



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

VIA Metropolitan Transit
Paratransit Compliance Review Final Report
October 1, 2014

FTA Report No. 0000
Federal Transit Administration



U.S. Department of Transportation
Federal Transit Administration

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Executive Summary

Purpose

This report reviews VIA Metropolitan Transit's (VIA's) complementary paratransit service (VIATrans) in the San Antonio, Texas metropolitan area. Its objective is to verify whether VIA is meeting its obligations under the Americans with Disabilities Act (ADA) requirements to provide paratransit as a complement to its fixed route service.

This compliance review included three stages:

1. Preparation: compilation of information covering policies and procedures and interviews with eligible VIATrans riders and local disability organizations
2. Site visit: a three-person review team's observation of how VIATrans handles trip requests, scheduling and dispatching, examination of eligibility applications and related documents (including appeals), and interviews with VIA, VIATrans, and contractor employees
3. Analysis and reporting: identification of deficiencies requiring corrective actions and suggestions of effective practices in complementary paratransit service

Key Findings

VIA representatives are committed to improving the VIATrans paratransit service as a complement to its fixed route service. The review team also observed that:

- VIA significantly reduced the number of VIATrans trip denials since its May 2012 FTA Triennial Review; VIA's last recorded trip denial was in November 2013
- VIATrans managers work effectively to improve how drivers and dispatchers collaborate; several interviewed drivers praised the improved relationship
- Most trips on VIATrans are relatively short in distance and duration
- VIA subsidizes up to 20 same-day taxi trips per month for ADA paratransit eligible riders, which helps meet these riders' travel needs; this program exceeds the minimum response time requirements in the DOT ADA regulations

The review identified the following deficiencies that VIA can correct immediately:

- VIA's letters to individuals determined conditionally or temporarily eligible do not inform recipients of their right to appeal the decision
- VIA's on-time pickup performance standard for VIATrans trips does not reflect adequate on-time performance
- The letter that VIA sends to riders facing no-show suspensions includes an attachment with conflicting information regarding how to dispute no-shows
- VIA's no-show suspension policy does not consider the proportion of no-shows relative to the rider's frequency of travel

The review also identified the following deficiencies that VIA must address:

- VIATrans reservationists improperly negotiate with some callers by offering trips that do not meet riders' travel needs (e.g., specific appointment times)
- The number of significantly untimely pickups for initial or return trips is substantial

- VIAtrans operations staff fail to request, capture, and record appointment times and fail to take appointment times into consideration when developing schedules or managing runs

Please see Section 5 for a discussion of all 29 deficiencies. The Summary Table of Compliance Review Findings (following Section 5) lists all findings. VIA must address all deficiencies within 60 days of receipt of this report.

1 General Information

This chapter provides basic information concerning this VIA compliance review. Information on VIA, the review team, and the dates of the review are presented below.

Grant Recipient:	VIA Metropolitan Transit (VIA)
City/State:	San Antonio, Texas
Grantee Number:	6011
Executive Official:	Jeffrey Arndt, President & CEO
On-site Liaison:	Larry Wallis, Director of Audits
Report Prepared By:	the Collaborative, Inc.
Dates of Site Visit:	January 27–31, 2014
Review Team Members:	Russell Thatcher, TranSystems Corp. David Chia, the Collaborative, Inc. Richard Wiener, Nelson\Nygaard Consulting Associates

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2 Jurisdiction and Authorities

Public entities that operate fixed route transportation services for the general public are required by the U.S. Department of Transportation (DOT) regulations implementing the Americans with Disabilities Act of 1990 (ADA) to provide complementary paratransit service for persons who, because of their disability, are unable to use the fixed route system. These regulations (49 CFR Parts 27, 37, 38, and 39) include eligibility requirements and service criteria that must be met by complementary paratransit service programs. Section 37.135(d) of the regulations required that complementary paratransit service meet these criteria by January 26, 1997.

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the ADA and the DOT regulations implementing the ADA.

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3 Introduction to VIA

VIA Metropolitan Transit (VIA) is the public agency in the metropolitan San Antonio area responsible for providing public transportation services. VIA was created according to Article 1118x of the Texas civil statutes (superseded by Chapter 451 of the Texas Transportation Code) to provide public transportation services within designated boundaries. VIA's service area is made up of the unincorporated parts of Bexar County and the following municipalities:

- Alamo Heights
- Balcones Heights
- Castle Hills
- China Grove
- Converse
- Elmendorf
- Kirby
- Leon Valley
- Olmos Park
- San Antonio
- Shavano Park
- St. Hedwig
- Terrell Hills

The Bexar County portion of Cibolo is also included in VIA's service area. In total, VIA's service area covers about 98 percent of Bexar County.

VIA operates an extensive network of fixed route buses as well as complementary paratransit service. VIA fixed route buses operate daily from 4 a.m. to 1 a.m. There are 7,080 bus stops along 91 bus lines, which are divided into five service categories: frequent, metro, express, skip, and downtown circulator. VIA also operates Primo Service, a bus rapid transit service. VIA provides free fixed route service to conditionally eligible VIAtrans riders.

According to its website, VIA ridership totaled more than 47 million rides in FY 2013. This included 44.6 million rides on the various fixed route bus services, about 1.5 million rides on the Primo Service, and over 1 million rides on VIAtrans. According to FTA's National Transit Database (NTD), VIA's service area is 1,213 square miles, with a population of 1,714,773.



VIAtrans van and accessible service website [link](#)

3.1 Introduction to Complementary Paratransit Services and Organizational Structure

VIA's complementary paratransit service is known as VIAtrans, which VIA jointly operates with Star Shuttle, a contracted service provider. VIA employees take reservation calls and schedule trips. VIA and Star Shuttle operate runs assigned to their drivers. All VIA and Star Shuttle reservationists, schedulers and dispatchers are located together at Transguide, a call and control center located at 3500 NW Loop 410 in San Antonio. VIA drivers operate approximately 848 runs per week (157 runs on weekdays and 32 runs on weekend days). Star Shuttle drivers operate approximately 1,090 runs per week (196 on weekdays, 61 on Saturdays, and 47 on Sundays).

VIA has an active fleet of 134 lift-equipped minibuses. Star Shuttle's 150-vehicle fleet includes 30 VIA-owned lift-equipped minibuses. The remaining Star Shuttle-owned vehicles include 40 ramp-equipped minivans and 80 minivans without ramps.

VIA manages the ADA paratransit eligibility determination process and customer service functions, which includes logging all comments and complaints. Star Shuttle manages comments and complaints for its service.

VIA drivers and vehicles are located at VIA's Metro Center garage, which is at 1021 San Pedro in San Antonio. Star Shuttle operates out of a garage at 1343 Hallmark in San Antonio.

VIA uses paratransit software for reservations, scheduling, and dispatch operations, and owns the software licenses. VIAtrans vehicles are equipped with mobile data terminals (MDTs), automatic vehicle location (AVL) technology, and on-board cameras.

At the time of the site visit, there were 12,705 individuals eligible for the VIAtrans service. VIA provided 1,046,552 one-way trips in FY 2013.

Starting in June 2013, VIA began subsidizing taxi service (up to \$9 per trip and up to 20 trips per month) for eligible VIAtrans riders who make reservations directly with Yellow Cab of San Antonio. The taxi contractor has accessible as well as standard cabs and can accommodate requests from riders who use wheelchairs. During the fall of 2013, the taxi service provided approximately 2,200 trips per month.

VIA's FY 2014 operating budget is \$156.9 million and the budget for VIAtrans service is \$33.9 million.

4 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 complementary paratransit requirements under DOT ADA regulations. However, the deficiencies identified and findings made in this report are by necessity limited to the information available to and the observations made by the review team at the time of the site visit. A lack of findings in a particular review area does not constitute endorsement or approval of an entity's specific policies, procedures or operations; instead, it simply indicates that no deficiencies in the delivery of service were observed at the time of the site visit.

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

4.1 Scope

The review focused on whether VIA's complementary paratransit service (VIAtans) 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 the VIAtans 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 agency's established standards (or typical practices if standards do not exist).

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

- Complaint resolution and compliance information (49 CFR §§ 27.13(b) and 27.121(b))
- Nondiscrimination (49 CFR § 37.5)
- Service under contract (49 CFR § 37.23)
- Requirement for comparable complementary paratransit service (49 CFR § 37.121)
- ADA paratransit eligibility: Standards (49 CFR § 37.123)
- ADA paratransit eligibility: Process (49 CFR § 37.125) including whether:
 - Information is made available in accessible formats upon request
 - A decision is made within 21 days or presumptive eligibility is granted pending a decision
 - There is written notification of all decisions
 - All denials or conditional eligibility determinations are completed in writing with specific reasons for the decision
 - There is an administrative appeals process for denials and conditional eligibility determinations
- Reasonable policies for suspending service to eligible riders who establish a pattern or practice of missing trips
- Complementary paratransit service for visitors (49 CFR § 37.127)
- Types of service (49 CFR § 37.129)

- Service criteria for complementary paratransit (49 CFR § 37.131) including:
 - Service area
 - Response time
 - Fares
 - Trip purpose restrictions
 - Hours and days of service
 - Capacity constraints
- Subscription service (49 CFR § 37.133)
- Training requirements (49 CFR § 37.173)

4.2 Methodology

FTA's Office of Civil Rights sent a notification letter to Jeffrey Arndt, VIA's President and CEO, on November 6, 2013, confirming the dates for the site visit and asking VIA to send information to the review team in advance of the site visit (Attachment A).

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

- VIA's description of how it structures its complementary paratransit service
- Public information describing VIA's complementary paratransit service
- VIA's standards or goals for on-time performance, trip denials, missed trips, complementary paratransit trip length, on-time performance, and telephone hold times, and how it specifies all of these standards or goals in its contract with its service provider and in its "VIATrans Service Customer Guide (Customer Guide)"

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

- Copies of completed driver manifests for recent months
- Thirty-six months of service data, including the number of trips requested
- Records of consumer comments and complaints related to capacity issues, including trip denials, on-time performance, travel time, and telephone access
- Procedures for addressing rider complaints and other incident reports
- VIA's complaint recordkeeping process
- A fleet roster of VIATrans vehicles
- A listing of complementary paratransit drivers and their start dates
- Operating budgets, capital spending plans, and cost data

The VIA complementary paratransit service site visit took place from January 27–January 31, 2014. The site visit began with an opening conference, held at 9 a.m. on January 27, 2014, at the VIA offices at 800 W. Myrtle Street, San Antonio, TX. Attending the conference were:

- Jeffrey Arndt, President and CEO, VIA
- Steve Lange, VP Fiscal Management, CFO, VIA
- Alva Carrasco, VP Transportation, VIA
- Larry Wallis, Director of Audit, VIA
- Bonnie Prosser Elder, General Counsel and Senior VP, VIA
- Mary McDougle Homburg, Counsel, VIA

- David Frost, Manager, Accessible Services, VIA
- Sylvia Castillo, Manager of Paratransit Operations, VIA
- Terry Dudley, Manager of Procurement, VIA
- Nolen Treadwell, Paratransit Contract Monitor, VIA
- Richard Betz, Manager, Budget/Grants/Financial Reporting & Analysis, VIA
- Tremell Brown, Manager, Training and Development, VIA
- Daniel Chaipan, Paratransit Administrator, VIA
- Larry Gray, Operations Manager, Star Shuttle
- Russell Thatcher – Review Team Leader, TranSystems
- David Chia – Review Team Member, the Collaborative
- Richard Weiner – Review Team Member, Nelson\Nygaard Consulting Associates

Following the opening conference, the review team met with VIA representatives to discuss the information sent in advance, the on-site information and material, the planning and budgeting process, and budgets and expenditures from recent fiscal years.

For the remainder of the morning, the review team discussed the eligibility process with VIA's eligibility staff, evaluated complaint reports and files the complaint investigation and resolution process with VIA customer service staff, and looked at how VIA oversees its Star Shuttle contract. The review team spent the afternoon observing the trip reservations process at the Transguide call and control center. They listened to how reservationists negotiate trip requests with callers and enter the information in the paratransit software. This examination sought to identify any calls that result in trip caps, waiting lists, or unsuccessful negotiations as well as any patterns or practices of denying a significant number of trip requests. The review team also met with VIAtrans IT staff to develop special reports.

On Tuesday, January 28, 2014, the review team observed the trip reservations process during the morning peak call time. They also interviewed the VIAtrans lead scheduler, observed the dispatch process and interviewed dispatchers. The review team also began analyzing on-time performance and on-board ride times for the selected sample week (November 3–9, 2013).

In the morning on Wednesday, January 29, 2014, the review team continued analyzing on-time performance and travel times, and examined the eligibility determination process in more detail. This included a review of randomly selected application files, application materials, letters of determination, the appeals process, and VIA's no-show suspension policy. In the afternoon, the review team traveled to the Metro Center garage to interview nine VIA drivers and collect the following information:

- Vehicle fleet composition
- Vehicle pullout and driver availability
- Driver workforce and turnover
- Driver training materials

In the morning on Thursday, January 30, 2014, the review team visited the Star Shuttle facility and interviewed six Star Shuttle drivers. The review team also gathered the following information:

- Vehicle fleet composition
- Vehicle pullout and driver availability
- Driver workforce and turnover
- Driver training materials

In the afternoon on Thursday, January 30, the review team returned to the Transguide facility and further observed the dispatch process. The review team also examined reports on no-shows, run closures, late pullouts, and other operational issues.

On Friday, January 31, 2014, the review team continued to analyze and tabulate the various data they had gathered. They posed additional questions to VIA staff and prepared for the exit conference, which took place at 2 p.m. at VIA's offices on W. Myrtle Street. Attending the conference were:

- Jeffrey Arndt, President and CEO, VIA
- Keith Hom, Deputy CEO, VIA
- Larry Wallis, Director of Audit, VIA
- Mary McDougale Homburg, Counsel, VIA
- David Frost, Manager, Accessible Services, VIA
- Sylvia Castillo, Manager of Paratransit Operations, VIA
- Andres Garza, Manager of Customer Service, VIA
- Daniel Chaipan, Paratransit Administrator, VIA
- John Walker, President and CEO, Star Shuttle
- Larry Gray, Operations Manager, Star Shuttle
- Fermin Gaitan, Asst. Operations Manager, Star Shuttle
- Russell Thatcher – Review Team Leader, TranSystems
- David Chia – Review Team Member, the Collaborative
- Richard Weiner – Review Team Member, Nelson\Nygaard Consulting Associates
- Bill Schwartz – Project Manager, the Collaborative (via telephone)

FTA provided VIA with a draft copy of the report for review and response. A copy of VIA's response to the draft report, dated June 20, 2014, is included as Attachment B.

5 Findings and Advisory Comments

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

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

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

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

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

5.1 Comparable Complementary Paratransit Service

Requirement: Under 49 CFR § 37.121, transit agencies operating a fixed route system must provide complementary 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 for VIA to provide comparable paratransit service with the VIAtrans service.

5.2 ADA Paratransit Eligibility Process

Absence of Administrative Burdens

Requirement: Under 49 § CFR 37.125, transit agencies 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 respect to the prohibition against unreasonable administrative burdens in VIA's eligibility process.

Applicants must complete a two-part application form, which is available online and via telephone by calling the VIA Accessible Services number. (See Attachment C.) Part one (three pages) requests general information as well as information about mobility aids, personal attendants, functional abilities, and current use of fixed route transit. A professional familiar with the applicant must complete the two-page, second part of the application. VIA accepts verifications from a wide array of professionals, including physicians, physician's assistants, therapists, or other certified or licensed health care providers. Questions in the application form are appropriate and pertinent.

If information in the application form is not sufficient to make a determination, VIA requests that applicants participate in an in-person functional assessment with a contracted occupational therapist. VIA

asks approximately 25–35 percent of all applicants to participate, and provides free transportation to and from the assessment, if needed.

During the functional assessments, a VIA staff member takes a photo ID. Others found eligible based solely on their applications receive free transportation to VIA's offices to have their photos taken. Thus, all applicants make only one trip to complete the process—either for a functional assessment, or for a photo ID.

VIA has established a simplified recertification process, discussed below.

5.3 Paratransit Eligibility Standards

Requirements: Under 49 CFR § 37.123(e)(1)–(3), a transit agency's eligibility processes, application materials and public information must be comprehensive enough to permit the transit agency 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, one deficiency was found with the type of eligibility granted to certain applicants.

No deficiencies were found with the comprehensiveness of VIA's eligibility processes, application materials, and public information communicating the eligibility process.

Page 4 of the Customer Guide explains eligibility for the service and paraphrases the DOT ADA regulations. (See Attachment D.) ADA paratransit eligibility is also explained on the application cover page. Individuals can also call VIA staff in the Accessible Services Office to discuss the eligibility criteria and application requirements.

VIA receives approximately 250 applications per month. The staff reviews all applications and if they are not complete, notes the missing information and returns the forms to the applicants. VIA makes about 70–75 percent of its determinations from information in the applications or through necessary telephone follow-up either with applicants or with the professionals who completed Part 2 of the form.

As discussed above, when VIA cannot make an eligibility determination from an application, it asks applicants to participate in in-person functional assessments with a licensed occupational therapist. Assessments begin with a short interview followed by a standard Manual Muscle Test (MMT), which determines upper and lower body strength and balance. If appropriate, the therapist observes applicants walking outdoors along a 2,200-foot route. The therapist observes physical functional ability, vision and cognition, and records blood pressure and pulse before and after the walk. The therapist conducts additional assessments of cognitive abilities as appropriate, such as counting change and reading and understanding bus schedules. The therapist assesses memory by giving applicants three numbers or words at the beginning of the assessment and asking them to remember the words or numbers later.

VIA staff makes final determinations of eligibility based on the results of the assessment, along with information previously collected in the application form and in follow-up contacts.

Table 5.1 shows the distribution of VIAtrans riders' eligibility types, with 8,581 riders (67.5 percent) unconditionally eligible, 3,848 riders (30.3 percent) conditionally eligible, and 276 riders (2.2 percent) eligible on a temporary basis (called short term" eligibility).

Table 5.1 – VIA Eligibility Categories

Category	Number	Percent
Unconditionally eligible	8,581	67.5%
Conditionally eligible	3,848	30.3%
"Short Term" eligible (temporary)	276	2.2%
Total	12,705	100%

The review team examined a sample of 30 eligibility determination files to assess the reasonableness of VIA's decisions. This included eight determinations that resulted in unconditional eligibility, 12 determinations that resulted in conditional eligibility, and ten determinations of not eligible. Based on an examination of the eight sample files for unconditionally eligible applicants, the review team agreed with the determinations that these applicants could not reasonably be expected to use fixed route transit service under any conditions. Based on an examination of the ten sample files for ineligible applicants, the review team agreed the applicants' disabilities did not prevent them from using fixed route transit services.

Based on an examination of the 12 sample files for conditionally eligible applicants, the review team agreed that in ten of the cases the applicants were either already using fixed route service for some of their trips or could be expected to use fixed route service under some conditions. In two conditional eligibility determinations, the review team felt that unconditional eligibility might have been appropriate. In one case, the applicant had chronic obstructive pulmonary disease (COPD) and was oxygen dependent. The assessment did not include an outdoor walk and the assessor reported the applicant had difficulty breathing after walking only 217 feet. VIA granted conditional eligibility for trips that involved "long distances" to or from bus stops. In the second case, the applicant had an intellectual disability. Notes from the functional assessment indicated the applicant "couldn't comprehend simple questions" during the interview. Given these limitations, the assessment did not include an outdoor walk. VIA granted the applicant conditional eligibility for trips to unfamiliar areas or for trips involving transfers. While these two cases could have been decided differently (i.e., unconditional eligibility), the overall process seemed thorough and accurate.

Two applicants in the sample with end stage renal failure received conditional eligibility for trips to and from dialysis treatment only. While these riders are eligible for transportation to and from dialysis, they may encounter other times when severe fatigue related to the medical condition or the treatment might prevent use of fixed route service.

Corrective Action Schedule: Within 60 days of the issuance of the final report, VIA must revise the language used in letters of determination sent to applicants with end stage renal failure to not limit service by trip purpose. Language should reflect functional ability rather than trip purpose (e.g., eligible for ADA paratransit "when severe fatigue due to your medical treatment or condition prevents you from using the fixed route transit service").

