

Fresno Area Express

Fresno, CA

**ADA Complementary Paratransit Service
Compliance Review**

December 10-13, 2007

Summary of Observations

Prepared for

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

Prepared by

Planners Collaborative, Inc.

With

TranSystems Corp.

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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 Fresno Area Express (FAX) from September 10 to 13, 2007. 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 FAX's 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)).

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 eligibility determinations are 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 between origins and destinations within $\frac{3}{4}$ of a mile of fixed bus routes and between points within a $\frac{3}{4}$ -mile radius of two different rail stations. Section 37.131(b) requires that next-day service be provided. Section 37.131(c) limits ADA complementary paratransit fares to no more than twice the full fixed route fare for a comparable trip. Section 37.131(d) requires that ADA complementary paratransit service be provided without restrictions or priorities based 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 complementary paratransit plans address efforts to coordinate with other public entities that have contiguous or overlapping ADA complementary paratransit service areas.

The review also examined FAX's ADA complementary paratransit service with respect to the requirements related to eligibility determinations, rider assistance policies, and ADA complementary paratransit service criteria.

This report summarizes the observations and findings of the on-site review of FAX's ADA complementary paratransit service. Chapter 2 explains the approach and methodology used to conduct the review. Chapter 3 then describes key features of transit services provided by FAX fixed route bus and ADA complementary paratransit service. Chapter 4 summarizes the findings that are presented at the end of the remaining chapters. Chapter 5 includes observations and findings related to rider assistance policies, service area, fares, trip purposes, days and hours of service, and coordination with other public transit entities. Observations and findings related to the eligibility determination process are presented in Chapter 6. Chapters 7-10 cover findings and observations on telephone service, reservations, service performance, capacity constraint prohibition and resources. Recommendations for addressing some of the findings are also provided.

FAX was provided with a copy of the report for review and response. A copy of the correspondence received from FAX on May 23, 2012, documenting their response to the 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 FAX. 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 FAX's standards for on-time performance, trip denials, travel times, and telephone service

FTA requested that FAX make additional information available during the on-site visit. This information included:

- Copies of completed driver manifests for the six months prior to the review 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 FAX
- 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 December 10 to 13, 2007. The on-site review began with an opening conference, held at 9 a.m. on Monday, December 10, 2007. In attendance were the following:

Ken Hamm	FAX
Greg Eisner	FAX
Carlos Duarte	FAX
Paul Kwiatkowski	MV Transportation
David Chia	Planners Collaborative
Russell Thatcher	TranSystems
Rosemary Gerty	TranSystems

Also taking part in the opening conference by telephone were Jonathan Klein and David Knight of FTA's Office of Civil Rights.

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

- Preliminary findings and an opportunity to respond would be provided at a closing meeting on Thursday, December 13
- A report would be provided to FAX for review and comment
- FAX's comments would be incorporated into a final report, which would become a public document

Mr. Hamm described steps that FAX had taken to evaluate and improve "Handy Ride," FAX's ADA complementary paratransit service: ending and then renewing the contract of its contractor, MV Transportation ("MV") in early 2007; and hiring an outside consultant (Roy Glauthier) to evaluate Handy Ride service. He also introduced Mr. Eisner, who recently became the FAX manager overseeing Handy Ride, and Mr. Kwiatkowski, who was MV's new project manager for Handy Ride.

Mr. Chia, review team leader, described the objective of the review to identify significant impediments, if any, to people with disabilities receiving the service to which they are entitled under ADA, and to assist FAX in improving service if warranted. He described the scope of the review as including review of policies, procedures, and 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. The review proceeded generally in accordance with the review schedule.

An exit conference was held at 1 p.m. on Thursday, December 13, 2007. Attending the exit conference were:

Ken Hamm	FAX
Greg Eisner	FAX
Paul Kwiatkowski	MV Transportation
Dwight Brashear	MV Transportation
David Chia	Planners Collaborative
Russell Thatcher	TranSystems
Rosemary Gerty	TranSystems

Also taking part in the opening conference by telephone was Jonathan Klein, David Knight, and Susan Clark of FTA's Office of Civil Rights. Mr. Klein opened the exit conference by thanking FAX and MV staff for their cooperation in the review. He discussed the purpose of the review and the timetable for transmitting a report to FAX and issuing a Final Report for this review.

The review team members 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, personnel, and financial resources)

The review team thanked FAX staff for their cooperation during the review.

3 Background

The Fresno Area Express (FAX) is operated by the City of Fresno. The Director of Transportation, who reports to the mayor, heads FAX. FAX's administrative office and bus maintenance facility are in Fresno at 2223 G Street, part of the city government's campus.

At the time of the review FAX operated fixed route bus service over 21 routes throughout Fresno and the adjoining City of Clovis (northeast of Fresno). In Clovis, FAX bus services overlapped with Clovis "Stageline" bus service, which consisted of five fixed routes. FAX is the direct operator of its fixed route service. According to 2007 State of California estimates, the population of the City of Fresno was 481,035. The FAX service area (2007 National Transit Database) is 133 square miles. Its fixed route fleet consisted of 91 buses. All buses were lift-equipped with wheelchair lifts. On weekdays, most routes operate between 5:50 a.m. and 10 p.m., although two routes operate beyond 11 p.m. Service is more limited on weekends, with most routes operating between 6:30 a.m. and 7 p.m.

According to the National Transit Database (NTD), in FY 2007, FAX provided 12,080,347 passenger trips on its fixed route service. The buses traveled 3,705,884 vehicle miles over 978,444 revenue hours.

In FY 2007, the total operating budget for FAX was \$38.3 million; it had \$39.3 million in operating revenue. The largest source of operating revenue was state funds (\$14.8 million, 38 percent). Federal assistance comprised 34 percent (\$13.5 million) and local funds comprised 7 percent (\$2.6 million). Fares comprised 20 percent of operating revenue (\$7.9 million).

3.1 Description of ADA Complementary Paratransit Service

FAX operates Handy Ride paratransit service to fulfill its obligation to provide ADA complementary paratransit service. Handy Ride operated seven days a week with service hours: 5:30 a.m. to 9 p.m. on weekdays and 6:30 a.m. to 7 p.m. on weekends. The service area included the entire City of Fresno plus any area in Clovis or other portions of Fresno County that were within ¾-mile of a FAX bus route.

At the time of the review, FAX accepted requests for trip reservations either one or two days in advance. Reservations were taken seven days a week from 8 a.m. to 5 p.m. When making a trip request, a rider could request either a pickup or drop-off time. Subscription service was available for any recurring trip (same origin and destination, same time) at least once per week. FAX allowed riders to request will-call trips for medical appointments only; pickup was offered within 90 minutes of the call.

Page 29 of *The Handy Ride Guide to Ride* September 2011 issue (*The Guide*) defines Handy Ride service as "curb to curb" meaning that passengers are picked up at the curb in front of the departure point and dropped off at the curb in front of your destination. FAX makes what it calls "exceptions" to its general curb to curb policy and states that drivers will provide assistance to riders are unable to negotiate the path of travel to and from the vehicle due to making it

unusually difficult to travel to and from the vehicle. Riders are instructed to notify FAX at the time of scheduling if this assistance is needed.

In FY 2006, FAX reported that it provided 175,935 unlinked paratransit passenger trips. In FY 2007, it reported 208,554 unlinked paratransit passenger trips, or 700 to 800 per weekday.

Handy Ride Contractors

At the time of the review, FAX had a contract with MV Transportation to operate Handy Ride service. The contract began in November 2005 and ran to December 2010. Payment to MV was based on a combination of vehicle service hours provided plus monthly fixed costs. MV operations were located in a building owned by FAX at 1330 E. El Dorado, less than a half-mile from the FAX administrative offices. With the exception of eligibility determinations, MV staff members were responsible for all aspects of Handy Ride operations, including maintenance of Handy Ride vehicles, all of which were owned by FAX. At the time of the review, FAX had a contract with St. Agnes Hospital to assist in conducting eligibility determination for Handy Ride service.

At the time of the review, MV used a local taxi company to provide about 10 percent of Handy Ride trips for ambulatory riders. FAX and MV anticipated reducing this percentage during 2008.

3.2 FAX ADA Complementary Paratransit Performance Standards

At the time of the review, FAX had established performance standards for trip denials, telephone hold time, on-time performance, carrier missed trips, travel time, will-call wait time, and passenger no-shows. There was no window or standard for on-time drop-offs. The stated service standards were:

- **Denials:** “zero denials.” FAX defined a denial as “failure to negotiate an acceptable trip within ADA guidelines.”
- **Telephone hold time:** monthly average of 90 seconds for “average time telephone calls to the Handy Ride call center are kept on hold.” The MV contract included a \$500 monthly incentive for an average hold time of less than 60 seconds and a \$500 monthly penalty for an average hold time of greater than 120 seconds.
- **On-time pickups:** the on-time window was 5 minutes before to 30 minutes after the scheduled pickup time (-5/+30). The on time performance standard was 90 percent of pickups within the window.
- **Carrier missed trip:** no “service delivery failures” were allowed for “failure to arrive within 61 minutes after the scheduled pickup time, whether or not the passenger is transported.”
- **Travel time:** 75 percent of trips should be 60 minutes or less; 100 percent of trips should be 90 minutes or less.
- **Will-call wait time:** 90 percent of will-call pickups should take place within 90 minutes after a passenger’s call for a will-call pickup.

- **Contractor incentives/Penalties for Passenger no-shows:** FAX stated that it planned to implement the standards presented in Table 3.1, effective January 2008. FAX's rationale for penalizing MV for passenger no-shows was that it would give MV an incentive to make an effort to locate a rider and not be so quick to declare a no-show.

Table 3.1 – Standards for Passenger No-Shows

Year	Monthly Standard	\$18.50/ no-show penalty	\$2500 monthly bonus
2008	5%	>6%	<4%
2009	4%	>5%	<3%
2010	3%	>4%	<2%

- **Vehicle productivity:** FAX stated that it planned to implement the standards presented in Table 3.2, effective January 2008

Table 3.2 – Standards for Vehicle Productivity

Year	Monthly Standard (Pass. Trips per Veh. Hour)	\$2500 monthly penalty	\$2500 monthly bonus
2008	2.0	<1.9	>2.1
2009	2.1	<2.0	>2.2
2010	2.2	<2.1	>2.3

- **Vehicle service miles per passenger trip:** standard is 6.0 miles or less per passenger trip

Passenger no-shows are discussed in greater detail in Chapter 9 of this report.

3.3 Consumer Comments

Prior to and during the on-site visit, the review team gathered comments from consumers. Review team members conducted telephone interviews with Handy Ride riders and reviewed customer complaints on file with FAX.

Formal ADA Complaints Received by FTA

FTA received two written complaints concerning FAX's Handy Ride service. In June 2006, a complainant writing on behalf of a rider cited concerns on driver behavior and telephone access and claimed that FAX's ADA Advisory Committee does not let everyone speak or vote.

FTA received another complaint in September 2006 from a Handy-Ride rider involving late pickups and telephone access. The complainant also raised concerns about FAX's complaint process.

Please refer to Sections 7, 9 and 10 of this report for further information about the content of the complaints received by FTA.

Consumer Interviews

Prior to the review team's site visit, review team members conducted telephone interviews with nine users of FAX's Handy Ride service. 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

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 FAX

FAX received consumer comments about Handy Ride verbally or in writing. Passengers were encouraged to submit written comments on (1) driver appreciation nominations; (2) service compliments; and (3) service inquiries/complaints. FAX defined "formal complaints" as written, signed complaints and "inquiries" are unsigned complaints about service. If needed, a FAX Complaint Coordinator was available to assist with preparation of the customer complaints. Copies of the forms are included as Attachment C.

The inquiry/complaint process included the following steps which were also described in the *The Guide (Pages 30-31)*:

- When FAX receives a signed letter or completed Inquiry/Complaint Form, the complaint coordinator assigns a log number and the information is entered into a computerized customer service database. If a formal complaint is submitted, a standard letter acknowledging receipt of the complaint is sent to the individual.
- Within 10 business days of receiving a signed complaint the Handy Ride site manager is to conduct an investigation and return an "Inquiry/Complaint Form Response" to FAX. For inquiries, the Handy Ride site manager has 20 days to conduct an investigation.
- FAX staff prepares a personalized written response to be sent to individuals who filed signed complaints.
- Within 60 days of sending FAX's written response, a FAX representative contacts the complainant.

While on site, the review team examined customer comments about Handy Ride service that had been filed with FAX from January through October 2007. There were 59 “formal complaints” and 75 “inquiries” recorded during that period (see Table 3.3). Between April 12 and 18, 2007, Handy Ride submitted 57 Inquiry/Complaint Form Responses to FAX, consisting of a mix of formal complaints and inquiries. The review team noticed that 37 response letters were issued to customers on June 4 and 5, 2007. There was no evidence of FAX sending initial acknowledgement letters to customers during that period. FAX staff indicated that they had worked with MV to catch up on aging complaints and inquiries. FAX had suspended responding to complaints and resumed responding in October 2007.

Table 3.3 – Handy Ride Complaint History: January to October 2007

FORMAL COMPLAINTS	
Late pickup (initial trip)	14
Driver related	12
Late pickup (return trip)	8
Dispatcher-related	5
Unsafe driving	3
Not on schedule	1
Other	16
Total Formal Complaints	59
INQUIRIES	
Driver related	24
Late pickup (initial trip)	16
Dispatcher-related	12
Late pickup (return trip)	4
Unsafe driving	2
Eating/drinking on bus	2
Other	15
Total Inquiries	75
TOTAL	134

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. To meet the requirements of § 27.13(b) and §27.121(b) of the DOT ADA regulations, FAX must establish a process to receive complaints from riders, 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.
2. At the time of the review, FAX provided Handy Ride service from 5:30 a.m. to 9 p.m. on weekdays and 6:30 a.m. to 7 p.m. on weekends; however, FAX had eight bus routes in service beyond these hours. To meet the requirements of §37.131(e) of the DOT ADA regulations, FAX must make Handy Ride service available throughout the same hours and days as FAX's fixed route service. FAX must ensure that eligible riders are made aware of the change, direct reservationists to accept trip requests for these later trips, direct contractors to adjust the scheduling software to recognize these trips as eligible trips, and ensure that contractor(s) have vehicles and drivers available to provide these trips. As part of FAX's response to this finding, please provide a copy of the directive(s) and revised public information to FTA.
3. At the time of the review, the regular fixed-route fare was \$1.25 and the Handy Ride fare was \$1.50. However, FAX operated a free Downtown Circulator "trolley" (a trolley-replica bus) provided at no charge by the City of Fresno. To meet the requirements of §37.131(c) of the DOT ADA regulations, FAX cannot charge a fare for any Handy Ride trip that has both its origin and destination within ¾-mile of the Downtown Circulator route. Alternatively, FAX may develop a methodology for determining an area in which the comparable fixed route trip would most likely be taken on the Circulator instead of the full-fare fixed route system. If FAX elects to develop its own methodology, it must be broad enough to encompass trips between all origins and destination that a typical fixed route rider is likely to take using the Downtown Circulator.
4. *The Guide* (Page 29) defines Handy Ride service as "curb to curb," and states that FAX will make "exceptions" to its general curb to curb policy and that drivers will provide assistance to riders "unable to negotiate the path of travel to and from the vehicle because of conditions that are disability-related" or in cases of "an obstruction or condition making it unusually difficult to travel from the point of origin out to the curb or from the curb, or from the drop off curb destination." Riders are instructed to notify FAX at the time of scheduling if this assistance is needed. To determine whether FAX is meeting its obligations under §37.129(a) of the DOT ADA regulations, FTA requests additional information clarifying how an eligible

rider is to request origin-to-destination service, FAX's definition of "unusually difficult" conditions or circumstances, and the policy for assistance at locations to which a rider has not yet traveled, where it will not be possible to anticipate obstructions or provide advance notice. As part of FAX's response to this finding, please submit the requested information to FTA.

4.2 ADA Complementary Paratransit Eligibility

1. *The Guide* at the time of the review and as of September 2011 (Page 11), states that eligibility is limited to "Fresno residents." At the time of the review, FAX staff stated that applications were accepted from individuals who reside outside of Fresno and staff agreed to remove the reference to Fresno residents from public information. To meet the requirements of §37.131(a) of the DOT ADA regulations, FAX must remove the reference to Fresno residents from public information and provide a copy of the public information to FTA.
2. To meet the requirements of §37.125(c) of the DOT ADA regulations, FAX must revise its public information to inform applicants and prospective applicants that if FAX has not made an eligibility determination within 21 calendar days, presumptive eligibility will be provided on the 22nd day until and unless FAX denies the application. If FAX requires eligible riders to obtain a photo ID card prior to using Handy Ride service, FAX must allow adequate time for the card to be obtained so the applicant may use the service beginning on the 22nd day after FAX receives a complete application. To meet its obligations under §37.5, which prohibits the imposition of special charges for riders with disabilities, FAX must provide free transportation for trips required to obtain the Handy Ride ID Card. Developing a system for tracking milestones in the application process, including the date that FAX receives a complete application and the date that a determination letter is mailed, is essential to granting presumptive eligibility as required.
3. To meet the requirements of the DOT ADA regulations at §37.125(d), FAX must revise its eligibility determination letters that deny eligibility and those granting conditional or temporary eligibility to state the specific reason(s) for the finding. Appendix D explains that for persons granted eligibility, the determination must list any conditions or limitations on the individual's eligibility and in the case of a denial the reasons must be specified and "the reasons must specifically relate the evidence in the matter to the eligibility criteria of the rule and of the entity's process. A mere recital that the applicant can use fixed route transit is not sufficient." At the time of the review, letters sent to applicants who were found not eligible for Handy Ride service included the standard statement "you are not eligible for Handy Ride under the guidelines of the Americans with Disabilities Act (ADA) and are able to use regular FAX city bus service." Determination letters denying eligibility and those granting temporary eligibility or conditional eligibility must indicate that applicants can appeal the decision and must provide information on the appeal process. FAX must revise or create these letters and send a representative sample to FTA for review.
4. At the time of the site visit, FAX appeared to deny eligibility for paratransit service based on the proximity of a bus stop to an applicant's place of residence. Applicants' abilities to travel longer distances to reach bus stops or destinations throughout the service area did not appear to have been considered, though the lack of required specificity in the denial letters prevented the review team from confirming this. To meet the requirements of §37.125 of the DOT

ADA regulations, FAX must revise its eligibility determination process to ensure that eligibility determinations are based on an individual's functional abilities to use fixed route service rather than their proximity to a bus stop. Eligibility determinations must consider an applicant's ability to travel between any origin and destination within the service area. Not all trips that an applicant may make will begin at home, and environmental conditions that may interact with a rider's disability to prevent use of the fixed route service (terrain and lack of curb ramps, for example) are not necessarily identical to those surrounding the stop that is closest to the individual's home. FAX must direct employees and contractors to cease denying eligibility based on the proximity of an applicant's residence to a bus stop and the ability of an applicant to get to that one bus stop. As part of FAX's response to this finding, FAX must inform similarly-situated riders whose eligibility was denied on these grounds that they may reapply for eligibility. Please submit copies of the directive(s) and information sent to similarly situated riders to FTA.

5. At the time of the review, FAX appeared to deny eligibility for paratransit to applicants who indicated that they were sometimes able to use fixed route service under certain conditions. While the lack of required specificity in the denial letters prevented the review team from determining the specific reason(s) for each denial, this occasional use of fixed-route service appeared to be the major factor. To meet the requirements of §37.125, FAX must revise its eligibility process to either grant conditional eligibility to applicants who are able to make some trips under some conditions on the fixed route system, or to grant full (unconditional) eligibility to such applicants. If an applicant states that he or she can use fixed route under certain conditions, then the applicant should be considered a candidate for conditional eligibility, rather than being denied eligibility outright. FAX must direct employees and contractors to cease denying an individual overall eligibility based on occasional use of fixed route service or an applicant's interest in travel training. As part of FAX's response to this finding, please provide copies of the directive(s) to FTA.
6. At the time of the review, FAX appeared to deny eligibility for paratransit service on the basis of an applicant's use of a power wheelchair. While the lack of required specificity in the denial letters prevented the review team from determining the specific reason(s) for the denial, this, in conjunction with the applicant's occasional use of the fixed route system and the failure of the eligibility process to consider environmental factors, appeared to be a primary factor. In this case, conditional eligibility for trips when the interaction of an applicant's disability and environmental or architectural barriers prevents traversing an unsafe or inaccessible path-of-travel to or from bus stops would have been the appropriate determination. To meet the requirements of §37.123(e)(3), FAX must revise its eligibility determination process to ensure that its process considers applicants' inability to get to or from fixed route bus and rail service as a functional limitation. FAX must direct employees and contractors to consider applicants' inability to get to or from fixed route bus and rail service as a functional limitation, and to cease denying overall eligibility on the basis of an applicant's use of a manual or power wheelchair. As part of FAX's response to this finding, please provide copies of the directive(s) to FTA.
7. Section II of the paratransit eligibility application in use as of October 2011 suggests that FAX's process may not consider the inaccessibility of bus stops as a potential architectural barrier to using fixed route service. To meet the requirements of §37.123(e)(2) and §37.123(e)(3) of the DOT ADA regulations, FAX's eligibility process must consider the

inaccessibility of bus stops as a potential barrier to the use of fixed route service. To meet the requirements of §37.125(g)(2), FAX's eligibility process must consider the inaccessibility of bus stops (and the path of travel to and from bus stops) as a potential barrier even after "*all regular FAX transit buses are ADA accessible with a passenger lift or ramp.*" FAX must direct employees and contractors to consider the inaccessibility of bus stops and surrounding pedestrian infrastructure as barriers to using fixed-route service, and provide a copy of this directive to FTA.

