



FEDERAL TRANSIT ADMINISTRATION

Milwaukee County Transit System

ADA Paratransit Compliance Review

Final Report

March 2017



U.S. Department of Transportation
Federal Transit Administration

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Executive Summary

Objective and Methodology

This report reviews the complementary paratransit service, Transit Plus, provided by Milwaukee County as part of the Milwaukee County Transit System (MCTS), overseen by the Milwaukee County Department of Transportation (MCDOT). MCTS and Transit Plus serve the county of Milwaukee and limited areas of Waukesha and Ozaukee counties. The objective of this review is to verify whether MCTS is meeting its obligations under the ADA to provide paratransit as a complement to its fixed route service.

This compliance review included three stages:

1. Preparation: compilation of information covering policies and procedures, and interviews with eligible paratransit riders and local disability organizations
2. Site visit: a three-person review team's data analyses supported by on-site observations of how Transit Plus handles trip requests, scheduling and dispatching, examinations of eligibility applications and related documents (including appeals), and interviews with MCTS and contractor employees
3. Analysis and reporting: using site-visit data, identification of deficiencies requiring corrective actions and suggestions of effective practices in complementary paratransit service.

Key Findings

MCTS's ADA Complementary Paratransit Program includes the following positive program elements:

Positive Program Elements

- Transit Plus budgets and plans to meet all ADA paratransit demand, including upgrading technology.
- Transit Plus's policy and practice is to process completed applications promptly. Reviewers' analysis showed that the agency makes eligibility determinations within an average of two days.
- Transit Plus meets its agency standards for on-time performance.
- Transit Plus has established a pilot program with the University of Wisconsin to identify and assess transit-related functional abilities.
- Transit Plus partners with the local disability community to enable direct community participation in fixed route operator training and administrative appeals hearings.

MCTS's ADA Complementary Paratransit Program has the following administrative deficiencies that are easily correctable to bring the program into compliance with 49 CFR Parts 27, 37, and 38.

Administrative Deficiencies

- Transit Plus's certification letters do not provide specific, transit-based reasons for decisions in determinations of temporary or conditional eligibility.
- Transit Plus's definitions and standards for missed trips, trip length, and on-time performance for drop-offs are missing, incomplete, or require updating.
- Transit Plus must revise its visitor policy to state clearly its bases for providing service.

MCTS's ADA Complementary Paratransit Program has the following substantive deficiencies that need to be addressed to bring the program into compliance with 49 CFR Parts 27, 37 and 38.

Substantive Deficiencies

- Transit Plus's administrative appeals process does not explain the distinction, if any, between internal administrative reviews and an eligibility appeal, and requires riders to appeal in writing and provide reasons for the appeal. Eligibility appeals decision letters do not contain specific reasons for the decision rendered.

Please see Section 6 for a discussion of each deficiency. The Summary Table of Compliance Review Findings (following Section 6) lists all findings. Unless otherwise stated, MCTS must address all deficiencies within 60 days of receipt of this report.

1. General Information

This chapter provides basic information concerning this compliance review of Milwaukee County's complementary paratransit service, Transit Plus. Information on Milwaukee County Transit System (MCTS), the review team, and the dates of the review is presented below.

Grant Recipient:	Milwaukee County Transit System
City/State:	Milwaukee, WI
Grantee Number:	1260
Executive Official:	Brian Dranzik, Director of Transportation
On-site Liaison:	John Rodgers, Senior Manager Grants Compliance
Report Prepared By:	Milligan and Company, LLC
Dates of On-site Visit:	October 18-21, 2016
Review Team Members:	Cynthia Lister, Habibatu Atta, Russell Thatcher

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2. Jurisdiction and Authorities

Public entities that operate fixed route transportation services for the general public are required by the U.S. Department of Transportation (DOT) regulations implementing the Americans with Disabilities Act of 1990 (ADA) to provide ADA complementary paratransit service for persons who, because of their disability, are unable to use the fixed route system. These regulations (49 CFR Parts 27, 37, 38, and 39) include eligibility requirements and service criteria that must be met by ADA complementary paratransit service programs. Section 37.135(d) of the regulations required that ADA complementary paratransit service met 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.

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3. Purpose and Objectives

This chapter discusses the purpose and objectives of an FTA ADA complementary paratransit compliance review and the review process.

3.1 Purpose

Pursuant to 49 CFR §§27.19 and 27.123, as part of its oversight efforts, the FTA, through its Office of Civil Rights, conducts periodic reviews of fixed route transit and ADA complementary paratransit services operated by its grantees. Compliance with all applicable requirements of the Americans with Disabilities Act (ADA) of 1990 (42 USC 12101-12213) including the DOT's ADA regulations is a condition of eligibility for receiving Federal financial assistance.

3.2 Objectives

The primary objective of this paratransit review is to verify whether a public operator of a fixed-route transit system that benefits from FTA funding is meeting its obligations under the ADA to provide paratransit as a complement to its fixed-route service. This review examines the policies, procedures, and operations of the transit system's ADA complementary paratransit system concerning service provision, including origin-to-destination service; eligibility, including the process used to determine who is eligible for the service; receiving and resolving complaints; and meeting the ADA complementary paratransit service criteria as specified in 49 CFR §37.131.

The review team observed dispatch, reservations, and scheduling operations, and analyzed service statistics, basic service records, and operating documents. To verify the accuracy of the public operator's reported information and evaluate its methodology, the review team also conducted its own independent analysis of sample data. In addition, FTA solicited comments from eligible riders and from local disability organizations.

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

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4. Introduction to Milwaukee County Transit System (MCTS) (Transit Plus)

Milwaukee County and its Department of Transportation (MCDOT) provides public transit services through Milwaukee Transportation Services (MTS), a quasi-governmental entity established to perform the County's public and governmental function of managing and operating a public transportation agency, the Milwaukee County Transit System (MCTS). MTS is responsible for direct management and operation of MCTS, including ADA paratransit services.

The largest transit system in Wisconsin, MCTS's fixed route service consists of 411 buses serving 60 routes, with 1,100 operators, mechanics, and administrative staff. The average age of the MCTS fleet is 7.5 years. MCTS provides fixed route bus service and ADA paratransit service for persons with disabilities throughout Milwaukee County and in limited areas of Waukesha and Ozaukee Counties.

MCTS offers fixed route schedules and service information on its website, www.ridemcts.com. Under "Programs", this site also contains information and downloadable forms and brochures for MCTS's ADA paratransit service, Transit Plus.

4.1 Introduction to Paratransit Services and Organizational Structure

MCTS's ADA paratransit service, Transit Plus, has its headquarters in the MCTS Administration Building at 1942 North 17th Street in Milwaukee, WI. MCTS provides Transit Plus service using a fleet of 151 accessible vans owned and operated by two contractors. Transit Express serves the North Zone using 106 drivers and 96 vehicles, and provides 56 percent of the service; First Transit serves the South Zone with 55 drivers and 55 vehicles, and provides about 44 percent of the service. In addition, each contractor performs reservations, scheduling, dispatch, fleet maintenance, and driver training functions for its designated zone. MCTS supplies the phone systems, Trapeze scheduling software, and computer workstations to each contractor.

MCTS handles eligibility and appeal matters, customers' information requests, and complaints and commendations for ADA paratransit service. In collaboration with Transit Plus staff, contracted physical therapists perform eligibility assessments and travel training. MCTS administers the service and provides oversight.

As of September 2016, over 19,900 customers were registered with Transit Plus as ADA-eligible, representing a total of approximately 523,406 trips in 2015. On average, each month Transit Plus performs approximately 37,000 trips. Transit Plus provides service approximately 22 hours each day, seven days a week.

With regard to planning, capital, and operating budgeting, the review team was able to verify that MCTS budgets and plans to meet all ADA paratransit demand, and that the agency's long-range planning effort attempts to anticipate needs for technology and communications upgrades.

MCTS's planning and budgeting effort covers both long- and short-term projections. In addition to almost \$75,000 spent annually on Trapeze PASS system maintenance and support and the

Trapeze SUS module for No Shows, senior managers described current technology and equipment investments that will benefit Transit Plus service, specifically in the form of Trapeze software modules, telephone, communications, and software upgrades. These total over \$225,000. With regard to operating costs, in 2015 the Transit Plus program incurred almost \$15.7M in actual operating expenses, most of which represented the costs of purchased transportation.

To determine if there are presently sufficient contractor vehicles and drivers available to cover scheduled runs with an adequate supply of spare vehicles, the review team examined each provider's run structure and daily vehicle and driver availability records. It appears that at present Transit Plus can call on sufficient vehicles to cover the number of runs created by its two providers. This data indicated that the Transit Plus program is also able to draw on a workforce adequate to cover scheduled runs.

5. Scope and Methodology

The purpose of this review is to provide FTA with a tool for determining whether a public operator of a fixed-route system is in compliance with the paratransit requirements under DOT ADA regulations. However, the deficiencies identified and findings made in this report are by necessity limited to the information available to and the observations made by the review team at the time of the site visit. A lack of findings in a particular review area does not constitute endorsement or approval of an entity's specific policies, procedures or operations; instead, it simply indicates that no deficiencies in the delivery of service were observed at the time of the review.

The scope of the review and the methodology employed by the review team is described in greater detail below.

5.1 Scope

The review focused on whether MCTS's ADA paratransit service, Transit Plus, operates according to the service criteria specified in 49 CFR §37.131 of the DOT ADA regulations, and without capacity constraints prohibited under 49 CFR §37.131(f). The review examined MCTS's ADA paratransit service area, response time, fares, and hours and days of service, as well as its policies, standards, and procedures for monitoring service provision, including on-time performance, on-board travel time, telephone hold times, and avoiding trip denials and missed trips. The review seeks to ascertain whether service is being provided to eligible individuals within at least the minimum required service area on a next-day basis, during the same hours and days as the fixed-route system, for not more than twice the fixed-route fare for the same trip; whether there are patterns or practices that result in a substantial number of trip limits, trip denials, untimely pickups, and/or trips of excessive length; policies which cause riders to arrive late to appointments; or long telephone hold times, as defined by the transit system's established standards (or typical practices if standards do not exist).

Overall, the complementary paratransit compliance review included the following regulatory requirements:

- Complaint resolution and compliance information (49 CFR §§27.13(b), 27.121(b), and 37.17)
- Nondiscrimination (49 CFR §37.5)
- Service under contract (49 CFR §37.23) (if applicable)
- Requirement for comparable complementary paratransit service (49 CFR §37.121)
- ADA paratransit eligibility: Standards (49 CFR §37.123)
- Paratransit eligibility process (49 CFR §37.125) including:
 - Information is made available in accessible formats upon request
 - A decision is made within 21 days or presumptive eligibility is granted pending a decision
 - There is written notification of all decisions

-
- All denials or conditional eligibility determinations are completed in writing with specific reasons for the decision
 - There is an administrative appeals process for denials and conditional eligibility determinations
 - Reasonable policies for suspending service to eligible riders who establish a pattern or practice of missing trips
 - Complementary paratransit service for visitors (49 CFR §37.127)
 - Types of service (49 CFR §37.129)
 - Service criteria for complementary paratransit (49 CFR §37.131) including:
 - Service area
 - Response time
 - Fares
 - Trip purpose restrictions
 - Hours and days of service
 - Capacity constraints
 - Subscription service (49 CFR §37.133) (if applicable)
 - Training requirements (49 CFR §37.173)

5.2 Methodology

The FTA Office of Civil Rights sent a notification letter to Brian Dranzik, Milwaukee County Director of Transportation, on June 30, 2016 confirming the dates for the review and requesting that information be sent to the review team in advance of the on-site visit (Attachment A).

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

- MCTS's description of how its ADA complementary paratransit service is structured
- Public information describing Transit Plus, MCTS's ADA complementary paratransit service
- MCTS's standards or goals for on-time performance, trip denials, missed trips, paratransit trip length, on-time performance, and telephone hold times

As requested by the FTA, MCTS made additional information available during the visit:

- Copies of completed driver manifests for recent months
- 36 months of Transit Plus service data, including the number of trips requested and subscription trips per hour. Transit Plus also generated special service reports upon request to provide the review team with needed information.
- Records of Transit Plus consumer comments and complaints related to capacity issues: trip denials, on-time performance, travel time, and telephone access
- Procedures for passenger service reports reporting complaints and other incidents
- MCTS's summary of complaints and raw complaint data

- Eligibility data and information for the most recent 12-month period
- A Transit Plus complementary paratransit fleet roster
- Data regarding Transit Plus's run structure and daily vehicle pull-out records
- A listing of paratransit personnel and their start dates and work shift assignments
- Training curricula for each type of complementary paratransit staff and contracted personnel
- Capital and operating budgets and cost data
- Procedures for providing information and communication in accessible formats

The on-site review of MCTS's ADA complementary paratransit service took place from October 18 through 21, 2016. The opening conference was held at 9 a.m. on Tuesday, October 18, at the MCTS offices at 1942 N. 17th St., Milwaukee. Participants included:

Milwaukee County Department of Transportation (MCDOT)

- John Rodgers, Senior Manager Grants Compliance

Milwaukee County Transit System (MCTS)

- Mark Stein, Chief Administrative Officer (MCTS)
- Tracy Harrington, Director, Paratransit Services (Transit Plus)

Federal Transit Administration (FTA)

- John Day, Program Manager for Policy and Technical Assistance, Office of Civil Rights

First Transit (transportation contractor)

- Morgen McClelland, Regional Operations Director and General Manager

Transit Express (transportation contractor)

- John Doherty, Vice President and Operations Manager

Milligan and Company, LLC

- Cynthia Lister, Lead Reviewer
- Habibatu Atta, Reviewer
- Russell Thatcher, Reviewer

Following the opening conference, the review team met with MCTS management to discuss the information sent in advance and the information and materials made available on site, examining MCTS's policies and procedures. During the remainder of the day, team members discussed the eligibility process with Transit Plus staff and gathered eligibility and appeal files for review. Reviewers also examined the processes in place at MCTS to record and respond to customer complaints, and requested complaint records from recent months for analysis.

On October 19 and 20, the review team conducted observations at Transit Express (Wednesday) and First Transit (Thursday) facilities. Reviewers interviewed call center personnel and observed and documented the process for taking reservations, and observed and discussed

scheduling and dispatch activities. In addition, team members interviewed drivers, reviewed training files and materials, and interviewed training staff. The review team paid particular attention to policies regarding trip reservations and whether either contractor used any form of trip caps or waiting lists. This portion of the review also examined policies and procedures concerning negotiation of requested trip times, and whether there appeared to be a pattern or practice of denying a significant number of trip requests.

