



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

Headquarters

East Building, 5<sup>th</sup> Floor, TCR  
1200 New Jersey Ave., S.E.  
Washington, D.C. 20590

**APR 03 2012**

Mr. Rudy Cabana  
Interim General Manager  
Guam Regional Transit Authority  
Government of Guam  
P.O. Box 2896  
Hagatna GU 96932

**Re: ADA Complimentary Paratransit Service Compliance Review Final Report**

Dear Mr. Cabana:

Thank you for your responses to the Federal Transit Administration's (FTA) Americans with Disabilities Act of 1990 (ADA) Complimentary Paratransit Service Compliance Review conducted at the Guam Regional Transportation Authority (GRTA) from February 9-12, 2010. FTA would like to thank you and your staff for the cooperation provided during the review. At that time, you were informed that FTA would issue a draft report of the findings, on which GRTA would have an opportunity to provide comment, and a final report would then be released. GRTA's comments were to be included in the attachments to the final report.

Upon receiving GRTA's comments to the draft report on December 16, 2011, this report is considered final. A copy so marked is enclosed for your records. As of the date of this letter, the Final Report became a public document and is subject to dissemination under the Freedom of Information Act of 1974.

FTA recognizes that it has been over two years since our onsite review and that changes have likely occurred in GRTA's paratransit program. We appreciate the efforts that GRTA has already taken to correct the deficiencies identified. We also value the ongoing cooperation and assistance that you and your staff have provided during this review. A corrective action plan will be developed in consultation with GRTA, and FTA will work diligently with GRTA to ensure compliance with DOT ADA regulations.

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

and contact person for each corrective action, and all supporting documentation.

## **OPEN FINDINGS:**

### **4.1 ADA Complementary Paratransit Service Criteria**

1. GRTA's compliance with DOT ADA regulations origin-to-destination requirements were inconsistent. A majority of drivers interviewed and GRTA's Interim Executive Director told the review team that GRTA provides assistance to riders beyond the curb as needed. However, written policy (as contained in the Rider's Guide) for GRTA states "operators are not allowed to assist passengers from the door of their point of origin to the entry of their destination."
2. GRTA paratransit service did not operate during all hours when fixed route service is available. Paratransit service ended at 7:30 p.m. on Monday through Saturday, while fixed route service on all routes operated until 8 p.m. Paratransit service ended at 5:30 p.m. on Sundays, while fixed route service operated past 6:00 p.m.
3. GRTA has a complaint form, but its staff is not consistent in recording complaints received via telephone onto the form.
4. GRTA receives complaints via telephone, fax, from their contractors. Riders can also e-mail complaints—though GRTA does not publicize the e-mail address, so in practice riders did not e-mail complaints.

### **4.2 ADA Complementary Paratransit Eligibility Process**

1. GRTA does not conduct in-person or functional assessments. Although the application form provides good information, the medical certification is highly detailed and requires a licensed physician to complete the medical certification. The types of questions that are asked are more typically part of an in-person functional assessment process and may not be answered accurately by a medical professional (e.g., questions about travel skills).
2. The eligibility determination letter for temporary eligibility does not provide the reasons for temporary eligibility. The letter does not describe how to file an appeal if the applicant disagrees with the temporary eligibility determination.
3. The eligibility determination letter (or ID card) for conditional eligibility does not specify the conditions. In addition, it does not describe how to file an appeal if the applicant disagrees with the conditional eligibility determination.
4. The appeals brochure provides an overview of the right to appeal, but does not contain detailed directions concerning the process for filing an appeal, and does not appear to acknowledge that trips missed due to circumstances beyond the rider's control cannot be used as a basis for determining the existence of a pattern or practice.
5. GRTA and KEI do not have a formal policy for what may constitute an excusable no-show.

6. At the time of the on-site review, if a rider failed to appear for an initial trip, GRTA's policy required the rider to confirm all subsequent trips for the day; otherwise, they were cancelled. This is inconsistent with DOT's position that regards each trip separately, and leaves it to the rider to cancel any subsequent trips that he or she does not intend or will be unable to take.
7. GRTA's policy for no-show suspension is based on a small, absolute number of no-shows, which may not be sufficient to constitute a pattern or practice sufficient to warrant suspension, particularly for frequent riders.
8. GRTA has not implemented its no-show policy. However, the policy for a suspension period of 180 days for the second offense could be considered excessive.
9. GRTA's policy regarding prohibited acts, misconduct, and suspension of service states "services may be suspended to a cardholder for a period not longer than 365 days at the discretion of the Director or his or her designee." Section 37.5(h) of the DOT regulations states "It is not discrimination under this part for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct." However, suspending a passenger for 365 days for misconduct or prohibited acts, without considering mitigating circumstance or the degree of severity of the infraction, could be considered excessive. In addition, the brochure does not describe the right to appeal such a suspension.