8. To meet the requirements of §37.125(g)(2), FAX must cease requiring a written appeal as stated in *The Guide* (Page 13). FAX may require applicants to file a declaration of appeal within 60 days of receipt of the adverse decision; however, the practice of requiring applicants to prepare a written appeal as a precursor to obtaining the required opportunity to be heard and to present arguments and information is a prohibited unreasonable administrative burden which could also dissuade applicants from exercising their appeal rights. This declaration of appeal could be a one-page form developed by FAX and provided to applicants along with denial, conditional, or temporary eligibility letters, for the applicant to sign and return. As part of FAX's response to this finding, FAX must direct staff and contractors to cease requiring written appeals; revise its eligibility material, denial and conditional letters and public information to replace the requirement for a written appeal with information about the hearing process; and include these changes in the next revision of *The Guide*. If FAX elects to develop an appeal form as described, please provide a copy to FTA.
9. To meet the requirements of §37.125(g), FAX must develop a process and procedure for tracking eligibility appeals and appeal decisions. At the time of the review, FAX had no information to provide to the review team on the number of appeals requested, decisions reversed, decisions upheld, and decisions remanded to FAX for reconsideration. FAX staff stated that the appeal process had never proceeded to the second level and the ADA Eligibility Review Committee had never convened. FAX must develop a process and procedure for tracking eligibility appeals and appeal decisions. Tracking information on the number and disposition of appeals is important in the event that a complaint is filed with FAX or with FTA, and failure to track this information prevents FAX from identifying trends or procedural flaws and from making improvements in its eligibility determination process. As part of FAX's response to this finding, FTA requests information on the number of appeals requested, decisions reversed, decisions upheld, and decisions remanded to FAX for reconsideration during the past six months. FTA will also require a current copy of the FAX organizational chart and reporting structure, and a listing of the ADA Eligibility Review Committee members and professional affiliations to permit FTA to determine whether the process meets the requirement for separation of function.
10. *The Guide* (Page 11) indicates that FAX's visitor eligibility process does not confer visitor eligibility on individuals with disabilities meeting the regulatory definition of a visitor who are not certified by other public transit systems. This process must be revised. Section 37.127(d) 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. Please provide a copy of the revised policy and process to FTA, and include the new policy in the next revision of *The Guide*.

4.3 Telephone Access

1. The monthly average hold time for telephone performance for the 11 months prior to the review exceeded FAX's 90-second standard. For three of the 11 months, the average hold times exceeded the penalty threshold of two minutes. Use of monthly averages as a performance standard can mask individual call times and periods of poor performance during the month; it is possible to meet a monthly average standard while still experiencing significantly longer hold times at specific times of day and/or on specific days of the week. To meet the requirements of §37.131(f) to operate Handy Ride service without any operational pattern or practice that significantly limits the availability of service, the maximum allowable hold time standard must be set to avoid significantly long hold times. Telephone hold times must be regularly tracked and monitored against this standard to give FAX information necessary to adjust staffing in reservation to avoid a pattern or practice of significantly long hold times. Once performance standards for phone performance are established, FAX must establish a policy or procedure to regularly monitor performance and adjust reservationist staffing to meet the standards. As part of FAX's response to this finding, please provide a copy of the revised performance standard and monitoring procedure to FTA.

4.4 Trip Reservations and Scheduling

1. At the time of the review, FAX was not properly recording trip denials, resulting in an undercount of denied trips. During the review, the review team observed a total of 214 trip requests, of which 14 resulted in denials; this resulted in a denial rate of 6.5 percent. However, not all of the observed denials were recorded as such by Handy Ride personnel, such as a rider's acceptance or decline of trip times more than one hour from the requested trip time or when no trip was available. To meet the response time requirements of §37.131(b), FAX must revise its policy and count and track as denials any outright inability to serve trip requests, including any trip which it cannot schedule within one hour before or after the eligible riders desired departure time (even if accepted by the rider). If only one leg of a round trip can be reserved and the rider declines the trip, it must be tracked as two denials. FAX must track and report this information to FTA. FAX must direct contractor(s) to re-train reservation agents to record trip denials and establish a procedure for reviewing reservation practices to ensure these denials are counted as denials and provide a copy of the directive to FTA. As part of FAX's response to this finding, FTA requests the number of ADA paratransit trips requested, scheduled, provided, and denied for the past six months and FAX's plan to eliminate all ADA trip denials.
2. For certain trip requests with no offer from Trapeze within 60 minutes, reservation agents confirmed the trips, but left them as "unscheduled." Based on review team observations, reservationists were more likely to confirm medical trips. Section 37.131(d) prohibits restricting or prioritizing ADA trip requests based on trip purpose. FAX must establish consistent policies to ensure that reservations agents are not prioritizing trips in this manner.

Given the large number of trips that were “unscheduled” going into the service day at the time of the review, FTA requests additional information on the policies in place to ensure these trips on the unscheduled list are actually scheduled, and that this “unscheduled list” is not a prohibited waiting list. As part of FAX’s response to this finding, please provide a copy of the policies, directive(s), and information to FTA.

3. Based on review team observations at the time of the review, reservationists did not provide an opportunity for passengers to negotiate pickup times. MV Transportation (MV), FAX’s contractor, had set up the Trapeze software to offer a single pickup time in response to a trip request, and the reservation agents were trained to provide the caller with a single pickup time in response to the trip request. If the caller asked, the agent might search for another available time. The caller could also request another pickup or drop-off time, and the reservation agent would search for another pickup time. Section 37.131(b)(2) of the DOT ADA regulations permits transit systems to negotiate pickup times with ADA paratransit passengers, but prohibits requiring the individual to schedule a trip more than an hour before or an hour after his scheduled time. FAX must direct employees and contractors to revise procedures to ensure that passengers are able to negotiate pickup times and to include this information in training material for new reservationists. In response to this finding, FAX must provide a copy of the directive to FTA.
4. *The Guide* (Page 20) states that FAX provides “will call” service for medical trip purposes, describing it as a “call when ready” service that will accommodate trips within 90 minutes. The number of “will call” trips accommodated each day is limited to a maximum number determined by Handy Ride supervisors and dispatchers, based on the number that they feel Handy Ride could accommodate without negatively impacting the scheduled service, and approved by FAX. To determine whether FAX is meeting its obligations under the DOT ADA regulations, FTA requests updated information on how FAX currently operationalizes “will call” trips, including FAX’s most recent analysis of the impacts on FAX’s ability to provide next-day ADA trips. This information should be provided to FTA as part of FAX’s response to this finding.

4.5 Service Performance

1. At the time of the review, FAX did not conduct an independent review of MV Transportation’s (MV) reported on-time performance. To meet the requirements of §37.131(f)(3)(i)(A), FAX must monitor contractor performance to ensure that Handy Ride service is provided without substantial numbers of significantly untimely pickups for initial or return trips. For the six months from June to November 2007, MV’s reported monthly on-time performance ranged from 93.3 percent to 94.8 percent. However, this reported performance included neither will-call trips (which had a window of 0/+90 minutes after the call requesting a pickup) nor trips provided by MV’s taxi subcontractors, which provided 10.7 percent of the trips during these six months. MV did not provide data on pickup or drop-off times for the taxi trips. A plan for monitoring service performance is needed, including requiring contractors to collect, measure, and report accurate data on pickup and drop-off times of subcontractors. If MV’s taxi subcontractors provide a portion of the Handy Ride trips, MV must not be permitted to exclude performance of its subcontractors from its on-time performance reports. Performance of will-call trips must be collected, tracked and

monitored for both contractor and subcontractors. As part of FAX's response to this finding, please provide a copy of the revised service performance monitoring plan to FTA for review.

2. At the time of the review, FAX did not require MV to regularly measure or report on-board travel time. According to *The Guide (Page 21)*, "normally a trip should not exceed more than 90 minutes" and "Individuals may expect that a trip taken on Handy Ride would compare in length to the same the same trip taken on the FAX fixed route system." To meet the requirement of §37.131(f)(3)(i)(C), FAX must monitor contractor performance to ensure that Handy Ride service is provided without substantial numbers of trips with excessive trip length. A plan is needed for monitoring the on-board time that Handy Ride riders experience to determine whether on-board times are comparable with fixed route ride time, including requiring employees and contractors to collect, measure, and report accurate data regarding on-board time. As part of FAX's response to this finding, please provide the requested information to FTA.
3. To meet the response time requirements discussed in Chapter 8, FAX must schedule pickup times that honor the pickup window communicated to the customer. During manual scheduling, the primary scheduler allowed Trapeze to ignore the pickup time that had been negotiated with the customer. This practice resulted in trips being rescheduled at times that differed from the pickup time previously negotiated with the customer. FAX must require staff and contractors to protect the pickup window, refrain from making any changes unless the customer consents, and document contact with the customer; direct employees and contractors to limit any changes to pickup times to no more than one hour before or after the customer wishes to travel; and require employees and contractors to include this information in any training of new schedulers or dispatchers. As part of FAX's response to this finding, please provide copies of the directive(s) to FTA.
4. At the time of the review, FAX's no-show suspension policy did not appear to make distinctions between no-shows within a rider's control, those due to circumstances beyond the rider's control and those due to system error. FAX must revise its no-show suspension policy as follows:
 - The vehicle must arrive within the pickup window and the vehicle operator must wait 5 minutes, per FAX's policy, before a no-show is declared
 - No-shows that are not within the customer's control will not be counted against the rider
 - The advance notice of the proposed suspension must be provided in writing and the number of days of advance-notice must be specified
 - Riders' frequency of use must be taken into account, to ensure that sanctions are imposed only for a pattern or practice of missing scheduled trips and not isolated accidental or singular incidents
 - The length and reasonableness of both proposed suspensions which "range from 5 to 30 days," and "subsequent suspensions" must be clarified.

FTA requests that FAX provide a copy of its analysis justifying that "Five NO-SHOWS within a one-month period" may constitute a pattern or practice of missing scheduled trips, and the current no-show rate for Handy Ride ADA service. As part of FAX's response to

this finding, please provide the requested information to FTA prior to making any revisions to *The Guide*.

5. At the time of the review, FAX did not have a written policy or procedure for employees, contractors and subcontractors to follow prior to declaring rider no-shows. FAX relied on the written policies of its contractor, MV Transportation, which required vehicle operators to obtain dispatcher approval for declaring rider no-shows before leaving a pickup location. In practice, however, review team members observed that vehicle operators sometimes notified dispatchers of no-shows after the fact, and two dispatchers stated that vehicle operators called in no-shows before they departed “70 to 80 percent” of the time. Furthermore, FAX staff stated that the coding of trips, trip details, and trip “Tracker Notes” were not reviewed or verified before no-show notification and suspension letters were sent. To meet the requirements of §37.125(h)(1) – (h)(3) of the DOT ADA regulations, a procedure for properly coding no-shows is required. Employees, contractors and subcontractors must be directed to code no-shows correctly and FAX must monitor and verify trip coding to ensure that proposed suspensions of service are warranted. As part of FAX’s response to this finding, please provide copies of the policy or procedure and the directive to FTA.
6. FAX must cease the practices stated in *The Guide* (Page 22-26) of cancelling the return trip, “inactivating” riders and requiring riders “to call to confirm the need for the return trip” if the initial trip was a no-show. Under the next-day service provisions of §37.131(b), the passenger has an independent right to each of these trips. To 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 requires due process prior to suspension, and cancelling 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 FAX’s response to this finding, employees and contractors must be directed to cease this practice, and a copy of the directive must be provided to FTA.
7. At the time of the review, FAX incorrectly defined a missed trip as “failure to arrive within 61 minutes after the scheduled pickup time, whether or not the passenger is transported.” FAX must revise its definition of a carrier missed trip as any attempted pickup after the end of the pickup window that does not result in a passenger being transported, either due to the rider turning down or cancelling the trip, or the rider no longer being at the pickup location. If a vehicle does not arrive within the pickup window, the rider has no obligation to wait for the vehicle and is under no obligation to board the vehicle. If the rider elects to board the vehicle that arrived outside of the pickup window, that pickup must be counted as a late pickup. To meet the requirements of §37.125(h)(1)-(3) and §37.131(f)(3)(i)(B) of the DOT ADA regulations, FAX must operate Handy Ride without a substantial number of missed trips and must ensure that trips missed by FAX or one of its contractors are not counted against the passenger. A second concern is at the time of the review, staff did not verify the coding of trips, such as reviewing the details of the trip and the trip “Tracker Notes” in Trapeze, prior to sending out suspension letters. FAX must direct contractors and employees to code missed trips properly to ensure that riders are not experiencing a substantial number of trips missed by FAX or a contractor or subcontractor, and that such trips are not counted as no-shows against the rider. As part of the response to this finding, please report on progress to direct employees and contractors to code trips correctly and provide a copy of the directive to FTA.

8. To meet its obligations under §37.125(h)(3), FAX must establish an appeals process and make it available to an individual on whom sanctions have been proposed and submit the appeals policy to FTA. The policy must call for the sanction to be stayed pending the outcome of the appeal. FTA will require the removal of the written appeal to contest individual no shows, as this policy represents a prohibited administrative burden under the DOT ADA regulations. At the time of the review, this policy appeared to discourage riders from contesting individual no-shows. The appeals process must meet the requirements of 37.125(g) and be free of the procedural flaws discussed in finding #8 in section 6.4 of this report. As part of FAX's response to this finding, please provide the requested information to FTA.
9. At the time of the review, FAX did not have a standard or window for on-time drop-offs for Handy Ride. FAX has an implicit obligation to get riders to appointments on time (not late) and an explicit obligation to monitor performance to insure that Handy Ride service is operated without any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons. If operational practices cause riders to arrive late to appointments and riders are discouraged from using the service as a result, this would constitute a capacity constraint prohibited by the DOT ADA regulations. FAX 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 FAX's 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 concerning resources. See Section 10.6 below for recommendations.

5 ADA Complementary Paratransit Service Criteria

This chapter presents information about FAX's ADA complementary paratransit service policies with respect to the DOT ADA regulatory criteria under §37.129 (a) and §37.131 for:

- Type of service
- Service area
- Hours and days of service
- Fares
- No trip purposes
- Efforts to coordinate with adjoining transit systems

This chapter also examines FAX's process to receive, investigate, and respond to comments and complaints from ADA complementary paratransit service riders.

Observations concerning the response time requirement are discussed in Chapter 8.

Observations concerning the requirement that ADA complementary paratransit service be operated without capacity constraints appear throughout the report, if applicable.

5.1 Consumer Comments

During the telephone interviews, no rider cited a concern related to service criteria. FAX did not have any record of complaints that it received from customers related to service criteria.

The two complaints on file with FTA did not mention service criteria issues.

5.2 Type of Service

Section 37.129(a) of the DOT ADA regulations states 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.

According to DOT's interpretation of this provision, 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.

Page 29 of *The Handy Ride Guide to Ride* September 2011 issue (*The Guide*) defines Handy Ride service as "curb to curb," meaning that passengers are picked up at the curb in front of the departure point and dropped off at the curb in front of your destination. FAX makes what it calls "exceptions" to its general curb to curb policy and states that drivers will provide assistance "if you are unable to negotiate the path of travel to and from the vehicle because of conditions that are disability-related," or "if there were an obstruction or condition making it unusually difficult to travel from your point of origin out to the curb or from the curb, or from the drop off curb destination." Riders were instructed to notify FAX at the time of scheduling if this assistance is needed. Drivers were required to stay within site of the vehicle and may travel no further than 100 feet to provide assistance.

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.

At the time of the review, FAX provided Handy Ride service within the entire city of Fresno. Beyond the city limits, Handy Ride service was available to all origins and destinations within $\frac{3}{4}$ -mile of FAX bus routes in the City of Clovis and other adjoining portions of Fresno County. By FAX policy, this service area was the same for all days and hours of Handy Ride service. The service area was built into the Trapeze software database that call-takers used to book trip requests.

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.

According to *The Guide* (Page 7), Handy Ride service hours are: 5:30 a.m. to 9 p.m. on weekdays and 6:30 a.m. to 7 p.m. on weekends. However, FAX had certain bus routes where service extended beyond these hours. Table 5.1 lists a set of these routes.

Table 5.1 – FAX Bus Routes Operating Later than Handy Ride Service

Route	Service Ends	Days
#28 south	11:35 p.m.	Weekdays
#32 south	10:38 p.m.	Weekdays
#38 south	11:10 p.m.	Weekdays
#39 west	10:52 p.m.	Weekdays
#26 west/north	7:30 p.m.	Weekends
#34 north	7:35 p.m.	Weekends
#38 north	7:30 p.m.	Weekends

To meet the requirements of §37.131(e) of the DOT ADA regulations, FAX must make Handy Ride service available throughout the same hours and days as FAX's fixed route service.

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 DOT ADA regulations allow operators to charge a fare for ADA complementary paratransit service that is no more than twice the non-discounted fare that is charged on fixed route service for the same origin and destination at the same day and time (49 CFR § 37.131(c)). At the time of the review, the base fare for a fixed route bus trip was \$1.00. The Handy Ride fare was \$0.75. *The Guide* (Page 7) states that the Handy Ride fare is \$1.50. FAX's website states that the fixed route fare is \$1.25.

FAX operated a Downtown Circulator Trolley (Route 4) on weekdays from 6:30 a.m. to 6:30 p.m. Trolley service was provided at no charge by the City of Fresno. At the time of the review, FAX charged paratransit eligible riders the Handy Ride fare. FAX cannot charge a fare for any Handy Ride trip that has both its origin and destination within ¾-mile of the Downtown Circulator trolley route. Alternatively, FAX can develop a methodology for determining an area in which the comparable fixed route trip would most likely be taken on the Trolley circulator instead of the full-fare fixed route system. If FAX elects to develop its own methodology, it must be broad enough to encompass trips between all origins and destination that a typical fixed route rider is likely to take using the Downtown Circulator Trolley.

5.6 Trip Purpose

Section 37.131(d) of the DOT ADA regulations requires that there be no restrictions or priorities based on trip purpose in the provision of ADA complementary paratransit service. Findings concerning trip purpose are discussed in Chapter 8 of this report.

5.7 Coordination with Adjoining Service Providers

When developing their paratransit plans, transit systems were required under Section 37.139(g) to include efforts to coordinate with transit systems with overlapping or contiguous service areas for paratransit riders who want to travel between service areas. The City of Clovis is directly northeast of Fresno. Clovis operates fixed route bus service (Clovis Stageline) and ADA complementary paratransit service (Clovis Roundup).

At the time of the review, FAX operated two bus routes (#9 and #38) that traveled along the boundary between Fresno and Clovis. As a result, a portion of FAX's ADA complementary paratransit service area extended into Clovis. In addition, FAX Route #28 traveled between Clovis and downtown Fresno. FAX operated this route under contract to Clovis. Clovis was responsible for providing ADA complementary paratransit service for the portion of this route that is in Clovis.

Until the end of 2007, FAX had been providing Handy Ride service to all of Clovis for "medical, educational, and employment" trips. According to the Handy Ride Director, these trip purposes had been interpreted very broadly. Beginning in January 2008, FAX planned to limit Handy Ride trips to only within ¾-mile of Routes #9, #28, and #38. Most other trips required a transfer from Handy Ride to Clovis Roundup service. At the time of the review FAX made exceptions for individuals whom it judged not able to make transfers. These decisions were made on a case-by-case basis by FAX managers and eligibility staff.

FAX and Clovis had established two transfer points in Clovis (a Carl's Jr. Restaurant and a Starbucks). The Handy Ride Director said that both of these transfer points have a safe indoor waiting area. FAX and Clovis arrange "live" passenger transfers (i.e., the paratransit vehicle delivers the passenger to the transfer point and waits for the paratransit vehicle picking up the passenger) only for passengers whom FAX has judged needs this service. In addition, a passenger making a trip that includes a transfer must call each agency to request each leg of the trip. At the time of the review, the Handy Ride Director said that FAX and Clovis were continuing to work on improving the coordination for transfer trips.

5.8 Complaint Handling Process

The DOT ADA regulations require public transit providers to receive complaints from riders, 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 (49 CFR 27.13(b) and 27.121(b)). 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.

5.9 Findings

1. To meet the requirements of § 27.13(b) and §27.121(b) of the DOT ADA regulations, FAX must establish a process to receive complaints from riders, 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.

2. At the time of the review, FAX provided Handy Ride service from 5:30 a.m. to 9 p.m. on weekdays and 6:30 a.m. to 7 p.m. on weekends; however, FAX had eight bus routes in service beyond these hours. To meet the requirements of §37.131(e) of the DOT ADA regulations, FAX must make Handy Ride service available throughout the same hours and days as FAX's fixed route service. FAX must ensure that eligible riders are made aware of the change, direct reservationists to accept trip requests for these later trips, direct contractors to adjust the scheduling software to recognize these trips as eligible trips, and ensure that contractor(s) have vehicles and drivers available to provide these trips. As part of FAX's response to this finding, please provide a copy of the directive(s) and revised public information to FTA.
3. At the time of the review, the regular fixed-route fare was \$1.25 and the Handy Ride fare was \$1.50. However, FAX operated a free Downtown Circulator "trolley" (a trolley-replica bus) provided at no charge by the City of Fresno. To meet the requirements of §37.131(c) of the DOT ADA regulations, FAX cannot charge a fare for any Handy Ride trip that has both its origin and destination within ¾-mile of the Downtown Circulator route. Alternatively, FAX may develop a methodology for determining an area in which the comparable fixed route trip would most likely be taken on the Circulator instead of the full-fare fixed route system. If FAX elects to develop its own methodology, it must be broad enough to encompass trips between all origins and destination that a typical fixed route rider is likely to take using the Downtown Circulator.
4. *The Guide* (Page 29) defines Handy Ride service as "curb to curb," and states that FAX will make "exceptions" to its general curb to curb policy and that drivers will provide assistance to riders "unable to negotiate the path of travel to and from the vehicle because of conditions that are disability-related" or in cases of "an obstruction or condition making it unusually difficult to travel from the point of origin out to the curb or from the curb, or from the drop off curb destination." Riders are instructed to notify FAX at the time of scheduling if this assistance is needed. To determine whether FAX is meeting its obligations under §37.129(a) of the DOT ADA regulations, FTA requests additional information clarifying how an eligible rider is to request origin-to-destination service, FAX's definition of "unusually difficult" conditions or circumstances, and the policy for assistance at locations to which a rider has not yet traveled, where it will not be possible to anticipate obstructions or provide advance notice. As part of FAX's response to this finding, please submit the requested information to FTA.

