

FTA

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

Sun Metro LIFT (El Paso, TX) Paratransit Compliance Review Report

May 2016



U.S. Department of Transportation
Federal Transit Administration

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Executive Summary

Objective and Methodology –

This report reviews LIFT (Living Independently Facilitated by Transportation), the ADA complementary paratransit service provided by Sun Metro (the public transit agency for the City of El Paso, TX). Its objective is to verify whether Sun Metro 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 four-person review team's data analyses supported by on-site observations of how Sun Metro LIFT handles trip requests, scheduling and dispatching, examinations of eligibility applications and related documents (including appeals), and interviews with Sun Metro and contractor employees
3. Analysis and reporting: using site visit data, identification of deficiencies requiring corrective actions and suggestions of effective practices in complementary paratransit service

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

Positive Program Elements

- Sun Metro LIFT provides completely bilingual service. The agency requires that all staff and contractor employees, including drivers, trainers, and office personnel, speak both English and Spanish fluently. Both languages are used for reservations, dispatch, eligibility activities, and on-street service provision. Information materials and the agency's website offer access in both languages. These practices help establish positive relationships with riders and promote access to public transportation for all who require it.
- Sun Metro LIFT has established strong partnerships with local disability agencies and advocates that enable the transit agency, on an ongoing basis, to obtain direct input from users, develop service policies that reflect user concerns, and collaborate to resolve service issues. LIFT policies and programs, such as the administrative appeal process and the ADA paratransit application, were developed by and with the area disability community.

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

Administrative Deficiencies

- Sun Metro LIFT's eligibility process does not track application and appeal progress, and the agency does not retain copies of certification letters. As a result, the agency was unable to document that its certification letters include specific reasons for decisions in cases of temporary or conditional eligibility determinations, and that it meets DOT ADA paratransit timeline and information requirements for certifications and appeals.
- Sun Metro LIFT has not fully documented its service suspension appeals process and does not retain copies of suspension letters or appeals. Thus, the agency was unable to document that the letters meet DOT ADA requirements for information and timing.
- Sun Metro LIFT lists inconsistent public information materials regarding the number of days during which individuals may appeal eligibility decisions or appeal service suspensions due to excessive no-shows.
- Published days and hours of service for ADA complementary paratransit service did not match Sun Metro's fixed route service hours. Six bus routes (35, 41, 43, 58, 60, and 61) begin or end service after or before LIFT's published hours/days of service.

Sun Metro's ADA Complementary Paratransit Program has the following substantive deficiencies that need to be addressed to bring the program into compliance with 49 CFR Parts 27 and 37:

Substantive Deficiencies

- Test calls and telephone data analysis indicate long hold times and increasing call volumes in LIFT's reservations unit. The system co-mingles ADA and non-ADA paratransit trip requests for a system where ridership is growing. In addition, Sun Metro LIFT's telephone performance standards are based on averages and thus do not address hourly variations in phone queue lengths.

Please see Section 6 for a discussion of each deficiency. The Summary Table of Compliance Review Findings (following Section 6) lists all findings. Unless otherwise stated, Sun Metro 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 ADA complementary paratransit services provided by Sun Metro, the public transit system for the City of El Paso, TX. Information on Sun Metro, the review team, and the dates of the review is presented below.

Grant Recipient:	Sun Metro
City/State:	El Paso, TX
Grantee Number:	1539
Executive Official:	Jay A. Banasiak, Director, Sun Metro
Onsite Liaison:	Julio C. Perez, Sun Metro ADA Coordinator and LIFT Contract Compliance Manager
Report Prepared By:	Milligan and Company, LLC
Dates of Onsite Visit:	December 7 - 11, 2015
Review Team Members:	Cynthia Lister, Habibatou Atta, Allison Reed, Kristin S. Tighe

2. Jurisdiction and Authorities

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

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

3. Purpose and Objectives

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

3.1 Purpose

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

3.2 Objectives

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

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

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

4. Introduction to Sun Metro

Sun Metro Mass Transit Department (Sun Metro) is the public transportation provider that serves El Paso, Texas. It is a department of the City of El Paso. With a fleet of approximately 160 fixed route vehicles, Sun Metro operates bus, paratransit, and bus rapid transit service on 59 routes. The agency also serves the rest of El Paso County and Sunland Park, New Mexico. Ridership in FY 14 totaled approximately 13 million trips.

4.1 Introduction to Paratransit Services and Organizational Structure

Sun Metro's ADA complementary paratransit service is called LIFT (Living Independently Facilitated by Transportation). LIFT service provides approximately 250,000 one-way trips annually. Sun Metro LIFT also provides separately funded non-ADA Job Access Reverse Commute (JARC) demand-responsive service. ADA paratransit represents approximately 80 percent of the total trips provided and JARC service, 20 percent. LIFT does not co-mingle JARC trips with ADA trips. At the time of the onsite review, Sun Metro was using a fleet of approximately 65 lift-equipped vehicles owned by the agency to deliver service, including 10 vehicles used for JARC non-ADA paratransit service¹. The vehicles are operated and maintained, under contract to Sun Metro, by MV, Inc. at Sun Metro LIFT's operations center at 5081 Fred Wilson in El Paso, TX. This facility houses the ADA paratransit reservations center, scheduling, dispatch, driver training, and eligibility unit. Contracted personnel perform these functions, overseen by Sun Metro management. In addition, Sun Metro uses supplemental taxi service provided by Sun City Cab, a contractor for MV, to assure that all eligible ADA trip requests are accommodated.

In May, 2012, the El Paso City Council awarded the transit service contract for LIFT service to MV Transportation, Inc. This turnkey contract includes reservations, scheduling, dispatching, driving, administration and maintenance of vehicles, for a five-year term with an option for two additional years. The City of El Paso had previously managed this service itself. The City's contract establishes performance standards for telephone call-handling, on-time performance, revenue miles between road calls, incidents per 100,000 revenue miles, productivity, customer complaints, and passenger ride time.

Sun Metro's website, www.sunmetro.net, provides information about fixed route transportation opportunities as well as LIFT ADA paratransit eligibility and service, free photo ID cards, fares, and policies. This site offers general information, an ADA paratransit riders' handbook, English and Spanish applications for LIFT services, and information about accessible fixed route services. The site also provides contact information, newsletters, and meeting notes for Sun Metro's Accessibility Advisory Committee.

¹ Sun Metro LIFT's telephone and complaint data and reports do not distinguish between ADA paratransit-related and JARC service. This report indicates when data includes JARC service.

5. Scope and Methodology

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

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

5.1 Scope

This review focused on whether LIFT, the ADA paratransit program operated by Sun Metro, is determining eligibility according to the service criteria specified in 49 CFR §37.123 and 125 of the DOT ADA regulations, without imposing unreasonable administrative burdens on applicants, and operating according to the service criteria specified in 49 CFR §37.131, without capacity constraints prohibited under 49 CFR § 37.131(f). The review examined Sun Metro's eligibility standards and processes, service area, response time, fares, and hours and days of service, as well as its policies, standards, and procedures for monitoring service provision, including on-time performance, on-board travel time, telephone hold times, and avoiding trip denials and missed trips. The review seeks to ascertain whether service is being provided to eligible individuals within at least the minimum required service area on a next-day basis, during the same hours and days as the fixed-route system, for not more than twice the fixed-route fare for the same trip; whether there are patterns or practices that result in a substantial number of trip limits, trip denials, untimely pickups, and/or trips of excessive length; policies which cause riders to arrive late to appointments; or long telephone hold times, as defined by the transit system's established standards (or typical practices if standards do not exist).

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

- Complaint resolution and compliance information (49 CFR §§ 27.13(b) and 27.121(b))
- Nondiscrimination (49 CFR §37.5)
- Service under contract (49 CFR § 37.23) (if applicable)
- Requirement for comparable complementary paratransit service (49 CFR §37.121)
- ADA paratransit eligibility standards (49 CFR §37.123)
- Paratransit eligibility process (49 CFR § 37.125) including:
 - Information availability in accessible formats upon request
 - Eligibility decisions made within 21 days or presumptive eligibility granted pending a decision
 - Written notification of all decisions

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

5.2 Methodology

FTA's Office of Civil Rights sent a notification letter dated September 9, 2015 to Jay A. Banasiak, Mass Transit Director, Sun Metro, confirming the dates of the review and requesting that information be sent to the review team in advance of the onsite visit (Attachment A).

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

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

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

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

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

The onsite review of ADA complementary paratransit service operated by Sun Metro took place December 7 through 11, 2015. The review began with an entrance conference, held at 8:00 a.m. on Monday, December 7, at Sun Metro's executive offices located at 10151 Montana in El Paso, TX. Participating in the conference were:

Federal Transit Administration (FTA)

- John Day, Program Manager for Policy and Technical Assistance, Office of Civil Rights
- Richie Nguyen, Equal Opportunity Specialist, Office of Civil Rights

City of El Paso Department of Transportation (Sun Metro)

- Jay A. Banasiak, Director, Sun Metro
- Julio C. Perez, Sun Metro ADA Coordinator and LIFT Contract Compliance Manager

MV Transportation, Inc. (Sun Metro LIFT Contractor)

- Rafael Fernandez, General Manager

Milligan and Company, LLC

- Cynthia Lister, Lead Reviewer
- Habibatu Atta, Reviewer (at Milligan headquarters)
- Allison Reed, Reviewer
- Kristin S. Tighe, Reviewer

Following the entrance conference, reviewers moved to Sun Metro LIFT's operations center at 5081 Fred Wilson, El Paso, TX. Here, they met with Sun Metro's project manager and the contractor's project manager to discuss the information provided in advance, as well as the information and material available on site. Sun Metro's policies and procedures were discussed.

For the remainder of the day, the review team worked at this facility. The review team requested Sun Metro's eligibility and appeals files. Other reviewers began peak-hour observations of the trip reservation, scheduling, and dispatching processes. They interviewed the manager of the reservations unit and met with reservations agents and schedulers to discuss procedures used to develop the final driver manifests.

On Tuesday, December 8, at the LIFT operations center reviewers discussed the eligibility process with contractor staff and gathered eligibility files to examine. Other review team members continued observations of the reservation, scheduling, and dispatching processes. The head of operations was interviewed regarding LIFT scheduling policies, procedures, and

practices. LIFT's customer service manager discussed the process in place to record and respond to customer complaints. Some members of the review team met with contractor staff and Sun Metro's project manager to examine fixed route bus service hours, days, and service areas as compared with ADA paratransit service days, hours and service area, and the process for synchronizing these. Other team members interviewed drivers.

At the LIFT operations center on Wednesday, December 9, reviewers continued observations of Sun Metro's scheduling and dispatching processes, and interviewed managers regarding dispatching policies, procedures, and technology. The review team examined agency policies and procedures concerning trip reservations, response time, and negotiation of requested trip times. They discussed the scheduling system's parameters for service area definition and service hours and days. Team members researched whether there appeared to be a pattern or practice of denying a significant number of trip requests, paying particular attention to Sun Metro's ability to meet next-day trip requests and whether the agency used any form of trip caps or waiting lists. The review team continued its examination of eligibility files and observed the performance of in-person eligibility interviews. Sun Metro's management was interviewed regarding resources, budgeting, and staffing.

On Thursday, December 10, at the operations center the review team continued reviewing eligibility determination records, and continued examining completed driver manifests as a part of the verification of Sun Metro's on-time performance. Reviewers met with Sun Metro managers to discuss oversight of LIFT service. The review team also tabulated LIFT's customer comments and began analysis of on-board travel times.

