible, timelines for processing applications, recertification requirements, how appeals are handled, and how the process is described in public information documents

The review team examined the process used to determine applicants' eligibility for ADA complementary paratransit service to ensure that determinations are being made in accordance with the regulatory criteria and in a way that accurately reflects the applicants' functional ability. The review team reviewed the process used to determine ADA complementary paratransit eligibility to ensure that determinations are being made in accordance with the regulatory criteria and in a way that accurately reflects the functional ability of applicants. The team assessed the timeliness of processing requests for eligibility. Review team activities included the following:

- Interviews with riders and advocates and a review of rider comments on file at LCCTS about the eligibility determination process
- Review of written policies and eligibility materials
- Interviews with eligibility clerk and other LCCTS staff
- Review of eligibility determination outcome statistics
- Review of application files, including processing dates, of 37 recent applicants who were denied SEATS eligibility.

6.1 Consumer Comments

In telephone interviews with nine users of SEATS, none of the riders cited any problems with the eligibility certification process. Three riders said that they received notification of eligibility within 21 days, while the others did not remember or had no response.

Since it began maintaining written records of complaints in April 2008, LCCTS did not have any complaints related to the eligibility determination process.

6.2 Eligibility Determination Procedures and Practices

Section 37.125(b) of the DOT ADA regulations requires that all information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility be available in accessible formats, upon request.

Section 37.125(c) of the DOT ADA regulations requires transit systems to make a determination of ADA complementary paratransit eligibility within 21 days of the receipt of a completed application, or treat the applicant as eligible and provide service until the eligibility determination has been made.

Section 37.125(d) of the DOT ADA regulations states that determinations of eligibility must be in writing and if applicants are found to be ineligible, the determination must state the specific reasons for the decision. Appendix D to the regulations indicates that these reasons cannot be a simple recital that the person has been found to be able to use fixed route service. The specific reasons must relate to the regulatory criteria and the transit system's eligibility process.

Decisions that deny or limit eligibility also must also include information about the process for appealing the decision.

Section 37.125(e) requires the transit system to provide documentation to each eligible individual stating that he or she is “ADA complementary paratransit eligible” and include the following information:

1. Name of the eligible individual
2. Name of the transit system
3. Telephone number of the transit system’s paratransit coordinator
4. Expiration date for eligibility
5. Any conditions or limitations on the individual’s eligibility, including the use of a PCA

Section 37.125(f) permits the transit system to require recertification of the eligibility of ADA complementary paratransit eligible individuals at reasonable intervals.

Section 137.125(g) outlines a process for administering appeals through which individuals who are denied eligibility can obtain review of the denial. The transit system is permitted to require that an appeal be filed within 60 days of the denial of an individual’s application. The appeal process must include an opportunity for the denied applicant to be heard and to present information and arguments. The decision on the appeal must be made by a person not involved with the initial decision to deny eligibility, must be written, and must explain the reasons for the decision. During the appeal period, the transit system is not required to provide paratransit service to the appellant. However, if a decision is not 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.

Section 37.127 of the DOT ADA regulations requires that paratransit service be made available to visitors who do not reside in the jurisdiction(s) served by the transit system. Visitors who present documentation that they are ADA paratransit eligible in the jurisdiction in which they reside are to be treated as eligible. For visitors with disabilities who do not present such documentation, the transit system may require documentation of the individual’s place of residence and, if the individual’s disability is not apparent, of his or her disability, and must accept a certification by such individuals that they are unable to use the fixed route system.

Section 37.127(e) of the DOT ADA regulations requires that a public entity shall make the service to a visitor required by this section available for any combination of 21 days during any 365-day period beginning with the visitor’s first use of the service during such 365-day period.

As explained in Appendix D, an eligible rider does not need to live within the ADA service area in order to be eligible for service. Eligibility is based on an individual’s functional ability to use fixed route service. If an eligible rider lives outside of the paratransit service area and can get to a pickup point within the service area, he or she must be provided with service from the pickup point to destinations within the service area.

Team members reviewed the application form and other printed material used in the eligibility determination process and interviewed LCCTS staff who managed the eligibility determination process.

LCCTS staff handled all aspects of the eligibility determination process for COLTS, including distributing information, reviewing applications, making determinations, and recordkeeping. This is contrary to the contract between COLTS and LCCTS, which states “COLTS agrees to provide Certification of Eligibility for its clients. It is to be understood that LCCTS will monitor those certified individuals at the point(s) of embarkation as a check on their eligibility.”

Initial Determination Process

Section 37.123 of the DOT ADA regulations contains the regulatory eligibility standards for ADA complementary paratransit service, with further explanatory text provided in Appendix D to this section. As specified in §37.123(e)(1) & (2), eligibility is based on whether an individual can travel independently on the fixed-route system without the assistance of another person, other than the vehicle operator deploying the lift or ramp.

As discussed in Section 3 of this report, LCCTS is the coordinated paratransit service provider for Lackawanna County and has contracts with several other agencies. LCCTS administers the eligibility process for these other agencies as well.

Information about SEATS is available by calling COLTS (who will forward the call to LCCTS) or by calling LCCTS directly. There is no mention of SEATS on the COLTS web site (www.coltsbus.com). The Lackawanna County web site (www.lackawannacounty.org) has a “Coordinated Transportation” page that indirectly refers to SEATS by stating that one of the County’s goals is to “continue to comply with mandates of Americans with Disabilities Act.” It also provides the telephone number for LCCTS.

A tri-fold brochure for the public is produced by LCCTS, with the LCCTS telephone and fax numbers (see Attachment C). The one panel dedicated to SEATS states that this service:

...is designed to provide transportation for disabled individuals. LCCTS’ vans are equipped to accommodate persons with physical impairments. Eligibility is determined by the individual’s inability to use Mass Transportation based on their physical or mental limitations.

It also provides the days and hours of service, ticket information, and “all appointments must be made by at least the previous working day.” (See Section 7.2 of this report for additional discussion of reservations capability.)

An eligibility clerk handled applications for all LCCTS programs. Most inquiries came via telephone calls. She briefly explained the various transportation programs to the caller. She asked for the age of the caller. She said that LCCTS policy is that an individual can be certified in only one program. For example, if an individual is registered for the Pennsylvania DOT Shared Ride service, then he or she cannot be registered for SEATS. Furthermore, if an individual is 60 years or older, the eligibility clerk assumes that the individual will register for

the Shared Ride program. Under LCCTS process, no one 60 years of age or older is eligible for ADA complementary paratransit.

If the individual is younger than 60 and acknowledged some disability, the clerk filled out a portion of the SEATS application form during the telephone call. She mailed the partially completed form to the applicant (see Attachment D for the application and cover letter). The applicant was responsible for completing the remainder of the form. This included a medical verification by a physician or other health professional. According to the eligibility clerk, LCCTS requested this medical verification but may make exceptions if the applicant claimed that he or she did not have a medical professional.

The eligibility clerk reviewed the completed application form when mailed back. The only substantive questions on the application forms for the applicant to answer are:

- What physical limitations prevent you from riding a mass transit vehicle? Please describe.
- Is this disability permanent?
- If not, expected length of disability.

At the time of the review, it appeared that most SEATS applications were reviewed within three days of receipt (see further discussion in Section 6.3 of this report). If the clerk approved the application for SEATS service, she prepared and mailed the information package to the applicant. If the clerk judged that the applicant should potentially be denied eligibility, she referred the application to the LCCTS Administrative Manager, who made the final determination.

Eligibility Determination Letters

As part of this review, COLTS, via LCCTS, provided the review team with the two potential eligibility determination letters. One letter was for unconditional eligibility and the other letter is for a determination of not eligible. These letters were examined to see if they contained the information required by DOT's ADA regulations at 49 CFR Section 37.125(d) and (e). Section 37.125(e) of the DOT ADA regulations requires that documentation of eligibility contain the following five pieces of information:

1. Name of the eligible individual
2. Name of the transit provider
3. Telephone number of the entity's paratransit coordinator
4. Expiration date for eligibility
5. Any conditions or limitations on the individual's eligibility, including the use of a PCA

Attachment E presents the letter, identification card (ID card), and other material provided to an applicant determined eligible. The letter provides all five pieces of required information (COLTS had no expiration and placed no limitations on eligibility. However, the certification letter included the statement, "Clients with wheelchairs are allowed an escort at no charge. Guests who have been authorized to ride with client must pay full fare." This policy seems to imply that SEATS riders who do not use wheelchairs may not have a PCA ride at no charge.

This policy also requires that guests must be pre-registered in order to ride with a SEATS rider. These policies are inconsistent with the DOT ADA regulations.

The “Request for Escort” (PCA) is automatically approved for an individual eligible for SEATS service. The “Scooter Transfer” agreement is intended to remove LCCTS from liability for a rider who uses a three-wheeled scooter and declines to transfer to a regular seat; signing this form is voluntary. The “Seatbelt Agreement” is intended to remove LCCTS from liability for a rider who refuses to use a seat belt.

LCCTS included a copy of the “Seatbelt Agreement” in the material sent to applicants determined eligible for SEATS service. There are no provisions within the ADA regulations which allow LCCTS to require or enforce a waiver of liability.

LCCTS also includes a copy of the “Scooter Transfer” agreement in the material sent to applicants determined eligible for SEATS service. There are no provisions in the DOT ADA regulations which permit such a practice which appears to discriminate against scooter users and may discourage riders from using SEATS service. COLTS and LCCTS are required to allow a user to board with a mobility aid, including a scooter, if the device meets the regulatory definition of a wheelchair. COLTS and LCCTS can recommend but cannot require that a rider to transfer to a vehicle seat.

Section 37.125(d) states that determinations of eligibility must be in writing and if applicants are found to be ineligible, the determination must state the specific reasons for the finding. Appendix D to the regulations explains that these reasons cannot be a simple recital that the person has been found to be able to use fixed route service. Determinations that deny or limit eligibility must be accompanied by information about the process for appealing the decision.

Attachment F presents the letter that declares an applicant not eligible for SEATS service. The letter does not provide a specific reason for the decision: “Upon reviewing your application, it has been determined that you are **ineligible** for the SEATS program.” Furthermore, the letter does state that the applicant has the right to appeal the decision, but does not mention that the applicant has the right to an in-person hearing.

Recertification Process

At the time of the review CCTS granted either permanent eligibility or temporary eligibility for SEATS. Individuals granted permanent eligibility did not have to recertify during their lifetime. A small number of individuals received temporary eligibility; these individuals had to re-apply to continue to be eligible for SEATS service.

Suspension Policies

Section 37.125(h) of the DOT ADA regulations states that transit agencies “may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA eligible individuals who establish a pattern or practice of missing scheduled trips.” FTA has permitted transit systems to regard late

cancellations as no-shows if and only if they have the same operational effect on the system as a no-show, generally less than 1–2 hours of the scheduled trip time.

As specified in §37.125(h)(1), trips missed by riders for reasons beyond their control, including trips missed due to operator or transit system error, cannot be a basis for determining that such a pattern or practice exists. Appendix D to this section describes a “pattern or practice” as involving “intentional, repeated or regular actions, not isolated, accidental or singular incidents.”

At the time of the review, COLTS stated that it did not track rider no-shows and did not have a policy regarding suspensions for no-shows.

Appeals Process

Section 137.125(g) of the DOT ADA regulations contains the requirements for administering the eligibility appeals process through which individuals who are denied eligibility can obtain review of the denial. The transit system is permitted to require that an appeal be filed within 60 days of the denial of an individual's application. The appeals process must include an opportunity for the applicant to be heard and to present information and arguments. The decision on the appeal must be made by a person not involved with the initial decision to deny eligibility, must be communicated in writing and must explain the reasons for the decision. During the pendency of the appeal, the transit system is not required to provide paratransit service to the applicant. However, if a decision is not made within 30 days of the completion of the appeal process, the applicant must be provided paratransit service from that time until and unless a decision to deny the appeal is issued.

As noted above, the letter sent to applicants who are denied eligibility requests that the applicant contact LCCTS if they want to appeal the decision. LCCTS sends a “Service Appeals Form” (Attachment G) that the applicant must complete and send back. There was no stated deadline for an applicant to appeal an eligibility decision.

The appeals process consisted of a review of the completed Service Appeals Form by the three or four members of the appeals committee:

- LCCTS Administrative Manager
- COLTS Finance Director
- Staff member from the Lackawanna County Area Office on Aging (at the time of the review, she was also acting director of the Lackawanna County Department of Human Services)
- Member of the LCCTS advisory committee (sometimes)

According to LCCTS, the applicant could have a hearing either in person or via conference call. The applicant can also provide additional information and have a health professional at the hearing. LCCTS may provide its decision to the applicant either in writing or by a telephone call.

To comply with § 37.125(g)(2), the process shall include appropriate separation of functions—not only must the same person not decide the case on appeal but that person, to the maximum

extent practicable, should not have been involved in the first decision. As a result, the LCCTS Administrative Manager must not be a member of the appeals committee, since he makes the initial decision to deny eligibility. In addition, § 37.125(g)(2) requires that COLTS provide “written notification of the decision, and the reasons for it.”

Determination Outcomes

LCCTS could not provide a total count of individuals certified for SEATS service. The eligibility clerk could provide statistics on the number of SEATS applications mailed out and completed applications returned over a 15-month period, as well as the number of applications denied over the same period. From these figures, the review team derived the number of new SEATS riders over the 15-month period, as shown in Table 6.1. Over the 15 months, there were an estimated 73 individuals certified for SEATS service, or five per month. Two applicants were denied eligibility.

Table 6.1 – SEATS Applicants, Denied and Approved

	Applications Returned	Denials	New SEATS Riders
2007 (12 months)	58	2	56
2008 (Jan. – Mar.)	17	0	17
Total	75	2	73

Over this 15-month period, the approval rate was 97.3 percent.

6.3 Observations

As part of the review, review team members examined the files of the eight applicants who had been denied eligibility most recently, covering a 25-month period from April 2006 to April 2008. A review team member reviewed the documentation for these denied applicants and discussed the determinations with the eligibility clerk.

