

FTA

F E D E R A L T R A N S I T A D M I N I S T R A T I O N

Tri-County Metropolitan Transportation
District Of Oregon (TriMet)
Paratransit Compliance Review Report

January 15, 2015

Federal Transit Administration



U.S. Department of Transportation
Federal Transit Administration

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Executive Summary

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

Positive Program Elements

- TriMet maintains a thorough eligibility determination process. Use of the agency's purpose-built assessment center, recently featured in several transit research studies, and provision of 100 percent in-person interviews as part of its eligibility process enable careful, consistent, functionally-based determinations. TriMet's process is also efficient, meeting or exceeding DOT ADA requirements for timely handling. Extensive data-based analysis supports this process, permitting monitoring of consistency in decisions while also contributing to LIFT's long range planning.
- TriMet has established on-time standards for appointment times and pick-up times and regularly meets or exceeds these.
- TriMet's comprehensive program of service data monitoring analyzes and reports to users on each aspect of service provision—vehicle and fuel use, driver performance, on-time performance, and customer satisfaction. This broad-based, daily use of data to enhance the productivity and quality of service also enables management to identify trends or patterns and plan for future service.
- TriMet has a policy of appointing one agency board member to serve on the board of its disability advisory committee, Committee for Accessible Transportation (CAT), it partners with the regional disability community, and engages regional disability service agencies to provide training.

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

Administrative Deficiencies

- Eligibility certification letters do not provide specific reasons for decisions in cases of temporary or conditional eligibility determinations.
- Eligibility certification letters do not consistently provide all required information for determinations of ineligibility, or granting of temporary or conditional eligibility.
- The visitor policy states that visitors may have to undergo a "mobility device evaluation."
- Published hours and days of service ADA complementary paratransit service do not match fixed route service on some bus and light rail routes before 4:30 a.m. or after 2:30 a.m.
- The reservations unit experiences long telephone queue times in the late afternoon.
- The no-show policy does not include reasonable penalties nor consider frequency of use related to suspensions. Information provided to riders is not consistent.

TriMet's ADA Complementary Paratransit Program has the following substantive deficiency that needs to be addressed to bring the program into compliance with 49 CFR Parts 27 and 37:

Substantive Deficiencies

- The eligibility appeals process does not notify appellant of presumptive eligibility or provide service after 30th day when decision is not rendered but the process is completed. TriMet provides no written policy or procedure for the practice of administrative review of eligibility decisions to explain the distinction, if any, between this activity and an eligibility appeal.

1. General Information

This chapter provides basic information concerning this compliance review of Tri-County Metropolitan Transportation District of Oregon (TriMet). Information on TriMet, the review team, and the dates of the review are presented below.

Grant Recipient:	Tri-County Metropolitan Transportation District of Oregon (TriMet)
City/State:	Portland, OR
Grantee Number:	1728
Executive Official:	Neil McFarlane, General Manager
On-site Liaison:	David Trimble, Director, Business Programs
Report Prepared By:	Milligan and Company, LLC
Dates of On-site Visit:	March 17 – 21, 2014
Review Team Members:	Dan Wagner, Sandra Swiacki, Cynthia Lister, Habibatou Atta

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 and 37) include eligibility requirements and service criteria that must be met by ADA complementary paratransit service programs.

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 DOT 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 conducted an independent analysis of sample data. In addition, the review team solicited comments from eligible riders and from local disability organizations.

This report summarizes 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 best practices under the ADA.

4. Introduction to TriMet

Tri-County Metropolitan Transportation District of Oregon (TriMet) of Portland, OR provides public transit services in the Portland metropolitan area, which includes the City of Portland and portions of adjoining Multnomah, Washington, and Clackamas Counties. TriMet provides commuter rail, rapid rail, fixed route bus, and ADA complementary paratransit service. TriMet contracts with Portland and Western Railroad to operate the Westside Express Service (WES) commuter railroad between Beaverton and Wilsonville. It also operates the City of Portland-owned Portland Streetcar system (which is not a TriMet service) under a contract with the City. Approximately 312,000 people live in the TriMet transportation district (service area), which covers about 570 square miles. TriMet is an Oregon municipal corporation created on October 14, 1969 pursuant to Oregon Revised Statutes Chapter 267 to provide transit service in the Portland, OR urbanized area.

TriMet operates 625 buses on 79 routes between the hours of approximately 4 a.m. and 2:30 a.m., seven days a week, with 73 bus routes connecting with MAX light rail service. Buses also serve 17 major transit centers and the Portland Streetcar. One hundred twenty-seven cars provide MAX service on the Blue, Red, Green, and Yellow lines approximately 22 hours a day on weekdays; with slightly fewer on Saturdays and Sundays.

4.1 Introduction to Paratransit Services and Organizational Structure

TriMet's paratransit service is called LIFT. The LIFT service area encompasses 570 square miles, with trips from one edge of the service area to the other potentially involving travel of as much as 57 miles. Service is provided by a fleet of 268 vehicles owned by TriMet and operated directly by First Transit, Inc. under contract to TriMet. In addition, Broadway Cab Company, Inc. and Green Transportation Company, LLC, contract directly with TriMet to supplement First Transit vehicle service with fleets of 242 and 54 vehicles respectively. Both companies offer accessible vehicles. TriMet contracts with Penske to provide vehicle maintenance, which is performed at LIFT's headquarters facility. Under a separate contract, First Transit is responsible for reservations, scheduling, dispatch, and customer service activities, which take place at TriMet LIFT headquarters. During fiscal year 2013, approximately 9,500 eligible passengers were provided with 800,554 one-way LIFT trips.

TriMet contracts with MTM Services, Inc. to conduct functional reviews of ADA paratransit applicants at TriMet's Transit Mobility Center. TriMet also sponsors travel training at this site.

TriMet also serves as the designated coordinator for the region's Medical Transportation Program, providing demand response medical transportation for individuals found eligible for public assistance. This program operates independently of LIFT ADA paratransit and its staff, equipment and facilities are located separately from the ADA paratransit service in another part of the LIFT headquarters building.

TriMet maintains an agency website, www.trimet.org, which provides fixed route schedules and maps, information about fares and service, rider bulletins, etc. The site emphasizes vehicle, facility, and service accessibility; however, information concerning LIFT paratransit service can be difficult to find.

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 deficiencies 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 detail below.

5.1 Scope

The review focused on whether the TriMet LIFT 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 TriMet'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 seeks to ascertain whether service is being provided to eligible individuals within at least the minimum required service area on a next-day basis, during the same hours and days as the fixed-route system, for not more than twice the fixed-route fare for the same trip; whether there are patterns or practices that result in a substantial number of trip limits, trip denials, untimely pickups, and/or trips of excessive length; policies which cause riders to arrive late to appointments; or long telephone hold times, as defined by the transit system's established standards (or typical practices if standards do not exist).

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

- Complaint resolution and compliance information (49 CFR §§ 27.13(b) and 27.121(b))
- Nondiscrimination (49 C.F.R. §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 availability in accessible formats upon request
 - Eligibility decisions made within 21 days or presumptive eligibility granted pending a decision
 - Written notification of all decisions

- All denials or conditional eligibility determinations completed in writing with specific reasons for the decision
- Administrative appeals process for denials and conditional eligibility determinations
- Reasonable policies for suspending service to eligible riders who establish a pattern or practice of missing trips
- Complementary paratransit service for visitors (49 CFR §37.127)
- Types of service (49 CFR § 37.129)
- Service criteria for complementary paratransit (49 CFR §37.131) including:
 - Service area
 - Response time
 - Fares
 - Trip purpose restrictions
 - Hours and days of service
 - Capacity constraints
- Subscription service (49 CFR § 133)
- Training requirements (49 CFR § 173)

5.2 Methodology

FTA's Office of Civil Rights sent a notification letter dated January 1, 2014, to Mr. Neil McFarlane, TriMet's General Manager, confirming the dates of 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:

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

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

- Copies of completed driver manifests for the most recent six-month period
- Service data for the most recent six-month period
- A list of complaints related to capacity issues: trip denials, on-time performance, travel time, and telephone access
- Eligibility data information for the most recent 12-month period
- Work shift assignments for paratransit personnel
- Complementary paratransit fleet roster
- A listing of paratransit employees showing hire and termination dates
- Daily vehicle pull-out records
- Run structure

- Vehicle pre-trip inspection and preventative maintenance forms
- Subscription trips by hour
- Training curricula for each type of complementary paratransit employee
- Procedures for providing information and communication in accessible formats

The on-site review of TriMet's ADA complementary paratransit service took place from March 17 to 21, 2014. The review began with an entrance conference, held at 9 a.m. on Monday, March 17, at TriMet's Transit Mobility Center located at 515 NW Davis Street in Portland. Attending the conference were:

Tri-County Metropolitan Transportation District of Oregon

- Shelly Lomax, Executive Director, Transportation
- David Trimble, Director, Business Programs
- Erik Van Hagen, Deputy General Counsel
- Kathy Miller, Manager, Lift Eligibility
- Allen Morgan, ADA Coordinator
- Susan Florentino, Manager, Lift Service Delivery

Milligan and Company, LLC

- Dan Wagner, Lead Reviewer
- Cynthia Lister, Reviewer
- Sandra Swiacki, Reviewer
- Habibatu Atta, Reviewer

Following the entrance conference, the review team toured the Transit Mobility Center and observed functional reviews in process. Reviewers and other attendees then moved to the Region 1 LIFT Transportation Operations facility located at 2800 NW Nela Street in Portland where they met with TriMet LIFT managers to discuss the information sent in advance, as well as the information and material that was available on site. TriMet policies and procedures were discussed.

For the remainder of the day, the review team worked at Region 1 quarters. They discussed the process in place at TriMet to record and respond to customer complaints. Some members of the review team met with LIFT managers to discuss service area definition and service hours and days. Other members of the review team began peak-hour observations of the trip reservation, scheduling, and dispatching processes. The review team interviewed the head reservations agent and met with reservations agents and schedulers to discuss procedures used to develop the final driver manifest.

On Tuesday, March 18, members of the review team returned to the Transit Mobility Center to discuss the eligibility process with TriMet staff and gather eligibility files to examine. They observed functional reviews being conducted and inspected the computer system and special programs and reports that record and analyze certification activity. Other review team members returned to LIFT headquarters to continue observations of the trip reservation, scheduling, and dispatching processes and meet with the reservations agents and schedulers to discuss agency

policies and procedures used. The head scheduler was interviewed regarding TriMet scheduling policies, procedures and practices.

The review team paid particular attention to policies regarding trip reservations and whether TriMet 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 examined the policies and procedures concerning negotiation of requested trip times.

On Wednesday, March 19, the review team continued its observations of the scheduling and dispatching processes. The review team also examined completed driver manifests as a part of the verification of TriMet's on-time performance and tabulating TriMet LIFT customer comments. Other team members went into the field to interview drivers at each garage, visit the maintenance facility, inspect sample vehicles, and observe the process whereby supplemental taxi providers receive and distribute trip reservations.

On Thursday, March 20, the review team completed driver interviews, continued reviewing eligibility files, and continued examining completed driver manifests as a part of the verification of TriMet's on-time performance. The review team observed dispatch activities and interviewed the head dispatcher regarding dispatching policies and procedures. Reviewers continued examining on-time performance, on-board travel times, and eligibility determination records.

The review team gathered and analyzed the following information:

- Comments from riders and advocates through telephone interviews and a review of comments and complaints on file at FTA and TriMet
- Reservations policies and performance standards
- Service reports prepared by TriMet 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 TriMet staff about the ability to accommodate trip requests

The review team examined fixed route bus and light rail service hours, days, and area as compared with ADA paratransit service days, hours and area, and compared on-board paratransit travel times with those on the fixed route service, with an emphasis on paratransit trips with lengthy travel times. LIFT managers and senior TriMet management were interviewed regarding resources, budgeting, and staffing.

On Friday, March 21, the review team tabulated the various data that had been gathered and prepared for the exit conference.

The exit conference took place at 1 p.m. on Friday, March 21, at TriMet headquarters located at 1800 SW 1st Avenue in Portland. Attending the conference were:

Tri-County Metropolitan Transportation District of Oregon

- Shelly Lomax, Executive Director, Transportation
- David Trimble, Director, Business Programs

- Shelley Devine, General Counsel
- Kathy Miller, Manager, Lift Eligibility
- Allen Morgan, ADA Coordinator
- Susan Florentino, Manager, Lift Service Delivery

Federal Transit Administration (via conference call)

- Jeremy Furrer, Equal Opportunity Specialist
- Christopher MacNeith, Region 10, Civil Rights Officer

Milligan and Company, LLC

- Dan Wagner, Lead Reviewer
- Cynthia Lister, Reviewer
- Sandra Swiacki, Reviewer
- Habibatou Atta, Reviewer

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 TriMet's ADA paratransit system are provided, with corrective actions and a timetable to correct deficiencies for each of the requirements.

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.

Advisory comments detail recommended or suggested changes to policies or practices to ensure best 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 comparable paratransit service.

TriMet LIFT has an eligibility determination process in place. TriMet's eligibility process, which is discussed in more detail in Section 6.2 of this document, is functionally based and appears to feature appropriate standards, training, and separation of function. The manager of LIFT eligibility stated that this process was developed in consultation with the regional disability community and the citizen advisory Committee for Accessible Transportation (CAT). The LIFT ADA complementary paratransit eligibility certification program is based at TriMet's Transit Mobility Center at 515 NW Davis Street, Portland, Oregon. Recently featured in several transit research studies, the center, a functional assessment facility, recreates indoor and outdoor conditions, situations, and equipment that riders will encounter when using TriMet's fixed route transportation. With bus and light rail lines operating immediately outside its doors, the center performs certification activities, functional assessments, and travel training. Center staff also determine whether the individual's mobility device exceeds the capacities of TriMet's vehicles and equipment, offer to mark securement spots on the device, and provide tether straps free of charge if requested.

As of February 28, 2014, there were 23,135 individuals registered for TriMet LIFT service. Approximately 9,500 customers are active with the LIFT Program and eligible to receive LIFT service. TriMet defines an active client as one who has used the service within the past 12 months. During the past 12 months, TriMet's eligibility unit handled a total of 6,308 applications, of which 43 percent (2,715) represented new applicants and 57 percent (3,593),

recertifying riders. Reviewers observed no evidence that staff try to steer applicants to other programs or dissuade individuals from applying for ADA paratransit eligibility.

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.

TriMet does not impose application fees or charge fares for required trips to participate in the eligibility process. This includes travelling to and from eligibility assessments, interviews, or photo centers. As stated in its public information materials, the agency provides LIFT transportation to applicants free of charge to and from eligibility-related interviews and assessments at the TriMet Mobility Center. Reviewers confirmed this practice through examination of eligibility records and trip manifests, interviews with supervisors, and observations of individuals arriving for in-person interviews at the center.