The review team gathered and analyzed the following information:

- Comments from riders and advocates through telephone interviews and a review of comments and complaints on file at FTA and Sun Metro
- Reservations policies and performance standards
- Service reports prepared by Sun Metro showing the number of trips provided and the number of trips denied for the past three years
- Direct observations of the handling of trip requests by reservations agents, and interviews with reservations personnel concerning agency policies and procedures for telephone access, trip requests and capacity denials, and trip negotiation
- Direct observations of the handling of trips by dispatchers, and interviews with dispatch personnel concerning the unit's ability to identify and respond effectively to service issues as they arise

The review team compared on-board paratransit travel times with those on fixed route service, with an emphasis on paratransit trips with lengthy travel times. The reviewers continued tabulating the various data that had been gathered.

On Friday, December 11, the review team examined two vehicles used to provide LIFT service and continued to tabulate the various data that had been gathered and prepared for the exit conference. The exit conference took place at 11 a.m. at Sun Metro's executive offices at 10151 Montana, in El Paso, TX. Conference participants included:

Federal Transit Administration (FTA)

- John Day, Program Manager for Policy and Technical Assistance, Office of Civil Rights
- Rebecca Rand, Region VI Civil Rights Officer, Office of Civil Rights
- Richie Nguyen, Equal Opportunity Specialist, Office of Civil Rights

City of El Paso Department of Transportation (Sun Metro)

- Julio C. Perez, Sun Metro ADA Coordinator and LIFT Contract Compliance Manager

MV Transportation, Inc. (Sun Metro LIFT Contractor)

- Rafael Fernandez, General Manager

Milligan and Company, LLC

- Cynthia Lister, Lead Reviewer
- Habibatu Atta, Reviewer (at Milligan headquarters)
- Allison Reed, Reviewer
- Kristin S. Tighe, Reviewer

FTA provided Sun Metro with a draft copy of the report for review and response. A copy of Sun Metro's response to the draft report is included as Attachment B.

5.3 Stakeholder Interviews

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

The following nine organizations were contacted to participate in these interviews:

- Project Amistad, transportation provider for seniors and people with disabilities;
- Volar Center for Independent Living, regional center for independent living and disability rights;
- Fresenius Dialysis, operating dialysis clinics;
- DaVita Dialysis, another major provider of dialysis services;
- El Paso Council of the Blind, advocating for the Blind and visually impaired in El Paso;
- Opportunity Center For The Homeless, a local area homeless shelter;
- Xceed Resources, a local employer of individuals with mental health disabilities;
- New Horizons Adult Day Care Center; and
- Viba Transportation, affordable transportation provider for seniors and people with disabilities.

Representatives from four agencies responded and agreed to participate. Despite repeated inquiries, five never responded. Ultimately three disability organizations took part in interviews.

Reviewers interviewed respondents individually using a standard set of questions. The reviewers asked questions on Sun Metro LIFT's ADA eligibility process and appeals; service provision,

including reservations, telephone hold times, on-time performance, and driver assistance; trip denials and wait lists; administrative burdens including requiring riders to be accompanied by personal care attendants, imposition of user fees or other application-related charges; complaints and how these are handled; and visitors using the LIFT service.

Representatives from one agency had not heard any specific complaints concerning Sun Metro LIFT service. The independent living representative reported that when one of their consumers experiences issues with service, they immediately contact the Sun Metro LIFT manager to discuss the problem and take the necessary steps to resolve it. Representatives cited few or no issues with eligibility. No questions involving visitor service, no-shows, administrative burdens, or waiting lists for trips were reported. Interviewees cited the following service concerns impacting their clients:

- Heavy concentrations of dialysis rides (“dialysis providers taking advantage of the Sun Metro LIFT service”), which the speaker felt could limit service availability for others. Another commenter: “Seventy percent of Sun Metro LIFT’s usage is by dialysis patients and that negatively impacts other customers’ ability to utilize the service.”
- Long waits for a return vehicle at rush hour

All respondents independently raised the subject of dialysis usage. However, no specific service issues, concerns, or complaints emerged during these interviews.

6. Findings and Advisory Comments

This chapter details the findings for each of the areas pertinent to the regulations found in 49 CFR Sections 27 and 37 outlined in the Scope and Methodology section above. For each area, an overview of the relevant regulations and a discussion of the regulations as they apply to Sun Metro's ADA paratransit system are provided, with corrective actions and a timetable to correct deficiencies for each of the requirements.

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

Advisory comments detail recommended or suggested changes to policies or practices to ensure best practices under the ADA or otherwise assist the entity in achieving or maintaining compliance.

6.1 Comparable Paratransit Service

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

Discussion: During this compliance review, no deficiencies were found with the requirement to provide paratransit service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system.

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

Sun Metro has an eligibility determination process in place. The agency's data shows that as of December 1, 2015, 22,918 individuals were registered as eligible for Sun Metro's ADA paratransit service, of which 6,031 were active riders (defined by Sun Metro as a rider who has used the service within the past 12 months).

6.2 Paratransit Eligibility Process

Absence of Administrative Burdens

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

Discussion: During this compliance review, no deficiencies were found with the administrative burdens requirement.

Sun Metro LIFT does not charge a fare to new and recertifying applicants for transportation related to the application process and does not charge application or photo fees.

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 requirements related to the paratransit eligibility process. While the forms used for applications and functional assessments do not appear to be sufficiently comprehensive to enable accurate, reasonable decisions, particularly in the case of applicants with cognitive or mental health disabilities, there was no evidence of individuals being denied service who should have been eligible.

As part of its onsite review, team members examined Sun Metro's public information materials and website information; examined eligibility materials, certification files and records; and interviewed the contractor staff member serving as eligibility clerk. They found that, while LIFT retains recent applications in its files, these files were incomplete. Although the agency provided reviewers with a few sample templates for its determination letters, it has not retained copies of individual determination letters. In addition, the eligibility clerk confirmed that it had not been

the agency's practice to provide, in writing, detailed and specific reasons for determinations of ineligibility or temporary eligibility.

Eligibility Process

The review team examined Sun Metro's procedures for processing ADA paratransit applications. The contractor is responsible for these functions, which are housed in the LIFT operations center. The eligibility clerk, a contractor employee, makes the determinations.

Sun Metro's process is paper-based. The agency uses a two-page ADA paratransit application developed collaboratively by Sun Metro and representatives of the regional disability community. It is supported by a one-page professional verification form to be completed by the applicant's agency, advocate, or therapeutic professional. Customers can obtain this application by mail, telephone or website download. Sun Metro has designated nine local disability agencies to provide applicants with any in-person, telephone or professional assistance necessary to complete the forms, and to sign the professional verification portion of the application. After the designated professional signs the verification, the applicant can forward the completed forms to Sun Metro. The eligibility clerk reviews the application and may check back with the authorizing agency before making a decision. Very occasionally, the clerk may also request that a physical therapist under contract to MV perform a functional assessment.

Sun Metro makes the application forms and all information available in English or Spanish, and relies on the designated agencies to immediately provide any needed telephone assistance and information in both languages. Approximately one-third of the applications and eligibility files reviewed by team members contained Spanish-language materials.

Sun Metro's verbal goal is to issue the determination letter within one week of receipt of a complete application.

Data provided by Sun Metro shows that LIFT documents ADA paratransit application volume and certification outcomes, and reports progress monthly. Sun Metro's ADA Compliance Manager requires that all applications received during a week be processed and certified by the end of that week. However, at the time of the review no formal process existed to document and monitor how the agency was meeting the DOT ADA requirement to issue determinations within 21 days of receipt of completed applications, or provide presumptive eligibility. During this review and after discussions with the review team, the eligibility clerk began tracking application progress to assure that the DOT ADA 21-day processing time requirement was documented and met.

Application Volume; Certification Outcome

The review team's independent analysis of Sun Metro's eligibility data for the six-month period June through November, 2015, revealed that Sun Metro's eligibility unit processed, on average, approximately 232 applications per month, of which 215 were approved. Of these, 52 percent were new applicants and 48 percent were recertifying riders. Approximately 15 applicants were found ineligible, on average, each month.

Determinations

During the onsite visit, reviewers were able to examine a randomly selected sample of 28 LIFT eligibility files covering the 12 months preceding this review. These files usually contained the one and a half-page LIFT application, a brief verification sheet to be filled out by a professional designated by the applicant, and supporting data ranging from one sheet from a prescription pad to a youth's Transition Plan several hundred pages in length. In examining these files and notes, and without certification letters, the review team noted the following:

- Sun Metro LIFT finds applicants unconditionally eligible for a three-year period, temporarily eligible (for a period of one year or less), or ineligible. The agency does not confer conditional or trip-by-trip eligibility.
- The agency does not appear to use in-person interviews as a routine part of its eligibility process. (This was confirmed later by the eligibility clerk.) In one instance, a physical therapist's report was attached to a file. This detailed a functional assessment of physical capabilities and the Tinetti Balance Assessment Tool.
- In addition to not retaining copies of the applicant's eligibility determination letter, the files did not document communications concerning the applicant's functional ability to access and use public transit independently.
- The files did not indicate significant consideration of factors such as path of travel, endurance or fatigue, adverse weather conditions, and the possibility of travel throughout the service area;
- Notations on the paperwork appeared to indicate swift decision-making (discussed later in this report) after the application was considered completed.
- Approximately one-third of the applications in the sample were in Spanish.
- Three decisions had little or no accompanying documentation.

LIFT's forms for individual applications, professional verification, and functional assessment did not appear to be sufficiently comprehensive to enable accurate and reasonable eligibility decisions. The review team noted that although about one-third of the randomly selected 28 files examined involved applicants with cognitive or mental health disabilities, LIFT's application materials seem to principally address physical disabilities and could be strengthened with respect to other disabilities. Second, neither form appears to seek sufficient detailed information to permit, for example, LIFT personnel to draft a certification letter denying eligibility and support that decision with transit-specific details that speak to the applicant's functional abilities.

Advisory Comment: The eligibility process and application form are imperfect with respect to cognitive disabilities and could be improved.

Accessible Information

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

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

Team members examined Sun Metro’s public information materials, website information, and eligibility and appeals correspondence and materials. They found that, upon request, LIFT will provide eligibility and service materials in alternate accessible formats.

Eligibility Determinations or Presumptive Eligibility within 21 Days

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

Discussion: During this compliance review, a deficiency was found with the requirement for eligibility determinations and presumptive eligibility. Sun Metro was unable to document that determinations had been made within 21 days of submission of a completed application.

Based on internal evidence such as dates handwritten on application forms during the analysis of a random sample of 28 eligibility files, Sun Metro appears to process applications in a timely manner. The reviewers’ random sampling found none where determinations had been made after 21 days. Of the 28 files reviewed, 26 (93 percent) carried notations suggesting the determination had been made in seven or fewer days. The remaining two determinations (seven percent) appeared to have been made in 10 or 11 days respectively. The average number of days required to make a determination was 3.4 days:

Less than one day	10 applications
One day	5
Two days	1
Three days	1
Four days	None
Five days	3
Six days	1
Seven days	5

Sun Metro LIFT collects and reports, in detail, on the number of applications received and processed each month, as part of a comprehensive program of service data analysis. Nonetheless, these statistics do not reference the 21-day timeline or use 21 days as a benchmark. When reviewing Sun Metro’s eligibility files, team members were unable to find written eligibility standards, policies, and procedures; reports showing monitoring of application progress; evidence that the 21-day standard was met; or indications that presumptive eligibility had been granted if and when the determination process exceeded 21 days in length.

