

# FTA

FEDERAL TRANSIT ADMINISTRATION

## Central Oklahoma Transportation and Parking Authority (COTPA)

ADA Paratransit Compliance Review

Final Report  
May 2019



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

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## Executive Summary

### Objective and Methodology

This report reviews the complementary paratransit service, EMBARK Plus, provided by the Central Oklahoma Transportation and Parking Authority (COTPA) in Oklahoma City, OK. Its objective is to verify whether COTPA is meeting its obligations under the ADA to provide paratransit as a complement to its fixed-route service.

This compliance review included three stages:

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

### Key Findings

The Central Oklahoma Transportation and Parking Authority (COTPA) paratransit program includes the following positive program elements:

#### **Positive Program Elements**

- COTPA has developed robust data collection, tracking, and reporting to identify constraints and improve service performance.
- COTPA will soon launch a new, accessible downtown streetcar system and expand its bus and ADA paratransit service from six to seven days a week.
- COTPA's on-time performance for pickups has surpassed the agency's 92 percent standard for the past 16 months.

The Central Oklahoma Transportation and Parking Authority (COTPA) paratransit program has the following administrative deficiencies that are easily correctable to bring its program into compliance with 49 CFR Parts 27, 37 and 38:

#### **Administrative Deficiencies**

- COTPA must remove the three-day processing requirement from its visitor information and policy and also assure that its ADA service guide, visitor policy, and website are consistent in not requiring information to be provided by the visitor's transit agency.
- COTPA's trip length performance standard does not accurately reflect comparability with fixed route travel, including walk, wait, and transfer time as well as time on board the fixed route vehicle.

The Central Oklahoma Transportation and Parking Authority (COTPA) paratransit program has the following substantive deficiency that needs to be addressed to bring its program into compliance with 49 CFR Parts 27, 37 and 38:

- |   |
|---|
| <b><u>Substantive Deficiency</u></b>  |
| ➤ COTPA must plan and budget to meet 100 percent of anticipated paratransit demand, including planned service expansions. |

Please see Section 6 for a discussion of all deficiencies. The Summary Table of Compliance Review Findings (following Section 6) lists all findings. Unless otherwise stated, the Central Oklahoma Transportation and Parking Authority (COTPA) must address all deficiencies within 60 days of receipt of this report.

## 1. General Information

This chapter provides basic information concerning this compliance review of the Central Oklahoma Transportation and Parking Authority (COTPA). Information on COTPA, the review team, and the dates of the review is presented below.

<b>Grant Recipient:</b>	Central Oklahoma Transportation and Parking Authority (COTPA)
<b>City/State:</b>	Oklahoma City, OK
<b>Grantee Number:</b>	5087
<b>Executive Official:</b>	Jason Ferbrache, Administrator
<b>On-site Liaison:</b>	Marilyn J. Dillon, Mobility Management Administrator
<b>Report Prepared By:</b>	Milligan & Company, LLC
<b>Dates of On-site Visit:</b>	October 16 – 19, 2018
<b>Review Team Members:</b>	Cynthia Lister, Team Leader Habibatu Atta, Reviewer Kristin S. Tighe, Reviewer

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## **2. Jurisdiction and Authorities**

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

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

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### **3. Purpose and Objectives**

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

#### **3.1 Purpose**

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

#### **3.2 Objectives**

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

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

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

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## **4. Introduction to the Central Oklahoma Transportation and Parking Authority (COTPA)**

The Central Oklahoma Transportation and Parking Authority (COTPA) provides public transit service within the Oklahoma City metropolitan area, which includes Oklahoma City and portions of Midwest City and Del City. This service area encompasses approximately 620 square miles. COTPA directly operates its fixed-route service, EMBARK, and its ADA complementary paratransit service, EMBARK Plus. COTPA's service responsibilities also include local parking, Spokies Bike Share, VanPool, and Oklahoma River Cruises, a passenger ferry service on the Oklahoma River.

COTPA plans a major service expansion in several modes starting in mid-December 2018 when it launches its new downtown streetcar service. COTPA operates EMBARK bus service with a fleet of 59 vehicles, operating 21 local fixed routes on weekdays between 4:30 a.m. and 8:00 p.m. with five of the local routes running until midnight. On Saturdays, 18 local fixed routes operate from 6 a.m. to 6:30 p.m. At the time of this review, EMBARK fixed-route bus service was provided six days a week. However, COTPA plans to move to a seven-day operating schedule in January 2019. Hours of service will be identical for Saturdays and Sundays. EMBARK also provides limited service express bus routes connecting Oklahoma City with Norman and the City of Edmond. More information about COTPA's programs and services can be found on the agency website.

The one-way base fare for EMBARK bus service is \$1.75 per trip and for Route 50 CIRC downtown circulator service, \$1.00. The proposed one-way base fare for the new streetcar service is \$1.00.

### **4.1 Introduction to Paratransit Services and Organizational Structure**

COTPA operates its ADA paratransit service, EMBARK Plus, using its own personnel and vehicles. Reservations, dispatching, eligibility determination, training, and other administrative activities for this service take place at 2000 S. May Avenue, Oklahoma City. EMBARK Plus paratransit vehicles are parked onsite, adjacent to the garage where vehicles are maintained.

The EMBARK Plus paratransit service area is divided into Zone 1 (the core ADA service area, encompassing all locations within 3/4 mile of a fixed route), Zone 2 (from outer edge of Zone 1 an additional 3-3/4 miles; service not guaranteed and based on capacity), and Zone 3 (from outer edge of Zone 2 up to the Oklahoma City limits; service not guaranteed and based on capacity). Within Zone 1, trips average about 10 miles in length; long trips can be 26 miles or more. Following public meetings and a final public hearing, on January 27, 2019, EMBARK Plus plans to expand to seven-day service, mirroring COTPA's EMBARK fixed route service.

The one-way base fare for EMBARK Plus service in Zone 1 is \$3.50. For trips originating and ending within the 3/4-mile corridors for Route 50 CIRC downtown circulator service, or the new

streetcar service, the proposed one-way EMBARK Plus base fare will be \$2.00. Streetcar service will be free until mid-January 2019, as will the EMBARK Plus service mirroring it. For trips originating or ending beyond the ADA paratransit service area in Zones 2 or 3, the one-way fares are \$7.00 and \$10.50 respectively.

COTPA uses its automated scheduling system, Trapeze PASS, to collect and report on operations data. For FY 2018, COTPA reported providing 49,924 ADA paratransit trips to eligible passengers (this total does not include personal care attendants or guests). This represents an average of 4,160 completed trips per month, or about 960 completed trips per week. COTPA uses a fleet of 22 vans to provide ADA paratransit service. At the time of the review, the agency did not use any supplemental/overflow contract service.

COTPA's fixed-route and paratransit vehicles appeared to be well-maintained and in good repair.

## 5. Scope and Methodology

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

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

### 5.1 Scope

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

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

- Complaint resolution and compliance information (49 CFR §§ 27.13(b), 27.121(b), and 37.17)
- Nondiscrimination (49 C.F.R. §37.5)
- Service under contract (49 CFR § 37.23) (if applicable)
- Requirement for comparable complementary paratransit service (49 CFR §37.121)
- ADA paratransit eligibility: Standards (49 CFR §37.123)
- Paratransit eligibility process (49 CFR § 37.125) including:
  - Information 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 C.F.R. §37.127)
- Types of service (49 CFR § 37129)
- 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 C.F.R. 133) (if applicable)
- Training requirements (49 C.F.R. 173)

## 5.2 Methodology

The FTA Office of Civil Rights sent a notification letter to COTPA's Administrator, Jason Ferbrache, on May 30, 2018 confirming the dates for the review and requesting that information be sent to the review team in advance of the on-site visit (Attachment A).

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

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

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

- Copies of completed driver manifests for recent months
- Thirty-six months of EMBARK Plus service data, including the number of trips requested
- Records of EMBARK Plus customer comments and complaints related to capacity issues: trip denials, on-time performance, travel time, and telephone access



- Procedures for reporting passenger service complaints and other incidents
- COTPA's summaries of transportation complaints
- An EMBARK Plus fleet roster
- A listing of paratransit employees and their start dates
- Capital and operating budgets and cost data for COTPA and its ADA paratransit service

The on-site review of COTPA's ADA complementary paratransit service took place October 16 - 19, 2018. The review began with an opening conference, held at 9:00 a.m. CDT on Tuesday, October 16, 2018, at the agency's offices at 2000 S. May Avenue, Oklahoma City, OK 73108. The following people participated in this meeting:

Federal Transit Administration (FTA), Office of Civil Rights

- John Day, Program Manager for Policy and Technical Assistance (by telephone)
- Christopher Macneith, Regional Civil Rights Officer (by telephone)

Central Oklahoma Transportation and Parking Authority (COTPA)

- Jason Ferbrache, Director / Administrator
- Kevin Mulcahy, Assistant Director
- Marilyn Dillon, Mobility Management Administrator
- Lolly Landgraf, Embark Plus / ADA Supervisor
- Chip Nolen, Manager of Scheduling and Short Range Planning

Milligan and Company, LLC

- Sandra Swiacki, Project Director (by telephone)
- Cynthia Lister, Lead Reviewer
- Habibatu Atta, Reviewer
- Kristin Tighe, Reviewer

After the opening conference, the review team met with COTPA managers to discuss site visit scheduling, information sent in advance, data and material made available on site, and agency ADA complementary paratransit policies and procedures. Team members also briefly toured COTPA facilities. For the remainder of the day, the review team analyzed data for the sample week (September 16 - 22, 2018). Other reviewers examined the agency's process for recording and responding to fixed-route and paratransit customer complaints and obtained copies of complaints from recent months. Team members discussed the agency's ADA paratransit eligibility determination process with managers and staff, and gathered eligibility files to examine and document. In the afternoon, the review team verified fares, service area, days and hours of service, and observed the process for taking reservations.

On Wednesday, October 17, the review team continued policy analysis, data review, and on-site observations. Team members continued observation of trip reservation, scheduling and dispatching processes, interviewing the lead scheduler/dispatcher, and analysis of eligibility files. The team met with operations staff and managers to discuss procedures used to develop the final driver manifests, and began examining completed driver manifests as a part of verification of on-time performance and the accuracy of the customer no-show process.

