

FTA

FEDERAL TRANSIT ADMINISTRATION

Montachusett Regional Transit Authority (MART)

ADA Paratransit Compliance Review

Final Report
December 2016



U.S. Department of Transportation
Federal Transit Administration

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Executive Summary

Objective and Methodology

This report reviews Montachusett Regional Transit Authority's (MART's) complementary paratransit service in the Montachusett region. Its objective is to verify whether MART is meeting its obligations under the Americans with Disabilities Act (ADA) requirements to provide paratransit as a complement to its fixed route service.

This compliance review included three stages:

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

MART representatives are committed to operating high-quality paratransit service as a complement to its fixed route service. MART's paratransit service includes the following positive program elements:

Positive Program Elements

- MART paratransit operates with no trip denials, waiting lists, or trip caps.
- MART promptly processes applications for ADA paratransit eligibility.
- MART's on-time performance for pickups is above 90 percent

MART has the following administrative deficiencies that are easily correctable to bring their program into compliance with 49 CFR Parts 27, 37, and 38:

Administrative Deficiencies

- MART does not sufficiently publicize the availability of information in accessible formats.
- Certain MART paratransit service hours are not comparable to its fixed route service.
- MART does not advertise the title and contact information of its designated ADA complaint official.
- MART does not have a formal coordination agreement with an adjacent transit provider.

MART has the following substantive deficiencies that need to be addressed to bring their program into compliance with 49 CFR Parts 27, 37, and 38:

Substantive Deficiencies

- MART does not provide complementary paratransit service within 3/4 mile of portions of its G-Link route.
- MART is not tracking on-time drop-off performance and does not have a standard for on-time drop-offs.
- MART is not sufficiently monitoring its contracted service providers for compliance with the DOT ADA regulations

Please see Section 6 for a discussion of all 19 deficiencies. The Summary Table of Compliance Review Findings (following Section 6) lists all findings. MART must address all deficiencies within 60 days of receipt of this report.

1 General Information

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

Grant Recipient:	Montachusett Regional Transit Authority (MART)
City/State:	Fitchburg, Massachusetts
Grantee Number:	1061
Executive Official:	Mohammed Khan, Administrator
On-site Liaison:	Keary Connors, Program Manager
Report Prepared By:	the Collaborative, Inc.
Dates of Site Visit:	June 13-16, 2016
Review Team Members:	David Chia, the Collaborative, Inc. Bill Schwartz, the Collaborative, Inc. Ian Kolesinskas, the Collaborative, Inc.

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2 Jurisdiction and Authorities

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

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

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3 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 complementary paratransit services operated by its grantees. Compliance with all applicable requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101–12213) including the DOT’s ADA Regulations is a condition of eligibility for receiving Federal financial assistance.

3.2 Objectives

The primary objective of this paratransit review is to verify whether a public operator of a fixed-route transit system that benefits from FTA funding is meeting its obligations under the ADA to provide paratransit as a complement to its fixed-route service. This review examines the policies, procedures and operations of the transit system’s complementary paratransit service 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 complementary paratransit service criteria as specified in 49 CFR § 37.131.

The review team will observe dispatch, reservations, and scheduling operations and analyze 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 will also conduct its own independent analysis of sample data. In addition, FTA will solicit comments from eligible riders and from local disability organizations.

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

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4 Introduction to MART

The Montachusett Regional Transit Authority (MART) provides a range of fixed route bus and demand responsive transit services for 22 cities and towns in north central Massachusetts. MART oversees operations, plans service, sets policy, plans facilities, and monitors contractor-provided service. An administrator leads MART and reports to an advisory board representing each member community. Contractors provide daily fixed route and demand responsive operations, including complementary paratransit.

MART's administrative headquarters and vehicle maintenance facility are in Fitchburg, MA. MART also operates two facilities in Leominster (office space and commuter rail parking), offices and commuter rail parking in Fitchburg, a dial-a-ride depot in Athol, and a vehicle maintenance and dispatch facility in Gardner.



For more information on MART services, go to <http://www.mrta.us>

4.1 Introduction to Complementary Paratransit Services and Organizational Structure

MART operates complementary paratransit service for individuals with disabilities who cannot use MART's fixed route bus service. MART also provides demand responsive services to:

- Seniors residing in five MART communities (Athol, Ashby, Fitchburg, Gardner, and Leominster)
- Riders who arrange non-ADA subscription service
- Commuters to area job sites
- Social service or health agency clients

Management of Transportation Services, Inc. (MTS) is MART's primary contractor managing daily operations including scheduling, dispatching, and driving. MTS also maintains MART's vehicles. MTS' two subsidiaries, Dial-a-MART (DAM) and Management of Transportation Services Gardner (MTG), operate portions of the paratransit service.

All processing of applications for ADA paratransit eligibility, trip reservations and scheduling—as well as most dispatching, overnight parking, and vehicle maintenance—take place at MART’s headquarters and administrative office at 1427R Water Street, Fitchburg. Some vehicle dispatching and overnight parking takes place at the Gardner and Athol facilities. Limited vehicle maintenance also takes place in Gardner.

MART separately operates Mass Health service, a paratransit brokerage system for the Massachusetts Human Service Transportation (HST) program. HST activities are independent of paratransit operations and not covered in this report.

MART has a fleet of 164 vans and small buses for paratransit service: 107 are garaged in Fitchburg with 28 in Gardner, 12 in Athol, and 17 to various council on aging centers in the area. MART uses paratransit software for reservations, scheduling, and dispatch operations.

Table 4.1 presents ADA paratransit and total paratransit ridership for FY 2013–2016 (11 months for FY 2016). As shown, ADA ridership represents approximately 10 percent of all paratransit ridership.

Table 4.1 – MART Paratransit Ridership

Fiscal Year	All MART Demand Response	ADA Paratransit	Percent
FY 2013	380,798	58,101	15.3%
FY 2014	448,220	58,395	13.0%
FY 2015	448,148	55,288	12.3%
FY 2016	398,620	52,863	13.3%

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

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

5.1 Scope

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

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

- Complaint resolution and compliance information (49 CFR §§ 27.13(b), 27.121(b), and 37.17)
- Nondiscrimination (49 CFR § 37.5)
- Service under contract (49 CFR § 37.23)
- Requirement for comparable complementary paratransit service (49 CFR § 37.121)
- ADA paratransit eligibility: Standards (49 CFR § 37.123)
- ADA paratransit eligibility: Process (49 CFR § 37.125) including:
 - Information is made available in accessible formats upon request
 - A decision is made within 21 days or presumptive eligibility is granted pending a decision
 - There is written notification of all decisions
 - All denials or conditional eligibility determinations are completed in writing with specific reasons for the decision
 - There is an administrative appeals process for denials and conditional eligibility determinations
- Reasonable policies for suspending service to eligible riders who establish a pattern or practice of missing trips
- Complementary paratransit service for visitors (49 CFR § 37.127)
- Types of service (49 CFR § 37.129)

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

5.2 Methodology

FTA's Office of Civil Rights sent a notification letter to Mr. Mohammed Khan, MART's Administrator, on May 17, 2016, confirming the dates for the site visit and asking MART to send information to the review team in advance of the visit (Attachment A).

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

- MART's description of how it structures its complementary paratransit service
- Public information describing MART's complementary paratransit service
- MART's standards or goals for on-time performance, trip denials, missed trips, complementary paratransit trip length, on-time performance, and telephone hold times
- The specification of all of these standards or goals in written policies and procedures as well as in any public documents

As requested by FTA, MART provided the following information during the visit:

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

The MART complementary paratransit service site visit took place June 13–16, 2016. The visit began with an opening conference, held at 10 a.m. on June 13 at the MART administrative offices. Attending the conference were:

- Mohammed Khan, Administrator, MART
- Bruno Fisher, Deputy Administrator, MART
- James Sluss, Chief Financial Officer, MART
- Keary Connors, Program Manager and ADA Coordinator, MART
- Adam Gromelski, Program Manager, MART
- Bonnie Mahoney, Grants Manager, MART

- Phil Rocca, General Manager, MTS
- Melissa L'Ecuyer, Assistant General Manager, MTS
- Andy Divoll, Assistant General Manager, MTS
- John Day, Program Manager for Policy and Technical Assistance, FTA (via telephone)
- David Chia, Review Team Leader, the Collaborative, Inc.
- Bill Schwartz, Review Team Member, the Collaborative, Inc.
- Ian Kolesinskas, Review Team Member, the Collaborative, Inc.

Following the opening conference, the review team met with MART and MTS representatives to discuss the information sent in advance and MART paratransit policies and procedures. The review team also discussed various topics, including MART's compliance with DOT service criteria, and complementary paratransit coordination with transit agencies in adjoining fixed route service areas.

During the afternoon, two review team members observed MART telephone call-takers who mostly took requests for complementary paratransit trips. One member of the review team began to review paper and electronic data covering the selected sample week (April 11–16, 2016). A team member also reviewed MART service criteria and analyzed a sample of trips with long travel times with a dispatcher.

On the morning of June 14, two review team members observed call-takers answering reservations and other calls. Another team member reviewed the eligibility determination process by interviewing the ADA Coordinator and reviewing a sample of rider files. A team member reviewed the telephone system and hold time performance. Team members also interviewed four MART paratransit drivers. That afternoon, two team members met with MART's Administrator and Chief Financial Officer to discuss the budget process and allocation of resources for MART paratransit. A team member met with the lead driver trainer for MTS. All team members reviewed additional policies and operations data. They also analyzed on-time performance and trip lengths, and reviewed telephone data.

On June 15, team members obtained data from the April sample week data to determine if missed trips were improperly coded as rider no-shows. A team member obtained sample complaint records and interviewed a MART manager to discuss the process for accepting, tracking, and responding to complaints. Team members continued to review eligibility determination policies and outcomes. That afternoon, a team member interviewed the two primary schedulers and observed MART paratransit dispatching. A team member interviewed two MART paratransit drivers. Team members continued analysis of on-time performance, trip lengths, and telephone hold times.

On June 16, the review team analyzed and tabulated the various data. They interviewed a MART driver who also trained new drivers. They prepared for the exit conference, which took place at 2 p.m. at MART's administrative offices. Attending the conference were:

- Mohammed Khan, Administrator, MART
- James Sluss, Chief Financial Officer, MART
- Keary Connors, Program Manager and ADA Coordinator, MART
- Adam Gromelski, Program Manager, MART
- Bonnie Mahoney, Grants Manager, MART
- Phil Rocca, General Manager, MTS
- Melissa L'Ecuyer, Assistant General Manager, MTS
- Richie Nguyen, Equal Opportunity Specialist, FTA (via telephone)
- Margaret Griffin, Civil Rights Officer, FTA Region I (via telephone)
- David Chia, Review Team Leader, the Collaborative, Inc.