Concurrently, team members continued reviewing eligibility determination and appeal records, and interviewing Transit Plus staff regarding the eligibility determination process. Managers provided information on agency resources, budgeting, and staffing. Reviewers examined fixed route schedules and interviewed managers to ascertain whether Transit Plus service met regulatory standards for areas, days, and hours of complementary transportation. The review team gathered and analyzed the following information:

- Comments and complaints on file at FTA and MCTS; comments from riders and advocates obtained through interviews
- Reservations policies and performance standards
- Service reports showing the number of trips served and the number of trips denied for the past three years
- Call center reports showing telephone activity in both contractors' reservations and dispatch units
- Direct observations of the handling of trips and interviews with Transit Plus managers regarding contractors' ability to accommodate trip requests

As part of its review, the team compared on-board paratransit travel times with those on the fixed route service, with an emphasis on paratransit trips with lengthy travel times, and examined telephone data. Reviewers met with scheduling personnel to examine the scheduling software, review its mapping capabilities, and discuss procedures used to develop final driver manifests. In addition, team members began examining completed driver manifests as a part of verification of Transit Plus's on-time performance.

On Friday, October 21, 2016, the review team tabulated the various data that had been gathered, identified and obtained any needed items, and prepared for the exit conference. The exit conference took place at 11 a.m. at the MCTS offices. Participating in the conference were:

Milwaukee County Department of Transportation (MCDOT)

- John Rodgers, Senior Manager Grants Compliance

Milwaukee County Department of Transportation (MCDOT)

- Daniel Boehm, President and Managing Director (MCTS)
- Mark Stein, Chief Administrative Officer (MCTS)
- Tracy Harrington, Director, Paratransit Services (Transit Plus)

Federal Transit Administration (FTA)

- John Day, Program Manager for Policy and Technical Assistance, Office of Civil Rights
- Marjorie Hughes, Regional Civil Rights Officer (RCRO), Region V

First Transit (transportation contractor)

- Morgen McClelland, Regional Operations Director and General Manager

Transit Express (transportation contractor)

- John Doherty, Vice President and Operations Manager

Milligan and Company, LLC

- Cynthia Lister, Lead Reviewer
- Habibatu Atta, Reviewer
- Russell Thatcher, Reviewer

FTA provided Milwaukee County Department of Transportation with a draft copy of the report for review and response. A copy of their response to the draft report is included as Attachment B.

5.3 Stakeholder Interviews

Prior to the on-site review, the review team contacted 10 organizations and individuals from the Milwaukee regional disability community. The purpose of this activity was to invite participation in stakeholder interviews, determine whether service complaints had been filed with MCTS, and identify practices that required further attention and analysis during the review.

Six individuals participated, representing regional disability organizations, local day programs, the Milwaukee County Commission for Persons with Disabilities, and MCTS's transit advisory committee. Five of the six individuals ride Transit Plus service. A range of disabilities was represented. Team members asked participants about Transit Plus's eligibility process and appeals; service provision, including reservations, telephone hold times, on-time performance, and driver assistance; trip denials and wait lists; administrative burdens; complaints and how these are handled; and feedback regarding visitors using the service.

Participants stated that in general, in their opinion, service is good and getting better. They noted that Transit Plus responds immediately to rider concerns and complaints. They said that the agency's eligibility appeals panels include people with disabilities and that in making eligibility determinations, Transit Plus appears to work to obtain relevant information and will revisit determinations whenever new information is presented. Three cited a noticeable improvement in service in their zone during the previous nine months. No issues were reported with regard to visitor service, telephone wait times, or capacity denials. Two individuals mentioned Transit Plus's innovations in involving the disability community in the eligibility and appeal process, and also the agency's commitment to a joint University of Milwaukee/Transit Plus pilot program that familiarizes trainee physical therapists with disability concerns and conducts research regarding identification and assessment of transit-related functional abilities.

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6. Findings and Advisory Comments

This chapter details the findings for each of the areas pertinent to the regulations found in 49 CFR Sections 27, 37, and 38 outlined in the Scope and Methodology section above. For each area, an overview of the relevant regulations and a discussion of the regulations as they apply to MCTS's paratransit system are provided below, with corrective actions and a timetable to correct deficiencies for each of the requirements and sub-requirements where necessary.

Findings are expressed in terms of "deficiency" or "no deficiency." Findings of deficiency denote policies or practices found to be not in compliance with DOT ADA regulations or matters for which FTA requires additional reporting to determine whether an ADA compliance issue exists.

Findings of deficiency shall always require corrective action and/or additional reporting, and will always be expressed as:

- A statement concerning the policy or practice in question at the time of the review.
- A statement concerning the DOT ADA requirements being violated or potentially being violated.
- A statement concerning the required corrective action to resolve the issue.

Advisory comments are statements detailing recommended or suggested changes to policies or practices to ensure effective practices under the ADA or otherwise assist the entity in achieving or maintaining compliance.

6.1 Comparable Paratransit Service

Requirement: Under 49 CFR §37.121, the transit agency operating a fixed route system must provide paratransit service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system.

Discussion: During this compliance review, no deficiencies were found with the requirement to provide paratransit service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system, or with how the transit agency communicates information on ADA paratransit service.

Based on the data collected and policies, procedures, and actions examined during the review, the review team observed no failure on the part of MCTS to establish an ADA paratransit eligibility process, to accept and process applications, or to provide service. MCTS has an active ADA paratransit eligibility determination process in place.

6.2 Paratransit Eligibility Process

Absence of Administrative Burdens

Requirement: Under 49 CFR §37.125, the transit agency must establish an eligibility process for complementary paratransit. The process may not impose unreasonable administrative burdens on applicants, and, since it is part of the entity's nondiscrimination obligations under §37.5(d), may not involve "user fees" or application fees to the applicant.

Discussion: During this compliance review, no deficiencies were found with the requirement to not impose unreasonable administrative burdens on applicants.

MCTS does not charge Transit Plus application or photo fees and does not charge a fare to new or recertifying applicants for transportation related to the application process.

Paratransit Eligibility Standards

Requirement: Under 49 CFR §37.123 (e)(1)-(3), the transit agency's eligibility processes, application materials and public information must be comprehensive enough to permit the transit system to determine that the following individuals are ADA paratransit eligible:

Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities

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

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

Discussion: During this compliance review, no deficiencies were found with the requirements related to the paratransit eligibility process, or with how the transit agency communicates eligibility for ADA paratransit service to applicants.

As part of the on-site review, team members examined the agency's public information materials and website information, and reviewed eligibility materials, certification files and records, and eligibility program software. They interviewed the individuals responsible for handling Transit Plus eligibility applications and assessing applicants' functional ability to access, use, and navigate public transportation independently. They concluded that MCTS has established policies and procedures for the processing, review, and assessment of ADA paratransit eligibility applications which appear to conform to DOT ADA regulations and are broadly publicized and explained.

Eligibility Process

MCTS's eligibility process features a paper application, verification by the applicant's treating physician or professional, and the use of in-person interviews and functional assessments for the majority of applicants. Categories of eligibility include Unconditional, Conditional, Temporary, and Ineligible. Transit Plus ADA paratransit application forms can be downloaded from the MCTS website, requested by phone, or obtained by mail. The applicant schedules an appointment at MCTS for an interview and assessment, then brings these materials to the offices. Both forms briefly describe MCTS's accessible fixed route service, ask about the applicant's transit-related functional abilities, and include issues such as path of travel, endurance/fatigue, wayfinding skills, previous travel training, low light conditions, and adverse weather conditions. MCTS offers phone assistance in completing the form. The designated professional verification form includes sections where the respondent can provide information on physical, intellectual, mental health, and hearing disabilities, blindness or vision impairments, and multiple disabilities.

Transit Plus eligibility staff and contracted physical therapists perform a physical and/or cognitive or sensory evaluation of the applicant's functional abilities, including but not limited to gait and balance, step climbing ability, bus route and landmark identification, short term memory and attention span, and then make eligibility recommendations to management. They are responsible to ascertain the applicant's functional ability to access, use, and navigate fixed route bus service independently. They may administer assessment measures such as the Tinetti Assessment Tool to examine the applicant's balance and gait. Based on the information already collected, the assessor at times may arrange for other assessments (for example, a vision examination). MCTS provides free transportation to and from this interview and any other requested assessment activities. Assessors are required to submit their report forms with recommendations to Transit Plus managers within five business days. A supervisor reviews the file, makes the determination, and issues Transit Plus's determination letter.

As part of its on-site review, team members examined MCTS's public information materials and website information; eligibility materials, certification files and records, and eligibility program software; and interviewed the manager of MCTS's eligibility unit. MCTS's public information about eligibility standards, processes, and application and appeal procedures appears to be consistent from one document to another.

Reviewers observed that MCTS's Transit Plus application activity appears accurate and thoroughly documented.

Application Volume; Certification Outcomes

Reviewers analyzed Transit Plus eligibility application volume and outcomes for the first eight months of 2016. The agency's data shows that as of September 1, 2016, 19,900 individuals were registered as eligible for Transit Plus ADA paratransit service. Transit Plus provided these eligible riders with approximately 500,000 trips during 2016. This analysis also revealed that the agency's eligibility unit processed, on average, approximately 245 applications per month. Of these, about three-fourths were new applicants and one-fourth represented recertifying riders.

**Transit Plus: ADA Paratransit Eligibility Activity
January - August 2016 (8 months)**

	<i>COMPLETED APPLICATIONS</i>			<i>OUTCOMES</i>			<i>Determinations Totals</i>	<i>Appeals</i>
	<i>New Applicants</i>	<i>Recertification</i>		<i>Unconditional</i>	<i>Conditional</i>	<i>Denied</i>		
January	193	69	262	72	96	19	187	1
February	218	69	287	86	108	17	211	0
March	182	41	223	72	86	17	175	4
April	157	70	227	63	85	12	160	3
May	177	58	235	92	80	14	186	1
June	199	63	262	78	94	17	189	4
July	168	43	211	70	66	23	159	0
August	199	65	264	77	90	21	188	5
Totals	1,493	478	1971	610	705	140	1,455	18
Percentage	75.7%	24.3%	***	41.9%	48.5%	9.6%	-	-

*** Totals do not include applicants who no-showed an assessment appointment.

MCTS appears to find about 42 percent of applicants, new or recertifying, unconditionally eligible. For the universe of all applicants, Transit Plus's denial rate is approximately 9.6 percent, and recertifying riders as well as new applicants may be found ineligible.

Determinations

The review team examined a random sample of 38 Transit Plus eligibility files from a six-month period in 2016 and tabulated the outcome of each application:

**MCTS Transit Plus Sample Eligibility File Review Summary
March - September 2016**

Total Files Reviewed	38	
Eligibility Outcomes	Total	Percent
Unconditionally Eligible	6	15.8%
Conditionally Eligible	17	44.7%
Ineligible	15	39.5%
Total	38	100%
Eligibility File Type	Total	Percent
New	19	50.0%
Recertification	19	50.0%
Total	38	100%

Reviewers observed that MCTS's application, interview, and assessment process considers factors of functional ability such as path of travel issues, endurance/fatigue, ability to travel independently, ability to travel throughout the service area, and how environmental, architectural, and adverse weather conditions can impact the effectiveness of a mobility device or white cane. The process solicits information from applicants and treating professionals in assessing applications from individuals with intellectual or mental health disabilities. Reviewers found that among the random sample of 38 eligibility files, all determinations appeared appropriate, consistent, and without prohibited administrative burdens.

Accessible Information

Requirement: Under 49 CFR §37.125(b), the transit agency must make all information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility available in accessible formats, either as a rule or upon request.

Discussion: During this compliance review, no deficiencies were found with the requirement to provide accessible eligibility information or with how the transit agency communicates the availability of materials in accessible formats to applicants and potential applicants.

This requirement obligates transit agencies to ensure that individuals with disabilities have timely access to adequate service and eligibility information, including temporary service changes. Team members examined MCTS's public information materials, website information, and Transit Plus eligibility and appeals correspondence and materials. They found that Transit Plus provides eligibility and service materials in alternate accessible formats (large type, Braille, on line, computer file) upon request. The Transit Plus website states: "The information contained in the Rider's Guide is also available in alternate formats including Braille, large print and audio tape. If you would like to request an alternate format, please contact Transit Plus at (414) 343-1700."

Eligibility Determinations or Presumptive Eligibility within 21 Days

Requirement: Under 49 CFR §37.125(c), if the transit agency has not made an eligibility determination on the 21st day following the submission of a complete application, it must treat the applicant as eligible on the 22nd day and have a process in place to provide service to the applicant beginning on the 22nd day and until the eligibility determination has been made. The transit agency's process must communicate the right to this presumptive eligibility to applicants so they are aware of their rights to schedule and use the service, beginning on the 22nd day.

Discussion: During this compliance review, no deficiencies were found with the requirement to have a presumptive eligibility process in place and/or make an eligibility determination within 21 days of receipt of a complete application, or with how the transit agency communicates presumptive eligibility to applicants.

Page 7 of the MCTS Transit Plus Rider's Guide states: "A determination of Transit Plus eligibility will be made within 21 days of completing all steps of the above process. Applicants are informed by mail of the determination."

At Transit Plus, the review team examined computerized eligibility records and viewed the program and log used to track application progress within the 21-day requirement. In interviewing Transit Plus management and eligibility unit personnel, it was evident that they understood the importance of complying with this requirement. MCTS appears to process all applications in a timely manner and to document and track its handling of applications.

The reviewers' analysis of 38 randomly sampled application files found none where determinations had been made after 21 days. In tabulating the handling of the 38 files, team members found that for 36 (95 percent), determinations had been made the same day that the application was considered complete. Of the remaining two files, one was processed in 17 days, the other in 21 days. Examination of Transit Plus tracking records for application progress confirmed this information.

With regard to issuing the determination letter after a decision had been made, Transit Plus managers stated that whenever possible, MCTS issues the determination letter on the same day that the decision is made. Application file review supported this statement; 34 of the 38 letters were issued on a same-day basis, the remaining four within seven days.

Written Eligibility Determinations including Specific Reasons for Denials or Temporary or Conditional Eligibility Determinations

Requirement: Under 49 CFR §37.125(d), determinations of eligibility must be made in writing. If applicants are found to be ineligible, the determination must state the specific reasons for the decision (a mere statement that the applicant has been found to be ineligible is not sufficient). If an individual has been determined to be conditionally or temporarily eligible, the determination must state the conditions under which eligibility is granted and the basis for that determination. Information concerning the applicant's right to appeal under §37.125(g) must also be provided.