The review team paid particular attention to policies regarding trip reservations, whether any trip caps or waiting lists were used, and whether there appeared to be a pattern or practice of denying a significant number of trip requests. Two driver interviews were conducted. Additionally, reviewers analyzed call center data and attempted to assess the impact of the new phone system. This portion of the review also examined the policies and procedures concerning negotiation of requested trip times and as part of this effort, gathered and examined the following information:

- Comments from riders and advocates through telephone interviews, comments and complaints on file at FTA and COTPA
- Reservations policies and performance standards
- Service reports prepared by COTPA showing, for the past three years, the number of EMBARK Plus trips provided to individuals with disabilities
- Direct observations by review team members of the handling of trips, and interviews with agency staff about the ability to accommodate trip requests by ADA-eligible riders

On Thursday, October 18, reviewers continued observing call center activity, completed driver interviews, discussed driver training, and examined vehicle usage, maintenance, and tour coverage. Team members analyzed on-time performance and compared on-board travel times with EMBARK fixed-route service schedules, with an emphasis on paratransit trips with lengthy travel times; they also interviewed COTPA management about resources, budgeting, staffing, and service expansion.

On Friday, October 19, the review team tabulated the data and information that had been gathered and prepared for the exit conference. The exit conference took place at 10 a.m. CDT at the agency's office. Participating in the conference were:

Federal Transit Administration (FTA), Office of Civil Rights

- John Day, Program Manager for Policy and Technical Assistance (by telephone)
- Christopher Macneith, Regional Civil Rights Officer (by telephone)

Central Oklahoma Transportation and Parking Authority (COTPA)

- Jason Ferbrache, Director / Administrator
- Kevin Mulcahy, Assistant Director
- Marilyn Dillon, Mobility Management Administrator
- Lolly Landgraf, Embark Plus / ADA Supervisor
- Chip Nolen, Manager of Scheduling and Short Range Planning

Milligan and Company, LLC

- Sandra Swiacki, Project Director (by telephone)
- Cynthia Lister, Lead Reviewer
- Habibatu Atta, Reviewer
- Kristin Tighe, Reviewer

FTA provided the Central Oklahoma Transportation and Parking Authority with a draft copy of the report for review and response. Factual corrections suggested by COTPA were incorporated.

### 5.3 Stakeholder Interviews

This section discusses information on the service or policy issues resulting from interviews with representatives from the local disability community and local disability advocacy organizations concerning the subject of this review. The review team interviewed four ADA paratransit riders and three representatives of disability agencies that serve paratransit riders. Following is a summary of comments received:

**Eligibility:** No respondents reported concerns or problems with the certification process. An agency representative stated that COTPA staff are helpful and efficient in assisting applicants. Another said determinations are made quickly when someone urgently needs service.

**Telephone access:** Interviewees reported no difficulties with telephone access, saying most of the time, phones are answered within one minute, even during peak hours. Respondents reported no difficulties with obtaining Monday ADA service when requesting this on Sundays. Respondents said that COTPA staff are “great”--pleasant, professional, and kind.

**Reservations, denials, and wait lists:** Respondents reported that pickup times at peak hours often are negotiated, otherwise not usually. None reported caps on service or use of a wait list. None had experienced a capacity denial.

**On-time performance:** None of the interviewees reported ongoing or habitual problems with on-time performance. “Plus is a good service. We are lucky.” Agency representatives said service is reliable and vehicles are usually on time for drop-offs and pickups. An agency representative praised drivers serving dialysis service for their patience and the assistance they provide to riders.

**Overly long trips:** No interviewees reported issues with overly long trips. They noted that occasionally, traffic or an inconvenient routing will “delay rides, but not for long.” One said that at rush hour it will unavoidably take longer to reach the destination.

**Drivers:** All reported that drivers routinely assist riders and are well-trained, patient, and helpful.

**Resolving complaints:** Interviewees said that COTPA staff listen and promptly follow up on riders’ concerns and comments.

**Other comments:** All respondents spoke positively about the service. One said that she had not expected such good service for her family member, mentioning its reliability. Another stated, “Plus makes it possible for us to get around and live like everybody else.”

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## 6. Findings and Advisory Comments

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

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

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

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

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

### 6.1 Comparable Paratransit Service

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

**Discussion:** During this compliance review, no deficiencies were found with the requirement for comparable complementary paratransit service.

## 6.2 Paratransit Eligibility Process

### Absence of Administrative Burdens

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

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

Applicants may call the COTPA EMBARK Plus office to obtain ADA service information or request an ADA application form. The application and professional verification forms are also available on the agency website for download. Applicants submit completed applications by mail, fax, or in person. The ADA paratransit eligibility determination process does not include an interview or in-person assessment, although the manager may call the applicant or treating professional to follow up or obtain additional information.

### Paratransit Eligibility Standards

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

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

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

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

**Discussion:** During this compliance review, no deficiencies were found with the transit agency's ADA paratransit eligibility process.

COTPA uses a written application and professional verification form, available online or by mail, to make ADA eligibility determinations. The agency accepts information from several categories of professionals who can provide reliable information about the applicant's functional

abilities as these relate to accessible fixed-route use. COTPA’s written Process Summary #016.A for eligibility applications and the accompanying spreadsheet require computer logging, documentation and dating of each step in eligibility handling; monitoring, tracking and reporting on application progress; retention of determination letters in paper or electronic formats. This policy also requires that decisions be rendered and determination letters be issued within 21 days of receipt of the completed application.

At the time of the site visit, COTPA listed approximately 1,720 individuals in its EMBARK Plus database who had been certified as ADA paratransit-eligible. Reviewers found that COTPA provided unconditional eligibility to almost all applicants who submitted completed applications in FY 2018. The agency offers temporary but not conditional eligibility. The following table shows the volume and nature of COTPA’s eligibility-related activity in connection with EMBARK Plus, the agency’s ADA paratransit service:

<b>COTPA EMBARK Plus Eligibility Activity &amp; Volume</b>				
<b>Four-month sample, 2018</b>				
<b>(Data provided by COTPA)</b>				
<b>MONTH</b>	<b>Jun-18</b>	<b>Jul-18</b>	<b>Aug-18</b>	<b>Sep-18</b>
<b>Activity</b>				
Plus: Aps recd	74	83	81	72
Plus: Incomplete aps	6	4	6	8
Plus: Aps complete	68	69	75	64
<b>Determinations issued</b>				
Eligible Plus: NEW	33	20	41	24
Eligible Plus: RENEWAL	26	15	25	3
Temporary Plus	1	2	2	1
Ineligible Plus	0	0	4	8

The EMBARK Plus eligibility coordinator is responsible for managing COTPA’s ADA eligibility process. The coordinator reviews submitted applications (averaging 80 each month), telephones applicants and designated professionals to follow up when documents are incomplete, evaluates completed applications, proposes eligibility determinations for review by a senior staff member, processes visitor service requests and fixed-route reduced fare applications, and compiles monthly eligibility activity summaries. The coordinator logs and dates all actions in a computerized spreadsheet which lists all application activity. When an applicant is found ADA-eligible, a customer file is immediately created in the automated scheduling system so the individual will be able to make reservations and ride.

Reviewers observed the coordinator explaining the ADA eligibility requirements and process to callers at length. When incomplete applications are submitted, the coordinator follows up with applicants. The coordinator stated that the usual reason for incomplete applications is a delay in receiving the professional verification.

## Accessible Information

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

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

COTPA's website provides an ADA service guide and ADA application. Both contain statements that information in accessible formats is available upon request, with contact information provided. Agency management confirmed their process for providing such materials whenever requested.

## Eligibility Determinations or Presumptive Eligibility within 21 Days

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

**Discussion:** During this compliance review, no deficiencies were found with the requirement to have a presumptive eligibility process in place and/or make an eligibility determination within 21 days of receipt of a completed application, or to communicate an applicant's right to presumptive eligibility.

As stated in COTPA's Process Summary for Embark Plus ADA eligibility #016.A, the agency standard for EMBARK Plus ADA application processing is that all determination decisions must be made and letters issued to applicants within 21 days of receipt of a completed application. The agency's eligibility materials state that if an eligibility determination has not been made within 21 days of receipt of a completed application, temporary (presumptive) eligibility will be granted.

Reviewers examined COTPA's eligibility unit logs and files, which record the dates for receipt of eligibility materials, completed applications, determination decisions, and notification letter issuance. The team's analysis of a random sample of 29 application files showed that determination decisions had been made and letters issued for 15 (50 percent) in seven days or less, eight having been issued the same day. For the remaining 14 files, decisions were made and issued in eight to 18 days. They found that in addition, the agency had recently put in place enhanced eligibility documentation procedures which further promote consistency in documentation and data reporting.



The eligibility coordinator informed reviewers that in cases where the applicant urgently needs service, telephone notification is used and trip requests are accommodated immediately.

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

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

**Discussion:** During this compliance review, no deficiencies were found with the requirement to make eligibility determinations in writing, or with how the transit agency communicates eligibility determinations or the right to an appeal to applicants.

In analyzing a random sample of 29 COTPA eligibility files from FY 2018, reviewers found that certification letters for all 29 applicants had been issued in writing. Letters notified 24 applicants that they had been found unconditionally eligible and included the applicant's name; name and contact information for the responsible COTPA ADA manager, including phone number; eligibility expiration date; and whether the applicant will travel with a PCA. The five determination letters to applicants found ineligible that were part of the random file sample contained the applicant's name; name, contact information and phone number for the responsible COTPA ADA manager; transit-specific reasons for this determination; and information on the eligibility appeal process and an appeal request form.

Team members established that the eligibility coordinator maintains a file of templates for use when needed in preparing determination letters of ineligibility or temporary eligibility. Reviewers found that COTPA's template letters include the applicant's name; name, phone number and contact information for the responsible COTPA ADA manager; and, if found eligible, eligibility expiration date and whether the applicant will use a PCA. Template letters for those found conditionally/temporarily eligible provide terms of eligibility, whether the applicant will use a PCA, eligibility expiration date, and specific reasons for this determination; information on the eligibility appeal process and an appeal request form, as well as the applicant's name and the required COTPA contact information. Template letters for applicants deemed ineligible furnish specific reasons for this determination and information on the eligibility appeal process, with an appeal request form; and name, contact information and phone number for the responsible COTPA ADA manager.

### **Recertification of Eligibility at Reasonable Intervals**

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

**Discussion:** During this compliance review, no deficiencies were found with the transit agency's policies regarding recertification.