- Bill Schwartz, Review Team Member, the Collaborative, Inc.
- Ian Kolesinskas, Review Team Member, the Collaborative, Inc.

FTA provided MART with a draft copy of the report for review and response. MART provided corrections electronically via email, a copy of which is included as Attachment C.

5.3 Stakeholder Interviews

Before the site visit, the review team interviewed three MART paratransit riders, one parent of a MART paratransit rider, and three representatives of agencies/organizations that assist MART paratransit riders on a range of topics, including eligibility determinations and various paratransit service issues. The following is a summary of the comments the review team received.

Eligibility. No one cited a problem with the ADA paratransit eligibility process. They noted that MART uses a paper application but does not conduct in-person interviews or assessments. Two stakeholders believed that re-certification takes place every five years.

Telephone access. Five of the seven stakeholders cited telephone problems. One said that the hold times were longer in recent months, which the MART Deputy Administrator acknowledged. When asked which periods are worse, stakeholders gave a range of answers. One rider said lunchtime and after 3 p.m. are the worst times to call. Another said the beginning of the week has the worst performance. Stakeholders cited hold times of at least 15 minutes; one claimed to be on hold for more than one hour for a single call. One stakeholder did not know that she could call to make a trip request on Sundays.

Denials. No stakeholder was aware of wait lists or trip denials.

Trip negotiation. Stakeholders confirmed that MART does not negotiate trip request times and accepts requested times. Stakeholders know they can request either a pickup or drop-off time.

On-time performance. One respondent (a rider) thought that the MART vehicles are not well scheduled. She was more concerned about inefficiency than on-time performance.

An agency representative said that MART drops off clients at his agency's facility too early, before appropriate personnel arrive to work. Another stakeholder believed that pickups and drop-offs are "more not on time than on time."

Travel times. Two stakeholders cited circuitous trips with occasional long travel times. One advocate expressed concern that short distance trips take longer than is reasonable.

Drivers. Stakeholders said most drivers are amiable, sensitive, and helpful. They noted that younger drivers are less sensitive.

Resolving Complaints. Five stakeholders had experience with MART's paratransit service complaint process, which they described as responsive.

Other Comments. An agency representative expressed concern that most drivers provide only curb-to-curb assistance, and that for riders who can't travel to a waiting vehicle, this is not sufficient assistance, especially when combined with the five minutes that drivers are required to wait for a rider to board.

Two stakeholders complimented the MART paratransit service and the ADA Coordinator.

6 Findings and Advisory Comments

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

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

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

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

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

6.1 Comparable Complementary Paratransit Service

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

Discussion: During this compliance review, no deficiencies were found with the requirement for MART to provide comparable paratransit service. MART operates paratransit that serves individuals certified for ADA complementary paratransit service.

6.2 ADA Paratransit Eligibility Process

Absence of Administrative Burdens

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

Discussion: During this compliance review, no deficiencies were found with respect to the prohibition against unreasonable administrative burdens in MART's eligibility process for ADA complementary paratransit. An advisory comment is made concerning the language in the paratransit application form.

Applicants may call MART to request an application form for ADA complementary paratransit. They may also obtain an application from MART's administrative office. According to the ADA Coordinator, printed applications are also available at municipal offices, hospitals, and several senior centers in the MART service area, including Fitchburg, Leominster, Gardner, and Athol.

The application form is also available on MART's website for download.

Applicants may submit completed applications by mail, by fax, or in person.

MART's application for ADA complementary paratransit is a four-page form. (See Attachment C.)

- Page 1 requests address, date of birth, and a signature. It also emphasizes, "Persons with disabilities who are able to get to or from the bus route and understand how to use the bus system are expected to use the fixed route bus service."
- Pages 2 and 3 ask for information related to abilities and disabilities related to using fixed route bus service.
- A physician is asked to complete Page 4, titled "CERTIFYING PHYSICIAN," which includes the open-ended question, "What is the medical condition that prevents this individual from using fixed route bus service?"

MART's ADA paratransit eligibility determination process paratransit does not include an interview or in-person assessment.

Advisory Comment: An effective practice is to accept professional verification from a wide array of professionals, rather than a limited group (e.g., only licensed physicians). Orientation and mobility specialists, therapists, clinical social workers, job coaches, and registered nurses, among others, can often verify an applicant's disability and provide reliable information about the applicant's functional abilities relevant to fixed route transit use.

Paratransit Eligibility Standards

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

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

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

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

Discussion: During this compliance review, no deficiencies were found with MART's process to determine if individuals are ADA paratransit eligible.

At the time of the site visit, MART had approximately 1,200 individuals in its database certified as ADA paratransit eligible. During the preceding 12 months, MART certified 297 individuals (including re-certifications).

Over the past five years, MART provided unconditional eligibility to all individuals who submitted completed applications. MART also provided temporary eligibility (6–12 months) for those whose disability was not permanent. The review team examined MART's files covering the preceding 12 months and agreed with MART's eligibility determinations as well as its determinations of "not eligible" for service. MART does not make determinations of conditional eligibility.

The ADA Coordinator oversees the eligibility process. One of her staff (who is also a MART call-taker) reviews the submitted applications and she determines if an application is complete—particularly the medical certification section. She contacts those whose applications are incomplete by telephone or letter.

She evaluates completed applications and makes a determination, occasionally conferring with the ADA Coordinator.

The ADA Coordinator calls applicants whose applications imply they do not understand the eligibility requirements. For example, some applicants who are eligible for Supplemental Security Income believe this grants them complementary paratransit service. In addition, some applicants confuse MART's complementary paratransit program with a MART-operated medical transportation program (Mass Health). When she calls applicants who apply for ADA paratransit eligibility, she explains the purpose of complementary paratransit and requests further information to support their applications. In most instances, these applicants elect to withdraw and MART does not make a determination.

Accessible Information

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

Discussion: During this compliance review, deficiencies were found with this requirement to have information in accessible formats.

MART's policy is to make eligibility material and other information about MART's paratransit service available in accessible formats on request. However, MART does not sufficiently publicize this or explain how to request these materials. The only location on MART's website regarding the availability of accessible information is through the drop-down menu under Customer Information and the Consumer's Rights submenu, which has a further submenu titled "Language Assistance," stating:

'MART' also has TDD services available for our patrons that have a hearing or speech impairment. Call 800-789-0577.

Information about 'MART' policies and services can also be provided in accessible formats and are translated into Spanish.

If you would like accessibility or language accommodation, please contact MART by phone at (978) 345-7711 or by fax at (978) 345-9867.

MART's eligibility application form lists a TDD number but offers no other information on accessible formats. In addition, page 6 of MART's ADA Regulation Handbook (Handbook) (see Attachment D) states, "Rules of Operation are available in large print or on audio cassette for visually impaired individuals."

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, MART must prominently publicize the availability of information in accessible formats, including information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility. MART must include similar statements in other published materials and on its website.

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, deficiencies were found with the requirement for MART to communicate to applicants the right to presumptive eligibility.

MART describes its eligibility determination timeline on its website stating,

You will be notified in writing within 21 days of receipt of your completed application as to your ADA eligibility or denial. Denials of eligibility may be appealed.

Neither this statement nor written materials inform applicants that presumptive eligibility is available if the determination takes more than 21 days.

The review team examined application-processing timelines for 241 applications MART received between August 2015 and June 2016. MART made determinations for all applications in 21 or fewer days taking under four days on average to make determinations.

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, MART must revise the website and printed materials regarding its ADA paratransit eligibility process. It must inform applicants that if eligibility decisions take longer than 21 days, they are to be treated as eligible and are to be provided service beginning on the 22nd day, until and unless MART denies the application.

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

Requirements: Under 49 CFR 37.125(d), determinations of eligibility must be made in writing. 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 documentation that MART provides to individuals determined to be unconditionally and temporarily eligible.

When MART approves an applicant for unconditional ADA paratransit eligibility, it does not issue an ID card or send a letter to the applicant. Rather, it sends a copy of the completed application with an "Approved" stamp. On page 4 of the completed application, MART checks a line for either "Permanent" or "Temporary" (there are also lines labeled "Unconditional" and "Conditional," but MART does not use them. MART's documentation is missing the following required elements:

- Name of eligible individual
- MART's name
- ADA Coordinator telephone number
- Conditions or limitations on individual's eligibility (either none or the expiration date for temporary eligibility)

In addition, the documentation does not provide an eligibility expiration date. MART provides four years of eligibility for all applicants except those with temporary eligibility. (See following section.) MART sends letters conferring temporary eligibility but do not provide an explanation for the determination and do not include information regarding eligibility appeals.

MART's letter denying eligibility meets the § 37.125(e) requirements by explaining the reasons for denial and the right to an appeal.

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, MART must revise its notification documents granting ADA paratransit eligibility to include all of the required documentation outlined in § 37.125(d). MART's documentation must also inform those who receive temporary eligibility the reasons for the limitations and how they can appeal the decision.

Recertification of Eligibility at Reasonable Intervals

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

Discussion: During this compliance review, no deficiencies were found with MART's policies and process for recertifying ADA paratransit eligibility.

MART's recertifies its riders every 48 months "for people with a permanent disability," and sends reminder letters and applications to riders 45–60 days in advance of the eligibility expiration date. MART provides a one-month grace period for riders who do not submit a completed recertification application on time.

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

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

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

Discussion: During this compliance review, deficiencies were found with the form that MART uses for eligibility applicants to appeal eligibility determinations. A deficiency was also found with the composition of the panel hearing the appeals.

MART's letter to applicants denied ADA paratransit eligibility includes an "ADA Appeal Form." (See Attachment E.) The form states, "In order for MART to consider an appeal you must fill in the spaces below, stating the case for your appeal." While transit agencies can require written appeal requests, MART's form effectively requires that the appellant must provide written reasons for the appeal in advance of an in-person hearing. A sample appeal request form is available in the FTA ADA Circular (page 9A-10).