In one case, the applicant left blank the response to “What physical limitations prevent you from riding a mass transit vehicle? Please describe.” Rather than denying eligibility for missing information, LCCTS should have returned the application and requested that information from the applicant.

In a second case, a hand-written note on the application states: “not on bus rt” [route]. In a third case, the applicant wrote that he “lives quite a distance from nearest bus stop.” The eligibility clerk said that this was one of the reasons for denying eligibility. LCCTS must not deny ADA complementary paratransit service eligibility based on the home address of the applicant or proximity to a bus stop.

In the other five applications that were denied eligibility, the review team accepted the judgment of LCCTS. However, in four of these five applications, the applicant’s response to the question “What physical limitations prevent you from riding a mass transit vehicle? Please describe”

seemed to merit some further investigation by LCCTS. Applicants' responses to this question included:

- "Bad knees, one knee replacement, artificial knee"
- "LBP, arthritis"
- "Have a lot of different problems like I can't get to any of my doctor appointments"

There was no indication that the eligibility clerk called either the applicant or the medical professional identified by the applicant to get more information.

Review of Application Processing Times

Section 37.125(c) of the DOT ADA regulations requires public entities to make a determination of ADA paratransit eligibility within 21 days of the receipt of a completed application, or treat the applicant as eligible and provide service on the 22nd day and thereafter until the eligibility determination is made.

The review team also examined a sample of 30 applications from applicants who were determined eligible in a 20-month period (October 2006 to May 2008), along with the eight applications denied eligibility (noted above) for timeliness of eligibility decisions. A review team member transcribed the stamped or hand-written dates from the applications, as LCCTS does not have a central log of application processing dates. Table 6.2 shows the breakdown of elapsed times for these 37 sample applications.

Table 6.2 – Application Processing Time for 37 ADA Paratransit Determinations Made Between October 2006 and May 2008

# of Days Required to Make Determination	# of Determinations
0-3 days	30
4-7 days	3
8-14 days	3
15-21 days	0
22+ days (26 days)	1
Total	37

As shown, LCCTS made all but one determination in this sample within two weeks. Thirty-three of the determinations were made within one week. One determination took longer than 21 days. LCCTS does not have a written policy or procedures to grant or provide presumptive eligibility to individuals for whom LCCTS has not made an eligibility determination within 21 days.

6.4 Findings

1. Contrary to the contract between COLTS and LCCTS at the time of the review, COLTS staff played no role in the eligibility determination process for SEATS service other than having one manager on the appeals committee. COLTS relied on LCCTS staff to handle all aspects

of the eligibility determination process. To meet the requirements of §37.125 of the DOT ADA regulations, as the fixed route provider, COLTS is responsible for establishing a process for determining ADA paratransit eligibility.

2. LCCTS policy at the time of the review was that an individual may be certified for either COLTS SEATS program, the Shared Ride Program, or the Lackawanna County Area Agency on Aging (AAA) program, but not more than one. This included revocation of a rider's eligibility for SEATS ADA paratransit service upon becoming eligible for one of the other transportation services by virtue of age or other factors. This policy and practice violates the non-discrimination provisions of the ADA at §37.5(b) and the due process requirements of §37.125 of the DOT ADA regulations. As the fixed route provider, COLTS must direct LCCTS to accept and process applications for ADA paratransit from individuals regardless of age and regardless of eligibility for use of other transportation services. As part of COLTS' response to this finding, a copy of this directive must be provided to FTA.
3. At the time of the review, material sent to eligible riders stated "Clients with wheelchairs are allowed an escort at no charge. Guests who have been authorized to ride with client must pay full fare, implying that only SEATS riders using wheelchairs may travel with a personal care attendant (PCA) at no charge. The policy also required that guests must be pre-registered in order to ride with a SEATS rider. COLTS must direct LCCTS to cease enforcing these policies and COLTS must revise the policies to be consistent with the DOT ADA regulations. There are no provisions in the DOT ADA regulations which require pre-registration of companions, and eligible riders who do not use wheelchairs are entitled to travel with a PCA. COLTS must direct LCCTS to cease enforcing this policy. To meet its obligations under §37.131(c)(2) and (c)(3) for comparable ADA paratransit fares, SEATS public information and procedures, and ADA eligibility determination letters must also be revised to clarify that SEATS riders who do not use wheelchairs may also travel with a PCA and the PCA will not be charged a fare. Under the DOT ADA regulations, eligible riders, including those who do not use wheelchairs, are also permitted to travel with an additional person, a companion, with additional companions accommodated on a space available basis. Each companion pays the same fare as the eligible ADA paratransit rider. As part of COLTS' response to this finding, provide a copy of the directive, revised eligibility determination letter and public information informing eligible riders of the policy changes to FTA.
4. At the time of the review, applicants found to be ineligible for SEATS service were not provided with a specific reason for this decision. Letters denying eligibility simply stated, "[u]pon reviewing your application, it has been determined that you are ineligible for the SEATS program." As explained in Appendix D to Section 37.125 of the DOT ADA regulations, in the case of a denial "the reasons must specifically relate the evidence in the matter to the eligibility criteria of this rule and the entity's process." As part of COLTS' response to this finding, once the letters have been created, a representative sample must be provided to FTA for review.
5. At the time of the review, applicants found to be ineligible for SEATS service were informed of their right to appeal the decision. However, the denial letter did not address the applicant's right to an in-person hearing, which is required by Section 37.125(g)(2) of the DOT ADA regulations. As the fixed route provider, COLTS must establish an appeal process that includes a hearing.

6. At the time of the review, the eligibility appeals committee included the LCCTS Administrative Manager, who made the initial decision to deny applicants' eligibility. This is in violation of the separation of function requirement of the DOT ADA regulations under §37.125(g)(2). The LCCTS Administrative Manager must be removed from the appeal committee; neither the person involved in making the determination under appeal, a member of the same office, nor a superior or subordinate of the original decision-maker can be involved in the appeal. FTA requests a listing of appeal committee members and organizational affiliations to ensure that separation of function is guaranteed
7. At the time of the review, LCCTS notified an applicant of its eligibility appeals decision either in writing or by a telephone call. The DOT ADA regulations at §37.125(g)(2) require that COLTS provide "written notification of the decision, and the reasons for it." Please revise the letters and submit a representative sample to FTA.
8. At the time of the review, LCCTS appeared to deny an application for SEATS service because it was incomplete. The lack of required specificity in the denial letter prevented the review team from determining the specific reason for the denial. Appendix D at §37.125 explains that the paratransit eligibility process may not impose unreasonable administrative burdens on applicants. In this situation, requiring an applicant to reapply would be an unreasonable administrative burden. COLTS must direct LCCTS to return the form to the applicant to enable the applicant to supply the missing information and resubmit the application. Please provide a copy of the directive to FTA.
9. At the time of the review, LCCTS appeared to deny applications for SEATS service on the basis of an applicant's home address. The lack of required specificity in the denial letter prevented the review team from determining the specific reason for the denial. An applicant's home address is not a basis for granting or denying eligibility. To meet the requirements of §37.125 of the DOT ADA regulations, COLTS must ensure that eligibility determinations are based on an individual's functional abilities to use fixed route service, and not place of residence or proximity to a bus stop. Eligibility determinations must consider an applicant's ability to travel to any origin and destination within the service area. Not all trips that the applicant might wish to make will begin at home, and the environmental conditions around each fixed route stop that might interact with a rider's disability to prevent fixed route use (existence of curb cuts, terrain, or accessibility of intersections, for example) are not necessarily identical to those around the stop that is closest to the individual's home. COLTS must direct LCCTS to cease denying eligibility based on an applicant's home address and proximity to or distance from a fixed route stop and provide a copy of the directive to FTA.
10. At the time of the review, neither COLTS nor LCCTS had a written policy or procedure to grant or provide presumptive eligibility to individuals for whom an eligibility determination had not been made with 21 days of receipt of a complete application as required under §37.125(c) of the DOT ADA regulations. As the fixed route provider responsible for ADA paratransit service, COLTS must develop a system for tracking milestones in the application process including the date that a complete application is received and the date that a determination letter is mailed, as this information is essential to granting presumptive eligibility. COLTS must also revise its public information to inform applicants and prospective applicants that if an eligibility determination has not been made within 21 calendar days after receiving a complete application, the applicant will be treated as an

eligible rider on the 22nd day and provided service until and unless the application is denied and provide the revised public information to FTA.

6.5 Recommendations

1. Consider handling the eligibility determination process for SEATS in-house (as stated in COLTS' contract with LCCTS) and hire a staff member to handle eligibility determinations. If COLTS continues to delegate this responsibility to LCCTS it is recommended that COLTS more closely monitor LCCTS performance related to the ADA paratransit eligibility determination process for SEATS applicants, including reviewing a sample of the determinations made by LCCTS staff and COLTS approving all determinations. If COLTS continues to delegate this activity to COLTS, LCCTS may have to allocate more staff time to the SEATS eligibility determination process.
2. At the time of the review, the application form for SEATS service requested very little information concerning an applicant's abilities to use fixed route service and completed applications may not have always have provided sufficient information for staff to make eligibility determinations. Consider revising the application form for SEATS to gather more detailed information about an applicant's abilities to use fixed route service.
3. At the time of the review, the COLTS website did not mention SEATS service. The Lackawanna County web site has a "Coordinated Transportation" page that indirectly refers to SEATS by stating that one of the County's goals is to "continue to comply with mandates of Americans with Disabilities Act." Consider providing information about SEATS service on the COLTS web site.

7 Telephone Access

Telephone access for placing or changing trip reservations or for checking the status of a ride is an important part of ADA complementary paratransit operations. Experiencing significant telephone delays to place or confirm trip requests or to check on rides could discourage people from using the service and could therefore be considered a form of capacity constraint.

Section 37.131(b) of the DOT ADA regulations requires that service must be scheduled and provided at any requested time in response to a request for service made the previous day. For example, a rider should be able to make a reservation at 4:45 p.m. for a pickup at 8 a.m. the following morning. Requests must be accepted during normal business hours, even on days that the agency may not otherwise be providing service, such as trip requests taken on Sunday for a trip on the following Monday. In addition, the prohibition on capacity constraints contained in §37.131(f) prevents a transit system from establishing any operational pattern or practice that significantly limits the availability of service. This chapter summarizes the review team's observations of the telephone system used for placing, changing, or confirming trip reservations or checking on the status of a ride.

The review team also:

- Reviewed consumer comments
- Reviewed performance standards
- Reviewed the design of the phone system
- Reviewed call center staffing
- Observed call center personnel handling of calls

7.1 Consumer Comments

None of the nine SEATS riders that the review team interviewed identified telephone access as a problem. All said that they get reservations on the first call and that they are never placed on a waiting list. None of them said it takes them a long time to get a reservationist on the phone.

Since LCCTS began tracking consumer comments in April 2008, it has recorded two consumer comments from SEATS passengers. Neither comment was related to telephone access.

7.2 Phone Service Standards and Performance Monitoring

At the time of the review team's site visit, COLTS had no standard for LCCTS in answering incoming calls to from SEATS customers. LCCTS had a standard that all incoming calls be answered within the first three rings.

Phone Service Design

The LCCTS phone system is an NEC 2000 PBX, and it is part of a wide area network. It includes 10 PBXs. Lackawanna County owns and maintains the system. Calls enter the system at the downtown county offices through the main PBX and are then sent out via the T1 line to LCCTS. The LCCTS phone system has enough capacity to support 23 calls simultaneously. In addition to the network, there are two or three copper lines at LCCTS used for 911. The only

situation where LCCTS would have interrupted phone service is when the T1 line goes down. This had happened twice in the two years prior to the review team's visit. LCCTS said that the problem had been corrected quickly in both instances.

The LCCTS phones can handle up to 13 lines at a time (the four common lines plus each of nine extensions). If the four common lines are busy, a subsequent call would bounce to the county offices downtown and then transferred back to an extension back at LCCTS. Staff were not aware if this had ever occurred.

Reservations calls are accepted Monday through Friday from 6 a.m. to 4 p.m. The LCCTS office is closed on Saturday and Sunday. DOT regulations state that reservation service shall be available "during at least all normal business hours of the entity's administrative offices, as well as during times, comparable to normal business hours, on a day when the entity's offices are not open before a service day" (49 CFR 37.131(b)(1)). Since COLTS provides SEATS service on Mondays, the LCCTS practice of not accepting SEATS reservations on Sundays is not consistent with the DOT ADA regulations.

The LCCTS office is also closed on the following holidays:

- New Year's Day
- Martin Luther King Day
- President's Day
- Good Friday
- Primary election day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- General election day
- Veteran's Day
- Thanksgiving
- Christmas

If SEATS is operating on the day after a holiday, the LCCTS practice of not accepting SEATS reservations on holidays is not consistent with DOT regulations.

The number for LCCTS is (570) 963-6795. When calling into the system, callers have two options:

- Press "1" for reservations
- Press "2" for program information

Telephone Service Performance Monitoring

In the past, the Lackawanna County IT department was able to use NEC software to track the number of calls, but this software is no longer supported by the vendor. For the four years prior

to the review team's site visit, the data available to the county has been unreliable. The County was in the process of implementing new phone system monitoring software (as of May 2008), called TAPIT.

LCCTS had not requested information on phone system performance, such as the total number of calls, the number of calls by time of day, and hold times. The County IT staff said that the TAPIT system would be able to provide that information for LCCTS if requested.

LCCTS had a standard of answering every call within three rings. This standard, which applies to all LCCTS incoming calls and not only to SEATS calls, was developed because LCCTS' Medical Assistance program required a standard be in place. LCCTS did not monitor its performance against this standard, but staff is instructed to pick up the phone if they hear it ringing more than a few times, even if they are busy with another assignment.

While on site, review team members observed LCCTS staff for a total of six hours during six separate periods. The review team members noted a couple of occasions where calls were placed on hold, but these were infrequent and hold times did not appear to be longer than one or two minutes.

Call Center Staffing

Generally, there were three LCCTS staff members who took incoming telephone calls. All three had other responsibilities. Staff including the eligibility clerk, scheduler and the Administrative Manager, were instructed to pick up the phone if they heard it ringing more than a few times, even if were busy with another assignment.