5.10 Recommendations

1. Work to strengthen coordination with other paratransit providers to serve riders who because of their disability are not able to independently transfer to paratransit vehicles of the other systems.

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 also assessed timeliness of the processing of requests for eligibility and carried out the following tasks:

- Interviews with riders and advocates and a review of rider comments on file at FAX about the eligibility determination process
- Review of eligibility materials and interviews of eligibility determination staff
- Review eligibility determination outcome statistics
- Review of the application files of 20 applicants who had been denied ADA paratransit eligibility

6.1 Consumer Comments

The two complaints filed with FTA did not refer to the eligibility process.

In telephone interviews with nine users of Handy Ride, none of the riders cited any problems with the eligibility certification process. Eight riders said that they received notification of eligibility within 21 days and the ninth rider did not remember.

FAX did not have any record of complaints that it received from customers related to the eligibility determination process.

6.2 Overview of 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 FAX eligibility process. Decisions that deny or limit eligibility also must 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 37.125(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 public information about Handy Ride eligibility and how to apply, including *Handy Ride ADA Certification Application*. Team members also interviewed FAX staff who managed the eligibility determination process. The following paragraphs describe FAX's eligibility determination policies and procedures.

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.

Information about the Handy Ride service was provided on the "Public Transportation" page of City of Fresno's web site. This information stated that "FAX Handy Ride is a service designed to meet the transportation needs of eligible persons with disabilities who cannot functionally use the FAX city bus system."

Page 11 of *The Handy Ride Guide to Ride* September 2011 issue (*The Guide*) states that "Handy Ride provides service to ADA eligible individuals, an attendant, one companion, and limited to a maximum of 4 children under 6." It also lists ADA eligible riders as follows:

- "ADA: Fresno residents meeting the eligibility criteria for ADA paratransit services are eligible for Handy Ride service.
- "ADA: Certified Eligible Visitors: ADA paratransit certified eligible visitors from outside of the FAX/Handy Ride service area may receive Handy Ride service up to 21 days."

The Guide indicates that individuals interested in applying for Handy Ride service can obtain application forms at FAX offices at two locations—3590 North Blackstone or 2016 Tulare Street—or can call the FAX Paratransit Service Office at 559-621-5802 (or TTY 559-228-6280) to request an application form by mail. At the time of the review, MV referred callers inquiring about eligibility for Handy Ride to the FAX Paratransit Service Office to obtain application material.

The application form was 11 pages long and requested the following information:

- General information (name, address, etc.)
- An indication of why the person is seeking ADA paratransit eligibility: either he/she can only use city buses to make some trips; or he/she can never use city buses, due to a disability
- Information about how the applicant currently gets to his/her most frequent travel destinations
- Information about the applicant's disability and types of mobility aids used

- If the applicant currently uses fixed route “City Bus” service, or has used it in the past
- Information about functional abilities, such as: using a telephone to get information; asking and following written or oral directions; getting to and from bus stops; the maximum distance the applicant can travel using a mobility aid or on his/her own; ability to wait for up to 15 minutes at a bus stop; getting on and off city buses; getting to and from seats or wheelchair securement areas on buses; recognizing destinations when riding city buses; communicating needs to bus drivers; and making transfers on the city bus system
- The three most common trips the applicant expects to make on the Handy Ride service
- Whether the applicant has received travel training to use the city bus service
- The name, address and phone number of a “medical professional” most knowledgeable of the applicant’s disability (physicians and psychiatrists are given as examples)
- The name, address and phone number of another professional who best understands the applicant’s functional abilities (physical therapists, occupational therapists, rehabilitation counselors, and clinical social workers are given as examples)

The applicant signed the form and was also asked to sign a “Professional Authorization” that allows named professionals to release information about the applicant’s disability to FAX.

The application form also provided a space for applicants to indicate that there are no professionals that they can name.

FAX staff in the Paratransit Service Office logged all applications received and reviewed each for completeness. If there were minor omissions, staff might follow up by phone to get the information and add it to the form. If there were major omissions, such as missing signatures or many incomplete questions, the questions with missing information were highlighted on the form and the application was returned with a letter asking the applicant to provide the missing information and return the completed form.

All complete applications were forwarded to St. Agnes Hospital, as FAX had a contract with the private hospital for assistance from physical therapists in reviewing the application forms. Sometimes, telephone follow up was also conducted with applicants and named professionals to get additional information about functional abilities. FAX staff estimated the St. Agnes staff followed up with applicants or professionals for about 10 percent of the applications. Typically, contact with named professionals was by telephone, followed up by a fax if needed.

After reviewing each application, St. Agnes Hospital staff completed a form summarizing the key information from the application as well as any information collected from follow-up contacts. The staff indicated on the form whether or not they recommended granting ADA paratransit eligibility and sent the completed forms back to the FAX Paratransit Service Office.

FAX staff considered the recommendations made by St. Agnes Hospital staff and sent out letters of determination to applicants. FAX staff stated that they usually followed the recommendations of the hospital staff.

Staff in the FAX Paratransit Service Office entered new or updated eligibility information into the master rider file in the Trapeze software system.

Final Decisions and Eligibility Determination Letters

Sections 37.125 (d) and (e) of the DOT ADA regulations require that letters of determination include the following five points 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

This section also requires that determinations of eligibility 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. Decisions that deny or limit eligibility also must also include information about the process for appealing the decision.

As part of the review, FAX provided the review team with samples of all types of eligibility determination letters. This included copies of letters granting full term eligibility, temporary eligibility, as well as letters that inform applicants that they have been found not eligible. These letters were examined to see if they contained the information required by DOT's ADA regulations.

The letters granting full term and temporary eligibility indicated that they do contain the five basic pieces of information listed above. The letters determining applicants not eligible also indicated that applicants had the right to appeal. An enclosure detailing the appeal process was included.

The denial letters contained a stock statement that "we have determined that you are not eligible for Handy Ride service under the guidelines of the Americans with Disabilities Act (ADA) and are able to use regular FAX city bus service."

In addition, the letters granting temporary eligibility did not indicate that the decision could be appealed and did not mention the enclosure describing the appeal process. Since a determination of temporary or conditional eligibility is a limitation on eligibility, individuals granted temporary or conditional eligibility must be informed of the right to appeal the decision and must receive information on the appeal process.

Copies of the template denial letter and temporary eligibility letters are included in Attachment D.

Visitor Eligibility

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.”

Section 37.127(d) of the DOT ADA regulations also requires that visitor eligibility be granted to individuals with disabilities who do not have documentation of being determined ADA paratransit eligible by another transit system. This section states that:

“With respect to visitors with disabilities who do not present such documentation, the public entity may require the documentation of the individual’s place of residence and, if the individual’s disability is not apparent, of his or her disability...The entity shall accept a certification by such individuals that they are unable to use the fixed route system.”

Team members told FAX that individuals must be allowed to apply for ADA eligibility and use the service regardless of place of residence. FAX staff stated that they do accept applications for eligibility for persons who live outside of the City of Fresno and that the reference to “Fresno residents” was incorrect and would be changed. The September 2011 issue of *The Guide* contains this incorrect information.

In addition, Section 37.127(d) of the DOT ADA regulations requires that visitor eligibility be granted to individuals with disabilities not certified by other public transit systems who claim a functional limitation. At the time of the review, FAX did not do this.

Recertification Process

At the time of the review FAX granted either full-term eligibility or temporary eligibility. Full-term eligibility was for a period of three years. Temporary eligibility was granted for a shorter period and was set based on the period of time that the applicant was expected to be unable to use fixed route service.

At the time of the on-site review, FAX did not make determinations of conditional eligibility for applicants determined able to use the fixed route service under some conditions and needing Handy Ride service under some conditions.

The Guide (Page 13) states a notification letter and application are sent to Handy Ride customers 45 days before the expiration of eligibility.

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.” The review team assessed FAX’s policies and practices regarding no-show suspensions.

FAX staff stated that while the *Guide* in use at the time of the review stated that riders had to provide 2-hour notice of cancellations to avoid being considered a no-show, this policy was changed to 1 hour in November 2007.

At the time of the review, FAX’s policy was to send riders a letter each time they are recorded as a no-show. A sample copy of a no-show notification letter is provided in Attachment E. If riders are “in disagreement with the no-show,” they were instructed to file a written appeal with the FAX ADA Coordinator. Riders may file appeals within 30 days. The *Guide* (Pages 23-26) indicates that the ADA Coordinator reviews appeals and makes a decision on the appeals within 10 days of receipt. If riders were not satisfied with the decision, they have 30 calendar days to request an appeal before FAX’s ADA Eligibility Review Committee.

At the time of the review, if riders were found to have a pattern or practice of missing scheduled trips, the FAX policy was to suspend them for a period of from five to 30 days, with the length of suspension depending on the history of no-shows and the overall percentage of no-shows accumulated. Riders facing suspension were notified via letter of the length and dates of the suspensions, and informed that they could appeal the proposed suspension within 30 days. Appeals were first heard by the FAX ADA Coordinator, whose decisions could be appealed to the full ADA Eligibility Review Committee. A sample copy of a suspension letter is provided in Attachment F.

FAX staff stated that the no-show suspension policy was enforced starting in September 2007. Records showed that 11 riders were sent suspension letters in September 2007, 27 were sent suspension letters in October 2007, and 37 suspension letters were sent out in December 2007. All of these proposed suspensions were for 5 days.

At the time of the review, FAX staff stated that the frequency of no-shows was considered to determine if a pattern or practice of no-shows exists. Staff indicated that the “rule of thumb” that has been used at the time of the review was that a pattern or practice exists if the rider has no-showed at least three times in three months and at least seven percent of all scheduled trips in that period have been no-showed. FAX staff also indicated that they were considering changing that informal standard to be more than three percent. The *Guide* in use at the time stated that riders may be temporarily suspended from using Handy Ride service if riders have a pattern or practice of no-showing scheduled trips. It stated that three no-shows within a three-month period may constitute a pattern or practice.

At the time of the review, FAX staff also stated that very few formal written requests appealing individual no-shows had been received. However, staff stated that riders sometimes do call to question the no-shows and that the record is changed if they indicate the no-show was beyond their control or was a system error.

The Guide (Pages 21-22) explains FAX's no-show suspension policy. A no-show is defined as a situation where "a scheduled or subscription pickup has not been previously canceled two hours prior to the scheduled pickup time and/or the Handy Ride vehicle arrives for a passenger who does not take the ride." *The Guide* (Page 21) states: "To avoid acquiring a NO-SHOW, the call to cancel a trip must be placed at least one hour before the scheduled pick-up time."

The Guide (Pages 20 and 22) states that "Once the Handy Ride Vehicle arrives at the pickup location the driver is required to wait for 5 minutes and then must leave for the next scheduled pickup." and "The driver will contact the Handy Ride dispatch office in an attempt to reach the passenger by telephone but will not wait longer than 5 minutes."

The Guide (Page 23) states that "Five No-shows within a one-month period may constitute a pattern or practice."

The FAX ADA Coordinator said at the time of the review that no-shows were determined based on the coding of trips in the Trapeze system. Any trip that is coded by the service provider as a no-show (NS), late cancel (CL), or cancel-at-door (CD) is considered a no-show and decisions to notify and suspend riders are based on these system codings. At the time of the review, staff did not verify the coding of trips—such as reviewing the details of the trip and the trip "Tracker Notes" before no-show notification and suspension letters were sent.

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."

In considering whether the number of no-shows truly constitutes a pattern or practice, FTA has encouraged transit agencies to not only look at the absolute number of no-shows, but to consider the frequency of no-shows. Three or five no-shows in a 30 day period for someone who travels daily to work and also uses the service for other non-work trips could represent a very small percentage of all trips scheduled by that person; this would be a very different pattern of actions than three no-shows for someone who only occasionally uses the service. FAX should consider using its September 2011 standard of five instances in 30-days as a trigger for further review, but then examine the actual trip-making record—compare the number of no-shows with the total number of trips requested in the month—before imposing a suspension.

To check the accuracy of the trip codings, team members reviewed the records of five riders who had been sent suspension letters. Team members queried the Trapeze software system for the no-shows charged against each person and compared vehicle arrival times with the scheduled pickup times. Team members also examined "Tracker Notes" to determine what information

had been entered. For three individuals, the trip detail indicated that all of the charged no-shows were appropriate. The other two riders were charged with no-shows that were actually missed trips or where extenuating circumstances were entered in the “Tracker Notes.” One of the two riders had been charged with six no-shows. One of the six trips coded a no-show for the first rider was actually a missed trip, since the vehicle had arrived late. Two other trips coded as late cancels were actually cancelled well before the two hours required at the time of the site visit. These two trips should have been coded as advance cancellations rather than late cancellations or no-shows. Five of the seven no-shows charged to the second rider were coded incorrectly. In two instances, the vehicle had arrived late and the trips should have been coded as missed trips rather than no-shows. Three other trips coded as no-shows had “Tracker Notes” indicating that the rider had been admitted to hospital, clearly something that was beyond the rider’s control. These three trips were subscription trips which should have been temporarily changed once it was determined that the rider was in the hospital.

Findings concerning FAX’s no-show suspension policy are discussed in Chapter 9.

Appeals Process

FAX had prepared a *Handy Ride Denied Eligibility – Appeal Process* document that was included as an enclosure with all letters that inform applicants that they have not been approved for ADA paratransit eligibility. This one-page document states that individuals denied eligibility may obtain a review of the denial determination by filing an appeal within 60 days of the denial. It also states that the process includes an opportunity to present information in writing or in person to an individual who was not involved in the initial decision.

To file an appeal, the document instructs individuals to contact the FAX ADA Coordinator to request an in -person appeal interview with the ADA Coordinator. Or, if they choose, individuals can send additional written material to support the appeal to the ADA Coordinator.

The *Appeal Process* document states that if the initial determination is overturned, a letter of eligibility will be sent to the appellant. If the initial decision is upheld, a letter stating the reasons for the decision will be sent.

If an appellant does not agree with the decision of the FAX ADA Coordinator, the appellant can request a second appeal before the FAX ADA Eligibility Review Committee. The *Appeal Process* document says that the committee is comprised of two members of the FAX ADA Advisory Committee plus a FAX Representative. FAX staff provided additional detail and indicated that the ADA Eligibility Review Committee was comprised of the Chairperson of the ADA Advisory Committee, another member of the committee, and the FAX Planning Director. FAX staff also stated that the appeal process had not proceeded to this second level and the ADA Eligibility Review Committee had never been convened.

Finally, the *Appeal Process* document notes that written notification of appeal decisions will be provided within 30 days of the completion of the appeal process.

Determination Outcomes

At the time of the review team's site visit, FAX staff indicated that there were 3,427 individuals in the Handy Ride system as ADA paratransit eligible. The vast majority of these, 3,399 individuals (or 99 percent) were reported to have full-term, unrestricted ADA paratransit eligibility. The remaining 28 individuals in the system (1 percent) had temporary ADA paratransit eligibility.

The review team examined determination outcome records for the period from January 1, 2007 through October 31, 2007 to determine the number and percent of applicants who were denied ADA paratransit eligibility. The records showed that during this 10-month period, a total of 1,685 completed applications had been received and forwarded to St. Agnes Hospital for review. The records also showed that decisions had been made on 1,675 of these completed applications; 10 applications received in late October 2007 were still in process. Of the decisions made, 1,605 (96 percent) had been to grant either full-term or temporary ADA paratransit eligibility. A total of 70 applicants (4 percent) had been found to be not eligible during this period.

FAX staff also indicated that two individuals had questioned the initial determinations in 2007 and had requested appeals. In one case, the FAX ADA Coordinator upheld the initial determination in the review and the applicant did not request an appeal before the ADA Eligibility Committee. The second person withdrew the request before the appeal meeting with the FAX ADA Coordinator.

6.3 Observations

As part of the review, review team members examined the files of 20 recent applicants who had been denied eligibility. Review team members reviewed the documentation in each of the files and discussed the determinations made with the manager of the Paratransit Service Office. In a few cases, where there were questions that the manager could not answer, follow-up contact was made with the physical therapists at St. Agnes Hospital who had reviewed the files and made the determination recommendation.

In 16 of the 20 cases, the review found that the information in the file supported the finding of "not eligible." In four cases, though, there were some questions about the determination. These cases are described below.

In one case, the applicant indicated arthritis and epilepsy. The epilepsy was controlled by medication. The applicant indicated that she was able to travel up to ¼-mile to get to and from bus stops and indicated that the nearest bus stop was three to four blocks away. On the *Paratransit Services ADA Certification Assessment Determination* form, the physical therapist at St. Agnes Hospital wrote that the applicant "can walk ¼-mile. Bus stop within that distance. Drives & has access to car." In a follow-up conversation with the review team, the physical therapist indicated that the main determining factor in the recommendation to deny eligibility was the fact that the nearest bus stop was within the applicant's maximum walking distance. A review team member mentioned that applicants may not always be using buses from their home and that the distance to a destination when the person deboarded the fixed route bus could be

more than ¼ -mile or more from the bus stop. The physical therapist stated that she understood this explanation.

The same physical therapist also indicated similar reasoning in a second denial that was examined as part of the review. In this case, the applicant indicated chronic fatigue syndrome as the disabling condition. The application noted that she used the fixed route buses four to five times a week, but also indicated that she could not travel outside when it was too hot. She also indicated that the bus stop nearest her home was one block away. She did not indicate a maximum walking distance. The physical therapist at St. Agnes Hospital noted on the *Paratransit Services ADA Certification Assessment Determination* form that the “condition does not prevent use of fixed route system. Bus stop within 1 block of home. Currently uses fixed route system 4-5x/wk.” When contacted to discuss the recommendation, the physical therapist stated that follow-up with the named professional had not been conducted to determine the degree of fatigue and the impact of hot weather on travel abilities. The therapist confirmed that the close proximity of the stop to the person’s home was a determining factor, as was the fact that the person was currently using the fixed route system. While it is possible that the degree of chronic fatigue was not a limiting factor in use of the fixed route system and the applicant simply may have preferred not to travel in hot weather, it seemed that it would have been appropriate to contact the named professional to get more information about the applicant’s condition and functional abilities prior to denying eligibility outright.

In a third case, the applicant was an older adult who did not indicate a specific disability or health condition, but mentioned balance issues and use of a knee brace and a cane. The applicant indicated that his maximum walking distance was ¼- mile and that he used the fixed route bus system about three times per week. The St. Agnes Hospital physical therapist who reviewed the file indicated on the assessment form that the applicant “may be eligible for conditional use of paratransit but also states would like training to use FAX system and to determine if he is able to get to fixed route stops.” When contacted to discuss the recommendation, the physical therapist indicated that he felt that the applicant probably could use the fixed route system with training. Again, the therapist stated that a follow-up call was not made to the named professional to get more information about specific functional abilities prior to denying eligibility outright.

In a fourth case, the applicant indicated that he used a power wheelchair. The application noted that he currently used the fixed route system with his wheelchair and that traveling up to nine blocks was not an issue. He also mentioned neck and back pain. While distance to and from bus stops did not appear to be an issue, the lack of a safe, accessible path of travel, i.e., no sidewalks or safe path along a roadway, certainly would be a potential issue for someone using a power wheelchair. And while the applicant did not mention the need for an accessible path of travel to and from bus stops in the application, this must be considered for applicants who use wheelchairs. When contacted, the therapist did not recall any follow-up contact with the applicant or the named professional to clarify this issue. The therapist confirmed that because the applicant indicated current use of the fixed route system and did not specifically mention path-of-travel issues, these factors were not taken into consideration in making the determination.

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 examined the application log and materials in determination files to determine the timeliness of eligibility decisions. The log showed the date when each application was received but not the date that a final determination letter is sent to the applicant. A team member cross-checked the 60 applications in the log with individual eligibility files reviewed during November 2007 comparing the date of the determination letter in the file to the application receipt date from the log. In one case, an incomplete application was returned to the applicant for signature had not yet been received. In the other 59 cases, final decisions had been made, there was a letter of determination in the file, and a total elapsed time between receipt of a completed application and the mailing of the determination letter could be determined. Table 6.1 shows the breakdown of elapsed times for these 59 sample files.

**Table 6.1 – Application Processing Time for 59 ADA Paratransit Determinations
Made in November and December 2007**

# of Days Required to Make Determination	# of Determinations
1-7 days	25
8-14 days	34
15-21 days	0
21+ days	0
Total	59

As shown, FAX made all determinations in this sample within two weeks. Twenty-five of the determinations were made within seven days, and the remaining 34 were made within 14 days.