Presently COTPA's EMBARK Plus certification letters state that eligibility is good for three years and that the agency will then alert the rider to reapply three months prior to expiration and provide application materials if desired. The recertification process and standards are the same as those used for new applications. COTPA's eligibility data, previously shown, indicate that renewals represent, on average, approximately 40 percent of ADA application volume and new applications, about 60 percent.

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

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

The appeal process must include an opportunity for the applicant to be heard and to present information and arguments, with appropriate separation of authority (i.e., a decision by a person not involved with the initial decision to deny eligibility). Appeal decisions must be provided in writing and explain the reasons for denying the appeal. The appeal hearing must be scheduled within a reasonable amount of time, and if a decision has not been made within 30 days of the completion of the appeal process, the appellant must be provided paratransit service from that time until and unless a decision to deny the appeal is issued, as required.

**Discussion:** During this compliance review, no deficiencies were found with the process or documents by which ADA applicants can appeal eligibility denials or decisions that limit eligibility.

As previously discussed, the review team verified that COTPA eligibility determination letters and letter templates notify applicants found ineligible or temporarily eligible in writing of their right to appeal the eligibility decision, and enclose an appeal request form and a description of COTPA's eligibility appeal process. COTPA outlines its process and procedures for Embark Plus eligibility appeals in the agency's Process Summary #017.A. An eligibility appeal begins when applicants complete a brief appeal request form, which must be submitted to COTPA within 60 days of the date of the determination letter.

The agency's process permits appellants to request a management review of the initial eligibility decision, with the appellant free to submit additional supporting materials and not obliged to attend. COTPA must then complete the management review and provide a written decision within 30 days after receipt of the appeal request. However, if an appellant prefers, he or she can request an in-person hearing. In requesting that the decision be reconsidered, applicants can, if they wish, submit additional information and bring representatives to the hearing. Alternate-format information and interpreters will be made available upon request.

If a hearing is requested, whenever possible COTPA's policy is to schedule it within a month. The Appeal Review Committee (ARC) hearing the appeal includes three COTPA representatives not involved in the original decision. This panel must render its decision in writing within 30 days after the completed proceeding. If not, the appellant is considered presumptively eligible for EMBARK Plus ADA paratransit service until a decision has been issued.

At the time of the review, COTPA had processed four eligibility appeals since January 2018. Reviewers examined the Plus Eligibility Appeals Tracking spreadsheet and the files for each appeal. One appeal was withdrawn by the applicant before a hearing had been scheduled. Of the remaining three appeals, two were overturned by the ARC and the appellant was found unconditionally eligible. Regarding the third appellant, the ARC upheld the original determination of ineligible. The three outcome letters were dated on the same day that the hearings were held. After viewing the correspondence, file contents, and spreadsheet, team members concluded all four appeals processes had been handled in a timely manner. For the three completed appeals, hearings were scheduled within one month, and decisions rendered without delay. The panel's letters provided transit-specific reasons for the decisions.

### **Complementary Paratransit for Visitors**

**Requirement:** Under 49 CFR 37.127(d) and (e), paratransit service must be made available to visitors not residing in the jurisdiction(s) served by the transit system for any combination of 21 days during any 365-day period, beginning with the visitor's first use of the service during the 365-day period. The transit system must treat as eligible all visitors who present information that they are eligible for paratransit service in the jurisdiction in which they reside; for those who do not present such documentation, the transit system 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 the transit system require a visitor to apply for or receive eligibility certification for its own paratransit system before providing this service.

**Discussion:** During this compliance review, deficiencies were found with COTPA's policy and process for making paratransit service available to individuals meeting the definition of a visitor.

COTPA's policy and public information do not contain correct or consistent information regarding service to visitors. Information about visitor service can be found on the COTPA website, in the EMBARK Plus ADA service guide, and in COTPA's Process Summary #008. The latter two documents state that the agency provides up to 21 days of eligibility during a 365-day period to visitors who present documentation of ADA eligibility from another jurisdiction, or documentation of a disability that is not apparent, and also to visitors without documentation whose disability is apparent or who declare themselves to be unable to use fixed-route service. The website entry states incorrectly that the visitor's transit agency must provide documentation of eligibility. COPTA must accept documentation directly from the visitor.

In addition, FTA expects the process of processing visitors to be completed the same day or no more than one day later. Currently the website and EMBARK Plus ADA service guide state that visitor applications will be processed within three days. Process Summary #008 does not provide a timeframe for processing visitor information. COTPA's eligibility coordinator told

reviewers that after receipt of the visitor's information, the registration process can be completed within one day or less.

All of COPTA's visitor eligibility policies, procedures, and public information must be revised to contain the following information:

- Visitors may present evidence of eligibility from another jurisdiction;
- Visitors without documented eligibility from another transit service provider can self-certify the disability;
- Visitor registration will be processed on the same day or not more than one day later; and
- COPTA will provide up to 21 days of service during a 365-day period to visitors.

**Corrective Action and Schedule:** Within 60 days of the issuance of the final report, COTPA must provide to the FTA for review a revised visitor policy, service guide, and website text which are consistent in accepting eligibility documentation directly from the visitor, including self-certification, and include the one day or less processing requirement.

### 6.3 Types of Service

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

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

COTPA managers stated that the agency provides origin-to-destination service. Drivers are trained and required to provide additional assistance beyond the vehicle to/from the origin or destination point whenever requested, when the need is apparent, or by prior arrangement. During driver and stakeholder interviews, reviewers verified that drivers are trained to provide and routinely offer door-to-door service. After reviewing COTPA's public information, ADA service guide, website contents, and extensive driver training materials, team members confirmed that origin-to-destination service is established agency policy.

## 6.4 Service Criteria for Complementary Paratransit

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

### Service Area

**Requirement:** Under 49 CFR 37.131(a)(1), all public operators of a fixed-route system must provide complementary paratransit service that covers, at a minimum, all areas within a 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 public transit agency does not have the legal authority to operate in those areas. For entities operating a light rail or rapid rail system, the paratransit service area must also include a 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 ADA paratransit service to eligible individuals to and from origins and destinations within the service area.

COTPA's ADA paratransit service area includes all areas within a 3/4-mile radius of its fixed routes. In total, the EMBARK Plus service area is divided into Zone 1 (the core ADA service area, encompassing all locations within 3/4-mile from a fixed route), Zone 2 (from outer edge of Zone 1 an additional 3-3/4 miles; service not guaranteed and based on capacity), and Zone 3 (from outer edge of Zone 2 up to the Oklahoma City limits; service not guaranteed and based on capacity). On a space-available basis, COTPA offers all its riders additional demand response service beyond the minimum ADA service area, extending into Zones 2 and 3, at premium fares.

The EMBARK Plus ADA service guide states that ADA paratransit service mirrors fixed-route areas, hours and days, requesting that customers call or email for specific information.

In December 2018 COTPA plans to introduce a new downtown streetcar service and Route 50 CIRC, a special downtown circulator bus route. As currently envisioned, these new routes would bring their own 3/4-mile ADA paratransit service corridors, with special fares and service days and hours for any EMBARK Plus riders traveling entirely within each designated area. Team members were told that the EMBARK Plus scheduling system is being modified to designate and map the correct ADA paratransit service areas for each route, and to identify trips taking place entirely within these service areas.

## Response Time

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

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

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

Presently COTPA accepts ADA paratransit trip requests from one to seven days in advance, and telephone reservations can be made Monday through Saturday from 8:00 a.m. to 5:00 p.m. Reviewers confirmed that next-day trip requests are accommodated: On Sundays or holidays, to make a next-day trip reservation, customers are asked to leave detailed trip information on voicemail. Staff then confirm these trip reservations early on the day of travel; the agency's policy is that all ADA-eligible next-day trip requests must be honored. At the time of the review, COTPA had not yet made a final decision as to how the agency will handle next-day EMBARK Plus trip requests made on Sunday when it introduces seven-day service in 2019. During schedule and manifest reviews, and repeated call center observations, the review team saw no evidence of improper schedule changes or use of wait lists.

## Fares

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

**Discussion:** During this compliance review, no deficiencies were found with the requirements for comparable paratransit fares or policies or practices concerning fares, PCAs or companions.

*Present fares:* COTPA's one-way base fare for EMBARK bus service is \$1.75 per trip. The one-way base fare for EMBARK Plus service in Zone 1 (the ADA paratransit core service area) is \$3.50. Personal care attendants ride free. For trips originating or ending beyond the ADA paratransit service area in Zones 2 or 3, one-way fares are \$7.00 and \$10.50. COTPA lists and explains its fares in the EMBARK Plus ADA service guide and on the agency website.

*New fares complementing new service:* In December 2018 COTPA plans to introduce a new downtown streetcar service and Route 50 CIRC, a special downtown circulator bus route. The proposed one-way fare for both new services is \$1.00 per trip. COTPA recognizes that the new fares must be coordinated with ADA paratransit fares so that EMBARK Plus riders traveling entirely within the prescribed service areas for these new routes pay fares no greater than double the fixed-route fare being complemented. Accordingly, following public meetings and a final public hearing on January 27, 2019, and only for trips originating and ending within the 3/4-mile corridors for Route 50 CIRC downtown circulator service, or the new streetcar service, EMBARK Plus riders would pay a proposed fare of \$2.00. Streetcar service will be free until mid-January 2019, as will the EMBARK Plus service mirroring it.

Team members were told that the EMBARK Plus scheduling system is being modified to designate and map the correct ADA paratransit service areas for each route, identify trips taking place entirely within these service areas, and then assign correct fares for such trips.

### **No Trip Purpose Restrictions**

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

**Discussion:** During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided free from restrictions or priorities based on trip purpose.

COTPA staff did not ask or record trip purpose when reviewers observed them taking requests for EMBARK Plus paratransit trips. Neither the ADA service guide nor the agency website mention trip purpose. In discussing the ADA eligibility process, managers stated that eligibility determinations are made without regard to priorities based on trip purpose.

### **Hours and Days of Service**

**Requirement:** Section 37.131(e) of the DOT ADA regulations requires that the ADA complementary paratransit service be available during the same hours and days as the fixed-route service. This means that if a trip can be taken between two points on the entity's fixed-route system at a specific time of day, it must also be able to be taken on paratransit. It also means that the service area may change depending upon the time of day or day of the week, when certain routes or areas may not be served. This requirement applies on a route-by-route basis. For

example, an area that has fixed-route bus service on weekdays but not weekends must have ADA complementary paratransit service (provide trips) on weekdays but not necessarily on weekends; an area that has bus service from 5 a.m. until 9 p.m. must have ADA complementary paratransit service, at minimum, from 5 a.m. until 9 p.m.