Accessible Information

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

Discussion: During this compliance review, no deficiencies were found with the requirement to provide eligibility information in accessible formats upon request, or with how VIA communicates the availability of materials in accessible formats to potential applicants. An advisory comment is made about including large print as one of the alternative format options on the application form.

Part 1 of the VIAtrans application form includes the question, “What communications format would be most appropriate for us to communicate with you?” Applicants can select English, Spanish, braille, audiocassette, TDD, or e-mail. At the time of the site visit, the application form did not provide a choice for “large print” format. VIA staff enters any such needs into rider files and uses these formats in future communications.

VIA staff stated that they keep a supply of eligibility forms and information and the Customer Guide in large print and braille and can prepare CDs upon request. Information about VIAtrans eligibility, including descriptions of the service, the application form, and recertification forms, is also available electronically on VIA’s [website](#).

Advisory Comment: An effective practice is to include “large print” as a possible response to the question about alternate communications format in the application forms.

Eligibility Determinations or Presumptive Eligibility Within 21 Days

Requirement: Under 49 CFR § 37.125(c), a transit agency that has not made a written eligibility determination by the 21st day following submission of a complete application must treat the applicant as eligible on the 22nd day and provide service until and unless the transit agency denies the application. Transit agencies that require functional assessments must schedule such assessments within a reasonable period of time (7–10 days). The transit agency’s process must communicate to applicants the right to this presumptive eligibility so they are aware of their rights to schedule and use the service beginning on the 22nd day.

Discussion: During this compliance review, deficiencies were found with VIA’s timeliness in scheduling appointments for those applicants asked to participate in functional assessments.

Deficiencies were also found with how VIA communicates presumptive eligibility to applicants if eligibility determinations are not made within 21 days of the receipt of completed applications.

VIA does not have a system to track the various application processing stages and times. To calculate VIA’s processing times, the review team examined 80 randomly selected application files from November 2013 to January 2014, noting the date stamps on application forms, dates of functional assessments (if applicable), dates on letters to professionals, and final determination dates. This sample included 15 applicants requiring functional assessments.

For determinations VIA made solely on the application forms and follow-up with applicants and professionals, the review team counted the 21-day processing period from the time VIA received the completed application form.

For determinations that included functional assessments, the review team did not consider the application complete until the applicant participated in a functional assessment. For purposes of measuring how long it took VIA to process applications, the review team counted the elapsed days in two parts. The “clock” began the day VIA received a complete application form, then stopped the day that VIA notified applicants that they needed to participate in a functional assessment. The clock restarted once the applicant participated in a functional assessment.

Table 5.2 summarizes the review team’s processing-time analysis, which reveals that VIA made 59 of 80 determinations within 21 days. Of the 11 determinations taking longer than 21 days, the processing time ranged from 23 to 48 days. Determinations for the 15 applications requiring functional assessments took

from ten to 46 days with an average of 31 days. Because VIA did not keep track of these timeframes, they did not provide service to applicants whose eligibility determinations took longer than 21 days.

Although the time between applicants calling to schedule functional assessments and the actual appointment times is not part of the 21-day processing time, VIA is required to schedule such functional assessments within a reasonable period.

Table 5.2 – Processing Times for 80 Randomly Selected Determinations

Processing Time	Number	Percent
1–7 days	34	42%
8–14 days	12	15%
15–21 days	23	29%
22+ days	11	14%
Total	80	100%

VIA’s Customer Guide and application materials communicate the processing time, but do not communicate the right to receive service after 21 days. Page 1 of the application form states, “Within 21 days of receipt of all required information, your complete record will be reviewed and an eligibility determination will be made.” The Customer Guide (pages 4-5) states, “Customers are notified by mail of their eligibility status within twenty-one (21) days of receipt of all the required documents.” Neither document describes service availability beginning on the 22nd day for applications not yet processed.

Corrective Action Schedule: Within 60 days of the issuance of the final report, VIA must begin offering functional assessment appointments within 7-10 days from when applicants call to request appointments.

VIA must revise its public information on eligibility, including the VIAtrans application form and Customer Guide, to inform applicants of their right to receive service if eligibility determinations are not made within 21 days of the completion of all required parts of the process.

VIA must also develop a system for tracking applications it processes and for providing service when determinations take more than 21 days.

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

Requirements: Under 49 CFR § 37.125(d), determinations of eligibility must be made in writing. The documentation must include the name of the eligible individual, the name of the transit provider, the telephone number of the entity’s paratransit coordinator, an expiration date for eligibility, and any conditions or limitations on the individual’s eligibility including the use of a personal care attendant (PCA). Under § 37.125(e), if applicants are found to be ineligible, the determination must state the specific reasons for the decision (a mere statement that the applicant has been found to be ineligible is not sufficient). If an individual has been determined to be conditionally or temporarily eligible, the determination must state the conditions under which eligibility is granted and the basis for that determination. Information concerning the applicant’s right to appeal under § 37.125(g) must also be provided.

Discussion: During this compliance review, deficiencies were found with the requirement to inform individuals determined to be conditionally or temporarily eligible of their right to appeal the decision.

Deficiencies were also found with the specificity of reasons given for determinations that found applicants not eligible.

No deficiencies were found with the requirements to make eligibility determinations in writing, to provide required documentation to eligible individuals, or to inform individuals who are denied eligibility about their right to appeal.

VIA transmits ADA paratransit eligibility determination letters—which include applicant’s names—on agency letterhead. Letters also include the telephone number of the Accessible Services Office and list any conditions of eligibility. The letters do not include the date that eligibility expires, but the expiration date is included on the photo ID card VIAtrans issues to all riders. The expiration date on the photo ID card is in bold, large print, and is highlighted in yellow.

Letters informing applicants they have been determined not eligible contain information about the appeal process and how to appeal. However, letters to applicants granted conditional or temporary eligibility do not contain information about the right to appeal. (A sample determination letter finding an applicant not eligible is provided as Attachment E.)

As discussed above, the review team examined ten randomly selected files for applicants found to be not eligible. The ten determination letters in these files all contained the following standard language: “...we have determined that while the nature of your impairment(s) may sometimes make it more difficult, inconvenient, or challenging to travel by regular city bus, it appears that your functional deficits or limitations are not of such severity as to prevent you from doing so.” These letters do not contain sufficient details explaining the specific reasons for VIA’s decision.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, VIA must revise the letters it sends to conditionally or temporarily eligible applicants to include information about their right to appeal and the appeal process.

In letters VIA sends to applicants denied eligibility, VIA must explain the specific reasons for the denial, citing the key pieces of information or observations that led to the decision.

Recertification of Eligibility at Reasonable Intervals

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

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

VIA grants ADA paratransit eligibility for a period of three years to individuals determined unconditionally or conditionally eligible. Temporary eligibility is based on the expected length of the disability or health condition. VIA sends riders a one-page recertification form 60 days before the expiration of their eligibility, notifying them that they need to reapply with updated information. VIA does not require additional functional assessments from certified riders that previously participated in such assessments.

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

Requirements: Under 49 CFR § 37.125(g), transit agencies must have a process for administering appeals through which individuals who are denied eligibility can obtain review of the denial. Transit agencies are 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. Transit agencies 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 function (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 complementary 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 requirement for the appeal process to include appropriate separation of function.

No deficiencies were found with how VIA accepts appeal requests or with how VIA explains its reasons for denying an appeal.

Applicants can request appeals in writing or by phone without detailing the reasons. A simple request is enough to start the process.

VIA has a two-level appeal process as outlined on page 13 of the Customer Guide. Managers in the Accessible Services Office decide first-level appeals without holding a hearing. Because the managers supervise staff making initial determinations, they are not functionally separate and are thus not permitted to review appeals.

The second-level includes an in-person hearing before a nine-member Appeal Review Committee comprised of three VIA board representatives, one medical consultant, two VIAtrans riders, and three disability agency representatives.

According to VIA staff, first-level appeals are designed as an internal review of initial eligibility determinations. When first-level appeals confirm the determinations, VIA informs applicants of the review outcome in writing and invites them to request a hearing with the Appeal Review Committee.

While some transit agencies conduct internal reviews of eligibility denials that trigger appeals, such reviews are typically performed to see if the denials are incorrect and/or if the files are complete. If upon review, the agency should have determined the applicant eligible, they can reverse the denial, confer eligibility (in writing), and save the applicant and the agency the unnecessary burden of a hearing. If the internal review confirms the initial determination, the agency arranges an in-person hearing without involving the appellant in any internal deliberations. Because such reviews are “behind the scenes,” a separation of function is not required. However, decisions that agencies communicate to appellants become formal appeal reviews and require separation of function.

The review team examined 39 appeal requests (all first-level appeals), including VIA’s decisions, for the six-month period from April 1–December 31, 2013. The first-level appeals upheld four initial decisions, changed three decisions from denied to unconditional, changed 25 decisions from denied to conditional, and changed seven decisions from denied to temporary. There were no second-level appeal requests.

The review team also examined VIA’s sample first-level appeal letters, which included specific reasons for the decision and information on how to request a second-level appeal. (See Attachment F.)

Corrective Action Schedule: Within 60 days of the issuance of the final report, VIA must revise its appeal process to include separation of function (i.e., a decision by a person not involved with the initial decision to deny eligibility).

Complementary Paratransit for Visitors

Requirements: Under 49 CFR § 37.127(d)–(e), complementary paratransit service must be made available to visitors not residing in the jurisdiction(s) served by a transit agency 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. Transit agencies must treat as eligible all visitors who present information that they are eligible for complementary paratransit service in the jurisdiction in which they reside; for those who do not present such documentation, transit agencies may require documentation of the individual’s place of residence and, if the individual’s disability is not apparent, of his or her disability. In no case may transit agencies require visitors to apply for or receive eligibility certification for their own complementary paratransit service before providing service to eligible visitors.

Discussion: During this compliance review, no deficiencies were found with the requirement to make complementary paratransit service available to individuals meeting the definition of visitor, including limiting documentation requirements to those whose disabilities are not apparent.

Page 22 of the Customer Guide explains VIA’s visitor service policy, which is to provide service to visitors for 21 days out of any 365-day period by contacting the Accessible Services Office no later than two business days before service is required.

According to VIA’s Accessible Service Office, visitors can mail, email, or fax copies of documentation of eligibility from another transit agency. If visitors do not have documentation of eligibility from another transit agency, VIA accepts any readily available documentation of disability. Visitors with apparent disabilities can simply state their functional limitations and receive visitor status.

5.4 Types of Service

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

Discussion: During this compliance review, no deficiencies were found with the requirement to provide origin-to-destination service to ADA paratransit eligible riders or with how VIA communicates its origin-to-destination service policies.

VIA explained that the base level of VIAtrans service is curb-to-curb. Assistance beyond the curb is provided upon request. VIA’s policy regarding rider assistance, called “Assist-to-Door” service, is explained on pages 13–14 of the Customer Guide. As stated, drivers provide the following types of assistance at either the origin or the destination to:

- Push a rider’s manual wheelchair
- Offer directions, verbally or by light touch, to keep the rider on the right path
- Assist with balance by having the rider hold the driver’s hand or forearm

The Customer Guide notes that drivers cannot operate the controls of a powered mobility device or “carry a customer or bear the customer’s weight.” Drivers also do not provide assistance at “workshops, dialysis clinics or adult day activity centers when staff are available to help.”

Riders can indicate a need for Assist-to-Door service when they apply for VIAtrans eligibility. They can also ask the Accessible Services Office to add this level of service to their rider profiles. Riders who only

need occasional assistance, or need assistance at an unfamiliar location, can inform reservationists at the time they book trips, or can request the assistance from drivers.

VIA also offers a Do Not Leave Alone (DNLA) service. As explained on page 29 of the Customer Guide, VIA provides DNLA service to riders with severely limited awareness or decisionmaking skills who cannot travel on their own. “Customers who have a DNLA status will not be allowed to leave a VIAtrans van alone when they reach their destination; and a responsible individual (must be at least 18 years or older) must sign-off that they received the DNLA customer.” VIA only honors requests from caregivers or guardians in order to stipulate DNLA service.

VIA’s revised its rider assistance policy in the fall of 2013. Previously, drivers provided assistance only at the origin when no one else was available to assist—not at the destination. This assistance was also specifically limited to riders who used manual wheelchairs or riders with vision disabilities.

As part of the site visit, the review team interviewed 15 drivers (nine VIA drivers and six Star Shuttle drivers) and, among other questions, asked, “Do you provide assistance beyond the curb (e.g., to the door) if needed?” All six Star Shuttle drivers stated they assist riders as needed at both origins and destinations. While four of the nine VIA drivers similarly stated they assist riders at both origins and destinations, five VIA drivers implied an improper understanding of the policy. (See Section 5.11 for a discussion of deficiencies with respect to training employees to proficiency.)

5.5 Service Criteria for Complementary Paratransit

Requirement: As codified in 42 U.S.C. 12143, the ADA directed the Secretary of Transportation to issue regulations that establish minimum service criteria for determining the level of service provided by paratransit as a complement to fixed route service. These criteria are contained in 49 CFR § 37.131 and include service area, response time, fares, and 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 VIA’s complementary paratransit system using these criteria as described in this section.

Service Area

Requirement: Under 49 CFR § 37.131(a)(1), all public entities operating a fixed route transit system must provide complementary paratransit service that covers, at a minimum, all areas within a 3/4-mile radius of all of its bus routes, and within a “core service area” that includes any small areas that may be more than 3/4 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 3/4-mile radius of a fixed route, unless the transit agency does not have the legal authority to operate in those areas. For transit agencies operating a light rail or rapid rail transit service, the complementary paratransit service area must also include a 3/4-mile radius around each station, with service provided from points within the service area of one station to points within the service area of another.

Discussion: During this compliance review, no deficiencies were found with the requirement to provide complementary paratransit service to eligible individuals to and from origins and destinations within the service area or with how VIAtrans communicates the service area.

The VIAtrans [website](#) provides a narrative service area description and map. The Customer Guide (Page 3) also provides an overview of where VIAtrans service is available and lists the communities where service is not available (Windcrest, Live Oak, Universal City, Hill Country Village, and Hollywood Park) stating, “these cities have chosen not to participate in the VIA transit system.” According to VIA’s attorney, VIA does not have the legal authority to operate in a political subdivision that has had a valid election to withdraw from the service area. The map illustrates where service is provided five, six, and seven days a week.

Response Time

Requirements: Under 49 CFR § 37.131(b), transit agencies must schedule and provide complementary paratransit service to any ADA 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 transit agencies may negotiate the pickup time with a caller prior to a trip being scheduled, they cannot require a rider to schedule trips to begin more than one hour before or after the rider's desired departure time. Any greater deviation would exceed the bounds of comparability. Negotiations should take into account riders' practical constraints. Transit agencies must have policies and procedures in place to ensure that schedulers and dispatchers do not adjust a rider's negotiated pickup time or pickup window without the rider's consent.

Under 49 CFR § 37.131(b)(4), if transit agencies propose to change their reservations system, they must comply with the public participation requirements equivalent to those of § 37.137 (b)–(c). Transit agencies may permit reservations to be made up to 14 days in advance of an eligible individual's desired trips, subject to the same trip negotiation requirements as next-day trips required under § 37.131(b)(2).

Discussion: During this compliance review, deficiencies were found with how reservationists negotiate trip requests.

No deficiencies were found with how VIA schedules next-day service during normal business hours.

According to Page 6 of the Customer Guide,

Reservation Agents are available seven days a week from 8:00 a.m. to 4:45 p.m. to schedule paratransit trips. Trip reservations can be made up to seven (7) days in advance. On Monday through Thursday (excluding holidays) the Reservation Center is open until 8:00 p.m.; however, next day reservations must be made before 4:45 p.m. the day before the customer's trip. VIAtrans does NOT offer same day service.

The review team confirmed that these times are consistent with telephone reports VIAtrans generated for both weekdays and weekends.

According to the Customer Guide, reservationists may negotiate pickup times up to 60 minutes before or after the requested pickup times. The review team observed 169 reservation requests during the site visit, and in ten of these calls, the reservationists offered callers a scheduled time that did not take into account riders' practical constraints. In these instances, callers either refused trips or reluctantly accepted trips due to the lack of alternatives. For example, one caller requested a 5 a.m. drop-off for a dialysis appointment, but the reservationist only offered a 5 a.m. pickup. The caller accepted the trip even though this did not meet her needs. Attachment G summarizes the aforementioned ten calls.

Corrective Action Schedule: Within 60 days of the issuance of the final report, VIA must modify its trip negotiations procedures to offer callers at least one pickup time that meets riders' practical travel constraints.

Fares

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

Discussion: During this compliance review, no deficiencies were found with VIAtrans fares or with how VIA communicates fare information. The VIAtrans adult (12 and older) fare is \$1.95 and the comparable fixed route fare is \$1.20. Children riding VIAtrans pay 85 cents while the VIA fixed route child fare is 60 cents. Certified VIAtrans riders may ride fixed route and express buses free of charge. In addition, PCAs and companions do not pay a fare.

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 prohibition against imposing restrictions or priorities based on trip purpose. The review team observed that VIAtrans reservationists do not ask riders for their trip purpose and do not enter any trip purpose data into the paratransit software.

Hours and Days of Service

Requirement: Section 37.131(e) of the DOT ADA regulations requires that the 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 a transit agency's fixed route system at a specific time of day, it must also be able to be taken on complementary 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 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 complementary paratransit service, at minimum, from 5 a.m. until 9 p.m.

Discussion: During this compliance review, no deficiencies were found with the hours and days of VIAtrans service. The paratransit software incorporates parameters that allow for pickups starting at 4 a.m. and ending at 12:30 a.m. The review team's analysis of VIA's website and published bus schedules showed that VIAtrans service hours are accurately linked to VIA service hours throughout the service area. A small number of VIA routes have final drop-off times between 1 and 1:30 a.m., and although the latest VIAtrans pickup time is 12:30 a.m., the review team did not find deficiencies with respect to comparable service hours. Assuming a one-hour duration for a VIAtrans trip, a rider boarding the last VIAtrans van at 12:30 a.m. would have a drop-off at 1:30 a.m., which complements VIA service.

5.6 Absence of Capacity Constraints

Requirement: Under 49 CFR § 37.131(f), transit agencies 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.

In 1997, VIA entered into a settlement agreement (*Neff, et al v. VIA Metropolitan Transit Authority, et al.*), obligating VIA to limit trip denials to no more than "ten percent of the total trip requests received during VIAtrans trip reservations hours and at least one day in advance." After FTA's 2012 Triennial Review, VIA agreed to reduce VIAtrans denials to zero within two years. Based on the review team's

examination of VIA's reports and observations of reservations calls, discussed further in this section, VIA eliminated denials as of December 2013.

No Restrictions on the Number of Trips Provided to ADA Paratransit Eligible Individuals

Requirement: Under 49 CFR § 37.131(f)(1), transit agencies may not impose restrictions on the number of trips provided to ADA paratransit eligible riders.

Discussion: During this compliance review, no deficiencies were found with the prohibition against imposing restrictions on the number of complementary paratransit trips VIAtrans provides to ADA paratransit eligible riders.

VIAtrans does not have a policy limiting the number of VIAtrans trips. During review team observations, VIAtrans reservationists did not limit the number of trips that a rider could reserve.

No Waiting List for Access to the Service

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

Discussion: During this compliance review, deficiencies were found with the prohibition against waiting lists for non-subscription complementary paratransit service.

The review team observed instances in which VIAtrans reservationists could not identify an available trip that satisfied the caller's request. For example, the reservationist said, "There is nothing available right now. Call back in two hours to get your exact pickup time." The reservationist then entered the requested trip coded as HLD (hold) in the paratransit software.

VIA explained that in such cases, a scheduler would subsequently make adjustments in order to provide the requested trip(s), which remained coded as HLD until riders called back to obtain the exact pickup time. If riders did not call back before 12 midnight, the paratransit software program removed the trip requests altogether.

The practice of not accepting trip requests during initial calls and coding them as HLD (hold), establishes waiting lists, a prohibited practice.

Corrective Action Schedule: Within 60 days of the issuance of the final report, VIA must eliminate the operational practice of informing VIAtrans riders that they cannot honor their trip requests by asking them to call back later in order to guarantee their trips.