MART's appeal review panel is comprised of the ADA Coordinator and two individuals from the local disability community. Because the ADA Coordinator supervises the MART employee that reviews ADA paratransit eligibility applications and is directly involved with some determinations, this conflicts with the required separation of function. To the extent practicable, individuals deciding appeals may not be involved with the applicant's initial eligibility determination, including working in the same office as, supervising, or working for the original decisionmaker.

Because it has not denied ADA paratransit eligibility for five years, MART has not held any appeal hearings. Since determinations of temporary eligibility are also eligible for appeal, once MART implements the corrective actions discussed above under Written Eligibility Determinations, the frequency of appeals may change.

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, MART must revise its eligibility appeal form to include opportunities for in-person hearings without requiring further

documentation. MART must also revise the composition of its appeals panel to have an appropriate separation of function.

Complementary Paratransit for Visitors

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

Discussion: During this compliance review, no deficiencies were found with MART's process to eligibility to visitors to the MART service area.

MART's website states:

Visitors – Visitors to the MART area who represent themselves to be transportation disabled and present proof of legal residence will be presumed eligible and may receive service for 21 days. If an individual has been certified as “ADA Paratransit Eligible” by another public entity, that certification will be honored up to 21 days.

MART provides up to 21 days of eligibility (any combination of days) during a 365-day period to individuals who meet either of these conditions.

6.3 Types of Service

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

Discussion: During this compliance review, deficiencies were found with MART's public information regarding its door-to-door service policy.

MART provides curb-to-curb service and provides additional assistance to riders who need help traveling from their origin to the vehicle or from the vehicle to their destination. MART trains its paratransit drivers to provide assistance beyond the curb when required. Driver interviews confirmed they offer assistance to riders who request it.

The training curriculum states:

“All service is provided on a curb-to-curb basis. However, to meet the origin to destination service requirement, service will be provided to those individuals who need assistance beyond the curb due to their disability.”

However, page 2 of MART's Handbook states:

All service is provided on a curb-to-curb basis. However, to meet the origin to destination service requirement, door to door service will be provided to those individuals who need assistance

beyond the curb due to their disability. *Origin to destination service must be requested* when making the trip reservation. Please let the Front Office Staff know if you will need door to door service so that they can mark your record appropriately. [Emphasis added.]

While transit agencies can ask riders if they need assistance and note the information in the records, requiring notification as a condition of providing assistance does not meet the origin-to-destination service requirement. Further information on properly describing origin to destination service is provided in the ADA Circular (page 8-2).

In addition, MART's ADA paratransit eligibility application states, "ADA Paratransit Service is curb-to-curb transportation, riders must be able to help themselves from the curb to their destination or provide their own escort when necessary." No further information is included regarding drivers providing assistance beyond the curb.

Corrective Actions and Schedule: Within 60 days of FTA issuance of the final report, MART must revise its public information materials to clarify its origin-to-destination policy and remove the requirement to notify the agency in order to receive origin-to-destination service.

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 3/4-mile radius around each station, with service provided from points within the service area of one station to points within the service area of another.

Discussion: During this compliance review, deficiencies were found with MART's complementary paratransit service area.

MART provides complementary paratransit service throughout Fitchburg, Leominster, Gardner, and Athol and within 3/4-mile of its fixed bus routes in Lancaster, Lunenburg, and Westminster. MART operates two G-Link bus routes from Gardner, one to Winchendon, and the other to Athol via Templeton, and Phillipston. While MART provides complementary paratransit service within 3/4 mile of its G-Link routes in Gardner and Athol, it does not provide complementary paratransit service in Winchendon, Templeton, or Phillipston. MART recently extended Route 7 service to Lunenburg, which extended the 3/4-mile corridor requiring complementary paratransit service into the neighboring Town of Shirley, where it does not provide complementary paratransit service.

At the time of the site visit, MART was working to implement complementary paratransit service in Templeton and Winchendon but had no plans to do so in Phillipston and Shirley.

MART's How To Ride webpage has a drop-down menu (For Disabled Riders), which states, "In Fitchburg, Leominster, areas of Lunenburg, and Gardner, ADA service is available to those who are unable to use the regular bus." This statement is incorrect.

Corrective Action: Within 60 days of the issuance of the final report, MART must provide complementary paratransit service that covers, at a minimum, all areas within a 3/4-mile radius of all of its fixed bus routes.

Response Time

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

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

Discussion: During this compliance review, no deficiencies were found with these requirements. Advisory comments are made regarding trip negotiations and explaining the on-time window to customers.

MART utilizes three reservationists to take calls from 8:30 a.m. to 4:30 p.m., Monday through Friday. Between 8 a.m. and 5 p.m. on Sundays and holidays, MART employs voice mail for reservations calls for travel on Mondays or days after holidays. This permits riders to request trips by leaving their name, telephone number, requested pickup time, origin address, and destination. When a caller leaves a voice message requesting a trip with an appointment rather than a pickup time, MART calls the rider the evening before the scheduled trip to confirm the pickup time. For very early trips, MART's dispatcher, who arrives at 4 a.m., calls the rider to confirm the pickup time.

As part of on-site activities, the review team spent four hours listening to calls and observing call-takers. During these observations, the team confirmed that:

- Riders may schedule trips one day to four weeks in advance.
- MART does not negotiate pickup times and offers riders the times they request.
- Riders may ask for an appointment (drop-off) time in place of pickup time.

While MART's policy is to explain the pickup window to riders, the review team did not observe call-takers doing so.

Fares

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

accompany riders, transit agencies must provide service to one companion in addition to the PCA. Companions may be charged the same fare as the eligible rider; no fare may be charged for a PCA.

Discussion: During this compliance review, deficiencies were found in MART's complementary paratransit fare policy for one of its routes. MART's complementary paratransit fares on all other routes are compliant.

The one-way cash fare for most MART bus routes is \$1.25 and the comparable paratransit fare is \$2.00. For travel between Fitchburg or Leominster (eastern portion of the service area) to Gardner or Mount Wachusett Community College (western portion of service area), the fixed route fare is \$2.00 and the paratransit fare is \$4.00.

Fitchburg State University pays MART to operate Route 4, a 1.3-mile route between the Fitchburg Intermodal Center and the Wallace Civic Center; the route is open to all passengers and is therefore not a university bus service. Complementary paratransit trips along this corridor cost \$2.00. However, MART charges no fixed route fare for Route 4.

According to the Handbook, PCAs travel for free. Companions pay the same fare as riders. The review team confirmed this when listening to call-takers and reviewing driver manifests. (See Section under Trip Restrictions for a discussion of companion trips.)

Corrective Action: Within 60 days of the issuance of the final report, MART must undertake one of the following corrective actions:

- Revise its paratransit fare policy to ensure that all trips within the Route 4 corridor are also free,
- Revise its paratransit fare policy to reflect actual trip-making by typical fixed-route users to establish a comparable-fare zone around Route 4, or
- Revisit the arrangement with Fitchburg State University to include paratransit fares in the Route 4 corridor or corresponding comparable-fare zone.

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 this requirement.

According to MART's Handbook, there are no trip purpose restrictions for complementary paratransit service. The review team confirmed that call-takers do not ask riders the purpose of their trips when taking reservations.

Hours and Days of Service

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

Discussion: During this compliance review, deficiencies were found with the requirements that complementary paratransit service be provided during the same hours and days as fixed route service.

Most of MART's paratransit service hours are comparable to fixed route hours; in corridors where paratransit hours are slightly shorter than fixed route hours, MART honors pickup requests within 30 minutes of a fixed route's last stop. Other paratransit service hours, particularly those operating over longer distances or only during peak periods, fall short of fixed route service hours.

Table 6.1 highlights the routes with discrepancies between paratransit and fixed route service availability. The fixed route hours and days of service are based on the published schedules while the paratransit hours and days of service are based on the Handbook. As the table shows, certain paratransit service hours are shorter than the fixed route service. For some service areas, fixed routes start earlier or end later than corresponding paratransit service. In other regions, midday breaks in service are not the same between fixed route and paratransit, resulting in shorter morning service hours for paratransit.

Table 6.1 – MART Services with Different Paratransit and Fixed Route Service Hours

Service	Fixed Route and Paratransit Service Comparison	Discrepancy
Fitchburg/ Leominster/ Lunenburg/ Lancaster to/from Westminster	Route 8 operates until 9:57 a.m. while paratransit service ends at 9 a.m.	Paratransit service must run until at least 9:27 a.m.
Fitchburg/ Leominster/ Lunenburg/ Lancaster to/from Gardner	Morning Inter-City service operates until 9:57 a.m. while paratransit service ends at 9 a.m. Afternoon Inter-City service operates until 7:35 p.m. while paratransit service ends at 5 p.m.	Paratransit service must run until at least 9:27 a.m. Paratransit service must run until at least 7:05 p.m.
Westminster to/from Gardner	Morning service between Gardner and Winchendon operates until 9:37 a.m. while paratransit service ends at 9 a.m.	Paratransit service must run until at least 9:07 a.m.
Athol/Templeton/Phillipston to/from Gardner	G-Link Athol service operates until 7 p.m. while paratransit service ends at 6 p.m.	Paratransit service must run until at least 6:30 p.m.

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, MART must change its complementary paratransit service days and hours from/to Fitchburg/Leominster/Lunenburg/Lancaster to/from Westminster and to from Gardner, and from/to Westminster to/from Gardner, and from/to Athol/Templeton/Phillipston to/from Gardner to more closely match its fixed route service.

Absence of Capacity Constraints

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

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

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

Discussion: During this compliance review, deficiencies were found with the prohibition against restricting the number of trips for ADA paratransit eligible riders.

MART does not limit the number of trips its paratransit riders may reserve. However, it incorrectly limits the number of companions that can accompany riders when space is available. MART's Handbook (page 2) states, "There are no... restrictions on the number of round trips allowed per individual per day."

On page 3, the Handbook states, “Escorts pay same fare as rider (limit 2).” [Emphasis added]. According to § 37.123(f)(2):

Additional individuals accompanying the ADA paratransit eligible individual shall be provided service, provided that space is available for them on the paratransit vehicle carrying the ADA paratransit eligible individual and that transportation of the additional individuals will not result in a denial of service to ADA paratransit eligible individuals

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, MART must revise its companion policy to permit additional companions when space is available.

No Waiting List for Access to the Service

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

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

The review team found no evidence of a waiting list in MART’s policies or practices. The review team did not observe call-takers denying trip requests or placing any requests on waiting lists.

