

FTA

FEDERAL TRANSIT ADMINISTRATION

South Bend Public Transportation Corporation (Transpo) Paratransit Compliance Review Report

August 2015



U.S. Department of Transportation
Federal Transit Administration

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Executive Summary

Objective and Methodology –

This report reviews the South Bend Public Transportation Corporation's (Transpo) complementary paratransit service (Access) in Indiana's South Bend and Mishawaka metropolitan area, which includes the City of Notre Dame and Roseland. Its objective is to verify whether Transpo is meeting its obligations under the Americans with Disabilities Act (ADA) requirements 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 Access riders and local disability organizations
2. Site visit: a three-person review team's observation of how Transpo handles trip requests, scheduling and dispatching, examination of eligibility applications and related documents (including appeals), and interviews with Transpo and contractor employees
3. Analysis and reporting: identification of deficiencies requiring corrective actions and suggestions of effective practices in complementary paratransit service

Transpo's Paratransit Program includes the following positive program elements –

<u>Positive Program Elements</u>
<p>➤ Transpo's driver training program is comprehensive and up to date. Training is conducted to proficiency, with instructional units being repeated or extended until the student demonstrates mastery.</p>

Transpo has the following administrative deficiencies that are easily correctable to bring their program into compliance with 49 CFR Parts 27 and 37:

Administrative Deficiencies

- Published hours and days of service for ADA complementary paratransit service do not match fixed route service on one Transpo bus route.
- Transpo public information requires that mobility devices be in “safe operating condition,” specifying that wheelchairs must be equipped with footrests, operable brakes, etc.
- Transpo public information does not mention that service and eligibility information is available in accessible formats upon request.
- Transpo’s eligibility certification letters do not provide detailed, specific reasons for decisions in determinations of temporary eligibility or ineligibility.
- Transpo information materials blend policies for eligibility appeals and appeals of service suspensions, and require a written appeal.
- Transpo policies and procedures for ADA paratransit eligibility application processing, determination, and documentation are unwritten and do not include standards for timely handling.
- Transpo has not established written operational policies, procedures, and service standards to identify, document, manage, and report on capacity denials, missed trips, late pickups or drop-offs, or overly long trips.

Transpo has the following substantive deficiencies that need to be addressed to bring their program into compliance with 49 CFR Parts 27 and 37.

Substantive Deficiencies

- Transpo was unable to demonstrate that it complies with the regulatory requirement to accept and schedule all eligible ADA paratransit trip requests within one hour before or after the time requested.
- Transpo provides ADA paratransit service with substantial numbers of trips with significantly untimely pickups.
- Transpo provides ADA paratransit service with significant numbers of trips with excessive trip lengths.
- Transpo’s ADA paratransit subscription trips occupy more than 50 percent of rides provided, while ADA paratransit capacity constraints exist.
- Transpo’s staffing levels, scheduling software, vehicle availability, and absence of written policies and performance standards appeared to limit service provision at the time of the review.

1. General Information

This chapter provides basic information concerning this compliance review of South Bend Public Transportation Corporation (Transpo). Information on Transpo, the review team, and the dates of the review are presented below.

Grant Recipient:	South Bend Public Transportation Corporation (Transpo)
City/State:	South Bend, IN
Grantee Number:	1197
Executive Official:	David Cangany
On-site Liaison:	Mia Brunelli
Report Prepared By:	Milligan & Company, LLC
Dates of On-site Visit:	December 8 - 12, 2014
Review Team Members:	Cynthia Lister, Sandra Swiacki, Habibatu Atta, Kristin Szwajkowski

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.

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, reviewers were tasked with soliciting comments about service and eligibility policies and practices from eligible riders and from local disability organizations.

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

4. Introduction to South Bend Public Transportation Corporation

South Bend Public Transportation Corporation (Transpo) provides public transit services in Indiana's South Bend and Mishawaka metropolitan area, which includes the City of Notre Dame and Roseland. Transpo provides fixed route bus and ADA complementary paratransit service in St. Joseph County, but not beyond the County's boundaries. At South Street Station, Transpo's downtown transit center, bus and paratransit riders can board Elkhart County vehicles. However, these two services do not coordinate fares or schedules, or offer transfer privileges. Transpo currently operates as a "flag-stop" system but is beginning to transition to a system of designated bus stops with clearly identified boarding points. About 154,340 people live in the Transpo service area, which covers almost 60 square miles.

4.1 Introduction to Paratransit Services and Organizational Structure

Transpo's ADA complementary paratransit service is called Access. Service is provided by a fleet of fourteen vehicles operated directly by Transpo. At the time of the review, 1,003 customers were ADA-paratransit-eligible and 491 of these had used the service during the previous six months. On average, Access provides 5,100 – 5,500 ADA paratransit trips each month. Of these, 18 to 20 percent are to or from Mishawaka and the remainder, to or from South Bend.

On occasion, Transpo Access also works with Elkhart County's social service transportation service to provide rides to customers. However, these trips are coordinated through the Michiana Area Council of Government, which is the Metropolitan Planning Organization (MPO) for the South Bend Urban Area and the Elkhart / Goshen Urban Area.



Photo Courtesy of Transpo

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 the Transpo ADA paratransit service 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 Transpo's 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 sought 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) and 27.121(b))

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 are followed in 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 Transpo's General Manager, David Cangany, on September 18, 2014, confirming the dates for the review and requesting that information be sent to the review team in advance of the on-site visit.

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

- Transpo's description of how its ADA complementary paratransit service is structured
- Public information describing Transpo's ADA complementary paratransit service
- Transpo's statements regarding standards or goals for on-time performance, trip denials, missed trips, paratransit trip length, on-time performance, and telephone hold times, which were requested in Question 8 in FTA's letter (Description of Standards).

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

- Copies of completed driver manifests for recent months
- Thirty-six months of service data, including the number of trips requested
- Records of consumer comments and complaints related to ADA paratransit operations and Access service capacity issues: trip denials, on-time performance, travel time, and telephone access
- Procedures for passenger service reports reporting complaints and other incidents
- Transpo's summary of complaints
- A Transpo fleet roster
- A listing of paratransit employees and their start dates
- Capital and operating budgets and cost data

The on-site review of Transpo's Access ADA complementary paratransit service took place from December 8 - 12, 2014. The review began with an opening conference, held at 9 a.m. on

Monday, December 8, at the Transpo offices at 1401 South Lafayette Street in South Bend, Indiana. The following people attended the meeting:

David Cangany, General Manager
Chris Kubaszak, Controller
Mia Brunelli, Operations Manager
Amy Hill, Director of Marketing
Dale Rieder, Director of Maintenance
Janet Berkin, Assistant General Manager
Tracy Burks, Access Scheduler
Derek Davis, FTA Transportation Program Specialist

Following the opening conference, the review team met with Transpo staff to discuss the information sent in advance and the information and material available on site. Access policies, procedures, and operations were discussed.

For the remainder of the day on Monday, December 8, the review team observed reservations and interviewed the Access Scheduler about reservation and dispatch policies and practices. Fixed route bus schedules, fares, and service area maps were examined to determine comparability. The review team also examined Transpo's process to record and respond to customer complaints and its complaint summaries from the past 12 months.

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

On Tuesday, December 9, the review team continued its observations of the trip reservation, scheduling and dispatching processes. The review team met with staff to discuss scheduling procedures used to develop the final driver manifests, and began examining completed driver manifests as a part of verification of Transpo's on-time performance. The review team completed reviewing eligibility files, eligibility appeals, and suspension letters and appeals information. Comments and complaints were reviewed and tabulated. The complaint policy was also reviewed and discussed.

On Wednesday, December 10, the review team continued observing the reservations and dispatching processes, and examining on-time performance and on-board travel times. Transpo managers were interviewed regarding resources, budgeting, and staffing. The review team began interviews with ADA paratransit drivers. A sample report to the Transpo Board and Access service reports were obtained for further review.

Reviewers interviewed Transpo managers and staff concerning the Access eligibility determination process. Later in the afternoon, members of the review team sat with Transpo's eligibility certification group, consisting of the AM and PM Operations Supervisors, observing as they reviewed nine new applications and ten recertification applications to determine eligibility.

The review team gathered and analyzed the following information:

- Performance goals or standards, when available
- Service reports prepared by Transpo showing the number of trips served and the number of trips denied for the past three years
- Direct observations of the handling of trips by review team members and interviews with Transpo staff about the ability to accommodate trip requests

On Thursday, December 11, the review team began comparisons of on-board paratransit travel times with comparable trips using fixed route service, with an emphasis on paratransit trips with lengthy travel times. The Access Scheduler was interviewed regarding the reconciliation, finalization, and filing of the driver manifests. Reviewers interviewed the General Manager and Assistant General Manager concerning Transpo's documentation of Access service data including trip denials, missed trips, on-time performance, lengthy trips and if and how the data was reported. The Safety, Security, and Training Manager was interviewed regarding Access driver training and training materials were reviewed and discussed. The review team tabulated the various data that had been gathered and prepared for the exit conference.

The exit conference took place at 11 a.m. at the Transpo office and included the following participants:

David Cangany, General Manager
Chris Kubaszak, Controller
Mia Brunelli, Operations Manager
Amy Hill, Director of Marketing
Janet Berkin, Assistant General Manager
John Day, FTA ADA Team Leader
Marjorie Espina, FTA Regional Civil Rights Officer
Derek Davis, FTA Transportation Program Specialist

5.3 Stakeholder Interviews

Prior to the on-site review, the review team contacted organizations serving the regional disability community. The purpose of this activity was to invite agencies to participate in stakeholder interviews, determine whether Access service complaints had been filed with the transit agency, and identify practices that require further attention and analysis during the review.

The following three organizations were contacted to participate in the stakeholder interviews:

- Fresenius Medical Care: Nephrology Blackthorn, the largest dialysis provider in the region;
- Logan Center/Logan Industries, a regional provider of numerous programs and services (including day programs) for people with cognitive disabilities or autism; and
- REAL Services, Inc., an affiliate with the Indiana Area Agency on Aging.

Representatives from all three agencies responded and agreed to participate. Subsequently, a representative of the Logan Center made contact with three client families to enable reviewers to

speaking directly with families using Access services to obtain additional first-hand input about Transpo's ADA complementary paratransit service. All those contacted were identified as families with adult children with cognitive disabilities who ride this service frequently, some of whom also use wheelchairs.

The representatives were asked questions regarding:

- Transpo Access eligibility process and appeals;
- service provision, including reservations, telephone hold times and voice mail usage, on-time performance, driver assistance
- trip denials and wait lists;
- administrative burdens including requiring riders to be accompanied by personal care attendants, imposition of user fees or other charges associated with applying to use the service;
- complaints and how these are handled; and
- visitors using the service.

Representatives mentioned having or hearing about the following issues from their clients:

- the need for more door-to-door service;
- the clustering of rides during peak times, especially for people with wheelchairs, and its effect on on-time performance; and
- the lack of sensitivity exhibited by some drivers.

As arranged by Logan Center, the review team then spoke with parents of three adults using Transpo Access, covering the above topics. In view of the concerns cited by agency representatives, the reviewers asked if the users' families had similar concerns or experiences. Parents discussed:

- provision of origin-to-destination service;
- on-time performance; and
- the process for responding to complaints.

During the interviews, agency representatives stated that their clients wanted more assistance to the door especially during the winter months. In subsequent interviews with family members, reviewers noted that some did not seem aware that door-to-door service was available. Many stated that they typically bring their family members to the curb and the drivers assist them from there. Only one of the users mentioned driver assistance to the door, saying that making it available would be helpful because she has young adults who ride the service, one of whom uses a wheelchair.

All those interviewed expressed concerns about Transpo Access's on-time performance. Each spoke of waiting at times significantly beyond the end of the 15 minute window, sometimes an hour or more. One agency representative said that they also have issues with drivers arriving well before the start of the pick up window. Agency representatives said that the inconsistent on-time performance was frustrating, because it makes it hard for them to schedule activities when drivers pick up and drop off riders outside the 15-minute window. This, they said, occurs frequently.

The review team asked if the agencies and families had made verbal or written complaints to Transpo. One of the agency representatives made a verbal complaint to Transpo about there being a lack of sensitivity on the part of a few of their drivers. The representative believed that the drivers were not very familiar with working with individuals with disabilities. Transpo addressed the concerns and they were resolved soon thereafter.

