

Services for People with Special Needs

The MTA provides an extensive service for riders with special needs in general accordance with the provisions of the Americans with Disabilities Act as well as some services beyond the ADA required operations. These services are generally provided through the paratransit services called ACCESSRIDE, as well as through complying with the ADA requirements for certain elements of the fixed route services such as wheel chair equipped buses.

ADA Paratransit Service Delivery

MTA's ACCESSRIDE service is an organizational unit that parallels the MTA's fixed route service. There are 43 drivers who report to the Operations Supervisor. Three reservationists and three dispatchers report to the lead dispatcher. Both the Operations Supervisor and the Lead Dispatcher report to the Director of Operations.

ACCESSRIDE has a four-week driver-training program, and conducts regular ride checks on driver performance. Drivers are provided with a handbook that details policies and operating procedures. Monthly drivers meetings are held and drivers have been organized into teams to encourage compliance with rules, promote safety and control absenteeism.

The MTA implemented the Midas-PT software system in January 2000. Prior to this time the MTA used a simple software database to track system performance. Since the implementation of this system, the MTA has been able to increase average monthly passenger per hour from 1.7 to 2.3 passengers per hour while on-time operation has also improved. Excessively late trips, those over 60 minutes late, have decreased from around 13% of trips to only 2% of monthly trips.

A review of the performance of the ACCESSRIDE service has to be viewed in terms of efficiency and service quality as defined by the Americans with Disabilities Act of 1990 (ADA). This is essential for the following reasons:

- The Americans with Disabilities Act of 1990 (ADA)
- Complementary i.e., the service must complement (parallel) the fixed route service. Also, Paratransit eligibility once granted becomes a right as long as the infirmity that entitled them to use it originally still exists.
- ADA requires that accessible service must be provided within $\frac{3}{4}$ of a mile of most fixed route services, except for services that are designated express and commuter.
- Trips requested by eligible individuals may not be denied.

The Americans with Disabilities Act of 1990 (ADA) mandated that transit systems providing fixed route service must also provide paratransit service that is “complementary” and “comparable” to fixed route service for riders who are functionally unable to use the fixed routes. Persons who have difficulty boarding, riding or disembarking the fixed route system must be certified as eligible to use complementary paratransit for some or all of their trips.

The complementary paratransit service requirements can be provided by a variety of modes including:

- Demand responsive vans
- Flexible route service options such as point deviation or route deviation service
- Service contracted to a private entity
- User-side subsidies
- Any combination of these and other approaches.

The MTA has chosen to provide service with a combination of programs to maximize existing resources and maintain full compliance. A fleet of 36 vehicles is used to provide complementary paratransit service. In addition, the MTA contracts with Special Transportation Services, Inc. to provide what is defined as Demand Management Services. This service manages a Cab Discount program better known as Mobility Checks which books complementary paratransit overflow trips on taxis for the MTA. It also performs ADA certifications. Demand Management Services is intended to divert or direct non-ADA eligible individuals to other less costly transportation options.

Complementary paratransit service delivery is controlled by the provisions in the law that specify how service is to be delivered. Service standards have to be maintained which assures that paratransit is comparable to fixed route. Such criteria include:

- Offering service within a service area that is 3/4 of a mile on either side of a fixed route.
- Operating the same days and hours of service as the fixed route.
- Charging fares no more than double the adult fixed route.
- Placing no restrictions on trip purpose.
- Assuring that riders who call and request service the day before will be able to ride the next day.

The Americans with Disabilities Act states that "The entity shall not limit the availability of complementary paratransit service to ADA eligible individuals" by any of the following:

- Creation of waiting lists for access to the service
- 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, the following:

- Substantial numbers of significantly untimely pickups for initial or return trips
- Substantial numbers of trip denials or missed trips
- Substantial numbers of trips with excessive trip lengths

The intended effect of this provision is to create a paratransit system that provides ADA paratransit eligible persons the same level of reliability as fixed route service.

