



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

Headquarters

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

MAR 06 2012

Ms. Betty Wineland
Executive Director
Central Arkansas Transit Authority
901 Maple Street
North Little Rock, AR 72114

Dear Ms. Wineland:

Thank you for your response to the Federal Transit Administration's (FTA) Americans with Disabilities Act of 1990 (ADA) Complementary Paratransit Service Review of the Central Arkansas Transit Authority (CAT), which was performed from November 2-5, 2009. FTA would like to thank you and your staff for the cooperation provided during the review. At that time, you were informed that FTA would issue a draft report of the findings, on which CAT would have an opportunity to provide comment, following which a final report would be released. CAT's comments were to be included in the attachments to the final report.

Upon receiving CAT's comments to the draft report on November 1, 2011, this report is now considered a Final Report. A copy so marked is enclosed for your records. As of the date of this letter, the Final Report became a public document and is subject to dissemination under the Freedom of Information Act of 1974.

FTA recognizes that it has been over to two years since our onsite review and that changes have likely occurred in CAT's transit program. We appreciate the cooperation and assistance that you and your staff have provided us during this review. A corrective action plan will be developed in consultation with CAT, and FTA will work diligently with CAT to ensure compliance with DOT ADA regulations.

Contained within this letter is a summary of the findings of noncompliance made in the report. In order to expeditiously close-out your review and release CAT from the corrective action phase, please inform FTA within 30 days of the corrective actions CAT will undertake in response to the findings. When providing proposed corrective actions, include the planned and actual completion date of the corrective action, the current status and contact person for each corrective action, and all supporting documentation.

OPEN FINDINGS:

4.1 ADA Complementary Paratransit Service Criteria

1. The review team noted drivers' inconsistent understanding and application of the stated policy for providing origin-to-destination service. In actual practice, CAT does not appear to comply with Section 37.129(a) of the DOT ADA regulations which states must CAT to

provide service on an origin-to-destination basis and to have procedures in place to provide additional assistance beyond the curb.

2. Links Paratransit service hours are not in compliance with the DOT ADA requirements at Section 37.131(e), which requires that service be provided during the same hours and days as the fixed-route system. Service on CAT bus routes 3, 5, 12, 13, 14, 15, 17, 19, and 20 begin earlier than Links Paratransit service on weekdays and/or Sunday. Service on Route 17A ends later than Links Paratransit service on weekdays. In addition, the Blue Line of River Rail operates later than the Links Paratransit service hours on all seven days.
3. The fare for a one-way trip on Links Paratransit is \$2.70. The cash fare on CAT's fixed route buses is \$1.35, while the cash fare for CAT's streetcar service (River Rail) is \$1.00. For ADA complementary paratransit trips with an origin and destination within 3/4-mile of a River Rail station, the Links Paratransit fare exceeds the maximum allowable fare of \$2.00. This is not consistent with the DOT ADA regulations at Section 37.131(c), which states that the paratransit fare be no more than double the non-discounted fixed-route fare for a similar trip.
4. The March 2009 edition of the Handbook indicates that registered riders may not act as a PCA in order to avoid paying a fare. This is not consistent with the DOT ADA regulations at Section 37.131(c)(3). At the time of the review, CAT had not enforced this policy; nevertheless, it may not restrict who serves as a PCA for a registered Links rider
5. Links Paratransit does not negotiate pickup times in a manner consistent with the DOT ADA regulations on response time. Section 37.131(b)(2) permits Links Paratransit to negotiate pickup times with the individual, however Links cannot 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. Since Links Paratransit does not save pickup or drop-off times negotiated by the riders and call-takers, any manual changes made during the subsequent scheduling process which push the pickup/drop-off time beyond one hour of the negotiated time is inconsistent with DOT ADA regulations.
6. CAT's stated policy is that there are no trip purpose restrictions for Links paratransit trips. However, Links paratransit schedulers identified one practice in which Links may be treating trip requests differently based on trip purpose and engaging in trip prioritization. When adjusting estimated arrival times, the paratransit schedulers would tend to leave medical and work trips unchanged, while moving the estimated arrival times of trips with other purposes later than the requested appointment time. The schedulers should neither be adjusting any rider's arrival time to be later than the requested appointment time, nor should they prioritize these adjustments based on the purpose of a trip. These practices are inconsistent with Section 37.131(d) of the DOT ADA regulations.
7. CAT has a process for receiving and investigating complaints concerning Links Paratransit service. It documents the steps taken by CAT managers for most of the complaints that required action. However, CAT had no documentation of its response to riders. It appears that CAT's complaint process does not meet the requirements of 49 C.F.R. §§ 27.13(b) and 27.121(b) of the DOT ADA regulations, which require public transit providers to receive complaints from riders and keep copies of complaints on file for one year and maintain a summary of complaints on file for five years. It does not appear that CAT maintains a summary of complaints on file for five years.