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

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

Discussion: During this compliance review, no deficiencies were found with MART’s on-time pickup performance. Advisory comments are made about incorporating MART’s 20-minute pickup window into driver training (see Section 6.9), and using additional data points to accurately measure on-time performance.

MART uses a 20-minute on-time window (0/+20) and requires riders to be ready throughout the window. MART has a policy of requiring drivers to wait five minutes within the window for riders to board before departing. MART also requires its drivers to consult with dispatchers if a rider does not appear so they can try to phone the rider. MART’s on-time performance standard is a minimum of 96 percent and MART monitors this performance on a monthly basis.

Based on monthly on-time performance data from its paratransit software, MART is not meeting its 96 percent standard; however, the on-time performance never fell below 91 percent during the time period of the review. Table 6.2 presents MART’s reported on-time performance during FY 2016 (through May).

Table 6.2 – MART Paratransit Reported On-Time Performance (FY 2016)

Month	On-Time Percentage	Month	On-Time Percentage
Jul-15	94.12%	Feb-16	92.85%
Aug-15	93.79%	Feb-16	93.04%
Sep-15	94.66%	Mar-16	94.06%
Oct-15	91.90%	Apr-16	92.83%
Nov-15	92.65%	May-16	91.57%
Dec-15	92.30%		

MART’s daily trip schedules are listed on paper manifests and on electronic tablets, which are programmed to require drivers to enter their arrival and departure times at pickup and drop-off locations.

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

MART also requires drivers to record mileage and times (pickup and drop-off) on paper manifests and on time records. The electronic tablet data is then uploaded into the paratransit software for recordkeeping and analysis. However, at the time of the site visit, MART did not have ready access to complete trip data either in real time or for post-trip analysis. For example, although the tablet's software program requires drivers to push a key to record pickups, this information is not included in the standard monthly on-time reports. Not having this information makes it difficult to research trip details and assess performance, including trip lengths, accuracy of no-shows, and on-time drop-offs. MART is anticipating an upgrade to the software reporting capabilities later in 2016.

Using data produced by MART's paratransit software, the review team analyzed 875 trips from the April 2016 sample week. As shown in Table 6.3, the analysis shows an on-time performance rate of 95.4 percent, including 40.2 percent of pickups occurring before the pickup time. Based on interviews with drivers, MART's contractor, and the ADA Coordinator, the review team concluded that the early pickups represent drivers generally arriving within five minutes of the start of the pickup window and leaving early with the rider's consent. MART instructs its drivers who arrive to the pickup vicinity more than five minutes early to wait out of the rider's sight so as not to pressure them to board before they are ready.

Table 6.3 – On-Time Performance for 875 of MART Paratransit Trips: April 11–16, 2016

Trips	Number	Percent
Early	352	40.2%
In window (-0/+20)	483	55.2%
Early or in Window		95.4%
All late	40	4.6%
1–15 minutes late	37	4.3%
16–30 minutes late	3	0.3%
>30 minutes late	0	0.0%

Because interviewed drivers gave inconsistent responses to questions related to MART's pickup windows, additional training may be needed. (See Section 6.9.) It is important that all drivers fully understand the pickup window to maintain on-time performance and provide compliant service. See Section 6.10 for a discussion of deficiencies with respect to monitoring service that private entities provide under contract.

Advisory Comments: An effective practice is to ensure that driver training (and retraining) covers the pickup window. Another effective practice is to compile all trip data so that managers can monitor on-time performance and independently analyze on-time trips, no-shows, and missed trips.

No Substantial Numbers of Trip Denials or Missed Trips

Requirements: 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 this requirement. MART does not deny any request for complementary paratransit trips. MART does not appear to have a substantial number of missed trips.

An advisory comment is made concerning MART's methodology for calculating missed trips.

As discussed in the Response Time section above, MART accepts trip requests (pickup or drop-off) without negotiation and does not deny any complementary paratransit trip requests.

MART's missed trip definition is:

For ADA Paratransit a missed trip occurs when a carrier fails to pick-up a passenger or when a vehicle arrives so late that the passenger will not arrive at his destination in time.

If the vehicle arrives outside of the pickup window and the rider does not take it this is considered a missed trip. For example, for a transit agency with a pickup window from the scheduled time up to 20 minutes after the scheduled time (a 0/+20 window), if the vehicle arrives 25 minutes after the scheduled pickup time (that is, five minutes after the end of the 20-minute window), and the rider is not there or decides not to take the trip, it should be recorded as a missed trip.

Similarly, if a vehicle arrives early, before the beginning of the pickup window, the rider does not board, and the vehicle departs, that should also be recorded as a missed trip. The one possible exception is if the vehicle arrives early and the driver would otherwise wait until the scheduled pickup time, but the rider indicates that she or he does not intend to make the trip even if the driver were to wait until the scheduled time, this would be considered a no-show on the rider [sic] part.

Trips not done because of scheduling errors or computer errors are missed trips.

MART's missed trip standard is under 5% for ADA Service.

MART does not consistently apply this definition to its operations. In addition to counting the above-defined situations as missed trips, MART also counts trips with late drop-offs as missed trips, which overstates the actual proportion of missed trips.

In addition, for the past several years, MART has been entering appointment times for all "going" trips, whether or not they're tied to a real appointment. MART establishes a "default appointment time" by adding 45 minutes to the pickup time for trips within or between Fitchburg and Leominster, and adding 60 minutes to trips to or from Gardner. This means more than half of MART trips are appointments; however, any trips with late drop-offs—whether or not they are actually late—further overstate the proportion of missed trips.

See Section 6.10 for a discussion of deficiencies with respect to monitoring service that private entities provide under contract.

Advisory Comment: An effective practice is to adhere to an appropriate definition of missed trips and limit such trips to pickups or "going" trips.

No Substantial Numbers of Trips With Excessive Trip Lengths

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

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

Discussion: During this compliance review, deficiencies were found with the prohibition against a pattern of complementary paratransit trips with excessive trip lengths. No deficiencies were found with the prohibition against a substantial number of trips with excessive trip lengths.

MART defines excessively long trips as follows:

- Local trip: longer than 75 minutes
- Intercity routes (cities and towns in eastern portion of MART service area to/from Gardner): peak times, 90 minutes; off-peak, 120 minutes
- Goal: under 60 minutes for 96 percent of ADA trips

This definition does not take into account the comparability to fixed route service.

Using data from the April 2016 sample week (875 trips), the review team identified 19 trips taking 60 minutes or longer (2.2 percent), which is a relatively low rate. The review team used this 19-trip sample since shorter trips are less likely to yield a travel time difference of more than 20 minutes between fixed route and complementary paratransit travel.

The review team consulted with a dispatcher to identify how someone might travel between each origin and destination using MART's fixed route system. This comparison showed:

- Ten paratransit trips were shorter than their comparable fixed route trips.
- Three paratransit trips were 1–20 minutes longer than their comparable fixed route trips.
- Six paratransit trips were 21 or more minutes longer their comparable fixed route trips.

See Section 6.10 for a discussion of deficiencies with respect to monitoring service that private entities provide under contract.

Corrective Actions and Schedule: Within 60 days of FTA issuance of the final report, MART must modify its standard for long trips to reflect comparability to fixed route travel times.

No Operational Patterns or Practices Limiting the Availability of Service to ADA Paratransit Eligible Individuals

Requirement: Under 49 CFR 37.131(f), transit agencies may not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any operational patterns or practices that significantly limit availability of service to ADA paratransit eligible people. Examples of such operational patterns or practices include insufficient capacity to take reservations, long telephone hold times, and untimely drop-offs for appointments.

Discussion: During this compliance review, deficiencies were found with MART's drop-off practices, including improper recording of trips with appointment times and lack of monitoring for drop-off performance. Further, MART does not have a drop-off performance standard. No deficiencies were found with MART's telephone performance. An advisory comment is made regarding performance measures and reporting.

Drop-offs for Appointments

As discussed in the Missed Trip section above, MART's operational practice is to enter 45–60 minutes to the pickup time depending on destination; MART also subtracts 45 or 60 minutes from requested drop-off times for appointment-driven trips and enters this information into the pickup time field. In the April sample week, 507 of the 875 trips (nearly 58 percent) had appointment times. In the review team's experience, typically 33–40 percent of trips have appointment times.

Drivers do not have accurate information on which passengers cannot arrive late versus those with no time constraints. While data from the sample week showed 47 trips with late drop-offs (9.3 percent), the

lack of accurate information regarding which trips actually had appointment times prevented the review team from properly measuring drop-off performance.

See Section 6.10 for a discussion of deficiencies with respect to monitoring service that private entities provide under contract.

Telephone Performance

MART's telephone service policy is: "95 percent of calls should be answered within three minutes, and 99 percent of calls should be answered within five minutes." MART's telephone system tracks hourly performance and produces results in a number of categories:

- Calls offered
- Calls handled
- Calls abandoned (within 10 seconds and after 10 seconds)
- Calls re-queued
- Average speed of answer
- Average delay to abandon
- Call handling time (total and average)
- Abandon percentage
- Service level and answer level percentages

The reports for the April 2016 sample week do not show a pattern of long hold times. However, these reports do not contain sufficient data for MART to measure whether it is meeting its performance standard.

During its call-taking observations, the review team did not observe many instances when all three reservationists simultaneously handled calls. MART's ADA Coordinator sits near the reservationists and uses software to track calls on hold. If she sees a hold queue building, she assists the reservationists.

The review team observed a number of overflow calls from customers wishing to reach MART's separate Mass Health transportation call-takers and observed reservationists transferring those callers back to Mass Health's hold queue. MART explained that Mass Health has many callers on hold due to limited phone system capacity, and the system sends overflow calls to the reservationists. MART stated they are expanding Mass Health's capacity to alleviate this problem, which will eliminate the overflow later in 2016.

Corrective Actions and Schedule: Within 60 days of FTA issuance of the final report, MART must establish drop-off standards and track its drop-off performance for trips with actual appointment times.

Advisory Comment: When using specific standards for telephone hold time performance, an effective practice is to produce reports that provide the necessary information. For instance, with a performance standard that "95 percent of calls should be answered within three minutes, and 99 percent of calls should be answered within five minutes," the telephone system should track the number and percent of calls taking three minutes or more and five minutes or more. Ideally, the system would flag those hours in which the standards are not met.

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 how MART provides subscription service as part of its complementary paratransit service. MART is not experiencing any periods of capacity constraints. As such, there is no limit on the number of permissible subscription trips.