The Six Service Criteria of Comparability

There are six criteria used for evaluating for service:

- service area
- response time
- fares
- trip purpose
- hours and days of service
- capacity constraints

Service Area - The basic bus system service area is a corridor with a width of 3/4 mile on each side of each fixed route. At the end of a route, there is a semicircular “cap” on the corridor, consisting of a three-quarter mile radius from the end point of the route to the parallel sides of the corridor. In addition the core service area must be defined to include those areas not within the core but which common sense dictates should be included.

In its Passenger Handbook, the MTA described that ACCESSRIDE service is available within an area that is 3/4 miles from a regular bus route. The original 1992 ADA Plan was not available for review and therefore some observations about this provision could not be made. The original service area should have been approved as part of the plan and the core service area contained in the 1992 Plan that was not available for review.

The MTA operates commuter express routes in the outlying areas. These express routes may be exempt from the complementary paratransit provision and could have been excluded in the original paratransit service plan area. Commuter and express services are not required to be ‘complemented’ with paratransit service. Once the practice of offering eligibility to people who live in these areas has begun, however, it is hard to retract.

The ACCESSRIDE passenger rules state that only trips that are within 3/4 mile are eligible trips. According to a reservationist, trips are booked for passengers who travel beyond the required 3/4 mile

complementary service area. The Midas-PT scheduling system that is used to schedule trips can be programmed to flag trips outside the 3/4 mile corridor, but to date it has not been used to do so.

MTA exceeds the service criteria in this category.

Response Time – The operating agency must make its paratransit reservation service available during the same hours its administrative offices are open. If those offices are open 9 to 5, those are the hours during which the reservations service must be open, even if the regular transit service operated 6 a.m. to midnight.

On days prior to a service day on which the administrative offices are not open at all (e.g., a Sunday prior to a Monday service day), the reservation service must be open 9 to 5. The reservation service does not have to be provided directly by a “real person”. An answering machine or other technology can suffice.

The MTA does offer service on the weekend, but its offices are not open on Saturday or Sunday. ACCESSRIDE utilizes an answering machine to record requests for services and cancellations when the business office is closed. So far, this has proven sufficient.

MTA is compliant in this area.

Fares – Paratransit fares can be set no higher than twice the fare for a comparable fixed route ride. ACCESSRIDE charges \$1.75 for each trip, 10 ticket books are available for \$16.80. Regular bus fares are \$1.45 with a \$.10 transfer charge. Express service is \$1.75. ACCESSRIDE could charge up to \$3.10 for a one-way, one-seat ride. Charging twice the fare is a common practice

MTA is compliant and in fact, exceeds requirements for this criteria.

Trip Purposes - There can be no restrictions or priorities on a comparable complementary paratransit system that are based on trip purpose. When a user reserves a trip, the agency needs to know the origin, destination, time of travel, and how many are traveling. The entity does not need to know why the person is traveling, and should not even ask.

ACCESSRIDE is in compliance with this requirement of the ADA.

Hours and Days of Service - This criterion says simply that if a person can travel to a given destination using a given fixed route at a given time of the day, an ADA paratransit eligible person must be able to travel to that same destination on paratransit at that time of day.

This criterion recognizes that the transit service varies by time of day and day of the week. . Late at night, for example, it is common for certain routes not to be run. Those routes are not required to be served by paratransit when the fixed route system is not running on them.

ACCESSRIDE service is available during the same days and hours as the fixed route system. Service is available service area-wide between 05:20 – 23:30.

MTA is compliant.

Capacity Constraints - This provision specifically prohibits two common mechanisms that are used to limit use of a paratransit system so as to constrain demand on its capacity. The first is a waiting list, and the second is a limit on the number of trips a person can take in a given period of time.

Typically, a waiting list involves a determination by a provider that it can provide service only to a given number of eligible persons. Otherwise eligible persons are not able to receive service until one of the people being served moves away or otherwise no longer uses the service. Then the persons on the waiting list can move up.

The second mechanism specifically mentioned is a limit on the number of trips a passenger can take in a given period of time. It is a kind of rationing in which, for example, if one has taken his quota of say 30 trips this month, he cannot take further trips for the rest of the month.