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 that prevents the individual from traveling to a boarding location or from a disembarking location

Discussion: During this compliance review, no deficiencies were found with the requirements related to the paratransit eligibility process.

The following table summarizes TriMet eligibility applications and outcomes during the 12-month period March 2013 – February 2014.

TriMet Eligibility Application Outcomes - March 2013 - February 2014 (12 months)

	Determination								TOTALS	PERCENTAGE OF TOTAL
	UNCONDITIONAL	CONDITIONAL	TEMPORARY	DENIED	UNABLE TO PROCESS (UTP)	WITHDREW	ELIGIBILITY EXPIRED	EXTENDED or TBD		
New Applicants	1,080	499	405	72	613	46	n/a	n/a	2,715	43.0%
<i>New Applicants – Percent</i>	39.8%	18.4%	14.9%	2.7%	22.6%	1.7%	n/a	n/a	100%	
Recertifications	1,055	480	54	23	23	2	1,513	443	3,593	57.0%
<i>Recertifications – Percent</i>	29.4%	13.4%	1.5%	0.6%	0.6%	0.1%	42.1%	12.3%	100%	
Total Applications Handled	2,135	979	459	95	636	48	1,513	443	6,308	
<i>Total Applications - overall percentages</i>	33.8%	15.5%	7.3%	1.5%	10.1%	0.8%	24.0%	7.0%	100%	

TriMet’s LIFT eligibility unit is housed in the agency’s downtown Transit Mobility Center. With the exception of contracted assessment specialists, who perform functional assessments and check mobility equipment, the center is staffed by TriMet employees. Managers and staff use Trapeze’s CERT software module to record, track, and report on all eligibility-related actions in customer files.

TriMet offers unconditional, conditional, and temporary ADA paratransit eligibility. Unconditional is defined as functionally prevented from independently using fixed route services and therefore eligible for LIFT service for all trips. Persons with conditional eligibility have been identified as being functionally prevented from independently using fixed route services under certain conditions for some trips.

Applicants with temporary LIFT eligibility have been determined to be eligible for some or all trips for a disabling health condition that is temporary in nature, with eligibility for a specific period of time based on the condition. LIFT’s application, interview and assessment process considers factors such as path of travel issues, endurance/fatigue, and how adverse weather conditions can impact the effectiveness of assistive devices. This results in individualized determinations reflecting over 20 different conditions and combinations thereof. The process seeks information from designated professionals in assessing applications from individuals with

cognitive or mental health disabilities. Currently LIFT customers who are determined conditionally eligible are asked to manage their use of the service themselves when scheduling trips by not requesting rides for which they know they have not been determined to be eligible. TriMet is considering implementing trip-by-trip eligibility for LIFT service. In that case, TriMet would determine whether or not a trip was eligible based on the rider's conditions of eligibility. During discussions, managers acknowledged that taking this step would lengthen the reservations process.

TriMet determines ADA complementary paratransit eligibility based on a paper application, verification by the applicant's designated professional, an in-person interview (required for all applicants), and one or more functional assessments (required for approximately 50 percent of applicants). Applications can be obtained in person at the Mobility Center, by telephone request, or by downloading a pdf application packet from the Accessibility section of the TriMet website. Mobility Center staff enter all application requests in Trapeze to enable staff to track an application's progress. The center also offers in-person and telephone assistance in completing the application form. Once the application is returned to the Mobility Center, it is reviewed for completeness and the professional verification (PV) of disability form is sent to the applicant's designated professional. Center staff follow up to obtain a completed PV in a timely fashion, sending a second notice if necessary. Assembling all application elements can require one week or several months, depending on the speed of response. Eligibility staff log and date-stamp in each customer's computer file all steps taken to complete certification and any subsequent requests, changes, appeals, or other actions.

When the documentation review is complete, center staff call the applicant to schedule the in-person interview and any functional assessments being performed. The applicant's mobility device may also be weighed and measured at that time, but this is not part of TriMet's ADA paratransit eligibility process and plays no role in eligibility determinations. For the customer's convenience, all these activities will be accomplished at the center during one visit. At the completion of the interview and assessments, an application is considered complete unless additional information or verification is required. TriMet's stated goals are to complete the interview session as soon as possible after scheduling it, and then to issue the determination letter well within the required 21 days.

New and recertification applicants, and those applying for temporary eligibility, use the same application form and undergo the same interview and assessment process. All applications are processed and documented in the same way, following the same time standards.

LIFT staff conduct the in-person interview. Medical Transportation Management (MTM) is the current contractor for functional assessments and mobility aid checks. TriMet uses the Easter Seals Project Action (ESPA) functional assessment modules for physical disabilities and the ESPA Functional Assessment for Cognitive Transit Skills (FACTS) Test, which evaluates whether the applicant has the skills to use fixed route transit independently or under certain conditions. TriMet requires that assessors be qualified allied health or special education professionals including rehabilitation specialists who have also received National Transit Institute (NTI) ADA paratransit eligibility determination training. Assessments take place both inside the Mobility Center and on the street. Assessors must complete the assessment paperwork

and return it to TriMet managers within 48 hours. TriMet then reviews the assessment, makes a determination, and issues a certification letter.

TriMet requires all eligibility staff to undergo NTI ADA paratransit eligibility determination instruction, and to complete periodic in-service and refresher training conducted by local agencies, ESPA, and regional ADA centers. Assessors must have received NTI training and be proficient in administering the ESPA assessment modules for physical and cognitive disabilities.

As part of its on-site review, team members examined LIFT's public information materials and website information, eligibility materials, certification files and records, eligibility program software, and training materials; observed interview, assessment and mobility equipment activities; and interviewed the manager of TriMet's eligibility unit. In addition to analyzing eligibility unit statistics concerning determinations, processing time, and appeals, reviewers analyzed a random sample of 38 completed LIFT eligibility files from the period February 1, 2013, to March 1, 2014, with their respective applications and determinations. As discussed later in this Section, the 38 applicant files included four determinations of unconditional eligibility. Another 12 were found ineligible, 12 were conditionally eligible, and 10 were temporarily eligible.

The volume of LIFT applications, the scope and consistency of interviews and assessments, and the timeliness with which decisions are rendered suggest that the level of staffing for LIFT's eligibility unit is sufficient. Eligibility determinations examined appeared logical and thorough, and without procedural flaws or prohibited administrative burdens. Reviewers noted that individuals who need to travel with a Personal Care Attendant (PCA) were permitted to do so. TriMet's public information about eligibility standards, processes and application and appeal procedures appears consistent with internal documents. Materials such as the "LIFT Eligibility Process Instructions" distributed with the LIFT application, provide customers with a user-friendly overview of the process and enable them to anticipate what it will involve and how much time an in-person interview might take.

Reviewers observed and documented the absence of required elements in TriMet letters communicating eligibility determinations to applicants. See discussion below under Section 6.2, *Written Eligibility Determinations*.

Accessible Information

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

Discussion: During this compliance review, no deficiencies were found with the requirement for accessible information.

Upon request, LIFT will provide materials in large print, audio, computer files, and other languages and formats (such as Braille). Additionally, TriMet LIFT service and eligibility information materials and instructions can be downloaded from the TriMet website. LIFT

utilizes email as well as the regional TTY service to communicate with individuals with hearing loss or who are deaf. LIFT managers told the review team that TriMet uses a language phone line contractor to communicate with non-English speaking LIFT and fixed route customers. TriMet also contracts for on-site language and American Sign Language (ASL) interpretation services. LIFT eligibility staff record any specific accessible format and language interpretation requests in the customer's file in Trapeze. In addition, the eligibility manager informed reviewers that TriMet eligibility staff routinely assist LIFT applicants in completing applications in person or by phone, as requested.

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 for eligibility determinations and presumptive eligibility.

TriMet's certification policies and procedures state that each applicant must receive written notification of eligibility within 21 days of completing the application process. "LIFT Eligibility Process Instructions," enclosed with applications, notify potential applicants that decisions will be rendered within 21 days.

During the on-site visit, the review team examined a random sample of 25 recent eligibility files and certification letters from the period February 1, 2013, to March 1, 2014. The sample included decisions granting conditional or temporary eligibility, and denials. The review of application processing time showed that 21 decisions (88 percent) were made in seven days or less, 24 (96 percent) were made within 21 days, and one decision (four percent) was made in 22 days. For the last application, the decision was made and the applicant was notified by phone on day 22, July 3. Written notification was mailed one business day later on July 5. For this sample, overall TriMet rendered eligibility decisions in an average of 4.8 days. Time to notify averaged 1.6 days. To confirm consistency, the review team compared dates in paper files with dates entered in Trapeze. No discrepancies were found.

Reviewers also examined Mobility Center activity on two sample days. Of the 40 applicants undergoing in-person interviews and functional assessments on March 17 and 18, determinations were made for more than half (59 and 56 percent, respectively) within two days.

Among other reports, TriMet's manager of eligibility maintains a monthly log tracking the average number of days each step entails in the determination process. For the present fiscal year, these data show that to determine LIFT eligibility once the application is complete requires two to five days (the exception being January 2014, when ten days were required). Six to 12

days are spent in application review, scheduling and conducting the in-person interview and any assessments, and adding any missing information. Initiating the process with the application's arrival, pre-review and computer data entry takes two to three days.

To assure compliance with agency policies and DOT ADA regulatory requirements, TriMet eligibility staff, assessors, and managers use Trapeze to log, track, manage, and report on application progress. Assessors are required by contract to complete functional assessment reports within 48 hours. The unit tracks activity on a daily and weekly basis, generating both Master Tracking Reports and Applications Outstanding by Coordinator.

If designated professionals have not responded to two requests to return the professional verification form, TriMet notifies applicants within two weeks that the agency is unable to process their application (UTP). The applicants can designate other professionals, withdraw the application, or confirm that they wish to proceed without professional verification.

Should a determination not be made within 21 days of receipt of a completed application, or if managers have determined that additional information is needed subsequent to an assessment, TriMet's certification letter templates include a sample letter awarding 30 days of presumptive eligibility. With regard to prompt notification, TriMet's stated policy is that eligibility notification must be issued as soon as possible after the determination has been made, preferably within no more than three working days.

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

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

Discussion: During this compliance review, deficiencies were found with the requirement for written eligibility determinations. Based on the data collected, observations made, and information materials, policies, procedures and actions examined during the review, the review team observed in TriMet's written notices of eligibility a consistent absence of specific reasons for temporary or conditional determinations. Reviewers also observed that TriMet does not uniformly and consistently include in written notices of eligibility determination all five required information elements plus an explicit statement of applicant's right to appeal the decision and the right to a hearing.

During the on-site review, team members examined LIFT certification files, documents, and computer records; observed interview, assessment and mobility device evaluation activities; and interviewed the manager of TriMet's eligibility unit. Reviewers analyzed a random sample of 38 TriMet eligibility determination letters from the period February 1, 2013, to March 1, 2014.

Among these 38 letters, four applicants were determined to be unconditionally eligible; 34 were determined to be ineligible, or granted temporary or conditional eligibility, as follows:

Conditional eligibility: 12

- None provided specific reasons for the decision.
- Six provided required basic information about the appeals process.

Temporary eligibility: 10

- None provided specific reasons for the decision.
- Five provided required basic information about the appeals process.

Ineligible: 12

- Six provided specific reasons for the decision.
- Nine provided required basic information about the appeals process.
- Nine provided the ADA paratransit coordinator's phone number.

To promote clarity and uniformity in communicating eligibility decisions, TriMet staff use templates in preparing letters of certification. These sample letters address the various elements that must be included in the text. TriMet provided reviewers copies of its templates for eligibility determination letters. Reviewers noted inconsistencies in the information provided in the 26 letter templates covering outcomes of conditional and temporary eligibility, and ineligibility.

The two denial letter templates provided required specific reasons for the determination, and included the required appeal process information. None of the 24 letter templates for temporary or conditional eligibility provided the specific reasons underlying this decision—why someone was made conditionally eligible, or eligible for a shorter period of time, rather than unconditionally eligible for the full period of eligibility. All the templates contained the other required information elements (names of transit provider and eligible individual; telephone number of paratransit coordinator; expiration date for eligibility; any conditions or limitations on eligibility, including the use of a personal care attendant). Only a few templates included the required basic information regarding the applicant's right to appeal and appeals process.

Corrective Action Plan and Schedule: Within 60 days of the issuance of the final report, TriMet must provide to the FTA for approval revised certification letters and letter templates demonstrating that the following items are included:

- specific reasons for determinations of ineligibility, temporary or conditional eligibility;
- all five required information elements (applicant's name; agency name; telephone number of the agency's paratransit coordinator; expiration date for eligibility; any conditions or limitations on eligibility, including the use of a PCA); and
- information about applicant's right to appeal and right to a hearing

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.

TriMet's eligibility process includes recertification at three-year intervals. Established in May 2010, the LIFT recertification process includes notifying customers by mail 90 days prior to expiration of their eligibility. Follow-up notices are sent 60 days prior to expiration. In-person interviews are required for most recertifying applicants and TriMet managers estimated that approximately one-third of all recertifying clients require additional assessment. In addition, certification letters state that eligible riders who experience any health changes or changes in medical equipment that affect their ability to use public transit have the option of early recertification at any time.

The LIFT recertification program parallels the agency's certification process for new applicants. The application form is the same form used for new applicants, except as noted below. The recordkeeping process used to document actions, issue reminders and track progress is the same. The agency policies and standards for processing the completed application, conducting the in-person interview and any functional assessments, making a determination, and issuing the certification letter in a timely fashion are the same.

The sole exception to a parallel recertification process occurs when handling the recertification of LIFT riders identified as meeting any of the following criteria. On a case by case basis, such individuals may be excluded from the in-person evaluation process for recertification based on verification of diagnosis by their designated health professional:

- a. A rider granted unconditional eligibility who has a cognitive disability-related condition that will not change or improve over time or with the advent of new technology
- b. A rider granted unconditional eligibility who is 85 years of age or greater at the time of the evaluation
- c. A rider granted unconditional eligibility based on a mental health disability substantiated by the professional verification form

For passengers that meet one or more of the criteria above, TriMet's eligibility unit mails applications to these customers with a recommended submission date. The rider need only complete an abbreviated application to update the customer's records.

TriMet completed its initial recertification cycle in the winter of 2013. With the second wave of recertification in 2014, all riders who became eligible during 2010 and thereafter are undergoing recertification. In reviewing LIFT eligibility data for March 2013 through February 2014, reviewers noted that of a total of 6,308 LIFT applications handled, "recerts" accounted for almost six out of 10 (3,593 or 57 percent), and that a majority of riders (73 percent) who

recertified were found unconditionally eligible. As part of the recertification process, TriMet extended eligibility for 443 riders (12 percent) due to their having submitted their applications late. The data also showed that 43 percent of individuals eligible to recertify ultimately let their eligibility expire.