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

Requirements: Section 37.125(h) of the DOT ADA regulations states that transit agencies “may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA eligible individuals who establish a pattern or practice of missing scheduled trips.” FTA has permitted transit 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 within 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 a transit agency’s basis for determining that such a pattern or practice exists. The transit agency’s policies must therefore distinguish between no-shows that are within the rider’s control and those that are not, and propose sanctions only on the basis of the former. In order to establish whether a rider has engaged in a pattern or practice of missing scheduled trips, the transit agency must also account for a passenger’s frequency of use. The appeals process required under § 37.125(g) must be available to an individual on whom sanctions have been imposed, and the sanction must be stayed pending the outcome of the appeal.

Discussion: During this compliance review, deficiencies were found with MART’s policies for no-show suspensions.

MART’s Handbook (pages 2–3) sets forth its procedures for charging a rider with a no-show:

You must be ready to exit the building at the specific door or exit that you scheduled when the vehicle arrives. The driver will sound the horn and will not wait more than 5 minutes...

If you do not call and you are not ready when our vehicle arrives, you will be considered a No Show. You will receive a warning or suspension letter.

The statements, “you must be ready . . . when the vehicle arrives” and “[t]he driver will sound the horn and will not wait more than 5 minutes” suggest that if the vehicle arrives prior to the start of the pickup window, the driver may leave after waiting 5 minutes whether or not the pickup window has begun. Transit agencies that use a 5-minute wait time cannot begin counting the 5 minutes until after the scheduled pickup time.

Furthermore, MART does not have sufficient information to easily and consistently verify whether drivers wait at least 5 minutes within the pickup window before declaring a no-show. While MART requires its drivers enter the time they leave a pickup location (“pickup leave time”), the review team concluded, based on missing data and on driver interviews, that drivers do not consistently enter this information. This data is also not readily available to MART; in order to obtain it, MART must request a special report from its software vendor.

For these reasons, it is impossible to determine whether a given no-show is due to a failure to appear on the part of the rider, or due to the driver leaving prior to the start of the negotiated pickup window when the passenger has not yet appeared.

MART’s process for potentially suspending a rider includes the following steps:

1. Letter sent to rider after the first no-show in a rolling three-month period
2. Letter sent to rider after the second no-show in a rolling three-month period

3. Call to rider after third no-show in a rolling three-month period
4. When the number of no-shows comprise more than 15 percent of all trips taken (minimum of three no-shows), service suspension may occur
5. For the first confirmed instance of excessive no-shows, the penalty is a 3-day service suspension
6. Successive instances of excessive no-shows within the three-month period can lead to more severe penalties: 7 days, 10 days, 15 days

While MART's no-show policy is generally consistent with the two-step process described in FTA Circular 4710.1, it must be stressed that three no-shows over a three-month period does not constitute a pattern or practice of missing scheduled trips, and is not a suitable minimum for beginning the suspension process. Rather than establishing a minimum number of no-shows that must be met, the sample no-show policy found on pp. 9A-11–9A-13 suggests establishing a minimum number of trips that must be booked before suspension for no-shows becomes a possibility.

MART's notification of a proposed service suspension (see Attachment F) includes provisions for excusing no shows beyond a rider's control as well as information on how to appeal. MART uses the same appeal process for eligibility appeals and provides service at least until the appeal process is complete.

At the time of the site visit, MART was sending warning letters to riders with one or two no-shows within a three-month period, but had not issued any proposed suspensions.

Corrective Actions and Schedule: Within 60 days of FTA issuance of the final report, MART must revise its Handbook to clarify its definition of no shows, ensure that its drivers wait the full 5 minutes after the scheduled pickup time before considering a no show, and revise its no-show policy to reflect a true pattern or practice of missing scheduled trips.

6.7 Complaint Resolution and Compliance Information

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

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

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

Discussion: During this compliance review, deficiencies were found with MART's public information on filing ADA-related complaints. No deficiencies were found with MART's complaint records.

MART's ADA Coordinator is the designated official to coordinate complaint procedures. Her contact information is not included in the Handbook or on MART's website. While MART offers telephone and email instructions as well as a customer feedback web form for submitting comments or complaints, its webpage dedicated to ADA services only has a general contact information link at the bottom of the page. While MART has a formal complaint form and clear complaint handling and resolution procedures on its website, these are tied to Title VI and not to ADA.

MART's ADA complaint resolution procedures are the same as its Title VI procedures. MART:

- Enters the complaint data within 3 days
- Commences an investigation and informs the complainant within 7 days for meritorious complaints
- Resolves the complaints and communicates the investigation outcome to the complainant within 30 days

In September 2015, MART began telephoning complainants with its investigation outcomes and recording this information in its database.

MART's contractor MTS investigates complaints involving its drivers and other staff, reviews any relevant audio and/or video recordings, and enters its report directly into MART's complaint database.

Each complaint file includes a detailed narrative of the complaint, the person who conducted the investigation, the findings, and any action that was taken in response to the investigation.

MART received and resolved two ADA-related complaints between April and mid-June 2016. One complaint took 11 days to resolve; MART notified the complainant one day later. The other complaint took 14 days to resolve. MART staff attempted to notify the complainant two days later, but was not able to reach her.

MART maintains detailed complaint records extending back at least 7 years.

Corrective Actions and Schedule: Within 60 days of FTA issuance of the final report, MART must publicly advertise the title and contact information of its ADA complaint official and must ensure that the process for filing a complaint is sufficiently advertised through means such as the agency website. For technical assistance, please see FTA Circular 4710.1, Section 12-7, "Transit Agency Complaint Process."

6.8 Nondiscrimination

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

Discussion: During this compliance review, no deficiencies were found related to discriminatory policies and practices.

The review team investigated MART's policy requiring all complementary paratransit riders to wear seat belts; MART's full-size fixed route buses do not have seat belts. Massachusetts law requires all passengers, except those traveling in vehicles in excess of 18,000 pounds, to wear seat belts. MART applies this policy to all van riders, including seniors and fixed route riders traveling in MART vans. As such, this policy is not discriminatory.

6.9 Training Requirements

Requirement: Under 49 CFR § 173, each public or private entity which operates a fixed route or demand responsive system shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities

who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities.

Discussion: During this compliance review, deficiencies were found with MART's training program.

MART's contractor MTS oversees driver training, which consists of 10.5 hours of classroom and 4 days of driving. MTS offers refresher training annually and offers re-training resulting from a valid complaint or incident. The ADA classroom module is comprehensive and training slides include compliant regulatory language on such items as lift and securement use, lift deployment, service animals, assistance beyond the curb, PCAs, and other topics. MART's ADA Coordinator trains the reservations team.

While the MTS training slides properly explain the § 37.165(d) requirements on securing wheelchairs, the training materials a 4/29/14 document stating, "When on board the vehicle, passengers may remain in the wheelchair only if the wheelchair can be properly secured..." This is specifically prohibited by § 37.165(d). The contractor's policy on safety is also incorrect, stating "If there is any problem with any wheelchair transporting is unsafe to transport, or if one or more of the previous standards cannot be met while transporting a wheelchair, please contact your dispatcher immediately. Do not transport."

MTS staff explained that this is not how they train their drivers and they could not recall refusing service to any passenger using a wheelchair.

The training slides dedicated to complementary paratransit lack any explanation regarding MART's 20-minute pickup window.

Corrective Actions and Schedule: Within 60 days of FTA issuance of the final report, MART must direct its contractor to revise its training documents to provide proper guidance on wheelchair securement.

6.10 Service Under Contract with a Private Entity

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

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

Discussion: During this compliance review, deficiencies were found with MART's procedures for monitoring its contractors.

MART uses private contractors for much of its paratransit service, including scheduling, dispatching, driving, and vehicle maintenance. MART's principal contractor is Management of Transportation Services, Inc. (MTS). (See Section 4.) MART provided the review team with a number of complementary paratransit performance standards tied to contractor operations including on-time pickups, missed trips, and long trips.

At the time of the site visit, MART was working to improve its contractor monitoring procedures but had not incorporated contract penalties for failing to achieve performance standards.

Furthermore, MART developed a "Contractor Oversight Plan" (March 2016) that includes the following elements related to paratransit:

All contracts for the operation of ADA Para-transit service must include mandatory driver training requirements. This training is required to ensure that personnel operate vehicles and

equipment safely, assist passengers properly, and treat persons with disabilities who use the service in a respectful and courteous way, with appropriate attention to the differences among persons with disabilities.

Maintain a recordkeeping system for monitoring on-time performance, excessively long trips, missed trips and denials, and tracking these indicators of capacity constraints

Monitor service performance and review no-show reporting patterns to ensure operator compliance with MART policies. Perform random customer surveys regarding performance.

As discussed in Section 6.4, the review team identified deficiencies tied to daily operations for which contractor monitoring is required but MART is not doing, including trips with excessive lengths, on-time drop-off performance, and verification of contractor missed trips.

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, MART must:

- Collect and review performance data for missed trips, long trips, and on-time drop-offs.
- Monitor and verify no shows that are potentially missed trips.

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 Department of Transportation, compliance with the applicable requirements of 49 CFR Part 37 is a condition of § 504 of the Rehabilitation Act of 1973 and of receiving financial assistance. Where a transit agency relies on another public entity to provide complementary paratransit service on its behalf, the transit agency remains responsible for meeting the requirements of 49 CFR Part 37. In other words, a transit agency must ensure that the service provided on its behalf meets all of the requirements that the transit agency would be required to meet, if the transit agency provided the service directly.

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

Discussion: During this compliance review, no deficiencies were found with the requirement for MART to monitor the service another public agency provides on its behalf. An advisory comment is made concerning future complementary paratransit service that other public agencies will provide on behalf of MART.

At the time of the site visit, MART was not relying on another public entity to provide complementary paratransit service. However, in order to comply with the § 37.131 service area requirements (see Section 6.4), MART was planning to contract with two municipalities (Templeton and Winchendon) to provide complementary paratransit service within those communities.

Advisory Comment: An effective practice when contracting with public entities to operate complementary paratransit service is to incorporate and implement monitoring plans to ensure compliance.

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 agencies will have

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

Discussion: During this compliance review, a deficiency was found with the requirement for MART to coordinate complementary paratransit service with public transit operators with overlapping or contiguous service areas.