VIA must confirm trip requests during initial reservations calls. VIA is permitted to initially provide callers with a pickup window and then follow up with an exact pickup time. For example, a rider may call to request an 8 a.m. pickup. After an appropriate negotiation (no more than one hour before or after the caller's desired departure time), VIA may state, "your pickup will be between 7:20 and 7:50. We will contact you later with an exact pickup time." Should the scheduling process require a pickup time outside the confirmed window, VIA must contact the rider to negotiate a new pickup time no later than the day before the scheduled trip. If VIA cannot contact the rider, they must honor the trip time.

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 complementary paratransit system.

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

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

Discussion: During this compliance review, deficiencies were found with the number of significantly untimely pickups for initial or return trips.

Deficiencies were also found with VIA's standard for VIAtrans pickup performance.

VIA employs a 30-minute pickup window (-10/+20) for VIAtrans service. According to the Customer Guide, a rider can expect "that the van can arrive at his/her location between 10 minutes before or 20 minutes after the negotiated pick-up time." VIA considers pickups to be on time if vehicles arrive at pickup locations early (before the beginning of the window), though riders do not have to board the vehicle prior to the start of the window.

VIA provided the review team with on-time performance reports for the 13-month period covering November 2012 through November 2013. During this period, on-time performance ranged from a low of 80.1 percent to a high of 86.6 percent. The average performance for the 13-month period was 84.9 percent.

Using the four busiest days from the November sample week (Monday–Thursday), the review team independently assessed on-time performance by analyzing complementary paratransit trip data from VIA's paratransit software. Table 5.3 summarizes the results of this analysis, which shows only 61.8 percent of pickups occurring within the 30-minute window. Including early pickups, the overall on-time pickup performance was 78.0 percent, indicating that 22.0 percent of trips were late. This is a substantial number of untimely pickups.

Table 5.3 – On-Time Performance for VIAtrans Trips: November 4–7, 2013

	VIA (in-house)	Star Shuttle	Total
All pickups	5,378	7,668	13,046
Early			
1–15 minutes early	12.8%	16.1%	14.7%
>15 minutes early	1.6%	1.5%	1.5%
In window (-10/+20)	61.8%	61.7%	61.8%
All early/in window	76.2%	79.3%	78.0%
All late	23.8%	20.7%	22.0%
1–15 minutes late	17.2%	14.8%	15.8%
16–30 minutes late	4.6%	3.7%	4.1%
>30 minutes late	2.0%	2.2%	2.1%

Of all pickups in the sample, 15.8 percent were 1–15 minutes late, 4.1 percent were 16–30 minutes late, and 2.1 percent were more than 30 minutes late. Star Shuttle's on-time performance for the sample days was slightly better than VIA's on-time performance.

Overall, 16.2 percent of pickups occurred before the start of the pickup window. However, of these early pickups, most (14.7 percent) were 1–15 minutes early, which is not a substantial number of early pickups that would discourage riders from using VIAtrans. Furthermore, review team interviews with drivers and dispatch observations did not reveal any practices of coercing riders to board vehicles earlier than obligated under VIA policy.

VIA's standard for on-time pickup performance is 80 percent, measured on a monthly basis. This standard, combined with VIA's use of a 30-minute window, is too low to avoid a substantial number of significantly untimely pickups for initial or return trips. For riders who use VIAtrans twice per weekday, this standard means that they experience two late trips per week.

Based on additional information the review team collected regarding VIAtrans operations, the following factors are potential contributors to poor pickup performance for VIAtrans:

- Fleet size: the ratio of spares available during the fall of 2013 was not sufficient to cover runs when breakdowns occurred
- Vehicle pullouts: there were a number of days where late pullouts likely contributed to late pickups
- Software settings: the assumed travel speeds VIA used were too high, and assumed dwell times were too low for pickups and drop-offs, leading to unrealistic run schedules
- Run coverage: a number of closed runs recorded during November 2013 at Star Shuttle resulted in last-minute trip reassignments to other vehicle runs

During its interviews with 15 drivers, the review team asked, among other questions: "What is your understanding of an on-time pickup?" Three of the nine VIA drivers and all Star Shuttle drivers had the incorrect information about the correct pickup window, which is another potential factor in untimely pickup performance.

VIA monitors the pickup performance for in-house operations and for Star Shuttle. VIA does not measure on-time pickup performance of the trips its taxi contractor provides. (See Section 5.12 for a discussion of deficiencies with monitoring service that private entities provide under contract.)

Corrective Action Schedule: Within 60 days of the issuance of the final report, VIA must reduce the number of untimely VIAtrans pickups and adjust its standard to reflect a higher rate of on-time performance.

No Substantial Numbers of Trip Denials or Missed Trips

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

Discussion: During this compliance review, deficiencies were found with VIA's definition of a provider missed trip.

No deficiencies were found with the number of trip denials or missed trips. See Section 5.8 for a discussion of how VIA codes no-shows and missed trips.

VIA's definition of a provider missed trip is any vehicle that arrives for a VIAtrans pickup more than 40 minutes late (after the end of the pickup window, which is 60 minutes after the negotiated pickup time). Even if the VIAtrans rider takes the trip, VIA considers this a missed trip. VIA does not count as missed trips vehicle arrivals up to 40 minutes late, even if the rider is no longer waiting for the vehicle.

With respect to the number of missed trips, a review of the four busiest days during the November sample week revealed that fewer than 0.4 percent of all total trips were missed trips.

With respect to denials, as discussed in the introduction to this section, VIA eliminated denials in December 2013. The review team confirmed this by examining VIA's reports of recorded denials throughout 2013. The reports showed that monthly denials ranged between 1,500 and 1,800 from January to April, averaged 1,200 in May and June, and steadily declined to 242 in November, and to zero in December. In addition, there were no denials during the 169 reservations calls the review team observed.

Corrective Action Schedule: Within 60 days of the issuance of the final report, VIA must revise its missed trip definition. This definition must encompass the following four events:

- Vehicle never appears at pickup address
- Vehicle arrives and leaves before the beginning of the pickup window; no contact with the rider
- Vehicle does not wait five minutes in pickup window; no contact with the rider
- Vehicle arrives after the end of the pickup window and rider is not there or chooses not to take the trip

VIA must use this definition to track VIAtrans missed trips.

No Substantial Numbers of Trips With Excessive Trip Lengths

Requirement: Under 49 CFR § 37.131(f)(3)(i)(c), transit agencies must provide complementary 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 complementary paratransit travel time on the comparable fixed route travel time, plus 20–30 minutes to allow for a reasonable estimate of time spent walking to and from a bus stop, waiting for the bus to arrive, and making any necessary transfers from one vehicle to another.

Discussion: During this compliance review no deficiencies were found limiting the availability of VIAtrans service due to an operational pattern of trips with excessive trip lengths or with VIA's travel time standard.

Two advisory comments are made regarding avoiding a pattern of excessive trip lengths for individual riders and the use of a 90-minute trip length as part of VIA's travel time standard.

VIA's trip-length standard is that no trips will be longer than 90 minutes in duration, and that trip lengths will be "comparable to trips with the same origin and destination on VIA fixed-route bus system including transfers, walking, and wait times." In order to avoid lengthy on-board trip times for shorter trips, on-board trip times are based on a trip timetable linked to direct drive times, with an appropriate multiplier applied to these times.

According to VIAtrans records, the mean on-board trip travel time during October, November and December 2013 was 34 minutes. This compared well with the trips the review team examined from the November sample week. Overall, trips were relatively short in duration and over half were less than seven miles long.

The review team obtained a list of VIAtrans trips exceeding 90 minutes during November 2013. All told, 203 trips (out of 79,763 total trips) were longer than 90 minutes, a rate of 0.2 percent. The review team analyzed a 42-trip sample of these long trips to identify trips exceeding the comparable fixed route time by twenty (20) minutes, an indicator of excessive trip length. Using Google Maps² to determine travel times for comparable fixed route trips, the analysis showed that 20 out of 24 (83 percent) on Star Shuttle

² Google Maps estimates walking speeds of three MPH (20 minutes/mile).

and six out of 18 (33 percent) on VIA were excessively long. The difference in these percentages is noteworthy given that Star Shuttle reportedly transfers some of the potentially longer trips to VIA.

To determine how these long VIAtrans trips compared with VIA fixed route service, the review team also investigated whether any individuals consistently experienced trips that exceeded fixed route travel times by more than 20 minutes. This analysis used the same 42-trip sample and showed that two riders (ID #25447 and ID #16754) experienced ride times of 104 minutes on November 8, 2013, and 162 minutes on November 22, 2013. Both of these riders were on the same run (#647), and travelled between a day care center (227 West Drexel Avenue) and a group home (2927 Eisenhower Road). The fixed route travel time between these two addresses is approximately 67 minutes.

It is important to carefully monitor group trips to day care centers because the desire to achieve operational efficiencies can lead to practices that result in excessively long travel times for specific groups of riders. For example, “first on-last off” vehicle runs can entail picking up riders residing farthest from each destination first and picking up additional riders en route. On return trips, the reverse pattern can occur. The review team pointed this information out to VIAtrans staff; they responded that they would address this issue.

Advisory Comments: When monitoring trip-lengths, an effective practice is to carefully examine subsets of riders to ensure they are not experiencing excessive travel times because of run scheduling.

While it is permissible to use a 90-minute maximum travel time as part of a trip-length standard that is also tied to comparability, some comparable fixed route travel times may exceed 90 minutes. An effective practice is to establish comparability standards according to the full range of fixed route trip times.

No Operational Patterns or Practices Limiting the Availability of Service to ADA Paratransit Eligible Individuals – Telephone Hold Times

Requirement: Under 49 CFR § 37.131(f), transit agencies may not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any operational patterns or practices that significantly limit availability of service to ADA paratransit 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 patterns of long telephone wait times at certain hours of the day that may limit the availability of VIAtrans service.

Deficiencies were also found with VIA’s method for measuring telephone performance and with how it monitors telephone wait times, including wait times for calls to VIAtrans dispatchers.

VIA routes all trip request calls to the VIAtrans operations center at the Transguide facility. VIA accepts trip requests for next-day trips from 8 a.m. to 4:45 p.m., seven days a week. On Monday through Thursday, VIA continues to accept requests until 8 p.m. for trips more than one day in advance (up to seven days). One telephone number (210-362-5050) is provided for all rider calls with an initial phone tree for English or Spanish. Callers may then choose:

- Reservations
- Interactive voice response (IVR) for trip cancellations, trip confirmations, and certain types of trip reservations
- Where’s my ride (WMR) inquiries
- General announcements

VIA has 66 telephone lines shared among VIAtrans reservations, dispatch, and managers, Star Shuttle dispatch, and VIA fixed route dispatch. Some of the VIAtrans reservationists take calls from home and the phone system operates as if they were at Transguide.

When all on-duty reservationists are busy, calls divert into a queue for up to 30 seconds, after which they roll to WMR agents. (The converse is not true, meaning that when all WMR lines are busy, calls do not divert to reservationists). Call supervisors can monitor all calls and reservationists can see (on their own telephone) how many calls are in the queue.

VIA reservationists must answer 80 percent of calls within two minutes. VIA's monitoring system measures wait times for each call and also counts abandoned calls and how long callers wait before hanging up. Managers review monthly performance to determine if VIAtrans is meeting its wait time standard. Using monthly performance reports alone can mask particular days or hours when telephone wait times are excessive.

VIA provided the review team with monthly telephone performance reports for 13 months (November 2012–November 2013), which showed that wait times were less than two minutes 88.7–91.3 percent of the time. At the review team's request, VIA generated a report for the November sample week covering 63 hours of calls (seven days of nine hours each) that showed that VIA did not meet its two-minute standard during 18 of 63 hours (28.5 percent) of calls during the following periods:

- 8–9 a.m. every day
- 1–2 p.m. every day except Tuesday
- Noon–1 and 2–3 p.m. Tuesday
- Noon–1 and 4–5 p.m. Sunday
- 9–10 a.m. Wednesday

Corrective Action Schedule: Within 60 days of the issuance of the final report, VIA must provide sufficient telephone call coverage to answer reservations calls promptly. This is particularly important during the two periods with the poorest performance (8–9 a.m. and 1–2 p.m.)

VIA must also collect and analyze statistics on hourly rather than monthly telephone performance and adjust resources during hours when performance falls below its standard. VIA should consider revising its telephone standard to establish thresholds for the proportion of calls answered for intervals greater than two minutes, e.g., “At least X percent answered within three minutes, at least Y percent answered within five minutes.” In addition, the standard should state the proportion of hourly periods that VIA should meet or exceed these service levels.

VIA must also establish a wait-time standard for calls to VIAtrans dispatchers and must begin to monitor and measure performance on a regular basis.

No Operational Patterns or Practices Limiting the Availability of Service to ADA Paratransit Eligible Individuals – Untimely Drop-offs for Appointments

Requirement: Under 49 CFR § 37.131(f), transit agencies may not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any operational patterns or practices that significantly limit availability of service to ADA paratransit 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 limiting the availability of VIAtrans service due to a practice of untimely drop-offs.

Deficiencies were found with VIA's standard for VIAtrans drop-off performance and with VIA's monitoring of drop-off performance for service it directly provides and for service Star Shuttle and its taxi subcontractor provide. (See Section 5.12 for a discussion of deficiencies with respect to monitoring service that private entities provide under contract.)

Deficiencies were found with the operational practices of failing to request, capture, and record appointment times and failing to consider appointment times when developing schedules or managing runs.

Using the four busiest days from the November sample (Monday–Thursday), the review team independently assessed on-time drop-off performance by analyzing complementary paratransit trip data from its paratransit software. The data showed that only 914 of the 13,046 completed VIAtrans trips included information regarding requested drop-off times. There were no appointment times for the taxi subcontractor trips. In FTA’s experience, 35–45 percent of complementary paratransit trips typically include scheduled drop-off times, which correspond to “going” trips where riders have appointments they need to keep.

This comparatively low rate of trips with known appointment times (7 percent) is consistent with the review team’s observations, in which reservationists did not ask riders to provide appointment times, even for “going” trips. During these observations, reservationists did not always request or record appointment times. Further, when callers provided an appointment time and then requested a pickup time, reservationists did not always enter the appointment time in the software.

While drivers and dispatchers may claim familiarity with repeat riders’ appointment times, not asking callers for appointment times can lead to issues when riders’ appointment times change or drivers turn over. Furthermore, the lack of appointment time information in the paratransit database precludes accurate measurement of on-time drop-off performance.

Table 5.4 summarizes the drop-off performance for the 914 trips with appointment times. As shown, drop-off performance for these sample days was 83.4 percent on time and 16.6 percent late, an indication of a potential capacity constraint. In addition, 7.3 percent of trips with appointment times had drop-offs more than 60 minutes early. Extremely early drop-offs are a potential concern for riders with early morning appointments, since these drop-offs may take place well before a facility opens. A common standard is to schedule drop-offs no earlier than 30 minutes before appointment times and no later than the appointment times.

Table 5.4 – Sample On-Time Drop-off Performance for VIAtrans Trips: November 4–7, 2013

	VIA (in-house)	Star Shuttle	Total
All trips with requested drop-offs	345	569	914
All on time	81.2%	84.9%	83.4%
0–30 minutes early	45.8%	47.3%	46.6%
31–60 minutes early	29.0%	29.7%	29.4%
61+ minutes early	6.4%	7.9%	7.3%
All late	19.1%	15.1%	16.6%
1–15 minutes late	14.2%	11.2%	12.4%
16–30 minutes late	3.8%	2.8%	3.2%
31+ minutes late	1.2%	1.1%	1.1%
All completed trips	5,378	7,668	13,046

In its contract with Star Shuttle, VIA defines late drop-offs as drop-offs that are more than 20 minutes after the requested appointment time. This standard implies that drop-offs between one and 19 minutes after a rider’s appointment time are acceptable. The contract does not set a standard for an acceptable percent of late drop-offs.

VIA does not monitor on-time drop-off performance. None of the performance reports (daily or monthly) presents information on drop-off performance. In addition, the Customer Guide does not explain that riders can request a drop-off time when making reservations.

Corrective Action Schedule: Within 60 days of the issuance of the final report, VIA must:

- Reduce the proportion of late VIAtrans drop-offs for trips with a requested appointment time
- Establish a standard for an acceptable proportion of untimely drop-offs and modify its drop-off standard to consider as late any drop-offs that occur after the requested appointment time
- Begin entering into its paratransit software drop-off times for all trip requests with appointment times that riders provide and ensure schedulers and dispatchers have this information when creating and managing runs

5.7 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 subscription trips VIAtrans provides. An advisory comment is made regarding VIAtrans subscription service policy.

VIA offers subscription service to VIAtrans riders who travel between the same origin and destination at the same time at least three times per week. In addition, VIA allows subscription service for one trip per week for weekend trips. According to the Customer Guide (page 14), “subscription service requests will be authorized based on existing travel patterns and availability.” There is a waiting list for VIAtrans subscription service.

Based on trip data for the November 2013 sample week, 32.9 percent of VIAtrans trips were subscription trips. During 7–9 a.m. and 3–5 p.m. on weekdays, subscription trips comprise 50 percent (or close to 50 percent) of all trips provided.

Advisory Comment: An effective practice is to consider scheduling more subscription trips during periods of available service capacity. Changing some demand trips to subscription trips during less busy times provides riders more certainty in their schedules and reduces the need to schedule demand trips, which in turn can increase telephone call volume.

5.8 Reasonable Policies for Proposed Service Suspensions for Missing Scheduled Trips and the Right to Appeal

Requirements: 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 agencies 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 within less than 1–2 hours of the scheduled trip time. If riders do not show up for the outgoing portions of round trips, transit agencies cannot automatically assume that the return trip is not needed.

Under 49 CFR § 37.125(h)(1), trips missed by riders for reasons beyond their control, including trips missed due to operator or transit agency error, must not form a 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 appeal 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 VIA's policies and practices as follows:

- Charging riders with no-shows if it takes them more than five minutes to board vehicles
- Cancelling subsequent trips on the day that riders are charged with no-shows for initial trips
- Inconsistent information on challenging no-shows in no-show suspension letters and attachments
- No-show suspension policy, which does not consider the proportion of no-shows relative to the rider's frequency of travel
- No-show coding review practices

Pages 16–17 of the Customer Guide explain VIA's no-show suspension policy. VIA defines a late cancellation as "when a customer does not call VIAtrans to cancel his or her trip reservation at least one hour before the agreed upon pick-up time." VIA defines a no-show as when "the customer is not at the pick up location within five minutes after the scheduled pick up time."

While these definitions are consistent with the requirements, VIA's policy for handling no-shows is not compliant. According to the Customer Guide:

When a No-Show occurs, VIAtrans tries to contact the customer by phone before the van leaves the No-Show location. If the customer says they still want the trip, the van will wait an additional five (5) minutes for the customer to get on board. This also counts as a No-Show incident, even though a trip was provided, because the customer was not ready within five minutes of the agreed time. If VIAtrans cannot reach a no-show customer by phone, all scheduled trips for that customer on that day will automatically be cancelled unless the customer calls "Where's My Ride?" within an hour after the first scheduled trip to let us know that they still want their remaining trips.

While transit agencies may establish policies related to vehicle wait time, including policies that offer riders additional time to board, riders that board the vehicle are taking and not missing a scheduled trip. As such, this is not a no-show.

Transit agencies must consider each leg of a trip as a separate trip request and cannot automatically cancel other scheduled trips that day if a rider is a no-show for the first leg of a trip. VIA may only cancel subsequent trips upon the rider's notification.

In response to customers who repeatedly accrue late cancellations and/or no-shows, VIA takes various actions, which may include temporary suspension of VIAtrans service. According to the Customer Guide (page 18), riders can incur no-shows for any of the following situations:

When a customer fails to board the VIAtrans vehicle within five (5) minutes after the van arrives within the pick-up window;

If a customer violates VIA policies and as a result the customer is not transported (for example, refuses to pay the fare, has more bags than the customer can carry, etc.); or

A trip is not canceled at least one (1) or more hours before the scheduled pick-up time.

VIA requires VIAtrans drivers to wait at least five minutes at a pickup address within the pickup window prior to recording riders as no-shows and departing.