**Discussion:** During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided during the same hours and days as fixed-route service.

COTPA provides fixed-route service from 4:30 a.m. to midnight Monday through Friday; and from 6:00 a.m. to 6:30 p.m. on Saturday. EMBARK Plus Zone 1 ADA paratransit service hours and days mirror fixed-route hours and service is available whenever fixed-route service is available. The ADA service guide states that ADA paratransit trips are available during all fixed route hours and days of service. The review team examined scheduling software and manifests to verify that the agency schedules requests for EMBARK Plus Zone 1 ADA paratransit pickups up to 30 minutes before the end of fixed-route service and shortly after its morning commencement.

At the time of the review, COTPA did not provide EMBARK fixed-route service or EMBARK Plus ADA paratransit service on Sundays. However, COTPA informed the review team that following public meetings and a final public hearing on January 27, 2019, EMBARK Plus plans to expand to seven-day service, complementing the planned expansion of COTPA fixed route service days and hours.

### **Absence of Capacity Constraints**

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

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

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

**Discussion:** During this compliance review, no deficiencies were found with the requirements that ADA paratransit be provided without limiting the number of trips that an eligible rider may take.



COTPA does not limit the number of trips which EMBARK Plus ADA paratransit riders may reserve. Neither the ADA service guide nor the agency website mention restricting the number of trips an individual may take.

### **No waiting list for access to the service**

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

**Discussion:** During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without the use of waiting list(s).

While onsite, the review team did not observe staff denying trip requests or placing any requests on waiting lists. Reviewers found no evidence of use of a waiting list in agency policies or practices.

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

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

**Discussion:** During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without substantial numbers of significantly untimely pickups.

As stated in COTPA performance standards provided to reviewers prior to the onsite visit, the agency's on-time performance standard is 92.5 percent (including early arrivals), and COTPA monitors performance daily, weekly, monthly, and also monthly on an operator-by-operator basis. The agency uses a 30-minute on-time window (15/15) and requires riders to be ready throughout the window. Drivers are required to wait five minutes within the window for riders to board before departing. COTPA prohibits drivers from pressuring riders to board in advance of the window and requires drivers to notify dispatch if a rider does not appear, so that dispatch can attempt to contact the rider by phone.

COTPA's monthly on-time performance data for the 15 months (FY 2018 and the first three months of FY 2019) collected by the agency's scheduling software shows 94 percent on-time performance (including early arrivals) for EMBARK Plus trips.

To verify the agency's reported on-time performance, the review team drew a random sample of 168 trips from driver manifests for the week of September 16 to 22, 2018. Reviewers compared

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

actual pickup times recorded by drivers with negotiated and scheduled pickup times. As shown below, this analysis calculated COTPA pickup performance for the sample week to be 92 percent on-time. Most late trips were one to 15 minutes late, two were 16 to 30 minutes late, and none in the sample were more than 30 minutes late.

<b>COTPA EMBARK Plus Independent Calculation of On-Time Pickup Performance for Advance Reservation Trips - September 16 - 22, 2018</b>			
	<b>Number</b>	<b>Number</b>	<b>Percentage</b>
Trips in Sample	168	-	100%
In Window (-15/+15) or early	155	-	92%
Late (arrival after window)	13	-	8%
1-15 mins. late	-	11	-
16-30 mins. late	-	2	-
>30 mins. late	-	0	-

Further examination showed that among the sampled trips, individuals using wheelchairs experienced similar levels of on-time performance as did ambulatory riders. None of the stakeholders interviewed reported problems with late vehicles or unreliable service. All spoke positively about EMBARK Plus service and on-time performance.

### **No substantial numbers of trip denials or missed trips**

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

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

**Discussion:** During this compliance review, no deficiencies were found with the requirements that ADA paratransit service be provided without substantial numbers of trip denials or missed trips. No deficiencies were found with COTPA’s standards for defining denials and transit agency missed trips or with how COTPA monitors service to determine whether any capacity constraint exists. The review team did not observe a substantial number of capacity denials or missed trips.

*Denials:* COTPA’s Process Summary document #007, Capacity Denial Monitoring, furnished this definition of an ADA capacity denial: “a paratransit reservation/trip request that cannot be

scheduled within one hour of the customer's preferred/requested pickup time due to a lack of vehicle capacity/space, or a reservation/round trip request where only one leg of the trip can be provided within one hour of the customer's preferred/requested pickup time.”

COTPA's Process Summary #013.A describes Embark Plus reservations/scheduling and dispatch procedures. During four reservations observation sessions onsite, team members did not observe any capacity denials, nor did they observe any pickup times offered beyond 60 minutes from requested times. The review team found that COTPA devotes substantial effort to staff training, as well as operations data collection, tracking, reporting, and analysis, to identify and address potential ADA capacity constraints. Process Summary #013.A also details the required documentation process to be followed in the event of a capacity denial or a missed trip. Process Summary #007 also outlines the preparation of reports documenting any denials, of all types. In discussions with agency personnel, the reviewers verified that managers and staff record, track, and report any ADA capacity, adversarial, and eligibility denials, in order to identify and address potential capacity constraints, and to document the agency's performance.

Information requested by COTPA reservations agents includes the date of trip; origin, destination; requested pickup time or appointment time, ambulatory status, accompanying riders, and desired return time. Agents enter trip request information directly into the PASS computerized scheduling program, receiving customer information from the client file which contains information for eligible riders. A new trip record is developed for each requested trip. Information requested by agents includes the date of trip; origin, destination; requested pickup time or appointment time, ambulatory status, accompanying riders, and desired return time. Reservation agents confirm the most important information by reading it back to the client prior to ending the phone call. The digital trip record also documents the date the reservation was made and which agent handled it.

If the caller requests a pickup time, the PASS system will show possible pickup times within one hour before or after the time requested. If the rider asks to be dropped off at his or her destination at a specific time (scheduling by appointment time), the computer program will calculate a pickup time (generally around 45 minutes to one hour prior to the appointment), and the reservation agent will provide the client with a pickup window 15 minutes to either side of that time. The system indicates when the trip request is ineligible. Reviewers observed that return trips for clients travelling to a doctor's appointment or similar appointment were at times handled as a “will call,” meaning that the client should call COTPA to schedule a return trip after the appointment had ended.

COTPA requires that agents must accurately document in the PASS system all ADA service denials, whether capacity, eligibility, or adversarial. When an ADA rider accepts a time greater than one hour earlier or later, because the original trip was not arranged within the one-hour time frame, the original trip request still counts as an ADA capacity denial and it must be documented. Where only one leg of a trip can be provided within 60 minutes of the requested time, two capacity denials must be recorded. COTPA's new phone system permits managers to audit calls remotely, which is valuable for training and complaint resolution. It also records all calls, permitting managers to verify the correct handling and documentation of trip requests.

Reservations agents appeared to be courteous and professional, and to have received training about ADA paratransit regulatory requirements. In discussions with agency personnel, the reviewers verified that managers and staff understand the different types of ADA service denials and recognize the requirement to correctly document, track, and report all ADA denials, in order to identify and address potential capacity constraints, and to document the agency's performance. *Missed Trips:* In Process Summary #007, COTPA furnished this definition of a missed trip: "a scheduled/confirmed paratransit trip that is not completed due to an error by EMBARK Plus, the failure of a vehicle to arrive at the pickup location, the failure of a vehicle to arrive within the thirty (30) minute ready window, or the failure of a vehicle to wait five minutes for boarding." COTPA's performance target for missed trips is zero. Staff stated to reviewers that missed trips are "extremely rare" and would always merit investigation. COTPA uses a tracking spreadsheet ("Missed Trip Log") to document missed trips and corrective actions. In examining trip data and manifests, the reviewer team found four recorded missed trips in FY 2018. Concerning the verification of missed trips, team members identified no situations where a missed trip occurred, and the customer was incorrectly made a no-show.

### **No substantial numbers of trips with excessive trip lengths**

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

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

**Discussion:** During this compliance review, deficiencies were found with the requirements that ADA paratransit service be provided without substantial numbers of trips with excessive trip lengths.

In its Trip Length Monitoring Process Summary #18, COTPA defines a long trip as any trip involving time on board the paratransit vehicle greater than 60 minutes. Each month the agency compiles Ride Length and Time Distance reports, using the scheduling system to identify, total and examine all trips where travel time exceeds this standard. COTPA's annual target is that no more than 2.5 percent of all EMBARK Plus trips shall involve time on board the vehicle exceeding 60 minutes. In FY 2018, COTPA reported that it met its on-board trip length standard with an average of 2.4 percent of trips exceeding 60 minutes on board.

However, travel time standards based on absolute maximum trip lengths do not accurately reflect comparability to the length of time a specific trip would take on fixed route at the same time of day, particularly with regard to shorter trips. Comparative travel time performance standards should be used instead, such as "at least X percent of complementary paratransit trips shall have travel times equal to or less than comparable fixed route travel times."

Service area size can significantly impact the length of time riders spend on board the vehicle. Reviewers noted that EMBARK Plus covers a large service area, encompassing about 620 square miles, with three service zones. Within Zone 1 (the ADA core service area, encompassing all locations within 3/4 mile from a COTPA fixed route), trips average about 10 miles in length. Because paratransit trips are seldom direct, long trips can extend to 26 miles or more. A trip from one boundary directly across the ADA service area to the other boundary (that is, traveling in a straight line) will be about 24 miles long.

COTPA provided a list of trips where on-board time exceeded 60 minutes. Reviewers then conducted an independent examination of those few trips where travel time exceeded COTPA’s standard, to ascertain whether randomly selected EMBARK Plus ADA Zone 1 trips greater than 60 minutes in length met the comparability standard. Using data from the sample week September 16 – 22, 2018, the review team randomly selected 10 Zone 1 trips from a report showing all Zone 1 ADA paratransit trips performed during the sample week with actual ride times over 60 minutes. Using COTPA’s online Google trip planner, team members then identified the total travel time necessary to complete each of the selected paratransit trips using fixed route service (including walk and wait time for non-disabled individuals as calculated by the Google trip planner).

The following table shows the results of this comparison. Of the ten sample Zone 1 trips, eight (80 percent) showed travel times shorter than or similar to fixed route trip lengths. Two trips (20 percent) showed longer time spent on the vehicle than if fixed route had been used. Of the two trips that exceeded the time on fixed route, one was longer by 6 minutes and the other was longer by 27 minutes.