As part of its examination of TriMet LIFT eligibility policies, standards and procedures, public information, and eligibility documents and computer records, the review team inspected a sampling of files for individuals recently undergoing recertification and inspected computer system recordkeeping for these. They observed no differences in the handling of new and recertification applications, with the exception of those customers found eligible for the shorter process described above. Eligibility standards, policies, and procedures appear to be implemented consistently whether the applicant is a new applicant or an eligible rider undergoing recertification. All recertification determinations examined had been issued within 21 days of completion of the in-person interview and any functional assessments.

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. The review team observed that the TriMet entity hearing eligibility appeals did not notify appellant of, and provide, presumptive eligibility on the 31st day when the decision had not been rendered but the appeal process was completed. In addition, information concerning appeals provided to customers is not always complete or consistent.

Process

A TriMet eligibility supervisor receives the requests for appeal of eligibility determinations and logs these into Trapeze. She then advises the appeals panel of the request, coordinates a date and time for a hearing, and notifies the appellant in writing of the date, time and location of the appeal hearing. The eligibility manager stated that departmental policy is that hearings must be scheduled as soon as possible after the request to appeal is received, on the earliest date when the appellant and his or her representatives are able to attend if they so desire. If necessary,

arrangements are made for the individual to receive LIFT transportation to and from the hearing site at no charge. The supervisor documents these actions in the customer's file using Trapeze.

To ensure separation of functions in the handling of an appeal, after the eligibility supervisor schedules the appeal hearing, responsibility for the appeal moves to TriMet's Legal Department. TriMet's deputy chief counsel chairs the LIFT appeals panel. The other two members are the ADA coordinator and a senior operations manager with experience in issues of accessibility. TriMet's "LIFT Paratransit Eligibility Determination Appeal Procedure" states that the appeals panel shall notify appellants of its decision and the reasons for it in writing within 30 days of the date of the completed hearing or process. If no decision is made within 30 days, the individual will be eligible for LIFT service as of the 31st day, until and unless a decision otherwise is rendered by the panel. After the panel completes its hearing process, the appellant and the eligibility unit receive copies of its written decision. Eligibility staff then log the appeal outcome into the customer's file.

Review team members examined appeals documents, files and records. TriMet's eligibility manager provided an analysis of appeal activity for March 2013 through February 2014, as follows:

Appeals Panel	
Decisions Upheld	7
Denials to Unconditional Eligibility	0
Denials to Conditional Eligibility	1
Denials to Temporary Eligibility	1
Conditional to Unconditional Eligibility	0
Conditional with Change in Conditions	0
Customer No-Showed for Hearing	0
Hearing Pending Customer Scheduling	0
Total	9

Nine appeal panel hearings took place during this period. As a result of appeal panel hearings, seven decisions were upheld, one denial was upgraded to conditional, and one denial changed to temporary.

Presumptive Eligibility

As part of this activity, reviewers examined the seven appeals that were upheld by the appeals panel during this period. They found that the average elapsed time between appeal request and hearing was 27 days, the shortest period being 12 days and the longest, 70. Of these appeals, none showed the decision being made within 30 days. There was no indication that appellants were made presumptively eligible for LIFT transportation as of the 31st day. In four of the seven appeals examined, notification of the panel's decision was made within one day of the completed appeal process. For the other three, notification appeared to have been delayed up to 65 days.

Customer Information

The publication, “LIFT Paratransit Eligibility Determination Appeal Procedure,” which is enclosed with certification letters, describes the TriMet appeal process. It states that individuals may request an appeal of determinations of ineligibility or less than unconditional eligibility within 65 days of the date of the initial determination. Both the determination letter templates and the appeal procedure documents state that all appeal requests must be in writing. During file review, however, team members found documentation that appeals requests are also being made and accepted using the telephone. Eligibility unit managers confirmed this practice.

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

- a revised eligibility appeals policy and process which ensure the provision of presumptive eligibility to appellants on the 31st day when the decision has not been rendered but the appeal process is completed.
- revised eligibility materials, denial, temporary and conditional letters and public information which reflect the revised appeal process, including the fact that requests to appeal can be filed by telephone.

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 TriMet 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 from its own paratransit system before providing this service.

Discussion: During this compliance review, a deficiency was found with the requirement for complementary paratransit service for visitors. TriMet’s visitor policy states that visitors may have to undergo a “mobility device evaluation.” The DOT ADA regulations require entities to provide visitor service. They do not permit an entity to require anyone to submit to a mobility device evaluation.

TriMet’s visitor policy dated February 1, 2010, states that 21 calendar days per year of LIFT service will be granted to visitors with a disabling condition as described in DOT ADA regulations. The policy correctly lists the criteria for visitor eligibility. However, it also states that after eligibility is granted, at times it may necessary for TriMet staff to undergo a mobility device evaluation. Nothing in the regulations permits a transit agency to require anyone to submit to a mobility device evaluation. The requirement is to provide service to visitors on the same basis as it is provided to eligible persons, meaning under all the same conditions and service criteria without distinction.

The review team examined eligibility files and interviewed the eligibility manager about visitor eligibility. Reviewers observed that TriMet's sample eligibility letter for visitors states that the recipient is eligible to use the service for 21 days per calendar year. No conditions are placed on eligibility. In tabulating applications handled, TriMet lists visitor registrations as unconditional applications. No separate visitor file or computer designation exists to identify visitor registrations.

TriMet's manager of LIFT eligibility told reviewers that individuals inquire about TriMet visitor service using telephones, email and fax, but that no requests by mail have been received. Despite the fact that TriMet has well-established policies and procedures in place to determine promptly that a visitor seeking LIFT service meets the regulatory standards, and to enable eligible visitors to obtain service, at the time of the review LIFT information materials and the TriMet website did not mention the availability of visitor service. To assist the agency in maintaining compliance with regulatory requirements for complementary paratransit for visitors, TriMet should publicize the availability of visitor service in printed and electronic information materials and maintain statistics on visitor registrations and service use.

Corrective Action Plan and Schedule: Within 60 days of the issuance of the final report, TriMet must provide to the FTA evidence that its visitor policy no longer includes a requirement for a potential mobility device evaluation.

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.

TriMet's website and publications state that LIFT service is provided from the door or a designated stop at the pickup and destination locations, and that driver assistance is offered.

In verifying the provision of origin-to-destination service, the review team examined eligibility records, printed trip manifests, and computerized trip records; observed reservations and dispatch activities; and interviewed drivers and operations supervisors. Reviewers verified that Trapeze 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.

LIFT driver training emphasizes passenger assistance and the particular needs of individuals with various disabilities. The driver training manual notes that service is door-to-door and driver-assisted, citing the requirement to assist customers to and from the vehicle. During interviews, LIFT drivers indicated their awareness of and compliance with TriMet's requirement to provide customers with assistance to and from the vehicle to the door. In addition, LIFT managers stated that a special database has been developed to link complaints to individual drivers. In reviewing and tracking complaints, drivers with "failure to assist" complaints are identified, counseled, and undergo passenger assistance retraining.

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 bus system must provide complementary paratransit service that covers, at a minimum, all areas within a three-quarter-mile radius of all of its bus routes, and within a "core service area" that includes any small areas that may be more than three-quarters of a 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 three-quarter-mile radius of a fixed route, unless the public transit agency does not have the legal authority to operate in those areas. 49 CFR 37.131(a)(2) requires that for entities operating a light rail or rapid rail system, the paratransit service area must also include a three-quarter-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. With regard to jurisdictional boundaries, 49 CFR 37.131(a)(3) states that an entity is not required to provide paratransit service in an area outside the boundaries of the jurisdiction(s) in which it operates, if the entity does not have legal authority to operate in that area, but that the entity shall take "all practicable steps" to provide paratransit service to any part of its service area.

Discussion: During this compliance review, no deficiencies were found with the requirement for service area.

TriMet's LIFT Rider's Guide, available online, in print and in alternate formats, states that the LIFT service area covers all locations that are within three-quarters of a mile of TriMet's bus and MAX Light Rail and also within the TriMet district. All locations inside the service area boundary are served. LIFT does not serve locations outside the TriMet district, the legal boundary for TriMet.

TriMet's website contains a service bulletin dated September 2, 2012, which provides more detailed information. The "LIFT Service Area Change" bulletin (<http://trimet.org/pdfs/lift/LIFT-service-boundary-change-brochure.pdf>) states that TriMet has adjusted its LIFT paratransit service boundaries to provide service within three-quarter-mile of regular bus and MAX service, in accordance with ADA requirements. It includes six maps showing the service areas on weekdays during the hours of 4:30 a.m. to 7:30 p.m. and 7:30 p.m. to 2:30 a.m.; Saturdays from 4:30 a.m. to 7:30 p.m. and 7:30 p.m. to 2:30 a.m.; and Sundays/holidays from 4:30 a.m. to 7:30 p.m. and 7:30 p.m. to 2:30 a.m. The website's interactive system map shows fixed route transit service on a base map that also marks the boundaries of TriMet's designated transit district. Notably, the TriMet website also provides both a LIFT service area map and an ADA paratransit trip planner to enable users to verify that their origin or destination lies within TriMet's service district.

LIFT uses Version 8 of their scheduling software program and is transitioning to Version 13. LIFT's scheduling polygons have been programmed to cover service areas extending three-quarters of a mile around each TriMet bus route, and each light rail station, or to the transit district boundary. The six polygons correspond to the six service maps attached to the September 2012 LIFT service bulletin cited above. The present software does not permit route by route mirroring. During interviews, TriMet managers stated that the six polygons are approximations that represent the agency's best effort to provide service in all required areas where LIFT is legally able to do so.

LIFT reservations, scheduling, dispatch and eligibility personnel all receive training that includes discussion of service area policies. TriMet's sample eligibility letter for individuals who live outside the service district informs recipients that although they are certified to use LIFT service, their home address is not within LIFT's service area. "You must find alternative transportation to a point within the LIFT service area in order to use LIFT." The letter provides contact information for nearby transit services. Reservations agents stated they are trained to refer callers to community transit providers for assistance with travel outside the TriMet service district.

The review team examined service area features of Trapeze and reviewed printouts of the six scheduling polygons, comparing these with maps showing TriMet bus routes and light rail stations. For the bus and light rail routes extending outward from Portland, reviewers identified no variances regarding DOT ADA paratransit service area requirements, with one exception: In the area south of Portland and north of Wilsonville, the endpoint for TriMet bus route 96 is not surrounded by a three-quarter-mile ADA paratransit corridor. Instead the boundary lines for the transit district and LIFT's ADA paratransit service area are identical here, and both end one block short of the intersection where route 96 turns around.

Reviewers verified that Chapter 267.205 of the Oregon Statutes prohibits TriMet from providing service beyond its jurisdictional boundaries. TriMet's website presents route 96 as weekday commuter bus service operating to/from Portland City Center via Tualatin to Commerce Circle, north of Wilsonville. Route 96 operates only on weekdays, serves work shift hours (inbound 5:17 to 9:50 a.m. and 2:43 to 9 p.m.; outbound 5:55 to 9:09 a.m. and 1:33 to 8:10 p.m.), and has three

intermediate posted stops. During much of the trip, the bus travels along interstate route 5, where the vehicle cannot stop to board or discharge passengers.

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 trip, subject to the same trip negotiation requirements as next-day trips required under §37.131(b)(2).

Discussion: During this compliance review, no deficiencies were found with the response time requirement.

TriMet LIFT's reservations unit accepts trip requests seven days a week, 365 days a year, from 8 a.m. to 5 p.m. Reservations are taken up to seven days in advance. The LIFT Rider's Guide states that riders can schedule trips by appointment time or requested pickup time.

Trip Reservations

To place a trip request, riders call the phone number in the LIFT Rider's Guide or email the reservation unit. According to TriMet staff, telephone reservation lines operate between 8 a.m. and 6 p.m. The LIFT Rider's Guide instructs callers to tell reservations agents if they have to be at a destination by a particular time. TriMet allows reservations for next day service requests until 6 p.m. of the preceding day. TriMet provides both demand and subscription (standing order) reservations; subscription service is offered, subject to availability, to customers who travel to and from the same locations on a consistent basis.

LIFT's allowable window for reservations is 30 minutes before and after the requested pickup time. All trips are scheduled with a 30-minute arrival window. The window begins at the pickup time negotiated with the customer and extends 30 minutes beyond that time (0/+30). An exception is for will-call returns (same-day requests), where the goal is to schedule a trip no more than two hours after the time of the request.

Each reservation and dispatch station contains a telephone and computer terminal. First Transit maintains a regular schedule for staff by shift. LIFT has English- and Spanish-speaking reservations agents. TriMet has a contract with a telephone translation service for languages other than English.

TriMet has set minimum contract performance standards for responding to incoming telephone calls: average queue/hold time shall not exceed 60 seconds, averaged over one hour, and 95 percent of all reservations and dispatch calls shall be answered within five minutes. The contractor will be subject to financial penalty for each day during which these standards are not met.

TriMet's reservations training materials outline procedures to be used in taking trip request calls. Call-takers follow a pre-established script in taking calls and entering data into the reservations database. The script covers the following: Name of call-taker with an opening greeting; confirmation of rider identification number, name and address; request for pickup day and time and destination, or for appointment time when rider must reach a destination by an established time; negotiation of alternative pickup time if the first requested time is not available; inquiry regarding any special needs (e.g., wheelchair, cane, or riding companion); summary of the pickup time with a reminder about the 30-minute window allowance.

As stated in the LIFT Rider's Guide, TriMet's goal is to have a zero percent denial rate. TriMet considers a denial as any trip offered more than one hour from the requested pickup time.

LIFT's observed reservations procedures and practices do not appear to limit service performance. Callers may request a pickup time or a drop-off time for each trip. Review team members observed that about 60 percent of trips were scheduled using a pickup time. Reservations agents follow a required script to confirm trip information with customers and reviewers observed they were professional in communicating with callers. Throughout the scheduling process, TriMet does not appear to alter requested pickup or dropoff times beyond the 0/+30 pickup window communicated to the rider at the time the pickup time was negotiated. LIFT appears to have no trip denials.

Scheduling

Scheduling of trips begins during the reservations process. Trapeze uses trip reservation and schedule information, automated vehicle locator units (AVLs) that utilize a geographic information system (GIS), and mobile data terminals (MDTs). The trip reservation and schedule information is maintained in the system database and is used to schedule and track trip assignment and performance. The GIS component is used to geographically display information on computer monitors. The GIS displays information (trip origins and destinations and vectors linking the two) for requested trips. The GIS component also identifies vehicles by location using input from global positioning system (GPS) transmitters in each vehicle. Each LIFT vehicle is equipped with a MDT, which is used to dispatch trips and for the driver to report trip performance information. All manifests are electronic; no paper manifests are used.