4.2 ADA Complementary Paratransit Eligibility Process

1. At the time of the site visit, the only accessible format in which application materials are available is large print, although Braille and audio tape were listed as options on the Links Certification Form. Section 37.125(b) of the DOT ADA regulations states that all

information related to eligibility and the eligibility-determination process must be made available in accessible formats, upon request. While materials do not need to be in the particular format that an individual may prefer, they must be in a format that the individual can use. Large print does not meet the needs of all potential applicants.

2. CAT requires individuals who have been determined to be eligible for Links service to obtain a photo ID card at the CAT office, and incorrectly charges a fare to individuals who use Links for the trip to obtain their ID card. This requirement prevents individuals who have been determined eligible from receiving service due to the lack of an ID card and represents a capacity constraint, delays the effective date of eligibility and violates the prohibition against application fees and special charges found in Section 37.5 of the DOT ADA regulations.
3. CAT must make eligibility determinations based on the individual's functional ability to use fixed-route transit, and not use the applicant's home address as a basis for denying eligibility. Appendix D to Part 37, under Section 37.131, states that an eligible user who lives outside the service area must be picked up if they can find a way to get to a pickup point within the corridor. The DOT ADA regulations require complementary paratransit service be provided between any origin and destination point within the service area.
4. Based on a review of a sample of application files for individuals who had been denied ADA paratransit eligibility between March 2008 and October 2008, letters that CAT used to notify individuals that they are not eligible did not include specific reasons for the decisions as required by Section 37.125(d). The DOT ADA regulations require that eligibility determinations must be in writing, and if applicants are found to be ineligible, the determination must state the specific reasons for the finding. Appendix D further explains that the determination cannot merely state that the person has been found to be able to use fixed route service.
5. The letter that CAT sends to applicants who receive full (unconditional) eligibility does not include the expiration date for eligibility, as required by Section 37.125(d).
6. The letters that CAT sends to applicants who receive temporary eligibility or are denied eligibility do not include information about the appeals process as required by Section 37.125(d). Since temporary eligibility is a condition that limits eligibility, the notification letter must inform individuals of their right to appeal the decision.
7. CAT's committee that hears Links eligibility appeals includes the Director of Transportation and the Executive Director. However, the Director of Transportation is also one of the two individuals who makes initial eligibility determinations. Furthermore, he reports to the Executive Director. This arrangement is inconsistent with Section 37.125(g) of the DOT ADA Regulations and Appendix D. The eligibility process must include appropriate separation of functions, which means the same person must not decide the case on appeal. Additionally, the individuals who hear the appeal should not be a supervisor or subordinate of an individual who made the initial decision.
8. CAT's written no-show policy imposes suspensions of service on riders who fail to appear for a scheduled trip three times in a period of 6 months. This threshold for a potential service suspension unreasonably limits service to ADA eligible riders. Appendix D to the DOT ADA regulations at Section 37.125 states that suspension of service for no-shows are intended to prevent "a pattern or practice of 'no-shows'" and further notes, "a pattern or practice involves intentional, repeated or regular actions, not isolated, accidental or singular incidents."
9. CAT's appeal policy for suspensions of service requiring rider's to submit an appeal in writing within 10 days of the date of the suspension notice imposes an unreasonable administrative burden inconsistent with the requirements outlined in Appendix D to Section 37.125. The DOT ADA regulations require that the appeal process used for eligibility appeals

shall be available for appealing no shows for suspensions of service. Riders must be allowed to challenge charges of a no-show or short-notice cancellation over-the-phone and in-person, rather than requiring a written submission.