#### **4.3 Telephone Access**

1. GRTA has no standards for its telephone service.
2. Neither GRTA nor KEI, which accepts the calls on behalf of GRTA for ADA paratransit service, measures or monitors call volumes, hold times, or calls sent to voicemail.
3. Neither GRTA nor KEI have a TDD line. For individuals who use a TDD, there is no public information on how to contact GRTA or KEI for ADA paratransit service.
4. KEI accepts trips requests from 8 a.m. to 5 p.m. 7 days a week. However, riders cannot make trip requests on Christmas or New Year's Day, even though GRTA provides ADA paratransit service on the following days.

#### **4.4 Trip Reservations and Scheduling**

1. At the time of the on-site review, GRTA did not have any written policies regarding their trip denial standard, standby status, or waiting lists.
2. In general, the dispatchers were courteous and professional with riders. However, they did not confirm all information by repeating the trip details back to the rider or ensure that the rider was aware of the pickup window.

#### 4.5 Service Performance

1. GRTA regards a trip canceled less than 1 hour before the scheduled pickup time as functionally equivalent to a no-show. It does not have any other written policies concerning no-shows.
2. GRTA does not have a definition or standard for a carrier-missed trip. As a result, GRTA track missed trips. Contractors do not have a contractual incentive to avoid missed trips.
3. Dispatchers reported that additional demand for service on weekdays is leading to vehicle schedules with more trips, resulting in runs that are more difficult to operate on time. The ability to schedule trips can be somewhat of a challenge because there is no GRTA service from 12–1:30 p.m. As a result, it can be difficult to schedule late-morning and early-afternoon pickups. In addition, Saturday demand has been increasing.
4. KEI handles on-the-road dispatching for all three services using two-way radios. Drivers are supposed to call to record pickups and drop-offs with a dispatcher. However, the KEI dispatchers indicated that this is not enforced because the dispatchers are actively managing both paratransit and general demand-response travel requests while simultaneously handling radio traffic.
5. The dispatchers noted that they sometimes find that riders' telephone numbers and secondary contact information is out of date. This lack of timely information can be important when a dispatcher is trying to contact a rider to avoid a no-show.
6. None of the 16 drivers interviewed knew the correct pickup window.
7. Drivers had an inconsistent understanding of GRTA's policy for providing assistance to riders. Two drivers (both KEI) said they did not help beyond the curb; one of them indicated that they were not authorized to help.
8. Neither GRTA nor KEI monitor or measure on-time performance for pickups.
9. Drivers are not required to record actual pickup or drop-off times. In a two-week sample of driver manifests, 28 of 122 (23 percent) had actual pickup and/or drop-off times.
10. Based on the limited set of manifests with data from the sample period, GRTA pickups were on time or early for 78.6 percent of trips. If one were to compute pickup performance using a window of +15 minutes (more typical for ADA paratransit), then the performance for the sample set of trips would improve slightly, to 81.3 percent on time or early. This level of performance is well below the standard used by most paratransit systems.
11. GRTA does not have a definition for an on-time drop-off (appointment time). As a result, GRTA has no performance standard for on-time drop-offs.
12. Neither GRTA nor KEI monitor or measure on-time performance for drop-offs. GRTA does not require KEI call-takers to record appointment times (when requested by riders), so this information is not available to schedulers,

dispatchers, or drivers. As a result, it is not possible to measure on-time performance for drop-offs.


13. GRTA does not have a specific standard for on-board travel time.
14. Drivers do not routinely record arrival and departure times for pickups or drop-offs, making it difficult to determine on-board travel times, which are typically calculated based on the departure time for the pickup to the arrival time for the drop-off.

#### 4.6 Resources

1. At the time of the on-site review, GRTA was not monitoring ADA complementary paratransit service other than reviewing invoices and responding to complaints. There were no regular field observations of service or visits to the contractor facilities.
2. Neither GRTA nor KEI have a means of monitoring telephone performance.

Please provide your response within 30 days of the date this letter. Should you have any questions about the enclosed report or this letter, please contact Mr. Aaron Meyers, at (202) 366-3055 or via e-mail at [aaron.meyers@dot.gov](mailto:aaron.meyers@dot.gov), with a copy to Monica McCallum, Regional Operations Division Chief, at [Monica.mccallum@dot.gov](mailto:Monica.mccallum@dot.gov).

Sincerely,



John R. Day  
ADA Team Leader  
FTA Office of Civil Rights

Enclosure

cc: Linda Ford, Acting Director, FTA Office of Civil Rights  
Leslie T. Rogers, Regional Administrator, FTA Region 9  
Monica McCallum, Regional Operations Division Chief  
Chris MacNeith, Regional Civil Rights Officer, FTA Region 9  
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