Trapeze assigns LIFT trips to vehicles automatically. The software seeks out the nearest vehicle to the customer’s trip origin using the zone (region) system and GPS information on vehicle locations to assign trips. The system will seek a vehicle for a trip within the region. If the automated system does not succeed in identifying a vehicle, the schedulers manually assign the trip, on either a TriMet vehicle or using a supplemental carrier. The scheduler reviews trip requests, looking for opportunities to assign multiple trips to one vehicle (multi-load). Late in the afternoon on the day before service, the scheduling process consists of a review of trip requests and vehicle locations and possible rescheduling of some trips, prior to “optimization” and final review. The scheduler also runs exception reports to identify all trips of 60 minutes in length or longer. If negotiated times must be changed, schedulers are required to telephone LIFT customers during the evening before the service day to renegotiate the pickup time within the one hour ADA window and document the call and the name of the person with whom the scheduler spoke. Managers informed reviewers that if the rider cannot be reached, LIFT’s practice is to schedule the trip for the original requested time or up to five minutes after.

TriMet management provided the following data concerning next-day trip reservation availability:

**Trimet - Analysis Of Day Before Service (DBS) Ride Requests
 March 10-16, 2014**

	Mon 3/10	Tues 3/11	Wed 3/12	Thu 3/13	Fri 3/14	Sat 3/15	Sun 3/16
A.M.	359	271	223	256	183	159	226
P.M.	826	688	730	669	471	387	750
Total DBS	1185	959	953	925	654	546	976
Total Reservations	2593	1935	1765	1690	2618	1564	2344
A.M. % of Total	14%	14%	13%	15%	7%	10%	10%
P.M.% of Total	32%	36%	41%	40%	18%	25%	32%
A.M./P.M. % of Total	46%	50%	54%	55%	25%	35%	42%

TriMet’s data shows that for the week analyzed, 42 percent of Sunday trip requests were for trips on Monday, and that day-before service requests accounted for as much as 55 percent of daily total trip requests during the week.

The review team observed TriMet LIFT reservations, scheduling, and dispatch activities and conducted an independent analysis of next-day reservation availability based on two days’ observations of the reservations unit. As shown below, of 141 reservation requests observed, 52 percent (73) concerned next-day service. Advance reservations do not appear to adversely impact TriMet’s provision of required next-day service.

**Observations of TriMet Reservations Calls - March 16-17, 2014
 Outcomes of Trip Requests Observed**

Days In Advance	Scheduled	%	Call Back/ Schedule Later	%	Refused	%	Other	%	Grand Total
1	73	52%	1	52%	0	0%	1	100%	75
2	29	21%	0	0%	0	0%	0	0%	29
3	21	15%	0	0%	0	0%	0	0%	21
4	7	5%	0	0%	0	0%	0	0%	7
5	1	1%	0	0%	0	0%	0	0%	1
6	10	7%	0	0%	0	0%	0	0%	10
Total	141	98.6%	1	0.7%	0	0.0%	1	0.7%	143

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 pay 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 paratransit fares.

Since 2012, TriMet has used a flat fare system which charges a single price for transportation on fixed route bus or light rail regardless of the length of the trip or distance travelled. This fare includes unlimited transfers to other routes within a two-hour period. At the time of the review, the base fare for fixed route service was \$2.45, the same as the LIFT fare. LIFT fares are payable in cash or using pre-purchased tickets or passes. Effective April 1, 2014, both fares increased to \$2.50 with corresponding changes in the cost of tickets and passes.

The LIFT Rider’s Guide and website state that eligible customers may bring a PCA with them on their trip, who will ride free of charge, and that companions pay the regular LIFT fare. No fees or fares are charged for door-to-door service, service animals, or eligibility or appeal-related trips. Trapeze has been programmed to display fares on manifests. Reviewers observed that the fares shown conform to LIFT fare policy.

The review team examined Trapeze’s fare parameters, discussed fare policy with reservation agents, and reviewed sample manifest printouts and transportation contracts, comparing these with LIFT’s published fare policies. No differences were found. Reviewers verified that Broadway Cab Company and Green Transportation Company require that LIFT riders pay only the LIFT fare. Cab contractors bill TriMet for actual meter charges. Lift customers are asked to mail their fare payments to the LIFT headquarters.

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 regarding trip purpose restrictions.

TriMet's stated policy regarding trip purpose restrictions is that LIFT service operates without trip prioritization and serves all trip purposes. 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.

The review team identified no inquiries about trip purpose and no indications of trip prioritization during observations of reservation and scheduling practices. The printed script reservations agents are required to follow does not ask callers, "*What is the purpose of this trip?*" Trapeze is programmed to code all trip purposes as personal. In examining data provided by LIFT, reviewers noted that these materials do not contain trip purpose information; managers stated this is not a category they analyze.

TriMet eligibility materials do not ask about the purpose of travel. The eligibility unit desk manual states that determinations must be based solely on functional ability, not medical condition or trip purpose. In reviewing certification letters, team members found no trip purpose-based determinations. During interviews, the eligibility unit manager confirmed that TriMet prohibits use of purpose/condition-based determinations such as "chemo-only" or "dialysis-only". Reviewers found no evidence of prioritizing application processing based on trip purpose.

Hours and Days of Service

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

Discussion: During this compliance review, deficiencies were found with the requirements for hours and days of service.

TriMet does not make available ADA complementary paratransit service to all people who are eligible for the service during the same hours and days that it operates fixed route service. Information provided to the public states that it is TriMet’s policy to provide LIFT service during all days and hours of its fixed route bus and MAX light rail service, stating these are generally 4:30 a.m.–2:30 a.m., seven days a week. TriMet driver and dispatch shift assignments provide coverage for the advertised service hours of 4:30 a.m. to 2:30 a.m. However, TriMet bus and light rail service operates before 4:30 a.m. and later than 2:30 a.m.

LIFT uses Version 8 of the Trapeze scheduling software and is transitioning to Version 13. The present system does not feature route by route mirroring. In interviews, TriMet managers stated that the six scheduling polygons are approximations that represent the agency’s best efforts to provide service during all required times. TriMet reservations, scheduling and dispatch staff training includes service hour policies. If appropriate, callers needing trips outside service hours may be referred to community transit providers for assistance.

The review team compared TriMet LIFT service hours as advertised to the public with the six scheduling polygons showing service days and hours programmed into the Trapeze system. These were compared with TriMet bus and light rail service featured on the system website and in published schedules. Review of manifests, observation of reservations agents, and discussions with reservations and dispatch managers confirmed that when requested, LIFT trips are scheduled and provided throughout advertised service hours. In addition, when reviewers compared TriMet LIFT service hours as advertised to the public, and as displayed within the scheduling software, no differences were noted.

Next, the review team compared the scheduling polygons with published service hours for TriMet bus routes and light rail routes. The following discrepancies were found with regard to early morning and late evening hours on weekdays and weekends:

TriMet ADA Paratransit Hours/Days of Service

Start and End Times for Fixed Route Bus Service (all times are expressed as a.m.)

	Monday – Friday	Saturday	Sunday
TriMet LIFT Service Hours (brochure and web page)	4:30 to 2:30	4:30 to 2:30	4:30 to 2:30
Fixed Route Bus Service Hours	1 route (#57) begins before 4:30	1 route (#57) runs after 2:30	2 routes (#20 and #57) run after 2:30
	1 route (#20) runs after 2:30		

TriMet ADA Paratransit Hours/Days of Service						
Start and End Times for MAX Light Rail Service (all times are expressed as a.m.)						
Line	Weekday		Saturday		Sunday	
	Start	End	Start	End	Start	End
TriMet LIFT Service Hours (brochure and web page)	4:30	2:30	4:30	2:30	4:30	2:30
Blue (Hillsboro/Beaverton/City Center/Gresham)	3:37	2:20	3:30	2:28	3:52	1:34
Red (Beaverton/ City Center/ Airport)	3:37	12:50	3:38	12:50	3:38	12:50
Yellow (City Center [Portland State Univ]/ Expo Ctr)	4:22	1:21	4:12	1:53	4:34	12:59
Green (City Center [Portland State Univ]/ Clackamas Town Ctr)	4:20	12:48	4:25	1:37	6:44	12:48

Corrective Action Plan and Schedule: Within 60 days of the issuance of the final report, TriMet must make whatever revisions are necessary to its LIFT scheduling software and its operational practices to assure that LIFT service hours are comparable to TriMet bus and light rail routes, and provide FTA with evidence that these changes have been made and that public information materials reflect the changes. In addition, TriMet must provide FTA with copies of the policy and procedures in place to ensure that whenever fixed route service schedules change, at the same time LIFT service hours are also reviewed and if necessary changed to correspond.

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, no deficiencies were found with capacity constraint requirements.

As discussed below, the observed reservations, scheduling, and dispatch procedures and practices do not appear to limit service performance. The data derived from independent analysis by members of the review team does not suggest the presence of practices, policies, or procedures that significantly limit service availability.

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 for no restrictions on the number of trips provided.

TriMet's stated policy regarding service use is that LIFT service is provided with zero capacity denials of eligible trip requests, on an unconstrained basis. Public information materials do not state any limits on the number of trips an individual may take, or mention the subject. The script reservations agents are required to follow in handling trip requests does not mention the number of trips an individual may take, or the number of reservations that can be made during one phone call. LIFT eligibility materials do not ask about frequency of travel.

During observations of LIFT's reservations, scheduling and dispatch units, 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. Reservations activity suggested that LIFT customers' travel frequency varies only according to the individual's needs. Team members listened while callers requested and received one-way and round-trip reservations for next day travel or travel the following week, but also requested the insertion of additional trips to link with existing reservations for the next day that had been made several days ago. During interviews with reservations agents and supervisors, they stated that LIFT does not permit caps on trip frequency, trip volume, or number of reservations per phone call. In reviewing certification letters, team members found no references to frequency of travel.

No Waiting List for Access to the Service

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

Discussion: During this compliance review, no deficiencies were found with the requirement for no waiting list(s) for non-subscription service.

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

As part of TriMet's zero capacity denials policy, the agency prohibits the use of waiting lists for LIFT service. All eligible requests must be accommodated. Staff training requires reservations agents to use a script during the reservations process to assure consistency in the handling of trip requests. Reservations supervisors audit calls remotely to assure compliance. Schedulers must document in writing their handling of callbacks.

Reviewers noted that in the "Daily Report" which summarizes daily telephone, reservations, and scheduling data, one line is identified as "schedule later." During interviews with the head scheduler and scheduling staff, review team members questioned this terminology and confirmed that it refers to trips that require individual, manual scheduling by schedulers not use of a wait list. Another line identifies "number of callbacks." The reservations and scheduling supervisors confirmed that occasionally a reservations agent may have difficulty placing a trip in Trapeze because the system indicates that no scheduling options are available. TriMet's reservations and scheduling procedures require that in such cases, the agent must enter the customer's requested time in the computer file and notify the caller that a scheduler will call them back to confirm the pickup time. A scheduler must then review the trip and schedule it manually. In such cases, TriMet requires the scheduler to call the customer back, and to record who made that call and the name of the individual with whom the scheduler spoke. Reviewers were told that in such cases, LIFT's practice is to schedule the trip for the original requested time or up to five minutes before or after. Team members examined the annotated daily callback sheets, which remain on file to document appropriate handling of these trips.

Team members conducted callback analyses by tracking trip requests through the reservation and scheduling process, including examination of callback sheets, to the final trip manifest and computer record, for the purpose of identifying any changes to the pickup times. Based on this information, interviews with schedulers and reservations personnel, independent review of reservations records, and observation of the callback process, reviewers concluded that the phrase and LIFT's handling of manually scheduled trips do not appear to represent the use of prohibited wait lists.

No Substantial Numbers of Significantly Untimely Pickups for Initial or Return Trips

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

Discussion: During this compliance review, no deficiencies were found with the on-time performance requirements.

LIFT riders can schedule trips by appointment time or requested pickup time. The LIFT Rider's Guide advises riders not to accept pickup times that are less than 60 minutes before their appointments.

TriMet's on-time performance standards for pick-ups and appointment times are as follows: pick-ups that occur before the end of the customer's 30-minute window, and drop-offs that occur no later than the customer's appointment time, are considered to be on-time. LIFT's FY 2014

on-time performance standard is 94.3 percent, and the minimum contractual standard is 90 percent.

TriMet LIFT Reported On-Time Performance
March 2013 - February 2014
 (includes taxi service)

By Pick-Up Time		By Appointment Time	
Month	On-time %	Month	On-time %
Mar-13	95.1%	Mar-13	95.5%
Apr-13	94.8%	Apr-13	95.0%
May-13	94.4%	May-13	94.7%
Jun-13	93.5%	Jun-13	94.5%
Jul-13	93.8%	Jul-13	95.2%
Aug-13	94.5%	Aug-13	95.9%
Sep-13	93.5%	Sep-13	93.6%
Oct-13	93.4%	Oct-13	92.8%
Nov-13	93.2%	Nov-13	93.2%
Dec-13	93.3%	Dec-13	93.3%
Jan-14	94.3%	Jan-14	94.9%
Feb-14	91.6%	Feb-14	92.3%

Through dispatch observation and trip verification, manifest reviews, and examination of user-generated computer programs created by LIFT to confirm Trapeze data, the review team independently cross-checked TriMet’s Trapeze-generated on-time performance data. This data appeared valid. At the same time, reviewers selected a base sample of 15 to 20 randomly selected trips per month from the period September 2013 through February 2014. The sample included individuals using wheelchairs as well as ambulatory riders, trips scheduled from appointment time as well as pick-up time, and travel within and between suburban areas and the City of Portland covering all three LIFT regions. Approximately 87 percent of the trips examined were morning trips; the remainder took place in the afternoon. The following table shows the results of this analysis.

TriMet LIFT - On-Time Performance: Results of a Random Sampling of Trip Reservations September 2013 – February 2014

Arrival at Pickup Location at Negotiated Pickup Time	Trips	Percent	Arrival at Dropoff Location at Requested Appointment Time	Trips	Percent
>30 minutes late	2	3.33%	>30 minutes late	1	2.56%
16-30 minutes late	3	5.00%	16-30 minutes late	1	2.56%
1-15 minutes late	10	16.67%	1-15 minutes late	3	7.69%
In window (0/+30)	35	58.33%	Exactly on time	0	0.00%
1-15 minutes early	6	10.00%	1-15 minutes early	5	12.82%
16-30 minutes early	0	0.00%	16-30 minutes early	10	25.64%
>30 minutes early	4	6.67%	>30 minutes early	19	48.72%
Total Trips in Sample	60	100.00%	Total Trips in Sample	39	100.00%
In window or early	45	75.00%	On time or early	34	87.18%

With regard to on-time performance, reviewers noted that page 16 of the TriMet “LIFT Operator’s Guide” states under the heading “Passenger Pickup”: “If you arrive early, you may notify the customer of your early arrival, but say that you are willing to wait in the vehicle until the customer’s ready time. Customers may choose to leave early, but the operator should not pressure the customer to leave before their ready time.” The Guide also states, “the 5 minutes” of waiting time “starts no earlier than the customer’s ready time.” In other words, TriMet passengers must not be required, expected or pressured to board early.