VIAtrans staff at Transguide generate reports listing riders that have incurred three no-shows in the calendar month; they provide this report to VIA's Accessible Services Office, whose staff telephones

riders to remind them of the policy and warn them of a possible service suspension if they incur one more no-show that month. VIA sends suspension letters to riders that incur a fourth no-show in a calendar month and includes details of recorded no shows. VIA suspends riders as follows:

- A seven-day suspension for the first instance of four no-shows in one month that calendar year
- A 14-day suspension for the second
- A 21-day suspension for the third (and each additional) instance of four no-shows in one month that calendar year

The suspension letters invite riders to appeal any no-shows (listed in an attachment) that were beyond the rider's control or were due to VIAtrans error. The letter indicates that riders can appeal by phone, in writing, or in person to the Accessible Services Office. The attachment provides the specific no-shows in question, stating, "All appeals should be in writing and should describe the circumstances of each of the appealed incidents." This language is inconsistent with the suspension letters. (See Attachment H.)

A VIA Accessible Services Office employee reviews and decides appeals. This employee transmits suspension letters and is appropriately not involved in coding trips as no-shows. VIA's no-show suspension policy is based on an absolute number of no-shows. The policy does not consider the frequency of no-shows, which is important for determining a pattern or practice of missing scheduled trips and for not unfairly penalizing frequent riders. Four no-shows in a 30-day period may reflect a small percentage of trips a frequent rider takes, and may not reflect a pattern or practice of missing scheduled trips. For example, a rider who requests 100 trips in one month and has four no-shows has a no-show rate of 4 percent. If this percentage approximates the VIAtrans systemwide average, this percentage would not amount to abuse of the service.

To determine the accuracy of no-show coding, the review team examined all scheduled trips coded as rider no-shows during the November 2013 sample week, including:

- Scheduled pickup time
- Vehicle arrival time
- Vehicle departure time
- Comments in database ("tracker notes")

During the sample week, VIAtrans dispatchers coded 285 scheduled trips as rider no-shows. The review team analyzed these trips to determine if drivers:

1. Arrived within the 30-minute pickup window and waited at least five minutes before departing without picking up the rider (which should have been coded as a no-show)
2. Arrived within or before the 30-minute window and departed before waiting at least five minutes within the 30-minute pickup window without picking up the rider (which should have been coded as a missed trip)
3. Arrived after the 30-minute window without the rider being transported (which should have been coded as a missed trip)

Table 5.5 summarizes this analysis, which shows that dispatchers incorrectly coded as no-shows at least 28 sample week trips (9.8 percent). As shown, the most common error was coding as no-shows trips in which drivers arrived after the end of the pickup window. The review team also found miscoded trips for which the driver waited less than five minutes before leaving or the driver left before the pickup window began. In addition, 13 trips coded as no-shows did not include sufficient information to verify coding accuracy. Overall, the analysis shows a no-show coding error rate of approximately 10–14 percent.

The review team also examined 25 no-shows and late cancellations charged to five VIAtrans riders who received warning letters in December 2013. Three of the 25 were incorrectly coded as follows:

- Driver did not wait five minutes before departing
- Driver arrived after the end of the pickup window
- Driver went to wrong address

Another trip coded as a no-show was unverifiable due to missing departure time information in the paratransit software. This yields a 12–16 percent error rate for riders that received warning letters.

Table 5.5 – Review of No-Show Coding for November 3–9, 2013 Sample Week

	Number	Percent
Total no-shows recorded	285	100%
Driver arrived after window ended	26	9.1%
Driver waited less than five minutes	1	0.4%
Driver left before start of window	1	0.4%
Bad data: driver arrival time and/or departure time missing	13	4.6%

VIA does not monitor how its dispatchers (both VIA and Star Shuttle staff) code no-shows. (Section 5.12 discusses VIA's requirement to monitor how its private service providers document no-shows.)

Corrective Action Schedule: Within 60 days of the issuance of the final report, VIA must modify its no-show coding and suspension policies and documents as follows:

- VIA must no longer charge riders with no-shows if they board vehicles when drivers have waited more than five minutes
- When a rider is a no-show for an outgoing trip, VIA must no longer cancel the return trip unless VIA contacts the rider and confirms the rider does not need the return trip; VIA must also revise its policy documents and public information regarding no-shows accordingly
- VIA must modify the attachments to its no-show suspension letters to properly reflect its appeal policy
- VIA must consider the frequency of no-shows to ensure that incurred no-shows reflect a pattern or practice of abuse
- VIA must begin regularly reviewing scheduled trips that VIAtrans dispatchers—both VIA and Star Shuttle—code as passenger no-shows
- When considering potential service suspensions, VIA must also verify that dispatchers properly code all no-shows and late cancellations

5.9 Complaint Resolution and Compliance Information

Requirements: Under 49 CFR § 27.13(b), transit agencies must have administrative procedures in place that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints. Under 49 CFR § 27.121(b), transit agencies 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, deficiencies were found with how VIA maintains complaint records.

A deficiency related to how VIA oversees Star Shuttle's complaint process is discussed in Section 5.12.

No deficiencies were found with VIA's complaint resolution process or with how VIA communicates its complaint policies and procedures.

VIA's Customer Guide (pages 26-27) describes how to make service comments. Those wishing to comment can telephone or write to the Customer Concerns Department or use a [link](#) on VIA's website.

The website link offers a pull-down menu option for “Customer Service.” Completing this form generates an email.

The Customer Guide includes telephone contact information for the Customer Concerns Department immediately following the introductory page. Page 26 provides additional information on how to submit a complaint or compliment, stating:

When making a comment, please have the following information available so that the incident can be thoroughly investigated:

- Name of VIA Employee involved
- Location of Incident
- Date and Time of Incident
- Vehicle Number
- Description of Incident
- Name of Individual(s) Involved in Incident
- Summary of the Incident

When VIA’s Customer Concerns Department receives VIAtrans-related complaints, the staff forwards the complaints to the Accessible Services Office or to Star Shuttle (for complaints related to contractor-provided service). Table 5.6 shows the distribution of complaints, commendations, and comments/inquiries VIA received by provider in 2013. The rate of complaints for VIA and Star Shuttle in 2013 ranged from approximately 3–3.8 complaints per 1,000 trips requested.

Table 5.6 – VIA and Star Shuttle Complaints/Commendations Handled in 2013

VIAtrans Provider	Complaints	Commendations	Comments/Inquiries	Total
VIA	1,650	509	461	2,620
Star Shuttle	1,580	555	0	2,136

VIA maintains complaint files electronically for at least three years, and has access to each individual’s complaint file for an additional two years through VIA’s IT department. VIA’s stated goal is to complete complaint investigations within seven days and to respond to customers within ten days.

VIA provided the review team with reports showing the timeframes for complaint resolution. These reports showed that in 2013, Star Shuttle resolved 89 percent of complaints and comments within VIA’s timeframe. However, because VIA tracks complaints according to a 7-12 day response rate, the review team was not able to determine how promptly VIA resolves complaints.

Through its examination of VIA’s complaint files, the review team found documentation to be thorough and found complaint resolutions to be appropriate.

Star Shuttle responds directly to complaints and only copies VIA on its responses. According to the Manager of Customer Information, VIA staff members are supposed to review all these responses. (See Section 5.12 for a discussion of deficiencies with monitoring service that private entities provide under contract.)

Corrective Action Schedule: Within 60 days of the issuance of the final report, VIA must begin recording the dates of various events in its complaint-resolution process in order to ensure it resolves complaints of noncompliance promptly.

5.10 Nondiscrimination

Requirement: Under 49 CFR § 37.5, transit agencies are prohibited from discriminating against an individual with a disability in connection with the provision of transportation service, or deny any

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

Discussion: During this compliance review, no deficiencies were found with VIA's policies related to persons with disabilities.

A review of the Customer Guide did not indicate any policies that are discriminatory. The review team also did not note any policies that imposed discriminatory user fees, required use of alternative services, excluded people with disabilities from using general public transportation services, or required use of priority seating.

5.11 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, deficiencies were found with the requirement to train personnel to proficiency.

Prior to the site visit, the review team conducted telephone interviews with current VIAtrans riders. The interviews covered the quality of service that reservationists, drivers, and VIAtrans staff and its contractors provide and the quality of the complaint process. This anecdotal input is for the review team's benefit to help identify potential concerns warranting further investigation.

VIA and Star Shuttle are each responsible for training their own drivers, and VIA is responsible for training schedulers, dispatchers, customer service representatives, and other staff. According to records obtained and interviews conducted during the site visit, VIA provides about 29 days of training to its drivers, whereas Star Shuttle's training is approximately one-third shorter. VIA explained that Star Shuttle could not match VIA's training program due to its rate of driver turnover.

The review team observed how reservationists accept 129 trip requests at the Transguide center. Reservationists appeared to handle all trip requests with a high level of professionalism, soliciting the required information in a respectful and courteous manner. However, as noted above, the review team observed reservationists reminding callers of the negotiated trip time rather than indicating the window in which the vehicle may arrive for pickup. In addition, reservationists rarely asked riders for their required drop-off time for time-sensitive appointments.

As discussed in Section 5.4, interviewed drivers did not appear to have a consistent understanding of VIA's revised origin-to-destination policy. Further, as discussed above, some interviewed VIA drivers and no interviewed Star Shuttle drivers were aware of VIA's pickup window.

The review team also evaluated the VIAtrans and Star Shuttle driver training programs and curricula, which provide sufficient information and practice to train drivers to operate vehicles and equipment safely and respectfully assist individuals with disabilities. During the interviews with the review team, drivers said they received enough training to carry out their jobs properly.

Corrective Action and Schedule: Within 60 days of issuance of this report, VIA must provide additional training to ensure that drivers are aware of VIA's revised origin-to-destination policy and its pickup window and to ensure that reservationists properly explain the pickup window to riders.

5.12 Service Under Contract with a Private Entity

Requirement: Under 49 CFR § 37.23, transit agencies must ensure that any private entity with which it has entered into a contract or other arrangement to provide complementary 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.

Transit agencies must have policies and procedures in place to monitor contractors' performance and ensure that contractors meet the requirements. Transit agencies are not permitted to neglect monitoring or to limit their monitoring to the terms and conditions of contract or other arrangements with the private entity or entities.

Discussion: During this compliance review, deficiencies were found with how VIA monitors its contracted service providers (Star Shuttle and taxi contractor), with respective report sections noted as follows:

- VIA neither measures nor monitors the on-time pickup performance of the trips its taxi contractor provides, as discussed under in Section 5.5 above
- VIA does not measure the drop-off performance of the trips Star Shuttle and its taxi contractor provide, which precludes any monitoring of this performance, as discussed under in Section 5.5 above
- VIA does not monitor how Star Shuttle's dispatchers code no-shows, which can lead to some missed trips being improperly coded as no-shows, as discussed in Section 5.8 above

Deficiencies were also found with how Star Shuttle communicates complaint resolution information. The review team's examination of complaint responses found inaccurate and insufficient responses, including:

- Contradictory information (e.g., "VIA can't guarantee on-time service due to reasons beyond our control, but actually we made a scheduling error") (REF: 350206 and 350350)
- Different names for the same individual (REF: 350276)
- Boilerplate language for issues such as long trips (e.g., "a trip will take approximately 90 minutes"), without referring to the specific trip upon which the complaint was based. Moreover, the dispatch text indicated, "please advise the customer trips can and sometimes may go over 2 hours." (REF: 350297)
- Information that the I-Drive camera will be reviewed, and pending the outcome of the investigation, the operator will be counseled. However, the files contain no record of the investigation's outcome

Only one Star Shuttle employee is assigned to handle complaints. On occasion, other staff members provide assistance. This level of staffing may be insufficient to properly investigate and resolve complaints promptly and equitably.

Corrective Action Schedule: Within 60 days of the issuance of the final report, VIA must begin to:

- Measure and monitor on-time pickup performance for taxi contractor trips
- Measure and monitor drop-off performance for Star Shuttle and taxi contractor trips
- Monitor how Star Shuttle dispatchers code no-shows
- Review and monitor how Star Shuttle investigates and responds to complaints of noncompliance for prompt and equitable resolution

5.13 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 Department of Transportation, compliance with the applicable requirements of 49 CFR Part 37 is a condition of § 504 of the Rehabilitation Act of 1973 and of receiving financial assistance. Where a transit agency relies on another public entity to provide complementary paratransit service on its behalf, the transit agency remains responsible for meeting the requirements of 49 CFR Part 37. In other words, a 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.

Transit agencies must have policies and procedures in place to monitor the performance of such service to ensure that these requirements are met; transit agencies are not permitted to defer to the public entity operating the service.

Discussion: This requirement is not applicable as there are no other public entities providing service on behalf of VIA.

5.14 Coordination of Service

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

Discussion: This requirement is not applicable as there are no other public transit services contiguous to the VIA service area.

Summary Table of Compliance Review Findings

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
1	Comparable complementary paratransit service	37.121	No deficiencies		
2	Absence of administrative burden	37.125 & 37.5	No deficiencies		
3	ADA paratransit eligibility standards	37.123(e)(1)-(3)	One deficiency	Eligibility determination letters sent to applicants with end stage renal disease limit eligibility by trip purpose.	60 days 11/30/14
4	Accessible information	37.125(b)	No deficiencies 1 advisory comment		
5	Eligibility determinations within 21 days	37.125(c)	2 deficiencies	VIA does not schedule some appointments for applicants asked to participate in functional assessments within a reasonable period of time VIA does not communicate to applicants that they have a right to service if determinations are not made within 21 days	60 days 11/30/14
6	Written eligibility determinations including specific reasons for denials or temporary or conditional eligibility	37.125(d)(e)	2 deficiencies	VIA's determination letters for individuals granted conditional or temporarily eligibility do not inform applicants of their right to appeal the decision VIA's determination letters denying eligibility do not contain specific reasons	60 days 11/30/14

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
7	Recertification of eligibility at reasonable intervals	35.125(f)	No deficiencies		
8	Administrative appeals process for denials and conditional eligibility	37.125(g)	1 deficiency	VIA does not have the required separation of function in first-level appeals	60 days 11/30/14
9	Complementary paratransit for visitors	37.127	No deficiencies		
10	Types of service	37.129	No deficiencies		
11	Service area	37.131(a)	No deficiencies		
12	Response time	37.131(b)	1 deficiency	VIA's reservationists do not take riders' practical constraints into consideration when negotiating trip requests	60 days 11/30/14
13	Fares	37.131(c)	No deficiencies		
14	No trip purpose restrictions	37.131(d)	No deficiencies		

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
15	Hours and days of service	37.131(e)	No deficiencies		
16	Absence of capacity constraints	37.131(f)	(See items 17-22 below)		
17	No restrictions on the number of trips provided to an individual	37.131(f)(1)	No deficiencies		
18	No waiting list for access to the service	37.131(f)(2)	1 deficiency	When reservationists are unable to schedule a trip during the reservations call, they improperly inform riders that there are no scheduling options available and ask callers to check back in two hours to obtain a pickup time	60 days 11/30/14
19	No substantial numbers of significantly untimely pickups for initial or return trips	37.131(f)(3)(i)(a)	2 deficiencies	The number of significantly untimely pickups is substantial VIA's standard for on-time pickup performance is too low to ensure no capacity constraints	60 days 11/30/14

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
20	No substantial numbers of trip denials or missed trips	37.131(f) (3)(i)(b) 37.131(3)(1)(b)	1 deficiency	VIA's definition of a provider missed trip is incorrect and must encompass the following four events: <ul style="list-style-type: none"> • Vehicle never appears at pickup address • Vehicle arrives and leaves before the beginning of the pickup window; no contact with the rider • Vehicle does not wait five minutes in pickup window; no contact with the rider • Vehicle arrives after the end of the pickup window and rider is not there or chooses to not take the trip 	60 days 11/30/14
21	No substantial numbers of trips with excessive trip lengths	37.131(f) (3)(i)(c)	No deficiencies 2 advisory comments		
22a	No operational patterns or practices significantly limiting service availability (telephone hold times)	37.131(f)	2 deficiencies	During certain hours of the day, telephone hold times are excessively long VIA's method for measuring and monitoring telephone wait times does not reveal issues during periods of peak call volume	60 days 11/30/14

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
22b	No operational patterns or practices significantly limiting service availability (untimely drop-offs)	37.131(f)	4 deficiencies	<p>During reservations calls, VIA requests or captures appointment times for only a small percentage of trips. The number of trips with known appointment times was low. For those trips with appointment times, approximately 17 percent were late and approximately seven percent were extremely early</p> <p>VIA's drop-off performance standard permits drop-offs to be 20 minutes late</p> <p>For many trips that have appointments VIA does not properly request, capture, and record appointment times and fails to consider appointment times when developing schedules or managing runs</p>	60 days 11/30/14
23	Subscription Service	37.133	No deficiencies 1 Advisory comment		
24	No-show, late cancel and reasonable service suspension & appeal policies	37.125(h) (1)-(3)	5 deficiencies 1 advisory comment	<p>VIA improperly charges riders with no-shows if it takes them more than five minutes to board vehicles</p> <p>VIA improperly cancels subsequent trips on the day that riders are charged with no-shows for initial trips</p> <p>VIA's no-show suspension letters include an attachment listing recorded no-shows; this attachment incorrectly requires riders to provide written challenges to charged no-shows</p> <p>VIA's no-show suspension policy does not consider the proportion of no-shows relative to the rider's frequency of travel</p> <p>VIA does not adequately review how it dispatchers code no-shows, some of which are missed trips</p>	60 days 11/30/14

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/Date
25	Complaint Resolution & Compliance Information	27.13(b) & 27.121	1 deficiency	VIA does not properly maintain all complaint records	60 days 11/30/14
26	Non-discrimination	37.5	No deficiencies		
27	Training	37.173	2 deficiencies	<p>Refresher training is needed to ensure reservationists properly communicate pickup windows to riders during reservations calls</p> <p>Additional driver training is needed to reinforce proper understanding of VIA's origin-to-destination policy and of VIA's on-time pickup window.</p>	60 days 11/30/14
28	Service under contract with a private entity	37.23	4 deficiencies	<p>VIA neither measures nor monitors the on-time pickup performance of the trips its taxi contractor provides</p> <p>VIA does not measure the drop-off performance of the trips Star Shuttle and its taxi contractor provide</p> <p>VIA does not monitor how Star Shuttle's dispatchers code no-shows, which can lead to some missed trips being improperly coded as no-shows</p> <p>VIA does not properly oversee or monitor how Star Shuttle communicates complaint resolution information to complainants</p>	60 days 11/30/14
29	Service provided by another public entity	37.21(b)	Not applicable		
30	Coordination of service	37.139(g)	Not applicable		

Attachment A
FTA Notification Letter to VIA



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

Headquarters

East Building, 5th Floor, TCR
1200 New Jersey Ave., SE
Washington, D.C. 20590

November 6, 2013

Mr. Jeffrey Arndt
President & CEO
VIA Metropolitan Transit
800 West Myrtle
San Antonio, TX 78212

Dear Mr. Arndt:

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the Americans with Disabilities Act of 1990 (ADA) and the Department of Transportation's (DOT) implementing regulations at 49 CFR Parts 27, 37, 38 and 39 as they apply to public transportation. As part of its ongoing oversight efforts, FTA through its Office of Civil Rights conducts a number of on-site ADA compliance reviews of grant recipients. VIA Metropolitan Transit (VIA) has been selected for a review of its VIAtrans complementary paratransit service to take place during the week of January 27, 2014.

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

The review process includes data collection prior to the on-site visit, an opening conference, an on-site analysis of the VIAtrans complementary paratransit service, and an exit conference. The entire on-site portion of the review will be completed within five days. FTA has engaged the services of the Collaborative, Inc. (the Collaborative) with TranSystems Corporation (TranSystems), both of Boston, MA, to conduct this compliance review. The Collaborative team and FTA representatives will participate in the opening and exit conferences, with FTA participating by telephone.

We request an opening conference at **9 a.m. on Monday, January 27, 2014**, to introduce the Collaborative team and FTA representatives to VIA, including you or your designee, the paratransit service manager, the ADA coordinator, and other key staff. During the opening conference, the review team members will present an overview of the on-site activities.