MART's G-Link route overlaps with Franklin, MA Regional Transit Authority (FRTA) service. The routes meet in the Town of Athol near a local supermarket. Although MART stated they would coordinate with FRTA to transfer riders from their vehicle to an FRTA vehicle and vice versa, there is no written agreement between MART and FRTA that coordinates efforts between the two agencies.

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, MART must execute a formal arrangement with FRTA setting forth procedures the two agencies will follow when a complementary paratransit rider wishes to transfer from one vehicle to the other.

Summary Table of Compliance Review Findings

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/ Date
1	Comparable complementary paratransit service	37.121	No deficiencies		
2	Absence of administrative burden	37.125 & 37.5	No deficiencies 1 advisory comment		
3	ADA paratransit eligibility standards	37.123(e) (1)-(3)	No deficiencies 1 advisory comment		
4	Accessible information	37.125(b)	1 deficiency	Availability eligibility material and other information in accessible formats or how to request these materials not sufficiently publicized	60/Feb-2017
5	Eligibility determinations within 21 days	37.125(c)	1 deficiency	Availability of presumptive eligibility if determination takes more than 21 days not sufficiently publicized	60/Feb-2017
6	Written eligibility determinations including specific reasons for denials or temporary or conditional eligibility	37.125(d)(e)	2 deficiencies	Documentation provided to eligible applicants missing some required information Determination letters do not inform individuals granted temporary eligibility the reasons for the limitations and the right to appeal the decision	60/Feb-2017 60/Feb-2017
7	Recertification of eligibility at reasonable intervals	35.125(f)	No deficiencies		

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/ Date
8	Administrative appeals process for denials and conditional eligibility	37.125(g)	2 deficiencies	Form for appealing eligibility determination does not clearly inform appellant's the right to in-person hearing without requiring further documentation beforehand Members of eligibility appeals panel do not have appropriate separation of function	60/Feb-2017 60/Feb-2017
9	Complementary paratransit for visitors	37.127	No deficiencies		
10	Types of service	37.129	1 deficiency	Public information incorrectly requires riders to notify MART in advance to receive origin-to-destination service	60/Feb-2017
11	Service area	37.131(a)	1 deficiency	Complementary paratransit service unavailable within 3/4 mile of portions of G-Link route	60/Feb-2017
12	Response time	37.131(b)	No deficiencies 1 advisory comment		
13	Fares	37.131(c)	1 deficiency	Complementary paratransit fares for trips within free fare Route 4 service area are not also free	60/Feb-2017
14	No trip purpose restrictions	37.131(d)	No deficiencies		
15	Hours and days of service	37.131(e)	1 deficiency	Complementary paratransit service hours do not fully align with fixed route service hours	60/Feb-2017
16	Absence of capacity constraints	37.131(f)	See items 17-22 below		

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/ Date
17	No restrictions on the number of trips provided to an individual	37.131(f)(1)	1 deficiency	ADA Handbook incorrectly limits the number of companions when space is available.	60/Feb-2017
18	No waiting list for access to the service	37.131(f)(2)	No deficiencies		
19	No substantial numbers of significantly untimely pickups for initial or return trips	37.131(f)(3)(i)(a)	No deficiencies 2 advisory comments		
20	No substantial numbers of trip denials or missed trips	37.131(f)(3)(i)(b) 37.131(3)(1)(b)	No deficiencies 1 advisory comment		
21	No substantial numbers of trips with excessive trip lengths	37.131(f)(3)(i)(c)	1 deficiency	Certain riders experience a pattern of excessively long trips	60/Feb-2017
22	No operational patterns or practices significantly limiting service availability	37.131(f)	1 deficiency 1 advisory comment	Drop-off performance not properly monitored	60/Feb-2017
23	Subscription Service	37.133	No deficiencies		
24	No-show, late cancel and reasonable service suspension & appeal policies	37.125(h)(1)-(3)	2 deficiencies	Rider handbook incorrectly implies drivers may depart less than 5 minutes after scheduled pickup time Minimum number of no-shows before invoking suspension does not represent pattern or practice	60/Feb-2017 60/Feb-2017
25	Complaint Resolution & Compliance Information	27.13(a)(b) & 27.121	1 deficiency	Required contact information for designated ADA complaint official absent	60/Feb-2017
26	Nondiscrimination	37.5	No deficiencies		
27	Training	37.173	No deficiencies 2 advisory comments		
28	Service under contract with a private entity	37.23	2 deficiencies	Performance data for missed trips, long trips, and on-time drop-offs not monitored Contractor employee training not monitored	60/Feb-2017 60/Feb-2017
29	Service provided by another public entity	37.21(b)	No deficiencies 1 advisory comment		

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/ Date
30	Coordination of service	37.139(g)	1 deficiency	No written coordination agreement in place with adjacent transit agency for trips between service areas	60/Feb-2017

Attachment A
FTA Notification Letter
To Montachusett Regional Transit Authority



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

Headquarters

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

May 17, 2016

Mr. Mohammed Khan
Administrator
Montachusett Regional Transit Authority
1427R Water Street
Fitchburg, MA 01420

Dear Mr. Khan:

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 Montachusett Regional Transit Authority (MART) has been selected for a review of its ADA paratransit service to take place during the week of June 13-16, 2016.

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

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

We request an opening conference at **10 a.m. on Monday, June 13, 2016**, to introduce the Collaborative team and FTA representatives to MART, including you or your designee, the MART director of paratransit, 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 paratransit offices for the duration of their visit. Please let us know if you will designate a member of your staff to serve as MART's liaison with the review team and will coordinate the site visit and address questions that may arise during the visit.

So that we may properly prepare for the site visit, we request that you provide the information described in Enclosures 1 and 2. Enclosure 1 consists of items that the Collaborative must receive by Friday, May 27, 2016. These materials should be forwarded to:

David Chia
Senior Associate
the Collaborative, Inc.
122 South Street
Boston, MA 02111
617-338-0018 x17
dc@thecollaborative.com

Enclosure 2 consists of items that the Collaborative team will review on site beginning on June 13, 2016 after the opening conference.

We request the exit conference be scheduled for **2 p.m. on Thursday, June 16, 2016**, to afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you or your designee, the MART director of paratransit, the ADA coordinator, and other key staff attend the exit conference. The FTA Office of Civil Rights will make findings and will provide them to you in a draft report. You will have an opportunity to correct any factual errors before FTA finalizes the report. The Draft and Final Reports, when issued to MART, will be considered public documents subject to release under the Freedom of Information Act, upon request.

MART representatives are welcome to accompany the review team during the on-site activities, if you so choose. If you have any questions or concerns prior to the opening conference, please contact Anita Heard, Program Manager for this compliance review, at 202-493-0318 or at her e-mail address: *anita.heard@dot.gov*.

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

Sincerely,



John Day
ADA Team Leader

cc: Mary Beth Mello, FTA Region I Administrator
Margaret Griffin, FTA Region I Civil Rights Office

Enclosure 1

The following information must be submitted to the Collaborative by Friday, May 27, 2016.

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

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

2. A copy any current operator contracts and any joint operating agreements for complementary paratransit with other public entities
3. A copy of the complementary paratransit operator manual, and copies of all rider guides, service brochures, or other documents that explain to the public and eligible riders how trips are requested and how service is provided
4. A description of the complementary paratransit service standards, including:
 - How is “on-time” performance defined and what is the goal for the percentage of trips to be provided within the standards? Are there standards and goals for both pickups and drop-offs?
 - What standards have been set regarding acceptable numbers or percentages of ADA trip denials?
 - What is the standard for acceptable trip length (time)? What is the performance goal?
5. Telephone call-handling performance standards for calls to reservation and dispatch: What are the standards for hold time (and/or call pickup) and abandoned calls? What are the goals for the percentages of calls to be handled within these standards?
6. Samples of driver manifests (described in Item #1 of Enclosure 2) and samples of records, reports, or tabulations of the complementary paratransit information (described in Item #2 of Enclosure 2)
7. Capital and operating budget and expenditures for complementary paratransit service for the four most recent fiscal years, including the current fiscal year
8. The number of complementary paratransit trips scheduled and provided, and trips denied for the four most recent fiscal years, including the current fiscal year
9. Three copies of the fixed route system map

Enclosure 2

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

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

Montachusett Regional Transit Authority: ADA Complementary Paratransit Compliance Review

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

Attachment B
MART Response to Draft Report

From: Connors, Keary [<mailto:Keary.Connors@MRTA.US>]
Sent: Wednesday, November 09, 2016 2:30 PM
To: Berry, Britney (FTA)
Subject: FW: MRAT Paratransit Review Revised Draft Report

Ms. Berry-

Here is the factual corrections for MART's Paratransit Review.

The only comment I have at this time is MART's revised No Show Policy was approved by FTA (Peggy Griffin) on September 30, 2016.

If you need anything else just let me know.

Thanks
Keary Connors
MART's ADA Program Coordinator

Executive Summary

Objective and Methodology

This report reviews Montachusett Regional Transit Authority's (MART's) complementary paratransit service in the ~~Fitchburg, MA~~ Montachusett region. Its objective is to verify whether MART is meeting its obligations under the Americans with Disabilities Act (ADA) requirements to provide paratransit as a complement to its fixed route service.

This compliance review included three stages:

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

MART representatives are committed to operating high-quality paratransit service as a complement to its fixed route service. MART's paratransit service includes the following positive program elements:

Positive Program Elements

- MART paratransit operates with no trip denials, waiting lists, or trip caps.
- MART promptly processes applications for ADA paratransit eligibility.
- MART's on-time performance for pickups is above 90 percent

MART has the following administrative deficiencies that are easily correctable to bring their program into compliance with 49 CFR Parts 27, 37, and 38:

Administrative Deficiencies

- MART does not sufficiently publicize the availability of information in accessible formats.
- Certain MART paratransit service hours are not comparable to its fixed route service.
- MART does not advertise the title and contact information of its designated ADA complaint official.
- MART does not have a formal coordination agreement with an adjacent transit provider.

MART has the following substantive deficiencies that need to be addressed to bring their program into compliance with 49 CFR Parts 27, 37, and 38:

Substantive Deficiencies

- MART does not provide complementary paratransit service within 3/4 mile of portions of its G-Link route.
- MART is not tracking on-time drop-off performance and does not have a standard for on-time drop-offs.
- MART is not sufficiently monitoring its contracted service providers for compliance with the DOT ADA regulations

All processing of applications for ADA paratransit eligibility, trip reservations and scheduling—as well as most dispatching, overnight parking, and vehicle maintenance—take place at MART’s headquarters and administrative office at 1427R Water Street, Fitchburg. Some vehicle dispatching and overnight parking takes place at the Gardner and Athol facilities. Limited vehicle maintenance also takes place in Gardner.