Among the sampled trips, on-time performance rates for trips scheduled by appointment time surpassed trips scheduled by pickup time. With regard to late pickups, this analysis indicated that most occurred in the very early morning, perhaps as the first trip on a run that was significantly delayed. In most cases, these customers were picked up within 15 minutes beyond the pickup window. Drop-offs after the requested appointment time likewise occurred in the early morning or morning period. Reviewers noted that in this sample, individuals using wheelchairs experienced approximately the same level of on-time performance as did riders who were ambulatory. No geographic clustering was evident.

No Substantial Numbers of Trip Denials or Missed Trips

Requirement: Under 49 CFR §37.131(f)(3)(i)(B), the transit agency must provide ADA paratransit service without substantial numbers of trip denials or transit agency missed trips. A denial occurs whenever a transit system is unable to provide a trip on a next-day basis as requested by an eligible passenger between points within the paratransit service area, at a time when the fixed-route system is operating, subject to the limitations on trip time negotiation.

Under 49 CFR §37.131(b) of the DOT ADA regulations, the transit system may negotiate pickup times with a passenger, but cannot require the passenger to schedule a trip to begin more than one hour before or after his or her desired departure time. If the trip cannot be arranged within this timeframe, a denial has occurred whether or not the passenger accepts a departure time of more than one hour earlier or later. In addition, when a denied trip makes a subsequent requested trip impossible, as could occur in the case of an individual taking a round trip to and from a specific location, two trips have been denied.

Discussion: During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without substantial numbers of trip denials or missed trips.

The following table summarizes LIFT trips requested, scheduled, provided, and denied for the period September 2013 through February 2014. It shows zero capacity trip denials and a missed trip percentage of 0.3 percent.

TriMet: Analysis of LIFT Trip Request Outcomes for a Six Month Period

September 2013 to February 2014									
		Sep. 2013	Oct. 2013	Nov. 2013	Dec. 2013	Jan. 2014	Feb. 2014	Total	%
Trips Requested		65,962	74,781	67,050	63,514	65,782	54,548	391,637	100%
Denied		0	0	0	0	0	0	0	0%
Scheduled		65,962	74,781	67,050	63,514	65,782	54,548	391,637	100%
Scheduled		65,962	74,781	67,050	63,514	65,782	54,548	391,637	100%
Cancelled		5,731	6,287	5,723	7,033	6,180	5,596	36,550	9.3%
	<i>At the door</i>	408	517	486	512	440	327	2,690	7.4%
	<i>Late</i>	726	801	705	822	759	599	4,412	12.1%
	<i>Same Day</i>	4,597	4,969	4,532	5,699	4,981	4,670	29,448	80.6%
No-Show		615	727	677	651	572	451	3,693	0.9%
Missed		158	167	145	235	278	293	1,276	0.3%
	<i>Missed Trip Cancel</i>	39	38	27	35	124	36	299	23.4%
	<i>Missed Trip No Show</i>	119	129	118	200	154	257	977	76.6%

ADA Trip Denials

TriMet defines an ADA trip denial as a “capacity denial,” which is, in the agency’s terms, any requested ADA-eligible trip which TriMet LIFT does not schedule within one hour before or after the requested pickup time. LIFT’s goal, standard and actual performance record is zero capacity denials. In interviews, TriMet managers stated that LIFT schedules all eligible requested trips, and that 99.8 percent of scheduled times are within 30 minutes of the requested time. They added that for more than 10 years, LIFT has not denied any eligible trip requests.

TriMet imposes financial penalties as a material breach of contract if the contract prohibition against provision of any capacity denial, at any time, by contract staff is not complied with. Comprehensive staff training clearly defines reservations agents’ responsibilities under DOT ADA regulations and explains the consequences of any failure to accommodate an ADA-eligible trip request. In responding to trip requests, reservations agents are required to follow a script to assure compliance with the zero capacity denials policy, maintain consistency, provide all required information, and complete reservations in a timely fashion. TriMet monitors and enforces contractor and staff compliance with this policy through ongoing scrutiny of reservations activity by reservations and scheduling supervisors, including remote auditing of phone calls and review of recordings of call center phones, and immediate follow up regarding any customer complaint alleging LIFT failure to accommodate an eligible trip request.

The review team observed TriMet’s reservations unit activities over a two-day period. Team members interviewed reservations staff and supervisors concerning adequacy of training, ADA understanding, data entry and coding procedures, and TriMet’s trip denial policy. The review team independently analyzed sample data, and compared results with data provided by LIFT. Reviewers found no evidence or indication that eligible individuals or eligible trip requests were not being accommodated.

Observations of TriMet Reservations Calls – March 17-18, 2014

Types of Calls Observed	Total
Cancellation	4
Other*	11
Reservation	144
General	4
Total	163

***In the Types of Calls Observed table, “Other” included calls that were terminated by the rider, customer service calls, ride status calls, and a call that occurred after the scheduling window for next day service closed. Any calls that were not related to scheduling a ride were classified as “Other” in the Trip Outcomes table.**

Trip Outcomes	Total
Call Back + Schedule Later	1
Denied + Wait Listed	0
Other*	19
Scheduled	143
Refused by Rider	0
Total	163

***In the Types of Calls Observed table, “Other” included calls that were terminated by the rider, customer service calls, ride status calls, and a call that occurred after the scheduling window for next day service closed. Any calls that were not related to scheduling a ride were classified as “Other” in the Trip Outcomes table.**

Missed Trips

TriMet policy defines missed trips as “trips that are cancelled or no showed after the end of the customer’s pickup window. No shows disputed by customers are also included in this category.” This policy appears to classify missed trips as any scheduled trip not provided due to factors beyond the rider’s control. Customers are not penalized for such trips. LIFT’s stated goal is zero missed trips. The LIFT project manager tracks the missed trip percentage monthly to ensure it remains below the agency’s upper limit of 0.5 percent, enforcing this standard through frequent review of operations data and extensive staff training. The contractor has a monthly financial disincentive for exceeding 0.5 percent missed trips.

Reviewers’ discussions with drivers, dispatchers and LIFT management confirmed their understanding of this point: 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. TriMet’s policy is that any attempted pickup after the pickup window ends that does not result in a trip (the rider may have left the pickup location, or canceled or refused the ride) must be coded as a “missed trip.”

Review team members analyzed trip records for a sample week that were coded as “no-shows” and “cancellations” to determine if these had been properly coded, or if they were in fact missed trips that were not the rider’s fault and should have been coded differently. Using the software documentation provided, the review team compared the date and time with the pickup window of each trip request. As discussed below in Section 6.6, No-Shows, coding of all trips in the sample appeared appropriate. The team discovered that the coding for four trips that upon initial review had seemed to be misclassified had already been changed from no-shows to missed trips by TriMet staff in response to requests from riders.

Analysis of agency data showed missed trips accounting for 0.3 percent of total scheduled rides with no evident geographic pattern.

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 calculated using the agency's trip planner, plus 20-30 minutes to allow for a reasonable estimate of time spent walking to and from a bus stop, waiting for the bus to arrive, and making any necessary transfers from one vehicle to another.

Discussion: During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without substantial numbers of trips with excessive trip lengths.

TriMet LIFT Rider's Guide informs riders that all trips are scheduled so that the customer will be on the vehicle for no more than two hours. Before the on-site visit, TriMet managers responded to FTA's initial inquiry about trip length as follows: "LIFT trips are scheduled using Trapeze maximum ride time increments established to be consistent with fixed route bus service, with an overall maximum of two hours. Generally, LIFT trips are not scheduled for more than two hours, while fixed route bus trips may be scheduled for 2-1/2 hours or more including walking and waiting. TriMet reports average trip duration to the [CAT] advisory committee on a quarterly basis. The most recent quarter reported 35.5 minutes. The average fixed route trip on bus is approximately 26 minutes, at five miles. The average LIFT trip is seven miles, for which 35.5 minutes is equivalent to the fixed route average."

In interviews, LIFT managers stated that the TriMet service district configuration is such that the distance from one end of the service area to the other can be as much as 57 miles, making long rides unavoidable at times. TriMet does not have a percentage goal for travel time or use a multiplier of fixed route travel time such as 1.5 or 2.0. Transportation contracts do not contain liquidated damages or incentives associated with trip duration.

Reviewers noted that TriMet's method of calculating and comparing trip length does not examine travel time via ADA paratransit versus the same trip, including walk and wait times, when fixed route service is used. LIFT's Quarterly Performance Report for the second quarter of FY 2014, dated February 10, 2014, states: "Average trip durations decreased 1.7% to 35.7 minutes from the prior year."

Trapeze has been programmed to reflect a maximum trip time of no more than two hours. TriMet then monitors ADA paratransit scheduling closely to minimize long trips. TriMet managers and schedulers are aware of which trips are likely to involve long travel times and search for trips of potentially excessive length. During interviews, schedulers and the scheduling supervisor confirmed it is their daily practice during final review and optimization to run long

trip length reports to identify trips exceeding 60 minutes in length and whenever possible, move trips and adjust run schedules and vehicle assignments to reduce travel times before closing the next day's schedule. At this point, some long trips may be reassigned to supplemental taxi service, both to limit the impact of unproductive deadhead rides on the system and to shorten the rider's travel time.

TriMet generates and reviews trip duration data. LIFT managers provided information for the period September 1, 2013 to February 28, 2014, to the review team for analysis. In the month of February 2013, approximately 10 percent of LIFT weekday trips appeared to exceed 60 minutes in travel time. Although managers have calculated that riders using mobility devices account for about 26 percent of trips taken, individuals using mobility devices represented only about 12 percent of the trips of 60 minutes or longer. To determine if there were a substantial number of significantly long trips relative to trips made on TriMet's fixed route system, reviewers then identified for analysis 10 randomly selected LIFT trips of more than 60 minutes in length from a list of over 100 such trips performed on a randomly selected day (Monday, February 3, 2014). The 10 trips were compared with the same trips taken on fixed route service using TriMet's trip planner, with walk and wait times included in the fixed route comparison. The review team used operator manifests to determine actual LIFT travel times for those trips.

As shown in the following table, five of the 10 LIFT trips examined were shorter than comparable trips using fixed route service. Five took, respectively, 7, 16, 33, 46, and 56 minutes longer using LIFT service, and each of those occurred during the weekday afternoon rush hour. For two of the five trips, factors outside the control of the transit agency appear to have lengthened the rider's time on the vehicle: One trip required travel on roadways undergoing major travel alerts due to construction-related delays and disruption, as documented on the TriMet website; another trip involved a vehicle equipment malfunction requiring riders to transfer to another vehicle. In addition, after completing this analysis, reviewers learned from LIFT management that during the afternoon of the randomly selected sample day, the entire LIFT system was affected by a technical issue with the communications system. Management reported that this problem had affected LIFT dispatchers' ability to communicate with vehicles and keep service on-time, and reduced daily on-time performance to 90 percent (three to four percent lower than normal).

Results of TriMet LIFT Trip Length Sample Comparison - February 3, 2014

Trip ID#	Estimated trip length in minutes on fixed route	Documented trip length in minutes on LIFT paratransit	Difference in minutes	Paratransit travel time in minutes estimated by Trapeze	Potential sources of delay for sample trips
6	120	75	-45		
3	101	73	-28		
5	126	101	-25		
9	68	63	-5		
1	103	102	-1		
7	70	77	7	76	
8	52	68	16	76	Vehicle replacement required due to equipment malfunction while in service
2	74	107	33	98	Both riders on run #150; schedule delayed by add-on
10	75	121	46	124	
4	61	117	56	114	Service alerts on TriMet website for routes 45 and 93 describe delays and relocated bus stops due to major construction along the road connecting these towns.

Reviewers also examined the data for the month of February 2014, showing trips of 60 minutes or longer, as well as the sample trips discussed above, in an effort to identify any possible patterns that would suggest that certain riders, sections of the service area, or users of mobility equipment were being disadvantaged. Analysis shows that the sample trips for February 3, 2014, all took place during morning or afternoon peak service hours. Of the five trips with longer travel time, all occurred during the afternoon rush hour. Four involved service within the City of Portland. No data suggested disparate impact on one rider group, region, or agency.

For the six month period September 1, 2013 to February 28, 2014, LIFT customer complaints about trip length averaged slightly less than five per month, two percent of total complaints submitted. Complaints about lengthy rides involved all three service regions, although Portland service (Multnomah County, Region 1) generated a slightly larger number than the other regions.

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. TriMet's telephone performance standards do not appear to prevent long queue times in the reservations unit in the late afternoon.

TriMet LIFT Telephone System

TriMet LIFT's telephone system appears to have sufficient capacity to handle the incoming calls for trip requests. Team members observed no failure to have established telephone performance standards for reservations and dispatch, to set standards to avoid significantly long queue times, or to monitor performance of the telephone system, contractors and staff against these standards and adjust staffing as needed.

TriMet LIFT uses a Cisco telephone system with 52 incoming trunk lines dedicated to five sites - reservations, scheduling, dispatch (for trip status inquiries), customer service, and eligibility. System components include an automated call distribution (ACD) system and a digital recording system. Installed in 2008, the telephone system provides supervisor, recording, reporting, and remote access features permitting managers to audit and monitor calls from offsite, and retrieve previous calls that have been stored digitally.

The system includes voice mail boxes for customer service, scheduling, and dispatch. In addition, LIFT's phone system permits the extensive use of recorded information and rider education announcements, including a feature that estimates and announces average time before pickup for callers waiting in queue. TriMet also has contracted separately for a language line for people with limited English proficiency, and for One Call Now service providing rider notification in the event of emergency or computer outage. In addition to supervisors, staffing includes 15 full and part-time reservations agents and 10 full and part-time dispatchers, for a total of 18 full time equivalents. The reservations unit is staffed from 7 a.m. to 6 p.m.; dispatch, during all hours when LIFT service is operating.

TriMet's contract with First Transit to provide reservations, scheduling, customer service, and dispatch activities establishes minimum contract performance standards for reservations and dispatch calls:

- Average time in queue for calls made to the reservations or dispatch units shall not exceed 60 seconds.
- Ninety-five percent of all reservations and dispatch calls shall be answered within five minutes. The contractor is subject to financial penalty for each day during which this standard is not met; performance is reported and measured daily.