Discussion: During this compliance review, deficiencies were found with the requirement to make eligibility determinations in writing and with how the transit agency communicates eligibility determinations to applicants.

MCTS's eligibility certification letters finding applicants conditionally or temporarily eligible do not provide sufficiently detailed, transit-related reasons for the decision provided.

The reviewers examined 38 randomly selected Transit Plus application files. They found that of the 15 certification letters where individuals were found ineligible, all provided specific, transit-related reasons for this determination. However, for the 17 letters where the applicant was made conditionally eligible, no specifics were furnished. Offering an explanation of the conditions of eligibility that have been imposed is not an adequate substitute for providing specific, function-based information about the reasons for the determination itself. Each letter repeated the same statement: "You have demonstrated the ability to use public transportation and it is felt that you have the skills necessary to utilize the Milwaukee County bus in a number of situations." This pronouncement is not sufficiently detailed, nor does it cite specific skills necessary to use and access fixed route service. As noted in Appendix D to §37.125, in the determination letter, "A mere recital that the applicant can use fixed route transit is not sufficient." Reasons for a

determination must specifically relate assessment findings regarding identified tasks to the regulatory basis for eligibility. Pages 9-17 and 9-18 in FTA Circular 4710.1 provide guidance and examples. Similarly, determination letters making an individual unconditionally eligible on a temporary basis must explain with specifics the agency's reasons for limiting the term of eligibility.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, MCTS must provide to FTA for review revised letter templates and copies of recent determination letters that include specific, transit-based reasons for determinations of ineligibility, temporary, or conditional eligibility and for any limitations on eligibility.

Recertification of Eligibility at Reasonable Intervals

Requirement: Under 49 CFR §37.125(f), the transit agency is permitted to require paratransit riders to recertify eligibility at reasonable intervals. As stated in Appendix D, a reasonable interval would be between one and three years.

Discussion: During this compliance review, no deficiencies were found with the recertification process or with how the transit agency communicates recertification of eligibility to applicants.

As part of its examination of MCTS's eligibility policies, standards, and procedures, public information, and eligibility records, the review team observed no differences in the handling of new and recertification applications. The review team observed that MCTS's recertification policies and processes meet the same standards as its policies and processes for new applicants, and that the process offers eligible riders adequate time to apply for recertification.

MCTS's eligibility process includes recertification at three-year intervals. The agency notifies riders by mail two months before expiration of their eligibility. MCTS now uses a simplified process for recertifying certain unconditionally eligible riders whose functional abilities are not likely to change over time even with different mobility aids. MCTS encourages eligible riders who experience any health changes or changes in medical equipment that affect their ability to use public transit to recertify at any time and includes wording to this effect in certification letters.

Administrative Appeals Process for Denials or Decisions Granting Conditional or Temporary Eligibility

Requirement: Under 49 CFR §37.125(g), the transit agency must have a process for administering appeals through which individuals who are denied eligibility can obtain review of the denial. The transit agency is permitted to require written notice, within 60 days of its written decision denying or limiting eligibility, that the applicant wishes to exercise his or her right to an appeal hearing. The transit agency cannot require the "filing of a written appeal."

The appeal process must include an opportunity for the applicant to be heard and to present information and arguments, with appropriate separation of authority (i.e., a decision by a person not involved with the initial decision to deny eligibility). Appeal decisions must be provided in

writing and explain the reasons for denying the appeal. The appeal hearing must be scheduled within a reasonable amount of time, and if a decision has not been made within 30 days of the completion of the appeal process, the appellant must be provided paratransit service from that time until and unless a decision to deny the appeal is issued, as required.

Discussion: During this compliance review, deficiencies were found with the requirements of the process for appealing eligibility denials or decisions that limit eligibility. MCTS's informational materials regarding requesting an appeal require that the appeal be in writing, and that the reason for the appeal be stated; the appeal process does not distinguish between an internal review and an administrative appeal, and does not appear to afford appellants separation of functions. Additionally, hearing decision letters sent to appellants do not provide the required specific reasons (similar to the level of detail required to be provided in the initial determination letter) for the decision provided.

Appeal Process

Page 8 of the Transit Plus Rider's Guide states: "Eligibility Appeals: Applicants who are denied eligibility for Transit Plus or are granted anything less than unconditional eligibility may appeal the decision within 60 days of the decision date. Appeals must be made in writing and sent to the Transit Plus office. Persons wishing to appeal should include the reason(s) they disagree with the decision, as well as any supporting documentation they would like to have considered. The first step of an appeal is an Appeal on the Merits. This involves an administrative review by the Director of Transit Plus evaluating whether the decision made was reasonable based on the information provided and followed the eligibility criteria per the ADA. A determination must be made within 30 days of receipt of the written appeal, and will be documented in a letter to the applicant. If a decision is not made within 30 days, the applicant will be granted full eligibility pending the appeal decision. If an applicant disagrees with the first step appeal decision, that individual may request an Appeal Board hearing, which is an Appeal on the Process and must be made in writing within 60 days of the date of the first step appeal decision. An individual requesting a hearing will have a date set within 30 days of the hearing request and will be provided with additional appeal instructions."

Transit Plus certification letters finding applicants ineligible or temporarily eligible inform recipients of their right to appeal within 60 days and contain in the body of the letter basic information on the appeal process. Transit Plus coordinates the administrative review and appeal hearing process, receiving, logging and tracking the request, scheduling the hearing, informing the appellant, and documenting its outcome. If an appellant needs to reschedule a hearing, MCTS accommodates the request. It is unclear how MCTS's initial internal review process differs from an administrative appeal of eligibility, for which DOT ADA regulations require an opportunity to be heard in person, and whether it violates the requirement for separation of functions.

Members of the disability community not involved in the original decision serve on Transit Plus's Appeal Board and hear appeals in an informal setting. The panel is required to render decisions within 30 days. As part of the agency's policy, MCTS registrants receive service during the appeal period; new applicants do not.

Reasons for Decision; Separation of Function

The ADA paratransit activity summary shown earlier in this document reported 18 eligibility appeals during the period January through August 2016. Of these, two decisions were reversed after initial internal review, based on additional document submission. The remainder underwent initial administrative review. Four of these were subsequently heard by appeals panels, which upheld three of the original decisions. In all cases, decisions were rendered in writing within five days of either the hearing date or the date of the appellant's request. The 2016 letters conveying appeals decisions did not provide specific reasons for these as DOT ADA regulations require.

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

- an updated administrative appeals policy and procedures which explain the difference between an initial internal review and an administrative appeal, assure appellants of separation of functions, and provide specific written reasons for hearing decisions; and,
- a revised appeal request form that does not require appellants to appeal in writing or to state the basis or reasons for the appeal.

Complementary Paratransit for Visitors

Requirement: Under 49 CFR §37.127(d) and (e), paratransit service must be made available to visitors not residing in the jurisdiction(s) served by MCTS for any combination of 21 days during any 365-day period, beginning with the visitor's first use of the service during the 365-day period. The transit system must treat as eligible all visitors who present information that they are eligible for paratransit service in the jurisdiction in which they reside; for those who do not present such documentation, the transit system must accept a certification that they are unable to use fixed-route service. In no case may the transit system require a visitor to apply for or receive eligibility certification for its own paratransit system before providing this service.

Discussion: During this compliance review, deficiencies were found with the requirement to make paratransit eligibility available to individuals meeting the definition of a visitor, and with how the transit agency communicates visitor eligibility to individuals.

The review team interviewed Transit Plus managers concerning service to visitors and examined MCTS's public information and website. Page 11 of the Rider's Guide states: "Visitors to Milwaukee County who are eligible for ADA paratransit service in their home communities may ride with Transit Plus for up to 21 days in a 365 day period with documentation of their paratransit eligibility. Riders whose disability is apparent may have the documentation requirement waived." It was evident that individuals with disabilities who do not have eligibility from another system will obtain 21 days of Transit Plus service per year when they present address information and, if not apparent, documentation of disability. Nonetheless, the written policy does not include and clearly address all requirements concerning service to visitors who do not have documentation from a "home" system.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, MCTS must provide to the FTA for review a revised visitor policy statement and proposed Rider's

Guide text which clearly state that individuals without eligibility from another system can obtain 21 days of service per year by presenting address information and, if not apparent, documentation of disability.

6.3 Types of Service

Requirement: Under 49 CFR §37.129(a), the transit agency's ADA complementary paratransit service must be provided on an origin-to-destination-basis. The transit agency may determine through its local planning process whether to establish either door-to-door or curb-to-curb service as the basic mode of paratransit service. Where the local planning process establishes curb-to-curb service as the basic paratransit service mode, however, provision must still be made to ensure that the service available to each passenger actually gets the passenger from his or her point of origin to his or her destination point. To meet this origin to destination requirement, service may need to be provided to some individuals, or at some locations, in a way that goes beyond curb-to-curb service.

Discussion: During this compliance review, no deficiencies were found with the requirement to provide origin-to-destination service to eligible riders or the transit agency's procedures to provide additional assistance beyond the curb if needed due to their disability for eligible riders to complete their trips.

As confirmed through on-site interviews with Transit Plus and contractor managers, drivers, and other personnel, driver training materials, and records review, MCTS provides Transit Plus service on a door-to-door, driver-assisted basis. Public information clearly describes the service as such. The review team observed no failures to have policies and procedures in place to provide assistance from the vehicle to the first doorway for riders who, due to their disability, require assistance to complete the trip. As confirmed by driver interviews and provider trainers, instruction repeatedly emphasizes that door-to-door, driver-assisted service must be provided.

6.4 Service Criteria for Complementary Paratransit

Requirement: Section 12143(c)(3) of the ADA directed the Secretary of Transportation to establish minimum service criteria to be used when determining whether the service provided by paratransit is comparable to the regular fixed-route system. These criteria are contained in 49 CFR §37.131, and include service area, response time, fares, hours and days of service, and prohibit restrictions on trip purpose and capacity constraints that limit the availability of service to eligible individuals. The review team assessed the transit agency's ADA paratransit system using these criteria as described below.

Service Area

Requirement: Under 49 CFR §37.131(a)(1), all public operators of a fixed-route system must provide complementary paratransit service that covers, at a minimum, all areas within a ¾-mile radius of all of its bus routes, and within a "core service area" that includes any small areas that may be more than ¾-mile from a bus route, but are otherwise surrounded by served corridors. This includes any areas that cross political boundaries or taxing jurisdictions, but are within a ¾-mile radius of a 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 must also include a ¾-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.

Discussion: During this compliance review, no deficiencies were found with the requirement to provide ADA paratransit service available to eligible individuals to and from origins and destinations within the service area, or with how the transit agency communicates the service area to eligible riders and potential applicants.

Using detailed service area maps and paratransit scheduling software, the review team was able to confirm Transit Plus service area boundaries, match these to MCTS's fixed route service, and verify that ADA paratransit service is being provided to all locations within three-fourths of a mile of MCTS fixed routes where the agency is legally empowered to operate service. The Transit Plus Rider's Guide states that the service operates throughout all of Milwaukee County and beyond this into limited parts of Ozaukee and Waukesha counties, within three-fourths of a mile of an operating MCTS fixed route.

Response Time

Requirements: Under 49 CFR §37.131(b), the transit agency must schedule and provide paratransit service to any ADA complementary paratransit eligible person at any requested time on a particular day in response to a request for service made the previous day, including during times comparable to normal business hours on a day when the offices are not open before a service day. Reservations may be taken by reservation agents or by mechanical means. Under 49 CFR 37.131(b)(2), while the transit agency may negotiate pickup times with the rider prior to the trip being scheduled, it cannot require the rider to schedule a trip to begin more than one hour before or after the individual's desired departure time. Any greater deviation would exceed the bounds of comparability. The transit agency must have policies and procedures in place to ensure that schedulers and dispatchers do not adjust the rider's negotiated pickup time or the pickup window without the rider's consent.

Under 49 CFR §37.131(b)(4), if the transit agency proposes to change its reservations system, it shall comply with the public participation requirements equivalent to those of §37.137(b) and (c). The transit agency may permit advance reservations to be made up to 14 days in advance of an eligible individual's desired trips, subject to the same trip negotiation requirements as next-day trips required under §37.131(b)(2).

Discussion: During this compliance review, no deficiencies were found with the response time requirements to provide reservation service, schedule and provide next-day service, to negotiate pickup times with riders, and limit any negotiation or schedule changes to within 60 minutes of the requested pickup time, or with how the transit agency communicates the reservation, pick-up time negotiation and change processes and schedule changes to eligible riders.

Depending on where an eligible rider lives, he or she will call the Transit Plus North Zone or South Zone reservations unit to make trip reservations. Travel can be scheduled one to 14 days ahead and both reservation units are open from 8 a.m. until 5 p.m., seven days a week. Both reservations units negotiate and schedule trip requests using a 0 - 25-minute arrival window (the

vehicle can arrive at any point during the 25 minutes) that is structured for zero minutes before the negotiated pickup time to 25 minutes thereafter. Riders can schedule trips by requesting a pickup time, or an appointment time. Transit Plus also offers riders the option of will-call return trips and same-day service on an as-available basis.

Reservations agents enter customers' trip requests into Trapeze reservations software, scheduling trips based on the requested time and trip origin/destination. During the trip reservation process, the software presents the agent with several options for the customer's consideration, all within the one-hour trip negotiation window. If the trip cannot be scheduled at the exact time requested, the agent schedules a trip within one hour of the originally requested time. This may require consultation with a scheduler who is responsible to analyze daily ride schedules and make appropriate changes in order to accommodate all trip requests within one hour of the originally requested time, while maximizing efficiencies in scheduling and vehicle routing.

At both provider locations, reviewers interviewed reservations personnel concerning ADA understanding, data entry and coding procedures, and MCTS's operational practices. Team members observed that contractor staff complied with the regulatory requirement to accept and schedule all eligible ADA paratransit trip requests within one hour before or after the time requested, and that next-day trip requests were accommodated routinely and without discussion. Team members saw no evidence of contracted personnel adjusting a rider's negotiated pickup time or pickup window without the customer's consent.