6.4 Findings

1. *The Guide* at the time of the review and as of September 2011 (Page 11), states that eligibility is limited to “Fresno residents.” At the time of the review, FAX staff stated that applications were accepted from individuals who reside outside of Fresno and staff agreed to remove the reference to Fresno residents from public information. To meet the requirements of §37.131(a) of the DOT ADA regulations, FAX must remove the reference to Fresno residents from public information and provide a copy of the public information to FTA.
2. To meet the requirements of §37.125(c) of the DOT ADA regulations, FAX must revise its public information to inform applicants and prospective applicants that if FAX has not made an eligibility determination within 21 calendar days, presumptive eligibility will be provided on the 22nd day until and unless FAX denies the application. If FAX requires eligible riders to obtain a photo ID card prior to using Handy Ride service, FAX must allow adequate time for the card to be obtained so the applicant may use the service beginning on the 22nd day

after FAX receives a complete application. To meet its obligations under §37.5, which prohibits the imposition of special charges for riders with disabilities, FAX must provide free transportation for trips required to obtain the Handy Ride ID Card. Developing a system for tracking milestones in the application process, including the date that FAX receives a complete application and the date that a determination letter is mailed, is essential to granting presumptive eligibility as required.

3. To meet the requirements of the DOT ADA regulations at §37.125(d), FAX must revise its eligibility determination letters that deny eligibility and those granting conditional or temporary eligibility to state the specific reason(s) for the finding. Appendix D explains that for persons granted eligibility, the determination must list any conditions or limitations on the individual's eligibility and in the case of a denial the reasons must be specified and "the reasons must specifically relate the evidence in the matter to the eligibility criteria of the rule and of the entity's process. A mere recital that the applicant can use fixed route transit is not sufficient." At the time of the review, letters sent to applicants who were found not eligible for Handy Ride service included the standard statement "you are not eligible for Handy Ride under the guidelines of the Americans with Disabilities Act (ADA) and are able to use regular FAX city bus service." Determination letters denying eligibility and those granting temporary eligibility or conditional eligibility must indicate that applicants can appeal the decision and must provide information on the appeal process. FAX must revise or create these letters and send a representative sample to FTA for review.
4. At the time of the site visit, FAX appeared to deny eligibility for paratransit service based on the proximity of a bus stop to an applicant's place of residence. Applicants' abilities to travel longer distances to reach bus stops or destinations throughout the service area did not appear to have been considered, though the lack of required specificity in the denial letters prevented the review team from confirming this. To meet the requirements of §37.125 of the DOT ADA regulations, FAX must revise its eligibility determination process to ensure that eligibility determinations are based on an individual's functional abilities to use fixed route service rather than their proximity to a bus stop. Eligibility determinations must consider an applicant's ability to travel between any origin and destination within the service area. Not all trips that an applicant may make will begin at home, and environmental conditions that may interact with a rider's disability to prevent use of the fixed route service (terrain and lack of curb ramps, for example) are not necessarily identical to those surrounding the stop that is closest to the individual's home. FAX must direct employees and contractors to cease denying eligibility based on the proximity of an applicant's residence to a bus stop and the ability of an applicant to get to that one bus stop. As part of FAX's response to this finding, FAX must inform similarly-situated riders whose eligibility was denied on these grounds that they may reapply for eligibility. Please submit copies of the directive(s) and information sent to similarly situated riders to FTA.
5. At the time of the review, FAX appeared to deny eligibility for paratransit to applicants who indicated that they were sometimes able to use fixed route service under certain conditions. While the lack of required specificity in the denial letters prevented the review team from determining the specific reason(s) for each denial, this occasional use of fixed-route service appeared to be the major factor. To meet the requirements of §37.125, FAX must revise its eligibility process to either grant conditional eligibility to applicants who are able to make some trips under some conditions on the fixed route system, or to grant full (unconditional)

eligibility to such applicants. If an applicant states that he or she can use fixed route under certain conditions, then the applicant should be considered a candidate for conditional eligibility, rather than being denied eligibility outright. FAX must direct employees and contractors to cease denying an individual overall eligibility based on occasional use of fixed route service or an applicant's interest in travel training. As part of FAX's response to this finding, please provide copies of the directive(s) to FTA.

6. At the time of the review, FAX appeared to deny eligibility for paratransit service on the basis of an applicant's use of a power wheelchair. While the lack of required specificity in the denial letters prevented the review team from determining the specific reason(s) for the denial, this, in conjunction with the applicant's occasional use of the fixed route system and the failure of the eligibility process to consider environmental factors, appeared to be a primary factor. In this case, conditional eligibility for trips when the interaction of an applicant's disability and environmental or architectural barriers prevents traversing an unsafe or inaccessible path-of-travel to or from bus stops would have been the appropriate determination. To meet the requirements of §37.123(e)(3), FAX must revise its eligibility determination process to ensure that its process considers applicants' inability to get to or from fixed route bus and rail service as a functional limitation. FAX must direct employees and contractors to consider applicants' inability to get to or from fixed route bus and rail service as a functional limitation, and to cease denying overall eligibility on the basis of an applicant's use of a manual or power wheelchair. As part of FAX's response to this finding, please provide copies of the directive(s) to FTA.
7. Section II of the paratransit eligibility application in use as of October 2011 suggests that FAX's process may not consider the inaccessibility of bus stops as a potential architectural barrier to using fixed route service. To meet the requirements of §37.123(e)(2) and §37.123(e)(3) of the DOT ADA regulations, FAX's eligibility process must consider the inaccessibility of bus stops as a potential barrier to the use of fixed route service. To meet the requirements of §37.125(g)(2), FAX's eligibility process must consider the inaccessibility of bus stops (and the path of travel to and from bus stops) as a potential barrier even after "*all regular FAX transit buses are ADA accessible with a passenger lift or ramp.*" FAX must direct employees and contractors to consider the inaccessibility of bus stops and surrounding pedestrian infrastructure as barriers to using fixed-route service, and provide a copy of this directive to FTA.
8. To meet the requirements of §37.125(g)(2), FAX must cease requiring a written appeal as stated in *The Guide* (Page 13). FAX may require applicants to file a declaration of appeal within 60 days of receipt of the adverse decision; however, the practice of requiring applicants to prepare a written appeal as a precursor to obtaining the required opportunity to be heard and to present arguments and information is a prohibited unreasonable administrative burden which could also dissuade applicants from exercising their appeal rights. This declaration of appeal could be a one-page form developed by FAX and provided to applicants along with denial, conditional, or temporary eligibility letters, for the applicant to sign and return. As part of FAX's response to this finding, FAX must direct staff and contractors to cease requiring written appeals; revise its eligibility material, denial and conditional letters and public information to replace the requirement for a written appeal with information about the hearing process; and include these changes in the next revision of *The Guide*. If FAX elects to develop an appeal form as described, please provide a copy to FTA.

9. To meet the requirements of §37.125(g), FAX must develop a process and procedure for tracking eligibility appeals and appeal decisions. At the time of the review, FAX had no information to provide to the review team on the number of appeals requested, decisions reversed, decisions upheld, and decisions remanded to FAX for reconsideration. FAX staff stated that the appeal process had never proceeded to the second level and the ADA Eligibility Review Committee had never convened. FAX must develop a process and procedure for tracking eligibility appeals and appeal decisions. Tracking information on the number and disposition of appeals is important in the event that a complaint is filed with FAX or with FTA, and failure to track this information prevents FAX from identifying trends or procedural flaws and from making improvements in its eligibility determination process. As part of FAX's response to this finding, FTA requests information on the number of appeals requested, decisions reversed, decisions upheld, and decisions remanded to FAX for reconsideration during the past six months. FTA will also require a current copy of the FAX organizational chart and reporting structure, and a listing of the ADA Eligibility Review Committee members and professional affiliations to permit FTA to determine whether the process meets the requirement for separation of function.
10. *The Guide* (Page 11) indicates that FAX's visitor eligibility process does not confer visitor eligibility on individuals with disabilities meeting the regulatory definition of a visitor who are not certified by other public transit systems. This process must be revised. Section 37.127(d) 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. Please provide a copy of the revised policy and process to FTA, and include the new policy in the next revision of *The Guide*.

6.5 Recommendations

1. Follow up by phone or fax with applicants and professionals if there are inconsistencies among responses to questions on the professional verification form or on written application forms, particularly before denying eligibility outright. Conducting follow up with professionals will facilitate FAX making more thorough determinations, and will provide additional information about an applicant's functional ability if the applicant appeals the decision. At the time of the review, FAX staff stated that recommendations of the St. Agnes hospital staff were usually followed and estimated that St. Agnes staff followed up with applicants or professionals 10 percent of the time.
2. Provide additional training to staff making eligibility determinations. FTA-sponsored training is available through the National Transit Institute.
3. Compile a list of functional skills and abilities needed to independently use fixed route service for public comment. Provide copies to staff and contractors involved in making eligibility determinations. FTA staff is available to provide technical assistance.

4. Create a one-page notice of appeal form for applicants to sign and return to FAX to indicate their intention to appeal FAX's denial or determination of conditional eligibility. The form may contain check boxes for applicants to indicate if they are appealing a denial of eligibility or a decision granting conditional eligibility and they feel that they should have been granted unconditional eligibility.

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 included:

- Rider comments obtained through telephone interviews with riders, advocates, and agencies
- Standards for telephone answering performance
- Design of the phone system and the staffing of phones
- Practices for handling of calls in both reservations and dispatch through direct observation

7.1 Consumer Comments

At the time of the review, two complaints had been filed with FTA concerning telephone access. In a complaint filed in June 2006, the complainant alleged that “[s]ometimes you have to wait over half an hour to make a reservation.” Hold times were also the subject of a separate complaint filed in September 2006, in which the complainant made the following statement:

When I can, I tried to call them from a pay phone, but the phone line is busy most of the times. And when I do get to talk to them, they just tell me to wait another 30 minutes because there is a bus on the way to pick me up, but most of the times they have told me that is not true, the bus never arrives and they leave me there waiting.

In telephone interviews with Handy Ride customers at the time of the site visit, respondents mentioned a range of experiences related to hold times when they called to make trip reservations. One rider said that she had to wait “over 30 minutes half the time,” and another rider said it had improved but he still had hold times of 10 to 15 minutes. Another rider said that he had long hold times in the morning. One rider said that she was on hold “5 minutes or less,” while another rider said she was on hold more for more than 5 minutes “sometimes.” Another two riders said that they had not had long hold times recently.

There were no call center complaints related to phone access found in the complaint records provided by FAX.

7.2 Phone Service Standards and Performance Monitoring

At the time of the review, the FAX telephone hold time standard required a monthly average of 90 seconds for “average time telephone calls to the Handy Ride call center are kept on hold.” The contract with MV included a \$500 monthly incentive for average hold times less than 60 seconds and a \$500 monthly penalty for average hold times greater than 120 seconds.

Phone Service Design

At the time of the site visit, the Handy Ride call center was located in the MV facility. Handy Ride had 16 lines coming into its call center and used Inter-Tel equipment. The call center had three primary Automatic Call Distributor (ACD) groups: reservations, will-calls, and cancellations. An LED sign in the call center indicated the longest time on hold and flashed when the hold time for three calls in reservations or will-calls exceeded five minutes. Reservation calls were accepted one or two days in advance, from 8 a.m. to 5 p.m., seven days a week. Dispatch, will-calls and cancellation calls were accepted from 5:30 a.m. to 10 p.m. on weekdays and from 5:30 a.m. until 7 p.m. on weekends.

The telephone number for Handy Ride is (559) 443-5650 (voice) and (559) 443-5662 (TTY). When calling into the system, callers had the following options:

- Press “1” for reservations
- Press “2” for cancellations
- Press “3” for will-calls or “Where’s my ride?”

Team members made tests calls into the system and did not encounter any long delays.

Telephone Service Performance Monitoring

MV provided the review team with detailed and summary reports for the sample review week of November 3 to 9, 2007. The “2007 Fresno Phone Stats Report” included a summary of the statistics provided to FAX for monthly monitoring report purposes. That report documents the following information for the reservations, will-call, cancellation, and all phone lines:

- Number of calls in
- Number of calls answered
- Number of calls abandoned
- Percent calls abandoned
- Total talk time, average talk time
- Average hold time
- Average abandoned call time

A summary of the monthly average hold times from January to November 2007 is shown in Table 7.1. Attachment G presents more detailed information for each month.

A review of the summary data showed that for these 11 months, MV reported an average hold time of 1:48, with an average hold time as long as 3:04 during October 2007. All 11 months exceeded the 90-second standard set by FAX, and for three of the 11 months, the average hold times exceeded the penalty threshold of 2 minutes.

Table 7.1 – 2007 Fresno Phone Statistics Report Summary

Month	Average Hold Time
January 2007	2:22
February 2007	2:21
March 2007	1:56
April 2007	1:22
May 2007	1:41
June 2007	1:34
July 2007	1:14
August 2007	1:40
September 2007	1:29
October 2007	3:04
November 2007	1:13
Average	1:48

Given that the 90-second performance goal had not been met, the review team asked MV to generate an additional report showing the breakdown in 30-minute increments. Table 7.2 shows the distribution of average hold times in 30-minute increments for each day in the sample week of November 3 to 9, 2007. The table shows that the hold times in nearly half the time intervals during the week exceeded the 90-second call hold standard. Looking at the five weekdays during this sample week, the following periods had particularly poor performance—with an (unweighted) average hold time of greater than 4 minutes and/or at least four of five days in which the hold time average exceeded FAX’s standard for Handy Ride service:

- 9:30 to 10 a.m.
- 10 to 10:30 a.m.
- 12 noon to 12:30 p.m.
- 12:30 to 1 p.m.
- 2:30 to 3 p.m.
- 4 to 4:30 p.m.
- 4:30 to 5 p.m.

Call Center Staffing

At the time of the review, MV Transportation employed five reservation agents. Table 7.3 presents the weekday shift schedule of the reservation agents as of the time of the review team's site visit.

This number of reservation agents did not appear to be adequate on some weekdays. Three agents were scheduled to be on duty on Mondays and Fridays until 5 p.m. (excluding lunch breaks). After 1:30 p.m. on Tuesdays, Wednesdays and Thursdays, however, only two agents were scheduled to be in the call center. Furthermore, from 4:30 to 5 p.m. on these three days, there was only one reservationist scheduled to work.

Table 7.2 – Average Hold Times by Half-Hour Increment

Time of Day	Average Hold Time								
	Saturday 11/3/2007	Sunday 11/4/2007	Monday 11/5/2007	Tuesday 11/6/2007	Wednesday 11/7/2007	Thursday 11/8/2007	Friday 11/9/2007	7-day Average*	Weekday Average*
8:00-8:30	1:57	2:32	7:30	0:57	1:28	2:39	0:35	2:31	2:37
8:30-9:00	1:58	5:50	1:31	2:11	1:18	1:27	1:29	2:14	1:35
9:00-9:30	4:40	8:11	1:29	10:19	1:16	1:48	3:32	4:27	3:40
9:30-10:00	1:05	1:06	1:43	9:00	6:37	1:19	1:39	3:12	4:03
10:00-10:30	0:48	2:30	2:50	7:09	6:21	0:59	3:35	3:27	4:10
10:30-11:00	1:00	1:10	1:24	4:55	2:40	2:33	0:59	2:05	2:30
11:00-11:30	0:52	0:59	2:03	4:14	8:52	1:22	0:32	2:42	3:24
11:30-12:00	0:59	2:00	1:14	1:56	5:46	1:59	0:47	2:05	2:20
12:00-12:30	1:19	0:46	1:39	2:05	6:04	1:04	2:07	2:09	2:35
12:30-13:00	1:39	1:33	3:08	4:56	5:37	1:50	4:36	3:19	4:01
13:00-13:30	3:47	2:33	1:29	1:12	6:33	1:36	4:30	3:05	3:04
13:30-14:00	1:00	5:11	3:31	1:23	11:04	1:48	0:52	3:32	3:43
14:00-14:30	4:10	9:32	1:08	2:33	8:46	0:41	6:35	4:46	3:56
14:30-15:00	1:32	8:14	2:17	2:40	7:50	1:47	3:44	4:00	3:39
15:00-15:30	1:06	3:32	0:41	1:18	7:18	0:40	5:04	2:48	3:00
15:30-16:00	0:41	0:27	0:27	3:09	7:26	1:13	6:30	2:50	3:45
16:00-16:30	0:27	0:30	1:08	7:17	5:14	2:59	8:23	3:42	5:00
16:30-17:00	0:17	1:18	0:49	8:17	8:02	2:46	7:23	4:07	5:27
Average*	1:37	3:13	2:00	4:11	6:00	1:41	3:29	3:10	3:28
Total Calls	375	172	230	367	377	483	413	345	374

*Average per half-hour are not weighted by number of calls

Bold indicates average times in excess of 90 seconds.

Table 7.3 – Handy Ride Reservationist Weekday Shifts

Mon	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00	14:30	15:00	15:30	16:00	16:30	17:00
2																				
3																				
4																				

Tues	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00	14:30	15:00	15:30	16:00	16:30	17:00
1																				
2																				
4																				

Wed	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00	14:30	15:00	15:30	16:00	16:30	17:00
1																				
2																				
4																				

Thu	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00	14:30	15:00	15:30	16:00	16:30	17:00
1																				
2																				
3																				

Fri	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00	14:30	15:00	15:30	16:00	16:30	17:00
1																				
3																				
5																				

Shaded boxes represent reservationist on duty

Number at beginning of row notes particular employee

7.3 Findings

1. The monthly average hold time for telephone performance for the 11 months prior to the review exceeded FAX's 90-second standard. For three of the 11 months, the average hold times exceeded the penalty threshold of two minutes. Use of monthly averages as a performance standard can mask individual call times and periods of poor performance during the month; it is possible to meet a monthly average standard while still experiencing significantly longer hold times at specific times of day and/or on specific days of the week. To meet the requirements of §37.131(f) to operate Handy Ride service without any operational pattern or practice that significantly limits the availability of service, the maximum allowable hold time standard must be set to avoid significantly long hold times. Telephone hold times must be regularly tracked and monitored against this standard to give FAX information necessary to adjust staffing in reservation to avoid a pattern or practice of significantly long hold times. Once performance standards for phone performance are established, FAX must establish a policy or procedure to regularly monitor performance and adjust reservationist staffing to meet the standards. As part of FAX's response to this finding, please provide a copy of the revised performance standard and monitoring procedure to FTA.

7.4 Recommendations

1. Base the hold time standard on maximum hold time rather than average hold time. The concern with using average hold times is that this standard could be met while masking periods of poor performance and actual individual call times during the month. If an average hold time standard is used, call for a specific percentage of hourly call periods to have shorter hold times than the average.
2. Consider adopting performance standards that measure the percentage of Handy Ride calls on hold by time increment, for example: W percent of calls answered within one minute, X percent in two minutes, Y percent in three minutes with 100 percent of the calls answered within Z minutes. Set the maximum allowable hold time to avoid significantly long hold times. When measuring hold times, use 30-minute increments, rather than entire months.
3. Work with contractor(s) to review the pattern of reservations calls and add staff to provide levels adequate to answer calls on weekday afternoons. Direct contractor(s) to increase the number of reservation agents and adjust their schedules to better meet peak period demand for the peak periods for reservation calls. At the time of the review, staffing levels for MV reservation agents appeared insufficient for the volume of incoming calls. Performance was not consistently good even during time periods where staffing levels were their highest. After 1:30 p.m. on Tuesdays, Wednesdays and Thursdays, two agents were scheduled to be in the call center. From 4:30 to 5 p.m. on these three days, there was only one reservationist scheduled to work. Based on the review team's analysis of hold times by 30-minute increments during the week of November 3 to 9, 2007, there were seven periods with particularly poor performance: an (unweighted) average hold time of greater than four minutes and/or at least four of five weekdays in which the hold time average exceeded

Handy Ride's standard. During the 4 to 4:30 p.m. and 4:30 to 5 p.m. periods, average weekday hold times were at least 5 minutes.

8 Trip Reservations

While the previous chapter addressed the impact of telephone performance on access to reservations, this chapter focuses on how FAX handled trip requests.

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 permits transit operators to accept paratransit reservations to be made up to 14 days in advance. Providing advance reservations is *optional*; providing next day service is *required*.

Section 37.133 of the DOT ADA regulations allows transit operators to provide subscription service (i.e., regularly recurring trips). Subscription service trips may not absorb more than 50 percent of the available trips at any given time, unless there is non-subscription capacity.

The review team paid particular attention to policies regarding trip reservations and whether FAX used any form of trip caps or waiting lists and whether there appeared to be a pattern or practice of denying a significant number of trip requests. This portion of the review examined the policies and procedures concerning negotiation of requested trip times.

The review team gathered and analyzed the following information:

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

8.1 Consumer Comments

In the nine telephone interviews conducted by review team members with Handy Ride customers, riders had varying views on making trips reservations. One rider said that she usually had to talk to a supervisor to get the trip that she wanted. All respondents said that there were no wait lists for trips. Most of them said that they got the times that they requested. One rider said that sometimes the time was negotiated within 15 minutes of his requested time. Another rider complained that she asked for an appointment times but got pickup times instead. The other riders said that they could request and receive either a pickup time or drop-off time.

For the period January to October 2007, FAX did not have a record of receiving any complaints concerning trip reservations.

8.2 Trip Reservations

As discussed earlier in this report, FAX accepted requests for Handy Ride trips seven days a week, from 8 a.m. to 5 p.m. Riders could call one or two days in advance. Riders could also request subscription service; requests for subscription trips were not limited to particular trip purposes or limited to a certain number of trips per week.