The review team noted that TriMet also tracks and monitors the average number and percentage of abandoned calls made to the reservations unit; call length (average length of call; talk time); and the number of calls answered per employee. TriMet monitors contractor and staff compliance with its standards and policies, beginning with the daily phone statistics report. Reservations supervisors are responsible for continuous tracking and monitoring of queue lengths and numbers of calls in queue against the standard, using ACD reports and following the large LED board mounted on the wall in the reservations unit that displays real-time statistics. At two-hour intervals, supervisors also post current phone statistics on a white board in the unit. Supervisors intervene whenever calls in queue begin to accumulate, and if necessary can use staff from other units, such as customer service, to supplement reservations staff. TriMet's reservations unit uses part-time employees to adjust staffing to avoid a pattern or practice of significantly long hold times. Peak staffing levels for reservations agents match peak times for incoming calls. If contractually required telephone performance standards are not met, financial disincentives in the form of liquidated damages are imposed. During interviews, senior management stated that TriMet considers it a material breach of contract if the reservations and dispatch units don't "make their stats" on a given day.

During the pre-review period, the review team conducted and documented 53 calls to the TriMet LIFT reservation unit. These calls took place between February 21 and March 6, 2014. Based on the sampling, 100 percent of the calls went into the queue. The longest queue time observed was six minutes and 18 seconds, with the average queue time being 27 seconds. Longer queue times were observed in the very late afternoon hours shortly before the reservations department closes.

Only two (3.77 percent) of the 53 calls were placed on a secondary hold. This occurred when the call was picked up and an individual identified the reservations unit and asked the caller to please wait. The longer of the two secondary holds lasted two minutes and 29 seconds; the average for the two was one minute and 40 seconds. The longer of these secondary holds occurred during the evening, while the shorter call took place in the afternoon.

To identify any periods of significantly longer queue times, once on site, reviewers analyzed telephone performance data generated by the ACD system for the sample weekdays Monday through Friday March 10-14, 2014, for TriMet LIFT's reservations and dispatch units. Analyzing the data by hour, they found the following:

TriMet ADA Paratransit Telephone Activity - sample week March 10-14, 2014
Reservations Unit (12 hours of service per day actually provided)

	Monday 3/10/2014	Tuesday 3/11/2014	Wednesday 3/12/2014	Thursday 3/13/2014	Friday 3/14/2014
Total Calls Received	1331	1032	1010	1075	1000
Calls Answered	1214	993	938	967	972
Calls Abandoned	117	39	72	107	28
% of calls abandoned	8.8%	3.8%	7.1%	10.0%	2.8%
Avg queue time (mins:sec)	0:02:14	0:01:11	0:02:04	0:02:15	0:01:08
Max avg queue time (mins:sec)	0:05:38	0:04:23	0:05:47	0:06:04	0:04:28
When longest queue occurred	<i>15:00-16:00</i>	<i>17:00-18:00</i>	<i>17:00-18:00</i>	<i>16:00-17:00</i>	<i>16:00-17:00</i>

Avg. Time In Reservations Queue/On Hold By Hour

	Monday 3/10/2014	Tuesday 3/11/2014	Wednesday 3/12/2014	Thursday 3/13/2014	Friday 3/14/2014
7:00-8:00	0:00:00	0:00:00	0:00:00	0:00:42	0:00:00
8:00-9:00	0:00:10	0:00:36	0:00:08	0:00:11	0:00:47
9:00-10:00	0:00:04	0:00:23	0:00:15	0:00:40	0:00:06
10:00-11:00	0:02:57	0:02:28	0:02:03	0:03:22	0:01:46
11:00-12:00	0:00:28	0:00:18	0:01:18	0:01:05	0:00:54
12:00-13:00	0:02:01	0:00:26	0:02:35	0:00:33	0:01:21
13:00-14:00	0:03:26	0:00:24	0:00:20	0:02:24	0:00:24
14:00-15:00	0:02:15	0:00:08	0:01:21	0:01:50	0:00:08
15:00-16:00	0:05:38	0:01:49	0:05:01	0:02:57	0:01:00
16:00-17:00	0:05:15	0:01:35	0:05:16	0:06:04	0:04:28
17:00-18:00	0:03:23	0:04:23	0:05:47	0:05:41	0:01:52
18:00-19:00	0:01:08	0:01:41	0:00:48	0:01:35	0:00:46

Reviewers noted that for reservations, as also observed in pre-review calls, the data above showed markedly longer queue times in the late afternoon/early evening hours. Although TriMet already attempts to accommodate early evening callers to the reservations unit by having staff on hand to take trip requests after the unit has officially closed (from 6 p.m. to 7 p.m.), nonetheless the agency must address long waits in reservations queues in the late afternoon, during the reservation unit's advertised hours of service.

The review team noted that for the dispatch unit, the longest queue times appear to occur in the late evening or early morning hours when fewer staff members are on hand to answer calls.

TriMet ADA Paratransit Telephone Activity - sample week March 10-14, 2014
Dispatch Unit – daily service hours vary according to trips scheduled (20 or 21 hours)

	Monday 3/10/2014	Tuesday 3/11/2014	Wednesday 3/12/2014	Thursday 3/13/2014	Friday 3/14/2014
Total Calls Received	823	959	887	961	865
Calls Answered	771	902	843	903	830
Calls Abandoned	52	57	44	56	35
% of calls abandoned	6.3%	5.9%	5.0%	5.8%	4.0%
Avg queue time (mins:sec)	0:01:11	0:01:20	0:01:12	0:01:26	0:01:05
Max avg queue time (mins:sec)	0:02:34	0:03:27	0:02:32	0:02:31	0:02:39
When longest queue occurred	<i>24:00-1:00</i>	<i>22:00-23:00</i>	<i>11:00-12:00</i>	<i>5:00-6:00</i>	<i>5:00-6:00</i>

Avg. Time In Dispatch Queue/On Hold By Hour

	Monday 3/10/2014	Tuesday 3/11/2014	Wednesday 3/12/2014	Thursday 3/13/2014	Friday 3/14/2014
4:00-5:00	0:00:00	0:00:00	0:00:00	0:00:00	0:00:00
5:00-6:00	0:00:22	0:00:40	0:01:02	0:02:31	0:02:39
6:00-7:00	0:00:28	0:00:44	0:00:36	0:01:05	0:00:52
7:00-8:00	0:01:23	0:01:23	0:01:58	0:01:53	0:01:00
8:00-9:00	0:01:58	0:01:59	0:01:14	0:01:29	0:01:58
9:00-10:00	0:01:12	0:01:47	0:01:28	0:01:25	0:00:59
10:00-11:00	0:02:05	0:01:26	0:01:38	0:01:58	0:01:37
11:00-12:00	0:01:43	0:00:51	0:02:32	0:01:37	0:01:46
12:00-13:00	0:01:36	0:02:13	0:01:31	0:01:19	0:01:33
13:00-14:00	0:01:29	0:02:30	0:01:45	0:01:32	0:01:46
14:00-15:00	0:01:35	0:02:13	0:01:49	0:01:49	0:01:16
15:00-16:00	0:01:41	0:01:24	0:01:33	0:01:51	0:01:18
16:00-17:00	0:01:33	0:01:26	0:00:50	0:01:14	0:01:17
17:00-18:00	0:00:37	0:00:29	0:01:35	0:02:11	0:00:11
18:00-19:00	0:00:37	0:00:27	0:00:56	0:00:37	0:00:26
19:00-20:00	0:00:47	0:00:55	0:00:19	0:00:49	0:00:55
20:00-21:00	0:00:34	0:00:42	0:00:33	0:01:12	0:02:23
21:00-22:00	0:01:57	0:01:21	0:01:50	0:01:17	0:00:20
22:00-23:00	0:00:37	0:03:27	0:01:47	0:01:08	0:00:09
23:00-24:00	0:00:07	0:00:41	0:00:16	0:00:04	0:00:12
24:00-1:00	0:02:34	0:00:00	0:00:00	0:00:05	0:00:05
1:00-2:00	0:00:05	0:00:00	0:00:06	0:01:44	0:00:00

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

- revised telephone standard that specifies target and maximum actual (not average) lengths of time in queue for the reservations unit. The standard must prevent a pattern and practice of significantly long queue times in the reservations unit.
- plan to implement, monitor and enforce this standard with LIFT staff and contractors, including resolving the issue of long queue times in the afternoons.

Vehicle Fleet and Vehicle Availability

TriMet owns and provides the vehicles for its carrier, First Transit. The following table shows that the present TriMet fleet of 268 vehicles has an average age of about 4.7 years. With regard to supplemental taxi service, Broadway Cab Company owns its fleet of 166 sedans, 66 accessible vans, and 10 passenger vans. Green Transportation Company uses owner-operated vehicles and Sits fleet is composed of 38 sedans, six accessible vans, and 10 passenger vans. TriMet LIFT data shows that each month, supplemental transportation service represents approximately 10.5 percent of the total trips provided.

TriMet LIFT Paratransit Fleet Composition & Ownership as of March 2014

	Vehicle Type	
	Lift-equipped Body on Chassis Minibuses	Accessible Minivans
Total: 268	253	15
Owned by	TriMet	TriMet
Leased to	Contractor	Contractor
Average age	4.3 yrs	3 yrs
Purchase year:		
2012	84	
2011	42	
2010		15
2009	50	
2008	1	
2007	49	
2006	19	
2002	8	

In the TriMet LIFT budget process, the specific number of vehicles to be provided is determined by projected passenger trips and vehicle productivity. Although TriMet supplements the transportation provided by First Transit with two accessible taxi services, the agency also has prepared a capital budget forecast for fiscal year 2015 and forward that includes replacing LIFT vehicles at nine years of age, and fleet expansion. The Capital Investment Forecast plans to add

approximately seven LIFT vehicles per year for additional growth beginning in fiscal year 2016, at an annual cost projected at \$650,000 per year.

To determine if there are presently sufficient vehicles available to cover scheduled runs, and an adequate supply of spare vehicles, the review team examined TriMet's run structure and daily vehicle availability records and interviewed First Transit's operations managers at each garage. LIFT schedulers and managers stated that to meet weekday peak pullout, between 290 and 312 vehicles, plus spares, would be needed. On Wednesdays, the maximum weekday pullout requires 312 vehicles. These analyses showed that TriMet currently does not have enough vehicles to always cover the number of runs created. TriMet currently makes up the deficit using contracted taxi providers.

Driver Availability

TriMet's contract with First Transit requires that runs be covered or financial disincentives will be imposed. First Transit plans for 265 full-time and 94 part-time drivers. To determine if there was an adequate workforce to cover scheduled runs and sufficient backup on the day of service so that the contractor would not have to resort to covering driver absences using supervisors as emergency drivers, the review team selected a sample week.

As previously noted, TriMet service is organized into three zones or regions: Region 1 (Multnomah County, including the City of Portland); Region 2 (Washington County); and Region 3 (Clackamas County). Reviewers analyzed TriMet LIFT records for the week of March 2, 2014, and obtained data regarding driver availability and run coverage for each of the three regions. These records show the number of runs created each day, the open runs due to driver call-outs, and the spare and standby/"extra board" drivers available to cover open runs that day. With the assistance of spare and extra-board drivers and, on one occasion in Region 1, using a supervisor to drive, no runs were documented as uncovered during that week, in any region. This data suggests that using spare and extra-board drivers, First Transit, when supplemented by the two overflow contractors, is able to cover runs. However, because a random sampling of performed trips during the past six months identified incidents of very early morning lateness, continuing attention for that run coverage may be needed.

TriMet LIFT Paratransit Service Driver Availability and Run Coverage - Region 1
March 2 - 9, 2014

Date	No. of Runs Assigned	No. of Runs Closed (Uncovered)	Standby	Extraboard (on-call) Drivers	Supervisors Used to Cover Runs	
			Drivers			
Sun 3-2-14	28	0	1	2	0	available used
			1	2		
Mon 3-3-14	86	0	2	1	0	available used
			2	1		
Tue 3-4-14	87	0	2	1	0	available used
			2	1		
Wed 3-5-14	88	0	1	2	1	available used
			1	2		
Thu 3-6-14	90	0	2	3	0	available used
			0	3		
Fri 3-7-14	79	0	3	2	0	available used
			0	1		
Sat 3-8-14	34	0	6	1	0	available used
			0	0		

TriMet LIFT Paratransit Service Driver Availability and Run Coverage - Region 2
March 2 - 9, 2014

Date	No. of Runs Assigned	No. of Runs Closed (Uncovered)	Standby	Extraboard (on-call) Drivers	Supervisors Used to Cover Runs	
			Drivers			
Sun 3-2-14	23	0	1	6	0	<i>available used</i>
			1	6		
Mon 3-3-14	92	0	1	11	0	<i>available used</i>
			1	11		
Tue 3-4-14	91	0	3	10	0	<i>available used</i>
			1	8		
Wed 3-5-14	91	0	1	13	0	<i>available used</i>
			1	10		
Thu 3-6-14	82	0	1	10	0	<i>available used</i>
			1	8		
Fri 3-7-14	87	0	2	13	0	<i>available used</i>
			0	10		
Sat 3-8-14	23	0	3	6	0	<i>available used</i>
			0	4		

**TriMet LIFT Paratransit Service Driver Availability and Run Coverage - Region 3
 March 2 - 9, 2014**

Date	No. of Runs Assigned	No. of Runs Closed (Uncovered)	Standby	Extraboard (on-call) Drivers	Supervisors Used to Cover Runs	
			Drivers			
Sun 3-2-14	37	0	1	13	0	available
			0	13		
Mon 3-3-14	121	0	2	31	0	available
			2	29		
Tue 3-4-14	124	0	4	35	0	available
			2	28		
Wed 3-5-14	133	0	3	40	0	available
			2	31		
Thu 3-6-14	129	0	3	30	0	available
			2	29		
Fri 3-7-14	123	0	3	35	0	available
			2	34		
Sat 3-8-14	30	0	1	10	0	available
			0	8		

Planning; Capital and Operating Budgeting

A TriMet LIFT analysis, “Changes in Customers & Rides May 2008 through May 2013,” shows that over the period analyzed, the LIFT service has experienced an 8.7 percent reduction in the number of unique riders (client base). This change has been accompanied by slightly lower ridership in recent years. The transit agency has continued to budget to meet all demand for ADA paratransit service.