While monitoring reservations activity at First Transit (South Zone), reviewers observed 55 incoming calls, of which 39 represented reservation requests. Next day service requests, and reservations to be scheduled eight days in advance, together accounted for approximately 43 percent of the 39 calls. Another eight percent were same-day requests. The remainder of the requests—approximately 50 percent—consisted of will call requests and group trip reservations. Both types involved manual scheduling. Nonetheless, team members noted that First Transit reservations agents were able to schedule immediately approximately 70 percent of the requests. In contrast, at Transit Express (North Zone), they found that no scheduling was done at the time the reservations were made. The agents simply accepted trip requests and entered them into the computer system. Schedulers would place the trips in the schedule later. Here, 53 incoming calls yielded 42 trip requests, of which 15 percent were same-day requests. However, next-day trip requests accounted for approximately one-fourth of all trip requests. The majority of the reservations were for next day service (24% of requests).

Overall, of the total of 81 trip requests reviewers observed and documented at both providers, all were able to be accommodated although one caller refused the time she was offered. Approximately one request in four represented next-day service; about half involved same-day or will-call service; and another 20 to 25 percent concerned trips reserved a week or more in advance. Several requests (perhaps one in ten) used appointment time rather than pickup time. When handling the reservation requests, agents repeated trip information back to customers for verification, were pleasant and professional, and closed with a reminder about the 25-minute pickup window.

At both contractor facilities, the final scheduling process begins in the late afternoon of the day before service. Team members observed that as part of the final scheduling review, schedulers scan the next day's schedules to examine vehicle loads and locations, and review individual vehicle schedules for opportunities to assign multiple trips to one vehicle (multi-load) or improve service by shifting rides.

Fares

Requirement: Under 49 CFR §37.131(c), ADA paratransit fares must be no more than twice the fixed route fare for the same trip at the same time of day on the fixed route system, excluding discounts. The transit agency must allow eligible riders to travel with at least one companion (with additional companions accommodated on a space-available basis). If the passenger is accompanied by a personal care attendant (PCA), the transit system must provide service to one companion in addition to the PCA. Companions may be charged the same fare as the eligible rider; no fare may be charged for a PCA.

Discussion: During this compliance review, no deficiencies were found with the requirements for comparable paratransit fares or policies or practices concerning fares, PCAs or companions, or with how the transit agency communicates these policies and procedures to eligible riders.

Passengers may pay the Transit Plus \$3.50 ADA paratransit fare using cash or pre-purchased tickets. This fare represents less than two times the MCTS fixed route base fare of \$2.25. Personal care attendants pay no fare; companions pay the same fare as the eligible rider they accompany.

No Trip Purpose Restrictions

Requirement: Under 49 CFR §37.131(d), there can be no restrictions or priorities based on trip purpose. When a user reserves a trip, the entity will need to know the origin, destination, time of travel, and how many people are traveling. The entity does not need to know why the person is traveling, and should not even ask.

Discussion: During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided free from restrictions or priorities based on trip purpose in written policies and procedures, the eligibility process and observed reservation and scheduling practices, or with how the transit agency communicates these policies procedures and practices to eligible riders and potential applicants.

Transit Plus public information materials do not mention trip purpose, nor do they cite any prioritization or restriction on service to eligible riders related to trip purpose. MCTS's stated policy is that the service operates without trip prioritization and serves all trip purposes. During observations of reservation and scheduling practices, the review team identified no inquiries about trip purpose and no indications of trip prioritization.

In reviewing Transit Plus certification letters and eligibility materials, team members found no trip purpose-based determinations. Reviewers found no evidence of prioritizing application processing based on trip purpose.

Hours and Days of Service

Requirement: Section 37.131(e) of the DOT ADA regulations requires that the ADA complementary paratransit service be available during the same hours and days as the fixed route service. This means that if a trip can be taken between two points on the entity's fixed route system at a specific time of day, it must also be able to be taken on paratransit. It also means that the service area may change depending upon the time of day or day of the week, when certain routes or areas may not be served. This requirement applies on a route-by-route basis. For example, an area that has fixed route bus service on weekdays but not weekends must have ADA complementary paratransit service (provide trips) on weekdays but not necessarily on weekends; an area that has bus service from 5 a.m. until 9 p.m. must have ADA complementary paratransit service, at minimum, from 5 a.m. until 9 p.m.

Discussion: During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided during the same hours and days as fixed route service, or with how the transit agency communicates the hours and days of service to eligible riders and potential applicants. An advisory comment is made, however, regarding the communication requirement.

To ensure Transit Plus service hours/days are comparable to fixed route service, reviewers compared weekday, Saturday, and Sunday schedules for each MCTS fixed route with Transit Plus's earliest available pickup times and latest available return-trip pickup times within the agency's scheduling software. Team members also verified with Transit Plus management that MCTS makes ADA paratransit service available during the same days and hours of service when MCTS's local (not express or shuttle) fixed route public transit service buses operate. However, Transit Plus public information does not clearly and explicitly inform riders of comparable service hours/days. The Rider's Guide states on page 5 under Hours of Service: *"7 days per week - 365 days per year 4:30 a.m. to 1:00 a.m. *trips outside of these times may be available in limited areas of Milwaukee County – contact Transit Plus for further information."*

Advisory Comment: It is an effective practice to facilitate access to service by assuring that public information is clear and understandable. MCTS's public information does not clearly inform riders of comparable service hours/days. It is recommended that the wording of this information be revised for clarity.

Absence of Capacity Constraints

Requirement: Under 49 CFR §37.131(f), the transit agency may not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following: restrictions on the number of trips an individual will be provided; waiting lists for access to the service; or any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons. Such patterns or practices include, but are not limited to, substantial numbers of significantly untimely pickups for initial or return trips, substantial numbers of trip denials or missed trips, or substantial numbers of trips with excessive trip lengths.

No restrictions on the number of trips provided to an eligible individual

Requirement: Under 49 CFR §37.131(f)(1), the transit agency may not impose restrictions on the number of trips that will be provided to an eligible rider.

Discussion: During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without limiting the number of trips that an eligible rider may take, and with how the transit agency communicates this requirement to eligible riders and potential users of the service. An advisory comment is made regarding the practice of limiting the number of trips that riders can request per telephone call.

The review team's examination of public information, operating policies and procedures, and first-hand observations of service operation did not identify any limits on the number of trips that are provided to eligible riders.

However, MCTS's operating policy places limits on the number of trips that riders can request with each telephone call. Page 12 of the Transit Plus Rider's Guide states: "Up to three (3) round-trips can be scheduled with one phone call." To make additional trip requests, riders must call back.

While on site, the review team discussed this operating policy with reservation agents at both service provider locations. At both locations, agents indicated that they typically do not limit the number of trips that riders can request with one phone call. The review team also observed agents accepting more than three round-trips in a single call. However, reservations agents at both service providers indicated that it is their practice to ask riders to call back if there are several other riders in the telephone queue and lengthening wait times.

Advisory Comment: It is a best practice not to limit the number of trips that riders can request with one phone call. As discussed in Section 8.5.6 of FTA Circular 4710.1, if riders want to make more trip reservations than a policy allows for a single call, they will simply make multiple calls. This places an unnecessary burden on riders and leads to higher call volumes.

No waiting list for access to the service

Requirement: Under 49 CFR §37.131(f)(2), the transit agency is prohibited from establishing policies or engaging in practices and/or procedures which establish waiting list(s) for accessing the service.¹

Discussion: During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without the use of waiting list(s) for access to the non-subscription portion of the service, or with how the transit agency communicates this requirement to eligible riders and potential users of the service.

¹ Under §37.133(c), waiting lists may only be established for participation in subscription service that may be offered as part of the transit agency's paratransit system.

The review team's examination of Transit Plus public information, service provider contracts, and operating policies and procedures did not identify any mention of waiting lists for non-subscription trip requests. After four hours of observing reservations and scheduling practices at each Transit Plus provider location, including the handling of a total of 81 trip requests, team members noted that all trip requests were accepted and none were placed on a waiting list.

No substantial numbers of significantly untimely pickups for initial or return trips

Requirement: Under 49 CFR 37.131(f)(3)(i)(A), the transit agency must provide ADA paratransit service without any substantial numbers of significantly untimely pickups for initial or return trips.

Discussion: During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without substantial numbers of significantly untimely pickups for initial or return trips, with MCTS's standards for defining when trips are timely and untimely or its plan for monitoring service to determine whether or not either type of capacity constraint exists, or with how the transit agency communicates this requirement to eligible riders and potential users of the service.

The review team examined how MCTS defines on-time pickups and its performance standards for on-time pickups. Reviewers also analyzed MCTS's reported on-time pickup performance. To verify reported performance independently, on-time pickup performance was calculated for a random sample of trips made during the sample week of September 18 to 24, 2016.

On-Time Pickup Definitions and Standards

MCTS has established on-time service definitions for trips reserved in advance as well as for "will-call" trips (trips reserved with an open pickup time where riders call when they are ready to be picked up). The agency considers a trip reserved in advance to be on time when the pickup is made between the scheduled pickup time and 25 minutes after the scheduled pickup time. Will-call trips are classed as on time when the pickup is made within 60 minutes of the time the rider calls to notify the contractor that he or she is ready. MCTS communicates both on-time windows to riders on page 21 of the Transit Plus Rider's Guide.

Section 22.2 in MCTS's contract with service providers defines the on-time windows and establishes the following performance standard for pick-ups:

"The Contractor shall provide a minimum of ninety-two percent (92%) on-time performance for all scheduled pick-ups. On time shall mean vehicle arrival up to a maximum of 25 minutes from the negotiated pick-up time. On time for Will-Call rides shall mean no more than 60 minutes from the time the Program Participant requests the return ride. Overall on-time performance will be measured on a monthly basis and will include all service periods."

Sections 22.3 and 23.3 establish incentive payments and liquidated damages for performance above and below this standard. An incentive payment of 5 cents per service hour is paid for

monthly performance between 95 and 96.99 percent. An incentive payment of 10 cents per service hour is paid for monthly performance of 97 percent and above. Liquidated damages are assessed for overall monthly on-time performance as well as for late will-call pickups as follows:

“An overall monthly On-time Performance level which falls below 92% will result in a penalty of \$2,500 for each month the average is below the standard.

Will-Call response times that exceed 60 minutes from the time a caller requests their ride are considered late trips. Over-all monthly on time performance of Will-Call rides which falls below 92% will result in a penalty of \$1,000 for each month that the average is below 92%.”

Reported On-Time Pickup Performance

MCTS calculates and reports on-time performance each month. Senior management reviews internal monthly service reports which provide detailed performance data. MCTS also distributes to the Transit Plus Advisory Committee (TPAC) a monthly TPAC Summary report which includes this and other service data. The following table summarizes MCTS’s reported on-time pickup performance from January through September 2016. Performance ranged from 92.44 percent to 95.52 percent and averaged 93.79 percent for this nine-month period.

Transit Plus: Reported On-Time Pickup Performance January - September 2016	
Month, Year	Reported On-Time Pickup Performance Percentage
January 2016	92.44%
February	93.08%
March	93.39%
April	92.81%
May	92.81%
June	93.82%
July	94.93%
August	95.52%
September	95.23%
Nine Month Average	93.79%

Calculated On-Time Pickup Performance

To verify the agency’s reported on-time performance, the review team drew a random sample of 163 trips from driver manifests for the week of September 18 to 24, 2016. Reviewers compared actual pickup times recorded by drivers with negotiated and scheduled pickup times. (Because will-calls are communicated to drivers as add-ons, manifests did not show a scheduled pickup time for these, so the sample included advance reservation trips only.) As shown below, this analysis calculated Transit Plus pickup performance for the sample week to be 94 percent on time, consistent with performance reported in September by MCTS. Most late trips were one to

15 minutes late, some were 16 to 30 minutes late, and none in the sample were more than 30 minutes late.

Transit Plus: Independent Calculation of On-Time Pickup Performance for Advance Reservation Trips - September 18 - 24, 2016			
	Number	Number	Percentage
Trips in Sample	163	-	100%
In Window (0/+25) or early	153	-	94%
Late (arrival after window)	10	-	6%
1-15 mins. Late	-	7	-
16-30 mins. Late	-	3	-
>30 mins. Late	-	0	-

No substantial numbers of trip denials or missed trips

Requirement: Under 49 CFR §37.131(f)(3)(i)(B), the transit agency must provide ADA paratransit service without substantial numbers of trip denials or transit agency missed trips. A denial occurs whenever a transit system is unable to provide a trip on a next-day basis as requested by an eligible passenger between points within the paratransit service area, at a time when the fixed-route system is operating, subject to the limitations on trip time negotiation. Under 49 CFR §37.131(b) of the DOT ADA regulations, the transit system may negotiate pickup times with a passenger, but cannot require the passenger to schedule a trip to begin more than one hour before or after his or her desired departure time. If the trip cannot be arranged within this timeframe a denial has occurred whether or not the passenger accepts a departure time of more than one hour earlier or later. In addition, when a denied trip makes a subsequent requested trip impossible, as could occur in the case of an individual taking a round trip to and from a specific location, two trips have been denied.

Discussion: During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without substantial numbers of trip denials or missed trips. An advisory comment is made, however, regarding these requirements. In addition, deficiencies were found with MCTS's definition of missed trips and with its recording and monitoring of missed trips.

The review team examined MCTS's definition of trip denials and missed trips, and scrutinized capacity denials and missed trips reported by MCTS. The review team also observed the trip reservation process at both service provider locations and recorded the handling of trip requests.

Trip Denials

MCTS has developed a thorough definition of trip denials and detailed operating requirements for recording these. Section 10.3 of the scope of services in each service provider contract discusses trip reservations, scheduling and the recording of trip denials. This section states:

“If a Program Participant’s trip request cannot be accommodated at the desired pick-up time, Contractor may negotiate a pick-up time with the Program Participant. However, pick-up times negotiated beyond one hour before or after the user’s desired pick-up time will be considered an ADA trip denial **regardless of whether the trip time outside the one hour window is accepted by the program participant.** Contractor is required to document all requests for trips which have been successfully negotiated, and all trips which have been denied in the Trapeze system. A trip denial should be recorded for both legs of the trip that has been denied...In addition, **appointment times** must be taken into consideration when scheduling a trip...If a ride cannot be scheduled to ensure arrival by the appointment time, the ride request must be documented as a denial.” (emphasis in original text)

Section 22.2 of the contract scope of services states MCTS’ performance goal of zero capacity denials and allows for a small number of trip denials:

“Denied trips may not exceed .05% of monthly requested trips or 9 whichever is lower (the goal is zero).”