<b>COTPA ADA Paratransit/Fixed Route Trip Length Comparison Selected Zone 1 Trips Exceeding 60 Minutes September 16 – 22, 2018</b>			
	<b>Trips Examined</b>	<b>Percentage of Sample Trips</b>	<b>Average Time Difference (minutes)</b>
Trip length less than fixed route	8	80%	-27
Trip length similar to fixed route	0	0%	0
Trip longer than fixed route	2	20%	17
by less than 10 minutes	1	50%	-
by less than 30 minutes	1	50%	-
<b>Total</b>	<b>10</b>	<b>-</b>	<b>-</b>

Overall, in assessing data from the sample week, EMBARK Plus Zone 1 travel times appeared to be comparable. Stakeholders interviewed by the review team did not express concerns about excessive trip length.

**Corrective Action and Schedule:** Within 60 days of the issuance of the final report, COTPA must provide to the FTA for review a revised trip length performance standard that accurately

reflects comparability with fixed route travel, including walk, wait, and transfer time as well as time on board the fixed route vehicle.

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

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

**Discussion:** During this compliance review, deficiencies were found with the requirements that ADA paratransit service be provided without the use of any operational patterns or practices that significantly limit the availability of service to ADA eligible people. Specifically, it is expected that agencies will properly plan service, allocate resources, and manage operations in order to meet 100 percent of anticipated demand. Reviewers learned that COTPA has not planned and budgeted to meet all anticipated demand.

#### Telephone Access

In September 2018, COTPA installed a new, upgraded phone system with significant tracking and reporting capabilities. Customers call a central number and then follow the prompts to reach different units. Depending on the time of day, as many as three dispatchers located in the call center answer fixed-route and paratransit calls of all kinds –ADA paratransit trip requests; fixed route and ADA paratransit service information; ADA eligibility; customer service inquiries such as lost and found; other calls to be transferred elsewhere in the agency. Simultaneously, these dispatchers are also responding to radio messages from ADA paratransit drivers.

EMBARK Plus receives slightly over 3,600 calls per month. In assessing telephone access using its new system, COTPA has established an optimum “service level” of 30 seconds and a second standard of 60 seconds. The goal for abandoned calls is 10 percent. For the first quarter of FY 2019, the new system reported that more than 72 percent of calls presented were answered within 30 seconds, and more than 78 percent within 60 seconds. Another ten percent of calls were abandoned, about one-third of these in less than 30 seconds, and two-thirds within 60 seconds. Some ten percent of callers exited the call center queue (“dequeued”) by selecting another menu option or leaving a call-back message. After one month with the new system in place, queue time had significantly improved to average one minute 16 seconds.

In the course of four observation sessions in the call center, reviewers found that staff were careful and professional in using the new system to interact with customers, and routinely met these goals. It was also noted that during high-volume call periods, the agency’s overflow procedure permits calls in queue to roll over to other agency staff and managers. The new phone system offers extensive reporting capabilities, enabling management to track the volume and lengths of calls by hour, monitor time in queue, and record and listen to calls for training purposes. COTPA has developed Process Summary #001.A for EMBARK Plus phone capacity monitoring which outlines the use of telephone data to identify trends, evaluate progress, and

when necessary develop remedial actions. Stakeholders interviewed by team members did not cite telephone access as a concern and reported no problems with it.

### Budgeting/Planning to Meet All Anticipated Demand

COTPA management appears committed to providing high-quality paratransit and fixed-route service, including vehicle and technology replacement. The agency provided the following ridership and budgetary information for EMBARK Plus ADA paratransit for the previous three fiscal years:

With regard to capital planning and budgeting, the review team was able to confirm that COTPA has made significant investments in service during the 24 months preceding this review, including relocation to a new facility, installation of a new phone system, regular vehicle replacement, and technology upgrades. In FY 2016, COTPA allocated over \$700,000 in capital funds for the purchase of nine EMBARK Plus paratransit vans. Additional vehicle purchase funds were allocated in FY 2019 and beyond. In FY 2017 and 2018, the agency committed a total of \$500,000 to upgrade its technology infrastructure (\$200,000) and fare collection equipment and systems (\$300,000); this investment included upgrades and new installations for EMBARK Plus facilities, equipment, and vehicles.

It is evident that COTPA's long-range planning effort anticipates needs for technology and communications upgrades as well as fixed route and paratransit vehicle replacement. Nonetheless, the agency has planned and budgeted to meet 98 percent of anticipated demand for ADA paratransit service. In view of the agency's planned expansion of EMBARK Plus service from six to seven days in 2019, an organizational commitment to plan and budget to meet 100 percent of anticipated demand which includes planned service expansions will be essential to ensure eligible individuals can access services without constraints.

**Corrective Action and Schedule:** Within 60 days of the issuance of the final report, COTPA must provide to the FTA an agency-adopted demand management standard for planning and budgeting to meet all anticipated demand, including service expansions, and evidence of its implementation.

## **6.5 Subscription Service**

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

**Discussion:** During this compliance review, no deficiencies were found with the requirements concerning the provision of subscription trips as part of the ADA paratransit program.

COTPA's ADA Service Guide notifies users that EMBARK Plus offers subscription service, but that this benefit is restricted to trips taken to the same site three times per week or more, for at least six months. COTPA considers subscription service a premium service and provides it

subject to availability. Agency managers stated that they closely monitor EMBARK Plus subscription trip levels. The review team's analysis of service usage showed higher subscription ridership (approximately 80 percent) in two one-hour periods corresponding to weekday center opening and closing times. At the time of the review COTPA was not accepting new subscription requests.

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

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

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

**Discussion:** During this compliance review, no deficiencies were found with the requirements concerning COTPA's EMBARK Plus no-show and late cancellation or service suspension and appeal policies.

To explain its policies and procedures regarding no-shows, COTPA provided copies of the agency's No-Show & Late Cancellation Policy, updated in 2018; Process Summary #005 for monthly no show monitoring; no-show warning and suspension letters; and no-show appeal request form. The EMBARK Plus ADA service guide describes these policies.

COTPA's policy defines a no-show as when the rider fails to appear and board for a scheduled trip, the vehicle has arrived at the scheduled pickup location during the ready window, and the driver has waited at least five minutes for the customer to appear. Late cancellations occur when the trip is cancelled less than one hour before the scheduled pickup time, or the rider cancels at the door or refuses to board a vehicle that arrives during the ready window. Each verified no-show or late cancellation incurs one penalty point. The policy specifically excludes no-shows beyond the rider's control, or trips missed due to COTPA's error. It also includes a process for disputing no-shows and requesting their removal; a process for appealing proposed suspensions; a commitment to research and verify no-shows; and a description of written customer notification procedures that shield customers from withdrawals of service without warning.

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The policy states that EMBARK Plus riders will be subject to suspension only after they meet the following conditions:

- Received a previous warning letter regarding penalty point accumulation
- Accumulate three penalty points in one calendar month
- Have scheduled at least four trips in that month
- More than 10 percent of total scheduled trips for the month are recorded as no-shows or late cancellations

A customer will be subject to suspension only if the minimum number of scheduled trips, the minimum number of penalty points, and the 10 percent threshold all are reached during one calendar month.

COTPA tracks and monitors riders' accumulation of no-shows and follows up by phone with riders, whenever possible on the same day. EMBARK Plus will notify riders each month if their accumulated penalty points for the preceding month exceed three penalty points and provide them the opportunity to dispute any trips recorded as no-shows or late cancellations. Reviewers noted that a pattern or practice of no shows or late cancellations is established on a rolling three-month cycle. Late cancels and no-shows more than three months old are not considered. The notification communicates in writing the rider's right to appeal, and lists reasonable, progressive sanctions. The first month's no-shows bring a letter of warning; the second, third, and fourth violations bring suspensions of five, ten, and fourteen days respectively.

Team members examined vehicle manifests for the sample week to verify whether drivers had properly coded no-shows and late cancellations, comparing the date and time with the pickup window of each trip request. This analysis showed that coding was correct, and that the agency's tracking of customer no-shows appears appropriate.

COTPA documents clearly explain the procedure for appealing a proposed suspension. This procedure provides due process and observes separation of function requirements. Appeal requests can be filed by mail or email within 15 days from the date of the notification letter. Appellants are encouraged to provide additional information and can participate in an in-person hearing if they wish, but this is not mandatory. They can bring representatives to the hearing. Upon request, COTPA will make alternate-format information and interpreters available. COTPA provides free transportation to/from the hearing. After receiving the request form, COTPA arranges a timely, mutually convenient hearing date and the suspension is stayed until the hearing panel has rendered a decision. The panel hearing the appeal includes individuals not involved in the original decision, and must render its decision in writing within 15 days after the completed proceeding; if not, the appellant continues to be eligible to use ADA paratransit service until a decision has been issued.

Except for immediate customer follow up, COTPA does not enforce this policy. Thus, no no-show-related service suspensions or appeals had occurred during the year preceding the on-site review.

## 6.7 Complaint Resolution and Compliance Information

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

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

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

**Discussion:** During this compliance review, no deficiencies were found with the requirements to resolve complaints promptly and equitably and keep summaries of complaints on file, or to sufficiently advertise the process for filing complaints.

The COTPA website and EMBARK Plus ADA service guide contain contact information for submitting complaints, commendations, and other customer concerns by phone, mail, or electronically. Additionally, the website contains an ADA complaint form and outlines the process and timeline for handling and resolving ADA noncompliance complaints. Complaints are typically submitted by phone. All ADA complaints are sent to and handled by the Mobility Management Administrator.

COTPA's internal policy is, whenever possible, to respond to customer and agency service concerns immediately and by phone. The agency's Process Summary #009 for complaint handling establishes deadlines for resolution and response: Complaints must be logged in the computer system within 48 hours; initial investigation and assembly of information such as paperwork, video, etc., must be completed within three to five working days; and follow-up and customer contact must take place within seven working days.

Managers review these records monthly to assure that all complaints have been handled promptly. COTPA retains detailed complaint records indefinitely in the computer system.

Reviewers examined six months of COTPA complaint data. Analysis showed a total of 16 EMBARK Plus complaints, of which three were capacity constraint-related (on-time performance). The remaining 13 complaints concerned driver interactions. COTPA response time averaged 4.2 days from complaint date to response/resolution.