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

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

Russell Thatcher
TranSystems Corp.
38 Chauncy Street, Suite 200
Boston, MA 02111
857-453-5509
rhthatcher@transystems.com

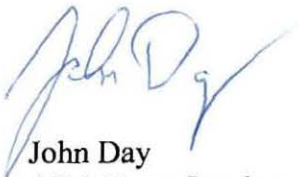
Enclosure 2 consists of items that the Collaborative team will review on-site beginning on January 27, 2014, after the opening conference.

We request the exit conference be scheduled for **2 p.m. on Friday, January 31, 2014**, to afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you or your designee, the VIAtrans paratransit service manager, the ADA coordinator, and other key staff attend the exit conference. The FTA Office of Civil Rights will make findings will provide them to you in a draft report. You will have an opportunity to comment on the draft before FTA finalizes the report. The Final Report, when issued to VIA, will be considered a public document subject to release under the Freedom of Information Act, upon request.

VIA and VIAtrans representatives are welcome to accompany the review team during the on-site activities, if you so choose. If you have any questions or concerns prior to the opening conference, please contact Susan Clark, Program Manager for this compliance review, at 202-493-0511 or at her e-mail address: sue.clark@dot.gov

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

Sincerely,



John Day
ADA Team Leader

cc: Robert C. Patrick, FTA Region VI Administrator
Rebecca Tanrath, FTA Region VI Civil Rights Officer (acting)
David Frost, VIA Metropolitan Transit

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

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

Note that representatives of the Collaborative team may contact you in advance to discuss this first question.
2. A copy of the current operator and any joint operating agreements for complementary paratransit with other public entities.
3. A copy of the complementary paratransit "Operator Manual," and copies of the "Rider Handbook," service brochure, or other documents that explain to the public and eligible riders how trips are requested and how service is provided
4. A description of the complementary paratransit service standards, including:
 - The on-time performance standards (how is "on-time" defined and what is the goal for the percentage of trips to be provided within the standards?)
 - What standards have been set regarding acceptable numbers or percentages of ADA trip denials?
 - The travel time standards, including maximum travel time (if applicable) (what travel time is considered comparable to fixed route and what travel time is considered too long? What are the goals for the percentages of trips to be provided within the standards?)
5. Telephone call-handling performance standards for calls to reservation and dispatch (what are the standards for hold time (and/or call pickup) and abandoned calls? What are the goals for the percentages of calls to be handled within these standards?)
6. Samples of driver manifests (described in Item #1 of Enclosure 2 attached) and samples of records, reports, or tabulations of the complementary paratransit information (described in Item #2 of Enclosure 2 attached)
7. Capital and operating budget and expenditures for complementary paratransit service for the four most recent fiscal years, including the current fiscal year
8. The number of complementary paratransit trips scheduled and provided, and trips denied for the four most recent fiscal years, including the current fiscal year
9. Three copies of the fixed route system map

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

1. Copies of completed driver manifests for the most recent six-month period
2. The following complementary paratransit data, by month, for the last six months (paper copies as well as in electronic format, if available):
 - Trips requested
 - Trips scheduled
 - Trips denied
 - Canceled trips
 - Passenger no-shows
 - Carrier missed trips
 - Trips provided
 - An itemization of trips requested, scheduled, and provided
 - A listing of trips denied each month showing customer's name, origin, requested destination, day and time, and if the person was ambulatory or used a wheelchair
 - On-time performance information
 - A listing of trips that exceeded 60 minutes showing the customer name, origin, destination, day and time, if the person was ambulatory or used a wheelchair, and the total time on-board
 - A listing of passenger no-shows and carrier missed trips for last month with negotiated pickup times and actual vehicle arrival and departure times
 - Telephone call management records (if available) showing hold times by hourly or half-hourly periods and day, total call volume, calls answered and abandoned
3. A list of complaints related to or alleging capacity constraints in complementary paratransit service in the past year. The list should include all complaints related to trip denials, missed trips, wait lists, trip caps, trip restrictions or limits, on-time performance, lengthy trips, phone capacity issues, etc. showing the customer's name, trip origin, date and type of complaint, and transit system resolution (any corrective actions requested and taken)
4. The following ADA paratransit eligibility information:
 - Copy of a blank application form
 - Copies of eligibility guidelines and policies and any assessment or interview forms
 - Sample letters of all types of determination (unconditional, conditional, temporary, trip eligible (if applicable) and
 - Other letters related to receipt of applications, incomplete applications, eligibility appeals and other eligibility issues
 - Total number of ADA paratransit eligible individuals

Via Metro Complementary Paratransit Compliance Review

- For the most recent 12 months:
 - Number of applications received
 - Number of completed applications considered and processed
 - Number of applications determined incomplete
 - Number of people determined unconditional eligible
 - Number of people determined conditionally eligible
 - Number of people determined temporarily eligible
 - Number of people determined ineligible
 - Any documentation, policies, procedures and correspondence related to service suspensions for passenger no-shows
 - Access to eligibility files and appeals records
5. Work shift assignments for reservationists (call-takers), schedulers, dispatchers, and drivers
 6. Access to personnel records showing hire and termination dates for reservationists (call-takers), schedulers, dispatchers, drivers, and road supervisors
 7. Current complementary paratransit fleet roster with vehicle type, make and model year and odometer reading, (designating whether the vehicles are accessible or inaccessible), numbers of accessible and inaccessible spares. For each accessible vehicle, please include the design load of the lift or ramp
 8. Run structure (vehicles in service by hour of day)
 9. Access to the most recent six months of daily vehicle pullout records showing late pullouts and closed runs
 10. Vehicle availability reports for most recent six months
 11. Copies of vehicle pre-trip inspection and preventative maintenance form(s)
 12. Assistance with viewing and capturing parameters used in the scheduling software
 13. Assistance with viewing and collecting data on vehicle run structures and peak pullout requirements
 14. Subscription trips by hour
 15. Training curricula for each type of complementary paratransit employee
 16. Procedures for providing information and communication in accessible formats

Attachment B
VIA Response to Draft Report



June 20, 2014

Anita Heard
Office of Civil Rights, TCR
1200 New Jersey Avenue
E54-420, East Building
Washington, DC 20590

Re: 2014 ADA Paratransit Compliance Review of VIA Metropolitan Transit

Dear Ms. Heard:

Thank you for requesting our feedback concerning the VIA Paratransit Compliance Review Draft Report dated May 9, 2014. We greatly appreciate the positive comments and acknowledgment from the reviewers on VIA's achievement of "zero denials" in the delivery of VIAtrans complementary paratransit trips. This was accomplished through a collaborative effort among the entire VIA team of labor, management and policymakers. We were also gratified the report cited no deficiencies in many elements of the VIAtrans system.

Your review team was very diligent in their effort to learn and understand VIAtrans, and VIA identified only a few "factual misstatements or omissions" in the draft report. We also found instances where the regulatory basis of certain deficiencies and corrective actions was unclear or subject to interpretation.

VIA's observations are as follow:

Finding 12 – Response Time: VIA understands the identified deficiency but seeks clarification and modification regarding the Corrective Action. The requirement to offer "at least one pickup time that meets the riders' practical travel constraints" seems inconsistent with the Hours and Days of Service criterion at 37.131(e). In the example presented (5:00 AM dialysis appointment), it is entirely possible that the VIAtrans customer in question was travelling to and/or from a section of San Antonio which receives no fixed-route service at that hour. In other situations, a customer's "practical travel constraints" may be self-imposed and could not be met by bus service.

This Corrective Action also appears to be at odds with the DOT statement that "the ADA does not attempt to meet all the transportation needs of individuals with disabilities." [56 FR 173, p. 45601, col. 1] VIA requests this Corrective Action be revised to include moderating language such as "to the extent practical" or "consistent with the characteristics of comparable bus service."

Finding 18 – Waiting Lists for Access to Service: While VIA agrees waiting lists are prohibited under 49 CFR § 37.131(f)(2), VIA disagrees that the occasional practice of asking VIAtrans customers to "call back later" to learn their scheduled pick-up time constitutes "establish[ing] a waiting list." This alleged deficiency implies service (i.e., a VIAtrans trip) might not be provided to certain customers

VIA Metropolitan Transit

P.O. Box 12489 | 800 West Myrtle | San Antonio, Texas 78212 | P 210.362.2000

VIAinfo.net

but that is not VIA's intent or practice. VIA also believes a potential "wait list" situation for paratransit trip reservations cannot occur until the reservation period for any service day has closed. We further question the FTA comment that VIAtrans agents state they "cannot honor" a customer's trip request when in fact VIA simply, and only occasionally, needs additional time to establish a pick-up time for a trip request, which VIA already accepted. For these reasons, we request this Finding and Corrective Action be withdrawn.

Finding 19 – No Substantial Numbers of Significantly Untimely Pick-ups for Initial or Return Trips:

VIA accepts the Corrective Action requirements to reduce the number of untimely pick-ups and adjust (increase) our on-time performance standard, but the finding of "a substantial number of significantly untimely pick-ups" does not accurately reflect the VIAtrans performance profile. Our on-time performance rate has typically been in the 84-86% range (84.7%, current year 2014 to-date) and adding only two minutes to the pick-up window would raise the current on-time performance rate to 87%. Also, the number of significantly late (41-60 minutes after scheduled time) VIAtrans pick-ups have historically been less than four percent (3.4%, CY14 to-date). On that basis, our level of service has been reasonable and we accept the challenge to make it better. Please reconsider the use of the terms "substantial" or "significantly" in this context.

Finding 22b – Untimely Drop-offs: VIA requests guidance and clarification as to how the provisions of CFR § 37.131(f) relate to the Corrective Actions cited in this section of the draft report. We may have additional comments after receiving FTA's reply.

Finding 24a – No-Show Policies-Wait Time: VIA disagrees with the finding that "charging riders with no-shows if it takes them more than five minutes to board vehicles" is a deficiency. Similarly, VIA disagrees with the premise that customers who eventually board a vehicle are "taking and not missing a scheduled trip" and therefore a No-Show has not occurred. VIAtrans records a "Late Show" incident whenever a customer takes more than five minutes (after van arrival during the on-time window) to be present and ready for boarding. The failure to board in a timely manner creates more of a service disruption than a strictly-defined No Show (where the customer does not appear at all). VIAtrans implemented the "Late show" category in response to some customers who were routinely taking up to 15 minutes to appear for boarding. If customers may board without regard to van arrival time as is suggested, on-time performance (already cited by FTA as too low) would surely suffer significantly. VIA requests the Finding and Corrective Action related to customers who do not board within five minutes of van arrival be withdrawn.

Finding 24d – No-Show Policies-Frequency: VIA requests clarification of the recommended Corrective Action to "consider the frequency of no-shows" in order to establish a pattern or practice of customer abuse, because the same issue was raised and resolved during our April 2012 Triennial Review. At the time we responded that the current VIAtrans Late Cancel / No Show Policy resulted in [1] a very small number of monthly suspensions for customers [2] whose travel patterns were similar to those of all VIAtrans customers. Because this response was accepted by FTA Region VI, we request the Compliance Review Finding and Corrective Action related to frequency of no-shows be withdrawn.

Finding 28a, b – Service Under Contract-Taxi Performance: A local taxi company, Yellow Cab of San Antonio, provides two types of service under contract to VIA. The first involves VIAtrans "Will-Call" trips and the second involves subsidies to ADA paratransit-eligible individuals who request trips directly with Yellow Cab. Will-Call trips are an optional service feature, and subsidy trips are private transactions which do not occur within the context of the ADA complementary paratransit

requirement. As such, we request the Finding and Corrective Action regarding pick-up and drop-off performance by the taxi service provider be withdrawn.

Finally, the draft report contains several descriptions of VIAtrans policies, procedures and/or documents which existed during the January 26-30 site visit but have since been modified in response to preliminary findings by the review team. Unless you request otherwise, we will simply inform FTA of compliance with these items when we respond to the final report.

Again, VIA acknowledges the scope of the review team's efforts and appreciates this opportunity to respond to the draft report. We are committed to our mutual goal of providing quality transportation for members of the disability community.

Sincerely,



Jeffrey C. Arndt
President/CEO

cc: Keith Hom, Deputy CEO
Larry Wallis, Director of Audit
Bonnie Prosser Elder, General Counsel
Alva Carrasco, Vice President Transportation

Attachment C
Customer Guide



VIATRANS SERVICE CUSTOMER GUIDE



VIA Metropolitan Transit
P. O. Box 12489
1021 San Pedro Avenue
San Antonio, Texas 78212
VIAtrans Phone: 210-362-5050 Fax: 210-362-2563

www.viainfo.net



ABOUT VIA and VIATRANS

The VIA Metropolitan Transit Authority provides public transportation service throughout the San Antonio area. VIA was created by public vote in November 1977 and is governed by an 11-member Board of Trustees. VIA's mission is to strengthen regional mobility, development, and sustainability by providing an outstanding multi-modal transportation system.

VIA provides nearly 50 million transit trips every year. Most VIA customers travel on buses which follow specific routes and schedules. VIA buses connect neighborhoods to medical facilities, stores, places of employment and other important destinations within VIA's service area. All VIA buses have ramps for ease of access by people who use wheelchairs, scooters and other mobility devices or who have difficulty climbing steps. VIA bus operators are trained to be courteous and helpful to all customers.

Some people have disabilities that prevent them from using VIA bus service for some or all transit trips. These individuals can be approved to use the VIAtrans van service. VIAtrans is an advance reservation "paratransit" service that travels to and from specific locations as requested by VIAtrans customers. The Americans with Disabilities Act of 1990 (ADA) requires VIAtrans to be comparable to the bus system with respect to the service area, days and hours of operation, and system capacity. VIAtrans is not a medical service provider. If medical transportation service is needed, please contact EMS or similar transportation provider.

VIAtrans must comply with a variety of governmental rules and regulations. In order for customers to effectively use the VIAtrans system, it is important to understand how VIAtrans is designed; how it operates; and what services can or cannot be provided. This VIAtrans Service Customer Guide is designed to help customers get the maximum benefit from VIAtrans service. It contains specific information, and answers typical questions VIAtrans customers may have. If there are other questions, or if anything in this Guide is unclear, please contact VIA. We are here to provide safe, reliable and efficient transportation for people with disabilities.

Welcome to VIAtrans!

Issued January 2014

GENERAL INFORMATION

VIATrans Reservation Office: (210) 362-5050

Toll Free: 1-866-362-5050

VIATrans Reservations (refer to page 6)

Trips can be scheduled from one (1) to seven (7) days in advance. No same-day reservations.

Hours: Seven days a week, 8:00 a.m. to 4:45 p.m. to make reservations from one (1) day to seven (7) days in advance

Extended Hours: Monday – Thursday, 8:00 a.m. to 8:00 p.m. for all advance reservations **except one (1) day**

VIATrans Cancellations (refer to page 8)

Customers can cancel VIATrans trips 24 hours a day, seven (7) days a week. Call (210) 362-5050 to speak with a Reservation Agent from 4:00 a.m. to 1:00 a.m. or to use the automated cancellation system 24 hours a day.

Where's My Ride? (refer to page 14)

Hours: Monday-Sunday, 4:00 a.m. to 1:00 a.m.

Will-Call Request (refer to page 8)

Hours: Monday-Sunday, 6:00 a.m. to 8:00 p.m.

Accessible Services

VIA Metro Center
1021 San Pedro Avenue
P. O. Box 12489
San Antonio, TX 78212

Telephone Numbers

(210) 362-2140
Toll Free: 1-866-362-4200
Fax: (210) 362-2563

Hours: Monday-Friday, 8:00 a.m. to 4:45 p.m.

Customer Concerns Department

Telephone Number (210) 362-2020

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VIATRANS SERVICE CUSTOMER GUIDE

Effective January 1, 2014

1. INTRODUCTION

WHAT IS VIATRANS SERVICE?

VIATRANS paratransit service is demand-responsive, origin-to-destination service with curb-to-curb service for people with disabilities who are unable to use VIA buses. "Curb-to-curb" means the vehicle will pick-up customers at the curb of the pick-up address and drop-off customers at the curb of the drop-off address. Customers needing assistance beyond the curb can let VIA know so additional assistance can be provided.

VIATRANS is a shared-ride service operated with accessible vehicles. VIA also uses independent contractors to provide trips for VIATRANS customers. The vehicles used by VIATRANS and contractors have lifts or ramps to accommodate VIATRANS customers who travel in wheelchairs, scooters, or who cannot use steps.

WHAT IS THE VIATRANS SERVICE AREA?

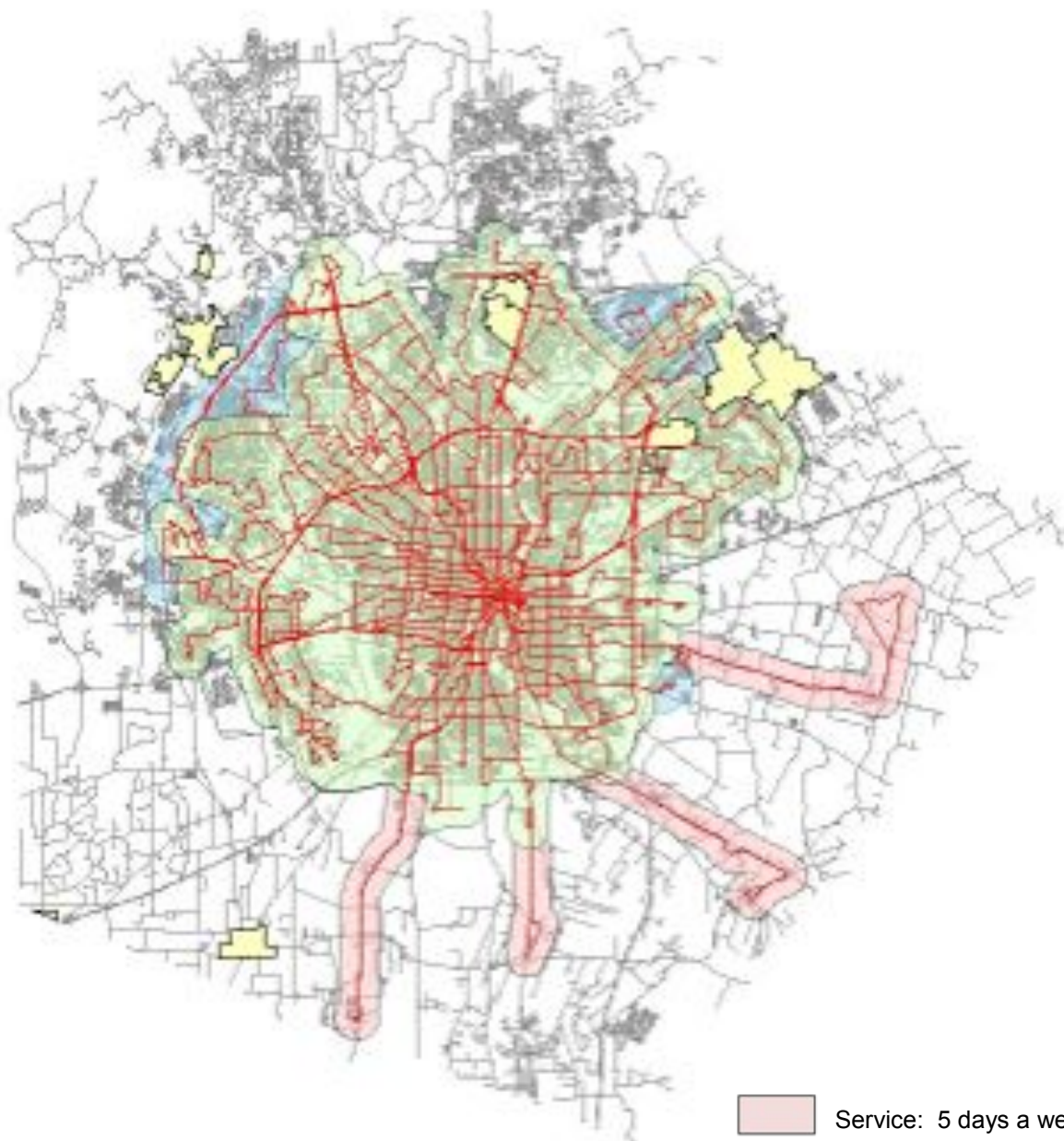
VIATRANS provides paratransit service within $\frac{3}{4}$ of a mile from fixed route bus service. VIATRANS can pick up and drop off customers at any address along and within Loop 410 every day of the week. Between Loop 410 and Loop 1604, VIATRANS serves most addresses north of Highway 90 West and IH 10 East. VIATRANS also serves many addresses along US 181 South and US 281 South. VIATRANS does not provide service within the cities of Windcrest, Live Oak, Universal City, Hill Country Village or Hollywood Park because these cities have chosen not to participate in the VIA transit system.