Two individuals said they called numerous times to make complaints. They said their calls went to voicemail. (They did not specify the time of day when the calls were made.) Both said that they did not receive a response to their complaints. One person said that she keeps daily records of her child's travel, and based on these records, wrote letters of complaint to Transpo. She did not receive a response to her written complaints.

As a result, she filed a complaint with FTA's Office of Civil Rights. FTA responded to her letter in September 2014. Transpo's General Manager and Assistant General Manager subsequently met with her to discuss her daughter's service. The Assistant General Manager requested that the mother contact her directly whenever she experienced problems with her daughter's service.

The parent stated that on-time performance issues with her daughter's morning pickups appeared to have been resolved. However, afternoon trips returning home late continued to be an issue. She reported that on several occasions, her daughter was dropped off over an hour after having finished working at Logan Center.

Subsequent to the interview, the parent emailed the review team with other occasions when she contacted Transpo via telephone during business hours. These calls went to voicemail and were never answered. She then filed a written complaint using Transpo's website complaint form at <http://sbtranspo.com/contact/customer-service/>. No one responded to the website complaint. This matter is discussed more fully in Section 6.7 *Complaint Resolution*.

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 and 37 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 Transpo's paratransit system is 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.

Based on the data collected and policies, procedures and actions examined during the review, the review team observed no failure to establish an ADA paratransit service or to accept and process applications for eligibility to use the service. Reviewers saw no evidence of attempts or actions steering applicants or potential applicants to other transportation programs.

Transpo has an eligibility determination process in place. Managers informed the review team that based on a hand count of documents conducted at the time of the review, as of December 9, 2014, there were 1,003 individuals currently eligible to receive service. Of the eligible customers, Transpo determined 491 to be active riders. Transpo defines an active rider as one who has used the service within the past six months.

The review team's independent analysis of eligibility data provided by Transpo for December 1, 2013, to November 30, 2014, showed that during this period, the eligibility unit processed a total of 543 applications, an average of approximately 45 applications per month. New applicants represented approximately 63 percent of this total (345) and recertifying riders, 37 percent (199). Ninety-eight percent of those applying during these 12 months were determined eligible to use the service on an unrestricted basis.

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 administrative burdens requirement.

Transpo does not impose application fees or charge fares for any aspect of the eligibility process. Applications can either be downloaded or are mailed directly to applicants. Once completed, the applicant mails the forms to the Transpo administration office for evaluation. A paper identification card with the applicant's information is mailed once the application is approved. The Access ID cards do not include a photo.

Through examination of the Passenger Handbook and interviews with the Access Scheduler and the Assistant General Manager, reviewers confirmed that Transpo's eligibility process does not require that new or recertification applicants come to the administrative office at any time during the eligibility 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, deficiencies were found with the requirements related to the paratransit eligibility process.

The review team found that Transpo's application form does not allow staff to make sound eligibility determinations on a consistent basis. In addition, reviewers noted that Transpo had not established written standards, policies, and procedures for the processing, review, documentation, and reporting of eligibility applications. Transpo does not have written performance standards, policies or procedures for eligibility determination or service provision.

Application

At the time of the review, Transpo used a four-page paper application which could be obtained in person, by mail, or downloaded from the agency's website. The applicant completes the first three pages; the final page (Part C) must be signed by a currently licensed health care professional who verifies the information provided by the applicant. Transpo does not require that the health care professional verifying the application's contents be the applicant's current treating professional. The application asks applicants to describe the nature of their disability/ies or health conditions. It does not ask how their conditions or disability/ies make it difficult or functionally prevent them from using fixed route service. No in-person interview or functional assessment is conducted.

The application then asks about the type of mobility aids or equipment used and whether a Personal Care Attendant (PCA) is used. It requests brief information about the applicant's ability to travel three blocks, communication abilities, whether an applicant can wait outside and climb three 12 inch steps, and how often fixed route service is used. A final question asks about factors that may limit the applicant's ability to ride the fixed route service. Part C, the professional verification section of the application form, asks the professional about the applicant's ability to travel three blocks or climb steps using a mobility aid or with the assistance of a PCA. Reviewers noted that this does not comply with Part 37.123 (e)(1) and Appendix D, which make it clear that transit agencies must assess a person's ability to travel independently rather than the ability to travel with the assistance of another person (other than the assistance of the vehicle operator to operate the wheelchair lift).

Although Transpo is moving to a system of designated bus stops, the Access application form does not mention environmental or architectural barriers; despite the fact that individuals undergoing dialysis treatment are well represented among Access riders, considerations of endurance or fatigue are not included. There is no reference to cognitive or intellectual disability despite the prevalence of these disabilities among Access ridership.

Eligibility Process

Transpo's eligibility unit is housed in the agency's administrative office. New and recertifying applications are organized and reviewed for completeness by the Access Scheduler.

Determinations are made by an internal eligibility committee consisting of the AM and PM Operations Supervisors. This working group is also responsible for reviewing applications for reduced fare cards for use on fixed route service. Formerly, this was a three-person committee, but the third member retired and a replacement has not been named.

The committee meets weekly to examine and discuss each application and then makes a determination of eligibility. Once decisions have been made, all the applications are returned to the Access Scheduler to issue the determination letters or make any follow up inquiries should the committee need more information to make a determination. The Access Operations Manager logs and tracks each application's progress using a computer spreadsheet.

Committee members told reviewers that they regularly examine 10 to 12 ADA paratransit applications per week. During the onsite review, team members discussed the eligibility application review process and sat with the committee while it examined nine new applications for Access eligibility. The results were as follows:

- 1 temporary eligibility
- 1 incomplete application (additional information needed)
- 2 "disapproved" (denial of eligibility)
- 5 unconditionally approved

The group's discussion appeared thoughtful, conscientious and well informed. Nonetheless, committee members themselves stated that they felt they would benefit from ADA eligibility training. Additionally, it was evident while observing this process that the pool of Transpo applicants included individuals for whom conditional eligibility might be appropriate at some point. For example, some reported needing service only during winter weather conditions when they experience greater difficulty riding fixed route service. However, Transpo does not offer conditional eligibility for any reason other than residence outside the service area, as discussed below.

The following table summarizes Transpo eligibility applications and outcomes during the 12-month period of December 1, 2013 – November 30, 2014. The data includes nine determinations of conditional eligibility for individuals residing outside the Transpo Access service area. Transpo appears to receive and process, on average, approximately 45 new and recertifying applications per month. All but a few individuals are found unconditionally eligible.

**Transpo ADA Paratransit Eligibility Determinations by Category
December 1, 2013 - November 30, 2014**

Determination Outcomes	# of Determinations	% of Determinations
Unconditional eligibility	523	97%
Conditional eligibility	9	2%
"Trip by trip" eligibility	0	0%
Temporary eligibility	1	0%
Visitor eligibility	4	1%
Not eligible	3	1%
Total	540*	100%

*This total does not include three applications that required additional follow-up, hence the earlier quoted total of 543 applications processed.

Transpo management has established an agency policy that when an applicant lives outside the service area, the individual should be found conditionally eligible. The determination letter identifies location as the eligibility condition limiting one's ability to use the system. Access will only pick up and drop off the rider within the service area.

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

- written eligibility and eligibility appeals policies and processes, including performance standards and tracking and reporting activities; and
- a revised ADA paratransit application which can be used to ascertain the functional abilities of individuals with intellectual, cognitive, mobility, vision, mental health and other disabilities to travel independently.

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, deficiencies were found with how Transpo communicates the availability of materials in accessible formats to applicants and potential applicants.

Transpo makes its ADA paratransit application available to download from its website. Nonetheless, in reviewing public information materials and interviewing agency management, the review team found that Transpo does not offer its service information and eligibility materials in accessible formats upon request.

Corrective Action Plan and Schedule: Within 60 days of the issuance of the final report, Transpo must provide to the FTA revised materials that offer all information related to ADA paratransit eligibility and the eligibility determination process, and fixed route and ADA paratransit service information, in accessible formats upon request.

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.

During the onsite visit, reviewers assessed the timeliness of Transpo's application processing. The review team examined a random sample of 18 applicant's eligibility files and certification letters from the period January 2013 through December 2014. The sample included decisions granting unconditional, "conditional"¹ or temporary eligibility, and denials of eligibility. Onsite, the review team's sampling of 18 applications found that 17 determinations or 94 percent were made within seven days. One determination, representing six percent, were made between eight and 17 days. The review of the processing times showed that 100 percent of the determinations were made within 21 days as evidenced by the table below.

¹ Transpo Access terms riders living outside its service area "conditionally" eligible, in that the individual can be transported only within the service area and must arrange for transportation to/from the boundary. In reality, all such riders are unconditionally eligible. Transpo identifies no other conditions on an individual's eligibility to use service. All receive unrestricted service within the service area.

**Summary of Application Processing
Times for Transpo
January 2013 - December 2014**

Days to Make Determination		Total	%
7 or fewer days		17	94%
8 to 17 days		1	6%
21 days or less		18	100%
22 to 30 days		0	0%
31 to 50 days		0	0%
51 to 80 days		0	0%
Over 81 days		0	0%
Over 21 days		0	0%
TOTAL		18	100%

Transpo's public information and communications regarding Access eligibility state that applicants will be considered eligible to receive service if a certification decision has not been made within the requisite 21 days after receipt of the completed application.

**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 how the transit agency communicates eligibility determinations.

Transpo eligibility determination letters that found applicants ineligible or temporarily eligible do not provide sufficiently detailed descriptions or reasons for decisions.

The review team examined applications and determination letters for a random sample of 20 individuals selected from the period January 2013 to December 2014. Of these, 15 (75 percent) were found unconditionally eligible. Five received determinations of less than unconditional eligibility: two applicants were found conditionally eligible due to their place of residence, one was granted temporary eligibility, and two were denied eligibility. See the table below:

**Sample Eligibility Letter Review Summary for
Transpo
January 2013 to December 2014**

Eligibility Outcomes	Total	Percent
Unconditionally Eligible	15	75%
Conditional	2	10%
Per Trip	0	0%
Temporary	1	5%
Visitor	0	0%
Denied	2	10%
Total	20	100%

All of the determination letters reviewed that provided less than unconditional eligibility offered information to enable the applicants to appeal the determination. However, the letters awarding temporary or no eligibility did not offer sufficiently detailed descriptions or reasons for the decisions. The following language appears in the two denials examined: *“Based on the information provided by you and your physician, it has been determined that you can make your way to a fixed route stop and use the fixed route system. Your application for ACCESS paratransit service has therefore been denied.”* The letter awarding temporary eligibility provided no explanation at all.

Along with the appeal information, the letters included an application for Transpo’s Handi-card, which permits users to ride for half fare aboard the fixed route system and a complementary two-ride pass.

Corrective Action Plan and Schedule: Within 60 days of the issuance of the final report, Transpo must provide to the FTA for review revised certification letters and templates that include specific reasons for determinations of ineligibility, temporary or conditional 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 of eligibility.

The review team observed that Transpo’s eligibility process handles recertifying applicants in the same way it processes new applicants, and is structured to permit eligible riders adequate time to apply for recertification.

Transpo's ADA paratransit eligibility process includes recertification (eligibility "renewal") at two-year intervals. The Transpo recertification process notifies customers by mail 60 days prior to expiration of eligibility. Follow-up notices are sent at 30 days.

During the 12-month period ending November 30, 2014, Transpo reported that recertifying riders represented approximately 37 percent (199) of eligibility determinations.

Transpo's application form for recertification is the same form used for new applicants, with a different title. The agency procedures for handling the completed application, making a determination and issuing the certification letter are the same. In observing eligibility determinations being made, the review team noted that Transpo Access eligibility standards, policies, and procedures, even though verbal only, appear to be implemented consistently whether the applicant is a new applicant or an eligible rider undergoing recertification.

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 for the administrative appeals process for eligibility.

Transpo's written policy and public information materials require that appeals be submitted in writing. In addition, Transpo combines appeals for both service suspensions and eligibility in a single policy that does not make clear the critical differences between these two actions and the protections for riders that each process must contain.