Section 23.7 of the contract scope also establishes a liquidated damage for exceeding this allowed number of denials. For each denial exceeding the maximum, \$200 is assessed.

During the on-site visit, the review team spent eight hours observing the trip booking process and the handling of 81 trip requests. They noted that the great majority of trip requests were entered into the system at the exact time requested. A few were negotiated by 10 to 15 minutes. No trip requests were denied or negotiated more than 60 minutes from the requested times.

The review team also observed the scheduling process and interviewed schedulers at both contractor locations. No trip times were observed to be changed. Schedulers stated that, to accommodate trips as efficiently as possible, they sometimes may ask reservations agents to call riders back to see if requested pick-up times can be changed by 10 to 15 minutes. If the rider does not consent, staff schedule the trips at the times originally requested.

Contractors record and report trip denials to MCTS on a monthly basis. MCTS then reports trip denials in its monthly service reports and to its Transit Plus Advisory Committee. The following summary shows reported trip denials by contractor from January through September 2016. Providers recorded and reported 35 trip denials during this nine-month period, 28 issued by Transit Express and seven by First Transit.

Transit Plus: Capacity Denials Reported by Contractor January - September 2016			
Month, Year	Capacity Denials Reported		
	Transit Express	First Transit	Totals
January 2016	2	2	4
February	6	1	7
March	4	0	4
April	0	1	1
May	3	0	3
June	4	0	4
July	3	1	4
August	5	1	6
September	1	1	2
Totals	28	7	35

The review team discussed the reasons for this very small number of trip denials (fewer than one per week) with MCTS and contractor managers and with reservations agents and schedulers at each contractor location. Reviewers noted that all trip requests made more than one day in advance can be scheduled and provided. However, the team learned that on rare occasions a trip requested one day ahead for travel during the early morning (4 a.m. to 9 a.m.) was not accommodated. Agents at both contractor locations have been trained to check with schedulers before booking trips during these hours when requested for the following day. Typically, schedulers then approve the requests or ask that times be negotiated slightly (by 15 to 30 minutes). On rare occasions, when demand for the next day is especially high or service capacity is limited (e.g., a large number of drivers scheduled for time off), schedulers may indicate that the trip cannot be accommodated.

Detailed analysis of the 22 trip denials listed above from March through August 2016 confirmed this explanation. Reviewers found that 18 of the 22 trip denials were requested one day ahead. Two represented Monday reservations requested on Friday and Saturday. In addition, two requests were for same-day service (but were nonetheless recorded as ADA capacity denials). Eighteen of the 22 trips denied were found to be requests for service between 4 and 9 a.m.

The review team also scrutinized these 22 trip denials in search of other patterns, such as repeated denials of service to the same rider, to a particular site or neighborhood, or for riders who use mobility aids. No such patterns were identified. All 22 trip denials represented different riders with no rider having more than one round-trip request denied. Riders who are ambulatory accounted for nine denials; riders who use wheelchairs, eight; and riders using multiple mobility devices including canes and walkers, five.

Advisory Comment: It is an effective practice to monitor service capacity carefully during peak demand hours. For the Transit Plus service, this includes the morning hours when a small number of trip denials are recorded. MCTS should expand service capacity if the number of trip denials becomes substantial or if a pattern of denials, such as for riders using mobility aids or repeated denials for the same rider, is identified.

Missed Trips

Page 27 of each MCTS provider contract defines a missed trip as follows:

“A scheduled trip for which a Contractor vehicle never arrived, or a trip that arrived more than 60 minutes from the negotiated pick up time.”

Section 8.5.4 of FTA Circular 4710.1 provides the following definition of a missed trip:

The vehicle arrives and leaves before the beginning of the pickup window without picking up the rider and without any indication from the rider that he or she no longer wants to make the trip. Note that a rider is not obligated to board until the beginning of the pickup window or—for transit agencies that have a 5-minute wait-time policy—from the start of the pickup window until 5 minutes have elapsed.

The vehicle does not wait the required time within the pickup window, there is no contact with the rider, and the vehicle departs without the rider. Note that if during the wait time the rider indicates he or she no longer wants to take the trip, this is typically recorded as a “cancel at the door.”

The vehicle arrives after the end of the pickup window and departs without picking up the rider (either because the rider is not there or declines to take the trip because it is now late).

The vehicle does not arrive at the pickup location.

MCTS’s contractual definition covers only the last of these four examples of missed trips. The first three are not counted by MCTS as missed trips. This omission was observed to result in dispatchers miscoding these occurrences as No-Shows and an underreporting of Missed Trips which then must be corrected internally after the fact. The practice does not enable complete and accurate monitoring and management of service.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, MCTS must provide to the FTA for review a revised contractual definition of missed trips which is consistent with guidance included in Section 8.5.4 of FTA Circular 4710.1, and must begin recording and monitoring missed trips using this definition. In addition, MCTS must prepare a revised directive for staff listing dispatcher procedures for correctly coding such events, to prevent their being mischaracterized as customer no-shows.

No substantial numbers of trips with excessive trip lengths

Requirement: Under 49 CFR §37.131(f)(3)(i)(C), the transit agency must provide ADA paratransit service without substantial numbers of trips with excessive trip lengths.

Comparability is based on the length of time required to make a similar trip between the same two points using the fixed route system, including time spent traveling to and from a boarding point and waiting for the fixed route vehicle to arrive. FTA recommends basing paratransit travel time on the comparable fixed route travel time, plus 20-30 minutes to allow for a reasonable estimate of time spent walking to and from a bus stop, waiting for the bus to arrive, and making any necessary transfers from one vehicle to another.

Discussion: During this compliance review, deficiencies were found with MCTS's standards for defining when ADA paratransit trips are comparable to fixed route trips, and with MCTS's monitoring of service to determine whether this type of capacity constraint exists.

The review team examined how MCTS defines an excessively long trip and reviewed on-board ride time data reported by MCTS. In addition, team members conducted an independent analysis to compare ADA paratransit and fixed route on-board ride times for a sample of 30 long trips taken during the month of September 2016.

Trip Length Definitions and Performance Standards

Pages 1 and 17 of the Transit Plus Rider's Guide state: "Paratransit service ... is intended to be comparable to bus service. Accordingly, riders may expect that trips on Transit Plus may take as long, or in some cases longer than the comparable trip made by fixed route bus."

Sections 22.1, 22.2, and 23 in MCTS contracts with service providers define ADA paratransit ride time (called "ride duration"), establish a performance standard related to ride duration, and set a liquidated damage related to ride duration. Ride duration is defined in Section 22.1 as: "Total time spent in transit: measured from the time of departure at a passenger's pick up location to time of arrival at their destination." The performance standard established in Section 22.2 is: "The average monthly ride duration for all trips cannot exceed 47 minutes." The liquidated damage in Section 23 is: "If the overall average monthly ride duration exceeds 55 minutes, a penalty of \$5,000 will be assessed for each month the average exceeds that limit."

The MCTS ride duration standard is based on a monthly average of all ride times for an entire month. It does not call for ADA paratransit ride times to be comparable to ride times on fixed route service for similar trips.

Reported On-Board Ride Times

MCTS tracks and reports average ride duration in its monthly Transit Plus TPAC Summary reports. The reports call this measure of performance "Average Time." As shown below, the reported average monthly ride durations for the nine-month period January - September 2016 ranged from 39.8 to 42 minutes, averaging 40.7 minutes per month.

Transit Plus: Reported Average Monthly Ride Duration January - September 2016	
Month, Year	Average Monthly Ride Duration (minutes)
January 2016	41
February	41
March	41
April	41
May	42
June	41
July	39.8
August	39.8
September	40.4
Average for period	40.7

Managers estimated that some of the longest trips for Transit Plus extend southeast to northeast, cover up to 32 miles and may involve riding on a van for up to two hours. A similar trip using fixed route might take two and a half hours and require multiple transfers. These individuals stated that when MCTS receives a complaint about an overly long trip, they compare the ADA paratransit ride time to the fixed route ride times for similar trips. Ongoing reporting and service monitoring, however, only considers average monthly ride times for all trips.

Comparison of ADA Paratransit and Fixed Route On-Board Ride Times

To determine whether Transit Plus ride times are comparable to fixed route ride times, the review team compared travel times on both modes for a sample of 30 trips taken during September 2016. MCTS generated special reports for each service provider showing all ADA paratransit trips performed in September 2016 with actual ride times over 60 minutes. These totaled 6,189 (19 percent of total trips). Reviewers then selected from each list a random sample of 15 long trips. Using MCTS's online trip planner, team members identified the total travel time necessary to complete each trip using fixed route service. (Ride times generated by the trip planner included actual scheduled on-board time plus wait time for any transfers. To these totals, reviewers added 20 minutes estimated walk time.)

The following table shows the results of this comparison. Travel times using ADA paratransit were considered acceptable if they were within 20 minutes of the equivalent travel using fixed route, excessive if more than 20 minutes longer than fixed route travel. Forty-six percent of the 30 sample Transit Plus trips showed travel times shorter than or similar to fixed route trip lengths (13 shorter, one equal). Fifty-three percent (16 trips) showed longer time spent on the vehicle than if fixed route had been used. Of these, eight were longer by more than 20 minutes.

Transit Plus: ADA Paratransit/Fixed Route Trip Length Comparison Selected Trips Exceeding 60 Minutes September 2016			
	Trips Examined	Percentage of Sample Trips	Average Time Difference (minutes)
Trip length less than fixed route	13	43%	-23
Trip length similar to fixed route	1	3%	0
Trip longer than fixed route	16	53%	21
by less than 20 minutes	8	26%	-
by 20 minutes or more	8	26%	-
Total	30	-	-

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

- a revised definition and standard for on-board ride time to reflect comparability of ADA paratransit travel time to fixed route travel time for similar trips, consistent with guidance provided in FTA Circular 4710.1; and
- a description of the process for tracking and monitoring trip length which will enable the agency to manage service provision more effectively. MCTS must begin monitoring Transit Plus ride times using the new process to ensure compliance.

No operational patterns or practices limiting the availability of service to ADA eligible people

Requirement: This section also prohibits any operational patterns or practices that significantly limit availability of service to ADA eligible people. Examples of such operational patterns or practices include insufficient capacity to take reservations, long telephone hold times, and untimely drop-offs for appointments.

Discussion: During this compliance review, a deficiency was found with the requirements that ADA paratransit service be provided without the use of any operational patterns or practices that significantly limit the availability of service to ADA eligible people as described below. Specifically, a deficiency was found with MCTS's lack of monitoring of on-time drop-offs. An advisory comment is also made regarding MCTS's standard for and monitoring of telephone hold times.

Reviewers noted that the Transit Plus Rider's Guide offers riders both options in scheduling trips—appointment time, or pickup time. The review team examined how MCTS defined on-time drop-offs and telephone hold times and the performance standards set for on-time drop-off performance and telephone performance. Team members then examined MCTS's reported on-time drop-off performance and telephone queue length. To verify reported performance independently, reviewers calculated on-time drop-off performance for a random sample of trips made during the sample week (September 18 to 24, 2016). Finally, team members observed the

trip reservations, scheduling and dispatching processes at both contractor locations to see first-hand how appointment and drop-off times are handled.

On-Time Drop-Offs

First-hand observations at contractor locations indicated that both providers consider and record appointment times. Reservations agents asked “What time do you need to be there?” when scheduling the first leg of rider trips. When a rider requested a drop-off time or cited an appointment time, this was recorded in the scheduling system. Reviewers noted that schedulers at both contractor locations considered appointment times when creating final schedules and run manifests. Additionally, dispatchers then considered any appointment times when monitoring performance and when shifting trips between runs. One service contractor, First Transit, includes appointment times on driver manifests. The second contractor, Transit Express, does not. When asked about this, Transit Express managers indicated that they want drivers to pay attention to making pickups and drop-offs in the order indicated on the manifest, while dispatchers consider appointment times when managing runs and directing drivers.

Nonetheless, although Transit Plus operations activities work with both pickup and drop-off times on a daily basis, MCTS does not include a definition of on-time drop-offs, or a performance standard for on-time drop-offs, in its service provider contracts. MCTS also does not regularly track or monitor on-time drop-offs. Neither the internal monthly service reports nor the TPAC monthly reports include information about on-time drop-offs.

While on site, the review team requested that MCTS generate special reports showing on-time drop-off performance for each contractor for the sample week of September 18 to 24, 2016. These reports considered drop-offs to be on-time if made on or before the stated appointment time and late if after the appointment time. Reviewers found that the contractor serving the North Zone performed 88 percent of drop-offs on-time during the sample week, while the South Zone contractor achieved 90 percent of drop-offs on-time for the same period. The system-wide average was 89 percent for the sample week.

To verify the reported on-time performance independently, the review team drew a random sample of 33 trips with appointment times from driver manifests for both providers, for the sample week, and compared actual drop-off times recorded by drivers to appointment times. Drop-offs were considered on-time if made on or before the appointment times. Analysis showed that drop-off performance for this sample achieved 91 percent on-time, which reviewers found consistent with 89 percent drop-off performance reported for the same week by MCTS. As seen below, two of the three late trips in the sample were one to 15 minutes late and one was between 16 and 30 minutes late. None of the trips in the sample were more than 30 minutes late.

Transit Plus: Independent Calculation of On-Time Drop-Off Performance for Advance Reservation Trips September 18 - 24, 2016			
	Number	Number	Percentage
Trips in Sample	33	-	100%
On-time (on or before appointment time)	30	-	91%
Late (after appointment time)	3	-	9%
1-15 min late	-	2	-
16-30 min late	-	1	-
>30 min late	-	0	-

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

- a written statement of the agency's on-time drop-off definition and standard which conforms to guidance found in FTA Circular 4710.1; and
- a description of the process for tracking and monitoring on-time performance for drop-offs which will enable the agency to manage service provision more effectively.

Telephone Performance

Section 21.10 of the MCTS service provider contracts requires contractors to have phone systems that can measure the number of calls received, answered, abandoned, and transferred. It also requires the phone system to generate reports that measure average time answered, average time abandoned, average time talked, and average time on hold. Systems must be capable of generating this performance data by day and by hour of the day. Section 21.10 also states "In general, average hold times, including weekends and holidays, should not exceed 2 minutes."

The review team verified that both contractors have telephone systems that meet these standards. Both are state-of-the-art automatic call distribution (ACD) systems with the ability to generate detailed call volume and hold time reports by hour of the day.