Handy Ride also allowed “will-call” requests for return trips from medical appointments. These trips were booked during the trip reservation process without a specific pickup time for the return trip. When a rider was ready to be picked up for the return trip the next day, he or she called Handy Ride. Handy Ride had a policy of providing the pickup within 90 minutes of the rider’s call.

MV Transportation used Trapeze software to accept and schedule Handy Ride trip requests. When reservation agents received calls from riders, they entered the trip information into Trapeze. Information entered included trip type (“going,” return, or will-call), pickup and drop-off addresses, date, requested pickup or drop-off time, number of attendants and companions, and mobility aids used.

When a reservation agent entered the trip information, Trapeze responded with a trip offer that may or may not have been within the one-hour negotiation window. The reservation agent offered this trip to the caller. If the caller accepted this trip offer, the agent confirmed the pickup time for the trip. When confirmed, Trapeze assigned the trip to a particular vehicle run.

At the time of the review Trapeze was set up to offer a single option and the reservation agents were trained to provide the caller a single option in response to the trip request. If the caller asks, the agent may search for another available time. The caller may also request another pickup or drop-off time, and then the reservation agent would search for another offer.

As discussed later in this report, the review team observed that the agents were inconsistent in which of the following three steps they took when Trapeze did not provide an offer for a requested trip. They either:

- Told the caller that the trip was confirmed at the requested time and entered the trip into Trapeze as unscheduled, relying on g taxi capacity to provide the trip or that cancellations and no-shows would create capacity for MV to provide the trip;
- Told the caller that the trip was not available at the requested time; or
- Told the caller that the trip was not available at the requested time, then looked for other times

For will-call return trips, the reservation agent entered the request as confirmed and coded it as “WC” in Trapeze. The trip was left as unassigned until the rider called Handy Ride for a pickup, at which point a dispatcher assigned the trip to a vehicle run on the service day

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, due to the entity’s inability to meet the ADA service criteria. Similarly, if only one leg of a round trip can be reserved, and the rider declines the trip, it must be tracked as two denials.

The review team observed Handy Ride reservation agents during three periods:

- Monday, December 10, 2007, afternoon
- Tuesday, December 11, morning
- Wednesday, December 12, afternoon

During these observation periods, the review team found:

- Reservationists were consistent in confirming the addresses and telephone numbers of riders;
- Reservationists were inconsistent in confirming whether the rider used a mobility aid or whether the rider was going to be accompanied by a PCA and/or companion;
- Riders could request “no taxi” for their trips; and
- A Spanish-speaking employee was usually available

Collectively, review team members made over 9 hours of live observations. In addition, a review team member listened to over an hour of recorded reservation calls from November 7, 2007.

During the observations, agents accepted trip requests and entered them into the Trapeze software. Including the live and recorded calls, 214 one-way trips were requested. The disposition of these requests was as follows:

- 194 next day trip requests accepted
- 3 trip requests accepted for trips two days ahead
- 3 trip requests offered by the reservation agents were refused. The offers were within 60 minutes of the requested time.
- 14 trip requests led to denials

The 14 denials out of 214 trips requests observed yields a 6.5 percent denial rate. In some instances, the caller asked for a pickup a particular time and reservation agents responded that no trips were available, without entering the trip request into Trapeze. For example, on December 10 at 4:30 p.m., one reservations agent told callers who requested a trip for the next day between 6:30 a.m. and 12:30 p.m. that those trips were not available because no space was available. The reservationist did not enter these requests into Trapeze; as a result, Handy Ride had no record of these denials.

Most of the denials that the review team observed occurred when a reservations agent offered a trip that was more than one hour from the requested time, and the caller accepted the offer. In each case, the reservation agent entered the trip into Trapeze as a confirmed trip but failed to also enter it as a denial. Table 8.1 presents five of the instances observed by the review team.

Table 8.1 – Handy Ride Trip Requests Fitting ADA Definition of Denial, But Not Recorded as Denial

Requested Pickup Time	Time Offered (and Accepted)	Difference (mins)
8:15 a.m.	6:23 a.m.	112
8:30 a.m.	10:30 a.m.	120
9 a.m.	10:53 a.m.	113
3 p.m.	5 p.m.	120
5 p.m.	6:01 p.m.	61

Based on observations of this practice at the time of the review, it is likely riders experienced other trip denials that the reservation agents did not classify as denials and of which FAX had no record.

Another type of denial occurred when reservation agents labeled a trip request as a refusal. For example, on December 12, 2007, a caller requested a pickup for the following day at 1:45 p.m. The reservations agent offered two times: 11:35 a.m. or 3:45 p.m. Since both of these offered times were more than one hour from the requested time, offers did not meet the requirements of §37.131(b)(2)) and both should have been classified as a denial. However, when the caller turned down these offers, the reservations agent entered this as a “refusal” into Trapeze.

Reservationists were inconsistent when asserting there was no more capacity at a given time or when Trapeze did not provide a trip within the one-hour negotiation window. Most often, the reservation agents told the caller that nothing was available at the requested time and/or made a trip offer outside of the negotiation window. Sometimes the reservation agent confirmed a trip at the time requested but left it unscheduled. It appeared that the agents made these decisions based on trip purpose. If the trip was for a medical appointment, the agent seemed more likely to accept the requested times and enter the request into Trapeze as “unscheduled.”

Reservation agents also handled calls for trip cancellations, confirmations for future trips, riders ready for will-call pickups, general information about Handy Ride, and “Where’s my ride?”

calls. The Handy Ride reservation agents and dispatchers were in the same room, so they could easily transfer calls or forward messages as needed.

8.4 Findings

1. At the time of the review, FAX was not properly recording trip denials, resulting in an undercount of denied trips. During the review, the review team observed a total of 214 trip requests, of which 14 resulted in denials; this resulted in a denial rate of 6.5 percent. However, not all of the observed denials were recorded as such by Handy Ride personnel, such as a rider's acceptance or decline of trip times more than one hour from the requested trip time or when no trip was available. To meet the response time requirements of §37.131(b), FAX must revise its policy and count and track as denials any outright inability to serve trip requests, including any trip which it cannot schedule within one hour before or after the eligible riders desired departure time (even if accepted by the rider). If only one leg of a round trip can be reserved and the rider declines the trip, it must be tracked as two denials. FAX must track and report this information to FTA. FAX must direct contractor(s) to re-train reservation agents to record trip denials and establish a procedure for reviewing reservation practices to ensure these denials are counted as denials and provide a copy of the directive to FTA. As part of FAX's response to this finding, FTA requests the number of ADA paratransit trips requested, scheduled, provided, and denied for the past six months and FAX's plan to eliminate all ADA trip denials.
2. For certain trip requests with no offer from Trapeze within 60 minutes, reservation agents confirmed the trips, but left them as "unscheduled." Based on review team observations, reservationists were more likely to confirm medical trips. Section 37.131(d) prohibits restricting or prioritizing ADA trip requests based on trip purpose. FAX must establish consistent policies to ensure that reservations agents are not prioritizing trips in this manner. Given the large number of trips that were "unscheduled" going into the service day at the time of the review, FTA requests additional information on the policies in place to ensure these trips on the unscheduled list are actually scheduled, and that this "unscheduled list" is not a prohibited waiting list. As part of FAX's response to this finding, please provide a copy of the policies, directive(s), and information to FTA.
3. Based on review team observations at the time of the review, reservationists did not provide an opportunity for passengers to negotiate pickup times. MV Transportation (MV), FAX's contractor, had set up the Trapeze software to offer a single pickup time in response to a trip request, and the reservation agents were trained to provide the caller with a single pickup time in response to the trip request. If the caller asked, the agent might search for another available time. The caller could also request another pickup or drop-off time, and the reservation agent would search for another pickup time. Section 37.131(b)(2) of the DOT ADA regulations permits transit systems to negotiate pickup times with ADA paratransit passengers, but prohibits requiring the individual to schedule a trip more than an hour before or an hour after his scheduled time. FAX must direct employees and contractors to revise procedures to ensure that passengers are able to negotiate pickup times and to include this information in training material for new reservationists. In response to this finding, FAX must provide a copy of the directive to FTA.

4. *The Guide* (Page 20) states that FAX provides “will call” service for medical trip purposes, describing it as a “call when ready” service that will accommodate trips within 90 minutes. The number of “will call” trips accommodated each day is limited to a maximum number determined by Handy Ride supervisors and dispatchers, based on the number that they feel Handy Ride could accommodate without negatively impacting the scheduled service, and approved by FAX. To determine whether FAX is meeting its obligations under the DOT ADA regulations, FTA requests updated information on how FAX currently operationalizes “will call” trips, including FAX’s most recent analysis of the impacts on FAX’s ability to provide next-day ADA trips. This information should be provided to FTA as part of FAX’s response to this finding.

8.5 Recommendations

1. Work with contractors to develop a script for reservation agents so they consistently request and confirm all relevant information for each trip request. Reservation agents were inconsistent in confirming whether the rider used a mobility aid or whether the rider was going to be accompanied by a PCA and/or companion.

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. Consequently, the review team examined how the service performed in terms of on-time performance, the handling of missed trips and no-shows, and on-board travel times for FAX's ADA complementary paratransit service.

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

9.1 Consumer Comments

At the time of the review, FTA had received two formal written complaints concerning FAX's Handy Ride service. In June 2006, a complainant writing on behalf of a rider cited the following concerns:

- "They [FAX] are not completely certifying any of the new drivers that they bring aboard and put out on the road."
- "Some of the drivers don't wear their seat belts."
- "Some of the drivers have smart mouths, and they don't know when to be quiet."
- Drivers make illegal U-turns.
- "Sometimes they don't tie the walkers down."
- "At times they leave the wheelchair ties locked in place and I have to pick up my walker to get over and/or around them."
- "They leave the wheelchair ties laying loose in the aisle."
- "They enter apartment complexes the wrong way."
- "They have sent buses with little and/or no air in heat greater than 90 degrees."
- "They have had myself and other clients wait from 30 minutes up to 2-1/2 hours to be picked up if not longer."
- "Dispatch and reservationists pitch attitudes with the clients at times."

FTA received another complaint in September 2006. This individual, who uses a wheelchair and is a Handy Ride rider, alleged the following:

Most of the time Handy Ride is late to pick me up or to take me back home from school. I have to wait hours outside during high temperatures, or during cold

weather season, sometime they do arrive late, but sometimes they don't even show up. When I can, I tried to call them from a pay phone, but the phone line is busy most of the times. And when I do get to talk to them, they just tell me to wait another 30 minutes because there is a bus on the way to pick me up, but most of the times they have told me that is not true, the bus never arrives and they leave me there waiting.

They give me phone numbers to call and complain, but when I call they just give me another phone number and the situation never gets resolved.

In the telephone interviews, respondents had several comments regarding Handy Ride's on-time performance. For on-time pickups, one rider said that the drivers "generally get lost in a campus environment," but otherwise are on time. Two riders said that pickups are on time, but often at the end of the 30-minute pickup windows. The other riders said that their pickups are usually on time.

For on-time drop-offs, one rider said that she did not request drop-off times because those trips had frequently been late. Another said that he was "sometimes on time and sometimes late," which caused him to miss medical appointments. All other respondents said that their trips were usually on time.

Five of the nine respondents had concerns about trip lengths. Three of these five said that they noticed much longer trips when there were other passengers on board. One of them said that she had several trips more than 2 hours in the afternoon or early evening; she thought that her trips (as a student) had lower priority than work trips. However, she said that travel times had improved. Another of the five said that "they ride me all across town every trip." The other four riders did not have a problem with long trips.

Of the 59 formal complaints about Handy Ride service filed with FAX from January to October 2007, 38 were directly related to service performance: 14 for a late pickup on the initial trip; eight for a late pickup on the return trip; three for unsafe driving; one for "not on schedule"; and 12 for other "driver related" complaints. Of the 75 inquiries about Handy Ride service from January to October 2007, 46 were directly related to service performance: 16 for a late pickup on the initial trip; four for a late pickup on the return trip; two for unsafe driving; and 24 for other "driver related" complaints.

9.2 Service Policies

At the time of the review, FAX stated that it had established the following definitions and standards for Handy Ride operations:

- **Denials.** FAX allows "zero denials," defined as "failure to negotiate an acceptable trip within ADA guidelines."
- **Carrier Missed Trips.** No "service delivery failures" were allowed for "failure to arrive within 61 minutes after the scheduled pickup time, whether or not the passenger is transported."

- **On Time Pickups.** The on-time window is 5 minutes before to 30 minutes after the scheduled pickup time (-5/+30). The performance standard is 90 percent of pickups within the window. FAX had no window or standard for on-time drop-offs.
- **Will-Calls.** At the time of the review, Handy Ride accepted requests for and scheduled will-call returns for trips from medical appointments. FAX had set a standard that 90 percent of will-call pickups should take place within 90 minutes after a passenger's call for a will-call pickup. Page 20 of *The Handy Ride Guide to Ride* September 2011 issue (*The Guide*) does not specify will-call returns and states that "will calls will be accommodated within 90 minutes of a request."
- **Travel Time.** At the time of the review, FAX had set a standard that 75 percent of trips should be 60 minutes or less, and 100 percent of trips should be 90 minutes or less. In addition, according to *the Guide*, "a trip taken on Handy Ride would compare in length to the same trip taken on the FAX fixed route system."
- **Passenger No-Shows:** At the time of the review, FAX anticipated instituting bonuses and penalties for passenger no-shows in 2008. FAX believed that these financial incentives and penalties would cause MV to modify dispatcher and driver behavior to minimize no-shows. It was anticipated that the dispatchers would work harder to contact passengers and the; the drivers would spend a few minutes looking for or waiting for a passenger. The monthly standard for passenger no-shows was 5 percent in 2008, decreasing to 4 percent in 2009 and 3 percent in 2010, respectively. FAX would award a bonus to MV for no-shows being at least 1 percent better than the standard and assess a penalty to MV for no-shows being at least 1 percent worse than the standard (see Table 3.1 for the standards).

Travel Time Policies and Standards

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.

No-Show and Missed Trip Definitions and Performance Standards

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 period 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) can not be a basis for determining that such a pattern or practice exists. Appendix D explains that a "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 leaves the paratransit vehicle trapped in 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.

9.3 Service Procedures and Practices

Scheduling

The review team observed the scheduling process and spoke to the lead schedulers during the site visit. There were three MV Transportation employees in the call center who assisted with scheduling. This included a primary weekday scheduler, a person who did early morning clean-up of the schedules before they were printed for vehicle operators, and a weekend scheduler.

The primary weekday scheduler indicated that her first task each day was to ensure that all runs scheduled two days out have vehicle operator coverage. She reviewed the list of operators who have approved leave or absences, and placed any scheduled spare (“extraboard”) operators on open runs, i.e., runs without an operator. If the available extraboard is not sufficient to cover all open runs, she contacted vehicle operators who were not scheduled to work that day to see if they could work overtime. The primary scheduler stated that she was typically able to find vehicle operators to cover all open runs so that all runs scheduled have coverage two days out.

After 5 p.m., the primary scheduler used Trapeze to run a batch to re-optimize the assignment of trips. She first unscheduled all ambulatory demand trips, then she ran a batch to schedule all of the demand trips for riders who use wheelchairs. Next, she batch-scheduled ambulatory riders. This was done to ensure that all riders who need accessible vehicles get placed on runs. If some trips remained unscheduled, MV Transportation preferred that they be for riders who did not need an accessible vehicle, since MV Transportation had a contract with local taxi companies for backup service.

Once the Trapeze system assigned as many trips to runs as possible, the primary scheduler began manually placing any trips not scheduled by the batch process. She indicated that there were typically several hundred trips that the system could not automatically place that had to be manually fit onto runs. On Monday of the week of the on-site visit, December 10, 2007, there were 343 trips that were unscheduled after the batches were run. This figure was close to half of Handy Ride’s typical weekday ridership.

When the primary scheduler manually placed trips to runs, she sometimes used the “drag and drop” feature in the scheduling software. At other times, though, she queried the system for assignment solutions and while doing this she had the “Search Wide” (“Srch W”) button toggled on. Toggling this feature allowed Trapeze to ignore the original negotiated time. This practice resulted in trips being rescheduled at times that differed from the pickup time previously negotiated with the customer. . At the time of the review, the primary weekday scheduler was new and it is possible that she was not aware of the impact of leaving this option toggled on. The issue was raised with a manager who provided some additional scheduling training.

Typically, the primary scheduler was not able to manually place all unscheduled trips onto runs by the end of her shift. These trips are left for the morning scheduler who does final clean-up. The schedulers stated that about 60 to 100 trips remain unscheduled going into the day of service.

The primary weekday scheduler also indicated that she did not do any run-by-run checks for violations, such as long ride times, pickups or drop-offs outside the windows or checks to ensure that runs looked workable. She stated that she was new and was receiving training to be able to do this in the future.

The morning scheduler indicated that his primary duty was to manually assign as many of the trips to runs that remained unscheduled from the previous evening. He stated that he is typically successful in assigning about half of the unscheduled trips; the other half then have to be same-day dispatched when slack time becomes available as a result of cancellations. This meant that about 30 to 50 trips remain unscheduled and are same-day dispatched.

The morning scheduler also performed a run-by-run review in Trapeze and looked for trip times that were displayed in red—meaning the trip cannot be performed on-time or that there is a travel time violation or other type of violation. He then attempted to correct these situations by moving the trip or rescheduling other trips in that same time period. The morning scheduler typically used the “drag and drop” feature to move trips. When he did query the system for new scheduling solutions, he had both the “Use Neg” and “Srch W” buttons toggled off. A test of this configuration showed that by leaving both buttons off, the system protected the original negotiated time during rescheduling. The morning scheduler stated that it was a strict MV Transportation policy to not change scheduled pickup times unless requested by the rider; he emphasized that he always followed this policy.

The morning scheduler also indicated that he processed applications for subscription service. If a rider requests subscription service, a reservation agent completes a form with the trip details and gives it to him. The policy was to consider requests as long as the trip is made at least once a week and the origin and destination and travel times are at the same each day. He mentioned that all these requests typically are honored and that there was not a waiting list for subscription service.

Subscription trips were anchored to runs. This helps ensure that the trip is performed in a similar manner each day. It also allows vehicle operators with set runs to get used to performing the

subscription trips. This is a good practice that ensures consistency for riders and can help increase productivity as well.

Dispatching

The review team observed Handy Ride dispatch operations during peak hours and interviewed several dispatchers. There are four full-time dispatchers. Their work schedules allow two dispatchers to be on duty on Mondays and Tuesdays from 7:30 a.m. until 4 p.m. Before 7:30 a.m. and after 4 p.m. on Mondays and Tuesdays, one dispatcher is on duty. On Wednesdays, Thursdays, and Fridays, two dispatchers are scheduled from 7:30 a.m. to 12:30 p.m. and from 2 p.m. to 4 p.m. One dispatcher is on duty these weekdays before 7:30 a.m., from 12:30 to 2 p.m., and after 4 p.m. On weekends, two dispatchers are scheduled from 11:30 a.m. to 3 p.m. On the rest of the weekend hours, there is one dispatcher on duty.

Managers and reservationists also sometimes assist in dispatch if a dispatcher is out or during some periods when only one dispatcher is scheduled (such as the 12:30 to 2 p.m. period on Wednesdays, Thursdays and Fridays when only one dispatcher is scheduled).

A review of the schedules for the week of November 4 to 10, 2007 showed that up to 41 runs are scheduled during peak operating hours on weekdays. This means that each dispatcher is managing about 20 runs during the peak. On weekdays after 4 p.m., when only one dispatcher is scheduled to be on duty, it was noticed that up to 27 runs are scheduled. On weekends, there are about 25 runs scheduled. At times when only one dispatcher is on duty on weekends, he or she would manage up to 25 runs. In FTA's experience these ratios of runs per dispatcher are reasonable according to general practices that suggest one dispatcher for every 30 runs on the street.

While the number of runs managed by each dispatcher is reasonable, it was noticed that Handy Ride dispatchers dispatch a large number of trips on a same-day basis. They also have to manually enter a completed pickup or drop-off into Trapeze for many trips because of problems with mobile data terminals (MDTs). These tasks are in addition to the typical duties of responding to vehicle operator needs and rescheduling trips when runs fall behind schedule.

Dispatchers worked throughout the day to place any remaining unscheduled trips on runs. As noted earlier in this section of the report, about 30 to 50 trips are typically unscheduled on weekdays at the beginning of the day. If any runs are closed due to unscheduled vehicle operator absences, this number of unassigned trips increases.

Dispatchers also worked throughout the day to assign will-call trips to runs. As mentioned in Section 8 of this report, riders could request that medical return trips be left as will-calls and call when they were ready for a return ride. Dispatchers stated that there were typically about 65 will-call trips on weekdays that had to be same-day dispatched.

Dispatchers also manually entered pickup and drop-off times into Trapeze when MDTs were not working. During the review team observations of the dispatch process in the afternoon on December 11, four vehicles were on the road without functioning MDTs. Dispatchers mentioned that the MDTs on older vehicles were problematic. Sometimes when drivers entered trip

information, the MDT units shut down and dispatchers had to poll these runs periodically to manually enter the data into the system. Dispatchers also mentioned that on the newer vehicles, the MDTs periodically shut down and vehicle operators had to re-boot the units. They believed that this was related to a recent software upgrade that was being de-bugged at the time of the site visit.

When performing these manual entries, review team members observed that dispatchers were using the “Schedule Editor” mode rather than the “Dispatch” mode in Trapeze. The latter mode allows potential problem trips to be more easily identified in advance.