With regard to timely issuance of the certification letter, Sun Metro’s stated policy is that applicants must be notified of their eligibility decision in writing as soon as possible after the

determination has been made. The eligibility clerk informed reviewers that the agency's practice is to issue the certification letter immediately after determination, but this statement could not be confirmed without viewing copies of letters to applicants.

During this review and after discussions with the review team, the eligibility clerk began tracking application progress to assure that the DOT ADA 21-day processing, decision, and notification timeline was being documented and met.

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

- a list of corrective measures being taken to resolve absence of documentation and tracking of eligibility and appeal processes; and
- revised performance standards, policies, and procedures for the handling of ADA eligibility and appeals activities.

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

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

Discussion: During this compliance review, deficiencies were found with the requirement for written eligibility determinations.

At the time of the review, team members learned that Sun Metro had not retained copies of determination letters. No letters were available for assessment and analysis. Reviewers noted, however, that a handful of letter templates provided by the contractor's eligibility clerk did not provide readily understandable, transit-specific reasons for decisions finding applicants ineligible, or temporarily eligible. The templates had no provisions for explaining, for example, why someone was made eligible for a shorter period of time, rather than unconditionally eligible for the full period of eligibility. In addition, not all templates included all five required information elements (individual's name, transit provider's name, paratransit coordinator's phone number, eligibility expiration date, and conditions/limitations on eligibility, appropriately described) plus an explicit statement of the applicant's right to appeal the decision and the right to a hearing.

Of the 28 randomly-selected applications reviewed (without letters), decisions regarding unconditional eligibility appeared reasonable. Determinations of "not eligible," however, did not always appear to fully consider applicants' ability to use and navigate throughout the system independently, or their most limiting conditions.

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

- Specific, transit-based reasons for determinations of ineligibility or conditional eligibility, and for any limitations on eligibility.

Recertification of Eligibility at Reasonable Intervals

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

Discussion: During this compliance review, no deficiencies were found with the recertification of eligibility.

The review team observed that Sun Metro’s recertification policies and process meet the same standards as its policies and processes for new applicants, and are structured to permit eligible riders adequate time to apply for recertification.

Sun Metro’s eligibility process includes recertification at three-year intervals. Sun Metro notifies customers by mail 60 days prior to expiration of their eligibility. Eligible riders who experience any health changes or changes in medical equipment that affect their ability to use public transit are permitted to recertify at any time. In addition, the ride guide and website state, that LIFT also offers some riders what it calls “permanent eligibility”: *If you have a permanent disability and you are found to be eligible to use the LIFT, you will only have to go through the eligibility application process once. After that, every three years we will send you a letter confirming that you are still living at your existing address and that you are continuing to use our service.*

As part of its examination of Sun Metro’s eligibility policies, standards and procedures, public information, and eligibility records, the review team observed no differences in the handling of new and recertification applications. During this review and after discussions with the review team, the eligibility clerk began tracking application processing to assure that DOT ADA eligibility handling requirements were documented and met. This effort also included the timely processing of recertification applications.

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

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

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

Discussion: During this compliance review, deficiencies were found with the requirements for the administrative appeals process for eligibility.

Sun Metro was unable to document that appeals decisions had been made within 30 days of the hearing. The agency had no copies of appeals correspondence available for review. The review team was unable to verify that Sun Metro LIFT's certification letters provide all required information concerning appeals of eligibility determinations. LIFT's administrative appeals process does not always appear to provide separation of function, as the same person is responsible for issuing the certification letter and signing the letter describing the appeal outcome.

Sun Metro's eligibility data for the six-month period June through November, 2015, lists a total of seven appeals during this period.

Team members also learned that the administrative appeals process outlined in the LIFT riders' guide had been developed in collaboration with local disability representatives, and that Sun Metro considers the participation of LIFT passengers and members of the El Paso Accessibility Advisory Committee to be integral to it and essential to its success. As part of this effort, Sun Metro's ADA Coordinator and the Advisory Committee also developed a training program for the 16 community-based appeals panel members. The LIFT ride guide describes the process as follows:

First-Step Appeal Process: *The first request for Sun Metro to consider its rejection of an application to participate in the LIFT program is after the initial application for eligibility has been denied or there's a proposed suspension of service. This appeal is made to a five-member panel composed of Sun Metro staff and LIFT passengers not associated with the original eligibility decision. The appeal can be filed within 15 days of notification letter.*

Second-Step Appeal Process: *The final request for Sun Metro to reconsider its rejection of an eligibility application is after the first-step panel has sustained the decision not to certify an applicant. This appeal is made to a three-member review panel within 15 days of a decision rendered by the first-step panel. The second-step panel shall be composed of a member of the Citizens Advisory Committee, a Sun Metro director/manager and the chairperson or designee of the El Paso's Accessibility Advisory Committee. This panel makes the final decision.*

Note:

- *The members selected to hear each of the appeals will not have taken part in the original eligibility certification.*
- *Applicants will be notified of appeal decisions in writing, or in accessible format if requested, and the notification will state the reason(s) for the decision if eligibility is denied.*

- *Applicants have the right to be heard in person and to present additional information and arguments regarding their disability and ability to use the fixed-route service.*
- *During the time it takes to appeal, applicants may use the Sun Metro LIFT until the appeal is reviewed and a decision is made. A date and time for you to meet with either appeal committee will be arranged and you may have someone accompany you.*

With regard to separation of function, reviewers observed that the eligibility clerk, a contracted staff member, issues the initial eligibility determination. At a later point, she is responsible to receive appeals requests and schedule panel members, but plays no part in the hearing or decision process. (She does, however, sign the letter describing the appeals panel's decision.) After discussions with the review team, the eligibility clerk initiated internal tracking procedures and reports to support the administrative appeals process and to assure that DOT ADA appeals handling, processing, and notification time requirements are documented and met, including the imperative to provide presumptive eligibility if a decision is not rendered by the 31st day after the hearing process concludes.

Reviewers noted a potential source of confusion in Sun Metro LIFT's public information materials, which cite 65 days as the period during which individuals may appeal both eligibility decisions and service suspensions due to excessive no-shows.

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

- a list of corrective measures being taken to resolve the absence of documentation and tracking of eligibility and appeal processes; and
- a revised administrative appeals policy, standards, and process which include:
 - appropriate documentation and monitoring of appeals progress; and
 - timely provision of presumptive eligibility whenever required.

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 Sun Metro for any combination of 21 days during any 365-day period, beginning with the visitor's first use of the service during the 365-day period. The transit system must treat as eligible all visitors who present information that they are eligible for paratransit service in the jurisdiction in which they reside; for those who do not present such documentation, the transit system must accept a certification that they are unable to use fixed-route service. In no case may the transit system require a visitor to apply for or receive eligibility certification from its own paratransit system before providing this service.

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

The review team interviewed Sun Metro's managers concerning visitor eligibility. Sun Metro's ADA paratransit ride guide, available on the website and in print, explains that the agency makes visitor service available. Visitors without eligibility from another system can obtain service by presenting proof of address and, if not apparent, of disability.

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.

On its website and in the LIFT ride guide, Sun Metro offers door to door driver-assisted ADA paratransit service to any rider who requests or requires this due to disability. Public information further states that LIFT service is usually curb to curb. The review team observed no failures to have policies and procedures in place to provide assistance from the vehicle to the first doorway for riders who, due to their disability, require additional assistance to complete the trip. There was no evidence that Sun Metro charges those needing door-to-door service an extra fee. In verifying the provision of origin-to-destination service, the review team examined printed trip manifests, observed reservations and dispatch activities, reviewed driver and reservations agent training materials, and interviewed drivers. Reviewers verified that Sun Metro's scheduling software is not programmed to charge extra fares for door-to-door service or driver assistance. Team members observing dispatch activities found no indication that origin-to-destination service was not being provided.

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 3/4-mile radius of all of its bus routes, and within a "core service area" that includes any small areas that may be more than 3/4-mile from a bus route, but are otherwise surrounded by served corridors. This includes any areas that cross political boundaries or taxing jurisdictions, but are within a 3/4-mile radius of a fixed route, unless the public transit agency does not have the legal authority to

operate in those areas. For entities operating a light rail or rapid rail system, the paratransit service area must also include a ¾-mile radius around each station, with service provided from points within the service area of one station to points within the service area of another.

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

Sun Metro's website states that LIFT provides service up to 1.5 miles beyond fixed routes, and within the City of El Paso. Using detailed service area maps and paratransit scheduling software, the review team was able to confirm LIFT's service area boundaries, match these to Sun Metro's fixed route service, and verify that service was being provided to El Paso County and within all locations within three-quarters of a mile of Sun Metro bus routes.

Response Time

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

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

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

Sun Metro's reservations unit is open Monday through Friday from 6 a.m. to 8 p.m., and from 7 a.m. to 7 p.m. on Saturdays, Sundays, and holidays. LIFT negotiates and schedules trip requests one to seven days in advance, with a 30-minute pickup window (the vehicle can arrive at any point during the 30 minutes). Riders can schedule trips by requested pickup time, or by appointment time. The ride guide offers three examples of this: No-earlier-than arrival time requests, no-later-than arrival time requests, and no-earlier-than pickup time requests. At the time of the review, reviewers observed that Sun Metro complies with the regulatory requirement to accept and schedule all eligible ADA paratransit trip requests within one hour before or after the time requested, and that next-day trip requests were accepted routinely and without discussion. Team members saw no evidence of contracted personnel adjusting a rider's negotiated pickup time or pickup window without the customer's consent.

Trip Reservations

Reviewers interviewed reservations staff and supervisors concerning ADA understanding, data entry and coding procedures, and Sun Metro's operational practices. They independently analyzed sample data and compared results with those provided by Sun Metro. During the review, team members observed the following telephone calls received by the reservations unit:

Sun Metro ADA Paratransit Observations of Reservations Unit Calls December 7 and 8, 2015

Types of Calls Observed	Total	Outcomes	Total
Reservation trip request	31	Scheduled	30
Cancellation	9	Denied due to capacity	0
Dispatch	0	Wait list	0
General Info (fares, etc.)	0	Refused by Rider	1
Used wrong phone prompt	0	Schedule Later	0
Other	7	Other	16
Total	47	Rider terminated trip request	0
		Total	47

Reviewers noted that all 31 trip requests were able to be accommodated, although one caller declined the trip offered within one hour of the requested time by the reservation agent. Approximately 35 percent of the observed reservation calls used appointment time rather than pickup time. In communicating with callers, team members found that agents used a written script in receiving and scheduling trip requests. When responding to trip requests, they repeated trip reservation information back to customers for confirmation and closed with a reminder about the 30 minute pickup window. Approximately 40 percent of the observed calls were in Spanish or a mixture of Spanish and English; agents handled these seamlessly, moving between languages with ease.

Team members did not observe any same-day requests. However, in interviews, LIFT managers informed the review team that LIFT receives approximately five or six requests each weekday for same-day service. When possible such requests are accommodated.

Scheduling

Sun Metro uses the Trapeze software system for trip scheduling. The final scheduling process begins in the late afternoon of the day before service, ending at approximately 7 p.m. Team members observed that as part of their final review, scheduling staff visually scan the next day's schedules to examine vehicle loads and locations, and review individual vehicle schedules for

opportunities to assign multiple trips to one vehicle (multi-load) or improve service by assigning certain trips to supplemental taxi service. The schedulers also identify, and resolve when possible, any trips longer than 60 minutes and any trips with anomalies.