## 6.8 Nondiscrimination

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

**Discussion:** During this compliance review, no deficiencies were found with regard to nondiscrimination requirements.

COTPA imposes no charges for complementary paratransit ID cards. The review team observed no encouraging or requiring applicants and ADA-paratransit-eligible riders to enroll in or use non-ADA complementary demand-response programs offered by COTPA. Review of the agency website and printed materials likewise showed no evidence of urging or requiring individuals to use other special transportation services.

## 6.9 Training Requirements

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

**Discussion:** During this compliance review, no deficiencies were found with the requirement to train personnel to proficiency as appropriate to their duties.

COTPA managers informed the review team that EMBARK Plus drivers are hired only from the existing pool of EMBARK fixed-route operators, not from outside the organization. Thus, all COTPA operators, no matter which mode, hold CDLs and have received an initial four weeks of training which includes disability sensitivity, passenger assistance, mobility aid securement, and customer service and customer relations. COTPA then provides an additional three to five days of individual, hands-on ADA paratransit training which combines on-the-road observation, accompanied driving and supervision, as well as instruction in using the on-vehicle technology. Training is supported by fixed-route and paratransit operators' manuals listing policies and procedures, and paratransit and disability-specific reference materials. Reviewers examined training materials, individual progress reports, and training records, and verified that all training is to proficiency. Paratransit and fixed-route operators also receive periodic refresher training which includes quarterly ADA training.

The two COTPA drivers interviewed by the review team described their training as satisfactory. The interviewees included a new hire and a longtime employee. Both appeared appropriately trained and sensitive to the need to treat riders with disabilities respectfully and courteously.

Both stated that they provide door-to-door service. Both appeared to understand the 30-minute on-time window. Interviews with five ADA stakeholders described drivers as courteous, professional, well-trained, and caring.

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

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

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

**Discussion:** This provision is not applicable. COTPA operates its fixed-route and paratransit service in-house. No contractors are used.

## 6.11 Service Provided by Another Public Entity (if applicable)

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

**Discussion:** This provision is not applicable. No other public entity provides paratransit service for COTPA.

## 6.12 Coordination of Service

**Requirement:** Under 49 CFR 37.139(g), public transit operators were required to address efforts to coordinate service with other fixed-route operators with overlapping or contiguous service areas or jurisdictions when developing their complementary paratransit plans. Coordination is an ongoing process; while these efforts are likely to have evolved over time, it is expected that such

transit systems will have a mechanism in place to ensure that paratransit riders have an ability to make interjurisdictional trips on a comparable basis to individuals using the fixed-route system.

**Discussion:** During this compliance review, no deficiencies were found with this requirement. This provision is not applicable.

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## Summary Table of Compliance Review Findings

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

<b>Item</b>	<b>Requirement of 49 CFR Part 27 or 37 or 38</b>	<b>Reference</b>	<b>Site Visit Finding deficiency/ no deficiency/ or advisory comment</b>	<b>Finding(s) of Deficiency</b>	<b>Suggested Corrective Action</b>	<b>Response Days/Date</b>
5	Eligibility determinations within 21 days	37.125(c)	No deficiency	-	-	-
6	Written eligibility determinations including specific reasons for denials or temporary or conditional	37.125(d)(e)	No deficiency	-	-	-
7	Recertification of eligibility at reasonable intervals	35.125(f)	No deficiency	-	-	-



Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
8	Administrative appeals process for denials and conditional eligibility	37.125(g)	No deficiency	-	-	-
9	Complementary paratransit for visitors	37.127	Deficiency	<i>Visitor policy</i> requires three day processing period; requires documentation provided by the visitor's transit agency, not all materials include self-certification, also, the various visitor materials not consistently worded.	Provide to the FTA for review a revised visitor policy, service guide, and website text which are consistent in accepting eligibility documentation directly from the visitor, including self-certification, and include the one day or less processing requirement.	Within 60 days of the issuance of the final report
10	Types of service	37.129	No deficiency	-	-	-
11	Service area	37.131(a)	No deficiency	-	-	-
12	Response time	37.131(b)	No deficiency	-	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
13	Fares	37.131(c)	No deficiency	-	-	-
14	No trip purpose restrictions	37.131(d)	No deficiency	-	-	-
15	Hours and days of service	37.131(e)	No deficiency	-	-	-
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 deficiency	-	-	-
18	No waiting list for access to the service	37.131(f)(2)	No deficiency	-	-	-
19	No substantial numbers of significantly untimely pickups for initial or return trips	37.131(f)(3)(i)(A)	No deficiency	-	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
20	No substantial numbers of trip denials or missed trips	37.131(f)(3)(i)(B) 37.131(3)(1)(B)	No deficiency	-	-	-
21	No substantial numbers of trips with excessive trip lengths	37.131(f)(3)(i)(c)	Deficiency	<i>Trip length standard:</i> COTPA performance standard does not accurately reflect comparability with fixed route travel.	Provide to the FTA for review a revised trip length performance standard that accurately reflects comparability with fixed route travel, including walk, wait, and transfer time as well as time on board the fixed route vehicle.	Within 60 days of the issuance of the final report
22	No operational patterns or practices significantly limiting service availability	37.131(f)	Deficiency	<i>Budgeting/planning to meet all demand:</i> Agency has planned and budgeted to meet 98 percent of demand.	Provide to the FTA an agency-adopted demand management standard for planning and budgeting to meet all anticipated demand, including service expansions, and evidence of implementation.	Within 60 days of the issuance of the final report
23	Subscription Service	37.133	No deficiency	-	-	-

Item	Requirement of 49 CFR Part 27 or 37 or 38	Reference	Site Visit Finding deficiency/ no deficiency or advisory comment	Finding(s) of Deficiency	Suggested Corrective Action	Response Days/Date
24	No-show, late cancel and reasonable service suspension & appeal policies	37.125(h) (1)-(3)	No deficiency			
25	Complaint Resolution & Compliance Information	27.13(b) & 27.121	No deficiency	-	-	-
26	Non-discrimination	37.5	No deficiency	-	-	-
27	Training	37.173	No deficiency	-	-	-
28	Service under Contract	37.23	Not applicable	-	-	-
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 COTPA**



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

Headquarters

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

May 30, 2018

Mr. Jason Ferbrache  
Administrator  
Central Oklahoma Transportation  
and Parking Authority  
2000 South May Avenue  
Oklahoma City, OK 73108

Dear Mr. Ferbrache:

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the Americans with Disabilities Act of 1990 (ADA) and the Department of Transportation's (DOT) implementing regulations at 49 CFR Parts 27, 37, 38 and 39 as they apply to public transportation. As part of its ongoing oversight efforts, FTA through its Office of Civil Rights conducts a number of on-site ADA compliance reviews of grant recipients. The Central Oklahoma Transportation and Parking Authority (COTPA) has been selected for a review of its EMBARK Plus complementary paratransit service to take place during the week of October 15, 2018.

The purpose of this review will be to determine whether COTPA 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 EMBARK Plus complementary paratransit service, and an exit conference. The entire on-site portion of the review will be completed within four days. FTA has engaged the services of Milligan and Company, LLC (Milligan), of Philadelphia, PA, to conduct this compliance review. The Milligan team and FTA representatives will participate in the opening and exit conferences, with FTA participating by telephone.

We request an opening conference at **9 a.m. on Tuesday, October 16, 2018** to introduce the Milligan team and FTA representatives to COTPA, 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 EMBARK Plus offices for the duration of their visit. Please let us know if you will designate a member of your staff to serve as COTPA's liaison with the review team and will coordinate the on-site review and address questions that may arise during the visit.

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

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 30 calendar days of the date of this letter. Enclosure 2 consists of items that the Milligan team will review on-site beginning on Tuesday, October 16, 2018, immediately after the opening conference.

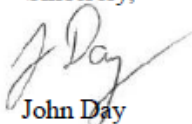
We request the exit conference be scheduled for 10 a.m. on Friday, October 19, 2018, to afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you or your designee, the EMBARK Plus paratransit service manager, the ADA coordinator, and other key staff attend the exit conference.

The FTA Office of Civil Rights will make findings and will provide them to you in a draft report. You will have an opportunity to comment on the draft before FTA finalizes the report. The draft and final report, when issued to COTPA, will be considered a public document subject to release under the Freedom of Information Act, upon request.

COTPA and EMBARK Plus 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 John Day, Program Manager for this compliance review, at 202-366-1671 or via e-mail address at [john.day@dot.gov](mailto:john.day@dot.gov).

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

Sincerely,



John Day  
Program Manager for Policy  
and Technical Assistance

Enclosures

cc: Robert Patrick, Regional Administrator, FTA Region VI  
Christopher MacNeith, Regional Civil Rights Officer, FTA Region VI  
Marilyn Dillon, COTPA, Special Services Administrator

## Enclosure 1

**The following information must be submitted to Milligan within 30 calendar days from the date of this letter.**

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

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

2. A copy of the current carrier and broker contract(s), if service is contracted out.
3. A copy of the ADA complementary paratransit Driver Manual
4. A copy of the ADA complementary paratransit application and materials, including visitor service
5. Written description of the agency's ADA eligibility appeal process
6. Copies of the ADA Complementary Paratransit Rider Handbook, and/or service brochure, or other documents that explains to the public and eligible riders how trips are requested and how service is provided
7. A copy of the agency's No-Show suspension policy, if applicable
8. A description of the complementary paratransit service standards, including:
  - The on-time performance standards for pickups and drop-off (how is "on-time" defined and what is the goal for the percentage of trips to be provided within each standard?)
  - Trip denials and missed trips (how are these defined and what is the transit agency's standard regarding acceptable numbers or percentages of trip denials or missed trips?)
  - Travel time (on-board time) standards, including maximum travel time (if applicable) (how is this defined? what travel time is considered comparable to fixed route and what travel time is considered excessive? What are the agency's goals for the percentages of trips to be provided within each standard?)
9. Telephone call-handling performance standards for calls to reservation and dispatch, including:



- Maximum and standard queue/hold times
  - Call pick up time
  - Calls abandoned
  - Goals for percentage of calls to be answered within these established standards
10. Copies of completed driver manifests for the most recent six-month period scanned or in electronic form (for each of the agency's contractors, if applicable)
  11. Capital and operating budget and expenditure information for complementary paratransit service for the three most recent fiscal years, including the current Federal fiscal year
  12. The number of complementary paratransit trips, requested, scheduled, provided, and trips denied for the three most recent fiscal years, including the current Federal fiscal year
  13. Three copies of the fixed route system map