7.3 Findings

1. At the time of the review, COLTS did not have a standard for telephone performance that it expected its contractors to meet; it relied instead on LCCTS' vague guideline that no call should ring more than three times. Neither COLTS nor LCCTS monitored the phone system against this standard, as the phone system management software in use did not provide reports or measures for monitoring performance. To ensure that SEATS ADA service is provided without any operational pattern or practice that significantly limits the availability of service, COLTS must develop a telephone performance standard specifying a maximum allowable hold time. The standard must be set to avoid significantly long hold times, and telephone hold times must be regularly tracked and monitored against this standard to give COLTS the information necessary to ensure that capacity is not constrained by a pattern or practice of significantly long hold times and to adjust staffing as needed to avoid them. FTA requests a copy of COLTS telephone performance standards for SEATS service, once the standards have been developed.

7.4 Recommendations

1. At the time of the review, the County IT department said that the new telephone monitoring software that the County was installing will enable LCCTS and COLTS to obtain and review information on phone system performance, such as the total number of calls, the number of

calls by time of day, and hold times. It is recommended that COLTS develop its own standard for phone system performance and direct LCCTS to use the TAPIT software to monitor performance against this standard and report the results to COLTS. The maximum allowable hold time should be set to avoid significantly long hold times. One example of a standard is 95% of calls answered within three minutes and 100 percent of calls answered within five minutes.

2. It is recommended that COLTS work with Lackawanna County to ensure that COLTS receives timely information on the performance of LCCTS' phone system, including whether or not customers encounter busy signals or long hold times. Busy signals suggest that the performance of the telephone system may be a capacity constraint. Similarly a pattern or practice of significantly long hold times may trigger the capacity constraint provisions of the DOTADA regulations. For more information of measuring and monitoring hold times, please see the Topic Guide *Telephone Hold Time in ADA Paratransit*. This technical assistance document, developed under a cooperative agreement with FTA, is available online at <http://www.dredf.org/ADAtg/index>.
3. FTA recommends basing the hold time standard on maximum hold time rather than average hold time. Using averages as a performance standard can mask individual call times and periods of poor performance, as it is possible to meet an average standard while still experiencing significantly longer hold times at specific times of day and/or on specific days of the week. If an average hold time must be used, the standard should call for a specific percentage of hourly call periods to have shorter hold times than the average. If the County's phone system prevents COLTS from determining whether eligible riders experience busy signals, request a busy signal report from its telephone service provider.

8 Trip Reservations

The response time provisions of § 37.131(b) of the DOT ADA regulations require the transit system to 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. Reservations may be taken by reservation agents or by mechanical means and the transit system can use real-time scheduling in providing ADA complementary service. Section 37.131(b)(2) states the transit agency may negotiate pickup times with the rider but cannot require the rider to schedule a trip to begin more than one hour before or after the individual's desired departure time.

Section 37.131(b)(4) of the DOT ADA regulations also permit transit operators to accept paratransit reservations to be made up to 14 days in advance. It is important to note, however, that providing such advance reservations is *optional*; providing next day service is *required*.

The review team gathered and analyzed the following information:

The review team reviewed scheduling of trip requests for COLTS' SEAT service to identify procedures or practices that might limit service performance. Information reviewed and observations on scheduling included:

- Consumer interviews
- Complaints filed with LCCTS
- LCCTS policies and procedures
- Observations and interviews with LCCTS staff

8.1 Consumer Comments

In the nine telephone interviews conducted by review team members with COLTS riders, riders had varying views on making trips reservations. In response to a question about getting the requested trip without having to call back, five said yes and one was not sure (the others did not remember). Concerning the need to negotiate pickup or drop-off times, five respondents said that they always got their requested times, but one said she did not always get her times (the others did not answer). Three respondents knew that they could request a drop-off (appointment) time; one did not know and the other respondents did not answer.

Since LCCTS began tracking consumer comments in April 2008, it has recorded two consumer comments from SEATS passengers. Neither comment was related to making trip reservations.

8.2 Trip Reservations

LCCTS accepted trip requests for SEATS service. As mentioned previously in this report, requests were accepted Monday to Friday, 6 a.m. to 4 p.m. Generally, there were three staff members who took calls. At the time of the review, SEATS riders could from one month in advance up to one working day prior to the day of travel.

LCCTS accepts requests for either pickup or drop-off (appointment) times. LCCTS uses the "RouteMatch" software package for its client database, trip requests, scheduling, and

dispatching. At the time of the review, staff took trip requests by hand. They then gave the handwritten requests for SEATS trips to the LCCTS scheduler for him to enter into RouteMatch. They entered all other trip requests on the RouteMatch “unscheduled” run for the day rather than assigning them to specific runs.

8.3 Observations of Handling of Trip Requests

Under Section 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 and the passenger accepts a departure time of more than one hour earlier or later, this still constitutes a denial of service and must be counted as a denial, whether the rider accepts the offer or not.

Team members observed LCCTS accept trip requests on the afternoon of May 19 and the morning of May 20 for a total of nearly 6 hours. They observed requests for three SEATS trips (one-way, round trip). All three trips were for service on the next day. Team members also observed requests for 40 other trips, either for the Shared Ride or Area Agency on Aging programs, as well as three other group round trips for shopping, which comprised another 60 trips.

As described in Section 6 of this report, LCCTS assigned only one program (funding source) to a registered rider. A team member observed a call in which the LCCTS staff member was taking a trip request from a rider whose computer file had a check mark for the AAA program and an “X” for SEATS. The staff member explained that this rider was now 60 years old, so she was now part of the AAA program. She added that since this rider was funded by AAA, the rider had been “taken out of that [SEATS] program.” This practice does not comply with DOT ADA regulations.

LCCTS staff answered calls among their dispatching, data reconciliation, and eligibility responsibilities. Roughly half of calls were: early pickup requests, “Where’s my ride?” (WMR) inquiries, cancellation requests and information requests. Staff allowed trip cancellations for any LCCTS program up to one hour prior to the scheduled pickup time.

During observations, staff accepted all times requested without negotiation, i.e., the requested time and negotiated time were identical.

When riders requested an appointment time for a trip, the LCCTS staff usually selected a pickup time at 30 minutes prior to the appointment; on rare occasions, they selected a pickup time 45 minutes prior. A trip with requested drop-off time is entered into RouteMatch with the derived pickup time but not with the appointment time. LCCTS does not keep a record of the requested appointment time.

The LCCTS staff was familiar with many callers. They were also very friendly—but also informal and sometimes casual in accepting trip requests. For example, several times a review team member observed an LCCTS staff member automatically reserving a return trip for one hour after a medical trip appointment without asking (or informing) the caller.

At the beginning or end of trip request calls, the LCCTS staff members rarely confirmed the trip information: pickup or drop-off address; use of mobility aids; pickup time or pickup window.

8.4 Findings

1. At the time of the review, LCCTS accepted reservations for COLTS SEATS service on weekdays from 6 a.m. to 4 p.m. Monday through Friday, but did not accept reservations on Sundays and 13 holidays. To meet the response time requirements of §37.131(b)(1) of the DOT ADA regulations, COLTS must ensure that reservation service is available on the day before a service day, during times comparable to normal business hours, on days when the offices are not open. In its response to the draft report, COLTS anticipated negotiating an agreement with the Lackawanna Voluntary Action Committee to provide reservations service. As part of COLTS response to this finding, FTA requests a copy of the agreement negotiated with Lackawanna Voluntary Action Committee or another entity to take trip requests on Sunday and a copy of COLTS process or procedure ensuring that eligible riders have an opportunity to negotiate pickup times as part of the process.
2. At the time of the review, COLTS contract with Northeastern Transit, Inc. (NET), its contractor for Saturday SEATS service, specified that LCCTS forward trip requests to NET no later than 2 p.m. on Fridays, when riders were entitled to make trip requests up to 4 p.m. As described in Chapter 9 of this report, the contract stated “NET will have total authority to make all final decisions relative to pickup times,” which meant that eligible riders were not permitted to negotiate pickup times. As the fixed route provider responsible for SEATS ADA service, COLTS must ensure that reservation service for Saturday SEATS trips meet the response time requirements described in §37.131(b)(1) and §37.131(b)(2), as stated in Section 8 of this report, including affording riders an opportunity to negotiate pickup times. In order to address this finding, COLTS must a) modify its contract with Northeastern Transit System (NET) so that the final list of Saturday SEATS trips is due after 4 p.m. on Friday; b) require that NET negotiate changes to riders’ pickup times and limit any changes to within 60 minutes of the requested time; and c) require NET to submit pickup and drop off information for Saturday SEATS trips to permit COLTS to monitor performance of SEATS Saturday trips. As part of COLTS response to this finding, please provide copies of these directive(s) to FTA.

8.5 Recommendations

1. Direct LCCTS and NET to record the requested drop-off time for the appointment when it is known, so the scheduler, dispatcher, and driver will know the appointment time. At the time of the review, LCCTS accepted trip requests based on the pickup or drop-off time. When riders requested a drop-off time for a trip to an appointment, LCCTS staff usually selected a pickup time 30 minutes prior to the appointment. A trip with a requested drop-off time was entered into RouteMatch with the derived pickup time, rather than the appointment time. LCCTS did not keep a record of the requested appointment time.
2. Develop a checklist or a checklist or script for taking ADA trip requests and direct contractors to ensure that staff consistently request and confirm all relevant information for

each trip request. During review team observations, after taking a trip request, LCCTS rarely confirmed the key trip information such as pickup or drop-off address, use of mobility aids, pickup time, or pickup window.

9 Service Performance

Section 37.131(f) of the DOT ADA regulations for complementary paratransit service prohibit capacity constraints, including missed trips, a substantial number of untimely trips, and excessively long rides and other operational practices that limit the availability of service to paratransit eligible riders.

This section of the report addresses provision of COLTS' SEATS service, through LCCTS, its primary contractor, and NET, its contractor for Saturday service.

Under §37.125(h) (1) of the DOT ADA regulations, transit operators may establish an administrative process to suspend ADA paratransit service, for a reasonable amount of time, to eligible individuals who establish a pattern or practice" of missing scheduled trips. Trips missed by the individual beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists. Appendix D explains that "pattern or practice" involves, intentional, regular, or repeated actions, not isolated, accidental, or singular incidents. In particular, trips that are missed due to operator error are not attributable to the individual passenger for this purpose.

Similarly, §37.131(f) prohibits transit operators from engaging in operational patterns or practices that significantly limit the availability of ADA paratransit service to eligible persons, including substantial numbers of missed trips. As with passenger no-shows, operational problems outside the control of the transit operator do not count as a basis for determining that a pattern or practice under this provision. For example, if something that could not have been anticipated at the time the trip was scheduled (e.g., a snowstorm, an accident or incident that traps the paratransit vehicle, like all traffic on a certain highway, for hours), the resulting missed trip would not count as part of a pattern or practice. On the other hand, if scheduling practices fail to account for regularly-occurring traffic conditions or vehicles experience frequent mechanical breakdowns due to poor maintenance practices, a pattern or practice may exist. Section 37.131(f) of the DOT ADA Regulations prohibits transit entities, such as COLTS, from engaging in operational patterns or practices that significantly limit the availability of complementary paratransit service to ADA paratransit eligible individuals including:

- Substantial numbers of trip denials or missed trips
- Substantial numbers of untimely pickups
- Substantial numbers of trips with excessive trip lengths

This section of the report addresses: SEATS service performance policies as expressed in service criteria and standards; service procedures and practices that may contribute to service performance including schedules assignment of operators and equipment, dispatch and driver operations; and performance measures in serving requested trips on time and with a reasonable trip duration.

9.1 Consumer Comments

In the telephone interviews with the review team, two SEATS riders had comments regarding LCCTS on-time performance. For on-time pickups, one rider said that the regular drivers are on

time, but the new drivers are not. Another rider estimated that he gets picked up on time “60 percent” and is 20 minutes late on average. The other riders said that their pickups were usually on time.

For on-time drop-offs, one rider said that she often did not get dropped off on time. Another rider said it was unpredictable, depending on whether or not there were other passengers on the van. On the other hand, six riders said that they received on-time drop-offs, while another rider said that he is usually early.

One rider interviewed had a concern about excessively long trips; which occurred about once per month when she shared a ride with a dialysis patient. The other riders said that they did not have excessively long trips.

Four riders commented that the drivers were generally courteous and professional. Three riders said that there was a mix of courteous and not so courteous drivers. One rider noted that she was aware of one “arrogant” driver.

Since LCCTS began tracking consumer comments in April 2008, it has recorded two consumer comments from SEATS passengers related to LCCTS service performance. In one complaint, a passenger claimed that an LCCTS driver passed him when he was walking to meet the driver. The other complaint concerned poor condition of a LCCTS vehicle.

9.2 Service Policies

As presented in Section 3 of this report, COLTS had established the following definitions and standards for COLTS operations.

Denials- Zero denials... “Trips which are scheduled within the service times and areas are all reserved.”

On Time Pickups- The on-time window was 15 minutes before to 15 minutes after the scheduled pickup time (-15/+15). COLTS and LCCTS clarified in a telephone conversation with FTA staff on February 14, 2012 that the window for on time drop-offs at the time of the review was also 15 minutes before to 15 minutes after the appointment time(-15/+15).

Travel time-: Individuals should not be on a vehicle more than 45 minutes.”

There were no standards for on-time performance or carrier missed trips.

9.3 Service Procedures and Scheduling

Team members met with the LCCTS scheduler and observed scheduling procedures for weekday service. There was a separate scheduling process for Saturday service provided by NET.

Weekday Scheduling

One staff member was responsible for scheduling all LCCTS rides during weekdays; this person was responsible for entering most of the SEATS trip requests into RouteMatch and for morning desk dispatch activities. His shift ran from 5:30 a.m. until 1:30 p.m.

After completing the morning dispatch activities (described later in this section of the report), the scheduler started to put together the next day's schedule for all LCCTS trips. The scheduler had 23 runs and 25 drivers available. The drivers were all full-time, union employees. Drivers bid on hours and not on specific runs. They were guaranteed 40 hours per week. A driver's starting time may vary depending upon trip demand for a given day.