Fares

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

Discussion: During this compliance review, no deficiencies were found with the requirements for paratransit fares.

Passengers pay LIFT's \$2.50 ADA paratransit fare using cash or pre-purchased tickets. This fare represents less than twice the Sun Metro fixed route fare of \$1.50. Personal care attendants pay no fare; companions pay the same fare as the eligible rider they accompany.

No Trip Purpose Restrictions

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

Discussion: During this compliance review, no deficiencies were found with the requirements regarding trip purpose restrictions.

Sun Metro's managers and contractor personnel stated that Sun Metro's service operates without trip prioritization and serves all trip purposes. Sun Metro's public information materials do not mention trip purpose. The review team observed no prioritization of trip requests based on trip purpose, nor any evidence of prioritizing application processing based on trip purpose. None of the eligibility files examined by reviewers indicated that Sun Metro LIFT had restricted service based on trip purpose.

Hours and Days of Service

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

Discussion: During this compliance review, deficiencies were found with the requirements for hours and days of service. At the time of the review, published days and hours of service for ADA complementary paratransit service did not match Sun Metro's fixed route service hours. Reviewers found that six Sun Metro bus routes (35, 41, 43, 58, 60, and 61) begin service before or end service after Sun Metro LIFT's published hours/days of service.

LIFT's ride guide and website state that ADA paratransit trips can be scheduled from 4 a.m. to 11 p.m. Mondays – Fridays, from 5 a.m. to 11 p.m. on Saturdays, and from 5 a.m. to 10 p.m. on Sundays. Information provided on the agency website says that LIFT service “*complements the service area and hours of operation of traditional Sun Metro fixed route service*”. The review team compared these service hours with the service days and hours listed in Sun Metro fixed route schedules. Examining 46 routes, reviewers identified the following discrepancies, marked in yellow, with regard to early morning and late evening service hours on weekdays and weekends:

Sun Metro LIFT: ADA Paratransit Hours/Days of Service						
Compared with Start and End Times for Fixed Route Bus Service						
Line	Monday-Friday		Saturday		Sunday	
	Start	End	Start	End	Start	End
Sun Metro Paratransit Hours	4:00 a.m.	11:00 p.m.	5:00 a.m.	11:00 p.m.	5:00 a.m.	10:00 p.m.
Bus Route 35	5:30 a.m.	11:12 p.m.	6:00 a.m.	10:41 p.m.	6:45 a.m.	10:20 p.m.
Bus Route 41	4:30 a.m.	11:05 p.m.	4:30 a.m.	11:05 p.m.	6:30 a.m.	9:25 p.m.
Bus Route 43	4:35 a.m.	11:05 p.m.	4:35 a.m.	9:30 p.m.	7:00 a.m.	9:00 p.m.
Bus Route 58	4:45 a.m.	8:01 p.m.	4:45 a.m.	8:01 p.m.	5:40 a.m.	7:43 p.m.
Bus Route 60	4:40 a.m.	9:11 p.m.	4:40 a.m.	9:11 p.m.	6:00 a.m.	8:16 p.m.
Bus Route 61	4:30 a.m.	10:13 p.m.	4:30 a.m.	10:22 p.m.	6:00 a.m.	10:25 p.m.

Team members noted that Sun Metro does not have an established policy and procedure for reviewing and promptly updating its ADA paratransit service hours, days, and service area whenever bus schedules change.

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

- revised public information materials reflecting comparable service hours;
- revised reservations and scheduling policies and procedures showing how LIFT pickup and drop-off hours have been adjusted for those routes that begin before and/or end after the published hours of paratransit service; and
- written policy and procedure for reviewing and updating ADA paratransit service hours to ensure comparability with fixed route service whenever schedules change.

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 for no restrictions on the number of trips provided.

The review team observed no evidence of practices or policies restricting the number of trips an eligible individual is provided. Sun Metro's stated policy regarding service use is that ADA paratransit service is provided on an unrestricted basis. Public information materials do not mention any limits on the number of trips provided. During observations of Sun Metro's reservations, scheduling and dispatch units, the review team found no policy, formal or informal, limiting or capping the number of trips an individual may take and no indications of such restrictions.

No Waiting List for Access to the Service

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

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

Sun Metro's management stated that the agency's reservations, scheduling and dispatch process does not include the use of waiting lists for service. The review team's observations and the agency's data indicate that eligible trip requests are accommodated within the required one hour before or after the requested time.

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

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

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

The City of El Paso has established standards for timely Sun Metro LIFT pickups. Based on the data and documentation provided and observations made, the review team concluded that in general, LIFT service appears to meet these objectives. Sun Metro considers on-time pickups to be within the 30-minute pickup window (+/- 15 minutes) or earlier. The City's stated on-time performance standard for pickups is 93 percent and its goal is 95 percent.

Reviewers examined on-time performance data provided by Sun Metro, comparing this with the results of independent analysis. LIFT data indicated that Sun Metro's vehicles arrived at the pickup location at or before the negotiated pickup time, or within 15 minutes thereafter, over 90

² Under §37.133(c), waiting lists may only be established for participation in subscription service that may be offered as part of the transit agency's paratransit system.

percent of the time. Sun Metro has not established an on-time performance standard for trips scheduled according to appointment time.

**Sun Metro LIFT: Reported On-Time Performance
June – November 2015 (ADA service only)**

	Jun'15	Jul'15	Aug'15	Sept'15	Oct'15	Nov'15
<u>TRIPS RESERVED BY PICKUP TIME:</u>						
<i>Vehicle arrival:</i>	22,303	22,782	22,689	23,312	21,548	23,987
Arrived within 30 minute window	17,022	17,679	17,477	18,031	19,376	19,485
Arrived early (before 30 min window)	3,849	3,647	3,701	3,689	1,005	3,087
Arrived late (after 30 minute window)	1,432	1,456	1,511	1,592	1,167	1,415
% vehicle arrival on-time including both early arrivals and within 30-minute window	93.6%	93.6%	93.3%	93.2%	94.6%	94.1%
<u>TRIPS RESERVED BY APPOINTMENT TIME:</u>						
<i>Total trips delivered using appt time:</i>	8,618	8,637	8,716	8,877	8,188	9,099
Arrival at or before appointment time	8,050	7,962	8,041	8,141	7,622	8,393
Arrived late (after appointment time)	568	675	675	736	566	706
% trips On-Time by Appointment	93.4%	92.2%	92.3%	91.7%	93.1%	92.2%
TOTAL # of Trips	30,921	31,419	31,405	32,189	29,736	33,086

When a vehicle arrives early, Sun Metro requires the driver to notify dispatch and wait until the pickup window commences. Then, if the customer is not ready to board, a dispatcher will telephone the rider or facility to inform them that the vehicle is waiting and establish whether the rider is ready or available. Only at this point may dispatch authorize the driver to leave the site. Contracted personnel stated that if a vehicle arrives before the “ready time” (pickup) window begins (more than 15 minutes early), the rider has no obligation to board until the pickup window commences, 15 minutes before the negotiated time. Driver training and dispatcher procedures emphasize that patrons must not be required, expected, or pressured to board early.

Through dispatch observation, reviewers independently cross-checked Sun Metro LIFT’s on time performance data. In addition, using driver manifests, the team collected a base sample of 75 randomly selected trips from April through August 2015. The sample included individuals using wheelchairs, as well as ambulatory riders, and examined travel within and outside central El Paso. This analysis of selected trips showed that for trips requested by pickup time, vehicles picked up the customer within the 15-minute arrival window or early 92 percent of the time.

Calculated On-time Performance Sun Metro LIFT April - August 2015		
Total trips in sample	75	100%
In window (-15/+15) or early	69	92.0%
Late (arrival after window)		
1-15 minutes after window	3	
16-30 minutes after window	2	
>30 minutes after window	1	

Further analysis also showed that among the sampled trips, 23 of the 24 individuals using wheelchairs experienced better on-time performance (96 percent vehicle arrival in the window or early) than did 51 riders who were ambulatory (45 arrivals in the window or early; six late; 88 percent on-time performance). The randomly selected sample did not include any trips scheduled by appointment.

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.

Reviewers found that Sun Metro has established standards, policies, and procedures for the handling and documentation of trip denials. Sun Metro's performance standard for capacity denials is zero—no capacity denials. Over several days of observations, team members noted that Sun Metro consistently accommodated eligible trip requests within one hour before or after the requested time.

Sun Metro uses supplemental taxi service provided by Sun City Cab to assure that all eligible ADA trip requests are accommodated. In the month of November, 2015, Sun City Cab provided

1,721 such trips, an average of 50 to 60 trips per day. Sun City provides these trips as a contractor for MV.

The following table, using data provided by Sun Metro LIFT, summarizes trips by eligible riders requested, scheduled, and denied for the six month period June through November 2015.

**Sun Metro LIFT: Analysis of Sun Metro ADA Trip Request Outcomes
Six Month Period June - November 2015**

	June 2015	July 2015	Aug 2015	Sept 2015	Oct 2015	Nov 2015	Total
Trips Requested	29,570	30,089	29,438	30,836	31,850	29,876	181,659
Denied	0	0	0	0	0	0	0
Scheduled	29,539	30,075	29,422	30,822	31,817	29,862	181,537
Completed	21,488	21,978	21,980	22,442	23,016	20,602	131,506

ADA Trip Denials

To meet its obligations under the DOT ADA regulations, a transit agency must count the following incidents as ADA trip denials, whether during reservations or scheduling:

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

Sun Metro defines an ADA trip denial as any inability to accommodate (schedule) an ADA-eligible trip request within one hour before or after the requested pickup time. At the time of this review, Sun Metro had documented no capacity denials for several years. Members of the review team observed no failures by reservations staff to accommodate and record all eligible trip requests. Training includes extensive discussion of capacity denials and procedures for handling trips that are difficult to schedule.

Missed Trips

Sun Metro has no written missed trips goal. Administrators informed reviewers that the agency's objective is no missed trips. Trips that are cancelled or no-showed after the end of the pickup window are not recorded as the fault of the rider and customers are not penalized for these. Reviewers confirmed, through discussions with drivers, dispatchers and Sun Metro's management, their understanding that if a vehicle does not arrive within the pickup window, the

customer has no obligation to wait for the vehicle and must not be assessed a no-show or late cancellation.

Analysis of agency data showed missed trips accounted for less than one percent of Sun Metro's total scheduled rides.

The Sun Metro riders' guide states that customers will not be charged no-shows for missed trips that were not the rider's fault. Review team members examined driver manifests for a sample week to determine if missed trips, no-shows, and late cancellations had been properly coded. Reviewers compared the date and time with the pickup window of each trip request. As discussed below in Section 6.6, *No-Shows*, reviewers found that the drivers' coding for no-shows was appropriate in 90 percent of the sample trips. Team members were told that before no-shows are assessed, staff review and if necessary correct the coding, and also that whenever a customer questions a no-show, the agency's practice is to remove the disputed 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 calculated using the agency's trip planner, plus 20-30 minutes to allow for a reasonable estimate of time spent walking to and from a bus stop, waiting for the bus to arrive, and making any necessary transfers from one vehicle to another.