MART separately operates Mass Health service, a paratransit brokerage system for the Massachusetts Human Service Transportation (HST) program. HST activities are independent of paratransit operations and not covered in this report.

MART has a fleet of ~~145~~164 vans and small buses for paratransit service: 107 are garaged in Fitchburg with ~~286~~ in Gardner, ~~and~~ 12 in Athol, and 17 to various council on aging centers in the area. MART uses paratransit software for reservations, scheduling, and dispatch operations.

Table 4.1 presents ADA paratransit and total paratransit ridership for FY 2013–2016 (11 months for FY 2016). As shown, ADA ridership represents approximately 10 percent of all paratransit ridership.

Table 4.1 – MART Paratransit Ridership

Fiscal Year	All MART Paratransit Demand Response	ADA Paratransit	Percent
FY 2013	501,498 380,798	57,503 58,101	11.5% 15.3%
FY 2014	499,486 448,220	49,606 58,395	9.9% 13.0%
FY 2015	522,494 448,148	49,344 55,288	9.4% 12.3%
FY 2016 (11 months)	429,951 398,620	44,644 52,863	10.4% 13.3%

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

5.2 Methodology

FTA's Office of Civil Rights sent a notification letter to Mr. Mohammed Khan, MART's Administrator, on May 17, 2016, confirming the dates for the site visit and asking MART to send information to the review team in advance of the visit (Attachment A).

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

- MART's description of how it structures its complementary paratransit service
- Public information describing MART's complementary paratransit service
- MART's standards or goals for on-time performance, trip denials, missed trips, complementary paratransit trip length, on-time performance, and telephone hold times
- The specification of all of these standards or goals in written policies and procedures as well as in any public documents

As requested by FTA, MART provided the following information during the visit:

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

The MART complementary paratransit service site visit took place June 13–16, 2016. The visit began with an opening conference, held at 10 a.m. on June 13 at the MART administrative offices. Attending the conference were:

- Mohammed Khan, Administrator, MART
- Bruno Fisher, Deputy Administrator, MART
- James Sluss, Chief Financial Officer, MART
- Keary Connors, Program Manager and ADA Coordinator, MART
- Adam ~~Granelski~~Gromelski, Program Manager, MART
- Bonnie Mahoney, Grants Manager, MART

- Phil Rocca, General Manager, MTS
- Melissa L'Ecuyer, Assistant General Manager, MTS
- Andy Divoll, Assistant General Manager, MTS
- John Day, Program Manager for Policy and Technical Assistance, FTA (via telephone)
- David Chia, Review Team Leader, the Collaborative, Inc.
- Bill Schwartz, Review Team Member, the Collaborative, Inc.
- Ian Kolesinskas, Review Team Member, the Collaborative, Inc.

Following the opening conference, the review team met with MART and MTS representatives to discuss the information sent in advance and MART paratransit policies and procedures. The review team also discussed various topics, including MART's compliance with DOT service criteria, and complementary paratransit coordination with transit agencies in adjoining fixed route service areas.

During the afternoon, two review team members observed MART telephone call-takers who mostly took requests for complementary paratransit trips. One member of the review team began to review paper and electronic data covering the selected sample week (April 11–16, 2016). A team member also reviewed MART service criteria and analyzed a sample of trips with long travel times with a dispatcher.

On the morning of June 14, two review team members observed call-takers answering reservations and other calls. Another team member reviewed the eligibility determination process by interviewing the ADA Coordinator and reviewing a sample of rider files. A team member reviewed the telephone system and hold time performance. Team members also interviewed four MART paratransit drivers. That afternoon, two team members met with MART's Administrator and Chief Financial Officer to discuss the budget process and allocation of resources for MART paratransit. A team member met with the lead driver trainer for MTS. All team members reviewed additional policies and operations data. They also analyzed on-time performance and trip lengths, and reviewed telephone data.

On June 15, team members obtained data from the April sample week data to determine if missed trips were improperly coded as rider no-shows. A team member obtained sample complaint records and interviewed a MART manager to discuss the process for accepting, tracking, and responding to complaints. Team members continued to review eligibility determination policies and outcomes. That afternoon, a team member interviewed the two primary schedulers and observed MART paratransit dispatching. A team member interviewed two MART paratransit drivers. Team members continued analysis of on-time performance, trip lengths, and telephone hold times.

On June 16, the review team analyzed and tabulated the various data. They interviewed a MART driver who also trained new drivers. They prepared for the exit conference, which took place at 2 p.m. at MART's administrative offices. Attending the conference were:

- Mohammed Khan, Administrator, MART
- James Sluss, Chief Financial Officer, MART
- Keary Connors, Program Manager and ADA Coordinator, MART
- Adam ~~G~~ranelskiGromelski, Program Manager, MART
- Bonnie Mahoney, Grants Manager, MART
- Phil Rocca, General Manager, MTS
- Melissa L'Ecuyer, Assistant General Manager, MTS
- Richie Nguyen, Equal Opportunity Specialist, FTA (via telephone)
- Margaret Griffin, Civil Rights Officer, FTA Region I (via telephone)
- David Chia, Review Team Leader, the Collaborative, Inc.

Attachment C
MART ADA Paratransit Service Application



CERTIFYING PHYSICIAN:

You have been requested by your patient/client to provide information to MART regarding his/her disability and its impact on his/her ability to use our transit service. The Americans with Disabilities Act of 1990 (ADA) requires that MART provide "paratransit" services to anyone whose disability prevents the use of our bus system. Please understand that just the diagnosis of a potentially limiting illness or condition is not sufficient. The information which you provide will assist us in determining the applicant's functional ability to use public transportation. ** Please note all Fixed Buses are lift equipped.

What is the medical condition that prevents this individual from using fixed route bus service?

Expected duration of disability _____

Physician's Signature _____

Printed Name _____

Address _____ Telephone _____

Please return completed application to: MART, R1427 Water St, Fitchburg, MA 01420

For MART use Only

Date Received

ELIGIBILITY DETERMINATION

_____ is hereby **certified** by MART as being ADA Paratransit eligible.

The applicant's eligibility is deemed:

_____ **Unconditional** (applicant is unable to use fixed route bus service)

_____ **Conditional** (applicant is able to use fixed route bus service on some occasions)

_____ **Permanent** (re-certification takes place every 48 months for people with a permanent disability)

_____ **Temporary duration** _____

_____ is hereby **denied** ADA paratransit certification by MART

Reason for Denial: _____

Montachusett Regional Transit Authority

R1427 Water Street Fitchburg, MA 01420
978-345-7711/800-922-5636/TDD 1-800-789-0577

**AMERICANS WITH DISABILITIES ACT
(ADA) PARATRANSIT SERVICE
APPLICATION**

ADA Paratransit Service is curb-to-curb transportation, riders must be able to help themselves from the curb to their destination or provide their own escort when necessary. **Persons with disabilities who are able to get to or from the bus route and understand how to use the bus system are expected to use the fixed route bus service.** The fact that utilizing the bus service is difficult or inconvenient is not sufficient grounds for eligibility; **a person must be prevented from accessing or navigating the bus service to be considered eligible for paratransit service.** This is a transportation decision, not a medical decision.

PLEASE PRINT:

Name

Address

City

Phone

Date of Birth

I understand that to be certified to use ADA Paratransit Service I must have a disability which makes me unable to use MART fixed route service. I am providing the necessary physicians certification.

Applicants Signature _____

Date _____

If the applicant cannot sign his or her name legal guardian should sign _____

If this application is being filled out by someone other than the person requesting certification, please complete the following:

Name

Phone

Relationship to Applicant

If correspondence should be mailed to someone other than the applicant, please provide individual's mailing information:

Check all that apply:

I have a cognitive disability which prevents me from remembering and understanding all that I have to do to find my way to and from a bus stop and/or ride the bus.

I have a visual disability which prevents me from finding my way to and from the bus stop.

I have a hearing impairment that makes it difficult to communicate or hear announcements.

I have a severe medical condition. My condition results in an impairment which makes it impossible for me to use fixed bus service.

Other _____

Which of the following mobility aids do you use? (please check all that apply)

- Cane Manual Wheelchair Service Animal
- Walker Power Wheelchair Other _____

Do you have a Personal Care Attendant who will travel with you? Always Sometimes No

Are you able to read, hear, understand and/or process information, schedules, or directions which are needed to make necessary decisions during a bus trip?

Yes No Sometimes

If No or Sometimes, please explain: _____

Can you use a telephone to make calls and get information about bus service?

Yes No Sometimes

If No or Sometimes, please explain: _____

Can you identify landmarks or identify the correct bus and travel on the transit system independently?

Yes No Sometimes

If No, or Sometimes, please explain: _____

Can you find your way between familiar locations?

Yes No

Are you able to signal the driver to get off at a familiar bus stop? Yes No

Using a mobility aid or on your own, how far are you able to travel without the assistance of another person?

I need constant assistance Less than 200 feet ¼ Mile (3 blocks)

Does your disability prevent you from getting to or waiting at a bus stop? Yes No

If yes, please check all that apply to you:

- I can't stand for long periods of time
- I can't find the stop because I get confused
- I need someone to help me get there
- I could with training
- I don't want to ride the bus
- The ground is too uneven or steep for me to get there
- I can't go far
- Other (explain)

Attachment D
MART ADA Regulation Handbook

ADA PARATRANSIT SERVICE

Regulation Handbook

MONTACHUSETT REGIONAL TRANSIT AUTHORITY
1427R Water Street, Fitchburg, MA 01420
800-922-5636 or 978-345-7711

Effective March 2016

Welcome to MART's ADA Paratransit Transportation

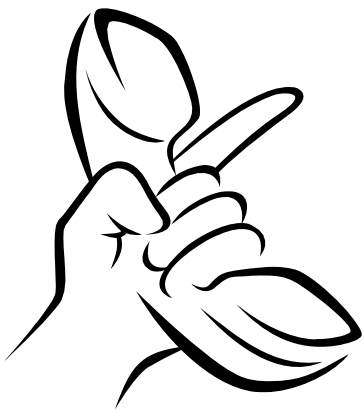
Your application has been processed by MART and you have been determined ADA eligible. Your ADA Application/Certification is enclosed. Please retain for your records as you will need this certification if you plan to apply for ADA services out of the MART area. Please call MART if you would like to obtain a half-fare accessible bus service pass and one will be sent to you.