The runs were staggered throughout the day, starting from 6 a.m. until 10 a.m., as listed in Table 9.1.

Table 9.1 – LCCTS Weekday Run Structure

Start Time	End Time	Number of Runs
6 a.m.	2 p.m.	1
7 a.m.	3 p.m.	3
8 a.m.	4 p.m.	13
9 a.m.	5 p.m.	4
10 a.m.	6 p.m.	2

The start times listed in Table 9.1 were the report time of the drivers, not the time the run left the garage. Drivers received 10 to 15 minutes to do their pre-trip vehicle inspection before leaving to start their run. Lunch breaks were not pre-scheduled. Drivers took their lunch break when there was a gap in their schedule.

After the dispatching activities were finished for morning peak, the scheduler started creating the next day's schedule. There were two types of trips scheduled: standing order trips such as senior center, dialysis, and/or other regular recurring trips; and demand trips (individual requests for a specific day). Standing order trips comprised about two-thirds of all trips scheduled for each weekday.

At the start of the process all of the trips were unscheduled—they were not assigned to runs. The scheduler's first step was to assign the group trip and nutrition center trips to runs. Through the reservation process, the various nutrition sites called or faxed in the names of clients who would be attending their sites. Their names were in the RouteMatch system. These trips were grouped and scheduled according to center according to center, to individual vehicle runs. The routine was repeated for the shopping trips scheduled for the day. After scheduling the group trips, the scheduler scheduled the SEATS demand trips. Given the small number of SEATS rides, and given that scheduler entered most of the SEATS requests, he was able to identify the trips by the riders' names. All of this scheduling was done manually. The scheduler identified and highlighted a trip or trips and manually placed them onto a run.

The final step of the process was to use the "Trip Optimizer" to schedule the trips still not assigned to runs. The Trip Optimizer is the feature within RouteMatch that automatically

assigns trips to runs using the speed and parameter settings contained in the system. At this stage of the process, there were usually 100 to 125 trips unassigned to runs. The Trip Optimizer placed as many of the unscheduled trips onto runs as possible. After this step was complete, the scheduler manually assigned any trips that were still unscheduled. He left no trips unscheduled at the end of the process.

The vehicle manifests were printed at noon each day. Any changes for the next day that came in after the manifests were printed were noted in ink on the appropriate manifest. If enough changes occurred, individual manifests may be reprinted. Any calls to reserve a ride on the SEATS program that came in after the scheduler left at 1:30 p.m. and 4 p.m. were written down and left on the scheduler's desk. When he arrived the next morning, he entered and scheduled any trips that may have been requested. The review team checked on the Monday, Tuesday, and Wednesday afternoons of the site visit and found that there were no requests made for next-day SEATS service between the time the scheduler left for the day and the close of business each day.

The review team observed that scheduler would sometimes move the pickup time from what the rider requested and LCCTS accepted. As explained in Section 8 of this report, when customers called and requested trips, the trips were not assigned to runs during the call. If a customer requested a 9 a.m. pickup, the trip was entered into RouteMatch for a 9 a.m. pickup time. The requested time becomes the negotiated or "promised" time. The scheduler said that he *tries* to schedule trips to runs using the requested time as the scheduled pickup time. However, there were times when he found it necessary to place a trip on a run with a pickup time different from the requested time. He said he makes these adjustments to allow him to fit all trips requested onto a manifest. The scheduler indicated that he tried to schedule rides at the time—or as close to the time requested as possible. He indicated that since the pickup window is plus or minus 15 minutes, he called a rider if he was unable to schedule a trip within the window. For example, for a 9 a.m. negotiated pickup, he would call the rider if the trip was scheduled earlier than 8:45 a.m. or later than 9:15 a.m.

The review team reviewed a sample of the SEATS trips for the sample week of March 10 through March 15, 2008 to determine the number and magnitude of these adjustments. Team members reviewed a sample of 88 trips SEATS trips. Table 9.2 provides the result of the analysis.

**Table 9.2 – Adjustment of Pickup Times after Negotiation
(March 10-15, 2008 Sample)**

Adjustment	Later than Negotiated Time	Earlier than Negotiated Time
1 to 4 minutes	4	5
5 to 9 minutes	10	2
10 to 14 minutes	2	2
15 to 29 minutes	0	0
30 minutes	1	1
Total	17	10

Percent of Sample	19.3%	11.4%
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There were a total of 17 trips (19 percent) for which the scheduled time was later than the negotiated time. One of them was moved by more than 15 minutes. This trip had a scheduled time 30 minutes later than the negotiated time (15 minutes beyond the pickup window). There were another 10 trips (11 percent) for which the scheduled time was earlier than the negotiated time. One of these trips was moved by more than 15 minutes. This trip had a scheduled time 30 minutes earlier than the negotiated time (15 minutes before that beginning of the pickup window).

Changes to the negotiated time without prior approval of the rider may cause a problem with on-time performance. If a rider requests a 9 a.m. pickup, his or her expectation is that the vehicle will be on time if it arrives between 8:45 a.m. and 9:15 a.m. If the scheduler subsequently adjusts the pickup time for 9:15 a.m., the on-time window becomes 9 a.m. until 9:30 a.m. The LCCTS driver manifests list only this adjusted scheduled time. Since the adjusted scheduled time would be 9:15 a.m. on the manifest, the driver would think that he may arrive at 9:30 a.m. and still be on time. In fact, in this example, the driver would be 15 minutes late.

Weekend Scheduling

COLTS operated fixed route service on Saturday and made SEATS service available during the hours that fixed route service operated on Saturday. COLTS has a contract with Northeastern Transit, Inc. (NET) to provide this service. As part of the arrangement, LCCTS takes the trip requests for Saturday service. LCCTS forwards the requests (usually by fax) to NET. The contract also specifies that LCCTS forward the trip requests for Saturday service to NET no later than 2 p.m. on the Friday immediately preceding service. According to the DOT ADA regulations (49 CFR § 37.131 (b)(1), SEATS riders must be able to make reservations the day before they wish to travel until the end of the business day. This means that trips requests for SEATS trips on Saturday must be accepted until 4 p.m. on Friday.

The review team reviewed a copy of the trip requests and the completed driver's manifest from NET for Saturday March 15, 2008. Eight SEATS trips were requested for the day: NET provided all eight trips. The NET driver used the log of trip requests faxed by LCCTS as a manifest. The information provided for each trip included:

- Telephone number
- Name
- Pickup address
- Drop-off address
- Mobility aid
- Pickup time

The driver noted the beginning and ending mileage and the beginning and ending time for the full schedule. For each trip provided, the method of fare payment was recorded. Each pickup was numbered, #1 through #8, indicating the order of pickups. For two of the eight trips, the pickup times were changed. A 1 p.m. pickup was changed to 1:15 p.m. The 3 p.m. return trip for that rider was changed to 3:45 p.m.

The NET contract includes the following language: “NET will have total authority to make all final decisions relative to pickup times.” As written, this contract language granting NET the sole authority to make all decisions regarding pickup times is does not comply with the DOT regulations (49 CFR § 37.131(b)(2), which states that the transit system “may negotiate pickup times with the individual, but the entity shall not require an ADA paratransit eligible individual to schedule a trip to begin more than one hour before or after the individual’s desired departure time.”

Dispatching

Although there was one staff person designated as the dispatcher, the dispatching process at LCCTS was a shared responsibility. In addition to the staff person designated as the dispatcher, the scheduler and two clerks assisted in the dispatching process. Table 9.3 lists the shifts for the office staff.

Table 9.3 – LCCTS Office Staffing

Title	Start Time	End Time
Scheduler	5:30 a.m.	1:30 p.m.
Clerk	8 a.m.	4 p.m.
Clerk	8:30 a.m.	4:30 p.m.
Dispatcher	9 a.m.	5 p.m.

The scheduler handled the desk dispatch process in the morning. Drivers reported to his desk to pick up their manifests and any add-on trips that might have come in the previous day after the driver manifests were printed. In his role as the morning dispatcher, the scheduler was responsible for assigning a driver to cover an open run, if a driver was available, or to shift trips to other runs. Since drivers bid on hours and not runs, he had the authority to call drivers in early or authorize overtime for them if necessary.

The review team observed the morning dispatching process on Wednesday, May 21. On this day, there were four drivers that had a scheduled day off, so there were no extra drivers available. During the morning dispatch, two additional drivers called in sick. The scheduler, with the assistance of the LCCTS administrative manager and another supervisor, moved trips from the two affected runs to other existing runs. As needed, they printed revised driver manifests. The review team noted that, in order to reschedule all of the affected trips, scheduled pickup times were adjusted for some trips. Most of the changes to scheduled pick up times were no more than five minutes. Team members also noted that some of the starting and ending times of runs were adjusted. All runs were entered into the RouteMatch system as starting at 6 a.m. and ending at 6 p.m. This provided LCCTS flexibility in moving trips and asking drivers to start early or work late.

The scheduler, as the morning dispatcher, also took the radio calls from drivers and telephone calls from customers. During the review team observation of the morning dispatch process, there was one radio call from a driver (other than a radio check) and six calls from riders between 6 and 8 a.m.

The first clerk arrived at 8 a.m. At that point she fielded incoming calls from riders. The scheduler still had primary responsibility to handle radio calls from the drivers. The clerk had a portable radio and assisted in the dispatch function if needed. At 8:30 a.m., the second clerk arrived, and she also took calls from riders. Each clerk had an alphabetical list of scheduled trips for the day. When a rider called to cancel a ride, they would note it on the list and they either asked the scheduler to call the driver or they walked to the dispatcher's desk and called the driver themselves. The trip cancellations were not entered into the RouteMatch system when received. They were recorded in ink on the list and were not entered into the system until the verification process. This resulted in inaccurate trip information in the computer system when it was necessary to make same day changes to runs. See section 9.4 of this report for a description of the verification process.

At 9 a.m., the primary dispatcher began her shift. At that point, she assumed primary responsibility for communicating with the drivers. There was one incoming line that the dispatcher and both clerks answered. All three took trip requests or cancellations. If the dispatcher took the call for a trip cancellation, she noted it on her alphabetical list of trips and contacted the driver. If one of the clerks took a call for a cancellation, she located the trip on her copy of the list of trips and notified the dispatcher who contacted the driver. Depending upon the circumstances and availability of the dispatcher, the clerk might have called the driver the driver to notify him of the cancellation.

The dispatcher was responsible for authorizing any no-shows requested by the drivers. A driver must wait until the scheduled pickup time before contacting the dispatcher to request a no-show. When the call was received from the driver, the dispatcher attempted to contact the rider. If the customer could not be contacted and had not appeared to begin boarding after five minutes, the dispatcher authorized the driver to mark the trip as a no-show and proceed. She noted the no-show on the alphabetical list. If the trip that is a no-show is a "going" trip, (originating at the home address), the return trip is automatically cancelled. There is no provision within the DOT ADA regulations under which it would be permissible to cancel a return trip if a rider no-shows for the "going trip."

The primary dispatcher and clerks all took "Where's my ride?" (WMR) calls. When the call came in, the person taking the call checked the alphabetic list of rides. If the time of the incoming call was within five minutes of the scheduled time, the person reassured the rider and suggested that, if the vehicle did not arrive shortly, the customer could call back. The driver was called on the radio and asked for an estimated time of arrival (ETA) if the WMR call was received is more than five minutes later than the scheduled pickup time.

All round trips were booked with a return time. Customers could call and request an early pickup. The manner in which the request was handled depended upon how early the request for a return was. If the call for a return trip was not significantly early, the dispatcher called the driver who had the return trip on his manifest. The driver was informed that the customer is ready early. The driver may pick up the customer at his discretion. When this happened, no change was made in the computer reflecting the request for an early pickup. If the request for an early pickup was significantly early, the dispatcher attempted to find another driver to perform

the trip. There was no guideline for what was “significantly early” and whether another driver would be asked to perform the pickup. If another driver picked up the passenger, no change was made in the computer until trip verification. At the time of verification, if another driver picked up the rider, the only change made to the records was the corrected run number. No change was made to the requested time. As noted in the on-time performance analysis later in this section of the report, there appeared to be a significant number of early pickups. This may be due, in part, to the LCCTS practice of not changing the original pickup time for those trips where a request for an early pickup was accommodated.

The review team also observed dispatch during the afternoon peak (2 to 4 p.m.). During this time, radio and telephone volume was very light. There were a total of eight routine radio calls during the two-hour period. The dispatcher used much of this time to enter previously taken trips into RouteMatch. The dispatching process at LCCTS was more reactive than proactive. Requests for assistance from drivers were handled promptly but contact with the base was generally initiated by the drivers. During the driver interviews, two of the drivers indicated that, when running late, they contacted other drivers directly for assistance.

Driver Interviews

LCCTS employed 25 drivers at the time of the review. All drivers were employed full time and their experience ranged from 2 years to 31 years; the average length of experience for all the drivers was 11 years. LCCTS is a department of Lackawanna County government and the drivers are members of Service Employees International Union (SEIU) Local 668.

The review team interviewed 10 drivers having between two to 22 years of service. The average was 11 years.

Six out of the 10 drivers indicated that the initial training that they received adequately prepared them for the job. Three out of the 10 drivers indicated that part of the initial training included “ride-alongs” with experienced drivers. Six out of 10 drivers indicated that refresher training had been provided since they were hired. The most frequent training mentioned was either sensitivity or attitude training “every couple years” Three of the 10 drivers indicated Hazardous Materials training.

When asked what was the most difficult part of the job five of the drivers (50 percent) indicated that following the schedules or staying on time was the most difficult part of the job. Comments on the quality of the schedules were mixed. Comments ranged from “pitiful,” “too tight” to “it depends upon the day.” Three drivers indicated having as many as 30 pickups in an eight-hour day. Three drivers indicated that the new software, RouteMatch, was not as good as the old software, “Scooter.”