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

Sun Metro stated the contractual standards for LIFT trip duration established by the City of El Paso as follows: *Ride times shall not exceed the amount of time as the same or similar trip would take on the regular City of El Paso fixed route, including the time it would take to walk to a bus stop, wait for the bus, any time needed to wait for a transfer, additional transfer travel time and the time it takes to travel to the final destination. Additionally, Sun Metro has a general guideline to not have anyone onboard the bus more than one hour within the City as that is the bottom average range for a fixed route trip. If the trip takes more than an hour, each trip is analyzed in detail to find out the reasons the travel time was exceeded and to fix the underlying problem. Trips going from one end of the City to the other may potentially exceed the one-hour maximum. Two hours is considered excessive, although there are still trips in fixed route that can take up to 3 hours.*

A LIFT contractor manager uses Sun Metro's web-based fixed route trip planning software to run weekly and monthly trip length comparisons. Monthly service usage reports include these analyses. Contractor personnel demonstrated that they track trip length and that the scheduling

software appears to reliably predict on-board travel times. Sun Metro has established procedures to identify trips of excessive length and, whenever feasible, take corrective measures during final schedule review on the day before service is provided.

During interviews, contractor supervisors confirmed that they are aware of which trips are likely to require longer travel times, and are on the lookout for these. They said that during final review they scan the next-day schedules for trips that exceed 60 minutes and, if possible, move trips and adjust run schedules to reduce time on vehicles. Managers informed reviewers that, due to the terrain and congested freeways characterizing LIFT's operating environment, peak-hour trips can often exceed 60 or even 90 minutes.

To determine independently if there were a substantial number of significantly long rides on LIFT service relative to trips made on Sun Metro's fixed route system, reviewers randomly selected ten LIFT trips of more than 60 minutes in length from a computer-generated list for November 2015. Using actual LIFT travel times obtained from vehicle manifests, these rides were compared with the same trip taken on fixed route service using the online trip planner, with walk and wait times included. Nine paratransit rides (90 percent) were shorter than fixed route service. Compared with the same trip on fixed route, one was only five minutes shorter; two were less than 15 minutes shorter; three were up to half an hour shorter. Three were respectively 59, 83, and 119 minutes shorter than if the rider had used fixed route service. The remaining trip exceeded fixed route travel time by 128 minutes, due to a highway accident (not involving the LIFT vehicle).

Sun Metro LIFT: ADA Trip Length Comparison Selected Trips Exceeding 60 Minutes January through July 2015			
Trip ID#	Estimated Trip Length in Minutes on Fixed Route	Recorded Trip Length in Minutes on Paratransit	Paratransit - fixed route: Difference in minutes
5	68	196	128+
6	141	111	-30
12	116	104	-12
14	101	96	-5
11	100	86	-14
10	168	85	-83
13	133	74	-59
7	89	63	-26
8	86	62	-24
9	180	61	-119

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, including telephone access.

With regard to telephone access, the review team's test calls and analysis of telephone data for the reservations unit indicated long hold times and increasing call volumes, in a system that commingles ADA and non-ADA paratransit trip requests and where ridership is growing. In addition, Sun Metro LIFT's telephone performance standards are based on averages and thus do not address hourly variations in phone queue lengths.

The review team noted that, as elsewhere in the Sun Metro system, LIFT's call center operates on a completely bilingual basis and provides full and seamless access to non-English-speaking individuals. The agency requires complete fluency in both English and Spanish as a condition of employment, in any position. In approximately 40 percent of calls observed, call takers used Spanish in communicating with customers, moving between languages as necessary. Some callers used a mixture of Spanish and English. Sun Metro's manager stated that the agency's policy is that it must never be necessary for a customer to wait for the opportunity to talk with a staff member who speaks the caller's language.

Team members observed that LIFT uses the same telephone lines and reservations staff for both its JARC demand-responsive service (representing 20 percent of trips provided) and ADA paratransit (80 percent of trips). The agency's practice is to simultaneously accept reservations for both. Sun Metro LIFT's telephone data and reports do not distinguish between ADA paratransit-related and JARC calls. It is possible that co-mingling phone service may limit telephone access for ADA-eligible LIFT riders.

Sun Metro LIFT Telephone System

Sun Metro LIFT uses a Cisco telephone system, installed two years prior to the review. System components include an Automated Call Distribution (ACD) system and digital recording capability. The LIFT phone system includes unit components plus administrative features, after-hours menu, recording, reporting, and remote access features. During peak hours the system informs the caller as to how many people are ahead of him or her in the queue, and also uses the wait time to make service announcements.

LIFT's phone system also features interactive voice response (IVR), voice email (IVE), and voice text (IVT) capabilities. The IVE and IVT systems provide instant trip schedule notification or vehicle arrival information for customers who have a valid email address or access to text messaging and choose to register to use these features. The system also can

provide blanket service announcements. Its reporting capabilities include daily call reports and historical call information.

The LIFT eligibility, customer service, and dispatch units also use this phone system. Seven incoming trunk lines serve reservations, not including the supervisor. Each of the seven reservation stations contains a telephone and computer terminal. Dispatch has four lines, one of which is direct for ride status inquiries. Eligibility and customer service each have one line.

Sun Metro LIFT's telephone system appears to have adequate capacity to handle incoming calls for trip requests, and features comprehensive system management and reporting capabilities. At Sun Metro LIFT, the supervisor's role appears to be pro-active. Rather than checking system reports after the fact, he is responsible for maintaining performance standards daily by monitoring activity as it occurs and intervening if a question arises, or whenever he determines that additional staff is needed from dispatch to cover some of the reservation lines. When asked how he tracks service during the day and makes corrections to address phone capacity issues, the supervisor showed reviewers the telephone activity monitoring program. In addition he demonstrated recently added software which also enables him both to listen to live calls and to view and follow on the screen in real time actions that a reservation agent is performing in the scheduling software. As well as permitting the supervisor to intervene and/or correct, this data entry oversight capability enhances corrective and new hire training.

The call center supervisor stated that peak weekday hours in this unit are typically 6 a.m. to 8 a.m., and 2 p.m. to 8 p.m. With regard to staffing levels, the supervisor acknowledged that maintaining sufficient levels of call center personnel, including the use of part-time staff, represented a continuing challenge. Review team members observed that several reservations staff use wheelchairs and that the LIFT facility is completely accessible to individuals with limited mobility or who use mobility devices.

Performance Goals and Outcomes

The City of El Paso has established the following performance goals for Sun Metro LIFT reservations and dispatch calls, as stated by LIFT management:

- Average hold time not to exceed two minutes
- Dropped or abandoned calls not to exceed five percent

The review team's analysis of available data indicated that at the time of the review, these standards were not being achieved, but also questions their usability and relevance in an active and growing system such as Sun Metro LIFT.

Here, it should also be noted that FTA discourages the use of performance standards based on *average* hold times over a defined period because doing so can mask poor performance at certain times. If using average hold times, however, it is important to narrow the period within which the averages are calculated. Measuring averages over an entire day, week, or month can obscure any issues. FTA recommends measuring averages over hourly periods. The standard for average hold times would then be set as a minimum percentage (e.g., X percent) of hours for which the average hold times are shorter than one threshold (e.g., one minute), and a second

(higher) percentage (e.g., Y percent) of hours for which the average hold times are shorter than a second (higher) threshold (e.g., three minutes).

In preparing for the onsite review, team members conducted and documented 27 calls to Sun Metro's reservation unit during November. No calls encountered a busy signal, and no calls were answered directly. All 27 calls (100 percent) went into the queue. Based on the sampling, 13 calls (48.1 percent) were answered in less than 60 seconds; two calls (7.4 percent) were answered in 60 to 90 seconds; 12 calls (44.4 percent) were answered after waiting more than 90 seconds. When length of time in queue was further examined, the following was observed:

- Monday: Queue lengths observed ranged from 11 seconds to 510 seconds (8.5 minutes). Of nine test calls, five remained in the queue for more than 90 seconds.
- Tuesday: Queue lengths ranged from 13 seconds to 433 seconds (over seven minutes). Five test calls were placed. Three were answered almost immediately; one was answered in 80 seconds; one remained in the queue for 433 seconds.
- Wednesday: Queue lengths ranged from 12 seconds to 477 seconds (almost 8 minutes). Of seven test calls, three were answered almost immediately; the remaining four were answered after remaining in the queue for a minimum of two and one-half minutes.
- Thursday: One test call was placed; it remained in queue for 13 seconds only.
- Friday: Queue lengths ranged from 10 seconds to over eight minutes. Of five test calls, three were answered almost immediately; the remaining two remained in the queue for 209 and 251 seconds respectively.
- Average hold times on Monday and Wednesday of 2:46 and 3:08 minutes/seconds did not meet Sun Metro LIFT's two-minute performance standard.

In making these test calls, the review team experienced either very brief waits in the phone queue—less than 15 seconds—or exceptionally long times on hold, routinely exceeding three minutes. Team members observed that long waits in the phone queue appeared to occur at all times of day.

Sun Metro LIFT reported its current telephone system performance data to members of the review team as follows:

- Maximum hold time: 3:25 minutes
- Standard/average hold time: 1:46 minutes
- Calls abandoned: 9.4%

As shown in the following table, the review team analyzed reservation unit telephone performance data generated by Sun Metro LIFT's ACD system for June through November 2015. This data includes calls requesting JARC service as well as ADA paratransit trip requests.

SUN METRO LIFT RESERVATIONS UNIT: TELEPHONE DATA
June - November 2015 (all service)

	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15
Calls Presented	13,681	14,348	15,612	15,040	15,281	15,088
Avg Queue Time	0:01:01	0:01:00	0:01:11	0:01:21	0:01:13	0:01:50
Max Queue Time	1:27:40	3:25:17	3:25:17	3:25:17	2:12:49	2:18:50
Calls Handled	12,948	13,579	14,402	13,873	14,176	13,352
Avg Speed of Answer	0:00:54	0:00:52	0:01:04	0:01:16	0:01:08	0:01:48
Avg Handle Time	0:03:09	0:02:52	0:02:48	0:02:55	0:02:56	0:03:11
Max Handle Time	0:37:49	0:35:23	0:50:15	1:08:24	0:59:04	0:45:41
Calls Abandoned	732	766	1,205	1,167	1,105	1,734
Avg Time To Abandon	0:03:00	0:03:25	0:02:37	0:02:26	0:02:06	0:02:08

In examining the data for this six-month period which ended immediately before the onsite review, team members noted these factors:

- Number of calls: A 10.3 percent increase in calls presented, but almost no increase in calls handled.
- Abandoned calls: Percentage of calls abandoned increased from 5.4 percent to 11.5 percent; in numeric terms, the number of abandoned calls increased by 137 percent. Moreover, during this period the average time to abandon the call fell from three minutes to slightly over two minutes, a change of about 30 percent.
- Length of time required to reach calltaker: Average speed of answer dropped by 50 percent (in November it took twice as long as in June); in November, the average queue time was almost twice that of June and maximum queue length increased by one minute.
- Length of calls: Call handling time increased only minimally during the six month period.
- Seasonal variation: November shows less activity than October, but also overall diminished performance.

Sun Metro Computer Scheduling Software

At the time of the review, Sun Metro used the Trapeze eligibility, reservations and scheduling, dispatch, fleet management, no-show and suspension, customer service/complaint, and agency modules.

Vehicle Fleet; Vehicle Availability

To determine if there are presently sufficient vehicles available to cover scheduled runs with an adequate supply of spare vehicles, the review team examined Sun Metro's run structure and daily vehicle availability records. The City of El Paso owns the approximately 66 accessible vehicles (total includes 10 vehicles used for JARC service) and on-board vehicle computer systems for

LIFT service, while the contractor owns the DriveCam units installed on each vehicle. It appears that Sun Metro typically has sufficient vehicles on hand to cover the number of runs created, but only when supplemented by overflow taxi service provision.