Contract Section 23.6 establishes a liquidated damage for telephone performance:

"Overall Phone Wait Time: The average monthly wait time for all reservation and dispatch calls received during the hours of 8 a.m. and 5:00 p.m., 7 days per week, cannot exceed 6 minutes. A penalty of \$1,000 will be assessed for each month the average exceeds that maximum limit."

MCTS tracks and monitors telephone hold time on a monthly basis. Contractors provide MCTS with monthly reports that show average hold times and maximum hold times by day, as well as averages for the month. MCTS managers explained that the agency views two minutes as its daily performance standard/goal, while six minutes is used for purposes of assessing liquidated damages for performance that is much worse than the standard. During the review, MCTS made available its providers' telephone reports for the six-month period ending August 31, 2016. First Transit (South Zone) furnished separate data for reservations and dispatch. However, the Transit Express (North Zone) system channels all calls—reservations and dispatch—through one call

group and reports all phone data as a single undifferentiated unit. (During reservations hours at Transit Express, reservations agents answer all calls. At other times, all calls are directed to and answered by dispatchers.) Reviewers also noted that reports provided by Transit Express covered only the period from 8 a.m. to 5 p.m. As a result, comparisons proved difficult.

The following table summarizes information from these monthly telephone reports. As shown, average monthly hold times in reservations for the South Zone ranged from 42 seconds to 59 seconds. The longest monthly hold times in reservations in the South Zone ranged from 7 minutes 48 seconds to 9 minutes 46 seconds. Average monthly hold times for all calls in the North Zone ranged from 1 minute 6 seconds to 1 minute 25 seconds. The longest monthly hold times in the North Zone ranged from 12 minutes 25 seconds to 19 minutes 2 seconds. All monthly average hold times were well below MCTS's stated performance goal of 2 minutes, as well as its six-minute contractual standard.

Transit Plus: Telephone Performance Reported by Contractors						
Average and Maximum Hold Times by Month						
March - August 2016						
	Hold Times (minutes:seconds)					
First Transit (South Zone)	Mar	Apr	May	Jun	Jul	Aug
Avg. hold time (reservations)	0:59	0:43	0:45	0:44	0:56	0:42
Max. hold time (reservations)	9:40	7:48	9:46	8:29	8:53	9:21
Avg. hold time (dispatch)	1:15	1:16	1:37	1:23	1:45	1:30
Max. hold time (dispatch)	11:16	12:12	13:53	11:44	12:06	13:39
Transit Express (North Zone)	Mar	Apr	May	Jun	Jul	Aug
Avg. hold time (all calls) (1)	1:16	1:15	1:08	NA (2)	1:25	1:06
Max. hold time (all calls) (1)	14:34	19:02	12:25	NA (2)	17:24	18:26

(1) All calls channeled through one call group. Data only for the period from 8 a.m. to 5 p.m.

(2) June data not included in reports provided.

To obtain a better sense of variations in queue length by time of day, the review team requested more detailed hourly hold time reports for the sample week of September 18 - 24, 2016 for each provider. Based on analysis of this data, team members found:

- For First Transit reservations, average hourly hold times remained below MCTS's two-minute goal during all hours when the reservations line is staffed (8 a.m. to 5 p.m.). The one long average of 2 minutes 56 seconds occurred after 5 p.m. on Wednesday, September 21. This appears to represent a call received after reservations had closed, while the line was still open to enable staff to clear calls in the queue.
- The dispatch call group at First Transit sometimes exceeded the two-minute hold time goal. Most of the prolonged queues occurred in the afternoon or early evening, although a strong pattern is not evident. First Transit exceeded the two-minute goal during 15 of the 105 hourly call periods, or 14 percent of the time. During four hourly periods, the average hold time exceeded five minutes.

- For the combined call line at Transit Express, MCTS’s two-minute hold time goal was exceeded during seven of the 105 hourly call periods, or 7 percent of the time. Most longer holds averaged two to three minutes; only one hour-long period showed an average queue length over three minutes. No consistent pattern of overly long queues was apparent.

The review team also noted that telephone hold time did not appear to represent a major area of rider concern. Only seven of the 416 rider complaints, or about 2 percent, received between April and September 2016 reported long telephone hold times.

Advisory Comment: It is an effective practice to monitor telephone performance for each call center by hour rather than by day or month. It is also an effective practice to have a telephone performance standard that considers hold times by hour rather than monthly or daily averages. Monitoring by hour can better identify periods of time when goals are not being met and staffing adjustments may be needed. A standard that considers hourly performance might be stated as “At least XX percent of all hourly call periods should have an average hold time of two minutes or less.” Section 8.5.6 of FTA Circular 4710.1 provides guidance on monitoring telephone performance.

6.5 Subscription Service

Requirement: Under 49 CFR §37.133, transit agencies are permitted (but not required) to provide subscription service (pre-arranged trips at a particular time not requiring individual trip reservations for each trip). If provided, however, subscription service may not comprise more than 50 percent of the available trips at any given time unless the system is experiencing no capacity constraints.

Discussion: During this compliance review, no deficiencies were found with the requirements concerning the provision of subscription trips as part of the ADA paratransit program or with how the transit agency communicates this requirement to eligible riders and potential users of the service.

Page 12 of the Transit Plus Rider’s Guide states that MCTS makes subscription service available for trips “to and from the same place at the same time on a regular basis, e.g., dialysis trips.”

The review team examined MCTS’s subscription service policies. Reviewers also analyzed the agency’s service data to determine the extent of subscription service and the availability of non-subscription capacity. The table below shows subscription service levels by month by contractor for the six months ending September 30, 2016. Subscription trips consistently represent 50 to 52 percent of South Zone (First Transit) trips. North Zone (Transit Express) trip totals show slightly higher subscription levels (58 to 59 percent). System-wide, subscription trips comprise between 54 and 56 percent of all trips each month.

Transit Plus: Subscription Service Levels by Month by Contractor			
March - September 2016			
Percent of Subscription to Total Trips Scheduled			
Month/Year	South Zone (First Transit)	North Zone (Transit Express)	System-wide
March 2016	52%	58%	55%
April	50%	58%	55%
May	51%	58%	55%
June	51%	59%	56%
July	51%	59%	56%
August	51%	59%	56%
September	51%	57%	54%

The Rider's Guide notes that availability of subscription service is limited. Reviewers found that MCTS not only tracks, monitors and reports the level of subscription service monthly, but also generates detailed analyses to review the level of subscription service by contractor for specific time periods of the day and to examine trip denials during these times. These reports show the monthly level of subscription service and the number of trip denials for six time periods on weekdays and three time periods on weekends. The following table summarizes data analyzed for August 2016. As shown, the level of subscription service varies significantly by time period. Subscription trips represent a high percentage of scheduled trips during weekday early morning, morning rush hours, afternoon rush hours, and "Other" hours (12:00 to 3:59 a.m.). Subscription trips also make up a very high percent of trips during "Other" hours on weekends.

Transit Plus: Comparison of Subscription Trip Levels and Trip Denials Analyzed by Time of Day and Peak Service Hours Month of August 2016				
Time Period	South Zone (First Transit)		North Zone (Transit Express)	
	Percentage Subscription to Total Trips	Number of Trip Denials	Percentage Subscription to Total Trips	Number of Trip Denials
Weekdays				
Early Morning (4:30 - 6:59 a.m.)	81%	0	89%	2
AM Rush (7 - 8:59 a.m.)	76%	0	82%	2
Mid-Day (9 a.m. – 1:59 p.m.)	30%	1	34%	1
PM Rush (2 - 3:59 p.m.)	69%	0	76%	0
Night (4 – 11:59 p.m.)	27%	0	39%	0
Other (12 – 3:59 a.m.)	89%	0	93%	1
Weekends				
Day (4:30 a.m. – 1:59 p.m.)	38%	0	32%	0
Night (2 – 11:59 p.m.)	22%	0	14%	0
Other (12 – 3:59 a.m.)	79%	0	96%	0

For August 2016, no trip denials occurred in the South Zone during times when subscription levels are very high. In the North Zone, a small number of trip denials were matched to hours when subscription trips are very high. In particular, there were four trip denials between 4:30 and 8:59 a.m. when at the same time subscription trips accounted for 82 to 89 percent of all trips.

6.6 Reasonable policies for proposed service suspensions for missing scheduled trips and the right to appeal

Requirement: Section 37.125(h) of the DOT ADA regulations states that transit agencies “may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA eligible individuals who establish a pattern or practice of missing scheduled trips.” FTA has permitted transit systems to regard late cancellations as no-shows if and only if they have the same operational effect on the system as a no-show, generally less than 1–2 hours of the scheduled trip time.

Under 49 CFR §37.125(h)(1), trips missed by riders for reasons beyond their control, including trips missed due to operator or transit system error, must not form the transit agency’s basis for determining that such a pattern or practice exists. The transit agency’s policies must therefore distinguish between no-shows that are within the rider’s control and those that are not, and propose sanctions only on the basis of the former. In order to establish whether a rider has engaged in a pattern or practice of missing scheduled trips, the transit agency must also account for a passenger’s frequency of use. The appeals process required under §37.125(g) must be available to an individual on whom sanctions have been imposed, and the sanction must be stayed pending the outcome of the appeal.

Discussion: During this compliance review, no deficiencies were found with the requirements concerning the transit agency’s no-show and late cancellation policies, the reasonableness of proposed suspension periods and the required process for appealing proposed suspensions of service, or with how the transit agency communicates these requirements to eligible riders and potential users of the service.

MCTS’s written Late Cancellation/No-Show Suspension Policy excludes no-shows beyond the rider’s control, considers frequency of use, communicates the rider’s right to appeal, and imposes reasonable, progressive sanctions. Reviewers observed that the agency’s tracking of no-shows and handling of suspensions and appeals appears appropriate.

Agency Policy

MCTS’s policy provisions, found in the Transit Plus Rider’s Guide and website, include:

- No shows/cancels at the door count as one occurrence; late cancels (less than two hours) count as one-half. Riders can dispute these, or request that they be researched.
- Vehicle no-shows do not count as rider no-shows.
- First and second occurrences will result in a phone call. A third occurrence within 30 days will result in a warning letter.
- An additional occurrence beyond the first three within 30 days, *if* it results in cancellation of 10 percent of scheduled rides or higher, will trigger a seven day suspension (which is appealable). If the percentage threshold of 10 percent of scheduled rides has not been reached, another warning letter will be sent.
- After a seven-day suspension, further occurrences within a six-month period which also attain the 10 percent threshold will result in progressive suspensions of 14 and 21 days.

- Before issuing a no-show, Transit Plus will attempt to contact the rider by telephone. If this action is unsuccessful, a dispatcher codes the trip as a no-show.

With regard to suspension, MCTS's policy states that riders will receive written notification about the proposed suspension of service, listing the dates of any cancellations and providing instructions about the appeal process. If an appeal is filed, the rider may continue to use Transit Plus service until a determination is made.

Handling of No-Shows, Suspensions, and Appeals

Reviewers examined no-show and service suspension records to verify that MCTS appropriately tracks and monitors no-shows and suspensions; that suspension notices state that rider has the right to appeal and provide the required information and materials to do so; and that the appeal process offers appropriate separation of functions, stays the suspension of service, and meets regulatory requirements for timing. Transit Plus tracks and monitors riders' accumulation of no-shows and the progression of no-show sanctions throughout the year. The transit agency reports no-show data each month to the TPAC, MCTS's community advisory committee.

Review team members examined vehicle manifests for September 2016 to ascertain whether drivers had properly coded a random sampling of 40 missed trips, no-shows, and late cancellations, comparing the date and time with the pickup window of each trip request. The results of this analysis showed that the drivers' initial coding for no-shows was appropriate for all the sample trips.

6.7 Complaint Resolution and Compliance Information

Requirements: Under 49 CFR §§ 27.13(a) and 37.17(a), the transit agencies must designate at least one person to coordinate its efforts to comply with the nondiscrimination requirements contained in DOT ADA regulations.

Under 49 CFR §§ 27.13(b) and 37.17(b), the transit agency must adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints. This includes sufficiently advertising to the public the process for filing a complaint. Public advertising will typically include the agency's website. The complaint procedures must be accessible to and usable by individuals with disabilities. Finally, a transit agency must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant by a means that will result in documentation of the response.

Under 49 CFR §27.121(b), the agency must keep all complaints of noncompliance on file for one year and a record of all such complaints (which may be in summary form) for five years. Establishing these policies and procedures is the responsibility of the transit agency, not its contractors.

Discussion: During this compliance review, no deficiencies were found with the requirement to designate an individual to coordinate compliance with DOT ADA regulations. No deficiencies

were found with the requirement to resolve complaints promptly and equitably and keep summaries of complaints on file. No deficiencies were found with the requirement to resolve complaints promptly and communicate the resolution to complainants. No deficiencies were found with the requirement to advertise sufficiently the process for filing complaints.

The review team examined public information regarding rider comments and complaints as well as MCTS's written complaint policies and procedures. They found that MCTS's complaint policies and procedures are spelled out in internal staff process documents and contracts with service providers. They reviewed contractor requirements related to complaint handling, and interviewed the person at MCTS designated to handle complaints. Reviewers analyzed ADA-related complaints submitted to MCTS during the 12 months preceding the review, inspected the electronic system used by MCTS to record, track and store all customer comments, whether fixed route or ADA paratransit, and reviewed the handling of 10 complaints received during the sample week of September 18 to 24, 2016. Managers stated and team members verified that MCTS retains in its electronic database complete complaint records for fixed route and ADA paratransit service indefinitely—"a good 15 years or more."

MCTS solicits riders' comments and complaints in several ways: The Transit Plus website (<http://www.ridemcts.com/programs/transit-plus>) offers a telephone number, email link, and mailing address for comments and complaints. An online comment/complaint form can be downloaded, printed and mailed. Page 6 of the Transit Plus Rider's Guide invites customer comments or complaints and includes the phone number, email address, and mailing address to be used. The reverse side of Transit Plus photo ID cards shows the phone number to use for customer comments/complaints.

Section 16.6 of MCTS's contract specifications details complaint handling requirements. This section designates MCTS's Community Relations Liaison as the person responsible for managing the complaint process. Each service provider is also required to designate a person to work with the Community Relations Liaison. These procedures call for MCTS to receive complaints, enter the information into the agency's automated complaint management system for recordkeeping and reporting, and forward reports to the service providers (as appropriate) for research and response within 24 hours. With regard to complaint investigation and follow-up, Transit Plus has the ability to review video to investigate customer complaints, public safety concerns and general service issues. Contractors must provide audio/video recordings to Transit Plus within 24 hours of request or face liquidated damages, and equipment must be maintained in good working order. In addition, MCTS requires providers to record incoming customer calls to enable investigation of complaints about the handling of reservations and ride scheduling. When MCTS sends complaints to providers, they must investigate and respond in writing within 72 hours. Should MCTS determine that a contractor has not responded in a timely manner, the agency can assess liquidated damages of up to \$100 per unresolved complaint.