In addition, this prohibits any operational pattern or practice that significantly limits the availability of service of ADA paratransit eligible persons. Such a “pattern or practice” involves regular, or repeated actions, not isolated, accidental, or singular incidents. A missed trip, late arrival, or trip denial now and then does not trigger this provision. Operational problems outside the control of the entity do not count as part of a pattern or practice under this provision.

A directive is in effect at ACCESSRIDE expressly prohibiting the denial of service on complementary paratransit. The practice of negotiating trip times, permissible under the ADA, does take place.

Prior to July 2000 passengers wanting subscription service were placed upon waiting lists. Subscription service is allowed by the ADA and can be considered to be premium service, and a waiting list is permitted. Customers on subscription waiting lists must be able to schedule demand trips up to the day before service. Subscription trips must not exceed 50% of ADA service if trips are denied. Subscription trips are trips that are arranged in bulk for one or more users for a period of time – maybe a month or

several months, or until changes are made by the rider. This reduces the transactions required to prepare the service plan for each day, helps to predict the capacity needs for longer periods than a day, and make scheduling significantly more productive. They are typically made for work trips or for people undergoing treatment on a regular basis for an extended period of time. They may also be used by employers or providers of health service for groups of their employees or clients.

In September 2000, subscription trips represented 65% of trips. When the MTA removed the subscription waiting list in July trip denial went down to 5. However, since July trip denials have been increasing, in September there were 53 trip denials and in October trip denials doubled to 109.

Being able to provide on-time operations can also create a capacity constraint, if there is not enough equipment of personnel to provide on-time performance for all scheduled trips. Recent FTA performance reviews have considered systems with on-time performance of at least 91% within a 30 minute window as acceptable as long as those trips which are late are not extremely late and ride times are not excessive.

The MTA's ACCESSRIDE has averaged 84% on-time (within the first 15 minutes) for the first nine months of 2000. However, an average of 3% of trips are over an hour late.

Although trip denials are less than 1%, MTA may have compliance issues related to these criteria.

ADA Paratransit Eligibility-Standards

The ADA law recognizes that "a person may be eligible for some trips but not others" since "eligibility does not inhere to the individual or his or her disability, as such, but in meeting the functional criteria of inability to use the fixed route system established by the ADA". The regulations specify three conditions

Category 1 - Eligibility determinations made under Category 1 are based upon the ability of the individual to "navigate the system". This category is typically populated by persons with "mental or visual impairments...who cannot board, ride, or disembark from an accessible vehicles 'without the assistance

Category 2 - A determination under Category 2 "applies to persons who could use accessible fixed route transportation, but accessible transportation is not being used at the time". It is expected that the ranks of the eligible under Category 2 will diminish over time "as transit systems become more accessible". In this context, accessibility exists "when all buses scheduled on the route are accessible".

It is important to remember that eligibility for complementary paratransit service under Category 2 is “route based, not system based” and that in those instances where “the lift on a vehicle cannot be deployed at a particular stop, an individual is eligible for paratransit under this category with respect to the service to the inaccessible stop”.

Category 3 - Eligibility for complementary paratransit under Category 3 “concerns individuals who have a specific impairment-related condition which prevents them from getting to or from a stop or station”. Of critical importance when making determinations is “the interaction between an impairment-related

While the Department of Transportation acknowledged that “some judgment is required to distinguish between situations in which travel is prevented and situations in which it is merely made more difficult”, it determined that “if an impairment-related condition only makes the job of accessing transit more difficult than it might otherwise be, but does not prevent the travel, then the person is not eligible”.

MTA’s ADA Paratransit Eligibility-Process

ADA requires that every operator of complementary paratransit establish a process for determining eligibility. The goal of such a process is to ensure “that only people who meet the regulatory criteria, strictly applied, are regarded as ADA paratransit eligible”.