Driver Availability

At the time of the review, contractor management told the review team that they employed approximately 110 drivers for Sun Metro LIFT service, almost all of whom were full-time. This total does not include drivers employed by Sun City Cab, MV's subcontractor. Because El Paso's City Council considers workforce availability to be an important indicator of service quality, Sun Metro's monthly reports to this body include driver employment figures.

To establish if there is a workforce adequate to cover scheduled runs and sufficient backup on the day of service so that the contractor would not have to resort to covering driver absences using supervisors as emergency drivers, the review team selected for analysis two sample weeks for each service. The reviewers used a range of dates to illustrate changes in service provision.

Reviewers analyzed LIFT service records for the sample weeks of September 21-25, 2015 and October 12-16, 2015. These records illustrate daily driver availability and run coverage, showing the number of runs created each day, the open runs due to driver call-outs, and the spare and standby/"extra board" drivers available to cover open runs that day. This data suggests that using spare and extra-board drivers alone, and making daily use of supplemental taxi service, Sun Metro LIFT has been able to cover its runs.

Sun Metro LIFT Driver Availability and Run Coverage
Sample Week September 21-25, 2015 (all service)

	Number of Runs Assigned	Number of Runs Uncovered	Extra Board (On-Call) Drivers	Number Supervisors Used to Cover Runs
Mon., 9/21	78	0	6 Available/ 4 Used	0
Tues., 9/22	78	0	6 Available/ 5 Used	0
Wed., 9/23	80	0	9 Available/ 8 Used	0
Thurs., 9/24	78	0	8 Available/ 6 Used	0
Fri., 9/25	73	0	7 Available/ 6 Used	0

Sun Metro LIFT Driver Availability and Run Coverage
Sample Week October 12-16, 2015 (all service)

	Number of Runs Assigned	Number of Runs Uncovered	Extra Board (On-Call) Drivers	Number Supervisors Used to Cover Runs
Mon., 10/12	78	0	6 Available/ 3 Used	0
Tues., 10/13	78	0	5 Available/ 4 Used	0
Wed., 10/14	82	0	6 Available/ 6 Used	0
Thurs., 10/15	78	0	6 Available/ 3 Used	0
Fri., 10/16	74	0	7 Available/ 5 Used	0

Planning; capital and operating budgeting

Reviewer members met with Sun Metro's executive director and assistant director of finance and administration to discuss how the organization plans and budgets for ADA paratransit services each year. ADA paratransit represents a significant part of the agency's operating and capital budgets and appears to be a priority for El Paso's elected officials during the past three years.

Sun Metro's ADA paratransit budget is determined by projected passenger trips, vehicle productivity, and planning for technology, communications equipment, and vehicle upgrades. Sun Metro LIFT already budgets and plans for the use of a taxi overflow service to meet performance requirements and maintain zero capacity denials; the agency is considering expanding this supplemental program, but also plans to add vehicles to increase the total LIFT fleet size. Sun Metro's planning and budgeting effort covers both 20-year projections and short-term plans. Senior managers stated that the agency's capital budget has provided LIFT with over \$4 million in new technology and equipment investment in the past two years. This total includes over \$3 million for new vehicles. The City of El Paso, as well as Sun Metro, appears to recognize the necessity to update LIFT's technology and communications capabilities, and to plan and budget to remain current in the future. Fleet management efforts also include a three-year vehicle replacement plan.

As shown in the following table, the City of El Paso appears committed to continuing to invest in excellent service provision, and as the public's perception of the quality of LIFT service has improved, ridership has grown.

**Sun Metro LIFT ADA Paratransit
Expenditures & Ridership: FY13 - FY15**

	FY13		FY14		FY15	TOTAL
OPERATING	7,368,310		7,811,051		8,465,156	23,644,517
CAPITAL	0		4,865,302	*	433,250	5,298,552
TOTAL	7,368,310		12,676,353		8,898,406	28,943,069
RIDERSHIP	233,150		245,553		257,800	736,503

*Added cost of CNG station not reported in NTD

(Table excludes JARC data)

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

- a list of corrective measures being taken to resolve (1) the long waits in reservations queues for individuals requesting LIFT ADA trips, and (2) the high rate of abandoned calls;
- revised telephone performance standards, policies, and procedures for the handling of calls to the reservations unit requesting LIFT ADA service; and
- a list of actions being implemented to assure that managers, reservations and dispatch staff, and supervisors (both contracted and Sun Metro employees) understand these requirements, and to assure that compliance is being monitored and enforced.

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.

The review team observed that for the six month period ending November 30, 2015, subscription service averaged 36 to 37 percent of Sun Metro's ridership—less than 50 percent. Sun Metro has a written policy and performance standard of zero capacity denials. Reviewers observed no indications suggesting that Sun Metro is issuing capacity denials and not recording these.

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 the transit agency's no-show, late cancellation, and reasonable service suspension and appeal policies.

Sun Metro LIFT reports monthly on service suspension activities as part of customer service data. The agency provided sample copies of correspondence with riders regarding proposed service suspensions and appeals thereof, but was unable to provide a complete file of such letters. Also, reviewers noted that LIFT's public information materials are inconsistent in listing the number of days during which individuals may appeal eligibility decisions or service suspensions due to excessive no-shows.

The review team learned that the LIFT no-show/late cancellation policy was jointly developed with the local disability community. The program considers a trip to be a no-show when the vehicle arrives within the 30-minute pickup window, waits five minutes, and the rider still has not arrived. LIFT offers four ways to cancel trips: phone the LIFT call center and cancel with an agent; phone and leave a message on the Interactive Voice Response system; during or after hours, use the on-line scheduling system; or, after hours, call the Lift Cancellation Line. A late cancellation occurs when the rider cancels less than two hours before the scheduled pickup time; these are equivalent to no-shows. Before issuing a no-show, Sun Metro attempts to contact the rider by honking the horn, knocking on the door, and phoning the customer. If these are unsuccessful, the driver leaves a door hanger tag and dispatch codes the trip as a no-show.

The LIFT ride guide warns passengers that the agency may suspend service for excessive, repeated no-shows “if a pattern exists” and urges riders to call and discuss with staff any no-show they wish to question or have researched. These are the policy’s terms:

- Riders may appeal any no-shows, and are not penalized for no-shows or late cancellations that are beyond the customer’s control.
- Vehicle no-shows (arrivals after the 30-minute window) do not count as rider no-shows.
- Frequency of use considered; pattern or practice definition quotes DOT ADA regulations.
- No-Show Policy: Riders may receive a warning or suspension only if during a consecutive 30 day period, they have booked a minimum of 10 trips or more and also have no-showed or late-cancelled more than twice, and the no-shows have accounted for 10 percent or more of rides within 30 consecutive days.
- Phasing of sanctions:
 - First violation – warning letter mailed
 - Second violation within 30 days - 7-day service suspension after notification by mail; LIFT staff attempt to contact to verify that no-shows were beyond rider’s control. Passenger also will receive written notification about the proposed suspension of service and instructions about the appeal process. The individual will have 14 days from the date of notification to appeal before the suspension will be imposed. If an appeal is submitted, the passenger may continue to use the LIFT service until a determination is made. If requested, an in-person hearing will be scheduled and anyone can assist the passenger in the appeal process.
 - Third violation – two-week service suspension
 - Fourth violation – three-week service suspension

Sun Metro LIFT managers estimated that approximately 400 individuals no-show each month, and that approximately 20 people are suspended each month as a result of excessive no-shows. The sample suspension notification letter describes the appeal process in detail. However, when reviewing no-show data, team members were unable to identify procedures for documenting and tracking timing and handling of appeals of service suspension to assure that the agency’s policies are followed and appeals decisions rendered in a timely fashion. Managers informed the review team that very few individuals appeal their suspensions; a contractor employee stated that at the time of the review, only one appeal of service suspension had occurred in 2015.

To verify the accuracy of coding for customer no-shows, reviewers randomly selected and analyzed a random sample of 40 Sun Metro no-shows occurring in November 2015. The results indicate that 36 (90 percent) of the sample trips were coded correctly by drivers. Reviewers also learned that it is Sun Metro’s practice to reverse no-shows whenever disputed by customers.

**ANALYSIS OF SAMPLE OF SUN METRO LIFT
SAMPLE ADA TRIPS CODED AS NO-SHOWS**

November 2015

No-show description	Total	%	Vehicle Arrived W/I Pick Up Window	%	Vehicle Arrived >30 Minutes after Neg. Time	%	Vehicle Arrived Before Neg. Time (Early)	%	Coded Correctly	%	Wait time Req't Met	%
Cancel at door	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Cancelled / missed trip	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Customer no show	30	75%	25	100%	1	17%	20	100%	26	72%	22	73%
No show - missed trip	10	25%	0	0%	5	83%	0	0%	10	28%	8	27%
Not there	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Total	40	100%	25	100%	6	100%	20	100%	36	100%	30	100%
%	100%		63%		15%		50%		90%		75%	

Advisory Comment: While the number of appeals for suspensions is small, Sun Metro should develop procedures for ensuring that it tracks timing and handling of appeals of service suspension to assure that the agency's policies are followed and appeals decisions rendered in a timely fashion.

6.7 Complaint Resolution and Compliance Information

Requirements: Under §27.13(b), the transit agency must have administrative procedures in place that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints. Under 27.121(b), the transit agency must keep all complaints of noncompliance on file for one year and a record of all such complaints (which may be in summary form) for five years.

Discussion: During this compliance review, no deficiencies were found with the requirement to resolve complaints promptly and equitably.

Reviewers observed that Sun Metro LIFT has well-established procedures in place for receiving, documenting, and promptly addressing customer comments, including commendations, complaints, suggestions, and inquiries. Staff tabulate and report responses to customer comments, showing a response rate of almost 95 percent. In February 2015, LIFT installed the Trapeze "Com" module to track customer input, replacing the previous spreadsheet-based system.

Sun Metro's customer service unit receives, documents and handles fixed route complaints. For ADA paratransit service, individuals may file service inquiries and suggestions, commendations, and complaints to LIFT's customer service unit in person, or by phone or email. Sun Metro managers and LIFT staff also solicit customer comments at ADA Advisory Committee meetings and in agency meetings. Sun Metro and contracted personnel enter the report in the Trapeze database for tracking and forward the comment to the appropriate office for processing, distributing copies to management. The new Trapeze module enables LIFT easily to document, monitor, analyze, and report on its ADA paratransit-related complaints.

The City of El Paso has established a performance goal for LIFT ADA customer complaints of fewer than 10 complaints per 10,000 trips provided. Reviewers observed that in general, LIFT meets this goal.

Sun Metro LIFT's stated policy is that whenever possible, complaints must be followed up in person, by phone, within 48 hours. Supervisors must immediately investigate safety-related complaints. Sun Metro's managers stated that the agency retains its paratransit complaints within the computer system indefinitely, without deleting older records.

The review team obtained and examined copies of all customer comments on file for the previous 12 months. The following summary analyzes customer comments about service in. As shown, commendations averaged nine per month. Complaints averaged 25 per month, of which approximately seven were ADA-capacity constraint-related. Review of documentation confirmed that LIFT staff had responded in person to all complaints and some commendations.