Incomplete or Inconsistent Information

The Access Passenger Handbook states that appeals must be requested within 60 days of the date of decision. Reviewers noted that determination letters for individuals found ineligible state that the individual has the right to appeal, but also state that appeals must be requested within 30 days. Section 37.125(g)(1) requires that an applicant have at least 60 days to request an appeal. In addition, Access determination letters for conditional eligibility provide no specific information about appeals, stating only: "*We are enclosing information on your right to appeal*"

the eligibility limitations, if any.” The information materials do not make it clear that while appellants have the right to be present at their hearings, they are not required to attend. In discussing the eligibility appeals process with Transpo managers, reviewers were unable to obtain specifics regarding separation of function although the Passenger Handbook states that this will occur.

Requirement for Written Appeals

According to the Passenger Handbook, Transpo requires the applicant to “submit in writing” the decision to appeal the eligibility determination or the service suspension. It says that the individual can state their reasons for disagreeing with the decision, but they are not required to do so. The review team discussed this with Transpo management and they responded that a written appeal was not required. However, the review team found that in the determination letters in which applicants were denied eligibility, the text stated that, “you must make your appeal in writing.”

The Transpo Eligibility Manager reported no eligibility appeal activity for April 2011 through March 2014.

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

- revised eligibility appeals policy and process, separating these appeals from appeals of service suspensions and also covering eligibility appeals reporting, tracking and monitoring activities. The process must include separation of functions in the handling of an appeal and must not require appellants to make written appeals or be present at their hearings; and
- revised public information, eligibility materials, denial, temporary and conditional determination letters that provide consistent, specific information about Transpo’s administrative appeals process and individuals’ right to appeal decisions regarding eligibility.

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 the transit system 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, no deficiencies were found with the requirement to provide complementary paratransit service for visitors.

Transpo's website and the Access Passenger Handbook state that Transpo makes ADA paratransit visitor service available and information on how to obtain it. These information materials correctly cite the criteria for visitor eligibility.

The review team interviewed Transpo Access staff about visitor eligibility. Based on the interviews conducted and documentation examined, the review team observed no failure on the part of Transpo to provide visitor service. Visitors are made unconditionally eligible. At the time of the review, four individuals were using the service as visitors to the area.

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.

Transpo information materials and eligibility determination letters state that door to door assistance is available if requested. The review team observed no failures to have procedures in place to provide assistance to riders and no evidence that Transpo charges those needing door-to-door service an extra fee. Team members found that driver manifests routinely identified individuals to whom drivers were required to provide service to the door.

In verifying the provision of origin-to-destination service, the review team examined printed trip manifests, observed reservations and dispatch activities, and interviewed drivers. Reviewers verified that ParaPlan, Transpo's scheduling software, is not programmed to charge extra fares for door-to-door service or driver assistance. Team members observing dispatch activities found no indication that origin-to-destination service was not being provided.

Transpo driver training emphasizes passenger assistance upon request, and meeting the needs of customers with a variety of disabilities. All Transpo drivers interviewed by the review team indicated their compliance with Transpo's requirement to provide customers with assistance to and from the vehicle to the door when requested.

6.4 Service Criteria for Complementary Paratransit

Requirement: Section 12143(c)(3) of the ADA directed the Secretary of Transportation to establish minimum criteria to establish 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 for service area.

The Passenger Handbook, available online and in print, states that the ADA paratransit service area covers all locations within St. Joseph County that are within three-quarters of a mile of Transpo's bus routes.

The review team examined Transpo's scheduling software and verified that Transpo schedules and provides ADA paratransit service to and from all locations that are within three-quarters of a mile of Transpo fixed routes, wherever the agency has legal authority to operate. In the event of any service changes, the Deputy General Manager and Operations Manager are responsible for updating the service area to mirror fixed route bus service.

Reviewers examined eligibility determination letters for individuals living outside the service area to verify the contents of such letters. The text informs these recipients that although they have been found eligible to use Transpo service, their home address is not within Transpo's service area. To access Transpo's ADA paratransit service, they will need to reach the service area boundary.

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, deficiencies were found with the response time requirement.

At the time of the review, Transpo did not comply with the regulatory requirement to accept and schedule all eligible ADA paratransit trip requests within one hour before or after the time requested. Reviewers observed an eligible trip request being accommodated outside the mandatory one-hour ADA reservation window. The trip was not recorded or reported as a capacity denial (see also Section 6.4, *No substantial numbers of trip denials or missed trips*).

Part 37.131(b) requires transit agencies to accept trip requests made the day before service (request made on Sunday for the following Monday or request made on a holiday for the next day). Transpo Access does not process Sunday trip requests until Monday at 8 a.m., making it impossible for next-day requests for early Monday morning service to be accommodated.

Trip Reservations

The Access Scheduler accepts trip reservations and schedules trips, as well as performing dispatching and eligibility activities. Review team members interviewed this individual as well as managers concerning adequacy of training, ADA understanding, data entry and coding procedures, and Transpo's operational practices.

Transpo's website does not state the hours and days during which one can reserve trips on Access service. However, the Passenger Handbook says that rides can be scheduled the day before the trip or up to 14 days in advance and lists reservations hours as Monday through Friday from 8 a.m. to 5 p.m., with no trip requests accepted on Saturdays. Reviewers verified that customers can make next-day reservations for Monday trips by leaving a trip request on the Access voice mail line on Sunday. However, this option is not clearly explained. The handbook states: "*To schedule a ride, please call (574) 234-1188. To speak to a dispatcher, call Monday through Friday between 8:00 a.m. and 5:00 p.m. A telephone answering service is available in the evenings, on Sundays, and holidays.*" Materials submitted by Transpo in response to FTA's information request state "*ACCESS riders may also leave a voicemail after hours and on weekends to make trip requests and the ACCESS Scheduler will process the requests at 8a.m. the next business day. The ACCESS Scheduler will return each phone call that left a voicemail with a trip request to confirm the reservation.*"

Reviewers listened to and tabulated all voice mails left for the Access Scheduler on Sunday night through Thursday night of the review week.

**Transpo ADA Paratransit Reservation Center:
After-Hours Voice Mail Messages**

December 7 - 12, 2014

	Saturday Evening /Sunday 12/7/2014	Monday Evening 12/8/2014	Tuesday Evening 12/9/2014	Wednesday Evening 12/10/2014	Thursday Evening 12/11/2014	Totals
Trip cancellation	4	2	2	4	1	13
Trip request						
Next-day	0	0	0	0	0	0
2-14 days	1	0	1	1		3
Multiple	0	1	0	0	0	1
Other*	0	1	0	0	0	1
Checking on AM ride	0	0	0	2	0	2
Confirming ride	0	0	0	2	0	2
Duplicate, hangup, wrong number	1	2	2	0	0	5
Info request**	0	0	0	2	0	2
Total	6	6	5	11	1	29

*Ineligible request--ineligible rider, outside svc area

**Info request includes general service or eligibility information.

Of the total of 29 voice mail messages, five concerned trip requests and one of those messages was left by an individual not registered with Transpo Access. None were next-day trip requests. Team members confirmed that Access has a process in place to receive and address trip requests left using voice mail, but only when these do not involve Sunday requests for Monday morning service.

Management confirmed that riders can schedule trips by appointment time or requested pickup time, and that Transpo provides both demand and subscription reservations. Transpo places no cap or limits on the number of trips callers may reserve.

During the review, team members spent a total of three days observing and documenting telephone calls to the reservations unit. Using a speaker phone, a total of 80 calls was observed; most calls involved multiple trip requests. A total of 150 transactions took place, of which trip requests accounted for 101.

**Transpo ADA Paratransit
Observations of Reservations Unit Calls
December 8 - 10, 2014**

Types of Calls Observed	Total	Outcomes	Total
Reservation trip request	101	Scheduled	100
Cancellation	20	Denied due to capacity*	0
Dispatch	11	Wait list	0
General info (fares, etc.)	9	Refused by rider	0
Other	9	Schedule later	0
		Other	39
Total	150	Total	139

*The review team was present when a rider accepted a pickup time that was one hour and 30 minutes from the time that they requested. The ride was recorded by Transpo staff as "scheduled" and no trip denial was documented.

Reviewers noted that of the 80 calls and 101 trip requests observed during this three-day period, only three trip requests were negotiated. Instead, the agency's practice is to accept and schedule trip requests exactly as made by customers, usually without even minor changes and without offering alternate times. The scheduler jots these requests down on paper and then immediately enters the trip in the automated scheduling system. Although rides can be scheduled either by requested pickup time or by appointment, during the three days of observation, fewer than five trips were booked using appointment (arrival) time.

Significant numbers of day-before and two-days-ahead trip requests were observed by team members. This suggests that riders assume that they will readily obtain their desired pickup time, even if they call only one or two days in advance. Due to the 14-day reservation period, reviewers also noted that Access experiences sizable numbers of early cancellations.

Outcomes of Trip Requests Observed

Days In Advance	Trip Requests Scheduled	%of Daily Transactions	Other*	% Other	Grand Total
1	12	80%	3	20%	15
2	12	86%	2	14%	14
3	9	82%	2	18%	11
4	4	57%	3	43%	7
5	8	100%	0	-	8
6	4	100%	0	-	4
7	12	86%	2	14%	14
8	12	100%	0	-	12
9	0	-	0	-	0
10	7	100%	0	-	7
11	2	50%	2	50%	4
12	0	-	0	-	0
13	2	100%	0	-	2
14	16	100%	0	-	16
Total	100	87.7%	14	12.3%	114

*"Other" only includes cancellations.

Scheduling

Transpo uses ParaPlan as its scheduling software. ParaPlan permits trips to be auto-scheduled or scheduled manually to different drivers. Most trips are scheduled to drivers manually. Because the Access Scheduler recognizes most riders by voice and knows their travel patterns, and because trip negotiation rarely occurs, reviewers noted that calls requesting one or several trips typically are handled in less than a minute and involve brief conversation and a notation on paper and in the computer. Trips are usually entered at half hour intervals during service times (for example, 9a.m., 9:30a.m., 10a.m.) and then may be scheduled for the driver with a +/- 15 minute pick-up window. The software auto-calculates drop-off times and trip length.

At the end of the day, the scheduler inspects the schedules and prints the manifests. Reviewers observed that ParaPlan does not appear to include a schedule optimization feature. Transpo management informed the review team that they plan to replace this scheduling system in 2015.

Corrective Action Plan and Schedule: As also stated below in Section 6.4, *No substantial numbers of trip denials or missed trips*, Transpo must immediately comply with the regulatory requirement to accept and schedule all eligible ADA paratransit trip requests within one hour before or after the time requested and must track any trips scheduled outside the required one-hour window as denials. Also immediately, Transpo must begin documenting its daily compliance with this requirement.

Within 60 days of the issuance of the final report, Transpo must provide to the FTA for review the following items, which are also cited in Section 6.4, *No Operational Patterns or Practices Significantly Limiting Service Availability*:

- a written plan of action and implementation schedule showing steps Transpo will take to eliminate capacity denials and accommodate all eligible trip requests including day-before trip requests made on Sundays or holidays; provide on-time service; and achieve effective tracking, monitoring and oversight of ADA complementary paratransit reservations, scheduling, and provision of transportation;
- written policies, procedures, and performance standards for provision of service, including (as previously cited) capacity denials, including provisions for tracking, monitoring and reporting each of these; and
- public information materials, including agency outreach materials, explaining new or revised policies, procedures, and terms of service.

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.

At the time of the review, the base fare for fixed route service was \$1.00. ADA paratransit fares were \$2.00 for a one-way trip ticket, \$4.00 for a two-ride card, and \$20 for a ten-ride card. The Passenger Handbook states that Access riders may bring a PCA with them on their trip at no charge. A companion, or more if space allows for them, can accompany the rider, but they must pay a fare. No fees or fares are charged for door-to-door service or service animals.

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.

The reviewers found that paratransit service was provided to riders free of restrictions based upon trip purpose. The review team did not observe any restrictions or prioritization regarding

trip purpose. Further, it was noted that the Access Scheduler did not inquire about trip purpose during the review team's observation of the reservations process. Driver manifests did not show any notations of trip purpose. Transpo's public information materials do not cite any restrictions on service to eligible riders (other than those posed by service area, hours, and days), nor do these materials mention trip purpose.