## Enclosure 2

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

1. The following complementary paratransit data, by month, for the most recent six-month period (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 by recognized geographic areas, communities, or zones.
  - A listing of trips denied each month showing:
    - customer's name
    - origin
    - requested destination
    - date and time
    - if the person was ambulatory or used a wheelchair
  - On-time performance information
  - A listing of trips that exceeded the 60 minutes, showing:
    - the customer name
    - origin
    - destination
    - date and time
    - if the person was ambulatory or used a wheelchair
    - total time on-board
  - A listing of passenger no-shows and carrier missed trips for the last month with negotiated pickup times and actual vehicle arrival and departure times
  - Telephone call management records (if available), showing:
    - hold times by date and time
    - total call volume

- calls answered
  - calls abandoned
  - other call management performance data maintained
2. A list of complaints by month for the last 12 months related to ADA complementary paratransit service. 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. The list should show:
- customer 's name
  - nature of complaint
  - date of trip request, if applicable
  - requested trip origin, destination, date and time
  - scheduled trip time (if applicable) and carrier
  - date complaint submitted and format (phone, letter, email, in person)
  - resolution and any corrective action taken (any corrective actions requested and taken)
3. The following ADA paratransit eligibility information:
- Copies of eligibility guidelines and policies and any assessment or interview forms
  - Sample letters of all types of determination (unconditional, conditional, temporary, trip eligible, if applicable)
  - Other letters related to receipt of applications, incomplete applications, eligibility appeals and other eligibility issues
  - Total number of ADA paratransit eligible individuals
  - Any documentation, policies, procedures and correspondence related to service suspensions for passenger no-shows
  - Access to eligibility files and appeals records
  - For most recent 12 months:
    - Number of applications received
    - Number of completed application considered and processed
    - Number of applications determined incomplete
    - Number of people determined unconditionally eligible
    - Number of people determined conditionally eligible
    - Number of people determined temporarily eligible
    - Number of people determined ineligible
    - Number of eligibility appeals and outcomes
4. Work shift assignments for reservationists (call-takers), schedulers, dispatchers, and drivers

5. Access to personnel records showing hire and termination dates for reservationists (call-takers), schedulers, dispatchers, drivers, and road supervisors
6. Current 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
7. Run structure (vehicles in service by hour of day)
8. Access to the most recent six months of daily vehicle pullout records showing late pullouts and closed runs
9. Vehicle availability reports for most recent six months
10. Copies of vehicle pre-trip inspection and preventative maintenance form(s)
11. Assistance with viewing and capturing parameters used in the scheduling software
12. Assistance with viewing and collecting data on vehicle run structures and peak pullout requirements
13. Subscription trips by hour
14. Training curricula for each type of complementary paratransit employee
15. Procedures for providing information and communication in accessible formats

## **Attachment B: EMBARK Plus ADA Service Guide-October 2018**



**EMBARC**  
Plus Paratransit Service Guide  
Revised October 2018

## ELIGIBILITY

### CERTIFICATION

Paratransit eligibility is based on the person's functional ability to independently use fixed-route transportation for some or all trips. Eligibility is not based solely on a medical diagnosis. We will utilize information provided on your application and medical information provided by your physician to make an eligibility determination. Once a complete application and physician information are received, EMBARK will provide you with an eligibility determination within twenty-one days.

Documents and applications will be made available in one or more accessible formats, on request. PLUS applications may be obtained on our website at [embarkok.com](http://embarkok.com) or by calling 405-235-RIDE (7433).

### RECERTIFICATION

Approved EMBARK Plus customers are required to recertify their eligibility every 3 years. Customers will be notified approximately forty-five days (45) prior to the eligibility expiration date of the need to recertify. Customers who do not re-certify seven days prior to their expiration date risk service disruption. In addition, EMBARK reserves the right to review a customer's eligibility at any time. In such cases, the customer (or representative) may be required to submit additional or corroborating information to maintain eligibility.

Customers are responsible for keeping EMBARK informed of any changes in functionality that may affect their eligibility status including; significant improvement or deterioration of mobility skills; the presence of a communicable or contagious disease; and the use of adaptive devices or mobility aids; changes in residential address; home or work telephone numbers; and, emergency contact person(s). If a person designated to act on a customer's behalf is added or changed from the first certification, that information must be submitted to EMBARK.

### ELIGIBILITY APPEALS PROCESS

You have the right to appeal any decision concerning your eligibility status. The details of your right to appeal and the appeal process are outlined in the eligibility letter you receive. Upon receipt of the applicant's written notice of appeal, management will conduct a review of the initial determination and provide you a written review decision within thirty (30) days. You have the right to appeal the management review decision through the EMBARK Appeals Review Committee (ARC). Information on the ARC appeal process will be provided with your written review decision. You have the right to appear before the ARC and provide additional information or testimony. You may bring additional witnesses to the ARC meeting. The ARC decision will be in writing and will be final.

Plus customers who are determined to no longer be eligible during the recertification process and who appeal before their service expires may continue to use Plus until a final decision is made. New applicants who do not appeal within sixty (60) days of their notice and registered customers who do not appeal before their service expires may be required to complete a new application.

**REASONABLE MODIFICATION**

EMBARK will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy its programs, services, and activities. Anyone who requires a modification of policies or procedures to participate in a program, service, or activity of EMBARK, should submit a request via [embarkok.com](http://embarkok.com), by email to [mobilitymanagement@okc.gov](mailto:mobilitymanagement@okc.gov), by mail to ADA/Reasonable Modification Coordinator, 2000 S. May Avenue, Oklahoma City, OK 73108 or by phone at (405) 297-1331.

**FARES AND SERVICE AREA**

**SERVICE AREA AND FARES**

Fares must be paid using our mobile ticketing application, in cash, or with Value Card passes purchased from EMBARK. EMBARK operators cannot make change. Instead of change, customers will receive a change card that may be used on their next trip. Change cards may not be exchanged for cash. **Fares are subject to change.**

**Zone 1** Plus service is provided within a 3/4 of a mile from an EMBARK fixed route. The Zone 1 fare is \$3.50 for a one-way trip.

**Zone 2** Plus service is not guaranteed and is based on capacity. Zone 2 extends from the outer edge of Zone 1 an additional 3 ¼ miles. The Zone 2 fare is \$7.00 for a one-way trip. Subscription service may not be available in Zone 2.

**Zone 3** Plus service is not guaranteed and is based on capacity. Zone 3 extends from the outer edge of Zone 2 to the city limits of Oklahoma City. The Zone 3 fare is \$10.50 for a one-way trip. Subscription service may not be available in Zone 3.

PLUS FARE DESCRIPTIONS	PLUS FARES
Certified Plus Customers traveling in Zone 1	\$3.50/one-way
Certified Plus Customers traveling in Zone 2	\$7.00/one-way
Certified PLUS Customers traveling in Zone 3	\$10.50/one-way
Companion accompanying a certified Plus customer	Same fare as certified Plus Customer
Personal Care Attendant (PCA) or a child age 6 and under accompanying certified Plus customer	No Cost

**SERVICE HOURS**

Plus Paratransit service is provided as a complement to EMBARK’s regular fixed-route bus service, and mirrors the fixed route service hours and days. Plus operates from 5:00 a.m. to 7:00 p.m. Monday to Friday, and 5:30 a.m. to 6:30 p.m. on Saturday.



**EVENING AND WEEKEND SERVICE HOURS**

Limited evening and weekend service is available in areas where fixed route buses offer Nightshift service from 8:00pm to midnight Monday through Friday. Weekend Plus paratransit service availability mirrors the hours and service areas of the fixed route bus system on Saturday. Call 405-235-RIDE (7433) for more information on evening and weekend services or access [embarkok.com](http://embarkok.com).

**HOLIDAYS**

Plus paratransit service is **NOT** available on the following holidays:

- |                  |                  |
|------------------|------------------|
| New Year's Day   | Labor Day        |
| Memorial Day     | Thanksgiving Day |
| Independence Day | Christmas Day    |

In addition, Plus service is not provided when EMBARK's fixed route service is not operating due to weather or other circumstances.

**HOW TO CONTACT EMBARK PLUS**

	Day of Week	Time of Day	Number to Call
Where's my ride?	Monday - Saturday	8 am – 5 pm	(405) 235-PLUS (7587)
To schedule a trip:	Monday - Saturday	Only 8 am – 5 pm	(405) 235-PLUS (7587)
To cancel a trip:	Sunday - Saturday	24-hour voice messaging	(405) 235-PLUS (7587)

**USING EMBARK PLUS**

**SCHEDULING A RIDE**

EMBARK makes every effort to schedule your trip for the time requested. In the event the specified time requested is not available, you may be asked to consider an alternate time within one hour before or after your requested time. Trip reservations are accepted from one to seven days in advance of the desired travel date. EMBARK Plus does not provide same day reservations.

Before calling to schedule a ride, please have the following information available for each trip:

- Travel date(s) and time(s)
- Trip origin and destination addresses
- Gate or security code, and any other special instructions
- Mobility device and service animal information
- Personal Care Attendant (PCA), companion or child accompanying you

### **PICK-UP WINDOW AND CUSTOMER RESPONSIBILITIES**

Plus operates within a thirty-minute pick-up window and vehicles arriving during the pick-up window are considered on-time. The pick-up window is fifteen minutes before and fifteen minutes after your scheduled time. For example, if your pick-up time is 10:30 a.m. you should be ready for the Plus vehicle to arrive between 10:15 a.m. and 10:45 a.m. Customers are expected to be prepared to board the Plus vehicle anytime within the pick-up window. A Plus vehicle arriving within the pick-up window will wait five minutes to allow you to board the vehicle.

### **CHANGING OR CANCELING A RESERVATION**

We request that you notify us immediately if your plans change or you need to cancel a scheduled trip. Trip cancellations must be done at least one hour in advance. Plus customers are subject to the EMBARK Plus No-Show and Late Cancellation Policy, which was provided to you with your eligibility determination letter. A scheduled trip is recorded as a No-show if the customer is not at the pick-up location within five minutes after the scheduled pick up time. A Late Cancellation occurs when a customer does not call Plus to cancel their trip reservation at least one hour before the agreed upon pick-up time. To cancel a trip reservation, call 235-PLUS. You may leave a message to cancel your trip.