While public information asks riders to send complaints to MCTS, contractors sometimes receive complaints directly. In these cases, contractors are required to enter the information into the MCTS complaint management system directly and then immediately begin their investigation. Transit Plus can assess liquidated damages up to \$100 for an unlogged complaint.

Contractors have limited access to the system to record complaint details and to enter the results of their investigations.

MCTS tabulates ADA paratransit complaints by service provider using 27 categories and includes this information in its monthly Transit Plus Advisory Committee reports. For the six-month period from April through September 2016, complaints totaled 416, averaging 70 per month. On-time performance, averaging about 15 per month or 32.9 percent of all complaints received, leads the list of issues reported, followed by pickup/drop-off problems at 10.6 percent and failed (missed) trips at nine percent. Concerns about reservations, service policies, and trip length each represent approximately five percent of total complaints received. (These totals do not differentiate between valid and non-valid complaints.) MCTS provided 198,622 eligible rider trips during this six-month period; the total complaint rate (including both valid and not valid complaints) for the period was therefore 2.1 complaints per 1,000 eligible rider trips provided.

The review team examined the handling of the 10 complaints and one commendation received and documented in the MCTS database during the sample week of September 18 to 24, 2016. In all ten cases, there was documentation of a reasonable investigation and where appropriate, responses were provided. (One complaint was made anonymously so a response was not possible.) Processing time ranged from same-day to 17 days, with six responses made within three days and nine made within 10 days.

6.8 Nondiscrimination

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

Discussion: During this compliance review, no deficiencies were found with denying service to people with disabilities on the basis of disability, including and not limited to: requiring persons with disabilities to use ADA paratransit instead of the fixed-route system, requiring paratransit-eligible riders and potential applicants to use other special transportation services rather than the ADA paratransit service (such as may be operated by social and/or human-services agencies); requiring persons with disabilities to travel with PCAs; or imposing user fees or special charges upon people with disabilities and requiring people with disabilities to use designated priority seating.

Review team members examined the Transit Plus Rider's Guide, website, and other service information; carrier contracts; and procedures and training manuals for eligibility, reservations, scheduling, dispatch, and customer service personnel. These materials were compared with service and eligibility data and information gathered during on-site observations, meetings, interviews, and vehicle and facility inspections. Reviewers identified no discrepancies between

the transit agency's published policies and standards concerning discrimination against persons with disabilities in connection with the provision of transportation and the procedures and practices followed by Transit Plus managers and contracted personnel. Transit Plus's training materials, and its printed and website policies and procedures, contain no outdated references to the "Common Wheelchair". The agency does not impose special charges for providing required accessible services to individuals with disabilities. No evidence suggested that persons with disabilities were being steered to alternate transportation services during eligibility, reservations, or other processes, and there were no indications that eligible riders were being compelled to travel accompanied by an attendant.

MCTS's website contains information about the Transit Plus Advisory Committee (TPAC), the agency's advisory group for disability and accessibility-related issues. TPAC meets each month. Committee members provide information and counsel to MCTS concerning the provision of public transportation services for individuals with disabilities, assist with fixed route operator training on an ongoing basis, serve on appeals panels, and provide education to the general public about accessible transportation needs.

6.9 Training Requirements

Requirement: Under 49 CFR §37.173, each public or private entity which operates a fixed route or demand responsive system shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities.

Discussion: During this compliance review, no deficiencies were found with the requirement to train personnel to proficiency as appropriate to their duties or with how MCTS communicates, manages and/or oversees training requirements with respect to staff or contractors.

The review team examined training requirements in MCTS's contracts with service providers, as well as training curricula and materials. Team members met with Safety/Training Managers at both contractor locations and also interviewed 10 drivers, in part to determine their familiarity with operating policies and procedures.

MCTS has stated its training requirements in Section 14 of the service provider contracts. This includes requirements for drivers and other operations personnel. Drivers must undergo a minimum of 80 hours of training, which must include instruction in service policies and procedures, and ADA requirements; passenger assistance techniques; disability awareness; and safe equipment operation. All training must be to proficiency/mastery, and training records must be accurate, up to date, and available for inspection by MCTS at any time. Other operations personnel must receive training appropriate to their duties, with instruction in operating policies and procedures (including ADA requirements) and disability awareness.

Much of the course material used by First Transit was developed by the Transportation Safety Institute (TSI) and the First Transit Safety/Training Manager is a certified TSI trainer. Drivers receive a minimum of 32 hours of classroom training and 48 hours of Behind-the-Wheel (BTW)

training. Classroom instruction includes TSI-developed Customer Service/ Passenger Relations (four hours); ADA Requirements (two hours); and “Assistance Guidelines for Elderly & Disabled Passengers” (four hours). BTW training includes instruction in lift operation and proper securement of mobility devices and passengers. Drivers must demonstrate proficiency in the safe operation of all equipment before completing BTW training.

The Transit Express Safety/Training manager is a certified instructor in Passenger Assistance Techniques (PAT), a nationally-recognized course developed at the University of Wisconsin-Milwaukee. Drivers at Transit Express receive 16 hours of classroom instruction and a minimum of 48 hours of on-the-road training. The PAT course, covering ADA requirements, disability awareness, and the proper securement of mobility devices, occupies a full day. During on-the-road training, drivers must demonstrate proficiency in lift and vehicle operation.

The review team interviewed ten drivers, six at Transit Express and four at First Transit, including both new hires and long-timers. Drivers were asked whether the training provided adequately prepared them for the job; to describe the on-time performance window; to describe no-show procedures; and to indicate the level of assistance provided to riders. All ten drivers:

- Indicated that the training they received adequately prepared them for the job. Several indicated that they felt the training was very good.
- Properly described the on-time window as being from the scheduled pickup time to 25 minutes after the scheduled time.
- Properly described the no-show procedures that include waiting at least five minutes within the on-time window and always contacting dispatch before recording riders as no-shows.
- Stated that they provide door-to-door service for all riders and discussed details of this service.

6.10 Service Under Contract with a Private Entity (if applicable)

Requirements: Under 49 CFR §37.23, the transit agency must ensure that any private entity with which it has entered into a contract or other arrangement to provide ADA paratransit service meets all the obligations of the DOT ADA regulations, including those for service provision and vehicle acquisition, that the transit agency would be required to meet, if it provided the service directly.

The transit agency must have policies and procedures in place to monitor the performance of its contractor(s) and ensure that these requirements are met. The transit agency is not permitted to neglect monitoring or to limit its monitoring to the terms and conditions of its contract or other arrangement with the private entity or entities.

Discussion: During this compliance review, no deficiencies were found with regard to ADA compliance issues for contracted ADA complementary service, including and not limited to service provision and vehicle acquisition, or with how the transit agency communicates, oversees and/or manages its obligations concerning contracted service with respect to eligible riders, applicants, and potential applicants.

The MCTS paratransit program manages all aspects of Transit Plus paratransit eligibility and service provision. This includes comprehensive monitoring, tracking, and reporting on service and compliance with state and federal requirements. In turn, the County of Milwaukee closely oversees MCTS activities and programs, in particular Transit Plus contractor performance and effective service provision, using detailed service reports prepared by MCTS.

MCTS's contracts with providers specify performance requirements and associated liquidated damages. Individual contractor meetings take place monthly or whenever service issues arise. Reviewers observed that in providing transportation and conducting reservations, scheduling, dispatch, complaint investigation, fleet maintenance, and driver training functions, Transit Express and First Transit managers and staff work side by side with Transit Plus managers. After service has been provided, MCTS generates and analyzes daily, weekly, and monthly service reports. The agency also tabulates customer complaints by subject and provider and compares these with performance information to identify any potential issues. This data enables MCTS to support with documentation any imposition or waiving of liquidated damages when contract requirements are not met. MCTS managers provided the review team with copies of the performance reports prepared for MCDOT leadership or presented at meetings with elected officials, county managers, and the Transit Plus Advisory Committee.

6.11 Service Provided by Another Public Entity (if applicable)

Requirement: Part 37 of title 49, Code of Federal Regulations, applies to any public entity that provides designated public transportation or intercity or commuter rail transportation. Under 49 CFR §37.21(b), for entities receiving Federal financial assistance from the Department of Transportation, compliance with the applicable requirements of Part 37 is a condition of section 504 of the Rehabilitation Act of 1973 and of receiving financial assistance. Where a transit agency relies on another public entity to provide paratransit service on its behalf, the transit agency remains responsible for meeting the requirements of 49 CFR Part 37. In other words, the transit agency must ensure that the service provided on its behalf meets all of the requirements that the transit agency would be required to meet, if the transit agency provided the service directly. The transit agency must have policies and procedures in place to monitor the performance of such service to ensure that these requirements are met; the transit agency is not permitted to defer to the public entity operating the service.

Discussion: This provision is not applicable to MCTS. No public entities provide ADA complementary paratransit service on behalf of this transit agency.

6.12 Coordination of Service

Requirement: Under 49 CFR §37.139(g), public transit operators were required to address efforts to coordinate service with other fixed route operators with overlapping or contiguous service areas or jurisdictions when developing their complementary paratransit plans. Coordination is an ongoing process; while these efforts are likely to have evolved over time, it is expected that such transit systems will have a mechanism in place to ensure that paratransit riders have an ability to make interjurisdictional trips on a comparable basis to individuals using the fixed-route system.

Discussion: During this compliance review, no deficiencies were found with regard to Transit Plus's efforts to coordinate service with other fixed route operators with overlapping or contiguous service areas or jurisdictions.

The review team examined MCTS's website and published materials and interviewed management and contracted staff. MCTS provides Transit Plus service to eligible individuals anywhere within Milwaukee County and to limited areas of two counties, Waukesha and Ozaukee, which adjoin Milwaukee. No formal linkages with public transit or human services transportation in adjoining areas have been established. However, page 12 of the Transit Plus Rider's Guide states, "Transit Plus staff can help refer passengers to resources for out of County travel." Team members learned that Transit Plus transports riders to locations near the boundaries of its service area where individuals can access suburban transportation. Riders remain responsible for making their own travel arrangements or reservations with each entity, if a reservation is required, and paying fares separately for trips on each system.

Summary Table of Compliance Review Findings

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
1	Comparable paratransit service	37.121	ND	-	-	-
2	Absence of administrative burden	37.125 & 37.5	ND	-	-	-
3	Paratransit eligibility standards	37.123 (e)(1)-(3)	ND	-	-	-
4	Accessible information	37.125(b)	ND	-	-	-
5	Eligibility determinations within 21 days	37.125(c)	ND	-	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
6	Written eligibility determinations including specific reasons for denials or temporary or conditional	37.125(d) & (e)	D	Deficiencies were found with the requirement for written eligibility determinations that provide specific reasons for decisions in cases of temporary, conditional, or non-eligibility. Transit Plus letters finding applicants conditionally eligible do not provide specific reasons for decisions.	MCTS must provide to FTA for review: revised letter templates and copies of recent determination letters that include specific, transit-based reasons for determinations of ineligibility, temporary or conditional eligibility, and for any limitations on eligibility.	Within 60 days of the issuance of the final report
7	Recertification of eligibility at reasonable intervals	35.125(f)	ND	-	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
8	Administrative appeals process for denials and conditional eligibility	37.125(g)	D	<p>Deficiencies were found with the requirements for the administrative appeals process for eligibility: Certification letters finding applicants ineligible or eligible on a conditional or temporary basis contain required information concerning appeals, but also state incorrectly that appeals must be in writing and provide reasons for the appeal.</p> <p>In addition, when the appeals process upholds the initial eligibility determination, letters informing appellants of this outcome do not provide specific reasons for the decision.</p>	<p>MCTS must provide to the FTA for review:</p> <ul style="list-style-type: none"> • a revised appeal request form that does not require appellants to state the basis or reasons for the appeal; and • an updated appeal decision notification letter template which provides specific reasons for any hearing decision which upholds the original determination. 	Within 60 days of the issuance of the final report

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
9	Complementary paratransit for visitors	37.127	D	Deficiencies were found with the requirements for visitor service and how its availability is communicated to the public.	MCTS must provide to the FTA for review a revised visitor policy statement and proposed Rider's Guide text which clearly state that individuals without eligibility from another system can obtain 21 days of service per year by presenting address information and, if not apparent, documentation of disability.	Within 60 days of the issuance of the final report
10	Types of service	37.129	ND	-	-	-
11	Service area	37.131(a)	ND	-	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
12	Response time	37.131(b)	ND	-	-	-
13	Fares	37.131(c)	ND	-	-	-
14	No trip purpose restrictions	37.131(d)	ND	-	-	-
15	Hours and days of service	37.131(e)	Advisory Comment	It is an effective practice to facilitate access to service by assuring that public information is clear and understandable. MCTS's public information does not clearly inform riders of comparable service hours/days. It is recommended that the wording of this information be revised for clarity.	-	-
16	Absence of capacity constraints	37.131(f)	ND	-	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
17	No restrictions on the number of trips provided to an individual	37.131(f)(1)	Advisory Comment	It is an effective practice not to limit the number of trips that riders can request with one phone call. As discussed in Section 8.5.6 of FTA Circular 4710.1, if riders want to make more trip reservations than a policy allows for a single call, they will simply make multiple calls. This places an unnecessary burden on riders and leads to higher call volumes.	-	-
18	No waiting list for access to the service	37.131(f)(2)	ND	-	-	-
19	No substantial numbers of significantly untimely pickups for initial or return trips	37.131(f)(3)(i)(A)	ND	-	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
20	No substantial numbers of trip denials or missed trips	37.131(f)(3)(i)(B) 37.131(3)(1)(B)	D (<i>missed trips</i>); Advisory Comment (<i>capacity denials</i>).	<p><u>Missed Trips</u>: Deficiencies were found with regard to how MCTS defines a missed trip. The agency's contractual definition does not include instances where a vehicle arrives late and the trip is not taken, and thus is not consistent with guidance provided in FTA Circular 4710.1 §8.5.4. This omission was observed to result in dispatchers miscoding these occurrences as No-Shows and an underreporting of Missed Trips which then must be corrected internally after the fact. The practice does not enable complete and effective monitoring and management of service.</p> <p><u>Capacity Denials</u>: It is an effective practice to monitor service capacity carefully during peak demand hours. For the Transit Plus service, this includes the morning hours when a small number of trip denials are recorded. MCTS should expand service capacity if the number of trip denials becomes substantial or if a pattern of denials is identified.</p>	<p>MCTS must provide to the FTA for review: a revised definition for missed trips which includes in this category instances where the vehicle arrives late and therefore the customer does not take the trip; and</p> <p>MCTS must begin recording and monitoring missed trips using this definition, and prepare a revised directive for staff listing dispatcher procedures for correctly coding such events, to prevent their being mischaracterized as customer no-shows.</p>	Within 60 days of the issuance of the final report