Transpo's eligibility materials do not ask about the purpose of or reasons for travel. In reviewing certification letters, team members found no trip purpose-based determinations. During interviews, the Access Scheduler and management confirmed that Transpo does not restrict or limit trips based on purpose, nor do they prioritize the handling of certain trips.

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, deficiencies were found with the requirements that ADA paratransit service be provided during the same hours and days as fixed route service.

At the time of the review, published hours of service for ADA complementary paratransit service did not match Transpo fixed route service hours on Saturday mornings. The Passenger Handbook states that the Access service hours are "comparable" to the fixed route bus service.

The review team compared Transpo ADA paratransit service hours as advertised to the public with the start and end times for each fixed route bus route. Transpo does not operate any service on Sundays. The table below identifies a bus route that begins before the advertised paratransit service hours (marked in yellow).

Access Service Hours Vs. Start and End Times for Fixed Route Bus Service

	Monday –Thursday		Friday		Saturday	
	Start	End	Start	End	Start	End
TranspoAccess Service Hours	5:10 a.m.	10:15 p.m.	5:10 a.m.	10:15 p.m.	6:30 a.m.	10:15 p.m.

Bus Route	Monday –Thursday		Friday		Saturday	
	Start	End	Start	End	Start	End
1	5:20 a.m.	10:07 p.m.	5:20 a.m.	10:07 a.m.	7:20 a.m.	6:12 p.m.
3a	6:18 a.m.	10:07 p.m.	6:18 a.m.	10:07 p.m.	7:18 a.m.	7:10 p.m.
3b	5:45 a.m.	6:35 p.m.	5:45 a.m.	6:35 p.m.	No Saturday Service	
4	5:35 a.m.	10:00 p.m.	5:35 a.m.	10:00 p.m.	6:40 a.m.	6:20 p.m.
6	5:50 a.m.	9:57 p.m.	5:50 a.m.	9:57 p.m.	7:20 a.m.	6:09 p.m.
7	5:40 a.m.	10:10 p.m.	5:40 a.m.	10:10 p.m.	6:20 a.m.	6:18 p.m.
8	5:50 a.m.	9:57 p.m.	5:50 a.m.	9:57 p.m.	7:20 a.m.	6:11 p.m.
9	5:20 a.m.	10:00 p.m.	5:20 a.m.	10:00 p.m.	7:20 a.m.	6:38 p.m.
10	5:27 a.m.	9:50 p.m.	5:27 a.m.	9:50 p.m.	6:40 a.m.	6:15 p.m.
11	6:15 a.m.	10:00 p.m.	6:15 a.m.	10:00 p.m.	7:20 a.m.	6:37 p.m.
12	6:10 a.m.	7:14 p.m.	6:10 a.m.	7:14 p.m.	No Saturday Service	
12/14					7:40 a.m.	6:30 p.m.
13	5:20 a.m.	10:10 p.m.	5:20 a.m.	10:10 p.m.	8:20 a.m.	6:35 p.m.
14	5:40 a.m.	7:15 p.m.	5:40 a.m.	7:15 p.m.	No Saturday Service	
15a	6:45 a.m.	9:37 p.m.	6:45 a.m.	9:37 p.m.	8:45 a.m.	6:37 p.m.
15b	6:15 a.m.	9:10 p.m.	6:15 a.m.	9:10 p.m.	9:15 a.m.	6:10 p.m.

Corrective Action Plan and Schedule: Transpo must immediately begin providing ADA paratransit service to or from points within $\frac{3}{4}$ mile of Route 7 beginning at 6:20 a.m. on Saturdays, and within 60 days of the issuance of the final report provide to FTA for review:

- written policy and procedure for reviewing and updating ADA paratransit service hours to ensure comparability with fixed route service whenever schedules change;
- printouts of updated paratransit scheduling system parameters (if achievable) demonstrating that Access service hours are comparable to fixed route service; and
- revised public information materials reflecting comparability of service hours.

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.

Discussion: During this compliance review, deficiencies were found with capacity constraint requirements.

The review team identified a number of operational patterns or practices appearing to restrict access to Transpo's ADA paratransit service and potentially limit service availability:

- Transpo has not established operational policies, procedures, and service standards to identify, document, manage and report on capacity denials, missed trips, late pick-ups or drop-offs, or overly long trips.
- Data derived from independent analysis by members of the review team suggests the presence of practices, policies, or procedures that significantly limit service availability.

Further discussion of these issues and specific corrective actions can be found in the following sections.

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

- a written plan of action and implementation schedule showing steps Transpo will take to eliminate capacity denials, provide on-time service, and promote effective tracking, monitoring and oversight of ADA complementary paratransit service;
- written policies, procedures, and performance standards for provision of service, including (as previously cited) capacity denials; missed trips; on-time performance, including late pick-ups or drop-offs; and overly long trips, including provisions for tracking, monitoring and reporting each of these; and
- public information materials, including agency outreach materials, explaining new or revised policies, procedures, and terms of service.

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.

The review team observed no evidence of practices or policies which restrict the number of trips an eligible individual is provided. Team members listened to customers' trip requests, reviewed the scheduling of those requests, and tracked trip requests through the reservation and scheduling process to the final trip manifest and computer record. During the reviewers' observations of the reservations process, it was also noted that most customers scheduled several trips on one phone call. Riders were also able to make advance trip reservations up to 14 days ahead. Transpo's Passenger Handbook and website do not state any limits on individuals' use of the service, or mention the subject. The review team found no policy, formal or informal, limiting or capping the number of trips an individual may take and no indications of such restrictions.

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.²

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.

Transpo management and the Access Scheduler informed the reviewers that Transpo does not use wait lists for access to the service. Observation of the telephone reservations process over a period of several days showed no evidence that waiting lists are used.

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, deficiencies were found with the on-time performance requirements.

Based on the data and documentation provided by Transpo and observations made by reviewers, it was determined that Transpo has no written performance standard for on-time performance, either for drop-offs or pickups. Transpo considers on-time pickups to be within the pickup window (+/- 15 minutes) or earlier. Transpo personnel stated that while it is allowable for drivers to arrive earlier than the pick-up window if their schedule allows, passengers are not obligated or pressured to board the vehicle before the pick-up window time range. While observing dispatch activities over a three-day period, reviewers noted several times that drivers arriving early were instructed to wait for the pick-up window to go into effect.

Using data submitted by Transpo, reviewers calculated monthly on-time performance for the six-month period May through October 2014 at approximately 78 to 85 percent when early pickups

² 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.

are included. When only pickups arriving exactly within the +/- 15 minute window are included, on-time performance rates range between 57 and 63 percent:

TranspoADA Paratransit On-Time Performance by Month
May 2014 - October 2014
 (Based on data provided by Transpo)

	Total Trips Provided	Within 15 Min. Before Negotiated Pickup Time (Within Window)		Within 15 Min. After Negotiated Pickup Time (Within Window)		Total	% on Time (Within Window)
May	5,124	1,796	35.05%	1,349	26.33%	3,145	61%
June	4,834	1,713	35.44%	1,258	26.02%	2,971	61%
July	4,889	1,754	35.88%	1,350	27.61%	3,104	63%
Aug.	4,694	1,502	32.00%	1,289	27.46%	2,791	59%
Sept.	5,037	1,693	33.61%	1,425	28.29%	3,118	62%
Oct.	5,811	1,801	30.99%	1,493	25.69%	3,294	57%

	EARLY - More Than 15 Minutes Before Negotiated Pickup Time		LATE - More Than 15 Minutes After Negotiated Pickup Time		Total Trips Before and After the Pickup Window	
May	1,243	24.26%	736	14.36%	1,979	39%
June	1,150	23.79%	713	14.75%	1,863	39%
July	1,114	22.79%	671	13.72%	1,785	37%
Aug.	1,051	22.39%	852	18.15%	1,903	41%
Sept.	1,126	22.35%	793	15.74%	1,919	38%
Oct.	1,193	20.53%	1,309	22.53%	2,502	43%

Transpo does not further analyze its on-time performance data, for example indicating numbers of pickups made more than 15, 30, or 45 minutes late.

Using driver manifests, the team collected a base sample of 40 randomly selected trips from March to August 2014 for independent analysis of Access' on-time performance. The sample included individuals using wheelchairs as well as ambulatory riders, and travel within and between South Bend and Mishawaka, covering all of Transpo's service area. This analysis

showed that for trips requested by pickup time, vehicles picked up the customer within the 15-minute arrival window 61 percent of the time; when early pickups (occurring before the beginning of the window) were included, 82 percent of trips were on time. Of the seven instances where an appointment time was specified, the vehicle arrived at its destination more than 30 minutes late once (14 percent of the time).

**Transpo: On-Time Performance
Results of Sample Manifest Reviews**

On-time Performance – Pickups		
	P/U	P/U %
Total Trips in Sample	33	100%
In window (-15/+15)	20	61%
Early	7	21%
Late	5	15%
16-30 Minutes Late	1	3%
1-15 Minutes Late	4	12%

On-time Performance –Appointments (Drop-Offs)		
	D/O	D/O %
Total Trips in Sample	7	100%
Late	1	14%

Among the sampled trips, analysis indicated that most Access customers were picked up within Transpo's pickup window. Seven of the sampled trips (21 percent) resulted in pickups that were between one to 15 minutes earlier than the start of the pickup window. Reviewers noted that individuals using wheelchairs and ambulatory riders experienced approximately the same level of on-time performance.

Transpo relies on drivers to record accurate pickup and drop-off times on manifests. At the end of each day, manifests are handed in to the Access Scheduler who is responsible for reviewing them for errors and reconciling the data before they are archived. Cancelled trips and trips in which drivers were changed are entered into ParaPlan. The Access Scheduler also double-checks the manifest to see which riders were accompanied by a personal care attendant.

Once this task is completed, the manifests are given to the front desk receptionist / staff archiver who manually enters the manifest information into ParaPlan. The entries are reviewed by the Access Scheduler and then they are filed. Access service performance statistics are derived from this data.

Corrective Action Plan and Schedule: Within 60 days of the issuance of the final report, Transpo must provide to the FTA for review on-time performance policies, procedures and performance standards document, with effective date, describing Access's performance goal and policy and outlining procedures to be followed in tracking, monitoring and reporting on trips provided.

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, deficiencies were found with the requirements that ADA paratransit service be provided without substantial numbers of trip denials or missed trips.

Transpo stated that it does not track or report on Access capacity trip denials or missed trips, and provided no data regarding either. Based on materials provided by Transpo in response to FTA's initial information request, and interviews, observations, and questions about reports and practices, reviewers did not observe any written policies, procedures, or performance standards in place regarding capacity denials, missed trips, or the handling of eligible trip requests. In addition, Transpo management has not established a program to track, monitor and report on trip denials to enforce staff compliance with regulatory requirements. As a result, Transpo was unable to demonstrate to reviewers that capacity denials and missed trips do not occur on Access.

The following table, using data provided by Transpo, summarizes trips requested and provided for the period January through September 2014. It omits capacity denials and missed trips.

Transpo–Access Ridership Activity January – September 2014 (Based on data provided by Transpo)				
Month	Total Trips Requested	Trips Provided	Early Cancel- lations	No-Shows & Late Cancellations
January	5,943	3,821	1,923	199
February	5,624	4,631	841	152
March	6,033	5,020	859	154
April	5,971	5,019	819	133
May	6,048	5,126	795	127
June	5,733	4,834	779	120
July	5,862	4,889	863	110
August	5,769	4,695	934	140
September	5,867	5,037	740	90

ADA Trip Denials

When questioned, Transpomanagers defined an ADA trip denial as any inability to accommodate (schedule) an ADA-eligible trip request within one hour before or after the requested pickup time. To meet its obligations under the DOT ADA regulations, a transit agency must count the following incidents as ADA trip denials, whether during reservations or scheduling:

- If the next-day ADA paratransit trip cannot be provided at all.
- If the rider *accepts* a pickup time more than one hour before or after the requested time.
- If the rider *refuses* a pickup time more than one hour before or after the requested time.
- If only one leg of a round trip can be reserved and the customer declines to make the trip, *two trips* have been denied. If only one leg of a round trip can be reserved and the customer accepts the trip, *one trip* has been denied.