### **WHEELCHAIR AND SCOOTER REQUIREMENTS**

The maximum size and weight capacity for a wheelchair or scooter is 30 inches wide by 48 inches long, with a total occupied weight not to exceed 800 pounds. To safely operate the Plus vehicle lift, your mobility device and any attachments may not exceed these requirements. EMBARK reserves the right to deny transport should an occupied mobility device exceed these dimensions or weight restrictions, particularly if the device will not safely fit on a lift or ramp platform or within a designated securement area inside the vehicle. A home inspection of the customer's oversized mobility device may be conducted as indicated.

### **PERSONAL CARE ATTENDANT AND COMPANIONS**

A Personal Care Attendant (PCA) may travel with any Plus customer who, without the assistance of such an attendant, would be unable to complete the trip successfully or safely. It is the customer's decision if they will need a PCA for a trip.

The PCA may accompany the customer at no cost and is responsible for providing any medical and/or personal care for the patron before, during, and after Plus travel. PCA's must board and disembark at the same location(s) as the Plus customer and complete the trip with the Plus Customer.

One Guest/Companion may accompany the customer on any trip and will pay the same fare as the customer. PCA's, guests, and companions are subject to the EMBARK Rider Conduct & Exclusion Policy. Guests and companions may travel only with the eligible Plus customer only if sufficient space is available on the vehicle at the requested trip time.

### **VISITOR ELIGIBILITY AND TRAVEL**

For Plus customers, your paratransit eligibility is valid at other transit agencies throughout the country with some limitations. You will need to contact the transit authority in the city you plan to visit to clarify their paratransit visitor policy. Persons with disabilities visiting Oklahoma City from outside the EMBARK service area should contact the EMBARK Mobility Management offices at least three (3) days in advance of their travel dates by calling 405-235-RIDE (7433). Visitors with documented eligibility from another transit service provider can receive complementary EMBARK Plus paratransit service for 21 days of service (days of service availability, days may be non-consecutive) out of any 365-day period. Visitors without documented eligibility from another transit service provider can self-certify the disability and must provide proof of residence such as a governmental identification card or a utility bill in the individual's name. Receiving Plus paratransit service beyond 21 days requires an application and an eligibility determination.

### **CUSTOMER SAFETY**

Customers traveling with children aged 5 or less will be required to provide an approved car safety seat. The customer will be responsible for securing the car safety seat and EMBARK Plus operators are NOT PERMITTED to provide car seat securement assistance. Children cannot be transported in strollers, ride on a lap, and two or more children are not allowed to occupy one seat. All Plus customers and their mobility devices **must** be safely and appropriately secured using available lap belt and floor securements. Vehicle operators will appropriately secure wheelchairs and scooters. All passengers in a Plus paratransit vehicle not secured in a mobility device are required to wear seatbelts. Plus drivers are not medically trained.

### **CUSTOMER CONDUCT**

EMBARK has established the Rider Conduct & Exclusion Policy to promote the safety and comfort of its patrons, to facilitate the proper use of transit facilities and services, to protect transit facilities and employees, to assure the payment of fares and to ensure that transit vehicles and facilities are safe, welcoming and provide equitable access for transit passengers.

Violent, seriously disruptive, or illegal conduct by Plus customers or persons associated with Plus customers is prohibited. In response to prohibited conduct, EMBARK shall take appropriate and immediate action as outlined in the Rider Conduct & Exclusion Policy, up to and including the temporary suspension or possible termination of Plus services. All customers receive a copy of the Rider Conduct & Exclusion Policy with their eligibility determination letter. The policy is available for download at [embarkok.com](http://embarkok.com), by calling 405-235-RIDE (7433), or upon request at the Downtown Transit Center.

### **TRAVELING WITH ANIMALS**

Service animals trained to assist with activities of daily living or to perform tasks for persons with disabilities may ride on any EMBARK vehicles when aiding customers with disabilities. The customer is responsible for ensuring the animal has received appropriate vaccinations and for the animal's conduct while on board. Please let staff know when scheduling your trip that you will be traveling with a service animal. Small pets not classified as working or service animals must be small enough to be held on the lap of the customer, must be under full

control of the passenger, and must be in a cage or pet carrier small enough to fit on the customer's lap.

**NOTE:** If the Plus operator determines that an animal not within the owner's control, or that the animal may pose a direct threat to any passengers, Plus has the right to refuse service to that animal.

**CARRY-ON ITEMS**

While our goal at EMBARK is to provide accessible transit service, the safety and comfort of our passengers is our primary concern. Passengers should restrict carry-on items to those that will neatly fit in the space either on the floor between their feet or on their lap. Carry-on items must not be allowed to intrude into the seating or floor area of other passengers and they must remain under the control of the passenger or PCA who brought them on board.

ITEM	DESCRIPTION	QUANTITY	SIZE
Grocery Bags	No more than three medium sized grocery bags and no more than 20 pounds for each bag or package. Customers are responsible for loading/unloading packages.	3	Medium Size
Shopping Carts or Baskets	37" high from floor to top of handle. Basket area 13" side to side, 11 1/2" front to back, 20 1/2 " top to bottom. Metal or plastic grocery store-style shopping carts are not permitted.	1	Medium Size
Strollers	We recommend using small, folding, umbrella-type strollers on EMBARK Plus vehicles. All strollers must be folded and stowed securely during the trip.	1	Small basket
Luggage	Luggage that can be stowed in front of or on the lap of the passenger is allowed. This luggage must comply with the same guidelines as commercial airline.	1	Carry-On 22" x 9" x 14".

**SUBSCRIPTION SERVICE**

Subscription service may be available for trips taken from the same place, to the same location, at the same time, on the same day(s) of the week at least three days a week for at least six (6) months duration. If you are interested in requesting Subscription service, call 405-235-RIDE (7433) and request a subscription service application. Once approved for subscription services, the subscription trips are fixed and automatically scheduled each week. Additional reservation calls are not necessary.

Subscription service is considered a premium service and is offered and approved based on availability. Any changes to an approved subscription trip such as a new trip address or time change may require a new subscription application. Customers are responsible for following the No-Show and Late Cancellation Policy for all trips on EMBARK Plus, including subscription trips.

## **Attachment C: EMBARK Plus Website Visitor Eligibility and Travel**

4/29/2019

EMBARK Plus - EMBARK

[Home](#) > [Learn](#) > [Services](#) > [EMBARK Plus](#)

## Plus Paratransit Service

EMBARK is committed to providing safe, convenient transportation options for all Oklahoma City residents. EMBARK Plus paratransit service complements the existing transit system by providing transportation to people who are unable to utilize local bus service due to a medically documented physical or cognitive disability.

EMBARK's Plus paratransit service is a shared-ride public transportation and to participate you must have completed the following eligibility process.

### Eligibility requirements

A Plus applicant's eligibility may be classified as conditional, unconditional or temporary. These categories are defined and mandated by the ADA regulation.

### How it works

EMBARK is committed to providing safe, convenient transportation options for all Oklahoma City residents. EMBARK Plus paratransit service complements the fixed-route transit system by providing lift-equipped van service to eligible individuals within the Oklahoma City limits who are not functionally able to ride our fixed-route bus service due to a disabling condition. Plus requires an application and eligibility determination process that includes functional information on the disability provided by a licensed physician or other certified healthcare professional. Call 405-235-RIDE (7433) for an application or download from [embarkok.com](http://embarkok.com).

Lift-equipped vans operate Monday through Saturday in three service zones with hours mirroring EMBARK's fixed-route service. The one-way fare is \$3.50 in Zone 1, \$7.00 in Zone 2, and \$10.50 in Zone 3 (Availability is not guaranteed in Zone 2 and Zone 3). Reservations are required and are accepted one to seven days in advance of the travel date by calling 405-297-3808.

### Visitor Eligibility & Travel

For eligible Plus customers, your paratransit eligibility is valid at other transit agencies through the country with some limitations. You will need to contact the transit authority in the city you plan to visit and clarify their paratransit visitor policy. Once you have received clarification, call EMBARK at 405-297-2372. We will fax documentation of your eligibility to the agency and send a copy of the documentation to you for use during your trip.

For individuals with a disability visiting Oklahoma City from outside EMBARK's service area, contact EMBARK's Mobility Management offices at least three (3) days in advance of your travel date by calling 405-235-RIDE (7433). Upon receipt of paratransit eligibility documentation from your home transit agency, EMBARK will provide paratransit service for 21 days out of any 365-day period (days of service do not need to be consecutive). Receiving Plus paratransit services beyond the 21-day visitor period requires an application and eligibility determination.



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

Headquarters

East Building, 5<sup>th</sup> Floor – TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

May 14, 2019

Mr. Jason Ferbrache  
Administrator  
Central Oklahoma Transportation  
and Parking Authority  
2000 South May Avenue  
Oklahoma City, OK 73108

RE: ADA Complementary Paratransit Compliance Review Final Report

Dear Mr. Ferbrache:

This letter concerns the Federal Transit Administration's (FTA) ADA Complementary Paratransit Review of the Central Oklahoma Transportation and Parking Authority (COTPA), conducted on October 16-19, 2018. Enclosed is a copy of the Final Report, which will be posted on FTA's website on our ADA page. As of the date of this letter, the Final Report is a public document and is subject to dissemination under the Freedom of Information Act of 1974.

The FTA Office of Civil Rights is responsible for ensuring that providers of public transportation comply with the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and the U.S. Department of Transportation's (DOT) implementing regulations at 49 CFR Parts 27, 37, 38, and 39. As part of our ongoing oversight efforts, FTA conducts a number of onsite compliance reviews to ensure compliance with the ADA and the applicable departmental regulations. FTA utilizes the findings from these reviews to provide technical assistance to transit agencies in order to achieve compliance with the ADA.

Unless otherwise noted, all corrective actions identified in the Final Report must be undertaken within 60 days of the date of this letter. Once we have reviewed your submissions, we will either request clarification or additional corrective action, or will close out the finding if your response sufficiently addresses the ADA requirements. Please submit your responses to me at [john.day@dot.gov](mailto:john.day@dot.gov).

We appreciate the cooperation and assistance that you and your staff have provided us during this review, and we are confident the COTPA will take steps to correct the deficiencies. If you have any questions about this matter, please contact me at 202-366-1671, or via email at [john.day@dot.gov](mailto:john.day@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "J. Day", with a long horizontal flourish extending to the right.

John R. Day  
Program Manager for Policy  
and Technical Assistance

cc: Robert Patrick, Regional Administrator, FTA Region 6  
Rebecca Rand, Regional Civil Rights Officer, FTA Region 6  
Marilyn Dillon, COTPA, Special Services Administrator