The VIATRANS service area changes slightly on Saturdays, Sundays and holidays when some bus routes outside Loop 410 are not active. The service area boundaries are shown on page 3.

VIATRANS vehicles can only travel on paved roads. Due to safety reasons if a pick-up or drop-off location is located on a dirt road that is not safe enough for the van to drive on, the customer must wait at the closest curb

of a paved street in order to be picked up by a VIAtrans vehicle. Assist-to-door service is not available for customers whose residence is located on an unpaved road. Customers who have questions about VIAtrans service to or from a specific address can call VIAtrans Reservations at (210) 362-5050.

VIATRANS SERVICE AREA MAP



Note: Bus and van services are not available for areas in white.



2. ELIGIBILITY

IF I HAVE A DISABILITY, DO I AUTOMATICALLY QUALIFY FOR VIATRANS SERVICE?

All VIAtrans eligibility determinations are based on the paratransit criteria and guidelines set forth in the Americans with Disabilities Act of 1990. In keeping with ADA criteria, VIAtrans eligibility is not based on an individual's medical diagnosis but on their functional ability to use regular city bus service. As part of the VIAtrans eligibility determination process, applicants may be asked to participate in physical functional assessment performed by a skilled trained professional therapist. The functional assessment is used to identify the applicant's special travel needs and accommodations for transit travel. The functional assessment performance report along with all available medical documentation and application information are reviewed by a VIA Eligibility Specialist who will make the eligibility determination. Minor children age six (6) and under are not eligible for VIAtrans service.

VIAtrans service is available for people with physical, cognitive, visual or other disabilities that **prevent** them from using VIA's fixed route bus services for some or all transit trips. Having a disability does not mean that someone is necessarily eligible for VIAtrans services.

While VIAtrans service is available to ADA-eligible people, all people in the VIA service area, including people with disabilities, are encouraged to travel on VIA's fixed-route buses wherever and whenever possible. VIAtrans customers and their companions can ride the bus for free with their VIAtrans ID.

HOW DO I QUALIFY FOR VIATRANS SERVICE?

As part of the VIAtrans eligibility and recertification process customers may be asked to participate in a Functional Assessment to assess their ability to perform tasks necessary for independent travel on VIA buses. The Functional Assessment performance report along with the application information and any supplemental documentation are reviewed by a VIAtrans Eligibility Specialist who will make a determination regarding an applicant's eligibility for paratransit service. Customers are notified by mail

of their eligibility status within twenty-one (21) days of receipt of all the required documents.

VIAtrans applications may be obtained by mail from Accessible Services by calling (210) 362-2140; from any VIA transit service center; or the application may be downloaded from the VIA website at www.viainfo.net/VIAtrans.

TYPES OF SERVICE ELIGIBILITY AVAILABLE

People with mobility impairments who want to use VIAtrans service must become certified for the service. Eligible customers will be approved for either unconditional or conditional use of the VIAtrans system.

Customers with unconditional eligibility can request any trip throughout the VIAtrans service area. Every three years, VIAtrans staff will contact customers to assure that current information (such as telephone numbers, person to call in case of an emergency, etc.) is on file.

Customers with conditional eligibility need VIAtrans for some trips but can use bus service for other trips. This is explained in detail when conditional customers are approved. People with conditional eligibility will also be contacted every three years to update their file and to ask if their travel abilities and limitations have changed significantly. This “recertification” process may include a functional assessment.

WHAT IF MY APPLICATION IS NOT APPROVED?

An initial decision of conditional eligibility, or any subsequent change in any customer’s eligibility status, can be reviewed by VIA staff at the customer’s request. There is also a formal appeals process if a customer disagrees with VIA’s staff decision. If an application for service is denied, VIA will send a letter to the applicant within 21 calendar days listing the specific reason(s) for the denial. The letter will tell the applicant how to proceed if he or she wishes to appeal the decision.

3. RESERVATIONS AND CANCELLATIONS

HOW DO I SCHEDULE A TRIP?

To make a trip reservation, call the VIAtrans Reservation Center at (210) 362-5050 or toll free at 1-866-362-5050.

Reservation Agents are available seven days a week from 8:00 a.m. to 4:45 p.m. to schedule paratransit trips. Trip reservations can be made up to seven (7) days in advance. On Monday through Thursday (excluding holidays) the Reservation Center is open until 8:00 p.m.; however, next day reservations must be made before 4:45 p.m. the day before the customer's trip. VIAtrans does NOT offer same day service.

When making a reservation, be prepared to provide the following information:

1. VIAtrans identification number.
2. First and last name.
3. Date of travel.
4. The time the customer would like to be picked up.
5. Complete pick-up address, including an apartment number, suite number, gate or security code, building identification, zip code and telephone number. Note: Same day changes to an address cannot be made, so make sure the address is correct.
6. Complete destination address, including building, suite or apartment number, zip code and telephone number. Note: Same day changes to an address cannot be made, so make sure the address is correct.
7. Whether a personal care attendant (PCA), service animal and/or companion/child will be traveling with the customer. (One PCA and one companion are allowed to ride with the passenger.)
8. If traveling with an assistive device, such as a wheelchair, scooter, walker, cane, oxygen tank, etc. Last minute changes to assistive devices may result in no service for that day.
9. Inform the Reservation Agent of any changes to his/her permanent address or telephone number.

Customers who call during the last hour of the day to schedule a trip may have longer telephone hold times than at other times. To avoid delays, VIA suggests customers call earlier in the day to schedule a trip.

DOES VIATRANS PROVIDE TRIPS TO PUBLIC SCHOOLS?

VIATrans can provide trips for customers to attend classes at post-secondary academic or vocational institutions within the VIATrans service area, but VIA will not provide trips to school-age children (K-12) for required educational purposes. Transportation to and from classroom activities, if needed, is the responsibility of the public elementary or secondary school a child attends. VIATrans can, however, transport K-12 children to or from a school for voluntary activities (e. g., to attend a football game) or personal reasons (such as a doctor's appointment or after-school employment.)

HOW DO I CONFIRM MY TRIP?

Trips will be confirmed at the time a trip reservation is scheduled. The Reservation Agent will repeat the date, time, addresses, and any other details of the trip. The evening before travel, the VIA automated telephone system will call customers reminding them of their trips for the next day and giving them the option to cancel the trip, if needed. Reminder calls will not be made for subscription trips.

Customers may use the automated reservation system any time or day by calling (210) 362-5050 and selecting number 2 – Automated Reservations to confirm a reservation. The automated reservation system will walk the customer through the confirmation process. Customers will be given a confirmation number at the end of the call. Please be sure to write this number down in case there is a dispute.

Helpful Tip

When scheduling a trip, customers can eliminate confusion and unnecessary follow-up calls by having pencil and paper near the telephone to write down the pick-up and return times given by the Reservation Agent.

WHAT IF I DON'T KNOW WHEN MY DOCTOR'S APPOINTMENT WILL END?

Occasionally, customers need open-ended return times because they do not know when they will be ready to be picked up. Customers may request open-ended pick up times only for medical appointments or jury duty.

Customers must let the Reservation Agent know at the time reservations are made that they want a "will-call" return trip. Will-call pick-ups are activated when customer notifies the VIAtrans reservation agent that they are ready to be picked up. VIA will dispatch a VIAtrans vehicle or Yellow Cab Taxi as soon as possible. However, under certain peak times and high use circumstances it can take up to two hours before the vehicle arrives to the pick-up location. Will-call pick-ups are not recommended unless no other options are available. Will-call pickups cannot be provided after 8:00 p.m.

HOW DO I CANCEL A TRIP?

Customers can cancel VIAtrans trips 24 hours a day by calling (210) 362-5050 or toll free at 1-866-362-5050. Reservation Agents are available from 4:00 AM to 1:00 AM to handle cancellations.

Customers may use the automated reservation system any time or day by calling (210) 362-5050 and selecting number 2 – Automated Reservations to cancel a reservation. The automated reservation system will walk the customer through the cancellation process. Customers will be given a cancellation confirmation number at the end of the call. Please be sure to write the confirmation number down in case there is a dispute about a cancellation.

WHAT IF I NEED SAME DAY TRANSPORTATION SERVICE?

While VIAtrans does not offer same day transportation service, VIAtrans customers can use VIAtrans Taxi Subsidy Service on weekdays when travel needs to be done on short notice. Taxi service allows VIAtrans customers the freedom to travel when they want and wherever they want Monday through Friday. Taxi trips can be reserved in advance by calling

Yellow Cab at (210) 666-6666.

Refer to page 28 for additional information about VIAtrans Taxi Subsidy Service.

4. VIATRANS SERVICE

WHAT ARE THE SERVICE HOURS?

Service hours mirror VIA fixed route buses serving the customer's points of origin and destination. VIAtrans service is not available on days, times or locations when the corresponding fixed route service is not operating.

VIAtrans services are available as early as 4:00 a.m. and as late as 12:30 a.m. depending on the customer's location. Holiday service hours may follow a Saturday or Sunday schedule. For bus schedules, routes, and trip-planning assistance, please call the VIA Customer Service telephone number at (210) 362-2020, or access the VIA website at www.viainfo.net.

WHAT TYPE OF VEHICLE WILL PICK ME UP?

VIAtrans and independent contractors use a variety of branded vehicle types including lift-equipped vans and mini-vans with ramps. A customer's VIAtrans trip will be scheduled on a van with a lift or ramp if he/she is traveling in a wheelchair or a scooter or if he/she can walk but cannot use steps.

Important Note: VIAtrans cannot guarantee space on any van for people who travel in wheelchairs or scooters which are longer than 48 inches (front to back) by 30 inches wide (side-to-side). Some VIAtrans vans cannot accommodate larger wheelchairs or scooters. Please see page 15 for additional information.

HOW LONG WILL MY RIDE TAKE?

Paratransit travel time should be comparable to trips with the same origin and destination on VIA fixed-route bus system including transfers, walking, and wait times. This comparison exists except when circumstances are beyond our control, such as during bad weather, traffic congestion, construction, etc. The average trip time can range from 20 minutes to two hours depending on the path and distance between the pick-up location and the destination. The farther a customer travels, the longer the trip may take.

WHEN WILL MY VAN ARRIVE?

In order for VIA to pick up all VIAtrans customers on time, VIA schedules customers' trips using a 30-minute pick-up window. At the time a customer makes his/her reservation, the Reservation Agent will inform the customer that the van can arrive at his/her location between 10 minutes before or 20 minutes after the negotiated pick-up time.

Below is an example of the 30-minute pick-up window. The example assumes an 8:00 a.m. negotiated pick-up time:

7:45 a.m. Van Operator arrives early. The customer decides if he/she wants to board the van at this time.

7:50 a.m. Pick-up window begins (10 minutes before 8:00 a.m.)



7:55 a.m. Customer must be on board the van at this time to not be considered a no-show.

7:56 a.m. Van Operator notes the customer as a no-show and leaves to pick-up the next customer.

8:20 a.m. Pick-up window ends (20 minutes after 8:00 a.m.)

8:21 a.m. If the van is not at the customer's location by this time, the van is considered to be late. Customer calls "Where's My Ride?" at (210) 362-5050 to get an estimated arrival time.

WHERE DO I WAIT FOR MY RIDE?

Not all pick-up locations are identical. To help customers determine where to wait for the van when there is no VIA loading area designated by a VIAtrans sign, follow these guidelines:

- Customers living in a single family home should wait at the front door where they can see or hear the van.

- Customers living in an apartment complex should wait at a location where the Van Operator can see them.
- Customers in an office building (high rise, hospital, etc.) should wait on the ground level at the main entrance.
- Customers in a building such as a hospital where there are two sets of doors (a foyer) should wait in an area where the Van Operator can see them.
- Customers in a location that is not accessible to the Van Operator (i.e., an apartment complex, business complex, etc.) should wait outside and should remain as close to the entrance as possible.
- For those customers who are visually impaired, wait at a location where the operator can see the customer (for example, outside by the door of a lobby).

When the temperature forecast exceeds 100 degrees between noon and 7:00 p.m., or the temperature is 32 degrees or colder, Van Operators will go to the door of a facility and announce their arrival if the customer does not appear within three (3) minutes of the van's arrival. VIA will notify customers when this procedure is in effect.

If a customer is experiencing difficulty with the van finding the customer at a particular location, contact Reservations to request a review of the location for a VIAtrans sign.

WHAT HAPPENS WHEN MY VEHICLE ARRIVES?

VIAtrans customers are required to present their VIAtrans ID when boarding and be ready to board a VIAtrans vehicle when the vehicle arrives. As described on page 11, the van can arrive between ten (10) minutes before and twenty (20) minutes after the scheduled pick-up time. Van Operators are only authorized to pick-up or drop-off passengers at the location for which the ride was scheduled. Please do not ask for changes to your location once on board the van.

When the van arrives the Van Operator will wait five (5) minutes to allow the customer to board the vehicle. If the customer is not present or is not ready to board the vehicle after five (5) minutes, the Van Operator will

leave and the customer will be considered a “no-show”.

If the Van Operator arrives before the pick-up window (more than ten (10) minutes before the pick-up time), the five (5) minute wait time will begin ten (10) minutes before the scheduled pick-up time. Van Operators may arrive early; however, it is the customer’s choice whether to board the van early or wait until the pick-up window timeframe begins.

For example, if a customer has a 1:00 p.m. pick-up time and the Van Operator arrives at 12:30 p.m., the Van Operator must wait until 12:55 p.m. to allow the customer to board the van. If the customer has not boarded the van by 12:55 p.m., the Van Operator will leave and record the trip as a “no-show.”

CAN THE VIATRANS OPERATOR ASSIST ME?

VIAtrans provides “Assist-to-Door” service for customers who cannot independently walk or roll from the front door of their home to a VIAtrans van parked at curbside. Examples of a person with a disability needing “Assist-to-Door” services include:

- Someone who is unable to self-propel a manual wheelchair;
- Someone who cannot follow the path to or from a van without guidance; or
- Someone who needs help to maintain his/her balance.

Assist-to-Door service can also be provided at a customer’s destination (bank, shopping center, church, medical office, etc.) and for the return trip back home. Customers who are approved for Assist-to-Door service can expect their VIA or Star Shuttle van operator (driver) to:

- Physically push the customer’s manual wheelchair;
- Offer directions, verbally or by light touch, to keep the customer on the right path; or
- Allow the customer to hold the van operator’s hand or forearm for balance.

Van operators will not, however, operate the controls of an electric

wheelchair and will not carry a customer or bear the customer's weight.

This service will not be provided at workshops, dialysis clinics or adult day activity centers **when** staff are available to help, and is not offered to customers with "Do Not Leave Alone" status. Customers must also promptly appear when the van arrives. VIAtrans sends phone calls when a van is on the way, and Assist-to-Door is not a van arrival notification service.

Customers who require Van Operator assistance at the origin and/or destination stage of all VIAtrans trips must complete a brief application prior to taking a trip in order to establish the need for full-time (i. e., at all origins and destinations) assistance. Approval is contingent upon a safety inspection at a customer's residence to establish the presence of a suitable ramp, steps and/or pathway and a reasonable distance between the customer's door and a waiting van. If a customer requires Assist-to-Door service for all VIAtrans trips, please contact the Accessible Services staff by phone at (210) 362-2140 or e-mail access@viainfo.net to apply for Assist-to-Door service.

Van Operators can also assist customers upon request to or from the van at an unfamiliar location or down steps. Customers who need occasional assistance at their home should inform the Reservation Agent when making a reservation.

Assist-to-door service DOES NOT include any of the following:

- Assisting passengers on unsafe or steeply inclined mobility ramps or stairs
- Walking through the door of a house, apartment, or building
- Locking/unlocking doors or activating/deactivating house alarms
- Loading/unloading personal items
- Lifting or carrying a customer
- **Pushing a wheelchair over steps**

Call VIAtrans Reservations at (210) 362-5050 for more information.

WHAT IF MY VEHICLE IS LATE?

If the vehicle has not arrived by the end of the 30-minute pick-up window, call the VIAtrans Where's My Ride? line at (210) 362-5050 or toll free at 1-866-362-5050 Monday-Sunday from 4:00 AM to 1:00 AM.

CAN VIATRANS TRANSPORT ALL WHEELCHAIRS OR SCOOTERS, REGARDLESS OF SIZE?

No; VIAtrans vans cannot accommodate all mobility devices.

VIAtrans vans with lifts have two or three spaces designed for customers who travel in mobility devices. Vans with ramps have one space for a mobility device. Each space will accommodate a passenger traveling in a mobility device (wheelchair or scooter) which is not more than 48" in length, 30" in width and have a total weight (passenger + mobility device) of 600 pounds or less.

Some, but not all, of these spaces have enough room for a wheelchair or scooter that is longer than 48 inches by 30 inches or weighs more than 600 pounds. VIAtrans cannot reserve these "oversize" spaces for specific customers. If a customer travels in a large wheelchair or scooter and oversize space is available in the van when it arrives at the beginning of his/her trip, VIA will transport the passenger and will make arrangements for the customer to get back home.

For our customers' safety, please be sure that wheelchairs or other mobility devices are clean, safe and in good working condition before traveling with VIAtrans. If a mobility device is demonstrated to be inconsistent with legitimate safety requirements, the customer may not be transported. If possible, electric wheelchairs and scooters should be fully charged before the start of any VIAtrans trip. VIAtrans will not be responsible for damages or injuries related to unsafe, inadequate or defective mobility devices.

Securement on Boarding

By state law all passengers must use a lap and shoulder belt during their VIAtrans trip. VIAtrans vans with lifts or ramps also have separate securement systems to stabilize wheelchairs and scooters.

Some wheelchairs and many scooters are not designed to be transported in a van or bus. VIAtrans passengers traveling in wheelchairs or scooters can suggest how and where the securement belts should be attached to their mobility device but the final decision belongs to the Van Operator. The Van Operator may ask a customer in a wheelchair to remove bags placed on the wheelchair in order to properly secure the wheelchair.

Non-folding Walkers

Customers who use a non-folding walker must notify the Reservation Agent at the time of booking a reservation that they will be using a non-folding walker. Non-folding walkers take up a wheelchair space that must be accounted for when transporting passengers. If after making a reservation a customer decides to travel with a different mobility device, the customer must call VIAtrans Reservations before 4:45 pm the day before the trip.

CAN I PICK WHERE I SIT IN THE VEHICLE?

The Van Operator will determine where everyone sits based on each individual's destination. The Van Operator will not ask a customer to move to accommodate another boarding customer.

WHAT IS A SUBSCRIPTION TRIP?

A subscription trip is defined as a reservation that will be repeated at the same times and days of the week from the same location. This trip must be made a minimum of three (3) times a week for minimum of 30 days. Trips to a dialysis center, adult day care center, or employment are examples of trips that qualify for a subscription.

Customers are required to schedule this trip for a two-week period before becoming eligible to apply for subscription service. Any changes in frequency or time during this two-week period will result in an additional week wait period before subscription service can begin.

A subscription request can take from two (2) weeks to ninety (90) days before being approved. If not approved for subscription service after ninety (90) days, the request is cancelled and the customer must re-apply for this

service. Any changes to a subscription trip (pick-up address, destination, time and/or mobility device) which has an effect on the route will cause the trips to be canceled and the customer will have to re-apply for the service. Frequent cancellations could also result in the termination of a subscription trip. Customers in certain circumstances (i.e.; vacation, hospitalization, etc.) may cancel up to thirty (30) days of subscription service trips without penalty by contacting VIAtrans' Scheduling Department.

Because many facilities are closed during the holidays, subscriptions trips will not be provided on the following holidays:

- Independence Day (July 4th)
- Labor Day
- Thanksgiving Day
- Christmas Day (Dec. 25th)
- New Year's Day (Jan. 1st)

For all other holidays Schedulers will call the agencies to see if they are open. If they are closed, then all subscriptions to that agency will be cancelled. Schedulers will also cancel subscriptions trips to any location that reports that the facility will be closed.