TriMet - Budget and Ridership Information

	Fiscal Year 2011	Fiscal Year 2012	Fiscal Year 2013	FY14 through December 2013
Costs				
Capital Projects		\$2,884,950	\$4,477,364	\$0
Operating Projects		\$0	\$12,646	\$0
Operation Costs		\$31,744,160	\$32,094,099	\$16,560,441
System Costs		\$34,429,834	\$35,149,971	\$18,460,430
ADA Paratransit Trips				
Requested & Scheduled	915,887	903,724	890,717	478,738
Capacity Denials	0	0	0	0
Provided	823,250	811,812	800,554	428,405

Reviewers met with TriMet’s director of budget, financial analysis, and grants administration and LIFT senior management to examine the process used to plan and budget for LIFT services each year. Each department is responsible for developing service and budget estimates for the next year. LIFT managers estimate future ridership after reviewing recent ridership levels, then developing cost estimates for the next year’s purchased transportation, operating, and capital needs. The review team was able to verify that the agency budgets and plans to meet all ADA paratransit demand, and that long-range planning recognizes LIFT’s need to upgrade technology and communications equipment as well as to add vehicles.

During the meeting, reviewers were informed that the TriMet LIFT budget includes a 2.3 percent increase for fiscal year 2015 and the same for fiscal year 2016. TriMet’s “Financial Forecast” dated December 2013 explains that the basis for estimating future LIFT growth is grounded in the state of Oregon population forecasts. It notes that about 30 percent of LIFT trips are made by individuals who are over age 70; their ridership is assumed to increase at the same rate of growth in elderly population as forecast by the state of Oregon, whereas for the customers under age 70 who are approximately 70 percent of LIFT trips, their ridership is assumed to grow with the forecast growth in total population.

6.5 Subscription Service

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

Discussion: During this compliance review, no deficiencies were found with the requirements concerning the provision of subscription trips.

LIFT offers subscription service (standing orders) to riders making frequent, similar trips of any kind. During interviews, LIFT managers stated that subscription service represents about 35 percent of weekday ridership. To be eligible for subscription service, a trip must recur at least once each week on the same day, between the same locations and at the same time. The trip must have been taken consistently over the previous 30-day period and must continue for at least six months. The LIFT Rider's Guide alerts users that subscription trips will be automatically cancelled on holidays; if a ride is needed, the customer must call and book it.

As part of its ongoing data review, TriMet electronically monitors riders' use of subscription service to minimize its impact on capacity. LIFT policy states that subscription reservations must be taken at least 75 percent of the time; cancellations and/or no-shows may not exceed 25 percent. Subscription reservations with excessive cancellations and/or no-shows are not continued.

The review team examined trip manifests and discussed with schedulers the design of vehicle runs and the scheduling of demand and subscription trips. Reviewers verified that LIFT service is not constrained, that day-before trip reservations are readily available, and that subscription service does not absorb more than 50 percent of the number of trips available at a given time of day.

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 one to two 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 cancellation policies.

TriMet's written policies for no-shows, and for service suspensions and appeals, are not reasonable with regard to the penalties imposed, do not account for frequency of use, and do not reflect current agency practices. Neither the written policies nor the unwritten practices comply with 49 CFR §37.125(g) or (h). In addition, TriMet's written policies are inconsistent with information provided in the agency's rider's guide and in communications with customers.

Regulatory Requirements: *Reasonable; Pattern and Practice*

With regard to the length and reasonableness of suspensions, TriMet's written policy states only that three or more no-shows within a 30 day period can result in a suspension of up to 30 days. As stated, this is not a reasonable penalty. The written policy does not mention consideration of frequency of travel in making decisions to suspend service. This omission does not acknowledge the regulatory requirement that a pattern or practice of abuse of service must be established.

Contradictory Information

Provisions in written policies contradict information publicly available or sent to TriMet customers. For example, LIFT's written policies and procedures do not include frequency of travel as a factor to be considered in determining whether a service suspension is warranted. However, under "Suspension of Service", the TriMet LIFT rider's guide (available online) states: "Should the number of no-shows within the control of the rider represent ten percent (10%) or more of scheduled trips, it may be considered grounds for service suspension." Nonetheless, three pages later in the same document, the discussion of no-shows does not mention frequency of travel and no other written materials include this provision. In addition, as noted later, reviewers found no evidence that this factor was calculated or considered during suspension decisions. As another example, TriMet's written policies and procedures require requests for an appeal or for a stay of suspension to be filed in writing. In contrast, "How to Request an Appeal of Service Suspension" (enclosed with notices of intent to suspend sent to riders) states that requests to appeal may be filed by phone, letter, or fax.

Definitions; Process; Practices

Concerning no-shows and service suspensions and appeals, the review team examined written policies and procedures, public information, letters, documentation and electronic files. In addition, reviewers interviewed the LIFT manager responsible for service delivery.

TriMet's written policy defines a customer "no-show" as an instance when LIFT receives notice of trip cancellation less than one hour prior to the scheduled pickup time, or a customer is not available to board within five minutes after a vehicle arrives, provided the arrival is within the scheduled pickup window. Under TriMet's current written policy for service suspensions due to rider no-shows, a rider may be suspended for up to 30 days (no specific length of time is stated or written) for three no-shows within a 30-day period. The written policy also states that circumstances outside the customer's control will be evaluated in determining if a "no-show" is the customer's responsibility and individuals will be informed that they have the opportunity to dispute no-shows, request that these be researched and reversed, and appeal proposed

suspensions. The written notice of intent to suspend informs the customer of the opportunity to appeal and provides information about the process.

With regard to practices, reviewers observed that LIFT’s written policy concerning no-shows does not reflect ongoing activities. Team members learned that LIFT has established an unwritten three-stage process for alerting and communicating with no-show violators before imposing sanctions. To be issued a written notice of intent to suspend service, customers must first incur three or more no-shows in each of three successive months. Warning letters are sent after each of the first two months. After a third month of excessive no-shows, a notice of intent to suspend is issued. A rider must pass the threshold of three or more no-shows in each of an uninterrupted succession of three months to receive a notice of intent to suspend. In addition, it appears to be LIFT’s custom to reverse any no-show disputed by a customer.

The results of a review of LIFT no-show activity for the five-month period September 2013 to February 2014 documented the use of the three-month phased process, showing the following:

TriMet: No-Show Activity by Month - September 2013 - February 2014

Month	Total Individuals	First Warning Letter	Second Warning Letter	Third Letter (Notice of Intent to Suspend)	Rescinded	Appealed	Suspended
Sept. 2013	183	143	33	7	5	0	2
Oct. 2013	231	191	28	12	1	6	5
Nov. 2013	181	134	39	8	1	2	5
Dec. 2013	237	202	25	10	1	4	5
Jan. 2014	180	137	34	9	3	1	5

During the five month period analyzed above, customers suspended for 30 days due to three successive months of three or more no-shows accounted for 1.0 to 2.7 percent of the total pool of individuals who no-showed.

Despite the mention in the rider’s guide of a 10 percent frequency of travel factor, among all other materials and in the computer record reviewers found no evidence that the agency calculated or considered frequency of use before issuing a notice of intent to suspend.

Accurate Identification of Customer No-Shows by Agency

To identify instances where customers might be penalized for no-shows that were in fact missed trips— which are the contract carrier’s responsibility—reviewers examined 30 sample LIFT trips from February 2014. They found that 26 codings were correct, and four incorrect. Upon further

investigation they learned that at riders' requests, TriMet personnel had already reclassified the four trips (which the examination of manifests and documentation had shown to be correct) as "no show missed trips"—that is, no-fault no-shows for which the riders would not be penalized. Thus, the actual percentage of sample trips shown below as having been coded correctly should be 100 percent, not 87 percent.

**Summary Analysis of 30 Sample LIFT Trips Coded as No-Shows
 February 2014**

No-show description	Total	%	W/I Pick Up Win.	%	Arrived >30 Minutes after Neg. Time	%	Arrived >30 Minutes before Neg. Time	%	Coded Correctly	%	Wait time Req't Met	%
Cancel at door	10	33%	8	42%	0	0%	0	0%	10	38%	n/a	
Cancelled / missed trip*	1	3%	0	0%	1	25%	0	0%	1	4%	0	0%
Customer no show	8	27%	6	32%	0	0%	0	0%	8	31%	8	40%
No show - missed trip	11	37%	5	26%	3	75%	0	0%	7**	27%	9	45%
Not there	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Total	30	100%	19	100%	4	100%	0	0%	26	100%	20	100%
%	100%		63%		13%		0%		87%		100%	

**The wait time for this trip, which was coded "cancelled/missed trip", could not be determined because the departure time was blank. The trip was provided by a taxi and no verification data was available.
 **Of the 30 trips sampled, four were classified as coded incorrectly. The vehicle arrived inside the pick up window; however, TriMet coded them "no show - missed trip". LIFT management informed reviewers that the codes had been changed after TriMet investigation of customer concerns.*

Corrective Action Plan and Schedule: Within 60 days of the issuance of the final report, TriMet must provide to the FTA revised no-show and service suspension policies, including the suspension appeal process, which:

- include explicit descriptions of the phased process for identifying and communicating with riders concerning no-shows, and explicit statements of the lengths of all proposed suspensions;
- assure consistent wording among all documents and website information; and
- address frequency of travel.

In addition, TriMet must revise and provide copies of its templates for No-Show letters and written and electronic public information materials to reflect these changes.

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. An advisory comment, however, is made regarding this requirement: 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.

TriMet LIFT reported a total of 1,675 complaints for September 2013 through February 2014, representing a complaint rate of 2.46 complaints per thousand trips performed. The review team analyzed all LIFT customer complaints and commendations filed during this six month period and found that on-time performance accounted for an average of 25 percent of all complaints; missed trips, 10 percent; trip length, 2 percent. No complaints concerned telephone access or service denials. Issues not classed as capacity constraints, including vehicle operation and condition, LIFT staff or driver lack of professionalism, and quality of trip experience, accounted for an average of 63 percent of the total complaints received.

TriMet LIFT Customer Comments September 1, 2013 to February 28, 2014 Summarized by Month

	Sep-13		Oct-13		Nov-13		Dec-13		Jan-14		Feb-14	
Total complaints	213		246		198		170		209		194	
Capacity constraint-related complaints	74		116		81		54		54		80	
<i>Missed Trips</i>	14	7%	23	9%	20	10%	20	12%	21	10%	21	11%
<i>Lengthy Trips</i>	7	3%	3	1%	9	5%	4	2%	2	1%	4	2%
<i>On-Time Performance</i>	53	25%	90	37%	52	26%	30	18%	31	15%	55	28%
<i>Telephone Access</i>	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
<i>Service Denials</i>	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
% constraint-related	35%		47%		41%		32%		26%		41%	
Non-constraint-related*	139		130		117		116		155		114	
% non-constraint-related	65%		53%		59%		68%		74%		59%	
Complaints per 1000 trips performed	2.56		2.58		2.33		2.05		2.37		2.68	

Commendations	53	60	62	62	73	92
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NOTE: Non-capacity constraint-related complaints can include: *Driver: lack of professionalism, use of cell phone, lost or unfamiliar with facility or area; LIFT staff lack of professionalism; vehicle appearance, cleanliness, etc.; vehicle operation/reported unsafe driving, waiting with engine running, vehicle blocking exit/entry, reported incident or accident; vehicle choice (would prefer taxi); ride comfort (heating, air conditioning, choice of routing, bumpy trip); complaints about other customers, lost items, etc.

LIFT tracks service quality separately for each of the three service regions where First Transit is the principal provider. When reviewers examined complaints by geographic area and by providers, they found that Region 1, which includes the City of Portland and where ridership is the lowest, generated slightly more complaints than Regions 2 and 3, which include rural areas. Complaint data for on-time performance, missed trips, and lengthy trips, as well as complaint rates per thousand trips, indicate that overall service quality is similar among the three regions. For the first three months examined, Broadway Cab Company generated a volume of complaints seemingly disproportionate to the number of trips they provided. During the following three months, the number of taxi complaints dropped while cab usage increased by 10 percent. During interviews, both LIFT management and taxi drivers volunteered that the two taxi companies serving as supplemental transportation providers are often assigned to pick up will calls and riders whose vehicle was already late.

In February 2014, LIFT received 92 commendations—the largest monthly total of the fiscal year.

TriMet’s policies and procedures for complaint receipt, documentation, distribution, investigation, and follow up provide for prompt and equitable resolution. Riders may call, e-mail, write, or fax TriMet LIFT customer service with commendations, complaints or questions. LIFT staff enter the report in LIFT’s database for tracking, and forward the complaint to the appropriate office for processing, with copies to LIFT management. TriMet contracts require that contractors conduct a thorough investigation and respond in a manner that is to the satisfaction of TriMet. The responsible party must address complaints classed as “non-immediate” within seven days of receipt. Complaints classed as “direct access” (typically traffic- or safety-related) require immediate investigation by a safety supervisor, who pulls the vehicle and driver from service but can return either to service. “Immediate” complaints such as an allegation of sexual harassment also require immediate investigation; the vehicle and driver are removed from service, but the driver cannot return to LIFT service until the complaint has been investigated and resolved. TriMet LIFT management reviews complaint records, tracks timeliness of investigations, monitors responses and reports complaint clearance data monthly. In addition, LIFT compiles monthly and quarterly service quality reports on commendations and complaints for the TriMet Citizens Advisory Committee (CAT).

Reviewers verified that LIFT complies with DOT requirements to keep complaint records for one year and complaint summaries for five years. LIFT managers informed reviewers that TriMet retains ADA paratransit complaints as long as eight to 10 years.

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 denying any individual with a disability the opportunity to use the transportation services it provides to the general public. Discriminatory practices include and are not limited to requiring the use of alternate transportation services, requiring persons with disabilities to be accompanied by an attendant, imposing user fees or special charges upon people with disabilities and requiring people with disabilities to use designated priority seating.

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

TriMet's actions to ensure that the provision of transportation to people with disabilities is not denied or limited based on disability include making information about both accessible fixed route service and LIFT ADA paratransit available on the TriMet website, in print, and in alternate formats, emphasizing the use of TriMet's accessible fixed route transportation whenever possible; explicitly stating in information materials and on the website that using fixed route service will not disqualify riders from also using LIFT; and sponsoring travel training and system orientation for riders through RideWise. LIFT partners with regional disability groups and with TriMet's disability advisory group, CAT (Committee on Accessible Transportation), which is composed of seniors, people with disabilities, and advocates. One member of the TriMet Board of Directors is appointed to serve on CAT. As stated on the TriMet website, LIFT holds monthly work sessions with CAT and presents quarterly reports to it regarding service.

Review team members examined TriMet LIFT's Rider's Guide, website, and other service information; carrier contracts; and procedures and training manuals for eligibility, reservations, scheduling, dispatch, and customer service personnel. These materials were compared with service and eligibility data and information gathered during on-site observations, meetings, interviews, and vehicle and facility inspections. Reviewers identified no discrepancies between LIFT's published policies and standards concerning discrimination against persons with disabilities in connection with the provision of transportation and the procedures and practices followed by LIFT managers and personnel. No evidence suggested that persons with disabilities were being steered to alternate transportation services during eligibility, reservations, or other processes, and there were no indications that eligible riders were being required to be accompanied by an attendant.