Handy Ride appeared to have established procedures for attempting to contact the passenger prior to declaring a no-show. The policy was that if a vehicle operator arrived at a pickup location, waited the required time and the rider did not board, the driver was instructed to contact the dispatcher. The dispatcher double-checked the pickup location to verify that the operator was at the correct location, and attempted to contact the rider by phone. If the rider still could not be located, the dispatcher authorized the operator to depart. An operator was not to record a rider as a no-show until authorized by the dispatcher.

In practice, however review team members observed that vehicle operators sometimes notified dispatchers of no-shows after the fact. Dispatchers stated that some drivers do this because the dispatcher is sometimes difficult to reach if they are polling other operators with defective MDTs for recent pickup and drop-off times. Both dispatchers who were interviewed stated that vehicle operators call in no-shows before they depart “70 to 80 percent” of the time. Both dispatchers felt they could dedicate more attention to no-shows and be more accessible to drivers if the MDTs were more reliable.

Driver Interviews

Review team members interviewed eight Handy Ride drivers. Their level of experience ranged from two months to 18 years driving for paratransit, with most of those interviewed working from four to six years in the industry. Driver training included up to 100 hours of a combination of behind-the-wheel and classroom training and was generally felt to be “good” or “very good” according to newer drivers. The training includes the usual complement of policies and procedures, driving skills, use of MDTs, passenger sensitivity, and use of lifts and securements, as outlined in the MV training curriculum. Several of the newer drivers suggested that more emphasis on map reading would be very helpful. At the same time, the more experienced drivers mentioned that they had been trained many years earlier by the original private companies that had hired them. The drivers stated that there is no formal refresher training, although new topics may be covered at monthly safety meetings (e.g., use of new securements, reminders about passenger sensitivity or policy changes).

When asked what was the most difficult part of the job, several drivers cited a lack of communication and support from the dispatcher as their biggest issue. Several stated that it is hard to get through to the dispatcher (particularly from 9 a.m. to noon). One driver said that some dispatchers do not seem to respond to calls from drivers at all. Several drivers also said that the MDTs were somewhat unreliable and went off and on during the day, further

complicating communication with the dispatcher or resulting in missed messages about cancellations. A few drivers mentioned concerns about finding addresses or running late as a major issue. Two drivers also mentioned problems with the vehicles, particularly difficulties with the securements in older vehicles. One driver mentioned that there was no place on the Daily Vehicle Inspection Report to indicate problems with the radios or MDTs (other than the presence of an MDT antenna). A copy of the Daily Vehicle Inspection Report is included in Attachment H.

Most of the drivers mentioned that schedules were good, and had improved significantly in the past two years. The drivers indicated that they typically pick up from 12 to 15 riders per day. One driver thought that there was too much downtime in the schedules and more trips could be accommodated with better schedules.

Drivers all said that the pickup window was based on the scheduled pickup time plus 30 minutes. One driver mentioned some confusion with the printed manifest times versus the estimated time of arrival (ETA) noted on the manifest. He felt that the ETA on the manifest was not helpful since it changed as soon as the run started. Drivers said that while most customers understand the 30-minute on-time pickup window, some passengers think the drivers are late if they do not appear at the start of the window. Most customers are ready to go when the drivers arrive.

Drivers estimated that, about once a week, customers tell them they were given a different pickup time than what is listed on the manifest. Drivers said that differences in stated pickup windows had been a bigger problem, but it had improved in the past few months. Drivers said keeping on schedule was usually easy to do and most said that they run late for only one pickup per week. When they are running behind, most of the drivers said that dispatch will help them by reassigning rides to help get them back on schedule for the next pickup. They also said they do not find it necessary to arrive early (in advance of the pickup window) to stay on schedule. However, if they are running early, several drivers said they will contact dispatch and ask if the passenger is ready to go, but all said they do not push a passenger to leave early unless it is convenient for them to do so. If a driver arrives within the pickup window and the passenger does not appear for the ride, the driver attempts to contact the dispatcher and waits for 5 minutes before leaving. Because it can be difficult to reach the dispatcher, drivers sometimes leave without talking to the dispatcher if the five minutes has passed. One driver mentioned that the older MDTs do not allow for text messaging, which makes it difficult to send messages to the dispatcher via the MDT.

Most of the drivers said the information provided on the manifests is correct, including the passengers' use of mobility aids, although sometimes there is information missing about whether a passenger is traveling with a companion. While Handy Ride's service policy is curb-to-curb, the drivers all said they help someone to the door if the person appears to need help.

Drivers had a mixed response when asked about vehicle maintenance. Some said the vehicles were fine and mentioned that they typically have the same vehicle, which they like (based on seniority). Several commented about problems with the older vehicles that rattle and appear to be less stable. Cleanliness was also cited as an issue sometimes, both inside and out. One driver said that vehicles #3936 to #3944 should be retired—citing bad securements, bad MDTs, and

poor air conditioning. Overall, drivers said that repairs are generally done well, except for MDTs.

As a final note, one driver commented that the office—particularly dispatch—needs to be more professional in how they deal with drivers.

9.4 On-Time Performance

MV reported Handy Ride’s on-time performance on a monthly basis to FAX. As shown in Table 9.1, during the 6-month period from June to November 2007, MV reported on-time performance ranged from a low of 93.3 percent in July to a high of 94.8 percent in October. There are three caveats for the reported performance. First, this data does not include will-call pickups, for which “on-time” performance was up to 90 minutes after the call for a pickup. Second, this data does not include trips provided by MV’s taxi subcontractors, which provided 10.7 percent of the Handy Ride trips during these 6 months. The taxi companies did not begin to report pickup and drop-off times until December 2007. Third, FAX did not conduct an independent review of MV’s analysis.

Table 9.1 – Reported On-Time Performance for Handy Ride Pickups

Month (2007)	On Time %
June	94.4
July	93.3
August	93.8
September	94.2
October	94.8
November	94.4

Calculated On-Time Performance for Pickups

The review team analyzed 165 completed Handy Ride trips from Wednesday, November 7, 2007 to derive an estimate of on-time performance. The sample consisted of every fourth trip from the Handy Ride driver manifests of that day but not from the taxi trips, since MV did not receive pickup and drop-off data for these trips. There were a total of 759 completed Handy Ride trips on that day: 685 provided by MV and 74 provided by taxi subcontractors. Data collected from these manifests included:

- negotiated pickup time
- actual pickup arrival and departure times
- actual drop-off arrival times

For will-call trips, unscheduled trips, and trips moved between runs, the review team obtained the negotiated pickup times from the reconciled data in Trapeze. In collecting data from the manifests and from Trapeze, the review team noticed several types of inconsistencies that would lead to inconsistencies in the calculation of on-time performance:

- For some trips, the negotiated time on the manifest was different from the “schedule time” in Trapeze
- Six of the trips that were moved between runs (of the 24 in the sample) had no “schedule time” in Trapeze

Table 9.2 presents the calculated on-time performance for the sample trips, including will-call trips. As shown, 63.6 percent of the pickups took place within the pickup window of -5/+30 minutes. Including pickups prior to the pickup window, 91.5 percent of trips were early or on time. This is greater than the standard of 90 percent, but slightly lower than the performance reported by MV. Again, taxi trips were excluded from this analysis.

Table 9.2 – Calculated On-Time Performance for Pickups (November 7, 2007)

	Trips	Percent
Total Sample	165	100.0%
>30 minutes late	1	0.6%
16-30 minutes late	2	1.2%
1-15 minutes late	11	6.7%
In window	105	63.6%
1-15 minutes early	36	21.8%
16-30 minutes early	8	4.8%
>30 minutes early	2	1.2%

On-Time Performance for Drop-offs

As discussed earlier in this section of the report, FAX does not have a standard for on-time drop-offs. It does not ask MV to track, review, or report on-time performance. Furthermore, while riders may specify a drop-off (appointment) time when requesting a trip, that time is not printed on the manifest.

The Trapeze software can generate a report that lists (by vehicle run) the trips that have a requested drop-off time. According to the Trapeze report, for November 7, 2007, there were 96 completed trips with requested appointment times (this includes all trips and is not limited to the 165 trips in the review team’s sample analyzed for on-time pickups). Of these 96 trips, MV has actual drop-off times for 87 (the other nine trips were provided by subcontractors). For these 87 trips, 84 trips were on time and three were late for the appointment. This yields a reported on-time performance of 96.6 percent.

9.5 Trip Length

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 Handy Ride data on the travel time (i.e., the time on board the vehicle) for ADA complementary paratransit trips to determine whether there was a substantial number of significantly long trips relative to trips made on FAX's fixed route system (49 CFR §37.131(f)(3)(i)(C)). To complete this analysis, the review team first reviewed a sample of 165 trips from one service day, Wednesday, November 7, 2007 (the same sample used to analyze on-time pickup performance). Of the 165 trips sampled on that day, 97 percent had travel times less than or equal to 60 minutes. Three percent (5) had travel times in excess of one hour (three trips had travel times between 61 and 90 minutes and two trips had travel times longer than 90 minutes). Additionally, nearly half (47.6 percent) were 15 minutes or less (see Table 9.3). The average (mean) travel time was 21 minutes and the median travel time was 17 minutes for the sample.

Table 9.3 – Sample Travel Times (November 7, 2007)

Sample Size	165 trips	
Mean Travel Time	21 minutes	
Median Travel Time	17 minutes	
> 90 minutes	2	1.2%
61-90 minutes	3	1.8%
≤ 60 minutes	160	97.0%

The second part of the analysis compared the travel times of a sample of Handy Ride trips to travel times of comparable set of trips made on FAX's fixed route service. Because of the relatively small percentage of trips with travel times longer than 60 minutes, the analysis was expanded to include a sample of trips that were 30 minutes or longer for the week of November 3 to 9, 2007. A total of 25 trips were analyzed from 341 rides with travel times in excess of 30 minutes. This sample did not include trips provided by the MV subcontractors, since data on pickup and drop-off times was not available for those trips.

For each paratransit trip analyzed, the estimated travel time for a comparable fixed route trip is based on the following components:

- Travel time on the fixed route bus(es)
- Transfer time(s) if riding more than one bus
- Waiting time for the first bus (5 minutes)
- Walking time from origin to the first bus and from the last bus to destination: based on a walking speed of 3 miles per hour (pace of 20 minutes per mile)

For purposes of the analysis, a Handy Ride trip that was more than 30 minutes longer than the comparable fixed route trip on FAX was treated as a significantly longer trip. The comparison of

travel times showed that after adding walking and waiting time and the additional 30 minutes to determine the comparable fixed route trip travel times, none of the 25 sample trips was identified as significantly longer than the comparable fixed route trips (see Table 9.4). In fact, on average, the Handy Ride trips in the sample were 48 minutes long, compared to 65 minutes on FAX, with Handy Ride times averaging 17 minutes *shorter* than comparable trips routed on FAX.

Table 9.4 – Comparison of Travel Times of Handy Ride Trips with Comparable Fixed Route Trips (November 3-9, 2007)

Pickup Address Drop-Off Address	Pickup Time	Drop-Off Time	Comparable Fixed Route Trip	Travel Time		
				Handy Ride (mins.)	Fixed Route (mins.)	Difference (Handy Ride - Fixed Route) (mins.)
4200 N. Winery 7000 N. Whitney Ave.	9:30 a.m.	10:23 a.m.	#45, #38	53	54	-1
300 E. Alluvial St. 5200 N. 1 st St.	7:58 a.m.	8:55 a.m.	#32, #9	57	53	4
2900 E. Donahoo Ave. 7300 N. Fresno St.	11:01 a.m.	11:40 a.m.	#34, #32	39	70	-31
600 W. Hawes Ave. 15 E. Audubon Ave.	9:47 a.m.	10:35 a.m.	#30	48	77	-29
7300 N. Fresno St. 4400 E. Fountain Way	10:52 a.m.	11:41 a.m.	#32, #41	49	58	-11
100 E. San Joaquin St. 6000 N. 1 st St.	11:50 a.m.	12: 30 p.m.	#30, #34	40	60	-20
000 Bullard Ave. 2100 S. Martin Luther King	1:57 p.m.	2:35 p.m.	#10, #9, #32	38	94	-56
6200 N. Delbert Ave. 2800 N. Blackstone Ave.	12:12 p.m.	12:47 p.m.	#9, #30	35	76	-41
1900 E. Shields Ave. 1200 E. San Jose Ave.	2:19 p.m.	2:53 p.m.	#41, #34	34	38	-4
6400 N. Blackstone Ave. 5200 N. 4 th St.	3:40 p.m.	4:16 p.m.	#30, #9	36	47	-11
1300 E. Shaw Ave. 5600 N. Tamara Ave.	4:20 p.m.	5:04 p.m.	#9, #20	44	49	-5
7300 N. Fresno St. 1300 N. 9 th St.	1:10 p.m.	1: 44 p.m.	#32, #35	34	59	-25
200 N. Fresno St. 3400 N. Fruit Dr.	5:38 p.m.	6: 00 p.m.	#32, #41	42	63	-21

Pickup Address Drop-Off Address	Pickup Time	Drop-Off Time	Comparable Fixed Route Trip	Travel Time		
				Handy Ride (mins.)	Fixed Route (mins.)	Difference (Handy Ride - Fixed Route) (mins.)
7300 N. Fresno St. 1900 S. Chestnut Ave.	11:02 a.m.	12:14 p.m.	#32, #41	72	74	-2
1700 E. Fir 300 W. Dakota	9:40 a.m.	10:28 p.m.	#38, #9, #45	48	90	-42
2200 S. Nicholas Ave. 7000 N. Whitney Ave.	8:06 a.m.	8:58 a.m.	#34, #38	52	118	-66
1000 Fulton Mall 3100 E. Millbrae Ave.	12:56 p.m.	1:49 p.m.	#34	53	56	-3
1200 Broadway Plaza 3100 E. Shields Ave.	10:09 a.m.	10:44 a.m.	#34	35	38	-3
4800 E. McKinley Ave. 2700 W. Shields Ave.	1:01 p.m.	1:35 p.m.	#41, #39	34	78	-44
500 W. Floradora Ave. 1400 David E. Cook Way, Clovis	12:07 p.m.	1:39 p.m.	#22, #9, Clovis #10	92	110	-18
3400 E. Shields Ave., 2700 E. Orleans Ave.	9:49 p.m.	10:35 p.m.	#41, #26	54	41	13
2000 S. Sierra Vista Ave. 1300 N. Fresno St.	10:44 a.m.	11:28 a.m.	#26, #32	42	47	-5
1100 E. University Ave. 4800 E. Washington St.	3:16 p.m.	4:10 p.m.	#28, #41	54	71	-17
3000 N. Fresno St. 500 S. Peach Ave.	1:03 p.m.	2:00 p.m.	#32, #26	57	46	9
1100 E. University Ave. 9700 Willey Ct.	9:14 p.m.	10:13 p.m.	#28, #41	59	[#41 stops at 6:30 p.m.]	n/a
Average (25 trips)				48	65	-18
Note: Street addresses rounded to nearest 100 block. Fixed route travel time includes walking time at both ends of trip (measured at a 20-minute per mile pace) and a 5-minute allowance for waiting time for the first leg of the trip (assuming average of 12 blocks per mile).						

9.6 Findings

1. At the time of the review, FAX did not conduct an independent review of MV Transportation's (MV) reported on-time performance. To meet the requirements of §37.131(f)(3)(i)(A), FAX must monitor contractor performance to ensure that Handy Ride service is provided without substantial numbers of significantly untimely pickups for initial or return trips. For the six months from June to November 2007, MV's reported monthly on-time performance ranged from 93.3 percent to 94.8 percent. However, this reported performance included neither will-call trips (which had a window of 0/+90 minutes after the call requesting a pickup) nor trips provided by MV's taxi subcontractors, which provided 10.7 percent of the trips during these six months. MV did not provide data on pickup or drop-off times for the taxi trips. A plan for monitoring service performance is needed, including requiring contractors to collect, measure, and report accurate data on pickup and drop-off times of subcontractors. If MV's taxi subcontractors provide a portion of the Handy Ride trips, MV must not be permitted to exclude performance of its subcontractors from its on-time performance reports. Performance of will-call trips must be collected, tracked and monitored for both contractor and subcontractors. As part of FAX's response to this finding, please provide a copy of the revised service performance monitoring plan to FTA for review.
2. At the time of the review, FAX did not require MV to regularly measure or report on-board travel time. According to *The Guide (Page 21)*, "normally a trip should not exceed more than 90 minutes" and "Individuals may expect that a trip taken on Handy Ride would compare in length to the same the same trip taken on the FAX fixed route system." To meet the requirement of §37.131(f)(3)(i)(C), FAX must monitor contractor performance to ensure that Handy Ride service is provided without substantial numbers of trips with excessive trip length. A plan is needed for monitoring the on-board time that Handy Ride riders experience to determine whether on-board times are comparable with fixed route ride time, including requiring employees and contractors to collect, measure, and report accurate data regarding on-board time. As part of FAX's response to this finding, please provide the requested information to FTA.
3. To meet the response time requirements discussed in Chapter 8, FAX must schedule pickup times that honor the pickup window communicated to the customer. During manual scheduling, the primary scheduler allowed Trapeze to ignore the pickup time that had been negotiated with the customer. This practice resulted in trips being rescheduled at times that differed from the pickup time previously negotiated with the customer. FAX must require staff and contractors to protect the pickup window, refrain from making any changes unless the customer consents, and document contact with the customer; direct employees and contractors to limit any changes to pickup times to no more than one hour before or after the customer wishes to travel; and require employees and contractors to include this information in any training of new schedulers or dispatchers. As part of FAX's response to this finding, please provide copies of the directive(s) to FTA.
4. At the time of the review, FAX's no-show suspension policy did not appear to make distinctions between no-shows within a rider's control, those due to circumstances

beyond the rider's control and those due to system error. FAX must revise its no-show suspension policy as follows:

- The vehicle must arrive within the pickup window and the vehicle operator must wait 5 minutes, per FAX's policy, before a no-show is declared
- No-shows that are not within the customer's control will not be counted against the rider
- The advance notice of the proposed suspension must be provided in writing and the number of days of advance-notice must be specified
- Riders' frequency of use must be taken into account, to ensure that sanctions are imposed only for a pattern or practice of missing scheduled trips and not isolated accidental or singular incidents
- The length and reasonableness of both proposed suspensions which "range from 5 to 30 days," and "subsequent suspensions" must be clarified.

FTA requests that FAX provide a copy of its analysis justifying that "Five NO-SHOWS within a one-month period" may constitute a pattern or practice of missing scheduled trips, and the current no-show rate for Handy Ride ADA service. As part of FAX's response to this finding, please provide the requested information to FTA prior to making any revisions to *The Guide*.

5. At the time of the review, FAX did not have a written policy or procedure for employees, contractors and subcontractors to follow prior to declaring rider no-shows. FAX relied on the written policies of its contractor, MV Transportation, which required vehicle operators to obtain dispatcher approval for declaring rider no-shows before leaving a pickup location. In practice, however, review team members observed that vehicle operators sometimes notified dispatchers of no-shows after the fact and two dispatchers stated that vehicle operators called in no-shows before they departed "70 to 80 percent" of the time. Furthermore, FAX staff stated that the coding of trips, trip details, and trip "Tracker Notes" were not reviewed or verified before no-show notification and suspension letters were sent. To meet the requirements of §37.125(h)(1) – (h)(3) of the DOT ADA regulations, a procedure for properly coding no-shows is required. Employees, contractors and subcontractors must be directed to code no-shows correctly and FAX must monitor and verify trip coding to ensure that proposed suspensions of service are warranted. As part of FAX's response to this finding, please provide copies of the policy or procedure and the directive to FTA.
6. FAX must cease the practices stated in *The Guide* (Page 22-26) of cancelling the return trip, "inactivating" riders and requiring riders "to call to confirm the need for the return trip" if the initial trip was a no-show. Under the next-day service provisions of §37.131(b), the passenger has an independent right to each of these trips. To 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 requires due process prior to suspension, and cancelling 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 FAX's response to this finding, employees and contractors must be directed to cease this practice, and a copy of the directive must be provided to FTA.

7. At the time of the review, FAX incorrectly defined a missed trip as "failure to arrive within 61 minutes after the scheduled pickup time, whether or not the passenger is transported." FAX must revise its definition of a carrier missed trip as any attempted pickup after the end of the pickup window that does not result in a passenger being transported, either due to the rider turning down or cancelling the trip, or the rider no longer being at the pickup location. If a vehicle does not arrive within the pickup window, the rider has no obligation to wait for the vehicle and is under no obligation to board the vehicle. If the rider elects to board the vehicle that arrived outside of the pickup window, that pickup must be counted as a late pickup. To meet the requirements of §37.125(h)(1)-(3) and §37.131(f)(3)(i)(B) of the DOT ADA regulations, FAX must operate Handy Ride without a substantial number of missed trips and must ensure that trips missed by FAX or one of its contractors are not counted against the passenger. A second concern is at the time of the review, staff did not verify the coding of trips, such as reviewing the details of the trip and the trip "Tracker Notes" in Trapeze, prior to sending out suspension letters. FAX must direct contractors and employees to code missed trips properly to ensure that riders are not experiencing a substantial number of trips missed by FAX or a contractor or subcontractor, and that such trips are not counted as no-shows against the rider. As part of the response to this finding, please report on progress to direct employees and contractors to code trips correctly and provide a copy of the directive to FTA.
8. To meet its obligations under §37.125(h)(3), FAX must establish an appeals process and make it available to an individual on whom sanctions have been proposed and submit the appeals policy to FTA. The policy must call for the sanction to be stayed pending the outcome of the appeal. FTA will require the removal of the written appeal to contest individual no shows, as this policy represents a prohibited administrative burden under the DOT ADA regulations. At the time of the review, this policy appeared to discourage riders from contesting individual no-shows. The appeals process must meet the requirements of 37.125(g) and be free of the procedural flaws discussed in finding #8 in section 6.4 of this report. As part of FAX's response to this finding, please provide the requested information to FTA.
9. At the time of the review, FAX did not have a standard or window for on-time drop-offs for Handy Ride. FAX has an implicit obligation to get riders to appointments on time (not late) and an explicit obligation to monitor performance to insure that Handy Ride service is operated without any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons. If operational practices cause riders to arrive late to appointments and riders are discouraged from using the service as a result, this would constitute a capacity constraint prohibited by the DOT ADA regulations. FAX 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 FAX's response to this finding, please provide copies of the standard and directive(s) to FTA.