Seven of the 10 drivers interviewed were able to successfully indicate the correct on-time window for pickups, ± 15 minutes. Almost all of the drivers indicated that they believed the riders also understood the on-time window. Estimates ranged from 75 percent to 90 percent of the riders understood the window. Most of the drivers indicated that riders are ready and waiting when they arrive.

All of the drivers said that riders had indicated they had received different pickup times than were indicated on the drivers' manifest. The frequency with which this occurred ranged from infrequently to every day. Three of the drivers indicated the time difference could be as much as 30 minutes and one indicated that it could be up to 45 minutes. Three of the drivers indicated that they felt that riders sometimes forget what they have been told the pickup time would be.

All but one of the drivers indicated that they do not need to arrive early to pick up passengers in order to stay on time. Most of the drivers indicated that they try to arrive early or as close to the scheduled time as possible when picking up the passengers. One driver indicated that whether he felt he needed to arrive early to stay on time depended upon the scheduling and that he got to know which customers he could pick up early.

All of the drivers understood the correct procedure when a rider does not board as scheduled. One driver indicated that he sometimes went to the door of the house and knock on the door. All drivers indicated they call the dispatcher, and that the dispatcher attempted to make contact with the rider. Each driver indicated that they do not mark the customer as a no-show and leave until instructed to do so by the dispatcher.

Six of the drivers indicated that they run late at least some of the time, the frequency of which varied. One driver indicated he ran late every day. Only two of the drivers indicated they never or "not often" ran late. One driver indicated that he ran late not because of the passengers but because of the schedules. The responses on what they do if were running late varied. Two of the drivers indicated that they call other drivers to request assistance. One driver indicated he called dispatch if he was running significantly late, another driver mentioned he called dispatch when running 30 or more minutes late. The other drivers who responded to this question indicated that they called dispatch to advise or ask for assistance.

The personnel policy for drivers indicated that drivers are to assist passengers to and from their home or another facility when necessary. All of the drivers indicated that they assist customers to and from the door when necessary. Two of the drivers indicated that they always assist customers using mobility aids. Four of the drivers indicated that they help to the door of the home but never into the home.

Five of the drivers indicated that the notes on the manifests were helpful. One driver indicated that there was not enough space for the notes; that the information gets "cut off" when printed on the manifest. Three of the drivers indicated that more driving directions would be helpful.

The drivers' general view of vehicle maintenance was good. Comments were made that some of the vehicles were older and had "seen their day". One area of concern mentioned by some drivers was that there is only one mechanic for the 26 LCCTS vehicles. One driver indicated that the new Braun lifts were sometimes a problem, while another indicated that the air conditioning could sometimes be a problem during the summer.

Three comments were made about the software in use—one favorable and two unfavorable. One driver indicated that the dispatching should be more active, more like cab dispatching.

9.4 On-Time Performance

At the end of each operating day, drivers returned their completed driver manifests to the LCCTS office. A clerk in the office was responsible for reconciling (called “verification” by LCCTS) the data in the computer system. She entered the starting odometer reading, the odometer reading at first pickup, odometer reading at last drop off and the ending odometer reading into RouteMatch. All other information contained in the system (pickup and drop-off time and odometer readings for each trip) were Route Match system estimates based upon system parameters. As a result, LCCTS maintained no electronic data for pickup and drop-off times.

On-Time Performance for Pickups

At the time of the review, LCCTS did not routinely track on-time performance and did not have goals or standards for on-time performance. Any on-time concerns were handled on a case by case basis. Drivers were required to record on the manifests the actual pickup and drop-off time for each trip provided. To determine on-time performance, the review team obtained the driver manifests for the sample week of March 10 to 15, 2008.

For the sample week, there were 149 SEATS trips provided by LCCTS. The actual pickup time for each trip was compared to the scheduled pickup time as indicated on the driver manifest. LCCTS has an on-time pickup window of -15/+15 minutes. Table 9.4 presents the results of the analysis.

Table 9.4 – Calculated On-Time Performance for Pickups (March 10 to 15, 2008)

	Trips	Percent
Total SEATS trips	149	100.0%
>30 minutes late	0	0.0%
16-30 minutes late	2	1.3%
1-15 minutes late	10	6.7%
In window	119	79.9%
1-15 minutes early	11	7.4%
16-30 minutes early	5	3.4%
>30 minutes early	2	1.3%
In window or early	137	91.9%

The calculated on-time performance of pickups early or on time for the sample week was 91.9 percent. Looking only at pickups within the -15/+15 minute window, on-time performance was 79.9 percent. Neither COLTS nor LCCTS had an on-time standard with which to compare this performance. For a pickup window of 30 minutes, this on-time performance was low. However, since only 1.3 percent (2) of the trips were more than 15 minutes late and no trip was more than 30 minutes late, it did not appear that LCCTS had an on-time performance issue for SEATS pickups, based on the performance for the sample week.

The analysis of pickups also showed that 18 trips out of the 149 (12.1 percent) were performed before the beginning of the pickup window. Seven of these pickups (4.7 percent) occurred more

than 15 minutes ahead of the pickup window. This could be a potential concern. The reason for some of the early pickups is how LCCTS handled requests for early return trips. As discussed earlier in this section of the report, if a customer requested and received an early return trip, no change to the scheduled time was made in the computer records. So while the customer may have asked for an early pickup, no record of the request or change to scheduled time was recorded, making it appear that the pickup occurred before the beginning of the pickup window.

In conducting this analysis, the review team used the pickup times printed on the manifests. As discussed in Section 9.3, the review team found that 30 percent of a sample of SEATS trips had pickup times adjusted from the times requested by riders and accepted by call-takers. Consequently, the on-time performance relative to negotiated pickups times will differ.

NET provided eight SEATS trips on Saturday, March 15. However, NET did not provide actual pickup or drop-off times for Saturday SEATS trips to either LCCTS or COLTS, so it was not possible to include these trips in the on-time analysis.

On-Time Performance for Drop-offs

The review team also conducted an analysis of on-time drop-offs. As described in the discussion of scheduling earlier in this section of the report, all SEATS trips were booked using a pickup time, including trips for which the rider specified an appointment time. When a rider provided an appointment time during the reservation process, the trip was entered with a pickup time 30 minutes occasionally 45 minutes before the appointment time. The appointment time was not entered into RouteMatch.

As a result, the review team made some assumptions when selecting the sample of trips for analysis. Generally, the LCCTS scheduler was responsible for entering most of the SEATS trip requests. He maintained a list, by day, of trip requests that he entered into the system. The review team obtained these lists for the sample week. Trips to a medical facility and similar common locations were assumed to have appointment times. Trips from these locations to a home address and trips to a specific address rather than a facility were not counted as trips with appointment times. Using this method, the review team counted 88 out of the 149 SEATS trips from the sample week that could be considered to have appointment times. As noted above, drop-off data for the trips provided by NET was not available, so these trips are not part of this analysis.

For these 88 trips, the review team added 30 minutes to the scheduled time pickup time as an estimate of the appointment time. The actual drop-off time was compared to this derived appointment time. A trip was considered late if the actual drop-off was later than the appointment time. The trips were also analyzed to determine if any drop offs were made very early. A trip was considered to be dropped off very early if the actual drop-off time was more than 30 minutes before the appointment time.

Using this methodology, 16 of the 88 trips arrived after the appointment time, as shown in Table 9.5. The on-time performance for drop-offs early or on time was 81.8 percent. All but one of the trips arrived within 30 minutes after the appointment time. That one drop-off was 33 minutes late. There were three trips that arrived more than 30 minutes before the appointment time.

Table 9.5 – Estimated On-Time Performance for Drop-Offs (March 10 to 15, 2008)

	Trips	Percent
Total Sample	88	100.0%
>30 minutes late	1	1.1%
16-30 minutes late	7	8.0%
1-15 minutes late	8	9.1%
On time (not late)	72	81.8%
0-30 minutes early	69	78.4%
31-45 minutes early	3	3.4%
>45 minutes early	0	0.0%

While the proportion of significantly late drop-offs is not substantial, the overall drop-off performance is low. To put it in perspective: if a SEATS rider is traveling five days per week, that rider is late for an appointment once per week. As mentioned previously, at the time of the review, the appointment time was not saved with the trip record and was not on the driver manifest. As a result, drivers did not know who had a time-sensitive drop-off and do not know if they dropping a rider off late for an appointment or work. The dispatcher did not have this information either. It appeared to be up to the rider to inform the driver of a time sensitive drop-off.

Of the on-time drop-offs, 3.4 percent (three) were between 31 and 45 minutes early. This is surprising, given that most pickups were scheduled for 30 minutes ahead when the rider provided an appointment time. And if these three trips represented those occasions when the LCCTS staff members set the pickup time for 45 minutes ahead, then they were being very conservative in estimating travel time.

9.5 Trip Duration

Among the examples of prohibited capacity constraints included in §37.131(f) are “substantial numbers of trips with excessive trip lengths” (§37.131(f)(3)(i)(C)). Since paratransit is a shared-ride service, trips between Point A and Point B will usually take longer than a taxi ride between the same points, and involve more intermediate stops. However, when the number of intermediate stops and the total trip time grows so large as to make use of the system prohibitively inconvenient, a capacity constraint could exist. Generally, total transit time aboard paratransit should be comparable to the same trip taken on the fixed-route system, after accounting for any transfers for multi-route trips, waiting time at each end of the trip, and travel to and from the bus stop.

The review team analyzed COLTS SEATS data on the length of ADA complementary paratransit trips to determine if there were a substantial number of excessive trip lengths relative to trips made on COLTS’ fixed route system (49 CFR §37.131(f)(3)(i)(C)). The standard of COLTS, through LCCTS, was for no SEATS rider to be on board for more than 45 minutes. This standard applied to all LCCTS services. According to LCCTS staff, it is not uncommon for some paratransit trips to be longer than this standard because some parts of Lackawanna County

cannot be reached in less than 45 minutes. LCCTS did not appear to have a formalized review process, but LCCTS stated that it tries to find out what the problem is when they notice trips that do not include an origin or destination in a remote part of the county are taking longer than 45 minutes. LCCTS also said it was less likely to be an issue for SEATS trips since the COLTS fixed route system and corresponding SEATS service area serves a relatively compact portion of the overall County.

The review team first analyzed the full set of completed trips from a sample week, March 10 to 15, 2008. There were a total of 157 trips completed during the week, although travel time information was only available for the 149 trips taking place on weekdays. NET did not provide arrival time information for the eight trips they provided on Saturday, March 15. Of the 149 completed trips weekday trips, 20 passenger trips had on-vehicle times of longer than 30 minutes, and only three of these had on-vehicle times longer than 45 minutes. Because of the small number of longer trips, the review team looked at all 20 trips with travel times longer than 30 minutes for comparison with fixed route trips with the same origin, destination, and start time.

The review team relied on COLTS published fixed route timetables, and a combination of county maps, on-line mapping resources, and a countywide cross street/street number atlas to make comparisons between the length of these longer SEATS trips and that of a comparable fixed route trip. The requested pickup time for each trip was taken directly from the driver manifests and was used as the desired start time for a trip. However, the relatively low frequency of service on COLTS fixed route system (20 minute headways were the shortest encountered as part of this analysis) suggested that fixed route riders were planning their trips to match the bus schedules. Therefore, the review team identified the fixed route departure time closest to the SEATS requested pickup time, and assumed that fixed route passengers would arrive at the bus stop five minutes before a bus's scheduled arrival. Walking times to/from the routes were calculated based on a pace of three miles per hour (20 minutes per one mile). Where transfers were necessary, wait time for the transfer was included as well.

Of the 20 trips analyzed, three of them could not have been made on the fixed route system within an hour of the requested SEATS pickup. Travel times for these trips were made based on the next available fixed route trip even though that schedule may not have accommodated the precise travel needs of the SEATS passenger. For another two of the 20 trips, an assumption was made that a transfer could be made between two fixed routes, even though the arrival time of the original route and departure time of the destination route were the same and therefore an unlikely way for a fixed route passenger to plan the trip unless the transfer between the two routes was coordinated. A comparison of paratransit and fixed route travel times for comparable trips for the 20 SEATS trips longer than 30 minutes appears in Table 9.6. A time with a (+) in the right-hand column indicates that the fixed route trip is longer; a time with a (-) indicates that the paratransit trip is longer. Based on this method of comparison, five of the 20 SEATS trips were longer than their comparable fixed route trips.

For purposes of the analysis, SEATS trips that were more than 15 minutes longer than the comparable fixed route trips were treated as being excessive in travel time. The 15-minute recompense results in a fairer comparison by accounting for the door-to-door service provided by paratransit. The comparison of travel times showed that, after adding the additional 15 minutes

to determine the comparable paratransit trip travel times, only one of the 20 trip lengths in the sample was identified as potentially excessive when compared to comparable fixed route trips (**bold** figure in far right column of Table 9.6).

The one trip with a potentially excessively long travel time is below one percent of the 149 trips for the week of March 10 to 15, 2008 that the review team analyzed. This one trip would not, therefore, represent a “substantial number” of excessively long trips.

The review team also analyzed the long trip results to identify possible patterns of long trips that would suggest that service was being inequitably provided to a particular individual or set of individuals with particular travel characteristics. Of the five trips with longer travel times, four of them including the one potentially excessively long trip time were for the same passenger and between the same origin and destination; two of these had pickups requested for the same time. These trips were between East McKinley in Olyphant and South Blakely in Dunmore. This trip was a relatively easy fixed route trip, as there was a bus stop at the South Blakely location, and it was a short walk from a stop on the same bus route in Olyphant. Two other trips between these destinations were made during the sample week and paratransit travel times were shorter than fixed route. COLTS and LCCTS should investigate the reason for the longer travel times for this individual.