**To schedule your ride call:
978-345-7711 or 1-800-922-5636**

**Monday through Friday
8:30 a.m. to 4:30 p.m.**

For TDD service call 1-800-789-0577

Please have the following information ready...



- **Date of trip**
- **Appointment time/Return time**
- **Exact Address and Entrance**
- **Personal Care Attendant (PCA)/Escort**
 - **Any special mobility aids utilized**
 - **If you need a lift to board the vehicle**

**TRIPS WILL NOT BE SCHEDULED
WITHOUT COMPLETE INFORMATION.**

Trips must be called in before 4:30 p.m. for service the next day. Trips may be scheduled up to four weeks in advance. There are no trip purpose restrictions or restrictions on the number of round trips allowed per individual per day.

MART's Customer Service Representative will inform you of your pick-up time. Due to the combining of rides a vehicle will pick you up within 20 minutes of your pick-up time. Please be ready and waiting at your given pick-up time.

• You must be ready to exit the building at the specific door or exit that you scheduled when the vehicle arrives. The driver will sound the horn and **will not** wait more than **5 minutes**. You could be on the vehicle up to 75 minutes locally and up to 120 minutes Intercity (Fitchburg/Leominster to Gardner and vice versa) on trips without an appointment time.

• The driver will collect the fare when you board the vehicle if you do not have your fare you will not be transported. If you do not have the fare on your return trip you will be returned home, but it will be considered a violation of MART policy and you will have to pay the fare on your next scheduled ride.

• Drivers may accept more than the required fare at your request. MART will attempt to return any change minus a processing fee. MART cannot guarantee that change will be returned.

- If you do not call and you are not ready when our vehicle arrives, you will be considered a **No Show. You will receive a warning or suspension letter.**
- If an appointment runs late **call MART at least 30 minutes** before your return time. If you are ready early call MART and we will attempt to pick you up earlier.
- Notify MART of cancellation at least 30 minutes before the scheduled trips. Same day changes **will not** be accommodated.

FOR YOUR SAFETY...

- Drivers will properly secure all wheelchairs.
- All passengers are to wear seat belts while riding on a MART vehicle.
- All service is provided on a curb-to-curb basis. However, to meet the origin to destination service requirement, door to door service will be provided to those individuals who need assistance beyond the curb due to their disability. Origin to destination service must be requested when making the trip reservation. Please let the Front Office Staff know if you will need door to door service so that they can mark your record appropriately.
- Drivers will provide assistance to passengers on and off the vehicle. Drivers will not carry any packages or equipment. MART does not pull into private driveways.
- Carry on packages are limited to the number of bags or articles an individual can carry onto the vehicle with his/her fare in hand and which do not disrupt normal entrance onto the vehicle or payment of fare.
- No eating, drinking or smoking on vehicles.
- Behaviors or acts that damage MART property, endanger the safe operation of the vehicle or other passengers or create a public nuisance will not be tolerated. Passengers may be asked to leave the vehicle in these cases.
- Children age five and under must be accompanied by a responsible adult.
- Children who weigh forty pounds or less, regardless of age must ride in an approved car seat and children under five who weigh more than forty pounds must ride in an approved booster seat. Children with a medical certification that states an inability to use any child restraint device are exempt. Any medical certification must be reviewed by MART before service is required.
- Children ages six to eight and who are under 4'9" must ride in an approved booster seat.
- Car seat and Booster must be provided by the passenger.

Tickets may be purchased at MART in lieu of cash fares.
 Exact fare is required, driver is not allowed to make change.
 Escorts pay same fare as rider (limit 2).
 Personal Care Attendants ride free.

SERVICE AREA	HOURS OF SERVICE		COST
	MONDAY-FRIDAY	SATURDAY	
Fitchburg/Leominster/ Lunenburg/Lancaster	5:00 am to 7:30 pm	9:00 am to 6:30 pm	\$2.00 per trip
Fitchburg/Leominster/ Lunenburg/Lancaster to/from Westminster	6:00 am to 9:00 am and**12:00 pm to 5:00 pm **No Service 9:00 am to 12:00 pm**	NO SERVICE	\$2.00 per trip
Gardner	6:00 am to 6:00 pm	9:00 am to 5:00 pm	\$2.00 per trip
Fitchburg/Leominster/ Lunenburg/Lancaster to/from Gardner	6:00 am to 9:00 am and**12:00 pm to 5:00 pm **No Service 9:00 am to 12:00 pm**	NO SERVICE	\$4.00 per trip
Westminster	6:00 am to 4:30 pm	NO SERVICE	\$2.00 per trip
Westminster to/from Gardner	6:00 am to 9:00 am and**12:00 pm to 5:00 pm **No Service 9:00 am to 12:00 pm**	NO SERVICE	\$2.00 per trip

THERE IS NO SERVICE ON SUNDAYS, NEW YEARS DAY, MARTIN LUTHER KING DAY, PRESIDENTS DAY, PATRIOTS DAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, COLUMBUS DAY, VETERANS DAY, THANKSGIVING AND CHRISTMAS

On Sundays or Holidays MART will have an answering machine operating between 8:00 a.m. and 5:00 p.m. To request a trip for next day service call 978-345-7711 or 1-800-922-5636 press 5 and leave your name, telephone number, the time transportation is requested, your address, and your destination. MART will automatically schedule your trip for you. **Please call to confirm your trip.** To report a problem with your service call 978-345-7711 or 1-800-922-5636 and press 1 or mail to MART at 1427R Water St., Fitchburg, MA 01420.

VIOLATIONS OF ANY OF THE ABOVE RULES WILL RESULT IN A WRITTEN WARNING OR SUSPENSION.

PENALTY FOR VIOLATIONS:

Three (3) No Shows in a month will be deemed “excessive” and is defined as a “violation” of this policy. Please note frequency of use will be considered when determining a pattern or practice of no shows. Excessive violations may or may not exceed 15% of the total trips taken in a three (3) month rolling period. Passengers with excessive no shows will be subject to sanctions as described below.

First No Show—— Written Warning

Second No Show—— Written Warning

Subsequent No Shows——Phone Call/Written Warning

*** If number of violations is above 15% of the average number of monthly trips, for a three (3) month rolling period and establishes a clear pattern or practice of no shows, a three day suspension will be issued. A pattern or practice involves intentional, repeated or regular no shows.

Example: Rider takes an average of 25 trips per a month multiply it by 15% to find the number of written warnings that can be received before a client receives a suspension notice. $25 \times 15\% = 3.75$, rider will receive 4 warnings before being issued a suspension. Example of establishing a clear pattern of no shows but not limited to, rider is a no show every Monday for rider or rider is no show every day after a Holiday.

After a three day suspension the process of written warnings will begin again. At that point violations that go beyond 15% of the average number of monthly trips will result in a seven day suspension. The process will repeat itself for ten and fifteen days successive suspension periods.

FIRST and SECOND OFFENSE – You will be notified in writing of the violation. The written notification will appraise you of your ability to invoke the appeal procedure established by MART. An appeal form will be attached to each warning letter. (Refer to appeal process on next page.)

SUBSEQUENT OFFENSE – MART will call you and you will be notified in writing of the pending suspension. The suspension will be effective 10 calendar days from the date of the letter. A passenger will be able to use the service during these 10 calendar days before the suspension begins. The written notification will include the offense, the date of the offense, the effective date of the suspension, the length of the suspension, and the appeal process to be followed. An appeal form will be attached to each warning letter. (Refer to appeal process on next page)

ALL VIOLATIONS REMAIN ON RECORD FOR THREE MONTHS

APPEALS – Any warning or suspension may be appealed through the administrative procedure established by MART and which is a part of this program description. In the case of a suspension, individuals may use the MART service once their appeal is received in the MART office and they may continue using the service until the appeal process is complete. Appeals should be addressed to the Administrator, MART, 1427R Water St., Fitchburg, MA 01420.

AMERICANS WITH DISABILITIES ACT (ADA)

APPEAL PROCESS (Updated 11/17/94)

FEDERAL REGULATIONS/Title 49: Transportation Subtitle A/PART 37—TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES

Subpart F Section 37.125(g-i)

If you receive notice of a warning or temporary suspension, based on violation of program rules, you have the right to appeal the determination.

To file this appeal, you must notify the Montachusett Regional Transit Authority, either in writing or in person, within 60 days of the date on the letter advising you that you are ineligible or advising you of the pending warning/suspension. Your written appeal may state your reasons why you feel that the determination of ineligibility or the warning/suspension issued is unjust. After your appeal is received, a hearing will be scheduled to evaluate your case. This hearing process will allow you to present information and arguments on your behalf. You may have others who are knowledgeable of your

physical and/or mental limitations speak on your behalf. Applicants who need accommodations should request this in advance. For example, MART will pay for a sign interpreter for a deaf person or a reader for a blind person.

After the hearing you will be advised in writing and in accessible formats as appropriate, and within reason, of the decision of the appeal board. For other than ADA Paratransit Eligibility determinations the advisory board will present its decision to the MART Administrator for confirmation. If an advisory board's negative decision is confirmed by the Administrator, his ruling will be final.

The Montachusett Regional Transit Authority is not required to provide you with complementary paratransit service while your appeal is under consideration. However, for suspension, complementary paratransit service will be provided from the day after which MART receives a letter appealing the suspension until the advisory board has rendered its decision. If the appeal board has not made its decision within 30 days of the date on your written request for appeal, you are entitled to complementary paratransit service from that time until a final decision is made.

For consistency one staff person reviews all applications. Any questions or concerns raised by this individual are discussed and reviewed with the ADA program manager. In particular, all decisions to deny ADA eligibility are discussed with the program manager. If the ADA program manager confirms the decision to deny eligibility a notice of denial, which is part of the application form, is sent to the applicant including the reason for denial and the procedure which may be utilized to appeal the decision. All notices sent to an applicant will be in a format, within reason, that can be utilized by the applicant.

Example: large print or audio tape.

The appeal board for warnings or suspensions will consist of a MART representative who is familiar with ADA guidelines but was not a part of the initial determination procedure, one member of the local disabled community and one member of the ADA paratransit committee.

Rules of Operation are available in large print or on audio cassette for visually impaired individuals

Attachment E
ADA Appeal Form