9.6 Recommendations

1. Work to improve on-time performance within the pickup window. In a sample of 165 Handy Ride trips from Wednesday, November 7, 2007, which included 20 percent of that day's completed trips and none of the taxi trips, the review team computed the on-time pickup performance of trips that were either within the window or early as 91.5 percent on-time. When the review team computed the on-time pickup performance of trips within the pickup window only, however, performance was only 63.6 percent on-time.
2. Review a sample of trips each month and compute on-time pickup and drop-off performance and compare the results to those provided by contractor(s) and subcontractor(s).
3. Review scheduling practices at the time of the review which allowed almost half of the trips to remain unscheduled at the beginning of each service day and reduce the number of unscheduled trips. At the time of the review, more than 300 of the 700-800 weekday demand trips had to be assigned manually. Handy Ride schedulers and dispatchers estimated that 60 to 100 trip requests remained unscheduled (i.e., not assigned to a vehicle run) going into the day of service. The morning scheduler estimated that he was typically able to assign about half of these unscheduled trips. This left 30 to 50 unscheduled trips for the dispatchers to assign to runs during the day—in addition to an average of 65 weekday will-call trips. At the time of the review, the number of trips left to the morning scheduler and the dispatchers combined with the will-call trips, created a significant burden for staff that may have contribute to decreased on-time performance.
4. At the time of the review, subscription trips were anchored to runs. This helps ensure that the trip is performed in a similar manner each day. It also allows vehicle operators with set runs get used to performing the subscription trips. This is a good practice that ensures consistency for riders and can help increase productivity.
5. Allow riders to call the ADA Coordinator to contest individual no-shows.
6. Work to improve the reliability of the MDTs to help improve operational efficiency and keep the radios available for crucial communication between dispatchers and operators. The mobile data terminals (MDTs) on many Handy Ride vehicles were not reliable and frequently malfunctioned. Four MDTs were not working during the on-site review. Others were reported to malfunction during the service day and had to be shut down and rebooted. It appeared that the working condition of the MDTs was affecting the ability of dispatchers to proactively manage runs and no-shows.
7. 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

Section 37.131(f) of the DOT ADA regulations prohibits operational patterns or practices that significantly limit the availability of service to ADA paratransit eligible riders.

The review team reviewed FAX's equipment, staffing, and funding of Handy Ride 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 cover scheduled runs

10.1 Consumer Comments

The June 2006 complaint filed with FTA included the following issues concerning drivers and other Handy Ride staff:

- They [FAX] are not completely certifying any of the new drivers that they bring aboard and put out on the road.”
- “Some of the drivers don’t wear their seat belts.”
- “Some of the drivers have smart mouths, and they don’t know when to be quiet.”
- Drivers make illegal U-turns.
- “Dispatch and reservationists pitch attitudes with the clients at times.”

That same complaint included a comment on the Handy Ride vehicles: “They have sent buses with little and/or no air [conditioning] in heat greater than 90 degrees.”

Of the rider comments of file at FAX from January to October 2007, 12 of the 59 formal complaints (second most common type of complaint) and 24 of 75 inquiries (most common type of inquiry) were classified as “driver related.” Another three formal complaints and two inquiries were classified as “unsafe driving.”

The riders interviewed by the review team said that the MV transportation drivers were courteous and respectful. One rider said that the drivers of the previous contractor were not. Six of the riders had comments concerning driver training. They said that new drivers do not know the service area well; one rider commented that it was a “tough learning curve.” Another rider believed that the drivers were very dependent on the Handy Ride dispatchers.

10.2 Driver Comments

Drivers had a mixed response when asked about vehicle maintenance. Some said the vehicles were fine and mentioned that they typically had the same vehicle. Several commented about

problems with the older vehicles that rattle and appear to be less stable. Cleanliness was also cited as an issue sometimes, both inside and out. One driver said that the older vehicles should be retired citing bad securements, bad MDTs, and poor air conditioning.

Overall, drivers said that repairs are generally done well, except for MDTs. Several drivers said that the MDTs were somewhat unreliable and went off and on during the day, further complicating communication with dispatch or resulting in missed messages about cancellations.

10.3 Budget Process

The City of Fresno funds its services based on a fiscal year that runs from July 1 to June 30. FAX is a component of the City's transportation department. The Director of Transportation reports to the Mayor.

Operating Budgets and Expenditures

The review team obtained operating budget and actual operating expenditure information for the Handy Ride service for the period from FY 2005 through FY 2008. A copy of the information provided by FAX is provided in Attachment I. The review team also met with FAX's administrative manager to discuss the planning, budgeting, and funding of the Handy Ride service.

Table 10.1 shows recent operating budget and expenditure information. It also shows actual Handy Ride ridership from FY 2004 through FY 2006 and estimated ridership for FY 2007 and FY 2008. The ridership numbers were taken from a consulting study which FAX had funded that was completed in early 2007. The page from that study, provided by FAX, is included in Attachment J.

Table 10.1 – Handy Ride Operating Budgets, Actual Expenditures, and Ridership, FY 2004 through FY 2008

Fiscal Year	Operating Budget	Actual Expenditures	Ridership
2004	NA	NA	169,543
2005	\$3,626,600	\$3,947,700	192,556
2006	\$3,553,200	\$5,574,800	209,424
2007	\$3,787,900	\$4,781,600	219,895 (est.)
2008	\$5,392,400	NA	230,890 (projected)

As shown, the actual expenditures in FY 2006 and FY 2007 were significantly higher than the allowed budgets for those years. In FY 2006, an operating budget of \$3,553,200 – \$394,500 less than actual expenditures for the previous year – was adopted. The budget was set at this amount despite that fact that, as shown in Table 10.1, ridership increased by 13.6 percent in the prior year. Actual operating expenditures for FY 2006 ended up being \$5,574,800, more than two million dollars over budget.

In FY 2007, the operating budget was set at \$3,787,900, which was \$1,786,900 less than the previous year's actual expenditure. Again, the budget was set at this level even though ridership increased by 8.8 percent in the prior operating year. Actual operating expenditures for FY 2007 were almost a million dollars over budget. It is also important to note that operating expenditures dropped by \$793,200 from FY 2006 to FY 2007 even though ridership increased by 8.8 percent during this year.

In FY 2008, the operating budget appears to be more realistic. At \$5,392,400, it is \$610,800 higher than actual expenditures for the previous year. This is a 12.8 percent increase over prior year expenditures and in line with the recent increases in ridership. It should be noted, however, that the FY 2008 operating budget was still less than actual expenditures in FY 2006.

The FAX Administrative Manager indicated that many of the difficulties encountered in the budgeting process were due to changes in Handy Ride contractors and recent procurement processes used to obtain a contractor for the Handy Ride service. She stated that the FY 2006 budget, which turned out to be much too low, was developed based on what the City estimated it would cost to operate the service in house. This estimate had been developed because there was a possibility that the union representing City workers would be bidding on the contract for operation of the Handy Ride service.

She also stated that the actual expenditures for FY 2006 were higher than in other years because the contract transitioned from Laidlaw to MV Transportation in that year. The Administrative Manager said that the Laidlaw monthly billings in the last several months of its contract were much higher than anticipated.

She stated that the budget for FY 2007 continued to be low for two reasons. First, the new contractor, MV Transportation, had submitted a proposal with very low costs. These costs turned out to be less than what was actually needed to operate the service. The budget, however, had been based on the bid costs. Second, in FY 2007, the budget did not include subcontracted taxi service. The contract, however, gave MV Transportation the right to subcontract trips to taxi companies and placed no limits on the amount of service that could be subcontracted. MV Transportation referred a much greater number of trips to taxis than anticipated.

The Administrative Manager stated that the consulting study completed in 2007 provided FAX with much better information about the ridership trends and about likely increases in ridership and costs. The FY 2008 budget was based on the projections developed in that study.

Capital Funding

A copy of the *Handy Ride Vehicle Fleet Replacement Schedule* that was in effect at the time of the review is presented in Attachment K. As discussed in "Vehicle Fleet and Vehicle Availability" later in this section, the replacement schedule does not appear to accurately reflect the actual Handy Ride total fleet size or the number of actual peak hour runs at the time of the review. When adopted, the schedule also provided for only a 5 to 9 percent spare ratio.

The Administrative Manager indicated that FAX was planning a budget retreat in the near future. Better information about the Handy Ride fleet, ridership, productivity, and costs would be

developed at that time. She indicated that with more complete information, and with a stabilized contractor situation, FAX should be in a better position to more accurately plan for Handy Ride capital as well as operating funding needs in the future.

10.4 Operating Resources

Staffing

Vehicle Operators

At the time of the review team's site visit, MV Transportation employed 83 vehicle operators. As mentioned in Section 9, between three and nine runs are "open" on weekdays due to a lack of drivers and five runs are "open" on the run list on Sundays. The MV General Manager stated that the service needed at least another seven full-time vehicle operators. The "Weekly Manpower Report" for the week of December 3 to 7, 2007 listed six potential operators in training.

Personnel records indicated that seven vehicle operators were terminated in 2007: six voluntarily and one for cause. At the beginning of 2007, there were 54 vehicle operators, and at the end of 2007 there 82 vehicle operators. Assuming an average workforce of 68 vehicle operators during this time period, the seven terminations translated to an annual turnover rate of about 10 percent. This rate is relatively low.

New vehicle operators receive 96 hours of training. This includes five days of classroom training and seven days of on-the-road training. The classroom training addresses disability awareness and customer service issues. It also includes orientation to vehicles and accessibility equipment.

As discussed in Section 9, there appeared to be a shortage of drivers for Handy Ride service. For the five weekdays examined (November 5 to 9, 2007), between three and nine runs were open each day. Ten to 11 scheduled operators were out each day. Eleven to 16 operators were available to provide coverage. As a result, between two and four runs each weekday had to be closed. The trips placed on these runs had to be unscheduled and same-day dispatched. This could lead to over 40 trips that dispatchers must assign to the remaining runs, in addition to any other trips not previously scheduled plus will-call trips.

Reservation Agents, Schedulers and Dispatchers

MV Transportation employed five reservation agents and five schedulers and dispatchers. The number of schedulers appeared to be adequate given the number of runs being scheduled. The number of reservation agents, however, did not appear to be adequate on some weekdays. Three agents are scheduled to be on duty on Mondays and Fridays, and on Tuesdays, Wednesdays and Thursdays until 1:30 p.m. After 1:30 p.m. on Tuesdays, Wednesdays and Thursdays, though, only two agents are scheduled to be in the call center. Additional reservations capacity appears to be needed during these times.

Personnel records indicated that several of these call center staff were new and that there has been significant turnover in these areas in 2007. Three reservation agents and one scheduler were terminated in 2007. Three were terminated for violating company policy and one left voluntarily. This translates to an annual turnover rate of 40 percent in this area.

The MV General Manager indicated that the high turnover was a result of recent efforts to ensure that call center staff are following proper procedures in the handling and scheduling of rider trips.

Equipment and Facilities

At the time of the review, FAX had a Handy Ride fleet of 52 vehicles. This included 43 lift-equipped body-on-chassis minibuses and nine sedans. Table 10.2 shows the number of vehicles by model year and type.

Table 10.2 – FAX Handy Ride Fleet as of December 13, 2007

Model Year	Type	Number
1995	Lift-equipped minibus	2
1997	Lift-equipped minibus	4
1998	Lift-equipped minibus	1
2000	Lift-equipped minibus	2
2004	Lift-equipped minibus	14
2005	Lift-equipped minibus	8
2005	Sedan	6
2006	Sedan	3
2007	Lift-equipped minibus	12
Total		52

The mileage on the 2005 to 2007 model year vehicles ranged from 29,359 to 136,734. Mileage on the 2004 model year minibuses ranged from 141,463 to 189,652. Mileage on the 1995 to 2000 model year minibuses ranged from 296,276 to 392,833. The MV Transportation maintenance supervisor indicated that the 1995 to 2000 model year vehicles were “semi-retired” and only placed in service if other vehicles were not available. Not counting these nine vehicles, he tried to operate with a fleet of 43 vehicles that were 2004 model year or newer. With a peak actual pullout of 38 to 40 runs, that allowed for only three to five of these newer vehicles as active spares. This meant that the older 1995 to 2000 vehicles with very high mileage were only occasionally pressed into service.

FAX staff mentioned that six new vehicles were on the property at the time of the review and MDTs and other equipment were being added to them. They were scheduled to be placed in service in the near future and would replace six of the oldest 1995 to 2000 model year vehicles. FAX staff also mentioned that they plan to purchase another five to six vehicles by April 2008. With the addition of these 11 to 12 new vehicles, MV Transportation would be able to operate without relying on the very old 1995 to 2000 model year vehicles and should have a more comfortable spare ratio.

The MV Maintenance Supervisor stated that in the months prior to the review he had been able to meet peak pullout every day. MV did not have to close scheduled runs due to a lack of available vehicles. As mentioned above to accomplish this, he may sometimes have to send out one or more of the very old vehicles. He also stated that a year before the onsite visit, before the purchase of the 12 model year 2007 minibuses, all of the very old vehicles were in regular service and it was not always possible to meet pullout.

The *Handy Ride Vehicle Fleet Replacement Schedule* presents the total fleet size, peak pullout, spare ratios, and scheduled replacement and expansion vehicles for the period FY 2007 through FY 2012. As shown, the adopted fleet replacement schedule was designed to provide the Handy Ride service with only a five to nine percent spare ratio. This is very low. Typically, a spare ratio of 15 to 20 percent for a paratransit fleet is desirable. The current fleet replacement schedule also did not appear to reflect the actual current fleet size or the peak pullout. As mentioned above, MV Transportation and FAX staff reported a fleet of 52 vehicles. The fleet replacement schedule only shows 37 vehicles in the fleet. Also, for the week of December 4 to 10, 2007, MV Transportation was scheduling to 41 runs during peak hours and actual peak pullout was running from 38 to 40 vehicles. The fleet replacement schedule indicated a peak pullout of only 35 vehicles.

As mentioned in “Daily Operations” in Section 9 of this report, MV Transportation dispatchers reported reliability issues with the MDTs on board Handy Ride vehicles. MV managers mentioned that the MDTs are maintained by the City of Fresno. The City employee in charge of MDT procurement and maintenance mentioned that some of the recent reliability problems were related to a software upgrade. The City was working with Siemens, the manufacturer of the units. The City expected that the software problems would be resolved in the near future, as Siemens was reported to be actively working on the issue.

At the time of the review team’s site visit, the City had only one employee available to work on both Handy Ride and fixed route MDTs weekdays from 5:30 a.m. to 1:30 p.m., and that vehicles with non-working units had to be brought to the City’s maintenance facility, which was close but not adjacent to the facility where MV parked the Handy Ride vehicles. Given the tight spare ratio at Handy Ride, it was sometimes difficult to hold vehicles out of service during this time. The City employee who worked on the MDTs also mentioned that the defect cards for the Handy Ride vehicles ask drivers check the MDT antennas, but not general working condition of MDTs. As a result, MV Transportation might not ascertain the working condition of MDTs on a daily, consistent basis.

The City employee also suggested that MV Transportation designate one person to identify daily MDT issues and act as the primary liaison with the City on this issue. The MV General Manager said that the defect cards could be revised and that the MV Maintenance Supervisor could formally serve as the liaison with the City on this issue.

10.5 Findings

1. There were no findings of non-compliance concerning resources. See Section 10.6 below for recommendations.

10.6 Recommendations

1. Develop and improve planning and budgeting processes for the Handy Ride service. Collect consistent data on current and past Handy Ride operations. Consider past and recent growth in demand, any existing service constraints or service quality issues and the likely cost of eliminating these constraints, and recent trends in service productivity. Use this information to estimate the vehicle-hours of service, staffing needs, and fleet needs for the upcoming year as well as for future years. Apply contract and in-house costs to these system capacity estimates. Budgets for the Handy Ride service in FY 2006 and FY 2007 significantly underestimated the actual cost of the service. FAX hired a consultant in 2006 to review trends in Handy Ride ridership and to provide better estimates of ridership growth and funding needs. The FY 2008 budget, which was based on the information developed in this consultant study, appeared to be more in line with likely service growth and costs. It was noted that the FY 2008 operating budget was still less than the actual expenditures in FY 2006. FAX needs a better ongoing process for planning for and budgeting for Handy Ride operating and capital needs.
2. Revise the Handy Ride Vehicle Fleet Replacement Schedule to more accurately reflect the fleet size and service levels. The *Handy Ride Vehicle Fleet Replacement Schedule* for FY 2007 through FY 2012 did not appear to reflect the fleet or the peak pullout at the time of the review. When created, the schedule also appeared to have allowed for only a five to nine percent spare ratio. A 15 to 20 percent spare ratio is typically provided in paratransit operations.
3. Work with contractor(s) to ensure that a full complement of vehicle operators is available to cover all scheduled runs and to allow for an extraboard adequate to cover scheduled and unscheduled absences.
4. Retire 2000 model year and earlier vehicles as soon as possible and increase the spare ratio. FAX added 12 new vehicles to the Handy Ride fleet in 2007 to improve the condition of the fleet. MV had difficulty meeting peak pullout in 2006, but in 2007, there appeared to be an adequate number of vehicles to cover pullout. Nine very old vehicles remained in the fleet, but these were scheduled to be replaced in 2008.
5. Work with contractor(s) to revise the Handy Ride vehicle defect cards to include a space for vehicle operators to indicate if the mobile data terminals (MDTs) are working at the beginning of each shift and if they malfunction during the operating day. Ensure that vehicle operators are aware that the MDTs are to be checked and recorded on the defect card. Tabulate the information daily and provide it to the City department that maintains the MDTs. Direct the contractor(s) to designate one manager to work with the City employee responsible for MDT maintenance, so that non-working units can be repaired as soon as possible. With the City, continue to work diligently with the vendor to correct software problems that were impacting the reliability of the Handy Ride MDTs. At the time of the review, the MDTs on many Handy Ride vehicles were not reliable and frequently malfunctioned. Four MDTs were not working during the on-site review. Others were reported to malfunction during the service day and had to be shut down and rebooted. It appeared that the working condition of the MDTs was affecting the ability of dispatchers to proactively manage runs and no-shows.

Attachment A

FAX Response



2223 "G" Street • 559-621-7433
Fresno, California 93706-1600
www.fresno.gov



Ken Hamm
Director of Transportation

May 23, 2012

Mr. John R. Day
ADA Team Leader
FTA Office of Civil Rights
U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington DC 20590

Dear Mr. Day:

This letter is in response to the draft report from the Federal Transit Administration's (FTA) ADA Complementary Service Review of the Fresno Area Express (FAX), which was performed December 10-13, 2007.

In reviewing the report, a number of findings were discovered, which have already been corrected and policies implemented.

- 5.9 1. FAX has a policy for receiving customer complaints including making complaint forms available on all Handy Ride buses, online, and by request through mail. FAX has a database with complaint information dating back to June 2000 and summaries are available at any time upon request. Also, in June 2011, a new procedure was implemented to scan and electronically store all written complaints.
- 5.9 2. In August 2011, the Downtown Circulator Trolley service was discontinued and FAX no longer has any routes, which do not charge to ride.
- 6.4 4. FAX does not deny eligibility to any applicant based upon where they reside. The department currently has a licensed physical therapist who determines eligibility based on how the application is completed by the applicant and the Physician and not on where the applicant resides. When an applicant resides outside of the service area, they are reminded during orientation that they must begin and end all trips within the FAX service area.
- 6.4 9. Please see attachments showing FAX is currently tracking eligibility appeals and appeal decisions, the FAX organizational chart and a list of the members of the Fresno Disability Advisory Commission (DAC) of which selection would be made to form the ADA Eligibility Review Committee when needed. Information about the DAC is available at <http://www.fresno.gov/Government/DisabilityAdvisoryCommission/default.htm>.

Mr. John R. Day
May 23, 2012
Page 2

- 9.6 9. FAX currently allows no show appeals to be made either verbally or in written form. The most recent Guide to Ride reflects this although the practice has been in place for some time.

With regards to the various findings regarding Trapeze and the dispatchers, over the past five years, policies have been implemented, which correct these concerns. FAX staff is currently working on formalizing these policies in written form and will submit the written policies once completed.

In recent months, FAX staff began reviewing its Handy Ride Application as well as approval and denial letters in preparation to make changes in approving its processes. Many of the recommendations and findings are already in the revision process. FAX staff will continue to work on updating its application and letters to ensure compliance with all findings.

FAX staff is currently in the process of writing a new Request for Proposal (RFP) for Handy Ride Service with a new contract beginning December 18, 2012. The timing of this report coinciding with the writing of the new RFP will provide the department with the perfect opportunity to ensure contractor compliance with many of the findings in the report.

Thank you for the time and effort that has gone into this report. FAX will continue to work diligently to assure its services are in full compliance with the Americans with Disabilities Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth P. Hamm", with a stylized flourish at the end.