For questions regarding subscription trips, especially on holidays, please call the VIAtrans Scheduling Office at (210) 362-5120.

5. **NO-SHOW**

WHAT IS A NO-SHOW?

A “no-show” is when the customer fails to board or is not present for boarding when the VIAtrans van arrives to pick him/her up. No-shows also include showing up late for a pick-up, late cancellations (calling VIAtrans less than one hour before the scheduled pick-up time), or cancellations at the door.

A no-show occurs:

- when a customer fails to board the VIAtrans vehicle within five (5) minutes after the van arrives within the pick-up window;
- if a customer violates VIA policies and as a result the customer is not transported (for example, refuses to pay the fare, has more bags than the customer can carry, etc.); or
- a trip is not canceled at least one (1) or more hours before the scheduled pick-up time.

For example, a customer has reserved a 9:00 a.m. pick-up at their residence. The VIAtrans van arrives at 8:55 a.m. but the customer fails to board the van. The van leaves at 9:00 a.m. and the customer is given a no-show. However, if the VIAtrans van arrives at an origin address more than twenty minutes after the scheduled pick-up time, the customer may cancel that trip without penalty.

If a customer still needs a ride after receiving a no-show on Monday through Friday, he or she can also contact Yellow Cab under the taxi subsidy program at (210) 666-6666. Refer to page 28 regarding **VIAtrans Taxi Subsidy Service**.

WHAT ARE THE PENALTIES FOR A NO-SHOW?

When a customer incurs a third no-show incident in a calendar month, VIA will investigate the no-shows to determine if there is a pattern or practice of intentional or repeated no-shows or if the no-shows were accidental or singular incidents. The customer will receive telephone notification that

any additional no-show incidents in that month may result in a violation and the customer's service may be suspended.

If a customer incurs four (4) or more no-show incidents in a calendar month and the no-shows were determined to be within the customer's control or repeated incidents, the customer will receive written notice of a pending suspension penalty along with a detailed description of each incident.

The suspension schedule is as follows:

1. The first time that a customer incurs four (4) no-shows (includes late shows, late cancellations, or cancellations at the door) in a calendar month, the customer's VIAtrans service will be suspended for a period of seven (7) days.
2. The second time that a customer incurs four (4) no-shows no-shows in a calendar month within a six-month period, the customer's VIAtrans service will be suspended for a period of fourteen (14) days.
3. The third time that a customer incurs four (4) no-shows no-shows in a calendar month within a six-month period, the customer's VIAtrans service will be suspended for a period of twenty-one (21) days.

Subsequent violations will result in additional or consecutive 21-day suspensions.

Suspended service means that VIAtrans will not accept new reservations for trips during the designated suspension period. Additionally, VIA will cancel any previously made reservations for the designated suspension period. Customers suspended from VIAtrans service will not be permitted to ride as a personal care attendant or a companion.

General questions regarding the No-Show Policy may be directed to VIA Accessible Services at (210) 362-2140. If a customer has questions regarding a particular trip incident occurring in the current month, he/she can call the VIA Customer Service office at (210) 362-2020 or send an email through VIA's web site at www.viainfo.net/VIAtrans.

HOW CAN I APPEAL A SUSPENSION OF SERVICE?

A customer will be notified in writing of a pending suspension of service. VIA will allow the customer time to appeal the suspension by explaining the circumstances surrounding any of the specific no-show incidents charged to the customer in any given month.

The customer must submit his/her appeal before the date of the pending suspension. To appeal by telephone, please call (210) 362-2020 and ask for Customer Concerns. To appeal in person, please go to the address listed below and ask for Customer Concerns. Written appeals should be mailed to:

Accessible Services
VIA Metropolitan Transit
1021 San Pedro Avenue
P.O. Box 12489
San Antonio, Texas 78212

Once an appeal has been submitted, the customer may continue to ride VIAtrans service until the investigation is completed and a final decision has been made regarding suspension of service.

6. PASSENGER INFORMATION

WHO CAN RIDE WITH ME?

Personal Care Attendant

A “personal care attendant” (PCA) is someone who provides assistance to a VIAtrans customer during or after a VIAtrans trip. One PCA can accompany a registered VIAtrans passenger at no charge. The customer’s file must indicate that he/she is eligible to have a PCA travel with him/her, and a space must be reserved for the attendant when scheduling a trip. A PCA cannot be a VIAtrans customer who also is required to have a personal care attendant ride with him/her. The PCA must be able to care for the VIAtrans passenger’s needs; i.e., carry bags, assist the passenger in getting to their destination, etc. VIAtrans customers who are on suspension from riding the service cannot ride VIAtrans as a PCA.

Companion

One companion is welcome to ride with a VIAtrans customer at the regular VIAtrans fare per trip. When making a reservation a space for a companion, whether adult or child, must also be reserved for the companion. Seating for more than one guest is on a "space available" basis when scheduling a trip.

Infants and Young Children

Customers traveling with a child younger than eight (8) years old will be required to provide a car safety seat unless the child is taller than 4’9”. The customer will be responsible for securing the car safety seat. Children cannot be transported in strollers and two or more children are not allowed to occupy one seat. Children cannot ride on a customer’s lap. VIA DOES NOT PROVIDE CHILD SAFETY SEATS.

Service Animals

Guide dogs and other service animals are permitted on all VIA vehicles and are allowed to accompany the customer if this need is indicated in the customer’s file. When scheduling a trip, please inform the Reservation Agent if a service animal will be accompanying the customer on the trip.

Small non-service animals are allowed on all transit vehicles. Pets must be contained in secure, clean, hand-held, and leak-proof cages. The cage/carrier must be small enough to fit on the owner's lap.

HOW MANY PACKAGES CAN I BRING ON THE VEHICLE?

Carry-on packages are limited to 2 bags or similar-sized packages that can be carried by the customer onto VIAtrans vehicles. Operators are not required to carry passenger's personal belongings. Also, items must be held in the passenger's lap. VIAtrans vehicles are not designed to accommodate grocery carts. Customers with more than two (2) bags should consider taking a taxi to their destination.

CAN OXYGEN TANKS BE BROUGHT ON THE VEHICLE?

If a patron requires the use of oxygen, it must be identified, inspected and evaluated at the certification interview. Any change in the size or number of oxygen storage container(s) identified during the certification process must be reported to VIA prior to making a trip reservation. Any change in patron status regarding the use of oxygen must be reported to VIA immediately.

CAN VISITORS USE VIATRANS SERVICE?

Out-of-town visitors who are ADA certified in other cities or who have obvious mobility limitations can use VIAtrans services on a temporary basis. Visitors must contact the VIAtrans Accessibility Services Office Monday through Friday, 8 a.m. to 4:45 p.m., at 210-362-2140 no later than two (2) business days before service is required.

Once this is done, advance reservations can be made up to seven (7) days in advance. Visitors will receive a temporary ID number in order to make trip reservations. The policies and procedures in this guide apply to visitors.

VIAtrans does not provide same day transportation service. Visitors can use VIAtrans Service for 21 days out of any 365-day period. Receiving service beyond 21 days will require the person to apply for VIAtrans service and an eligibility determination by VIA Accessible Services.

RULES OF CONDUCT

Passengers are asked to follow these rules of conduct to ensure the safety and comfort of all passengers and the Van Operator:

- No loud conversations on cell phones.
- No eating, drinking or smoking on board the van. However, eating a piece of candy or cookie and drinking liquids from a spill-proof bottle for health reasons is allowed as long as the food items do not make a mess on the van.
- No riding under the influence of alcohol or illegal drugs.
- No littering in the van.
- No illegal possession, use, distribution or sale of any controlled substance.
- No consumption of an alcoholic beverage or possession of an open container of any alcoholic beverage on a VIA vehicle.
- No abusive, threatening or obscene language or actions.
- No discharge of bodily fluids or open wounds or spitting.
- No vandalizing of any VIA vehicle, VIA facility or VIA property by writing, marking, scribbling, defacing or causing destruction to the van or VIA property in any manner.
- No begging, soliciting or panhandling from another person.
- No deliberate fare evasion.
- No physical abuse of another passenger or the Van Operator.
- Customers are not permitted to carry guns or any other weapons on any vehicle owned by VIA or owned by a VIA contractor.
- No radios, MP3 players, compact disc players or other sound generating equipment are to be played aboard the vehicles unless the customer uses earphones or a headset.
- For safety reasons, please limit unnecessary conversation with Van Operators when the vehicle is in motion.

Passengers who violate the Rules of Conduct are subject to penalties up to and including suspension of service. These Rules also apply when riding a VIA bus. For more information regarding VIA's Code of Conduct while on a VIA vehicle, go to www.viainfo.net/BusService/CodeOfConduct.aspx.

A passenger, who engages in physical abuse, causes physical injury to another passenger or Van Operator, or damages VIA property may be subject to immediate suspension and possible criminal prosecution. Federal regulations allow VIAtrans the right to refuse service to individuals with disabilities who engage in violent or seriously disruptive conduct. VIA

may also require such a passenger to travel in the company of a responsible PCA for all future VIAtrans trips.

WHAT DO I DO IF I LEAVE AN ITEM ON A VAN?

All items (books, packages, umbrellas, etc.) left on a van at the end of each day are taken to VIA's Lost and Found Department located at 1021 San Pedro Avenue. The Lost and Found Department will process the articles the following business day and hold them for fourteen (14) calendar days. Once the fourteen (14) calendar days have elapsed, any articles that were not returned to the owner are discarded appropriately.

Please note, the Lost and Found Department was established as a convenience for our customers. VIA is not liable for any lost articles left on our vehicles. Customers can call (210) 362-2006 after 11:00 am the following day the article was lost, to inquire if their article was found. Lost articles can be claimed at the VIA Metro Center.

7. VIATRANS FARES

WHAT ARE THE VIATRANS FARES?

For the most up-to-date information on VIAtrans fares, call Customer Information at (210) 362-2020 or go to VIA's website at www.viainfo.net for the latest fare information.

All passengers, regardless of age, must pay the exact cash fare or VIAtrans ticket when boarding the van. Operators do not provide change. VIAtrans fare tickets can be purchased at the VIA Online Store, VIA Customer Information Centers, or by mail. Customers will not be transported unless the fare is paid when boarding the van.

Please note: Operators are not allowed to accept tips or gratuities.

IS THERE A REDUCED FARE PROGRAM TO RIDE VIATRANS SERVICE?

While there is no reduced fare for VIAtrans service, VIAtrans customers may ride the fixed route bus for free by showing a VIAtrans identification card when boarding a bus.

Under Federal Transit Administration regulations VIA is allowed to charge up to twice the amount of a bus fare. VIAtrans fares are currently less than this amount (i.e., \$1.95 versus \$2.40). Essentially, VIAtrans customers are receiving the benefit of a reduced fare.

8. MISCELLANEOUS INFORMATION

HOW DO I UPDATE MY PERSONAL INFORMATION?

If a customer moves, changes his/her telephone number, or a customer's disability situation changes, the customer should contact VIAtrans Reservations at (210) 362-5050 with updated information. This will ensure that VIAtrans has the correct information on file.

SECURITY AWARENESS

SEE Something, SAY Something

Customers can help keep our community and transit system safe and secure by staying alert to their surroundings and reporting suspicious situations or behaviors. If a customer SEES something suspicious then SAY something to a VIA Representative or to the local authorities by calling 911.

What is suspicious?

When a customer notices something or someone that seems out of place, like an unattended package or someone entering a restricted area, stay alert and call 911 to alert the authorities. Report only suspicious behavior or situations.

Spread the Word

Customer should share the SEE Something SAY Something message with those around them. A poster and informational flyer are available on VIA's website.

SEE Something SAY Something is a national campaign shared throughout the United States

HAVE A SERVICE COMMENT?

VIA welcomes any comment, positive or negative, that will help improve our service. Customers are encouraged to contact VIA's Customer

Concerns Department at (210) 362-2020, choose option 3 for *Concerns*.

Comments can be submitted by mail to the following address:

Customer Concerns Department
1021 San Pedro Avenue
P.O. Box 12489
San Antonio, Texas 78212

Electronic feedback can be submitted on VIA's website at www.viainfo.net; select the "Contact Us" link on the home page.

When making a comment, please have the following information available so that the incident can be thoroughly investigated:

- Name of VIA Employee involved
- Location of Incident
- Date and Time of Incident
- Vehicle Number
- Description of Incident
- Name of Individual(s) Involved in the Incident
- Summary of the Incident

Additional information may also be requested.

Customers wanting a response to their comment need to indicate how the response is needed; i.e., in writing, by telephone, or by email. On average, comments will be processed within seven to ten business days.

9. OTHER VIATRANS SERVICES

TRAVEL TRAINING

VIA offers travel training to VIAtrans customers who may be able to ride VIA buses for some of their trips. Buses serve many neighborhoods and most commercial, retail, educational, and recreational destinations in the San Antonio area. VIAtrans customers can ride a bus for free and with no advance reservations!

The travel training program gives customers step-by-step instructions on how to ride the bus and is free to anyone wanting to learn. Customers interested in more information regarding the Travel Training Program can call Accessible Services at (210) 362-2147.

Training to ride the bus system does not make anyone ineligible for paratransit services; rather it expands transportation options to persons with disabilities.

VIATRANS TAXI SUBSIDY SERVICE

For customers who need a same-day trip but didn't make a reservation the day before may wish to use VIAtrans Taxi Subsidy Service. Taxi service allows VIAtrans customers the freedom to travel when they want. Taxi trips can also be reserved in advance.

Here is how it works:

- VIAtrans customer calls Yellow Cab at (210) 666-6666 to request a trip and lets the cab company know he/she is a VIAtrans customer.
- When the taxi arrives the customer shows his/her VIAtrans ID card to the Cab Driver.
- The customer and any companion(s) riding with the customer must pay \$1.95 each at the start of trip. Yellow Cab also accepts VIAtrans tickets. A Personal Care Attendant rides free.
- VIA pays the next \$9.00 metered rate fare.
- At end of the trip, the customer pays any fare in excess of \$10.95.
- Each VIAtrans customer may ride a maximum of 20 times a month.

VIAtrans Taxi Subsidy Service operates Monday through Friday only, excluding holidays, from 4:00 a.m. to 12:00 midnight. Yellow Cab cannot transport customers in oversized (wheelchairs that are more than 48" in length, 30" in width and have a total weight (passenger + mobility device) of more than 600 pounds) because taxi vans are manufactured to handle these types of wheelchairs only. If a customer is a no-show on the VIAtrans taxi subsidy service, the no-show can count as a no-show on VIAtrans service.

Please be aware that not all accessible vans may be available throughout the day due to other customer's demand for service. For questions or comments regarding service issues with Yellow Cab, contact Yellow Cab at (210) 666-6666.

DO NOT LEAVE ALONE PROGRAM

Some customers have severely limited awareness or decision-making skills and cannot travel on their own. These customers are classified as "Do Not Leave Alone" or DNLA. DNLA service is available only upon request.

Customers who have a DNLA status will not be allowed to leave a VIAtrans van alone when they reach their destination; and a responsible individual (must be at least 18 years or older) must sign-off that they received the DNLA customer. Contact VIA Accessible Services at 362-2140 for more information about the DNLA program.

Attachment D
VIATrans Application



Information For VIAtrans Applicants

What is VIAtrans ? **The Americans with Disabilities Act of 1990(ADA)** mandates that public entities operating a fixed route transportation system shall also provide, to persons with disabilities, a complementary paratransit service that is comparable to the level of service provided to individuals without disabilities who can use fixed-route bus service. Complementary paratransit is to be provided to those individuals whose impairment or disability prevents them from independently traveling by regular city bus. VIAtrans is a specialized transportation service available to most Bexar County residents who have a medical impairment or condition that prevents them from independently traveling by regular VIA city buses. VIAtrans service employs a variety of vehicles including vans and lift equipped vehicles to meet the customers' special travel needs. VIAtrans is a "curb-to-curb" shared-ride system comparable to regular city bus service. VIAtrans riders must be pre-registered to use the service and must make reservations at least twenty-four (24) hours in advance of their anticipated trip. VIAtrans riders may schedule trips for any purpose and, if pre-authorized, may travel with a personal care attendant. Minor children age six(6) and under are not eligible for VIAtrans paratransit service.

Who can use VIAtrans? VIAtrans service is provided within three-quarters mile of a fixed bus route to most Bexar County addresses with the exception of certain unincorporated areas within Bexar County. At this time, these areas include whole or portions of Helotes, Hill Country Village, Hollywood Park, Live Oak, Lytle, Schertz, Selma, Somerset, Universal City and Windcrest. VIAtrans is not permitted to pick up or drop off at addresses in these areas. Within the VIA service area, the base fare for one-way trip is \$1.75.

If I have a disability, do I automatically qualify for VIAtrans Service? All VIAtrans eligibility determinations are based on the paratransit criteria and guidelines set forth in the **Americans with Disabilities Act of 1990**. In keeping with ADA criteria, VIAtrans eligibility is not based on an individual's medical diagnosis but their functional ability to use regular city bus service. As part of the VIAtrans eligibility determination process, applicants may be asked to participate in physical functional assessment performed by a skilled trained professional therapist. The functional assessment is used to identify the applicant's special travel needs and accommodations for transit travel. The functional assessment performance report along with all available medical documentation and application information are reviewed by an VIA eligibility Specialist who will make the eligibility determination.

How will I know if my application is approved? Your VIAtrans application should be fully completed when submitted. Incomplete forms will be returned to you or your doctor, which may delay the eligibility determination process. As a part of the eligibility process, you may be requested to participate in a functional assessment to identify your special travel needs. Within 21 days of receipt of all required information, your complete record will be reviewed and an eligibility determination will be made. If you are found to be eligible for VIAtrans services, your eligibility notice will instruct you on how to obtain your Photo Identification Card and to activate your reservation record. At that time you will be given your personal VIAtrans identification card along with a comprehensive VIA Customer Guide. If you are found ineligible, you will be provided with instructions on the appellate process.

If you have questions about this application, please call the Accessible Services Department (210) 362-2140 between 8:00am to 4:45pm, Monday thru Friday. TDD calls may be made to (210) 362-2019 between 8:00am and 4:45pm, Monday thru Friday. Additional information available at **www.viainfo.net**.

VIA Metro Center
1021 San Pedro
San Antonio, TX 78212
362-2140 (TDD: 362-2019)
Revised Apr 2011

ID# _____
For Office Use Only

ADA Cat _____
AWS _____
EligTo _____
DX _____

Application For VIAtrans Service

INSTRUCTIONS: On pages 1, 2, 3 and 4 of this application, VIA is asking for information about you and your ability to use VIA bus service. Some questions are general and some are specific, but all are important. Please take the time to **answer ALL questions carefully and completely.** We cannot determine your eligibility for VIAtrans service without this information. It's all right for a friend, guardian, caregiver, agency service representative or family member to help you complete your portion of the application, specifically pages 1, 2, 3, and 4. He or she will need to provide accurate information about you, your medical impairment, and your functional capacity. If you receive assistance completing your application, the person assisting you must be identified on Page 4. Pages 5 and 6 must be completed and certified by a physician who is familiar with your impairment or condition. Please direct your questions to us at 362-2140.

General Information - All information requested must be provided

Have you ever applied for VIAtrans or a Reduced Fare Card? NO ☐ YES ☐ DATE? _____

Have you ever been approved for VIAtrans/issued a Reduced Fare Card? NO ☐ YES ☐ DATE? _____

Applicant's Name: _____ Date Of Birth: ____/____/____

Residence Address: _____ Apt# _____

City _____, TX Zip Code: _____ Sex: M__ F__

Facility Name And/Or Apartment Name: _____ Gate Code _____

Home Phone Number: _____ Day Phone _____ Cell Phone _____

Name of Emergency Contact: _____ Relationship: _____

Emergency Phone: _____ Day Phone: _____

What communications format would be most appropriate for us to communicate with you?

English____ Spanish____ Braille____ Audio Cassette____ TDD____ E-mail address _____

*****INDIVIDUAL AND MOBILITY INFORMATION:**

What assistive device(s) do you use when traveling? (Please check any that apply).