Reviewers noted that it did not appear that Access staff were recording ADA trip denials when someone accepted or refused a pickup time more than one hour before or after the requested time, when a round trip could not be reserved, or when only one leg of a round trip could be reserved. As previously discussed under *Response Time*, the review team observed a trip request being accommodated outside the mandatory one-hour ADA reservation window. The trip was not recorded as a capacity denial.

Missed Trips

Transpo has no written missed trips goal and does not track or report on missed trips. At the time of the review, all Access personnel indicated that it was not acceptable to miss any scheduled pickup. Staff informed reviewers that the agency’s objective is no missed trips-- to “pick up everyone.” Transpo defines missed trips (“failed trips”) as trips that are cancelled or no-showed after the end of the customer’s pickup window, and thus are not the fault of the customer.

Riders are not penalized for such trips. Reviewers' discussions with the AccessScheduler, drivers and Transpo management confirmed their understanding that if a vehicle does not arrive within the pickup window, the customer has no obligation to wait for the vehicle and must not be assessed a no-show or late cancellation.

As discussed below in Section 6.6, *No-Shows*, review team members examined Access driver manifests for a sample week to determine if missed trips, no-shows, and late cancellations had been properly coded and entered in the system. Reviewers compared the date and time with the pickup window of each trip request. They found that the coding for no-shows and late cancellations was not always appropriate.

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

- written reservations policies and procedures document, with effective date, describing Transpo's zero capacity denials goal and policy and outlining procedures to be followed in receiving, documenting and scheduling all eligible trip requests within one hour before or after the requested time, including requests which potentially could result in a capacity denial if not accommodated;
- revised public information materials documenting the zero capacity denials goal and policy; and
- written policies and procedures for identifying, handling, and documenting missed trips which includes a performance goal of zero missed trips. This missed trips policy should link to the agency's revised no-show/late cancellation policy to prevent or correct the miscoding of missed trips 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 to 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 the requirement that ADA paratransit service be provided without substantial numbers of trips with excessive trip lengths.

Transpo does not have any written performance standards for trip length. Staff was unable to demonstrate that travel time is monitored or analyzed. ParaPlan does not appear to have the capability to produce the reports necessary to track this element.

Standards and Monitoring

In its response to FTA's information request, Transpo stated that the agency does not have any written performance standard for trip length. During the site visit, management confirmed this. They also stated that staff attempts to keep on-board time to a minimum and avoids on-board times that exceed trip lengths comparable to fixed route. Transpo does not appear to monitor or analyze travel time. ParaPlan requires that special reports be created to do this. Reviewers explained the importance of developing standards for and periodically monitoring trip length. Management stated that they are currently working on creating standards and monitoring procedures in order to be in compliance moving forward. It is also the agency's expectation that any new scheduling software will permit routine daily monitoring and reporting of trip lengths. Transpo expects to obtain new scheduling software during 2015.

Excessive Trip Length Analysis

To establish how frequently trips of excessive length occur on Access service, Transpo provided reviewers with a ParaPlan-generated list of trips where the on-board travel time exceeded 60 minutes. This list was based on actual trip performance, so it included both trips where the scheduled and actual travel time exceeded one hour, and trips where delays prolonged trip length. Approximately five to well over six percent of Access trips appear to take longer than an hour (from eight to 20 trips per day out of a daily total of 210 to 225 scheduled trips).

Reviewers noted that most of the time, among the group of Access riders identified as being on board the vehicle for longer than an hour, wheelchair users and individuals who are ambulatory appeared to be evenly distributed. Long travel times often appeared to occur on regularly scheduled trips to/from human service sites such as Logan Industries/Center, particularly for those customers picked up first in the morning or dropped off last in the afternoon.

**Transpo Trips Exceeding 60 Minutes on Vehicle
Five-Month Period May Through September 2014
(Data provided by Transpo)**

	Trips 60+ Mins.	Total Trips Performed	Longer Trips Percentage
May	311	5,124	6.1%
June	298	4,834	6.2%
July	239	4,889	4.9%
August	261	4,695	5.6%
September	330	5,037	6.6%

To determine independently if there was a substantial number of trips with excessive travel times on Transpo Access service, reviewers identified for analysis 12 randomly selected trips of more than 60 minutes in length from a ParaPlan-generated list. Trips were selected from the following dates: May 1, June 3, 19, and 28, July 25 and 28, August 13, September 2 and 8, and October 1, 22, and 31. Each paratransit ride was compared with the estimated travel time necessary to make that trip using fixed route service, plus walk, wait, and (when appropriate) transfer time.

Transpo: Results of Trip Length Comparison May - October 2014			
Trip ID#	Estimated Trip Length in Minutes on Fixed Route	Recorded Trip Length in Minutes on Paratransit	Difference in minutes
1	98	66	-32
2	99	73	-26
3	74	61	-13
4	69	60	-9
5	71	75	4
6	68	74	6
7	62	73	11
8	54	81	27
9	58	87	29
10	57	90	33
11	34	70	36
12	93	148	55

Of the Access trips sampled, 83 percent required two or more connections on the fixed route system to get from the origin to destination. Four of the trips sampled were shorter compared to the fixed route trips, some markedly shorter. Eight trips were longer and five approached or exceeded 30 minutes longer.

Review of customer complaints for the twelve month period November 1, 2013 to October 30, 2014 showed no complaints about lengthy rides on Access service.

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

- written trip length policies and procedures document, with effective date, describing Transpo's goal and policy for establishing comparable time on the vehicle and outlining procedures to be followed in scheduling eligible trip requests to achieve comparable travel times; and
- revised public and agency information materials documenting the trip length goal and policy.

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, deficiencies were 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.

Transpo's present staffing levels, scheduling software, vehicle availability, and absence of written policies and performance standards appear to limit service provision.

Written Performance Standards, Goals, and Policies

Transpo's lack of written standards and policies for its ADA paratransit service negatively impacts service provision in several ways. As discussed earlier, not all aspects of Access service meet DOT ADA regulatory requirements. Nonetheless, nowritten agency policies state the requirements for factors such as response time, capacity denials, on-time performance, etc. and mandate staff compliance. Further, the absence of written performance standards for service provision and eligibility means progress cannot be measured.

Telephone System

Transpo's telephone system has one incoming trunk line dedicated to Access Reservations, Scheduling, Dispatch (for trip status inquiries), and eligibility activities.

Transpo's telephone system itself appears to have sufficient capacity to handle the incoming calls for Access trip requests. During pre-review data assembly, when asked about telephone call-handling performance standards for calls to reservation and dispatch, Transpo stated that it is currently unaware of the capabilities of the phone system in place and what, if any, of these functions are available to track. Transpo does not use an Automatic Call Distributor (ACD) system, or track hold times or busy signals. Although the system appears to possess remote-monitoring and management capabilities, Access managers noted that none of the present staff have received training in how to use these features. Thus, realtime monitoring and remote monitoring by administrators are not being performed.

Transpo provided the following data for call activity to/from the one telephone line with voicemail capability which serves Access reservations, scheduling, dispatch, eligibility, and driver oversight. The unit has one dedicated workstation, plus one additional station planned. Additional lines can be added. The system has overflow capability, meaning that staff elsewhere can log in to answer phones when needed, and calls can be forwarded.

Transpo ADA Paratransit Telephone Activity						
May - October 2014						
	May	June	July	August	September	October
Total Calls Received	1,279	1,232	1,234	1,317	1,359	1,574
Total Calls Made	487	437	405	500	451	546
Total Call Volume	1,766	1,669	1,639	1,817	1,810	2,120
Incoming Calls Abandoned	57	57	63	59	67	76

Total Calls Answered (%)	95.5%	95.4%	94.9%	95.5%	95.1%	95.2%
Average Calls Abandoned (Per Day)	2.5	2.5	2.7	2.6	2.9	3.3

These show an average per weekday of 50 incoming calls on all subjects, with approximately two abandoned calls.

Telephone access did not appear to be a capacity constraint for Transpo. During the pre-review period in November and December 2014, the review team conducted and documented ten calls to the Access reservation unit. Calls were made principally during peak service hours. Based on the sampling, after the prompt, 70 percent of the calls were answered directly. The remainder of the calls wererouted to voice mail. (When queried, Access staff did not know at what queue length the system re-routes calls to voice mail; reviewers estimate this to be set for approximately 35 seconds.)The longest queue time team members observed was 36 seconds, in the afternoon; the average queue time was 21 seconds. Of the ten calls, all were answered in under 60 seconds. Two of the calls were placed on a secondary hold, which occurs when a call is picked up and an individual identifies the reservations unit and asks the caller to please wait. The average queue time for the calls placed on secondary hold was less than ten seconds before being answered by Access staff.

Transpo ADA Pre-Review - Sample Test Calls November and December 2014

	Totals	Total of Hold Times For All Calls That Day (hr:min:sec)	<60 Seconds	Secondary Hold Time (hr:min:sec)	<60 Secondss
Mondays	1	0:00:20	1	0:00:00	0
Tuesdays	1	0:00:15	1	0:00:00	0
Wednesdays	3	0:01:17	3	0:00:02	1
Thursdays	2	0:00:26	2	0:00:00	0
Fridays	3	0:01:12	3	0:00:13	1
Morning	4	0:01:15	4	0:00:13	1
Afternoon	6	0:02:15	6	0:00:02	1
Totals	10	0:03:30	10	0:00:15	2
Average		0:00:21	100.00%	0:00:07	100%
			% 2nd Hold	20.00%	

The review team was able to audit customer calls for reservations, dispatch, and eligibility directly for three days, using a speakerphone. During three days of observations, reviewers saw

only two daytime calls that went into voice mail because the primary line was in use. Both concerned trip requests and the scheduler called the customer back within five minutes.

Staffing

In addition to the General Manager and Assistant General Manager, Transpo's paratransit operations staffing includes ten full-time drivers, one part-time driver, a scheduler, and two road supervisors, one of whom fills in as a paratransit dispatcher after 5 p.m. The road supervisors also review eligibility applications. One individual, the scheduler, performs the duties of reservations agent, scheduler, and dispatcher; eligibility clerk (responding to eligibility information calls, distributing applications, entering and processing eligibility applications and ID cards, and handling the recertification process); and timekeeper (making driver assignments and preparing driver payroll). During this individual's lunch and break times, a receptionist serves as the agency's reservations agent. During interviews, the General Manager stated that it had recently been determined that assigning all these duties to one individual was not realistic and that, as a result, Transpo had recently hired an Access Operations Manager who is assuming responsibility for, among other duties, eligibility activities.

Transpo maintains a regular shift schedule for Access staff. The reservations unit is advertised as being open to the public from 8 a.m. to 5 p.m., Monday through Friday, closed on Saturdays. Access management stated that weekend trip requests could be made via voicemail. Advertised hours for dispatch are 3:30 a.m. to 10:30 p.m., but the unit remains open and staffed during all hours when Transpo service is operating.

Transpo's General Manager stated that he intends to hire two additional Access drivers in 2015, when new vehicles are scheduled to arrive.

Scheduling Software

In October 2008, Transpo installed ParaPlan as its paratransit scheduling and dispatching software. In 2010, the agency upgraded this software. In discussions, agency managers stated that ParaPlan has limited reporting and scheduling capabilities which they believe hamper their ability to assemble more than basic service data or to monitor performance effectively, for example not tracking or analyzing travel time or on-time performance without the creation of special reports. Transpo has obtained funding to enable the replacement of ParaPlan with a more advanced system offering eligibility, reservations and scheduling, dispatch, and agency modules. Management plans to issue procurement documents during the spring of 2015.

Vehicle Fleet / Vehicle Availability

Transpo owns and provides the vehicles for its paratransit service. The present fleet of 14 is composed of body on chassis minibuses, all of which are accessible using lifts. Eight of the 14 vehicles, almost 60 percent, are nine or ten years old. Sixty four percent of the vehicles have exceeded 100,000 miles and some post mileages over 200,000. As noted below in the discussion of the agency's capital and operating budgets in 2012 and 2013, Transpo devoted its entire capital budget for ADA paratransit to replacing Access vehicle engines, transmissions, and lifts. In

interviews, Access drivers expressed concerns about vehicle usability. Transpo uses a Motorola radio communications system. Access operations has its own dedicated channel.