Kenneth P. Hamm, Director of Transportation
Fresno Area Express

Enclosure

c: Susan Clark, Equal Opportunity Specialist
Leslie Rogers, Regional Administrator, FTA Region 9
Derrin Jourdan, Regional Civil Rights Officer, FTA Region 9
Greg Eisner, FAX

HR Application Appeal Report

July 2011 2

First Name	Last Name	Appeal Date	Reason for Appeal	Decision	Conditions	Notes
Linda	Goldstein	7/11/2011		Unconditional	None	
Donna	Smith	7/11/2011		Denied	Conditional	

October 2011 2

First Name	Last Name	Appeal Date	Reason for Appeal	Decision	Conditions	Notes
Pravesh	Sud	10/11/2011		Unconditional	None	
Victoria	Allshouse	10/20/2011		Unconditional	None	

November 2011 2

First Name	Last Name	Appeal Date	Reason for Appeal	Decision	Conditions	Notes
Olga	Bowles	11/14/2011		Unconditional	None	
Terrance	Hunt	11/17/2011		Unconditional	None	

December 2011 1

First Name	Last Name	Appeal Date	Reason for Appeal	Decision	Conditions	Notes
Rebecca	Fialho	12/9/2011		Unconditional	None	

January 2012 2

First Name	Last Name	Appeal Date	Reason for Appeal	Decision	Conditions	Notes
Lee	Arnold	1/17/2012		Unconditional	None	
Linda	Silva	1/17/2012		Unconditional	None	

February 2012 1

First Name	Last Name	Appeal Date	Reason for Appeal	Decision	Conditions	Notes
Manuela	Alvarez	2/14/2012		Unconditional	None	

March 2012 2

First Name	Last Name	Appeal Date	Reason for Appeal	Decision	Conditions	Notes
Beatrice	Ward	3/23/2012		Unconditional	1 Year	
Ramona	Rodriguez	3/30/2012		Unconditional	1 Year	

Disability Advisory Commission (DAC) Members

- Ms. Michelle Bronson, Chair, Executive Director of the Deaf and Hard of Hearing Service Center.
- Dr. Jenelle Pitt, Vice Chair, an assistant professor in California State University, Fresno's nationally-recognized Rehabilitation Counseling Program
- Mr. Robert Hand, Executive Director of the Resources for Independence, Central Valley (formerly the Center for Independent Living (CIL) Fresno.
- Ms. Mary Beth Randall is a Board Member of the Guide Dog Users of California and member of the California Council of the Blind and the American Council of the Blind.
- Mr. Carlos Duarte, an *ex officio* member, is an ADA transportation specialist with Fresno Area Express.
- Ms. Joanna Pilibosian - Junior League of Fresno Past President (2010-2011) and 20 year member. Has worked with Exceptional Parents Unlimited (EPU) serving children with disabilities and their families.
- Dr. William Dailey, Gerontology faculty Department of Social Work/Gerontology, California State University, Fresno and Human Services faculty at Fresno City College, Department of Social Sciences. His working partner is Farley (guide dog).
- Ms. Reyes Acosta has an extensive background working in Public Relations, Business Relations, and broadcasting and is emerging from retirement to work with local companies and organizations to explore and develop the sensitivities and opportunities regarding able people with hearing, visual, mobility and cognitive challenges.

Attachment B

On-Site Review Schedule

**ADA Complementary Paratransit Service Review
Fresno Area Express (FAX)
Fresno, CA
December 10-13, 2007**

Schedule

Time	Activity	Who	Where
Monday, December 10, 2007			
9:00 a.m.	➤ Opening Conference	All, FTA	FAX office 2223 G Street
9:30 a.m.	➤ Review information requested & policies & procedures with FAX Handy Ride Managers	All	FAX office
10:30 a.m.	➤ Tour facilities	All	MV office
11:00 a.m.	➤ Begin review of eligibility process and records ➤ Review FAX complaints ➤ Review service area, hours, coordination with Clovis	Thatcher Gerty Chia	FAX office
1:00 p.m.	➤ Interview Handy Ride schedulers ➤ Review telephone system and performance ➤ Begin review of operations records	Thatcher Gerty Chia	MV office 1330 E. el Dorado
2:30 p.m.	➤ Observe call-takers; record trip request information	Chia, Gerty	MV office
Tuesday, December 11, 2007			
8:00 a.m.	➤ Observe call-takers; record trip request information	All	MV office
10:00 a.m.	➤ Continue review of eligibility process and records ➤ Begin on-time performance analysis ➤ Begin trip length analysis	Thatcher Chia Gerty	FAX satellite office MV office
1:00 p.m.	➤ Review budget and resources ➤ Interview drivers	Thatcher Gerty, Chia	FAX office MV office
3:00 p.m.	➤ Observe dispatchers	Thatcher, Gerty	MV office
Wednesday, December 12, 2007			
8:00 a.m.	➤ Continue on-time performance analysis ➤ Continue trip length analysis ➤ Continue review of eligibility process and records	Chia Gerty Thatcher	MV office FAX office
1:00 p.m.	➤ Continue review of scheduling and dispatch	Thatcher	MV office
3:00 p.m.	➤ Observe dispatchers ➤ Interview drivers	Thatcher Gerty, Chia	MV office
Thursday, December 13, 2007			
Morning	➤ Complete preliminary data analysis & review findings ➤ Prepare materials for debriefing session	All	FAX office
2:00 p.m.	➤ Exit Conference	All, FTA	FAX office

Attachment C

FAX Complaint/Inquiry Forms

Driver's Name (if known):

Boarding Date: _____

Boarding Time: _____

FAX City Bus #: _____

Route #: _____

Boarding Location: _____

Direction of Travel: (Circle one)

Northbound	Southbound
1	1
2	2
3	3
4	4
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6	6
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99	99
100	100

Eastbound Westbound

Handy Ride Bus #: _____

Please comment on your reasons for nominating this driver for the Driver Appreciation Award:

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Nominated by:

Should you have questions or require assistance with this form, contact Annette Carter, at 559-355-4095.

Please fold, tape, and affix postage.

Thank you for your time.

FAX ADA Advisory Committee

The driver was
extremely courteous.

The driver was exceptionally conscientious in the performance of his/her duties.

ABOUT THE FAX ADA ADVISORY COMMITTEE:

The Americans with Disabilities Act of 1990, better known as the ADA, is federal legislation that guarantees persons with disabilities full and equal access to the same services and accommodations that are available to people without disabilities.

The City of Fresno established the Fresno Area Express (FAX) ADA Advisory Committee in 1991, to discuss and provide input on key issues relating to the provision of ADA transit services in the Fresno-Clovis Metropolitan Area.

All meetings of the FAX ADA Advisory Committee are open to the general public, and membership on the committee itself is not limited.

New participants are always welcome. For more information about the FAX ADA Advisory Committee, or to receive meeting notices, contact the FAX ADA Coordinator at 621-1455.

Please fold, tape, and affix postage.
Thank you for your time.



FAX ADA ADVISORY COMMITTEE

PLACE
STAMP
HERE

CITY OF FRESNO
FRESNO AREA EXPRESS
2223 G STREET
FRESNO CA 93706-1600

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Date _____

[illegible]

Date _____

Reviewed by: _____ on _____
Operations Manager Date

[] File
[] Personnel File

Attachment D

Template Letters Indicating Denial of ADA Paratransit Eligibility and Temporary Eligibility

October 23, 2007

Xxxx
Xxxx
xxxx

SUBJECT: HANDY RIDE ADA PARA TRANSIT ELIGIBILITY DENIAL

Your application for Fresno Area Express (FAX) Handy Ride certification has been reviewed. Based on our evaluation of your functional abilities, we have determined that you are not eligible for Handy Ride service under the guidelines of the Americans with Disabilities Act (ADA) and are able to use regular FAX city bus service.

If you do not agree with the decision that has been made, you have the right to appeal this determination. An appeal must be filed within 60 days from the date of this letter. Please refer to the enclosed appeal process should you decide to submit an appeal.

If there is a change in your ability to use the regular FAX city bus system, you may submit a new application for Handy Ride service. Should you have questions regarding this letter, you may contact the ADA Coordinator at (559) 621-1522.

Sincerely,

Carlos Duarte
ADA Coordinator

ENCLOSURE

October 19, 2007

XXXX
XXXX
XXXX

SUBJECT: TEMPORARY HANDY RIDE ADA PARATRANSIT ELIGIBILITY

Your application for Fresno Area Express (FAX) Handy Ride certification has been reviewed, and we have determined that you are temporarily eligible for Handy Ride service under the guidelines of the Americans with Disabilities Act (ADA).

FAX requires that passengers carry a Handy Ride photographic identification (photo ID) card when riding the Handy Ride bus.

FAX Downtown Service Center
2010 Tulare Street
Fresno, CA 93721
Hours: Monday - Friday, 6:00 a.m. - 5:00 p.m.

Manchester Transit Center
3090 North Blackstone Avenue
Fresno, CA 93726
Hours: Monday - Friday, 6:00 a.m. - 6:00 p.m.

Your temporary Handy Ride eligibility status will expire on December 30, 2007.

If you have questions regarding this process, call (559) 621-6802, (559) 621-1455 (Voice), or (559) 228-6260 (TTY). Should you have a change of address or telephone number, please call (559) 621-6802 (Voice) or (559) 228-6260 (TTY) so that your file may be kept up-to-date.

Sincerely,

Carice Duarte
ADA Coordinator

Attachment E

Sample No-Show Notification Letter

/ October 25, 2007

ISALAH ACOSTA
4162 E EL MONTE AV
FRESNO, CA 93702


Dear ISALAH,

Our Handy Ride scheduling system indicated that you were a "No Show" for a scheduled pick-up at **4162 E EL MONTE AV, FRESNO on 10-22-2007**. This **No Show will Not affect your riding privileges**. If, however, a "No Show" pattern develops, service may be suspended from 5 days to 30 days depending on history and your overall percentage of "No-Shows."

If you are in disagreement with this "No Show," you may appeal in writing within 30 days of receiving this notice to Attn: FAX ADA Coordinator, 2223 "G" Street, Fresno, CA 93706-1600. Include your name, phone number and the date / time / address of the "No Show" as well as your reason for the appeal.

Please review the enclosed "No Show" policy and frequently asked questions. It was developed in conjunction with our local ADA Advisory Committee to help make our Handy Ride system as efficient and cost effective as possible.

Sincerely,



Carlos Duarte
FAX ADA Coordinator

Attachment F

Sample Suspension Letter



September 29, 2007

Lisa Archuleta
4288 W. Regency Ave # 102
Fresno, Ca. 93722

Dear Ms. Archuleta:

Because of your recorded No Shows on 7-12-07, 7-16-07, and 7-17-07, none of which were appealed, your privilege to ride Handy Ride will be suspended from October 29th through November 2nd of 2007.

If a pattern of No Shows continues, additional suspension time will be imposed.

To avoid receiving any additional No Shows, be sure to cancel your trip at least 2 hours in advance of your scheduled pick up time.

If you disagree with this determination, a written appeal may be filed within 30 days of this notice to the FAX ADA Coordinator. If requested, FAX staff will assist the individual with filing an appeal.

The FAX ADA Coordinator will make a decision regarding the appeal within 10 working days of receipt. Written notification regarding the decision will be mailed to you. If you disagree with the decision of the FAX ADA Coordinator, a further appeal may be filed within 30 calendar days by contacting the FAX ADA Eligibility Review Committee at (559) 621-1446 (Voice) or (559) 228-6280 (TTY). This committee (composed of two members from the FAX ADA Advisory Committee and a FAX representative) has the final say regarding NO-SHOW and suspension appeals.

Sincerely,

A handwritten signature in dark ink, appearing to read "Carlos Duarte".

Carlos Duarte

Attachment G

**Handy Ride Telephone Data:
January to November 2007**

Jan-07	Calls In	Answerd	Abandoned	% Abandoned	Total Talk	Avg Talk	Avg Hold	Avg Abandon
RESERVATIONS	7813	6977	836	10.70%	214:08:58	0:01:50	0:02:31	0:01:45
Will Call	6809	5841	968	14.20%	121:12:40	0:01:14	0:02:13	0:02:46
CANCELS	1179	1031	148	12.60%	14:40:53	0:00:51	0:02:21	0:03:17
Total Combined	15801	13849	1952	12.50%	350:02:31	0:01:18	0:02:22	0:02:36

Feb-07	Calls In	Answerd	Abandoned	% Abandoned	Total Talk	Avg Talk	Avg Hold	Avg Abandon
RESERVATIONS	7975	7118	857	10.70%	239:47:50	0:02:01	0:02:39	0:01:35
Will Call	8976	7753	1223	13.60%	173:36:52	0:01:20	0:02:12	0:02:15
CANCELS	1667	1505	162	9.70%	23:53:14	0:00:57	0:02:12	0:02:52
Total Combined	18618	16376	2242	11.33%	437:17:56	0:01:26	0:02:21	0:02:14

Mar-07	Calls In	Answerd	Abandoned	% Abandoned	Total Talk	Avg Talk	Avg Hold	Avg Abandon
RESERVATIONS	9395	8375	1020	10.90%	251:57:40	0:01:48	0:02:03	0:01:19
Will Call	8628	7482	1146	13.30%	148:26:38	0:01:11	0:01:55	0:02:01
CANCELS	2002	1802	200	10.00%	26:54:54	0:00:53	0:01:50	0:02:18
Total Combined	20025	17659	2366	11.40%	427:19:12	0:01:17	0:01:56	0:01:53

Apr-07	Calls In	Answerd	Abandoned	% Abandoned	Total Talk	Avg Talk	Avg Hold	Avg Abandon
RESERVATIONS	8757	8061	696	7.90%	225:20:26	0:01:40	0:01:29	0:01:10
Will Call	7807	7089	718	9.20%	136:19:32	0:01:09	0:01:21	0:01:54
CANCELS	1545	1444	101	6.50%	20:51:38	0:00:52	0:01:17	0:01:40
Total Combined	18109	16594	1515	7.87%	382:31:36	0:01:14	0:01:22	0:01:35

May-07	Calls In	Answerd	Abandoned	% Abandoned	Total Talk	Avg Talk	Avg Hold	Avg Abandon
RESERVATIONS	9525	8637	888	9.30%	246:55:42	0:01:42	0:01:50	0:01:17
Will Call	7780	6929	851	10.90%	142:33:33	0:01:14	0:01:38	0:02:11
CANCELS	1602	1455	147	9.20%	23:56:58	0:00:59	0:01:34	0:01:43
Total Combined	18907	17021	1886	9.80%	413:26:13	0:01:18	0:01:41	0:01:44

Jun-07	Calls In	Answerd	Abandoned	% Abandoned	Total Talk	Avg Talk	Avg Hold	Avg Abandon
RESERVATIONS	9708	8822	886	9.10%	235:28:30	0:01:36	0:01:43	0:01:16
Will Call	8442	7616	826	9.80%	142:03:36	0:01:07	0:01:30	0:01:59
CANCELS	1823	1670	153	8.40%	24:47:42	0:00:53	0:01:28	0:01:47
Total Combined	19973	18108	1865	9.10%	402:19:48	0:01:12	0:01:34	0:01:41

Jul-07	Calls In	Answerd	Abandoned	% Abandoned	Total Talk	Avg Talk	Avg Hold	Avg Abandon
RESERVATIONS	8490	7892	598	7.00%	200:33:17	0:01:31	0:01:15	0:01:15
Will Call	6385	5870	515	8.10%	107:20:47	0:01:05	0:01:12	0:01:14
CANCELS	1454	1339	115	7.90%	19:21:40	0:00:52	0:01:14	0:01:29
Total Combined	16329	15101	1228	7.67%	327:15:44	0:01:09	0:01:14	0:01:19

Aug-07	Calls In	Answerd	Abandoned	% Abandoned	Total Talk	Avg Talk	Avg Hold	Avg Abandon
RESERVATIONS	9625	8554	1071	11.10%	215:34:05	0:01:30	0:01:44	0:01:13
Will Call	7597	6669	928	12.20%	126:22:37	0:01:08	0:01:41	0:01:33
CANCELS	1444	1291	153	10.60%	21:07:07	0:00:58	0:01:36	0:01:57
Total Combined	18666	16514	2152	11.30%	363:03:49	0:01:12	0:01:40	0:01:34

Sep-07	Calls In	Answerd	Abandoned	% Abandoned	Total Talk	Avg Talk	Avg Hold	Avg Abandon
RESERVATIONS	9985	9051	934	9.40%	210:24:14	0:01:23	0:01:33	0:01:15
Will Call	8838	7908	930	10.50%	139:27:37	0:01:03	0:01:27	0:01:59
CANCELS	1762	1604	158	9.00%	20:37:02	0:00:46	0:01:26	0:02:36
Total Combined	20585	18563	2022	9.63%	370:28:53	0:01:04	0:01:29	0:01:57

Oct-07	Calls In	Answerd	Abandoned	% Abandoned	Total Talk	Avg Talk	Avg Hold	Avg Abandon
RESERVATIONS	10250	9092	1158	11.30%	258:46:31	0:01:42	0:05:55	0:01:10
Will Call	9176	7993	1183	12.90%	160:32:30	0:01:12	0:01:39	0:02:11
CANCELS	1808	1599	209	11.60%	23:36:05	0:01:12	0:01:39	0:02:11
Total Combined	21234	18684	2550	11.93%	442:55:06	0:01:22	0:03:04	0:01:51

Nov-07	Calls In	Answerd	Abandoned	% Abandoned	Total Talk	Avg Talk	Avg Hold	Avg Abandon
RESERVATIONS	9287	8520	767	8.30%	203:27:53	0:01:25	0:01:13	0:00:58
Will Call	7519	6831	688	9.20%	119:14:56	0:01:02	0:01:11	0:01:54
CANCELS	1531	1404	127	8.30%	19:01:15	0:00:48	0:01:14	0:02:07
Total Combined	18337	16755	1582	8.60%	341:44:04	0:01:05	0:01:13	0:01:40

Source: MV Transportation

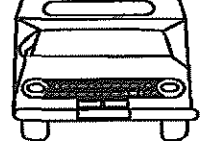
Attachment H

Daily Vehicle Inspection Report



X = Unsatisfactory

Please explain in detail below any problems you are having with the vehicle and when the problem occurs.



Shop Managers Signature: _____

Form updated: 4/6/2007

Attachment I

Handy Ride Budget and Expenditures, FY 2005 to FY 2008

Federal Transit Administration Compliance Review of ADA Complementary Paratransit Services
December 10, 2007 Review Visit

Response to Item #7: Capital and operating budget and expenditures for ADA complementary paratransit services for the three most recent years, including the current year

	Budget	Expenditures
FY2005 Operating	3,626,600	3,947,700
FY2005 Capital	928,000	34,500
FY2006 Operating	3,553,200	5,574,800
FY2006 Capital	598,300	449,100
FY2007 Operating	3,787,900	4,781,600
FY2007 Capital	1,893,500	667,700
FY2008 Operating	5,392,400	
FY2008 Capital	2,017,900	

**Budget and expenditures include: Contractor costs, fuel, certification costs and agency personnel costs

Attachment J

Projections of Handy Ride Demand and Costs

Table 4-1
Projections of Handy Ride Trip Demand & Cost

FY Year	Total Trip Demand	% Increase from Prior Year	Actual Operating Expenses	Conservative Future Demand		Historical Future Demand		Operating Expense Per Trip
				Projected Annual Trip Demand	Operating Expenses	Historical Average	Operating Expenses	
2000	95,603		\$1,875,997					\$19.62
2001	100,632	5.5%	\$2,114,469					\$20.97
2002	102,976	2.1%	\$2,360,564					\$22.92
2003	117,788	14.4%	\$2,844,258					\$24.15
2004	169,543	43.9%	\$3,516,439					\$20.74
2005	192,556	13.0%	\$4,043,491					\$21.00
2006	209,424	8.8%	\$4,771,163					\$22.78
2007	est			219,895	\$5,134,964	228,063	\$5,325,691	\$23.35
2008	est			230,890	\$5,526,505	248,360	\$5,944,670	\$23.94
2009	est			242,434	\$5,947,901	270,464	\$6,635,589	\$24.53
2010	est			254,556	\$6,401,429	294,536	\$7,406,811	\$25.15
2011	est			267,284	\$6,889,538	320,749	\$8,267,667	\$25.78
2012	est			280,648	\$7,414,865	349,296	\$9,228,577	\$26.42

Projected Annual Increase in Demand:

Conservative Growth	5.0%
Historical Average (1)	8.9%

Projected Annual Cost Increase: 2.5%

Notes

(1) Historical Average does not include the 2004 increase of almost 44% in trips as this one-time jump in demand reflected implementation of the FTA "no denial" policy and use of taxis in the Handy Ride system.

3/6/07

Attachment K

Handy Ride Vehicle Fleet Replacement Schedule

Appendix D

Handy Ride Vehicle Fleet Replacement Schedule

	FY07	FY08	FY09	FY10	FY11	FY12
TOTAL FLEET	37	37	39	39	41	41
ACTIVE FLEET	35	35	36	36	37	37
PEAK SERVICE	35	35	36	36	37	37
INACTIVE FLEET	2	2	3	3	4	4
BONE PILE FLEET	0	0	0	0	0	0
REPLACEMENT BUSES	12	10	0	4	0	4
EXPANSION BUSES	0	2	0	2	0	2
DISPOSITION	12	10	0	4	0	4
SPARE BUS RATIO	5%	5%	8%	8%	9%	9%

Cont Fleet — 43
 47 Vans
 96 Sedan

6 on-site now — replace.
 6 added to be present in FY08