- | | | |
|--|--|---|
| <input type="checkbox"/> Support Cane | <input type="checkbox"/> Manual wheelchair* | <input type="checkbox"/> Trained service animal |
| <input type="checkbox"/> Crutches | <input type="checkbox"/> Electric wheelchair* | <input type="checkbox"/> Communications device |
| <input type="checkbox"/> Leg brace(s) | <input type="checkbox"/> Electric scooter* | <input type="checkbox"/> "White cane" |
| <input type="checkbox"/> Aluminum "walker" | <input type="checkbox"/> Portable oxygen | <input type="checkbox"/> None |
| <input type="checkbox"/> Other (describe): | | |

*****If you travel by wheelchair or scooter, you must provide the following information about your device:**

- a. Type(wchr?,sctr?): _____ Brand Name: _____ Make and Model# _____
- b. Measurements : width (outer wheel-to-wheel): _____" length(front-to-back) _____"
- c. Combined weight of occupied device (chair weight + applicant's weight) _____ lbs.
- d. Attachments or features i.e., leg extenders,etc. _____

- =====
1. Please tell us about the times when you can use the regular fixed-route bus service? (Examples: if short distance to bus stop; if bus has a wheelchair lift, in good weather)

 2. What is the nearest street intersection to your home? (Example: Blanco & Basse):

 3. Can you walk or use your wheelchair or assistive device(s) from your home to that intersection without help and without injuring yourself? ☐ Yes ☐ No
a. How many minutes would it take you? ☐ 2 ☐ 5 ☐ 10 ☐ 15 ☐ can't do it.
b. How much farther past the nearest intersection could you travel, without help or injury?
☐ four times as far ☐ three times as far ☐ twice as far ☐ no farther
 4. Can you safely cross a street alone? ☐ Yes ☐ No
 5. Can you find your way to a bus stop without getting lost, and wait at the stop for the bus to arrive?
Yes ☐ No ☐ If no, please explain: _____
 6. At a bus stop, how long can you stand and wait for a bus?
☐ 15 minutes ☐ 10 minutes ☐ 5 minutes ☐ Less than 5 minutes
 7. Can you understand bus schedule information? ☐ Yes ☐ No
 8. All buses have a "destination sign" in front, which shows the route name and number.
Can you read a bus destination sign? ☐ Yes ☐ No
Can you ask the driver where the bus is going? ☐ Yes ☐ No
Can you give or write a note to the driver? ☐ Yes ☐ No
Can you understand the driver's answer? ☐ Yes ☐ No

9. If you were on the bus, could you pay the fare by putting coins or tickets in the fare box, or by showing a pass to the bus driver? ☐ Yes ☐ No If no, explain: _____
10. If you were on the bus, could you recognize the place where you wanted to get off the bus?
If "no", please explain: _____
11. Have you ever used the bus in San Antonio or another city? ☐ Yes ☐ No If "yes", please explain when and why you stopped using the bus?

12. Have you ever received "orientation and mobility training" or "travel training"? ☐ Yes ☐ No If "yes", please list any VIA bus routes on which you can travel:

13. Please tell us the reasons why you believe you **cannot** use VIA bus service for some or all trips, or how it is difficult for you to do so:

14. Do you participate in a work activity center or workshop? ☐ Yes ☐ No
If "yes", which one? _____
15. Do you attend a daycare center or participate in a residential care or day treatment program?
☐ Yes ☐ No If yes, which one? _____
16. Do you receive dialysis treatment? ☐ Yes ☐ No If "yes", where do you receive it?
How often and/or which regular days? _____
17. Do you reside at an assisted living facility or at a nursing home? ☐ Yes ☐ No
If "yes", which one? _____
18. Are you a student attending school? ☐ Yes ☐ No If "yes", name of school: _____
19. Are you able to walk up and down three (3) steps (12" rise, with handrails)? ☐ Yes ☐ No
20. If you use a wheelchair/scooter, can you transfer yourself from the wheelchair/scooter to a passenger car? ☐ Yes ☐ No
21. If you use a wheelchair or scooter, does your residence have a ramp? ☐ Yes ☐ No
If no ramp, how do you get your wheelchair/scooter to street/ground level?
22. Do you require someone to travel with you? _____ If "yes", please explain why:

23. Are you able to independently call and make or cancel trip reservations? ☐ Yes ☐ No
24. Can you wait independently alone at your residence and places to which you travel?
If "no", explain: _____

AGREEMENT AND AUTHORIZATION:

I state that the information I have provided is true, accurate, and correct. I authorize the release of diagnostic and functional information as requested, to VIA for the sole purpose of making a determination regarding my eligibility for paratransit service (VIATrans) or for the Mobility Assistance Program Reduced Fare Card for the fixed route bus service, and understand that all personal and medical information will be kept confidential.

If requested, I agree to undergo a functional assessment of my mobility abilities and limitations for the purpose of making a determination regarding my eligibility for paratransit van service (VIATrans) or for the Mobility Assistance Program Reduced Fare Card for fixed route bus service. I understand that intentionally false or misleading information or refusal to undergo a functional assessment is grounds for a determination of ineligibility for VIA services and benefits.

If approved, I agree to follow the rules and guidelines established by VIA and to promptly inform VIA of any changes in my residence, phone number, and if applicable, my caregivers name and phone number; and any significant change in my condition that would affect my level of mobility. I understand that failure to follow proper procedures or cooperate with VIA staff; demonstrating illegal or disruptive behavior; or if my condition at any time poses a direct threat to the health or safety of others, such situations may result in either suspension and/or termination of service or benefits.

APPLICANT'S SIGNATURE: _____ **DATE:** _____

If this application has been completed by someone other than the person requesting certification, that person must complete the following:

Name _____

What is your relationship to applicant? _____

Mailing Address _____

Home Phone: _____ Day Phone: _____ Cell Phone: _____

Signature _____ date _____

STOP! Response to the remaining questions on this application must be provided by a licensed or certified health care provider who is familiar with your condition. DO NOT TAKE THE APPLICATION PAGES APART. Take the entire form to your provider so that the medical section may be completed and the complete form may be returned to VIA Accessible Services

Thank you

4/2011

DIAGNOSTIC AND FUNCTIONAL INFORMATION (to be provided by your physician, physician's assistant, therapist, or other certified or licensed health care provider who is familiar with your condition.)

Dear Provider:

The Americans with Disabilities Act of 1990 requires VIA to provide paratransit service to individuals who, because of their medical condition or impairment, are prevented from using regular VIA city bus service for most trips. Age, economic status, and environmental conditions may not be considered 'medical' factors in the assessment of paratransit eligibility. The information requested of you in the following sections will be used to determine the applicant's VIAtrans eligibility. It is important that all questions be answered completely and accurately to the best of your knowledge and in accordance with your records. If the information is incomplete or unclear, we may need to contact you for clarification. Thank you for your cooperation.

- 1. Please indicate date of your most recent examination of this applicant:** _____
- 2. Based on your knowledge of the patient's condition, is the information provided on the previous pages a reasonable representation of his/her condition?** _____ Yes _____ No
If "no", please explain _____
- 3. Please provide formal medical diagnoses and/or diagnostic codes to describe the applicant's primary impairments or disabling conditions:**

- 4. If vision impaired, what is best corrected acuity (Snellen)?** (R) _____ (L) _____
Field Restriction: (R) _____ (L) _____ **Date of Testing:** _____
- 5. If hearing impaired, what is the degree of discrimination for conventional speech without hearing aid(s)?** (R) _____ (L) _____ **With hearing aid?** (R) _____ (L) _____
- 6. If cognitively impaired, what is the most recently recorded IQ or Performance Test Scores and date of Testing?** _____
- 7. What was the onset date of these conditions? (month/year):** _____ **If temporary, what is a reasonably anticipated recovery date for independent travel?** _____
- 8. Can applicant travel independently from his/her house, to the sidewalk?** _____ Yes _____ No.
If "no" or "sometimes", please explain: _____
- 9. Assuming the use of a mobility aid, if applicable, and with no major barriers in his/her path, how far can the applicant independently travel without help or significant risk of injury:**
less than 1/4 mile _____ 1/4 mile _____ 1/2 mile _____ 3/4 mile _____ more than 3/4 mile _____
- 10. Does the applicant's disability require him/her to travel with another person who provides personal assistance?** Yes _____ No _____ Sometimes _____
- 11. Could the applicant benefit from travel training, if it was available?** Yes _____ No _____ Maybe _____

12. Please rate (Excellent / Good / Fair / Poor / None / Don't Know) the applicant in terms of:

a) upper body strength:	<input type="checkbox"/> E	<input type="checkbox"/> G	<input type="checkbox"/> F	<input type="checkbox"/> P	<input type="checkbox"/> N	<input type="checkbox"/> DK
b) lower body strength:	<input type="checkbox"/> E	<input type="checkbox"/> G	<input type="checkbox"/> F	<input type="checkbox"/> P	<input type="checkbox"/> N	<input type="checkbox"/> DK
c) coordination:	<input type="checkbox"/> E	<input type="checkbox"/> G	<input type="checkbox"/> F	<input type="checkbox"/> P	<input type="checkbox"/> N	<input type="checkbox"/> DK
d) balance:	<input type="checkbox"/> E	<input type="checkbox"/> G	<input type="checkbox"/> F	<input type="checkbox"/> P	<input type="checkbox"/> N	<input type="checkbox"/> DK
e) safety awareness:	<input type="checkbox"/> E	<input type="checkbox"/> G	<input type="checkbox"/> F	<input type="checkbox"/> P	<input type="checkbox"/> N	<input type="checkbox"/> DK
f) independent judgment:	<input type="checkbox"/> E	<input type="checkbox"/> G	<input type="checkbox"/> F	<input type="checkbox"/> P	<input type="checkbox"/> N	<input type="checkbox"/> DK
g) sense of direction:	<input type="checkbox"/> E	<input type="checkbox"/> G	<input type="checkbox"/> F	<input type="checkbox"/> P	<input type="checkbox"/> N	<input type="checkbox"/> DK
h) ability to understand and follow instructions:	<input type="checkbox"/> E	<input type="checkbox"/> G	<input type="checkbox"/> F	<input type="checkbox"/> P	<input type="checkbox"/> N	<input type="checkbox"/> DK
i) verbal communication:	<input type="checkbox"/> E	<input type="checkbox"/> G	<input type="checkbox"/> F	<input type="checkbox"/> P	<input type="checkbox"/> N	<input type="checkbox"/> DK
j) written communication:	<input type="checkbox"/> E	<input type="checkbox"/> G	<input type="checkbox"/> F	<input type="checkbox"/> P	<input type="checkbox"/> N	<input type="checkbox"/> DK
k) stamina and endurance:	<input type="checkbox"/> E	<input type="checkbox"/> G	<input type="checkbox"/> F	<input type="checkbox"/> P	<input type="checkbox"/> N	<input type="checkbox"/> DK

13. Is applicant wheelchair *dependent*? Yes _____ No _____

14. What, if any, is the extent of left and/ or right-side paralysis: _____

15. Can the applicant walk up and down two steps (12" rise, each step, with handrails available)?
Yes _____ No _____ Sometimes _____

Does the applicant require a lift-equipped vehicle to board? Yes _____ No _____

16. Please list any other factors (i.e., extreme temperatures) which significantly restrict the applicant's mobility: _____

CERTIFICATION:

I certify that the information I have provided hereto is a fair representation of this applicant's medical impairment or condition and is accurate to the best of my knowledge. I understand that the information provided hereto will be used for the sole purpose of determining the applicant's eligibility for paratransit services. I also agree that VIA may contact me for clarification of any information I have provided and that I will reply in good faith.

Provider's Full Name: _____

Institution/Facility/AgencyName: _____

Street Address: _____ **Suite#** _____ **City:** _____ **Zip Code** _____

Medical License Number: _____ **Telephone#** _____ **FAX#** _____

Physician's Signature: _____ **Date:** _____

****** Note: "Stamped" signatures in the certification section will not be accepted.**

Attachment E
Eligibility Denial Letter

December 30, 2013



Metropolitan Transit

San Antonio, TX 78215

Dear

This comes in regard to your application for VIAtrans service. The Americans With Disabilities Act of 1990 (ADA) directs that paratransit service be provided for persons with a physical, mental, or visual impairment of such severity as to prevent traveling by regular city bus service, without consideration that it may be difficult, challenging, or inconvenient to do so. The presence of a disability, diagnosis, or condition alone does not imply automatic paratransit eligibility. Eligibility is not determined on the existence of a documented disability which may or may not limit any activities of daily living. Nor is eligibility based solely on personal or financial status, safety concerns, vehicle preference, matters of convenience, inability to drive a vehicle, disability rating, the proximity of your elective residence to the nearest city bus stop, conditions beyond the control of the transit authority, or what situations or circumstances *might* develop or be able to be avoided in the future. Rather, paratransit eligibility is determined by whether the applicant's functional mobility is so severely restricted that the applicant is prevented from performing the mobility skills necessary for independent city bus travel, even though it may be difficult, inconvenient, or *challenging to do so*.

We have reviewed your complete record along with the report of your comprehensive functional assessment, and have made a determination regarding your VIAtrans eligibility. In accordance with the standards set forth in the ADA, we have determined that while the nature of your impairment(s) may sometimes make it more difficult, inconvenient, or challenging to travel by regular city bus, it appears that your functional deficits or limitations are not of such severity as to prevent you from doing so. Therefore, you are not eligible for VIAtrans services at this time. You are, however, eligible for a VIA Reduced Fare card, enclosed hereto, which gives you a discount fare on regular city bus trips. Please call 362-2020 for reduced bus card and schedule information or visit our website at www.VIAinfo.net.

If you wish to appeal this determination, you may do so in writing, by telephone, or in person. Your appeal notice must be received within sixty(60) days of the date of this notice and should be directed to:

Accessible Services Administrator
VIA Metro Center
1021 San Pedro
San Antonio TX 78212

Your request for reconsideration may explain why or how your impairments require you to have special assistance or circumstance to travel by regular city bus, and how our determination is incorrect or incomplete. You should include or attach any additional information or medical records which describe your current condition or which help support your eligibility. Please direct your telephone inquiries to VIA Accessible Services at (210) 362-2140.

Thank you for your cooperation in the eligibility determination process.

VIA Accessible Services, P.O. Box 12489, San Antonio, Texas 78212 (210) 362-2000
Administration FAX # 362-2570 Maintenance/Purchasing FAX # 362-2588

Attachment F
First-level Eligibility Appeal Letter

1st level appeal letter

February 25, 2013

San Antonio, TX 78222

Dear Mr.

VIA recently determined that you are not eligible for VIAtrans service. I am writing in response to your appeal of that decision.

VIAtrans eligibility is limited by federal law to individuals who, because of a disability, are prevented from using VIA bus service. From the information in our files, you requested VIAtrans service because you are unable to get in and out of a bus seat. That situation would also exist on VIAtrans because VIAtrans van operators (drivers) cannot provide physical assistance to passengers. For this reason, I cannot change the decision to deny your VIAtrans application.

This issue can now be appealed to an independent review committee. Please contact me by phone, e-mail or in writing if you need information about the appeals committee process or if you have any questions about this letter.

Respectfully,

David M. Frost
Manager of ADA and Accessible Services
210-362-5100
david.frost@viainfo.net

Attachment G
Summary of Improper Trip Negotiations

Summary of Ten Trip Requests Not Meeting Response Time Requirements

The following trip requests resulted in offers that either did not work for the trips being requested; VIA made only one offer or offers were more than one hour from the times requested.

Requested Time	Offered Time	Comment
5 a.m. drop-off at dialysis	5 a.m. pickup (only offer)	Since nothing else was available, rider accepted offer.
1 p.m. pickup to return from work	12:30	Rider complained that she would need to leave work early, but nothing else was available so she took it. Other options were to ask for 3 p.m. or 11 a.m. and risk getting offers as early as 10 a.m. or as late as 4 p.m.
7 a.m. pickup for 8 a.m. drop-off at adult day care	6 a.m. (only offer)	Rider complained that the program would not be open when he got there. Nothing else was available, so the rider had to refuse the trip because he said he couldn't wait that long outside.
11 p.m. pickup to return from sporting event	10:27 p.m. (only offer)	Offer required rider to leave sooner than he wanted (as the event wouldn't be over), but he took the trip as nothing else was offered.
2:15 p.m. pickup to return from destination	1:46 p.m. (only offer)	Rider complained that he couldn't leave before 2:15 and ended up refusing the offer since nothing else was available.
6 p.m. pickup to return from work	5:30 p.m.	Rider complained that this would require leaving work early, but took the trip as nothing else was available. Rider could have changed the request to either 4 or 8 p.m. and risked getting offers as early as 2 p.m. or as late as 10 p.m.
4 p.m. return trip pickup	3:31 p.m.	Rider complained that this was earlier than they wanted to return, but took the trip as nothing else was available.
3 p.m. pickup for return from adult daycare	2:07 p.m.	Rider complained that this was before the program ended, but took the trip as nothing else was available.
3:15 p.m. return trip pickup	2:15 p.m.	Rider complained that he couldn't leave this early, but nothing else was available. The rider refused the trip.
7:30 a.m. pickup for work training program	8:30 a.m.	Rider complained that this wouldn't get him to the program on time, but took the trip as nothing else was available. The only option would have been to change the request to 5:30 a.m. and risk getting offered a pickup as early as 4:30 a.m.

Attachment H
No-show Suspension Letter



NS
Susp. Wtr

25627

January 2, 2014

SAN ANTONIO, TX 78249

Re: Notice of VIAtrans Service Suspension for No Show/Late Cancellation Violations

Dear :

Your VIAtrans travel record during the month of December 2013 shows that on four (4) or more occasions you did not take a trip you scheduled without cancelling, or did not cancel at least one hour before the pick-up time, or were late getting to the van but still took the trip.

Our records reflect that you were previously granted at least one courtesy waiver for prior violations this calendar year and that you accrued at least four (4) additional incidents this past month. Therefore, in accordance with the VIAtrans No Show/Late Cancellation Policy, your service will be suspended for a period of seven (7) days, starting Monday, January 27, 2014 and ending Sunday, February 2, 2014. You may resume service on Monday, February 3, 2014.

You have the right to appeal any of the incidents charged to you during December 2013. Your appeal may be in writing, in person, or by telephone, and it should explain the circumstances surrounding each of the contested incidents. After a thorough investigation, VIA will send a written response. If any of the incidents are found to be due to circumstances beyond your control, medical emergency, or VIA error, those incidents will be removed from your record, and the penalty will not take place if the total for the month is less than four (4). If, however, four (4) or more incidents are found to be valid, the violations will remain on your trip history, and the proposed service suspension will be imposed.

Your appeal must be received no later than **January 16, 2014**. If an appeal is not received by that date, the suspension will be imposed as scheduled. Appeals received after that date cannot be investigated in time to avoid suspension. If you appeal by telephone, please call 362-2000 and ask for Customer Concerns. If you appeal in person, please come to our office at the address below and ask for Customer Concerns. If you appeal in writing (the most effective method), please forward to the following address:

**NS/LC Program
Accessible Services
VIA Metro Center,
1021 San Pedro Ave.
San Antonio, TX 78212**

12-2013

800 West Myrtle, P.O. Box 12489, San Antonio, Texas 78212 (210) 362-2000
Administration FAX # 362-2570 Maintenance/Purchasing FAX # 362-2588

INCIDENT REPORT

VIAtransID # 25627

Date	Address	Time	Trip Status
Dec 02, 2013	4 s	7:25 AM	Cancel at the Door
Dec 03, 2013	4	7:25 AM	No Show
Dec 18, 2013		3:10 PM	Late Cancel
Dec 23, 2013		7:25 AM	Cancel at the Door
Dec 26, 2013		7:25 AM	No Show
Dec 27, 2013		7:25 AM	Cancel at the Door

Total Incidents = 6

All appeals should be in writing and should describe the circumstances of each of the appealed incidents. Mail or fax the written appeal to:

VIA Accessible Services
VIA Metro Center
1021 San Pedro Ave
San Antonio, TX 78212
Fax # 362-2563

NOTE: All appeals must be received no later than Jan 16, 2014
Appeals received after the appeal date may not be processed in time to avoid suspension.

Customer Name

Violation Month

Number of Incidents

December 2013

6

VIAtransID #