To determine if there are presently sufficient vehicles available to cover scheduled runs, and an adequate supply of spare vehicles, the review team examined Transpo's run structure and daily vehicle availability records. With an aging fleet such as Transpo's, maintaining vehicles in operable condition is a growing concern for the agency. Transpo managers stated that to meet weekday peak pullout, ten vehicles in the morning and afternoon peaks, plus spares, would be needed. This leaves four spare vehicles, not all of which have always been available. At the time of the review, several vehicles were out of service for repairs or preventive maintenance. Reviewers observed that when another van broke down while in service, no replacement was available. Rides had to be shifted to other vehicles and on-time performance system-wide was negatively impacted.

The existing fleet's age and mileage means that Transpo Access can expect breakdowns to increase. Transpo must remain vigilant about repairs and maintenance in order to always cover the number of Access runs required, when at the same time vehicle availability is being reduced by malfunctioning equipment or vehicle breakdowns.

Meeting DOT ADA regulatory response time and performance requirements will require Transpo to acquire additional operable vehicles for Access. Transpo's General Manager and Director of Finance placed orders for new paratransit vehicles in 2014, and stated that the agency intends to expand the fleet in 2015 and begin retiring the oldest vehicles.

Driver Availability

At the time of the review, the Operations Manager stated that Transpo plans for one part-time paratransit and ten full-time drivers, with typically eight to ten drivers on the road. To determine if there was an adequate workforce to cover scheduled runs and sufficient backup on the day of service so that Transpo would not have to resort to covering driver absences using supervisors as emergency drivers, the review team examined six months of records showing driver availability and run coverage.

These records show the number of runs created each day and the runs leaving late or not executed. Very few runs were documented as uncovered between May through October 2014.

Transpo Run Coverage May through October 2014				
Month	# Weeks	Total Runs Assigned	Runs Not Executed	Runs Leaving Late
May	5	260	1	0
June	4	216	0	2
July	5	245	6	1
August	4	207	1	0
September	4	201	1	0

October	5	254	0	1
Totals		1,383	9	4

During this period, four runs left late and nine runs were not executed (the latter includes Monday, July 7, when nine runs were assigned and three were executed, as follows):

**Transpo Run Coverage
Week of: July 7, 2014 to July 12, 2014**

	Number Drivers Available	Number of Runs Assigned	Number of Runs Executed	Late/Covered Runs	Notes
Monday	11	9	3		1 off, 1 personal
Tuesday	11	10	10		1 vacation
Wednesday	11	9	9		1 off, 1 vacation
Thursday	11	10	10		1 vacation
Friday	11	8	8		1 vacation, 1 personal, 1 off
Saturday	2	2	2		

This data suggests that using spare drivers, Transpo has generally been able to cover runs. However, driver interviews indicated that since one Access driver retired in 2014, driver availability has tightened. In addition, if Transpo adds Access vehicles as planned, more drivers will be required. Transpo management indicated that the agency has budgeted to hire two additional drivers in 2015.

Planning; Capital and Operating Budgeting

Operating data shows that Transpo’s paratransit service has experienced slight gains in ridership over the past four years:

- CY2011: 53,533
- CY2012: 52,124
- CY2013: 54,855
- CY2014 through September: 43,070

Reviewers met with Transpo’s General Manager and Director of Finance to discuss the process used to plan and budget for ADA paratransit services each year. In the Transpo budget process, the ADA paratransit budget is determined by projected passenger trips and vehicle productivity. The Finance Director estimates future ridership after reviewing recent ridership levels, then develops estimates for the next year’s operating and capital needs.

Since 2008, reductions in operating funds from the state of Indiana have resulted in decreased operating funds of approximately \$2 million per year. Nonetheless, during the past two years Transpo’s present management has been aggressive in seeking capital funds to update Access

vehicles and equipment, while also significantly increasing the operating budget for ADA paratransit service.

**Transpo - Budget Information
FY 2012 – FY 2015**

		FY 2012	FY 2013	FY 2014	FY 2015
Fixed Route	Operating	\$8,336,653	\$ 8,529,656	\$ 8,815,715	\$ 9,068,759
	Capital	\$ 510,050	\$ 2,559,256	\$ 6,464,876	\$ 6,276,849
ADA Paratransit (Access)	Operating	\$ 890,236	\$ 915,511	\$ 941,685	\$ 1,051,097
	Capital	\$ 56,672	\$ 624,362	\$ 1,469,324	\$ 1,232,370
Total		\$ 9,793,611	\$ 12,628,785	\$ 17,691,600	\$ 17,629,075

In 2012 and 2013, Transpo used its capital funds to replace vehicle engines, transmissions, and lifts. Capital funds for 2014 intended for new vehicles, however, ultimately went unspent. Late in 2014, Transpo learned that although the agency's order had been placed for new vehicles through the state of Indiana vehicle purchase program, the dealership handling the order had not forwarded it to the manufacturer. At the time of the review Transpo was negotiating with peer agencies to obtain vehicles on loan while attempting to place a new, expedited order. In 2015, capital funds will therefore be spent for purchase of new vehicles, but also for software upgrades/replacements and communications equipment.

Reviewers were informed that the Transpo budget includes an 11.6 percent increase in operating funds for FY2015 for Access service. In addition, reviewers confirmed that the agency's planning recognizes the need to upgrade Access technology and communications equipment as well as to add vehicles. The General Manager stated that the agency has committed significant operating and capital resources for 2014-16 to purchase new scheduling software and vehicle communications technologies (automated vehicle locator units and mobile data terminals), add staff and drivers, and update and increase the size of its paratransit fleet, in order to meet DOT ADA regulatory requirements concerning ADA paratransit service provision.

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

- a written plan of action and implementation schedule showing steps Transpo will take to eliminate capacity denials, provide on-time service, and promote effective tracking, monitoring and oversight of ADA complementary paratransit service;
- written procedures for tracking, monitoring and reporting capacity denials, missed trips, on-time performance, and overly long trips; and
- public information materials, including agency outreach materials, explaining new or revised policies, procedures, and terms of service.

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, deficiencies were found with the requirements concerning the provision of subscription trips as part of the ADA paratransit program.

Based on data submitted by Transpo, reviewers calculated Access subscription service levels overall at approximately 64 percent. April 2014 saw the highest percentage of subscription trips at a little over 65 percent. By September 2014, subscription trips decreased roughly three percentage points to a little over 62 percent.

Transpo ADA Paratransit Subscription Trips: April 2014 - September 2014 (Based on data provided by Transpo)			
Month	Total Trips Provided	Total Subscription Trips	% Subscription Trips
April 2014	5,971	3884	65.05%
May 2014	6,046	3858	63.81%
June 2014	5,733	3627	63.27%
July 2014	5,862	3737	63.75%
August 2014	5,769	3661	63.46%
September 2014	5,867	3651	62.23%
Totals	35,248	22,418	63.60%

Using data from sample weeks in August, September, and October 2014, reviewers independently calculated that, depending on the day and the hour of service, the level of subscription service can reach even higher. At the same time, Accessservice appears to be constrained.

Transpo Access Subscription Levels by Hour – Based on Sample Week in August 2014 (data provided by Transpo)									
	Monday			Tuesday			Wednesday		
	Sub Trips	Demand Trips	% Sub	Sub Trips	Demand Trips	% Sub	Sub Trips	Demand Trips	% Sub
5:00 AM	4	0	100%	3	0	100%	4	0	100%
6:00 AM	7	2	78%	0	1	0%	7	2	78%
7:00 AM	6	10	38%	7	8	47%	6	9	40%
8:00 AM	29	1	97%	31	4	89%	29	1	97%
9:00 AM	35	8	81%	33	10	77%	37	12	76%
10:00 AM	8	9	47%	3	12	20%	8	11	42%
11:00 AM	11	3	79%	5	4	56%	11	4	73%
12:00 PM	5	7	42%	1	11	8%	5	9	36%
1:00 PM	0	11	0%	1	9	10%	1	10	9%
2:00 PM	25	10	71%	22	6	79%	25	12	68%
3:00 PM	48	11	81%	50	10	83%	50	14	78%
4:00 PM	3	5	38%	2	7	22%	4	8	33%
5:00 PM	5	3	63%	2	7	22%	5	7	42%
6:00 PM	0	1	0%	0	3	0%	0	0	0%
7:00 PM	1	1	50%	0	2	0%	1	1	50%
8:00 PM	0	0	0%	0	1	0%	0	1	0%
9:00 PM	0	0	0%	0	1	0%	0	1	0%
Total	187	82		160	96		193	102	

	Thursday			Friday		
	Sub Trips	Demand Trips	% sub	Sub Trips	Demand Trips	% sub
5:00 AM	3	0	100%	5	0	100%
6:00 AM	0	2	0%	6	2	75%
7:00 AM	6	8	43%	5	6	45%
8:00 AM	28	3	90%	26	3	90%
9:00 AM	34	12	74%	32	10	76%
10:00 AM	3	11	21%	9	10	47%
11:00 AM	5	7	42%	10	4	71%
12:00 PM	1	14	7%	5	8	38%
1:00 PM	1	10	9%	1	8	11%
2:00 PM	21	9	70%	23	11	68%
3:00 PM	46	12	79%	41	10	80%
4:00 PM	2	6	25%	4	9	31%
5:00 PM	2	6	25%	4	4	50%
6:00 PM	0	1	0%	0	2	0%
7:00 PM	0	1	0%	1	0	100%
8:00 PM	0	1	0%	0	1	0%
9:00 PM	0	2	0%	0	2	0%
Total	152	105		172	90	

Transpo does not appear to have established a formal process for periodic review and rescheduling of existing standing orders.

Corrective Action Plan and Schedule: Within 60 days of the issuance of the final report, Transpo must provide to the FTA for approval the following items:

- a written plan of action and implementation schedule showing steps Transpo will take to reduce the level of standing order trips to below 50 percent of trips provided;
- service provision policies, procedures, and terms of service, including performance standards, provisions for monitoring and reporting subscription service levels, periodic review of existing standing orders and if necessary rescheduling or removal; and
- public information materials, including agency outreach materials, explaining revisions to subscription service policies, procedures, and terms of service.

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, deficiencies were found with the requirements concerning the transit agency’s no-show and late cancel policies.

Transpo’s written policies and public information materials regarding appeals blend eligibility appeals with appeals of service suspensions, and require that appeals be submitted in writing.

Transpo’s written no-show suspension policy considers a trip to be a no-show when the rider cancels less than 60 minutes before the scheduled pickup time (a late cancellation), or when the vehicle arrives within the pickup window, waits five minutes, and the rider still has not arrived (a customer no-show). The policy lists the threshold for and lengths of all proposed service suspensions, and considers frequency of travel in making suspension decisions. Transpo calculates customer No Shows on a 30-day basis and penalties are based on percentage of no-shows compared to total rides scheduled. Discipline is progressive during a calendar year. At seven percent rider no-shows in a 30 day period, a warning letter will be issued; at 10 percent no-shows in a 30 day period, a second warning letter will be issued; at 12 percent no-shows in a 30 day period, the rider is in violation of the Transpo Access no-show policy. For the first violation of the no-show policy in a calendar year, the rider will be suspended for seven days. A second violation during a calendar year results in a 14-day suspension; additional violations during a calendar year trigger 30-day suspensions.

Staff informed the review team that the service suspension policy has not been enforced for two years. Reviewers also observed that it is Transpo’s practice to reverse any no-show disputed by a customer. Nonetheless, information provided to riders does not state explicitly that customers will not be penalized for no-shows that are beyond the customer’s control. Policies and information materials regarding appeals of service suspensions do not make clear that appeals need not be in writing, and that the individual has the right to attend the appeal hearing, but that attendance is not required.

Reviewers observed that Transpo attempts to accommodate riders when a no-show occurs. When a vehicle arrives and the customer is not ready, or not at the pickup point, Transpo’s practice is to provide a return vehicle whenever possible. Dispatch attempts to route the next available vehicle to pick up the customer, and informs the rider as to how long the wait will be.

Transpotabulates no-shows and late cancellations based on handwritten dispatch logs and driver manifests, which reviewers found to be not always correct or internally consistent. This internal process for tabulating and analyzing no-show data is unwritten.