SUN METRO LIFT CUSTOMER COMMENTS
February - November 2015 (10 months) ALL SERVICE (includes JARC)

	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15
Total comments	28	38	55	33	42	32	34	42	32	26
Commendations	9	6	5	14	9	10	11	14	8	6
Complaints	19	29	49	18	27	20	22	28	24	20
Inquiries	0	2	1	1	6	2	1	0	0	0
Suggestions	0	1	0	0	0	0	0	0	0	0
Customer contacted	23	33	52	29	39	30	32	41	31	26
ADA capacity constraint-related complaints	4	15	6	5	6	12	7	9	7	9
No Show	0	4	4	1	0	1	1	2	1	0
Time on Vehicle	1	1	2	1	1	3	0	1	1	3
LIFT service early/late	2	7	0	1	3	7	4	6	0	0
Taxi service early/late	1	3	0	2	2	1	2	0	5	6
Telephone Access	0	0	0	0	0	0	0	0	0	0
Service Denials	0	0	0	0	0	0	0	0	0	0
% constraint-related	14%	39%	11%	15%	14%	38%	21%	21%	22%	35%

6.8 Nondiscrimination

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

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

The review team found no indications that Sun Metro requires customers to be accompanied by an attendant. No evidence suggests that Sun Metro or its contracted service provider steers persons with disabilities toward alternate transportation services during eligibility or reservations activities. Sun Metro's printed and website policies and procedures contain no references to the "Common Wheelchair". The agency does not impose special charges for providing required accessible services to individuals with disabilities, nor is there evidence that it uses insurance company stipulations as reasons to deny service.

6.9 Training Requirements

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

Discussion: During this compliance review, no deficiencies were found with the training requirements.

After examining the contractor's driver training programs and training documentation and interviewing the trainer, the review team observed that training content and materials were comprehensive, up to date and appeared to meet DOT ADA regulatory requirements regarding proficiency, appropriateness to assigned duties, and respectful treatment of individuals with disabilities. Sun Metro's contractual driver training standards stipulate that training shall be to proficiency; training records and interviews with drivers and training staff indicate that this standard is met.

Classroom and behind the wheel instruction for paratransit drivers includes disability awareness, sensitivity and communication; passenger assistance techniques and securement of mobility devices; effective passenger service; defensive driving; vehicle, radio and communications specifics; Sun Metro's operating rules; and accident prevention and safety. The new-hire driver training includes up to 120 hours (some drivers need more time), as follows: 40 hours of classroom training; 40 hours of closed course driving; and cadet training (accompanied in-service training) for up to 40 hours. Ongoing operator training includes one hour per month (12 hours per year) of safety training; post-accident training (up to four hours as needed); refresher training, both as part of complaint response, and whenever new equipment or technology is introduced; and remedial training conducted on an as-needed basis for drivers who present safety, accident prevention, and /or passenger relations issues. Sun Metro documents successful completion of driver training and all refresher training.

The contractor uses the Avatar program for classroom training. New hires learn the basics, with emphasis on vehicle mechanical systems and lift operation as well as customer service and safety. Training for a CDL (Commercial Driver's License) requires three weeks. Retraining and refresher training are offered to all drivers, but those who have had an incident or accident also receive mandatory coaching which uses driver cam materials.

In addition to Sun Metro's managers and contractor personnel, reviewers interviewed five MV and two Sun City taxi drivers in private, using a standard set of questions. The interviews included seasoned professionals and some newer drivers. Issues addressed included training, vehicle condition, schedules, and dispatch support, and verified driver understanding of Sun Metro's policies and procedures implementing DOT ADA regulatory requirements. Reviewers observed the following:

- 30-minute pickup window: All drivers understood this; most said that some riders do not.
- Moving rides/changes in pickup times: Riders rarely say that they were given a different pickup time.
- Running late: When asked whether they run late (outside the on-time window), drivers said that this does not happen often to them and that dispatch is helpful in moving rides to get back on schedule. Most added that they usually arrive early.
- Arriving early; not pressuring rider to board: All drivers correctly explained Sun Metro's procedure to be followed when they arrive early. Three mentioned that training requires drivers to park around the corner and have dispatch phone the rider.
- Origin to destination service: All drivers stated that they provide door-to-door service, though some riders refuse it.
- Customer no-show: All drivers demonstrated a good understanding of the procedures to follow when a rider seems to be a no-show.
- Vehicle condition; maintenance: All drivers reported that their vehicles are in good shape.
- Scheduling: Most drivers said that schedules were workable unless they were given add-on riders or a backup occurs on the highway systems.
- Training: One driver mentioned that MV has given him the opportunity to participate in several advanced training units.
- Taxi driver training: Sun City Cab drivers receive the same training as MV drivers and Sun City drivers appeared as or more familiar with Sun Metro policies and procedures than did MV drivers.

6.10 Service Under Contract with a Private Entity

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

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

Discussion: During this compliance review, no deficiencies were found with regard to ADA compliance issues for contracted ADA complementary paratransit service.

Sun Metro's onsite contract compliance manager stated that three years after MV was awarded its contract in May 2012, he continues to monitor service usage, service quality and vehicle and driver availability on a daily basis and to prepare weekly summaries. Each month, Sun Metro prepares detailed ADA performance reports which collect operating statistics and track data on ridership, eligibility, on-time performance, phone queues, and denials. The Sun Metro LIFT project manager reports this information monthly in person to the City Council, Mayor, and other elected officials. The data is used both for performance review and diagnostic purposes. Sun

Metro appears to be actively managing and overseeing the present LIFT service. Reviewers were informed that because of marked improvements in service over the past two years and in particular, in recent months, at the time of the onsite review the City Council had just directed Sun Metro to change the frequency of these reports to a quarterly basis.

To establish the nature and extent of Sun Metro's current oversight of ADA paratransit service provision, the review team examined files, documents, and computer records. Reviewers conducted interviews with Sun Metro managers during and prior to the onsite review.

The review team inspected the measures Sun Metro takes to provide effective oversight and contract management, and to maintain contractor performance, service provision, and ongoing control over use of assets.

Sun Metro appears to monitor performance comprehensively using electronic information, report data, input from site visits by staff, and complaints analysis. On the day of service, Sun Metro's operations personnel track on-time performance using the computer system. After service has been provided, the contractor generates daily, weekly, and monthly service performance reports for Sun Metro's review. Sun Metro staff independently verify no shows, late cancellations, and missed trips. Sun Metro also tracks and reports monthly on vehicle use, inspections, and repair interval, type, and speed. Reviewers inspected the array of service quality control reports the agency prepares. As one example, team members observed that "Dispatch and Call Center Performance Measures" collects data on a weekly and monthly basis, tracking, among some 39 headings, trips greater than 90 minutes or 120 minutes in length; early arrivals greater than 30 minutes; call center speed of answer. Related reports show monthly trip length comparison audits and studies analyzing the circumstances of each missed trip.

In addition to weekly quality control meetings with contractor staff to discuss service provision, Sun Metro calls onsite meetings whenever service issues arise, often on a daily basis. The agency imposes liquidated damages whenever contract requirements are not met. Finally, while reviewing complaints and collecting rider comments at monthly advisory committee meetings, Sun Metro staff and managers also meet with agency customers at their own facilities to ascertain service quality and resolve any service issues.

Although Sun Metro tracks and reports on trips provided by Sun City Cab, including verifying its on-time performance, MV is responsible for driver training and for directly managing and monitoring the performance and vehicle readiness of Sun City, which is its subcontractor. As reported to El Paso's City Council, Sun City Cab's on-time performance for November 2015 was 98.7 percent, exceeding that reported for MV (95.3 percent, including JARC service).

6.11 Service Provided by Another Public Entity

Requirement: 49 CFR Part 37 applies to any public entity that provides designated public transportation or intercity or commuter rail transportation. Under 49 CFR 37.21(b), for entities receiving Federal financial assistance from the DOT, compliance with the applicable requirements of Part 37 is a condition of section 504 of the Rehabilitation Act of 1973 and of

receiving financial assistance. Where a transit agency relies on another public entity to provide paratransit service on its behalf, the transit agency remains responsible for meeting the requirements of 49 CFR Part 37. In other words, the transit agency must ensure that the service provided on its behalf meets all of the requirements that the transit agency would be required to meet, if the transit agency provided the service directly. The transit agency must have policies and procedures in place to monitor the performance of such service to ensure that these requirements are met; the transit agency is not permitted to defer to the public entity operating the service.

Discussion: This provision is not applicable to Sun Metro. No public entities provide ADA complementary paratransit service on behalf of these agencies.

6.12 Coordination of Service

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

Discussion: During this compliance review, no deficiencies were found with regard to Sun Metro's efforts to coordinate service with other fixed route operators with overlapping or contiguous service areas or jurisdictions.

Sun Metro encourages regional transportation coordination. The review team examined Sun Metro's website and published materials and interviewed management and contracted staff. They found that because a majority of its service ends at the El Paso City line, the agency publicizes opportunities for fixed route and ADA paratransit riders to link with neighboring systems. Riders remain responsible for making their own travel arrangements or reservations with each system, if a reservation is required, and paying fares separately for trips on each system. Sun Metro's website and its ADA paratransit brochure offer contact information for other agencies and services in the region.

Summary Table of Compliance Review Findings

Item	Requirement of 49 CFR Parts 27 or 37	Reference	Site Visit Finding Deficiency/ No deficiency or advisory comment	Description of Findings	Suggested Corrective Action	
6.1 Comparable Paratransit Service						
1	Comparable paratransit service	37.121	ND	-	-	-
6.2 Paratransit Eligibility Process						
2	Absence of administrative burden	37.125 & 37.5	ND	-	-	-
3	Paratransit eligibility standards	37.123 (e)(1)-(3)	ND	-	-	-
4	Accessible information	37.125(b)	ND	-	-	-
5	Eligibility determinations within 21 days	37.125(c)	D	<p>A deficiency was found with the requirement for eligibility determinations and presumptive eligibility.</p> <p>Sun Metro LIFT was unable to document that determinations had been made within 21 days of submission of a completed application.</p>	<p>Sun Metro must provide to the FTA for review:</p> <ul style="list-style-type: none"> • a list of corrective measures being taken to resolve absence of documentation and tracking of eligibility and appeal processes; and • revised performance standards, policies, and procedures for the handling of ADA eligibility and appeals activities. 	Within 60 days of the issuance of the final report
6	Written eligibility determinations including specific reasons for denials or temporary or conditional	37.125(d)(e)	D	<p>Deficiencies were found with the requirement for written eligibility determinations. Sun Metro was unable to document that its certification letters provide specific reasons for decisions in cases of temporary or conditional eligibility determinations.</p>	<p>Provide to the FTA for review revised letter templates and certification letters demonstrating that the following elements are included:</p> <ul style="list-style-type: none"> • specific, transit-based reasons for determinations of ineligibility or conditional eligibility, and for any limitations on eligibility 	Within 60 days of the issuance of the final report