Table 9.6 – Comparison of Travel Times of SEATS Trips with Comparable Fixed Route Trips (March 10 to 15, 2008)

Pickup Address Drop-Off Address	Pickup Time	Drop-Off Time	Comparable Fixed-Route Trip	Travel Time		
				SEATS	Fixed Route	(SEATS) – (Fixed Route)
300 S Blakely, Dunmore 100 E McKinley, Olyphant	3:11 p.m.	4:02 p.m.	Walk 0 min, Bus #12, walk 8 min	0:51	0:46	+0:05
900 Penn Ave, Scranton 400 Baker, Taylor	2:18 p.m.	3:05 p.m.	Walk 10 min, Bus #31, walk 4 min	0:47	0:50	-0:03
100 E McKinley, Olyphant 300 S Blakely, Dunmore	9:40 a.m.	10:18 a.m.	Walk 8 min, Bus #12, walk 0 min	0:38	0:46	-0:08
300 S Blakely, Dunmore 100 E McKinley, Olyphant	3:19 p.m.	3:57 p.m.	Walk 0 min, Bus #12, walk 8 min	0:38	0:46	-0:08
100 E McKinley, Olyphant 300 S Blakely, Dunmore	9:33a.m.	10:05 a.m.	Walk 8 min, Bus #12, walk 0 min	0:32	0:46	-0:14
1200 Saginaw, Scranton 1000 W Market, Scranton	1:45 p.m.	2:30 p.m.	Walk 0 min, Bus #26, Bus #43, walk 0 min	0:45	1:02	-0:16
1200 Saginaw, Scranton 1000 W Market, Scranton	1:45 p.m.	2:30 p.m.	Walk 0 min, Bus #26, Bus #43, walk 0 min	0:45	1:02	-0:16
400 Wyoming, Scranton 200 Academy, Moscow	2:19 p.m.	3:09 p.m.	Walk 0 min, Bus #58, 2 min walk	0:50	1:08	-0:18
400 Wyoming, Scranton 200 Academy, Moscow	2:00 p.m.	2:45 p.m.	Walk 0 min, Bus #58, 2 min walk	0:45	1:08	-0:23
400 Wyoming, Scranton 200 Academy, Moscow	2:00 p.m.	2:45 p.m.	Walk 0 min, Bus #58, 2 min walk	0:45	1:08	-0:23
2100 Belmont, Scranton 2 Mountain Lake, Scranton	8:22 p.m.	9:00 p.m.	Walk 8 min, Bus #41, Bus #21, 0 min walk	0:38	1:02	-0:24

Pickup Address Drop-Off Address	Pickup Time	Drop-Off Time	Comparable Fixed-Route Trip	Travel Time		
				SEATS	Fixed Route	(SEATS) – (Fixed Route)
2100 Belmont, Scranton 2 Mountain Lake, Scranton	8:23 p.m.	9:00 p.m.	Walk 8 min, Bus #41, Bus #21, 0 min walk	0:37	1:02	-0:25
2100 Belmont, Scranton 2 Mountain Lake, Scranton	8:23 p.m.	9:00 p.m.	Walk 8 min, Bus #41, Bus #21, 0 min walk	0:37	1:02	-0:25
1100 W State, Archbald 300 S Blakely, Dunmore	8:40 p.m.	9:25 p.m.	Walk 6 min, Bus #52, 18 min walk	0:45	1:11	-0:26
1100 W State, Archbald 300 S Blakely, Dunmore	8:40 p.m.	9:25 p.m.	Walk 6 min, Bus #52, 18 min walk	0:45	1:11	-0:26
2100 Belmont, Scranton 2 Mountain Lake, Scranton	8:25 p.m.	9:00 p.m.	Walk 8 min, Bus #41, Bus #21, 0 min walk	0:35	1:02	-0:27
1000 Scranton Carbondale Highway, Dickson City 100 Smallcombe, Scranton	3:27 p.m.	4:11 p.m.	Walk 6 min, Bus #52, walk 18 min	0:44	1:16	-0:32
1100 W State, Archbald 300 S Blakely, Dunmore	8:40 p.m.	9:15 p.m.	Walk 6 min, Bus #52, 18 min walk	0:35	1:11	-0:36
2 Mountain Lake, Scranton 2100 Belmont, Scranton	12:00 p.m.	12:38 p.m.	Walk 8 min, Bus #23, Bus #44, walk 8 min	0:38	1:27	-0:49
100 Belmont, Carbondale 900 Commerce, Dickson City	11:55 a.m.	12:30 p.m.	Walk 8 min, Bus #52, Shoppers Bus, walk 0 min	0:35	1:53	-1:18

Note: Street addresses rounded to nearest 100 block

Note: Fixed route travel time includes walking time at both ends of trip (measured at a pace of 20 minutes per mile) and 5 minutes of wait time. A premium of 15 minutes has also been added to the fixed route travel time to allow for a balanced comparison between the curb to curb paratransit service and fixed route.

9.6 Findings

1. At the time of the review, COLTS exercised little oversight over its contractors and had no written performance standards that it expected its contractors to meet regarding on-time performance, on-board time, and the avoidance of missed trips for SEATS ADA paratransit service. As the fixed route provider, COLTS is responsible for ensuring that its ADA paratransit service is operated without capacity constraints, including but not limited to substantial numbers of significantly untimely pickups for initial or return trips; substantial numbers of denials and missed trips; and substantial numbers of trips with excessive trip lengths. These are capacity constraints prohibited by 37.131(f)(3)(i)(A), (B) and (C), regardless of how LCCTS and NET operate other transportation services. For example, if COLTS has adopted as its standard the 45 minute maximum on board time that LCCTS used at the time of the review, COLTS must monitor trip length of SEATS ADA trips and compare them to the comparable fixed route trip to ensure that SEATS service is performed within this standard. ADA paratransit trips are comparable to fixed route travel time if paratransit travel time is no more than approximately 20 minutes greater than fixed route travel time, which allows for time to and from fixed route stops and waiting time at the stop. As part of the response to this finding, FTA requests copies of performance standards for SEATS trips and COLTS' plan to monitor contractor performance.
2. COLTS must direct contractors to honor pickup times negotiated with riders. At the time of the review, the scheduler sometimes adjusted the pickup time after trips were entered into the reservation system. If the adjustment was more than 15 minutes, LCCTS stated that riders were called and informed of the change; if the adjustment was less than 15 minutes, riders were not called. In addition to leading to late pickups and pickups and no-shows, this practice could lead to response time violations of §§37.131(b)(1) and (b)(2) of the DOT ADA regulations, as some of these changes are made without negotiations with the rider may be outside the one-hour negotiation window. COLTS must direct LCCTS and NET to inform riders whenever it changes the scheduled pickup time from that which was initially negotiated with the rider, limit any changes to within 60 minutes of the originally-requested pickup time, and record any changes made to the negotiated time. As part of COLTS' response to this finding, please provide copies of the directive(s) to FTA. FTA appreciates COLTS' written commitment in its response to the draft report that on-time performance will be monitored more closely.
3. COLTS must direct contractors to record actual pickup and drop-off times, particularly during the LCCTS "verification" process. LCCTS' and NET's failure to provide this information prevented COLTS from determining whether SEATS riders experienced substantial numbers of significantly untimely pickups for initial or return trips, substantial numbers of trips with excessive trips lengths and/or substantial numbers of denials or missed trips. As these are capacity constraints prohibited by §37.131(f)(3)(i)(A) (B) and (C), COLTS must direct LCCTS and NET to enter requested pickup times and drop-off times into the scheduling software, so that COLTS can monitor performance of SEATS service. As part of COLTS' response to this finding, please provide copies of the directive(s) to FTA.
4. At the time of the review, LCCTS had a policy in which a rider's return trip is automatically cancelled if the rider is a no-show for the "going" trip. As the fixed route provider responsible for paratransit service, COLTS must ensure that LCCTS does not automatically

cancel the return trip of a rider who no-shows the “going” trip. Under the next-day service provisions of §37.131(b), the passenger has an independent right to each of these trips. To automatically cancel a “return trip” as a result of a “no-show” for the “outgoing trip” would undermine this provision and the rider’s right to the second independent trip. Further, §37.125 provides that a transit operator can develop a policy for no-shows, requiring due process; to allow for cancellation of a second (i.e., “return”) trip based upon a “no-show” for the first (i.e., “outgoing”) trip would be contrary to these provisions. As part of COLTS’ response to this finding, direct employees and contractors to cease this practice and provide a copy of the directive to FTA. As part of COLTS’ response to this finding, please provide copies of a) the directive and b) a copy of COLTS’ current no-show policy.

5. As the fixed route provider, COLTS must monitor performance of its contractors and work to improve performance within the pickup window. Based on a sample week (March 10 to 15, 2008), LCCTS had on-time performance of 79.9 percent of SEATS pickups within its (+)(-)15 minute window. If one considered early pickups in addition to those within the window, on time performance rose to 91.9 percent on-time. This level of performance, which allows between 8.1 and 20.1 percent of trips to be picked up outside the LCCTS on-time window of (+)(-)15 minutes, could discourage riders from using the service. If it had that impact it would result in an operational pattern or practice of a substantial number of late trips for SEATS customers contrary to 37.131(f)(3)(A) of the DOT ADA regulations.
6. COLTS must refine its standard or window for on-time drop-offs to appointments and must direct contractors to include the requested appointment time on driver manifests. Based on a sample week, LCCTS had on-time performance of 81.8 percent for SEATS drop-offs, which allowed 15 riders to arrive up to 30 minutes late to appointments and allowed one rider to arrive more than 30 minutes late to an appointment. At the time of the review, COLTS’ standard for on-time drop-offs allowed riders to arrive 15 minutes prior to the appointment time to 15 minutes after the appointment time. Both the standard of permitting riders to arrive late for appointment times as well as the poor performance could discourage riders from using the service, resulting in a prohibited operational pattern or practice. COLTS has an implicit obligation to get riders to appointments on time (not late) and an explicit obligation to monitor performance to insure that SEATS ADA service is operated without any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons. COLTS must develop an on-time standard or window for on time drop-offs to appointments; require contractor(s) to track, measure review and report drop-off performance for all trips with a requested appointment time; and require contractor(s) to print the appointment times on driver manifests for all trips with a requested appointment time. As part of COLTS’ response to this finding, please provide copies of the standard and directive(s) to FTA.

9.7 Recommendations

1. Direct LCCTS to confirm a cancellation with the rider and to enter trips that are cancelled by the rider or those that are marked as a no-show in RouteMatch as they occur, rather than waiting until after LCCTS “verification.” Real-time information is necessary to make same day changes to runs.

2. Direct LCCTS to take steps to make the dispatch function more proactive. Consider having dispatchers perform random and periodic time checks as a way to help drivers enhance and maintain on-time performance and address issues prior to them negatively impacting service delivery. At the time of the review, the LCCTS dispatching process appeared more reactive than proactive. Driver's requests for assistance were handled promptly but drivers generally initiated contact with the base. During the driver interviews, two of the drivers indicated that, when running late, they contact other drivers directly for assistance. It is recommended that COLTS direct LCCTS to take steps to make the dispatch function more proactive. Consider having dispatchers perform random and periodic time checks as a way to help drivers enhance and maintain on-time performance and address issues prior to them negatively impacting service delivery.
3. An analysis of 20 long SEATS trips (travel time of more than 30 minutes) from a one-week sample found that only one had excessive trip length when compared to a comparable fixed route trip. Based on the sample of 149 trips, one excessively long trip would not constitute a "substantial number." Although only one trip was considered excessively long, of the five total trips that were longer on paratransit when looking at travel times alone, four of them were between the same origin-destination pair for the same eligible rider. COLTS and LCCTS should regularly monitor travel times and should investigate any patterns of longer travel times for particular individuals or groups with particular travel characteristics (e.g., geographic location, time of day) to ensure that riders do not experience a pattern or practice of trips with lengths not comparable to fixed route as described in finding #1.
4. The model drop-off policy would also prevent riders from arriving substantially early (for example, more than 30 minutes prior to the rider's desired arrival time).

10 Resources

The review team reviewed the equipment, staffing, and funding used for SEAT service to identify limits in capacity to provide ADA complementary paratransit service. This information included:

- Rider comments on staff performance and vehicle condition
- Comments from vehicle operators on training and vehicle condition
- Operating budget for the service and the process used to estimate funding needs
- Information on the vehicle fleet
- Number of drivers and other staff and their tenure/turnover
- Availability of vehicles to cover scheduled runs

10.1 Consumer Comments

Since LCCTS began tracking consumer comments in April 2008, it had recorded two consumer comments from SEATS passengers. One of these complaints concerned poor condition of a LCCTS vehicle. The other complaint concerned a driver passing a rider that was walking to meet the driver.

In the review team's telephone interviews with SEATS riders, four riders commented that the drivers were generally courteous and professional. Three riders said that there was a mix of courteous and not so courteous drivers. One rider noted that she was aware of one "arrogant" driver.

10.2 Driver Comments

The drivers' general view of vehicle maintenance was positive. Comments were made that some of the vehicles were older and had "seen their day". One concern mentioned by some of the drivers is that there is only one mechanic for the 26 LCCTS vehicles. One driver indicated that the new Braun lifts were sometimes a problem, while another indicated that the air conditioning can sometimes be a problem during the summer.

Other comments included three about the software used—one favorable and two unfavorable.

10.3 Budget Process

COLTS operates on a fiscal year that runs from July 1 to June 30. COLTS is a part of Lackawanna County. In FY 2008, its operating budget was \$7.099 million (2008 PA DOT Annual Performance Report). It received 76 percent of funding from the state; 16 percent from fares and other revenue; 8 percent from local government; and less than 1 percent from the federal government.

Budgets and Expenditures

The review team obtained operating expenditure information for the SEATS service for the period from FY 2006 through FY 2008. The data for FY 2008 is partly projected. The review team also met with COLTS' Finance Director and the LCCTS Administrative Manager to discuss the planning, budgeting, and funding of the SEATS service.

Table 10.1 presents the SEATS ridership and costs for three recent fiscal years. These costs represent the amount paid to the two contractors; they do not include any internal COLTS expenses. Ridership increased by 4.9 percent in FY 2007 and was projected to increase by 3.6 percent in FY 2008. In contrast, the contractor costs decreased in FY 2007 and were projected to decrease again in FY 2008.

Table 10.1 – SEATS Ridership and Costs

Fiscal Year	Ridership	Cost (\$)
2006	6,505	154,901
2007	6,821	151,609
2008 (10 months)	5,889	119,746
2008 (projected)	7,067	143,695

The FY 2008 projected costs for SEATS represents 2 percent of the entire COLTS operating budget.