Transpo No-Show/Late Cancel Activity						
April - September 2014						
(Based on data provided by Transpo)						
	Apr 2014	May 2014	Jun 2014	Jul 2014	Aug 2014	Sep 2014
Total Trips Provided	5,019	5,124	4,834	4,889	4,695	5,037
No-Shows	67	61	51	53	79	51
Late Cancellations	66	66	69	57	61	39

To assess the accuracy of the agency's no-show designations, the review team inspected driver manifests provided by Transpo. Because of the large number of seemingly incorrect designations identified at the onset, reviewers decided to enlarge the sample size. Ultimately a total of 86 no-show/late cancellation designations for October 2014 were examined.

Initially, the review team found that of the 86 trips analyzed, 22 trips (26 percent) were classified incorrectly. Reviewers identified:

- 17 occasions when the vehicle arrived after the pickup window;
- Three trips where an arrival time had not been recorded on the driver manifest; and
- Two trips that needed further investigation to make a determination.

Further analysis indicated that the driver did not meet the wait time requirement of five minutes for three trips. This reduced the total trips classified correctly to 61 trips, increasing the percentage of trips coded incorrectly to 29 percent—approaching one in three trips coded.

Transpo Access Trips Coded as No-Shows: Review of Data and Documentation October 2014

No-show description	Ttl	%	W/I Pick Up Window	%	Arrived >30 Minutes after Negotiated Time	%	Arrived >30 Minutes before Negotiated Time	%	Classified Correctly	%	Wait Time Req't Met	%
Cancel at door	22	26%	12	20%	3	13%	0	0%	17	27%	10	13%
Cancel late	12	14%	1	2%	0	0%	0	0%	12	19%	0	0%
No show	52	60%	32	53%	6	25%	0	0%	35	55%	28	37%

Not applicable ³	0	0%	15	25%	15	63%	15	100%	0	0%	38	50%
Total	86	100%	60	100%	24	100%	15	100%	64	100%	76	100%
%	100%		63%		13%		0%		74%		94%	

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

- revised no-show/late cancellation and service suspension policy/ies, including the suspension appeal process, separating these from the eligibility appeals process, also to include a process for communicating with riders concerning no-shows, list the threshold for and lengths of all proposed suspensions, consider frequency of travel in making suspension decisions, and remove requirements for written appeals;
- internal tracking and reporting procedure for no-shows, to include tabulation of frequency of travel and to prevent or correct the miscoding of missed trips as customer no-shows; and
- revised templates for no-show letters and copies of updated written and electronic public information materials reflecting these changes. Wording must be consistent among all documents and website information.

6.7 Complaint Resolution and Compliance Information

Requirements: Under §27.13(b), the transit agency must have administrative procedures in place that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints. Under §27.121(b), the transit 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

Discussion: During this compliance review, no deficiencies were found with the requirement to resolve complaints promptly and equitably and keep summaries and records of complaints on file.

Transpo's Marketing Department is responsible for customer service, which includes receiving and handling customer comments, whether these are complaints, commendations, or service reports. Transpo offers several ways for passengers to report service concerns. Managers stated that fixed route and paratransit comments, commendations, and complaints can be filed using the following:

- with customer service staff by phone;
- in person at the South Street Station transit center;
- by using either of the two service comment forms found on different pages within the agency website;
- by email to businfo@sbtranspo.com; or

³ The trip classification nullifies the data category. For example, a ride cancelled early enough for the driver to avoid going to the location will not typically list an arrival time.

- in letter form.

Management reviews complaints and the Access monthly service reports, which are submitted to the Transpo Board, include customer comments. Transpo has established written procedures and standards for customer comment intake, documentation, distribution, investigation, and response for both fixed route and ADA paratransit service. For complaints not submitted via website under the headings “Contact Us” or “Customer Service – Report an Incident,” staff enters the report in the agency’s database for tracking and forwards the complaint to the appropriate office for processing. Safety-related complaints must be investigated immediately by supervisors. Service complaints must be cleared with a written response within seven days of receipt. Managers stated that fixed-route and Access complaints are retained indefinitely, thereby meeting regulatory requirements.

Transpo provided the review team with copies of all ADA paratransit-related complaints received and documented by the agency for the 12-month period November 2013 through October 2014. As shown in the following summary, these totaled 16, of which eight concerned allegations of careless driving.

ADA Paratransit Complaint Issues for: Transpo

November 2013 through October 2014

Subject	# Complaints	%
Driver Performance Issues:	13	81.3%
1 –Incorrect drop-off location	2	12.50%
2 - Injury deboarding	0	0.00%
3 –Failure to assist	1	6.25%
4 - Not familiar with area/ procedures	0	0.00%
5 - On cell phone while driving	0	0.00%
6 - Arrived early and did not wait	0	0.00%
7 - Wrong address or location	0	0.00%
8 –Vehicle idling or blocking entrance	2	12.50%
9 - Careless driving	8	50.0%
10 - Other vehicle operator issues	0	0.00%
Ride Issues:	2	12.50%
11 - Early / Late Pickup	2	12.50%
12 - Early / Late Drop Off	0	0.00%
13 - Long on-board travel time	0	0.00%
Agency:	0	0.0%
14 - Policy complaint	0	0.00%
Customer Service:	0	0.0%
15 - Rude reservationist	0	0.00%
16 - Rude dispatcher	0	0.00%
17 - Reservationist error	0	0.00%
18 - Incorrect determination of no-show	0	0.00%
19 - Missed trip	0	0.00%
Telephones / Vehicle	1	6.25%
20 - Telephone access	1	6.25%
21 – Vehicle	0	0.00%
Reservations/Scheduling:	0	0.0%
22 - Confusion regarding destination	0	0.00%
Other	0	0.0%
23 – Other	0	0.00%
Total	16	100%

One complainant reported being unable to reach the Access Scheduler by phone and two reported late pick-ups. No complaints concerned no-shows or overly long travel times. The Transpo complaint file documented that the Access customer who complained about telephone access was advised to use the voice mail function.

During preparations for the review, team members' interviews with stakeholders asked participants if they had filed verbal or written service complaints about Access service with Transpo. Parents of customers mentioned leaving complaints on voice mail, apparently on the general number used for reservations and dispatch. While onsite, when this line was already in use, team members overheard riders using voice mail to query or report late vehicle arrivals in real time. The dispatcher was observed to take action as a result of the call, radioing the driver for a status report, but did not phone the caller back.

During the review, team members discussed stakeholder and user feedback and concerns with Transpo's administration. Transpo's General Manager responded that in researching a parent's reports of filing unacknowledged, unanswered Access service complaints, they had identified a serious malfunction in the agency's website design which had been in place since its introduction six or seven months previously. They identified the problem when as a test, managers attempted to file comments themselves, using the website. After being entered, the comments vanished. Transpo management took immediate action, requiring the designer to acknowledge and correct the error within 24 hours at no cost to Transpo. Transpo now tests the website complaint form daily. Transpo provided documentation supporting the timing, identification and resolution of this problem and during the review, team members observed daily website testing.

In examining Transpo's ADA paratransit complaint records onsite, the reviewers identified two service reports filed by this parent. A complaint filed December 1, 2013 stated that a driver did not assist her daughter with the seat belt. On January 15, 2014 she reported that her daughter's morning pick-up was one hour late. The records indicate that both complaints were filed using email. Documentation in the file shows that the driver was counseled regarding the responsibility to assist passengers with seat belts when requested; the very late pick-up was attributed to delays caused by extreme weather and resulting no-shows.

While requirements to respond to complainants are not included in the DOT ADA regulations, it is a common and effective practice for a transit provider to respond to complainants and for transit providers to investigate allegations to ensure that all DOT ADA requirements are being met. Transpo's on-line complaint form includes a question, *Would you like a representative to contact you?* Transpo managers said the agency's policy is to provide a written response whenever requested. In addition, as a precautionary measure, whenever a customer comment is filed using the website, the system now generates an automated response informing the user that the complaint has been received and logged. The system then auto-distributes two copies of the comment via email to the Marketing Department, General Manager, and Deputy General Manager.

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, deficiencies were found with regard to nondiscrimination requirements.

To ensure that Transpo's provision of transportation to people with disabilities is not denied or limited based on disability, review team members examined the Access Passenger Handbook, website, and other service information. These materials were compared with service and eligibility data and information gathered during onsite observations, meetings, and interviews.

Reviewers noted that Transpo Access printed information and website policies and procedures require that wheelchairs be "in safe operating condition" and require that mobility aids be equipped with footrests and operable brakes. "Safe operating condition" is subjective, as the DOT ADA regulations contain no standards against which it can be measured, and there are no provisions requiring that wheelchairs be equipped with footrests, brakes, or other equipment. No evidence suggested that persons with disabilities were being steered to alternate transportation services during eligibility or reservations, and there were no indications that eligible riders were being required to be accompanied by an attendant.

Corrective Action Plan and Schedule: Within 60 days of the issuance of the final report, Transpo must provide to the FTA for review copies of revised public information materials demonstrating that requirements regarding mobility aid condition and equipment have been removed.

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 training requirements.

Transpo's 11 Access drivers are all Transpo employees, trained by agency managers. Current Transpo training standards stipulate that training shall be to proficiency. The review team observed that the Access driver training program's content and materials were comprehensive, up to date and appeared to meet DOT ADA regulatory requirements regarding proficiency, appropriateness to assigned duties, and respectful treatment of individuals with disabilities. Reviewers verified that despite the incorrect public information materials discussed above in Section 6.8 *Nondiscrimination*, Transpo Access driver training manuals did not contain outdated references to wheelchair weights or dimensions, incorrect service animal concepts, or invalid references to wheelchairs in "operable condition".

Transpo's Access driver training includes a minimum of 40 hours of classroom training, followed by 40 hours of accompanied in-service training with a seasoned driver (cadet training). Reviewers verified that Transpo documents each individual's successful completion of driver training and all refresher training. Training records confirmed that training was conducted to proficiency, with instructional units being repeated or extended until the student demonstrates mastery. The agency's classroom and behind the wheel instruction for paratransit drivers includes disability awareness, sensitivity and communication; passenger assistance techniques and securing mobility devices; effective passenger service; defensive driving; vehicle, radio and communications specifics; Transpo Access operating rules; and accident prevention and safety. Ongoing operator training includes one hour per month (12 hours per year) of safety training; post-accident training (up to four hours as needed); refresher training in response to complaints or whenever new equipment or technology is introduced; and remedial training conducted on an as-needed basis for drivers who present safety, accident prevention, or passenger relations issues.

In addition to the Transpo training manager, reviewers interviewed three Access drivers. Using a standard set of questions, drivers were interviewed in private as they finished their runs or went on break. Three questions directly concerned training and vehicle condition; others asked about schedules and dispatch support, and verified driver understanding of Transpo policies and procedures implementing DOT ADA regulatory requirements.

Reviewers observed the following:

- All drivers commented that vehicle operability is a concern. The fleet is aging (some vehicles have over 200,000 miles). Maintenance works hard to keep the vehicles operational.
- When asked if and how often they ran late (outside the on-time window), drivers said that it happens too often.
- Drivers responded that schedules are too tight. They considered that scheduling is not realistic in terms of vehicle availability, how the rides are batched and the requirement to arrive within the window. The dispatcher is supportive, moving rides when someone is running late. Drivers commented that schedules, particularly afternoon schedules, were difficult.
- All drivers reported difficulties in making timely pickups at Logan Industries/Center, where the driveway is clogged with vehicles at dismissal time. "There is not enough room for all the vehicles picking people up."
- All drivers demonstrated understanding of the procedures to follow when a rider seems to be a no-show.
- When asked about their understanding of the pickup window, drivers noted that customers do not seem to understand it, and that Logan Industries/Center staff also seem unaware of how the pickup window works.
- Two drivers stated that they receive refresher training.

Two of the drivers interviewed have been with the company for ten years or more. The third driver interviewed is a new hire. One stated that having sufficient drivers on hand to cover tours is an issue, especially since a longtime operator retired earlier in 2014.

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: This provision is not applicable to Transpo. Transpo owns its ADA paratransit vehicles, and maintains this fleet using Transpo personnel. All drivers are Transpo employees. Reservations, scheduling, dispatch, training, eligibility, and customer service functions are performed exclusively by Transpo staff and managers. No service is contracted.

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 Transpo. No other public entities provide service on behalf of Transpo's ADA complementary paratransit service.

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 the transit agency's efforts to coordinate service with other fixed route operators with overlapping or contiguous service areas or jurisdictions.