During the pre-review period, the review team contacted the following disability community organizations and agencies. The purpose of this activity was to learn whether service complaints

had been filed with the transit agency and identify any indications of practices that might require further attention and analysis during the review.

Independent Living Resources (Portland)
United Cerebral Palsy (Portland)
The ARC of Multnomah Clackamas (Portland)
Multiple Sclerosis Society (Portland)
Paralyzed Veterans of America (Portland)
The City of Portland – Disability Program (referred by The ARC)
Ride Connection (referred by the City of Portland Disability Program)

Of the seven organizations contacted, only two responded and participated in interviews (Paralyzed Veterans of America; City of Portland Disability Program). Representatives of both agencies interviewed stated it is not their practice to file formal written complaints on behalf of clients and people who use their services. Both representatives reported they had called the LIFT complaint line to report that they personally have experienced issues with drivers not deploying the ramp on TriMet's light rail service, MAX. Both discussed a few stories that they had heard regarding issues with ADA paratransit (eligibility standards; long wait for a vehicle), but had no specifics regarding these. They stated they believed those complaints had not been formally filed, and were unsure as to whether TriMet had been contacted regarding the complaint.

6.9 Training requirements

Requirement: Under 49 CFR §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.

TriMet transportation provision contracts require carriers to provide training, the content of which has been pre-approved by LIFT. TriMet stipulates that training shall be to proficiency. First Transit driver training includes a total of 120 hours, of which 40 are spent in classroom training, 40 behind the wheel, and 40 in accompanied driving (in-service training with a certified trainer), known as “cadet training.” Classroom training includes disability awareness and communication, passenger assistance techniques (includes securing mobility devices), passenger relations; vehicle, radio and communications familiarity, defensive driving, operating rules, safety, accident prevention, and other topics. 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, both as part of complaint response, and whenever new equipment or technology is introduced; and remedial training conducted on an as-needed basis for drivers who have safety, accident prevention, and/or passenger relations issue. For its two supplemental taxi service providers, TriMet requires that drivers successfully complete a minimum of four hours of

training in passenger assistance techniques. TriMet documents successful completion of driver training as part of its driver performance files.

With regard to staff training, TriMet requires that First Transit reservations, scheduling, customer service, and dispatch personnel receive disability awareness and communication training as well as instruction in TriMet LIFT policies and procedures and training in using Trapeze and telephone equipment. In the eligibility unit, all staff and contractor assessors are required to complete the National Transit Institute ADA paratransit eligibility workshop. In addition, LIFT participates in the Easter Seals Project Action webinars and periodically invites trainers from area disability organizations to conduct other professional training on-site and in the field.

The review team examined carrier contracts, driver and staff training materials, procedures and manuals, and visited taxi garages and the three First Transit regional sites. Training content and materials appeared to meet DOT ADA regulatory requirements regarding proficiency, appropriateness to assigned duties, and respectful treatment of individuals with disabilities.

In addition to LIFT managers and staff, reviewers interviewed 15 new and longtime drivers from all three First Transit garages and both taxi companies. 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 LIFT policies and procedures implementing DOT ADA regulatory requirements. Reviewers observed the following:

- When asked about pickup times being altered, drivers said that riders rarely or never indicated that the pickup times they had negotiated on the phone differed from what was on the manifest.
- All drivers demonstrated a good understanding of the procedures to follow when a rider seems to be a no-show.
- When asked if and how often they ran late (outside the on-time window), drivers said rarely. Several said they try to run early.
- In response to questioning about the schedules and whether these are too tight, too loose, or about right, almost all said they found the schedules about right. Taxi drivers indicated they may be sent to do a pickup that is already late and this can be difficult.
- Most drivers were familiar with the on-time pickup window, saying that it was from the negotiated pickup time to 30-minutes afterward.
- Drivers stated that refresher training is typically provided either after a complaint or incident, as part of discipline, or when new vehicles or new equipment arrive, so that drivers can learn to use the new equipment. Safety training is also offered.

6.10 Service Under Contract with a Private Entity

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

vehicle acquisition, that the transit agency would be required to meet, if it provided the service directly.

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

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

To identify how TriMet manages the services provided by its contractors, the review team met with TriMet's director of business programs and LIFT's manager for service delivery. Reviewers discussed the measures TriMet takes to provide effective oversight and contract management, and to maintain contractor performance, service provision, and ongoing control over use of assets. TriMet devotes significant staff, technology, and resources to this effort, performing ongoing verification, day-of-service monitoring, and contractor oversight using electronic information and documents, reports and other data generated. Nonetheless, managers stated they believe it is essential to cross-check computer-generated data rather than relying on it exclusively. In addition to technologies such as Trapeze CERT and Workstation software modules, LIFT staff use more than 300 user-defined Crystal report programs to independently double-check and confirm computer system data, including validating on-time performance reporting and verifying no shows, late cancellations and missed trips. LIFT's manager for service delivery provided copies of the outliers report and other reports developed in-house to monitor performance.

With regard to service provision, reviewers observed that LIFT managers closely monitor call center phone queue activity and review the phone system reports generated and posted every two hours during the day. In addition, managers use remote access to audit telephone performance and monitor calls in real time during the day, as well reviewing recorded calls. On the day of service, managers track on-time performance by region using real-time data collection and reporting programs displayed on monitors using the dashboard application. AVL data verifies that drivers are on-site; street supervisors conduct field monitoring and unannounced ride checks, and follow up on reports of driver activity phoned in by motorists.

After service has been provided, LIFT managers generate and analyze daily, weekly, and monthly service performance reports. As previously noted in the discussion of complaint handling, LIFT tabulates customer complaints by subject, provider and region and compares these with performance information to identify any potential issues. This data enables TriMet to support with extensive documentation any imposition or waiving of liquidated damages when contract requirements are not met. First Transit's project managers are located on-site at LIFT headquarters and interaction is ongoing. In addition, however, individual contractor meetings take place monthly or whenever service issues arise. LIFT management provided the review

team with copies of the various performance reports prepared for TriMet management or presented at monthly and quarterly agency and CAT advisory committee meetings. Periodically LIFT conducts a longitudinal customer satisfaction survey and reviews results with contractors.

Penske performs maintenance and repairs for LIFT vehicles at LIFT's headquarters facility under contract with TriMet. LIFT managers and supervisors oversee the work; in-house MMIS software program tracks and reports monthly on vehicle use, inspections, and repair interval, type, and speed.

With regard to oversight of TriMet's eligibility contractor, reviewers noted that contract staff perform their assessments at the Transit Mobility Center, overseen by TriMet's manager of eligibility and outreach. MTM's contract with TriMet requires that written reports be submitted to the eligibility manager within 48 hours of assessment completion. Using the CERT module, LIFT supervisors run weekly reports tracking application progress and elapsed time to identify and resolve any outstanding assessment reports. The review team examined computer records for March 2013 through February 2014, and viewed weekly and monthly reports documenting MTM staff's ongoing compliance with this contract requirement.

6.11 Service Provided by Another Public Entity

Requirement: 49 CFR Part 37 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 DOT, 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: No other public entities provide service on behalf of TriMet's ADA complementary paratransit service.

6.12 Coordination of Service

Requirement: Under 49 CFR §37.139(g), public transit operators are 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 TriMet's website and published materials, interviewed LIFT managers and staff, and found that TriMet and LIFT connect to the following public transit systems, which adjoin but do not overlap TriMet's service district (area).

- C-Tran, serving Vancouver and Clark County, Washington
- Canby Area Transit, serving Canby and rural areas south of Oregon City along Highway 99E
- Cherriots, serving Salem and Keizer (connection at the Wilsonville Station on the Westside Express Service commuter rail line)
- Columbia County Rider, serving Scappoose, St. Helens, and Columbia County
- Sandy Area Metro
- SMART, serving Wilsonville
- South Clackamas Transportation District, serving Molalla and rural areas south of Oregon City along Highway 213
- Tillamook County Transportation District
- Yamhill County Transit Area, serving McMinnville, Newberg and Yamhill County

TriMet's printed maps and website provide contact information for each of these systems.

In addition, in 2009 the four-car, 14.7 mile WES (Westside Express Service) commuter railroad opened to provide peak hour service between Beaverton and Wilsonville with intermediate stations in Tigard and Tualatin, where intermodal transfers can be made to TriMet buses. TriMet contracts Portland and Western Railroad to operate this service. Train cars and stations are accessible. As discussed above in Section 6.4 (Service Area), Wilsonville lies outside the TriMet district. TriMet buses serve Commerce Circle outside Wilsonville, Barbur Transit Center, and Tualatin Park & Ride to provide connections to transit services operated by SMART (South Metro Area Regional Transit, serving Wilsonville).

TriMet also links to regional shuttle services such as Ride Connection, serving Banks, Gaston, King City and North Plains; Swan Island Transportation Management Association; Tualatin Transportation Management Association; Intel; Nike; and Oregon Health & Science University, including the Portland Aerial Tram.

Reviewers found evidence of broad-based regional public transportation coordination. The TriMet system design provides and publicizes opportunities for fixed route and ADA paratransit riders to connect with neighboring systems using its transit centers, light rail stations, and commuter rail stations located at or near the borders of its service area. At these sites, riders can board or exit fixed route or paratransit vehicles from adjacent jurisdictions and board or exit TriMet vehicles, paying a new fare on the vehicle boarded. With regard to the degree of coordination, TriMet LIFT managers informed reviewers that whether on fixed route or ADA paratransit, changing to another system at TriMet sites 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)	ND			
4	Accessible information	37.125(b)	ND			
5	Eligibility determinations within 21 days	37.125(c)	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	Written eligibility determinations including specific reasons for denials or temporary or conditional	37.125(d)(e)	D	Deficiencies were found with the requirement for written eligibility determinations. TriMet's written notices of eligibility consistently did not provide specific reasons for temporary or conditional determinations. Written notices of eligibility determination also did not uniformly and consistently include all five required information elements plus an explicit statement of applicant's right to appeal the decision and the right to a hearing.	Provide to the FTA revised certification letters and letter templates for approval, which include the following items: <ul style="list-style-type: none"> • specific reasons for determinations of ineligibility, temporary or conditional; • all five required information elements (applicant's name; agency name; telephone number of the agency's paratransit coordinator; expiration date for eligibility; any conditions or limitations on eligibility, including the use of a PCA); and • information about applicant's right to appeal and right to a hearing 	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. The entity hearing eligibility appeals did not notify appellant of, and provide, presumptive eligibility on the 31 st day when the decision had not been rendered but the appeal process was completed. Information concerning appeals provided to customers is not always complete or consistent.	Provide to the FTA for review: <ul style="list-style-type: none"> • a revised eligibility appeals policy and process which ensure the provision of presumptive eligibility to appellants on the 31st day when the decision has not been rendered but the appeal process is completed; • revised eligibility materials, denial, temporary and conditional letters and public information which reflect the revised appeal process. 	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
9	Complementary paratransit for visitors	37.127	D	A deficiency was found with the requirement for complementary paratransit service for visitors. TriMet’s visitor policy states that visitors may have to undergo a “mobility device evaluation.” The DOT ADA regulations do not permit an entity to require anyone to submit to a mobility device evaluation.	TriMet must provide to the FTA evidence that its visitor policy no longer includes a requirement for a potential mobility device evaluation.	
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			
12	Response time	37.131(b)	ND			
13	Fares	37.131(c)	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
14	No trip purpose restrictions	37.131(d)	ND			
15	Hours and days of service	37.131(e)	D	<p>Deficiencies were found with the requirements for hours and days of service. TriMet does not make ADA complementary paratransit service available to all people who are eligible for the service during the same hours and days that it operates fixed route service. TriMet bus and light rail service operates before 4:30 a.m. and later than 2:30 a.m. TriMet LIFT has not programmed its scheduling software to make available ADA complementary paratransit service before 4:30 a.m. or after 2:30 a.m. when service on some fixed routes operates outside the published ADA paratransit service hours and days.</p>	<p>Make the necessary revisions to the LIFT scheduling software and operational practices to assure that LIFT service hours are comparable to TriMet bus and light rail routes.</p> <p>Provide FTA with evidence that these changes have been made and that public information materials reflect the changes.</p> <p>Provide FTA with copies of the policy and procedures in place to ensure that whenever fixed route service schedules change, at the same time LIFT service hours are also reviewed and if necessary changed to correspond.</p>	Within 60 days of the issuance of the final report
16	Absence of capacity constraints	37.131(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
17	No restrictions on the number of trips provided to an individual	37.131(f)(1)	ND			
18	No waiting list for access to the service	37.131(f) (2)	ND			
19	No substantial numbers of significantly untimely pickups for initial or return trips	37.131(f)(3)(i)(A)	ND			
20	No substantial numbers of trip denials or missed trips	37.131(f)(3)(i)(B) 37.131(3)(1)(B)	ND			
21	No substantial numbers of trips with excessive trip lengths	37.131(f)(3)(i)(C)	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
22	No operational patterns or practices significantly limiting service availability	37.131(f)	D	The reservations unit experiences long telephone queue times in the afternoon.	Provide the following items to FTA: <ul style="list-style-type: none"> • revised telephone standard that specifies target and maximum actual (not average) lengths in time for queue for the reservations unit. The standard must prevent a pattern and practice of significantly long queue times in the reservations unit. • plan to implement, monitor, and enforce this standard with Lift staff and contractors, including resolving the issue of long queue times in the afternoon. 	Within 60 days of the issuance of the final report
6.5 Subscription Service						
23	Subscription Service	37.133	ND			
6.6 Reasonable Policies for Proposed Service Suspensions for Missing Scheduled Trips and the Right to Appeal						

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
24	No-show, late cancel and reasonable service suspension & appeal policies	37.125(h) (1)-(3)	D	Deficiencies were found with the requirements concerning no-show and late cancellation policies. TriMet’s written policies for no-shows/late cancellations, and for service suspensions and appeals, do not seem reasonable with regard to the penalties imposed, do not account for frequency of use, and do not reflect current agency practices. In addition, TriMet’s written policies are inconsistent with information provided in the agency’s rider’s guide and in communications with customers. . Neither the written policies nor the unwritten practices comply with 49 CFR §37.125(g) or (h).	<p>Provide to the FTA revised no-show and service suspension policies, including the suspension appeal process, which:</p> <ul style="list-style-type: none"> • include explicit descriptions of the phased process for identifying and communicating with riders concerning no-shows, and explicit statements of the lengths of all proposed suspensions; • assure consistent wording among all documents and website information; and • address frequency of travel. <p>In addition, TriMet must revise its templates for No-Show letters and written and electronic public information materials to reflect these changes, also providing copies of these items to FTA.</p>	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			
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	ND			
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			