7	Recertification of eligibility at reasonable intervals	35.125(f)	ND	-	-	-
8	Administrative appeals process for denials and grants of conditional and temporary eligibility and unreasonable administrative burdens in appeals	37.125(g)	D	<p>Deficiencies were found with the requirements for the administrative appeals process for eligibility:</p> <ul style="list-style-type: none"> • eligibility appeals do not appear to be documented and tracked • performance standards for the handling of eligibility appeals are missing • LIFT’s administrative appeals policy does not always provide separation of function 	<p>Sun Metro must provide to the FTA for review:</p> <ul style="list-style-type: none"> • a list of corrective measures being taken to resolve absence of documentation and tracking of eligibility and appeal processes; and • a revised administrative appeals policy, standards and process which include: <ul style="list-style-type: none"> ○ appropriate documentation and monitoring of appeals progress; and ○ timely provision of presumptive eligibility whenever required. 	Within 60 days of the issuance of the final report
9	Complementary paratransit for visitors	37.127	ND	-	-	-
6.3 Types of Service						
10	Types of service	37.129	ND	-	-	-
6.4 Service Criteria for Complementary Paratransit						
11	Service area	37.131(a)	ND	-	-	-
12	Response time	37.131(b)	ND	-	-	-
13	Fares	37.131(c)	ND	-	-	-
14	No trip purpose restrictions	37.131(d)	ND	-	-	-
15	Hours and days of service	37.131(e)	D	<p>Deficiencies were found with the requirements for hours and days of service. Published days and hours of service for ADA complementary paratransit service did not match Sun Metro’s fixed route service hours. Six bus routes (35, 41, 43, 58, 60, and 61) begin or end service after or before LIFT’s published hours/days of service.</p>	<p>Sun Metro must provide to the FTA for review the following:</p> <ul style="list-style-type: none"> • revised LIFT public information materials reflecting comparability of service hours; • revised reservations and scheduling policies and procedures showing how LIFT pickup and drop-off hours have been adjusted to be comparable to fixed route service; and • written policy and procedure for reviewing and updating ADA paratransit service hours to ensure comparability with fixed route service whenever schedules change. 	Within 60 days of the issuance of the final report

16	Absence of capacity constraints	37.131(f)	ND	-	-	-
17	No restrictions on the number of trips provided to an individual	37.131(f)(1)	ND	-	-	-
18	No waiting list for access to the service	37.131(f) (2)	ND	-	-	-
19	No substantial numbers of significantly untimely pickups for initial or return trips	37.131(f)(3)(i)(A)	ND	-	-	-
20	No substantial numbers of trip denials or missed trips	37.131(f)(3)(i)(B) 37.131(3)(1)(B)	ND	-	-	-
21	No substantial numbers of trips with excessive trip lengths	37.131(f)(3)(i)(C)	ND	-	-	-
22	No operational patterns or practices significantly limiting service availability	37.131(f)	D	<p>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, including telephone access.</p> <p>Reviewers' test calls and analysis of telephone data for the reservations unit indicated long hold times and increasing call volumes, in a system that co-mingles ADA and non-ADA paratransit trip requests and where ridership is growing.</p> <p>The agency's telephone performance standards do not address hourly variations in phone queue lengths.</p>	<p>Sun Metro must provide to the FTA for review the following:</p> <ul style="list-style-type: none"> • a list of corrective measures being taken to resolve (1) the long waits in reservations queues for individuals wishing to reserve trips on LIFT ADA service, and (2) the high rate of abandoned calls; • revised telephone performance standards, policies, and procedures for the handling of calls to the reservations unit requesting LIFT ADA service; and • a list of actions being implemented to assure that managers, reservations and dispatch staff, and supervisors (both contracted and Sun Metro employees) understand these requirements, and to assure that compliance is being monitored and enforced. 	<p>Within 60 days of the issuance of the final report</p>

6.5 Subscription Service						
23	Subscription Service	37.133	ND	-	-	-
6.6 Reasonable Policies for Proposed Service Suspensions for Missing Scheduled Trips and the Right to Appeal						
24	No-show, late cancel and reasonable service suspension & appeal policies	37.125(h) (1)-(3)	ND	-	-	-
6.7 Complaint Resolution and Compliance Information						
25	Complaint Resolution & Compliance Information	27.13(b) & 27.121	ND	-	-	-
6.8 Nondiscrimination						
26	Non-discrimination	37.5	ND	-	-	-
6.9 Training Requirements						
27	Training	37.173	ND	-	-	-
6.10 Service Under Contract with a Private Entity (if applicable)						
28	Service under Contract	37.23	ND	-	-	-
6.11 Service Provided by Another Public Entity (if applicable)						
29	Service provided by another public entity	37.21(b)	N/A	-	-	-
6.12 Coordination of Service						
30	Coordination of service	27.139(g)	ND	-	-	-

Attachment A

FTA Notification Letter to Sun Metro



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

Headquarters

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

September 9, 2015

Mr. Jay Banasiak
Sun Metro Director
City of El Paso
10151 Montana Avenue
El Paso, Texas 79925

Dear Mr. Banasiak:

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 City of El Paso (Sun Metro) has been selected for a review of its LIFT complementary paratransit service to take place during the week of December 7, 2015.

The purpose of this review will be to determine whether Sun Metro 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 and analysis prior to the on-site visit, an opening conference, on-site observation and analysis of the LIFT complementary paratransit service, and an exit conference. The entire on-site portion of the review will be completed within five days. FTA has engaged the services of 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 Monday, December 7, 2015**, to introduce the Milligan team and FTA representatives to Sun Metro, including you or your designee, the LIFT 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 LIFT paratransit offices for the duration of their visit. Please let us know if you will designate a member of your staff to serve as Sun Metro's liaison with the review team and to coordinate the on-site review and address questions that may arise during the visit.

So that we may properly prepare for the on-site visit, we request that you provide the information described in Enclosures 1 and 2. Enclosure 1 consists of items that must be received **within 30 calendar days of the date of this letter**.

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.

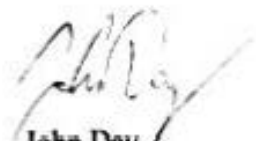
Enclosure 2 consists of items that the Milligan team will review on-site beginning on December 7, 2015, after the opening conference.

We request the exit conference be scheduled for **11 a.m. on Friday, December 11, 2015**, to afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you or your designee, the LIFT 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 a Draft Report. You will have an opportunity to correct any factual errors before FTA finalizes the report. The Draft and Final Report, when issued to Sun Metro, will be considered a public document subject to release under the Freedom of Information Act, upon request.

If you have any questions or concerns before the opening conference, please contact Anita Heard, Program Manager for this compliance review, at 202-493-0318 or via e-mail at anita.heard@dot.gov.

Thank you in advance for your assistance and cooperation as we undertake this process. We look forward to working with Sun Metro and the LIFT paratransit staff.

Sincerely,



John Day
ADA Team Leader

cc: Robert Patrick, FTA Region VI Administrator
Rebecca Rand, FTA Region VI Civil Rights Officer

**City of El Paso (Sun Metro)
Complementary Paratransit Compliance Review**

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 the contractor?) and the address where reservations are taken
 - How trips are scheduled (by the contractor?) and the address where scheduling is done
 - How dispatching is handled (by the contractor?) and the address of the central dispatch office

Note that 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, and copies of any joint operating agreements for ADA complementary paratransit with other public entities
3. A copy of the ADA complementary paratransit driver manual or handbook
4. Copies of the ADA complementary paratransit application(s) and eligibility information materials, including visitor service
5. Written description of the agency's ADA eligibility appeal process
6. A copy of the ADA complementary paratransit rider handbook, service brochure, and/or other documents that explain 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. Written description of the agency's ADA complementary paratransit service standards, including:
 - The on-time performance standards (how is "on-time" defined and what is the goal for the percentage of trips to be provided within the standards?)
 - What standards have been set regarding acceptable numbers or percentages of ADA trip denials?
 - The travel time standards, including maximum travel time (if applicable) (what travel time is considered comparable to fixed route and what travel time is considered too long? What are the goals for the percentages of trips to be provided within the standards?)

**City of El Paso (Sun Metro)
Complementary Paratransit Compliance Review**

9. Telephone call-handling performance standards for calls to reservation and dispatch, including:
 - Maximum and standard queue hold time
 - Call pickup times
 - Calls abandoned
 - Goals for the percentages of calls to be handled within these standards
10. Copies of completed driver manifests for the most recent six-month period, scanned or in electronic format (for each of the agency's contractors, if applicable)
11. Capital and operating budget and expenditure information for the agency's ADA complementary paratransit service for the three most recent fiscal years, including the current Federal fiscal year
12. The total number of ADA complementary paratransit trips requested, scheduled, and 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

**City of El Paso (Sun Metro)
Complementary Paratransit Compliance Review**

Enclosure 2

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

1. The following ADA complementary paratransit data, by month, for the most recent six-month period (paper copies as well as in electronic format, if available):
 - Service usage:
 - Trips requested (include both demand and subscription 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 showing customer's name, origin, requested destination, day, date, and time requested, and if the person was ambulatory or used a wheelchair
 - On-time performance information
 - Subscription trips by hour
 - A listing of trips that exceeded 60 minutes showing customer's name, origin, destination, day, date, and time of trip, if the person was ambulatory or used a wheelchair, and total time on-board
 - Telephone call management records (if available) showing hold times by hourly or half-hourly periods and day, total call volume, calls answered and abandoned
 - For the last month, a listing of passenger no-shows and carrier missed trips showing customer's name, origin, destination, day, and date of trip, with negotiated pickup times and actual vehicle arrival and departure times
2. A listing of all complaints related to ADA complementary paratransit service in the past year. The list should include all complaints related to trip denials, missed trips, wait lists, trip caps, trip restrictions or limits, on-time performance, lengthy trips, phone capacity issues, etc. showing:
 - Customer's name
 - Nature of complaint
 - Date and time of trip request (if applicable)
 - Requested trip date, time, origin, and destination (if applicable)
 - Scheduled trip date, time, origin and (if applicable) carrier
 - Transit system resolution; any corrective actions requested and taken

**City of El Paso (Sun Metro)
Complementary Paratransit Compliance Review**

3. The following ADA paratransit eligibility information:
 - Copies of eligibility guidelines and policies and any assessment or interview forms
 - Sample letters for all types of determination used by agency--unconditional , conditional , temporary, visitor; trip-by-trip eligibility (if applicable)-- and
 - Other letters related to receipt of applications, incomplete applications, eligibility appeals and other eligibility issues
 - Any documentation , policies, procedures and correspondence related to service suspensions for passenger no-shows
 - Total number of ADA paratransit eligible individuals currently registered
 - Eligibility data for the most recent 12 months, by month:
 - Number of applications received
 - Number of completed applications considered and processed
 - Number of applications determined incomplete
 - Number of people determined unconditional eligible
 - Number of people determined conditionally eligible
 - Number of people determined temporarily eligible
 - Number of people determined ineligible
 - Access to eligibility files and appeals records
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 ADA complementary paratransit fleet roster (by provider) with vehicle type, make, 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 day of week and hour of day)
8. Access to the most recent six months of daily vehicle pullout records showing late pullouts and closed runs, by provider (if appropriate)
9. Vehicle availability reports for most recent six months
10. Copies of vehicle pre-trip inspection and preventive 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. Training curricula for each type of ADA complementary paratransit employee
14. Procedures for providing information and communication in accessible formats

Attachment B

Sun Metro's Response to Draft Report

From: Perez, Julio C. [<mailto:PerezJC@elpasotexas.gov>]
Sent: Tuesday, April 26, 2016 11:37 AM
To: Heard, Anita (FTA); Banasiak, Jay
Cc: Day, John (FTA); Mitchell, Yolanda CTR (FTA)
Subject: RE: Sun Metro Draft Report

Ms. Heard,

Thank you delivering the draft report. We have reviewed it for any factual errors and we have found none.

Regards,

Julio Perez
Paratransit Contract Compliance
915-212-3005