The review team examined Transpo's website and published materials, interviewed agency management and staff, and learned that the agency is authorized to provide public transportation only within St. Joseph County. Nonetheless, regional coordination appears to take place on a daily basis. At its South Street downtown transportation center, Transpo's fixed route and Access ADA paratransit systems offer riders opportunities to connect to the Elkhart, IN public transit system, which operates in the adjoining county.

Reviewers noted that moving to another transit system is not formally coordinated, does not feature through-service or through-ticketing, and does not involve accompanied transfers or hand-to-hand service. Riders desiring to transfer to another system are responsible for making reservations with each system, if a reservation is required, and pay fares separately for trips on each system.

Summary Table of Compliance Review Findings

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
6.1 Comparable Paratransit Service						
1	Comparable paratransit service	37.121	ND			
6.2 Paratransit Eligibility Process						
2	Absence of administrative burden	37.125 & 37.5	ND			
3	Paratransit eligibility standards	37.123 (e)(1)-(3)	D	Deficiencies were found with the requirements related to the paratransit eligibility process. Transpo's application form does not allow staff to make sound eligibility determinations. Transpo has not established written standards, policies and procedures for the processing, review, documentation, and reporting of eligibility applications.	Provide to the FTA for review: <ul style="list-style-type: none"> written eligibility and eligibility appeals policies and processes, including performance standards and tracking and reporting activities; and a revised ADA paratransit application which can be used to ascertain the functional abilities of individuals with intellectual, cognitive, mobility, vision, mental health and other disabilities. 	Within 60 days of the issuance of the final report.

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
4	Accessible information	37.125(b)	D	Deficiencies were found with how Transpo communicates the availability of materials in accessible formats to applicants and potential applicants. Transpo does not offer its service information and eligibility materials in accessible formats upon request.	Provide to the FTA for review revised materials that offer all information related to ADA paratransit eligibility and the eligibility determination process, and fixed route and ADA paratransit service information, in accessible formats upon request.	Within 60 days of the issuance of the final report.
5	Eligibility determinations within 21 days	37.125(c)	ND			
6	Written eligibility determinations including specific reasons for denials or temporary or conditional	37.125(d) (e)	D	Deficiencies were found with how the transit agency communicates eligibility determinations. Eligibility determination letters that found applicants ineligible or temporarily eligible do not provide sufficiently detailed descriptions or reasons for decision.	<ul style="list-style-type: none"> Provide to the FTA for review revised certification letters and templates which include specific reasons for determinations of ineligibility, temporary or conditional 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 Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
8	Administrative appeals process for denials and conditional eligibility	37.125(g)	D	Deficiencies were found with the requirements for the administrative appeals process for eligibility. Transpo's written policy and public information materials require that appeals be submitted in writing. In addition, Transpo combines appeals for service suspensions and eligibility determinations in a single policy.	Provide to the FTA for review: <ul style="list-style-type: none"> • revised eligibility appeals policy and process, separating these appeals from appeals of service suspensions and also covering eligibility appeals reporting, tracking and monitoring activities. The process must include separation of functions in the handling of an appeal and must not require appellants to make written appeals or be present at their hearings; and • revised public information, eligibility materials, denial, temporary and conditional determination letters that provide consistent, specific information about Transpo's administrative appeals process and individuals' right to appeal decisions regarding eligibility. 	Within 60 days of the issuance of the final report.
9	Complementary paratransit for visitors	37.127	ND			

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
6.3 Types of Service						
10	Types of service	37.129	ND			
6.4 Service Criteria for Complementary Paratransit						
11	Service area	37.131(a)	ND			

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
12	Response time	37.131(b)	D	Deficiencies were found with the response time requirement. At the time of the review, Transpo did not comply with the regulatory requirement to accept and schedule all eligible ADA paratransit trip requests within one hour before or after the time requested.	<p>Transpo must immediately comply with the regulatory requirement to accept and schedule all eligible ADA paratransit trip requests within one hour before or after the time requested and must cease scheduling eligible trips outside the DOT ADA-mandated one-hour window. Compliance with this requirement must be documented daily.</p> <p>Provide to the FTA for review:</p> <ul style="list-style-type: none"> • a written plan of action and implementation schedule showing steps Transpo will take to eliminate capacity denials and accommodate all eligible trip requests including day-before trip requests made on Sundays or holidays; provide on-time service; and achieve effective tracking, monitoring and oversight of ADA complementary paratransit reservations, scheduling, and provision of transportation; 	<p>Immediately</p> <p>Within 60 days of the issuance of the final report.</p>

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
					<ul style="list-style-type: none"> • written policies, procedures, and performance standards for provision of service, including (as previously cited) capacity denials, including provisions for tracking, monitoring and reporting each of these; and • public information materials, including agency outreach materials, explaining new or revised policies, procedures, and terms of service. 	
13	Fares	37.131(c)	ND			
14	No trip purpose restrictions	37.131(d)	ND			

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
15	Hours and days of service	37.131(e)	D	Deficiencies were found with the requirements for hours and days of service. At the time of the review, published hours of service for ADA complementary paratransit service did not match Transpo fixed route service hours on Saturday mornings.	<p>Provide ADA paratransit service beginning at 6:20 a.m. on Saturdaysto/from points within ¾ mile of Route 7.</p> <p>Provide to the FTA for review:</p> <ul style="list-style-type: none"> • written policy and procedure for reviewing and updating ADA paratransit service hours to ensure comparability with fixed route service whenever schedules change; • printouts of updated scheduling software parameters (if achievable) demonstrating that Access service hours are comparable to fixed route service; and • revised public information materials reflecting comparable service hours. 	<p>Immediately</p> <p>Within 60 days of the issuance of the final report.</p>

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
16	Absence of capacity constraints	37.131(f)	D	<p>Deficiencies were found with capacity constraint requirements. Operational patterns or practices appearing to restrict access to Transpo’s ADA paratransit service and limit service availability include:</p> <ul style="list-style-type: none"> • Transpo has not established operational policies, procedures, and service standards to identify, document, manage and report on capacity denials, missed trips, late pick-ups or drop-offs, or overly long trips. • Data derived from independent analysis by members of the review team suggests the presence of practices, policies, or procedures that significantly limit service availability. 	<p>Provide to the FTA for review:</p> <ul style="list-style-type: none"> • a written plan of action and implementation schedule showing steps Transpo will take to eliminate capacity denials, provide on-time service, and promote effective tracking, monitoring and oversight of ADA complementary paratransit service; • written policies, procedures, and performance standards for provision of service, including (as previously cited) capacity denials; missed trips; on-time performance, including late pick-ups or drop-offs; and overly long trips, including provisions for tracking, monitoring and reporting each of these; and • public information materials, including agency outreach materials, explaining new or revised policies, procedures, and terms of service. 	Within 60 days of the issuance of the final report.
17	No restrictions on the number of trips provided to an individual	37.131(f) (1)	ND			

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
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)	D	Deficiencies were found with the on-time performance requirements. Transpo has no written performance standard for on-time performance, either for drop-offs or pickups.	Provide to the FTA for review on-time performance policies, procedures and performance standards document, with effective date, describing Transpo's performance goal and policy and outlining procedures to be followed in tracking, monitoring and reporting on trips provided.	Within 60 days of the issuance of the final report.

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	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	Deficiencies were found with the requirements that ADA paratransit service be provided without substantial numbers of trip denials or missed trips. Transpo stated that it does not track or report on capacity trip denials or missed trips. Management has not established a program to track, monitor and report on trip denials to enforce staff compliance with regulatory requirements.	Provide to the FTA for review: <ul style="list-style-type: none"> • written reservations policies and procedures document, with effective date, describing Transpo’s zero capacity denials goal and policy and outlining procedures to be followed in receiving, documenting and scheduling all eligible trip requests within one hour before or after the requested time, including requests which potentially could result in a capacity denial if not accommodated; • revised public information materials documenting the zero capacity denials goal and policy; and • written policies and procedures for identifying, handling, and documenting missed trips which includes a performance goal of zero missed trips. This missed trips policy should link to the agency’s revised no-show/late cancellation policy to prevent or correct the miscoding of missed trips as customer no-shows. 	Within 60 days of the issuance of the final report.

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
21	No substantial numbers of trips with excessive trip lengths	37.131(f)(3)(i)(C)	D	Transpo does not have any written performance standards for trip length. Staff was unable to demonstrate that travel time is monitored or analyzed. ParaPlan does not appear to have the capability to produce the reports necessary to track this element.	Provide to the FTA for review: <ul style="list-style-type: none"> • written trip length policies and procedures document, with effective date, describing Transpo’s goal and policy for establishing comparable time on the vehicle and outlining procedures to be followed in scheduling eligible trip requests to achieve comparable travel times; and • revised public and agency information materials documenting the trip length goal and policy. 	Within 60 days of the issuance of the final report.
22	No operational patterns or practices significantly limiting service availability	37.131(f)	D	Transpo’s present staffing levels, scheduling software, vehicle availability, and absence of written policies and performance standards appear to limit service provision.	Provide to the FTA for review: <ul style="list-style-type: none"> • a written plan of action and implementation schedule showing steps Transpo will take to eliminate capacity denials, provide on-time service, and promote effective tracking, monitoring and oversight of ADA complementary paratransit service; • written procedures for tracking, monitoring and reporting capacity denials, missed trips, on-time performance, and overly long trips; and • public information materials, including agency outreach materials, explaining new or revised policies, procedures, and terms of service. 	Within 60 days of the issuance of the final report.

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
6.5 Subscription Service						
23	Subscription Service	37.133	D	Deficiencies were found with the requirements concerning the provision of subscription trips. Reviewers calculated subscription service levels overall at approximately 64 percent.	Provide to the FTA for review: <ul style="list-style-type: none"> • a written plan of action and implementation schedule showing steps Transpo will take to reduce the level of standing order trips to below 50 percent of trips provided; • service provision policies, procedures, and terms of service, including performance standards, provisions for monitoring and reporting subscription service levels, periodic review of existing standing orders and if necessary rescheduling or removal; and • public information materials, including agency outreach materials, explaining revisions to subscription service policies, procedures, and terms of service. 	Within 60 days of the issuance of the final report.

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
6.6 Reasonable Policies for Proposed Service Suspensions for Missing Scheduled Trips and the Right to Appeal						
24	No-show, late cancel and reasonable service suspension & appeal policies	37.125(h) (1)-(3)	D	Deficiencies were found with the requirements concerning the transit agency's no-show and late cancellation policies. Transpo's written policies and public information materials regarding appeals blend eligibility appeals with appeals of service suspensions, and require that appeals be submitted in writing.	Provide to the FTA for review: <ul style="list-style-type: none"> • revised no-show/late cancellation and service suspension policy, including the suspension appeal process, separating this from the eligibility appeals process, also to include a process for communicating with riders concerning no-shows, list the threshold for and lengths of all proposed suspensions, consider frequency of travel in making suspension decisions, and remove requirements for written appeals; • internal tracking and reporting procedure for no-shows, to include tabulation of frequency of travel and to prevent or correct the miscoding of missed trips as customer no-shows; and • revised templates for no-show letters and copies of updated written and electronic public information materials reflecting these changes. Wording must be consistent among all documents and website information. 	Within 60 days of the issuance of the final report.

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
6.7 Complaint Resolution and Compliance Information						
25	Complaint Resolution & Compliance Information	27.13(b) & 27.121	ND			
6.8 Nondiscrimination						
26	Non-discrimination	37.5	ND	Deficiencies were found with regard to nondiscrimination requirements. Reviewers found that Transpo's printed information and website policies and procedures require that wheelchairs be "in safe operating condition" and require that mobility aids be equipped with footrests and operable brakes.	Provide to the FTA for review copies of revised public information materials demonstrating that requirements regarding mobility aid condition and equipment have been removed.	Within 60 days of the issuance of the final report.
6.9 Training Requirements						
27	Training	37.173	ND			
6.10 Service Under Contract with a Private Entity (if applicable)						
28	Service under Contract	37.23	N/A			

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Description of Findings	Suggested Corrective Action	Response Days/ Date
6.11 Service Provided by Another Public Entity (if applicable)						
29	Service provided by another public entity	37.21(b)	N/A			
6.12 Coordination of Service						
30	Coordination of service	27.139(g)	ND			