4.3 Telephone Access

1. Riders may make trip reservations during any hour when Links Paratransit staff is in the office. After 1 p.m. on Saturday and all day Sunday, Links Paratransit does not accept reservations. Also, on six holidays, the Links office is closed, and thus does not accept reservations for next-day trips. These policies and procedures are inconsistent with §37.131(b)(1).

4.4 Trip Reservations and Scheduling

1. CAT has a goal of a maximum of 2 percent denials on a monthly basis. It plans to eliminate denials within 3 years. These goals are not in compliance with the DOT ADA regulations concerning trip denials. The DOT ADA regulations at Section 37.131(f)(3)(i)(B) prohibit CAT from limiting the availability of paratransit service by a pattern or practice that significantly limits the availability of service to eligible individuals, including substantial numbers of trip denials. CAT must not plan for any level of denials other than zero.
2. CAT does not provide its riders with the ability to request trips on Saturday afternoon for Sunday; on Sunday for Monday trips; or on holidays for trips on the day after the holiday. The DOT ADA regulations at 49 C.F.R. § 131(b) requires that CAT provide paratransit service to eligible individuals in response to a request made the previous day.
3. When scheduling trip requests, Links staff explicitly prioritizes requests by how far in advance a rider makes the request. Links makes efforts to schedule and serve all trip requests made 10 to 14 days in advance, and it cannot guarantee all trips made that far in advance. These customers are guaranteed a ride, either by Links vehicle or by taxi. Trip requests made 9 or fewer days in advance, including all trips for next day service, are not guaranteed a ride. This practice violates DOT ADA regulations at Section 37.131(b) which requires an entity to schedule and provide a trip in response to a request made the previous day.

4.5 Service Performance

1. At the time of the review, CAT did not negotiate pickup or drop-off times to ensure that offered pickup times did not require a Links customer to begin a trip more than an hour before or after the desired departure time or get to appointments late (when appointment times were known). On the day before service, riders receive a call with their pickup times. If they want a different time, they must call dispatch on the morning of service. The adjustment of requested pickup and/or drop-off times by Links schedulers outside of the pickup window without the rider's knowledge or consent does not constitute a negotiation consistent with FTA technical assistance and the DOT ADA regulations at Section 37.131(b)(2).
2. At the time of the review, Links schedulers actively prioritized and attempted to schedule only those trips requested 10 days or more in advance, and it could not guarantee all trips scheduled that far in advance of service. Such trip requests not scheduled by the day before service are placed on the Wait List and scheduled during the day of service—if necessary, to taxi contractor. In contrast, any trips requested less than 10 days in advance and not scheduled by the day before service—including all requests for next day service—are denied. These failures to schedule and provide next day service and patterns or practices of trip denials violate Sections 37.131(b) and 37.131(f)(3)(A) of the DOT ADA regulations.

3. Links staff stated that instances of a scheduled pickup time being more than 60 minutes from the requested time occur "very infrequently." CAT was not aware that these constitute trip denials and not consistent with the DOT regulations at Section 37.131(b)(2). When this happens, CAT asks the rider to call dispatch on the day of service to try to make an adjustment.

Please provide your response within 30 days of this letter. Should you have any questions about the enclosed report or this letter, please contact Mr. Aaron Meyers of my staff at (202) 366-3055 or via email at aaron.meyers@dot.gov. Thank you.

Sincerely,



John Day
ADA Team Leader
FTA Office of Civil Rights

Enclosure

cc: Linda Ford, Acting Director, FTA Office of Civil Rights
Monica McCallum, Regional Operations Division Chief, FTA Office of Civil Rights
Robert C. Patrick, FTA Regional Administrator for Region VI
Adia Douglas, Acting Regional Civil Rights Officer, FTA Region VI
David Chia, Planners Collaborative, Inc.