COLTS was not able to provide a budget that covered only SEATS service. There were no line items in its budget for SEATS. COLTS develops an annual budget for all contracted services, which includes SEATS and the operation of several fixed routes (in recent years, NET has also been the contractor for those fixed routes). The COLTS Finance Director indicated that COLTS “looks at past history,” but does not analyze ridership or other data to derive an estimate the SEATS component of budget for the contracted services. As presented in Table 10.2, the costs for all contracted services had exceeded the budgets for three consecutive fiscal years. The budget did not change from FY 2006 to FY 2007. Costs increased by 5 percent in FY 2007. The COLTS budget increased in FY 2008—but only by 2 percent.

Table 10.2 – COLTS Budget vs. Costs for All Contacted Services

Fiscal Year	Budget (\$)	Cost (\$)	Overrun (\$)	% Overrun
2006	460,000	461,319	1,319	0.3
2007	460,000	484,468	24,468	5.3
2008 (10 months)	390,833*	403,511	12,678	3.2
2008 (projected)	469,000*	484,213	15,213	3.2

*2008 10-month budget is pro-rated and full-year budget is actual

In addition, COLTS does not allocate any administrative costs, such as management staff time or customer service time, to its costs for SEATS. Nevertheless, the COLTS Finance Director

indicated that COLTS would continue to fund SEATS for the full demand, as represented by the costs incurred through the two contracts.

COLTS received monthly invoices from LCCTS and NET. LCCTS calculated the passenger miles of the trips provided to each of its funding agencies. It calculated its monthly costs for staff salaries and fringes; vehicle maintenance; and fuel. It divides these costs by the total passenger miles delivered to derive an average cost per passenger mile. The amount of the monthly invoice to COLTS is that month's average cost per passenger mile times the total passenger miles of SEATS passenger trips.

At the time of the review, the contract between COLTS and LCCTS capped the reimbursable cost per passenger mile at \$4.00. In FY 2008, the monthly costs had been roughly \$3.50 per passenger mile. Starting in FY 2009, LCCTS anticipated including some portion of its overhead, including the rent that paid to COLTS, in the cost calculation.

In the contract between COLTS and NET, NET was reimbursed at \$299.00 per Saturday of operation, with no payment if no trips were provided). The contract also included a two percent escalator in FY 2008 and FY 2009; which NET did not charge in FY 2008. In addition, if NET needed additional vehicles to provide SEATS Saturday service, NET received \$40.00 per vehicle hour. The contract also included fuel surcharge for the cost of gas or diesel above \$2.99 per gallon.

10.4 Operating Resources

Staffing

Vehicle Operators

At the time of the review team's site visit, LCCTS had 25 drivers, all full-time and members of SEIU Local 668. The median tenure (as of May 2008) for these 25 drivers was greater than 8-1/2 years. LCCTS had hired a driver in 2006; all had at least 2 years' experience. This number of drivers seems tight for the overall LCCTS operations, which may have up to 23 runs during a day (weekdays, no weekend operations). Additional drivers would provide backup capacity and could improve on-time performance, both for pickups and drop-offs. One day during the site visit, LCCTS was six drivers short (for 22 runs) due to a combination of vacation and sick leave. The scheduler and a supervisor re-assigned the trips from these six vehicle runs to other runs.

As part of its contract with COLTS, NET provides drivers as needed for Saturday service. For the first 8 months of FY 2008 (June 2007 to February 2008, 34 weeks), NET assigned one driver and vehicle for each Saturday of service. There were a total of 144 trips provided over 34 Saturdays, with the maximum single-day ridership during this period of nine SEATS trips. However, as mentioned in Section 9 of this report, the review team noticed changes in pickups times for two of the eight trips provided by NET on March 15, 2008. This may have not been necessary had NET used a second driver and vehicle on that day.

Office Staff

At the time of the review team's site visit, LCCTS had eight office staff assigned to SEATS service: vehicle scheduler (1), dispatcher (1), call-taker (1), eligibility clerk (1), mechanic (1), and supervisors (3).

The supervisors substitute for the scheduler when he is not available. The call-takers and eligibility clerk back up the primary dispatcher. As mentioned in Section 8 of this report, the scheduler also acts as the early morning dispatcher. This small staff seems sufficient to handle the office responsibilities of LCCTS operations. The office staff supports the entire LCCTS operation and all of its transportation programs, including the operation of SEATS for COLTS. SEATS was less than 10 percent of the entire LCCTS operation; as a result, it appeared that LCCTS could allocate a greater portion of its staff time to SEATS. If COLTS continues to delegate the SEATS eligibility process to LCCTS, LCCTS should allocate more staff time to this process in order to meet COLTS' obligations under the ADA.

Vehicles and Facilities

At the time of the review, COLTS owned no vehicles for SEATS service. As part of its contracts with COLTS, both LCCTS and NET were responsible for providing and maintaining the vehicles for SEATS service. The following paragraph is an excerpt from the contract between COLTS and LCCTS:

5. Vehicles

LCCTS will provide all vehicles and drivers required to provide said services, shall maintain all vehicles and keep all vehicles in good operating condition, shall supply fuel for all vehicles, and maintain adequate insurance on drivers and vehicles.

LCCTS has fleet of 29 vehicles, of which 26 are vans used for passenger service. Table 10.3 presents the active passenger vehicles by type and model year. As of May 2008, the mean vehicle age was 5 years.

Total LCTS weekday ridership approached 400 passenger trips in early 2008. To provide this service, it operates 23 eight-hour runs (of which 15 minutes is report and pre-trip time for drivers). The existing vehicle spare ratio of 1.15 (26 divided by 23) is small for a fleet of 26 vehicles. LCCTS should consider an expansion of its fleet—both for improving service and to accommodate future ridership growth.

LCCTS fuels its vehicles via county contracts with private vendors. It uses the garage located at the COLTS facility.

In the interviews conducted by the review team, some LCCTS drivers were concerned that one mechanic (no assistant, no cleaner) is not sufficient for fleet. The LCCTS mechanic also mentioned the limited resources for maintaining the LCCTS fleet. He is allocated only one bay within the COLTS garage. He is responsible for all LCCTS vehicle maintenance issues.

Table 10.3 – LCCTS Passenger Fleet as of May 2008

Model Year	Type	Number
1998	Ford SW	1
1998	Ford E-450	2
1999	Ford E-450	1
2000	Ford E-450	2
2001	Ford E-450	2
2002	Ford E-450	2
2003	Ford E-450	4
2004	Ford E-450	2
2005	Ford E-450	4
2006	Ford E-350	1
2006	Ford E-450	4
2007	Ford E-350	1
Total		26

NET provides one vehicle on Saturday, with additional capacity available “as would be required in the event of breakdowns or accidents.” However, it does not appear that COLTS monitors NET to ensure that it is using an extra vehicle and driver when necessary to maintain service levels.

Other Equipment

As discussed earlier in this report, LCCTS uses RouteMatch paratransit software for client database, trip intake and scheduling, dispatch assistance, and report generation. It had started using this software since 2006. Previously, LCCTS had used another paratransit software package: “Scooter.”

This software package appeared to have the capability to meet the needs of COLTS and LCCTS. Its most important function is to provide the data (trips, passenger miles, vehicle miles) needed to determine cost allocation for generating invoices for the various funding programs of LCCTS. However, LCCTS is not using it to its fullest capability for recording and analyzing certain operational data. For example, LCCTS clerks do not enter actual pickup and drop-off times for any passenger trips. As a result, LCCTS does not have data in electronic format to calculate on-time performance or analyze trip lengths to ensure that COLTS is in compliance with DOT ADA regulations.

As discussed in Section 7 of this report, at the time of the review team’s site visit, Lackawanna County was in the process of implementing new phone system monitoring software, called TAPIT. According to the County’s IT department, for the four years prior to the review team’s site visit, the telephone performance data available to the county was unreliable. As a result, LCCTS was not monitoring telephone performance. While rider comments did not indicate any concerns about telephone hold times, there was no way to verify telephone performance.

The new software would enable COLTS and LCCTS to obtain and review information on phone system performance, such as the total number of calls, the number of calls by time of day, and hold times.

10.5 Findings

1. There were no findings of non-compliance requiring corrective action in Chapter 10 of this report. See below for recommendations.

10.6 Recommendations

1. At the time of the review, LCCTS had 25 full-time drivers for up to 23 runs per day. Even if trips could be shifted to other runs when runs are closed due to a shortage of drivers, performance is likely affected. Additional drivers would provide backup capacity and could improve on-time performance. It is recommended that COLTS ensure that LCCTS has sufficient additional drivers to provide additional backup when other drivers call out sick.
2. LCCTS' vehicle spare ratio of 1.15 (26 divided by 23) at the time of the review was small for a fleet of 26 vehicles. It left little leeway for vehicles out of service or increased ridership. It is recommended that COLTS consider directing LCCTS to increase the fleet size for SEATS service, perhaps to a spare ratio of 20 percent—which is more typical than 15 percent for a fleet of its size.
3. At the time of the review, LCCTS had one full-time mechanic for its vehicle fleet. Staffing may need to increase with corresponding changes in the fleet size or average fleet age. Increases. It is recommended that COLTS ensure that vehicles used in SEATS service are adequately maintained. Consider requiring that LCCTS hire additional staff to perform vehicle maintenance, or consider contracting out certain, less time-sensitive maintenance tasks.
4. At the time of the review, COLTS was not able to provide a budget that covered SEATS service only. While COLTS developed an annual budget for all contracted services, it had no line item in its budget for SEATS service. The COLTS Finance Director indicated that COLTS “looks at past history,” but did not analyze ridership or other data to estimate the SEATS portion of the budget for the contracted services. The Finance Director said COLTS would continue to fund SEATS for the full demand, as represented by the costs incurred through its contracts with LCCTS and NET. In its response to the draft report, COLTS clarified that in developing a budget(s) for contracted transportation services, COLTS also factors in coverage area, expected SEATS ridership trends, and projected trends in items such as fuel costs. It is recommended that a more refined planning and budgeting process is needed for SEATS service, focusing on collecting consistent data on current as well as past SEATS operations, considering past and recent growth in demand, recent trends in service productivity any existing service constraints or service quality issues and the likely cost of eliminating these constraints.
5. Undertake a demand projection analysis to determine and budget for predicted future service demand levels.

Attachment A

COLTS Response

Authority Members:

Michael Dougherty
Carmen Libassi
Anthony Morell
Stephen W. Saunders
Justin Sulla



Executive Director
Robert Fiume

NORTH SOUTH ROAD, SCRANTON, PENNSYLVANIA 18504

Phone: (570) 346-2061 • Fax: (570) 343-3819

Dec. 9. 2009

Mr. John Day
Acting ADA Team Leader
Office of Civil Rights – FTA
East Building, 5th Floor, TCR
1200 New Jersey Ave. SE
Washington, DC 20590

Dear Mr. Day,

Enclosed you will find the response from the County of Lackawanna Transit System (COLTS) to the ADA compliance review.

I hope that your questions have been answered to your satisfaction. If you need further clarification on anything, please do not hesitate to contact me at (570) 346-2061, ext. 1259, or via e-mail me at fiumer@lackawannacounty.org.

Thank you.

Sincerely,

Robert Fiume
Executive Director

cc: Susan Clark, Program Manager and Equal Opportunity Specialist
Deborah Haines, FTA Regional Civil Rights Office

Attachment B

On-Site Review Schedule

**ADA Complementary Paratransit Service Review
County of Lackawanna Transit System (COLTS)
Scranton, PA
May 19-22, 2008**

Schedule

Time	Activity	Who	Where
Monday, May 19, 2008			
9:00 a.m.	➤ Opening Conference	All, FTA	COLTS office 800 N South Road
9:30 a.m.	➤ Review information requested & policies & procedures with COLTS and LCCTS Managers	All	COLTS office
10:30 a.m.	➤ Tour facilities	All	LCCTS office 800 N South Road
11:00 a.m.	➤ Begin review of eligibility process and records ➤ Review SEATS / LCCTS complaints ➤ Begin operations records review/on-time performance	Chia Hamwey Procopio	LCCTS office
1:00 p.m.	➤ Interview LCCTS schedulers ➤ Review telephone system and performance ➤ Review budget and resources	Procopio Hamwey Chia	LCCTS office COLTS office
2:30 p.m.	➤ Observe call-takers; record trip request information	Chia, Hamwey	LCCTS office
Tuesday, May 20, 2008			
8:00 a.m.	➤ Observe call-takers; record trip request information ➤ Review service area, hours, fares, coordination	Chia, Procopio Hamwey	LCCTS office
10:00 a.m.	➤ Continue review of eligibility process and records ➤ Continue on-time performance analysis ➤ Begin trip length analysis	Chia Procopio Hamwey	LCCTS Office
1:00 p.m.	➤ Interview drivers	Procopio, Chia	LCCTS Office
2:00 p.m.	➤ Observe dispatchers	Procopio	LCCTS Office
Wednesday, May 21, 2008			
8:00 a.m.	➤ Continue on-time performance analysis ➤ Continue trip length analysis ➤ Continue review of budget and resources	Procopio Hamwey Chia	LCCTS office COLTS office
1:00 p.m.	➤ Continue review of service area, hours, fares, coordination ➤ Interview drivers	Hamwey Procopio, Chia	LCCTS office
2:30 p.m.	Continue review of scheduling and dispatch	Procopio, Chia	LCCTS office
Thursday, May 22, 2008			
Morning	➤ Complete preliminary data analysis & review findings ➤ Prepare materials for debriefing session	All	LCCTS office
2:00 p.m.	➤ Exit Conference	All, FTA	COLTS office

Attachment C

Lackawanna County Coordinated Transportation Tri-fold Brochure

LACKAWANNA COUNTY
COORDINATED
TRANSPORTATION
SYSTEM

Is funded by
The Pennsylvania Department of
Transportation, County of
Lackawanna Transit System, the Area
Agency on Aging and the
Lackawanna County Commissioners.