The eligibility determination process “may not impose unreasonable administrative burdens on applicants”. The regulations permit the use of evaluations by physicians and functional assessments as part of the eligibility determination process, but in the final analysis concluded that “what is needed is a determination of whether, as a practical matter, the individual can use fixed route transit in his or her own circumstances”. Such a determination would be “a transportation decision primarily, not a medical

Ultimately, the details of the eligibility determination process should be “devised through the planning and public participation process for paratransit services.

In 1998, the Transit Cooperative Research Program (TCRP) published a study of certification practices used by transit authorities throughout the United States. TCRP Synthesis 30, ADA Paratransit Eligibility Certification Practices identified four models for making eligibility determinations (self-certification plus professional verification, interview, full functional assessment, and hybrid interview/functional assessment) and attempted to establish the criteria for evaluating their respective results.

Although the goal of an effective eligibility certification is clear - namely, to provide accurate certification – it is hampered by our inability to measure the effectiveness of any generally accepted standards. However, a number of different measures that cumulatively provide some ability to evaluate various models are suggested in this study. The evaluation factors that are suggested in this study include dispersion of eligibility determinations throughout the three categories: measurable levels of denials, the number of appeals, and the proportion of appeals that are upheld. That is, they use several factors in some combination of weighting that reflect the values of the agency.

The Eligibility Certification Process at ACCESSRIDE

The MTA uses a standard eligibility application with a professional verification. Eligibility determinations are made by the contractor STS. STS assists with the distribution of applications, accepts applications, performs the assessment, and forwards eligible applicants to the MTA.

A review of 104 customer applications received between October 1 and mid-November 2000 showed that 74 of the applications were incomplete. Information was missing, including signatures of potential customers. A review of the applications indicated that eligibility did not appear to be granted based upon the applicant's functional ability as defined in the ADA legislation. Additionally, personal care attendants were authorized without the necessary information on the application.

ACCESSRIDE has produced determinations that are far more “lenient” than any of the models cited in TCRP 30. Statistical information about category eligibility, denials and appeals are not tracked as a way to measure the effectiveness of STS determinations.

Conclusions and Recommendations

The FTA is beginning to look closely at citizen complaints especially as they relate to “Capacity Constraints” such as on time performance. The MTA has made progress in improving the quality of service over the last year, even in the face of increasing demand. However the operation lags behind generally accepted standards of performance for on-time service delivery. It will require a major effort to improve the on time service delivery from the current 84% and may require reallocation of resources to accomplish.

Absent locally defined standards, ACCESSRIDE should adopt an internal minimum on-time performance standard of 91% to reflect the current FTA standard for adequate service quality. At a minimum the MTA should devise a plan and begin to make incremental improvement toward the 91% goal. This will demonstrate good faith and may avoid intervention by the FTA if a complaint is lodged.

The MTA offers a number of paratransit services, not all of which are for ADA eligible customers. It is important that those who receive ADA service be eligible, and that non-ADA customers understand their eligibility status since the MTA is not required to provide unlimited service to this group.

In order to devote resources to improving on time performance the MTA must do a better job of controlling demand for ADA service. Controlling demand for ADA begins with controlling the eligibility screening process. Complementary paratransit eligibility once granted becomes a right. It is therefore important that the eligibility screening mechanism be scrupulous and follow the ADA eligibility guidelines. The STS application and screening process at the MTA is not as rigorous as it needs to be to control eligibility and therefore the overall cost to deliver service. It may be necessary to change the process to screen out incorrectly granted eligibility.

The MTA should compare paratransit service with the fixed route service area so that ADA service can be curtailed in areas and at times that are not required by law as a means of saving operating expenses and redistribute resources to the un-served eligible users living in the service area. For example, fixed route service considered express or commuter is exempt from the provisions of the ADA.

MTA has some pricing flexibility to raise rates for paratransit services. This may also help offset cost increases to improve on capacity constraints.

Cost Implications

It is difficult to estimate the financial impact of the recommendations noted above. It is entirely possible that improved on-time service performance can be accomplished through better eligibility screening, eliminating or reducing coverage based on express or commuter classifications, and increased prices for existing service.