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
21	No substantial numbers of trips with excessive trip lengths	37.131(f)(3)(i)(c)	D	Deficiencies were found with regard to MCTS's written standard regarding trip length. The agency's verbal standard is that time on vehicle should be comparable to fixed route trips, plus walk/wait time. However, the contractual standard is that "average monthly trip duration shall not exceed 47 minutes." In addition, deficiencies were found with MCTS's monitoring of trip length to determine whether this type of capacity constraint exists.	<p>MCTS must provide to the FTA for review:</p> <ul style="list-style-type: none"> • a revised definition and standard for on-board ride time which conforms to guidance provided in FTA Circular 4710.1; and • a description of the process for tracking and monitoring trip length which will enable the agency to manage service provision more effectively. MCTS must begin monitoring Transit Plus ride times using the new process to ensure compliance. 	Within 60 days of the issuance of the final report

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
22	No operational patterns or practices significantly limiting service availability	37.131(f)	<p>D <i>(on-time drop-offs)</i></p> <p>Advisory Comment <i>(telephone performance)</i>.</p>	<p><u>On-time drop-offs:</u> Deficiencies were found with regard to on-time drop-offs. Although MCTS verbally defines “late” for drop-offs as any time after the requested drop-off time, the agency has no standard for this aspect of service and does not perform separate monitoring or reporting of on-time drop-offs. As a result, MCTS is not collecting all data essential to enable better monitoring and management of service.</p> <p><u>Telephones:</u> It is an effective practice to monitor telephone performance by hour rather than by day or month. It is also an effective practice to have a telephone performance standard that considers hold times by hour rather than monthly or daily averages. Monitoring by hour can better identify periods of time when goals are not being met and staffing adjustments may be needed. A standard that considers hourly performance might be stated as “At least XX percent of all hourly call periods should have an average hold time of two minutes or less.” Section 8.5.6 of FTA Circular 4710.1. provides guidance on monitoring telephone performance.</p>	<p>MCTS must provide to the FTA for review:</p> <ul style="list-style-type: none"> • a written statement of the agency’s on-time drop-off standard which conforms to guidance found in FTA Circular 4710.1; and • a description of the process for tracking and monitoring on-time performance for drop-offs which will enable the agency to manage service provision more effectively. 	Within 60 days of the issuance of the final report

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
23	Subscription Service	37.133	ND	-	-	-
24	No-show, late cancel and reasonable service suspension & appeal policies	37.125(h) (1)-(3)	ND	-	-	-
25	Complaint Resolution & Compliance Information	27.13(b) & 27.121	ND	-	-	-
26	Non-discrimination	37.5	ND	-	-	-
27	Training	37.173	ND	-	-	-
28	Service under Contract	37.23	ND	-	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
29	Service provided by another public entity	37.21(b)	N/A	-	-	-
30	Coordination of service	37.139(g)	ND	-	-	-

Attachment A: – FTA Notification Letter to the Milwaukee County Department of Transportation



U.S. Department Headquarters East Building, 5th Floor, TCR
Of Transportation 1200 New Jersey Ave., SE
Washington, D.C. 20590

June 30, 2016

Mr. Brian Dranzik
Director
Milwaukee County Department of Transportation
10320 W. Watertown Plank Road
Wauwatosa, WI 53226

Dear Mr. Dranzik:

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the Americans with Disabilities Act of 1990 (ADA) and the Department of Transportation's (DOT) implementing regulations at 49 CFR Parts 27, 37, 38 and 39 as they apply to public transportation. As part of its ongoing oversight efforts, FTA through its Office of Civil Rights conducts a number of on-site ADA compliance reviews of grant recipients. The Milwaukee County Transit System (MCTS) has been selected for a review of its complementary paratransit service to take place during the week of October 17, 2016.

The purpose of this review will be to determine whether MCTS is meeting its obligations to provide paratransit service as a complement to its fixed route bus service in accordance with the service criteria and eligibility requirements contained in Subpart F of 49 CFR Part 37, and other related requirements contained in 49 CFR Parts 27, 37 and 38.

The review process includes data collection and analysis prior to the on-site visit, an opening conference, on-site observation and analysis of the MCTS complementary paratransit service, and an exit conference. The entire on-site portion of the review will be completed within four days. FTA has engaged the services of Milligan and Company, LLC (Milligan), of Philadelphia, PA, to conduct this compliance review. The Milligan team and FTA representatives will participate in the opening and exit conferences, with FTA participating by telephone.

We request an opening conference at **9 a.m. on Tuesday, October 18, 2016**, to introduce the Milligan team and FTA representatives to MCTS, including you or your designee, the paratransit service manager, the ADA coordinator, and other key staff. During the opening conference, the review team members will present an overview of the on-site activities.

Because review team members will spend considerable time on site during the week, please provide them with temporary identification and a workspace within or near the MCTS paratransit offices for the duration of their visit. Please let us know if you will designate a member of your staff to serve as MCTS' liaison with the review team and to coordinate the on-site review and address questions that may arise during the visit.

So that we may properly prepare for the on-site visit, we request that you provide the information described in Enclosures 1 and 2. Enclosure 1 consists of items that must be received **within 21 calendar days of the date of this letter.**

Electronic copies of documents are preferred. Please upload them to Milligan's file transfer protocol (FTP) site. Your reviewer will reach out to you concerning the use of the FTP site. Please be prepared to designate a point of contact for your agency, for which user access should be provided. You also have the option of sending the documents via email to Sandra Swiacki at sswiacki@milligancpa.com.

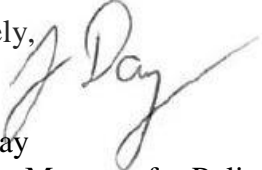
Enclosure 2 consists of items that the Milligan team will review on-site beginning on October 18, 2016, after the opening conference.

We request the exit conference be scheduled for **11 a.m. on Friday, October 21, 2016**, to afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you or your designee, the MCTS paratransit service manager, the ADA coordinator, and other key staff attend the exit conference. The FTA Office of Civil Rights will make findings and will provide a Draft Report. You will have an opportunity to correct any factual errors before FTA finalizes the report. The Draft and Final Report, when issued to MCTS, will be considered a public document subject to release under the Freedom of Information Act, upon request.

If you have any questions or concerns before the opening conference, please contact Anita Heard, Program Manager for this compliance review, at 202-493-0318 or via e-mail at anita.heard@dot.gov.

Thank you in advance for your assistance and cooperation as we undertake this process. We look forward to working with MCTS and your paratransit staff.

Sincerely,



John Day
Program Manager for Policy and Technical Assistance
Office of Civil Rights

cc: Marisol Simon, Regional Administrator, FTA Region V
Marjorie Espina, Civil Rights Officer, FTA Region V
Sandra Swiacki, Milligan

Enclosure 1

The following information must be submitted to Milligan within 21 calendar days from the date of this letter.

1. A description of how ADA complementary paratransit service is structured and provided, including:
 - ☐ How trip requests/reservations are handled (by the contractor?) and the address where reservations are taken
 - ☐ How trips are scheduled (by the contractor?) and the address where scheduling is done
 - ☐ How dispatching is handled (by the contractor?) and the address of the central dispatch office

Note that Milligan may contact you in advance to discuss this first question.

2. A copy of the current carrier and broker contract(s), if service is contracted out, and copies of any joint operating agreements for ADA complementary paratransit with other public entities
3. A copy of the ADA complementary paratransit driver manual or handbook
4. Copies of the ADA complementary paratransit application(s) and eligibility information materials, including visitor service
5. Written description of the agency's ADA eligibility appeal process
6. A copy of the ADA complementary paratransit rider handbook, service brochure, and/or other documents that explain to the public and eligible riders how trips are requested and how service is provided
7. A copy of the agency's No-Show suspension policy, if applicable
8. Written description of the agency's ADA complementary paratransit service standards, including:
 - ☐ The on-time performance standards (how is "on-time" defined and what is the goal for the percentage of trips to be provided within the standards?)
 - ☐ What standards have been set regarding acceptable numbers or percentages of ADA trip denials?
 - ☐ The travel time standards, including maximum travel time (if applicable) (what travel time is considered comparable to fixed route and what travel time is considered too long? What are the goals for the percentages of trips to be provided within the standards?)
9. Telephone call-handling performance standards for calls to reservation and dispatch, including:
 - ☐ Maximum and standard queue hold time
 - ☐ Call pickup times
 - ☐ Calls abandoned
 - ☐ Goals for the percentages of calls to be handled within these standards
10. Copies of completed driver manifests for the most recent six-month period, scanned or in electronic format (for each of the agency's contractors, if applicable)
11. Capital and operating budget and expenditure information for the agency's ADA complementary paratransit service for the three most recent fiscal years, including the current Federal fiscal year
12. The total number of ADA complementary paratransit trips requested, scheduled, and provided, and trips denied, for the three most recent fiscal years, including the current Federal fiscal year
13. Three copies of the fixed route system map

Enclosure 2

We request that the following information and/or assistance be available at the **beginning of the on-site visit**:

1. The following ADA complementary paratransit data, by month, for the most recent six-month period (paper copies as well as in electronic format, if available):

Service usage:

- ☐ Trips requested (include both demand and subscription trips requested)
 - ☐ Trips scheduled
 - ☐ Trips denied
 - ☐ Canceled trips
 - ☐ Passenger no-shows
 - ☐ Carrier missed trips
 - ☐ Trips provided
 - ☐ An itemization of trips requested, scheduled, and provided by recognized geographic areas, communities, or zones
 - ☐ A listing of trips denied showing customer's name, origin, requested destination, day, date, and time requested, and if the person was ambulatory or used a wheelchair
 - ☐ On-time performance information
 - ☐ Subscription trips by hour
 - ☐ A listing of trips that exceeded 60 minutes showing customer's name, origin, destination, day, date, and time of trip, if the person was ambulatory or used a wheelchair, and total time on-board
 - ☐ Telephone call management records (if available) showing hold times by hourly or half-hourly periods and day, total call volume, calls answered and abandoned
 - ☐ For the last month, a listing of passenger no-shows and carrier missed trips showing customer's name, origin, destination, day, and date of trip, with negotiated pickup times and actual vehicle arrival and departure times
2. A listing of all complaints related to ADA complementary paratransit service in the past year. The list should include all complaints related to trip denials, missed trips, wait lists, trip caps, trip restrictions or limits, on-time performance, lengthy trips, phone capacity issues, etc. showing:
 - ☐ Customer's name
 - ☐ Nature of complaint
 - ☐ Date and time of trip request (if applicable)
 - ☐ Requested trip date, time, origin, and destination (if applicable)
 - ☐ Scheduled trip date, time, origin and (if applicable) carrier
 - ☐ Transit system resolution; any corrective actions requested and taken
 3. The following ADA paratransit eligibility information:
 - ☐ Copies of eligibility guidelines and policies and any assessment or interview forms
 - ☐ Sample letters for all types of determination used by agency - unconditional, conditional, temporary, visitor; trip-by-trip eligibility (if applicable)
 - ☐ Other letters related to receipt of applications, incomplete applications, eligibility appeals and other eligibility issues
 - ☐ Any documentation, policies, procedures and correspondence related to service suspensions for passenger no-shows

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- ☐ Total number of ADA paratransit eligible individuals currently registered
 - ☐ Eligibility data for the most recent 12 months, by month:
 - ☐ Number of applications received
 - ☐ Number of completed applications considered and processed
 - ☐ Number of applications determined incomplete
 - ☐ Number of people determined unconditional eligible
 - ☐ Number of people determined conditionally eligible
 - ☐ Number of people determined temporarily eligible
 - ☐ Number of people determined ineligible
 - ☐ Access to eligibility files and appeals records
4. Work shift assignments for reservationists (call-takers), schedulers, dispatchers, and drivers
 5. Access to personnel records showing hire and termination dates for reservationists (call-takers), schedulers, dispatchers, drivers, and road supervisors
 6. Current ADA complementary paratransit fleet roster (by provider) with vehicle type, make, model year, and odometer reading (designating whether the vehicles are accessible or inaccessible); numbers of accessible and inaccessible spares. For each accessible vehicle, please include the design load of the lift or ramp.
 7. Run structure (vehicles in service by day of week and hour of day)
 8. Access to the most recent six months of daily vehicle pullout records showing late pullouts and closed runs, by provider (if appropriate)
 9. Vehicle availability reports for most recent six months
 10. Copies of vehicle pre-trip inspection and preventive maintenance form(s)
 11. Assistance with viewing and capturing parameters used in the scheduling software
 12. Assistance with viewing and collecting data on vehicle run structures and peak pullout requirements
 13. Training curricula for each type of ADA complementary paratransit employee
 14. Procedures for providing information and communication in accessible formats

Attachment B: – Milwaukee County Department of Transportation Response to Draft Report

From: Rodgers, John [<mailto:John.Rodgers@milwaukeecountywi.gov>]
Sent: Thursday, March 09, 2017 12:45 PM
To: Day, John (FTA)
Cc: yolanda.mitchell.ctr@dot.gov; Sandra Swiacki
Subject: RE: Milwaukee County ADA Paratransit Review Draft Report
Importance: High

Good Morning Mr. Day,

Milwaukee County has no comments pertaining to the findings outlined in the draft report. Amendments are necessary as to how Milwaukee County, MCDOT, MTS and MCTS is defined in the report and those corrections are visible in track changes in the attached document.

Please let me know of the next steps moving forward. In the meantime Milwaukee County is working to resolve the issues identified.

Thank you,

John Rodgers
Senior Manager Grants Compliance
Milwaukee County Department of Transportation
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Wauwatosa, WI 53226
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Email: John.Rodgers@milwaukeecountywi.gov