*OFFICE FOR THE
PHYSICALLY DISABLED*

(570) 963-6790

Provides evening and weekend
Transportation to county clients
who meet eligibility
requirements.

Services are provided
According to eligibility rules,
Without regard to race, color,
Religion, sex, national origin,
Disability or age.

TRAVEL REGULATIONS

Advance notice is required to
Schedule any appointments.

Pennsylvania law requires:
**ALL PASSENGERS MUST
WEAR SAFETY BELTS AT
ALL TIMES.**

All trips must be scheduled
And prearranged.

Your courtesy and
Cooperation will insure a
Smooth running
Transportation system
Which will benefit
Everyone.



LACKAWANNA
COUNTY
COORDINATED
TRANSPORTATION SYSTEM

(570) 963-6795

TTY# 963-6484

Fax # 496-7726

LACKAWANNA
COUNTY
COMMISSIONERS:

**Michael J Washo
Corey D. O'Brien
A. J. Munchak**

**LACKAWANNA
COUNTY
COORDINATED
TRANSPORTATION SYSTEM

(LCCTS)**

**Is available to county residents
Who qualify under the following
Categories:**

**PENNDOT
AAA
SEATS
MEDICAL ASSISTANCE
GENERAL PUBLIC**

**OFFICE HOURS
Monday through Friday
6:00 AM TO 4:00 PM**

(570) 963-6795

**SHARED RIDE
PROGRAM**

Lackawanna County through assistance
From the Pennsylvania Department of
Transportation provides service for
Lackawanna County residents. Interested
individuals should contact the Intake
Coordinator and be able to verify date of
birth.

.....

60-64 YEARS

In cooperation with Lackawanna County
Area Agency on Aging, LCCTS offers its
system to residents between the ages of 60 to
64 years.

Registration is the same as for 65 + clients.

**THERE IS NO
CHARGE FOR THE
ABOVE PROGRAMS**

**SPECIAL EFFORTS
ACCESSIBILITY
TRANSPORTATION
SYSTEM (SEATS)**

Is designed to provide transportation
For disabled individuals. LCCTS'
Vans are equipped to accommodate
Persons with physical impairments.

Eligibility is determined by the
Individuals inability to use Mass
Transportation based on their
Physical or mental limitations.

**SEATS PROGRAM
SERVICE HOURS**

Monday through Friday
6:00 AM – 6:00 PM
Saturday 9:00 AM – 5:00 PM

**All appointments must be made
By at least the previous working day**

Tickets can be purchased for the
SEATS program at the County of
Lackawanna Transit System
(COLTS), at the LCCTS office or by
calling (570) 346-2061

Attachment D

**LCCTS Application Form and Cover Letter
for SEATS Eligibility**



**LACKAWANNA COUNTY
COORDINATED TRANSPORTATION SYSTEM
COUNTY OF LACKAWANNA TRANSIT SYSTEM BUILDING
C.O.L.T.S.
800 NORTH SOUTH ROAD
SCRANTON, PENNSYLVANIA 18504**

PHONE (570) 963-6795

FAX (570) 496-7726

Commissioners:

Michael J. Washo

Corey D. O'Brien

A. J. Munchak

Dear Prospective Client:

Enclosed, please find the application you requested for the Special Efforts Accessibility Transportation System (S.E.A.T.S.) program. Most of the application has been completed for you, but we require your physician to complete the rest of the application, stating the reason you are unable to use public transportation, and sign the application.

Once we receive the application we will review it to determine your eligibility. A letter will be sent to you confirming or denying your eligibility. If your application is accepted, you will be able to use the service immediately. If deemed ineligible, you will have the right to a review board hearing, which can be setup at your request.

If you have any questions regarding your application or eligibility, contact our office @ 570-963-6795.

LACKAWANNA COUNTY
COORDINATED TRANSPORTATION SYSTEM

COUNTY OF LACKAWANNA TRANSIT SYSTEM BUILDING
C.O.L.T.S.

800 NORTH SOUTH ROAD
SCRANTON, PENNSYLVANIA 18504

PHONE (570) 963-6795

FAX (570) 496-7726

Commissioners:

Michael J. Washo

Corey D. O'Brien

A. J. Munchak



Special Efforts Accessibility Transportation System

**S.E.A.T.S.
Eligibility Form**

Date: _____

Name of Applicant: _____

Last

First

M.I.

Address: _____

Number

Street

Borough/ City

Zip Code

Social Security # _____ - _____ - _____

Date of Birth: _____

Home Telephone # _____ - _____

Work Phone# _____ - _____

Do you need the Use of a Wheelchair Accessible Van? _____

What Physical Limitations prevent you From Riding a Mass Transit Vehicle?

Please Describe _____

(Put Additional Information on Back)

Is This Disability Permanent? _____ If Not, Expected Length of Disability _____

Due to Disability Indicated above, I hereby certify That The Named Applicant is Unable to utilize Mass Transit Facilities and Services in Lackawanna County And To The Best of My Knowledge; The Above Named Information is true and correct.

Physician's Signature

Clients Signature

Printed Name of Physician

Address

Phone

Attachment E

**Letter, Identification Card, and Other Material
for Applicant Determined Eligible for SEATS Service**



**LACKAWANNA COUNTY
COORDINATED TRANSPORTATION SYSTEM
COUNTY OF LACKAWANNA TRANSIT SYSTEM BUILDING
C.O.L.T.S.
800 NORTH SOUTH ROAD
SCRANTON, PENNSYLVANIA 18504**

PHONE (570) 963-6795

FAX (570) 496-7726

Commissioners

Michael J. Washo
Corey D. O'Brien
A. J. Munchak

Date:

To:

From: LACKAWANNA COUNTY COORDINATED TRANSPORTATION SYSTEM

RE: Special Efforts Accessibility Transportation System (S.E.A.T.S.) Eligibility

Your application for transportation for the Special Efforts Accessibility Transportation System (S.E.A.T.S.) program through the **Lackawanna County Coordinated Transportation System** has been **approved**.

The Following guidelines are in accordance with the Americans Disability Act of 1990:

- . Trips can be arranged by calling 570-963-6795 up until 04:00 p.m. the previous Day, excluding weekends and holidays.
- . Tickets must be purchased in advance; they are \$2.50 for a one-way trip. The price of an inter-county trip to Luzerne County is \$3.75 one-way. Tickets must be purchased in advance.
- . Clients with wheelchairs are allowed an escort at no charge. Guests who have been authorized to ride with client must pay full fare.
- . The Service will only be provided in area served by the **COLTS** bus system.
- . The Service **will not be provided** on Sundays or on the following Holidays:
***NEW YEARS DAY * MEMORIAL DAY * FOURTH OF JULY* LABOR DAY**
***THANKSGIVING DAY *CHRISTMAS DAY**



Lackawanna County
Coordinated Transportation
IDENTIFICATION CARD

Name: _____

Address: _____

Client ID #: _____

LACKAWANNA COUNTY
COORDINATED TRANSPORTATION SYSTEM

COUNTY OF LACKAWANNA TRANSIT SYSTEM BUILDING

C.O.L.T.S

NORTH SOUTH ROAD

SCRANTON, PENNSYLVANIA 18504

PHONE (570) 963-6795

FAX (570) 496-7726



Commissioners:

Michael J. Washo

Corey D. O'Brien

A. J. Munchak

REQUEST FOR AN ESCORT (Part 1)

A passenger is permitted an escort if they are unable to use the shared-ride bus without assistance due to a disability. This takes into account their ability to travel to and from the bus.

The information obtained in this certification process will only be used by the Lackawanna County Coordinated Transportation System for the provision of transportation services. Information **will not** be provided to any other person or agency.

Name: _____	Male: _____ or Female: _____
Address: _____	Social Security No.: _____
_____	Date of Birth: _____
Phone No.: _____	Age Verification: _____

What is the disability which prevents you from using the shared-ride service without assistance and does it prevent you from using the shared-ride service without assistance? _____

Is the condition temporary? _____ if yes, expected duration until (Date) _____

Can you travel 200 feet without assistance of another person? Yes _____ or No _____

Can you travel ¼ mile without assistance of another person? Yes _____ or No _____

Can you climb three (3) 12 inch steps without assistance? Yes _____ or No _____

Can you wait outside without support for ten (10) minutes? Yes _____ or No _____

I HEREBY CERTIFY THAT THE INFORMATION GIVEN ABOVE IS CORRECT.

Signed: _____

Date: _____

LACKAWANNA COUNTY
COORDINATED TRANSPORTATION SYSTEM

COUNTY OF LACKAWANNA TRANSIT SYSTEM BUILDING

C.O.L.T.S

NORTH SOUTH ROAD
SCRANTON, PENNSYLVANIA 18504

PHONE (570) 963-6795

FAX (570) 496-7726



Commissioners:

Michael J. Washo
Corey D. O'Brien
A. J. Munchak

REQUEST FOR AN ESCORT (Part 2)

In order to allow the Lackawanna County Coordinated Transportation System to evaluate your request, it may be necessary to contact a physician or other professional to confirm the information you have provided. Please complete the following information and authorization form.

(Please type or print)

Name of physician: _____

Phone Number: _____ - _____ - _____

Address: _____

Name of applicant: _____

Physician's signature: _____

Date: _____

Please return to: Lackawanna County Coordinated Transportation
COLTS
800 North South Road
Scranton Pennsylvania 18504

Lackawanna County Coordinated Transportation Use only

The passenger is permitted an escort. Yes ____ or No ____

If yes, is the escort permit- Temporary ____ or Permanent ____

If Temporary expected date of termination: _____

Authorized signature: _____

Date: _____

LACKAWANNA COUNTY
COORDINATED TRANSPORTATION SYSTEM
800 NORTH SOUTH ROAD
SCRANTON, PA 18504

PHONE (570) 963-6795

FAX (570) 496-7726

Commissioners:
Michael J. Washo
Corey D. O'Brien
A. J. Munchak

AGREEMENT

This agreement between the Lackawanna County Coordinated System (L.C.C.T.S.) a service which provides transportation for elderly and disabled individuals, and _____, an individual who rides and seeing the continuation of this service, is requesting an exception to the rules stated by the Lackawanna County Coordinated System (L.C.C.T.S.) guidelines and regulations.

WHEREAS, an individual who uses a scooter as means of transportation, must transfer from the scooter to a regular seat on the van, and,

WHEREAS, _____, is physically incapable of such transition, and is willing to release the Lackawanna County Coordinated System (L.C.C.T.S.) and its drivers from any liability when he or she is being transported as a client, which results solely from his or her failure to use a regular seat on the van.

HOWEVER, this agreement does not release the Lackawanna County Coordinated System (L.C.C.T.S.) or its drivers from any other liability due to the operation of the vehicle.

Agreement signed on this date: _____

Signed: X _____

Print: _____

Witnessed By: _____

Print: _____

SCOOTER TRANSFER Three-Point Safety Harness (Seat Belt)



**LACKAWANNA COUNTY
COORDINATED TRANSPORTATION SYSTEM & MEDICAL
ASSISTANCE TRANSPORTATION PROGRAM**

800 North South Road
Scranton, PA 18504

Medical Assistance Transportation
(570) 963-6482

Fax (570) 496-7726

Coordinated Transportation
(570) 963-6795

Commissioners:

*Michael Washo
Corey O'Brien
A. J. Munchak*

SEATBELT AGREEMENT

This agreement between the Lackawanna County Coordinated Transportation System (LCCTS) a service which provides transportation for elderly and disabled individuals, and _____, an individual who rides and seeing the continuation of this service, is requesting an exception to the rules stated by the Lackawanna County Coordinated Transportation System (LCCTS) guidelines and regulations.

WHEREAS, an individual who refuses to wear a seatbelt when riding the van, and

WHEREAS, _____, is willing to release the Lackawanna County Coordinated Transportation System (LCCTS) and its driver from liability when he or she is being transported as a client, which results solely from his or her failure to use a seatbelt on the van.

HOWEVER, this agreement does not release the Lackawanna County Coordinated Transportation System (LCCTS) or its driver from any other liability due to the operation of the vehicle.

Agreement signed on this date: _____

Signed: X _____

Print: _____

Witnessed By: _____

Print: _____

May 14, 2008

Attachment F

**Letter for Applicant Determined Not Eligible
for SEATS Service**



**LACKAWANNA COUNTY
COORDINATED TRANSPORTATION SYSTEM
COUNTY OF LACKAWANNA TRANSIT SYSTEM BUILDING
C.O.L.T.S.**

**800 NORTH SOUTH ROAD
SCRANTON, PENNSYLVANIA 18504**

PHONE (570) 963-6795

FAX (570) 496-7726

***Commissioners:*
Michael J. Washo
Corey D. O'Brien
A. J. Munchak**

Date:

Dear

Upon reviewing your application, it has been determined that you are **ineligible** for the S.E.A.T.S. program. If you feel that you have been wrongly denied, you have the right to appeal the decision. You must first contact our office of your wishes to the review board. The review board will examine your case and make a determination of your application. If you have any questions, please Contact our office @ 570-963-6795

Thank you,

**Karen McCool
Intake Coordinator**

Attachment G

LCCTS “Service Appeals Form”

**LACKAWANNA COUNTY COORDINATED TRANSPORTATION
SYSTEM, SERVICE APPEAL FORM**

NAME _____

ADDRESS _____

TELEPHONE # _____

PLEASE STATE THE REASON YOU BELIEVE LCCTS SHOULD ALLOW FOR
APPROVAL OF SERVICE.

**LCCTS WILL RESPOND WITHIN 10 BUSINESS DAYS UPON RECEIPT OF
THIS FORM.**

FOR OFFICE USE ONLY:

APPEAL FORM COMPLETED BY: _____

FORM RECEIVED ON: _____ / _____ / _____

REASON FOR DENIAL/APPROVAL: _____

RESPONSE TO CUSTOMER ON: _____ / _____ / _____

DECISION: _____

PLEASE RETURN COMPLETED FORM TO: LACKWANNA COUNTY
COORDINATED TRANSPORTATION SYSTEM, 800 NORTH SOUTH ROAD,
SCRANTON, PA 18504