SUBJECT:
Results of ADA Paratransit Compliance Assessment by Federal Transit Administration

RECOMMENDED ACTION:

☐ Information Only  ☒ Briefing Item  ☐ Recommended Motion

Fiscal Impact: None

Background/Discussion:
On February 24-28, 2003, the Federal Transit Administration (FTA) conducted a review of the East Bay Paratransit Consortium's (EBPC) compliance with the Americans with Disabilities Act (ADA). The assessment review was carried out for the FTA Office of Civil Rights (OCR) by Planners Collaborative, Inc. (PCI, or "the reviewers"), a consulting firm from Boston. FTA has conducted this type of review on an ongoing basis for the past several years, and has completed them for many of the larger transit systems across the US. The ADA paratransit system in Los Angeles

BOARD ACTION: Approved as Recommended [X] Other[ ]
Approved with Modification(s) [ ]

MOTION: WALLACE/PEEPLES to receive as presented (7-0).
Ayes: Vice President Wallace, Directors Peeples, Bischofberger, Harper, Jaquez, Kaplan, President Piras - 7
Noes: None - 0
Abstain: None - 0
Absent: None - 0

The above order was passed and adopted on October 8, 2003.

Rose Martinez, District Secretary

By ________________________________
received their assessment just a few weeks before the same review team visited EBPC.

The review found that, in general, EBPC service adequately meets the ADA requirements. The reviewers and FTA were particularly impressed with our care in annually forecasting service demand and adopting budgets that adequately provide for the level of service needed in the community. While they did not offer qualitative judgements in their reports, the reviewers indicated that EBPC compares very favorably with other major ADA paratransit systems.

**Assessment Process**

The review consisted of:

- Pre-site visit review of EBPC data and materials
- Opening conference meeting, including participation by FTA OCR staff by telephone
- On-site observation and review of data
- Closing conference meeting, including participation by FTA OCR staff by telephone
- Follow-up clarification of a few items, based on closing conference or need for more data
- Draft report of findings and recommendations by PCI, with instructions from FTA OCR
- Response to draft findings and recommendations by EBPC

EBPC's response to the draft report was sent to FTA OCR on August 27, 2003, and is included as Attachments 1, 2, and 3. The next step will be for FTA to accept the response or ask for additional information. The coordination of EBPC's response was handled by the BART Internal Audit Dept., in their capacity as "lead" for EBPC audit issues. All key EBPC management staff were involved in the opening and closing conferences, as well as much of the on-site review. This included:

- AC Transit executive, legal, and accessible services staff
- BART executive, internal audit, and paratransit programs staff
- Program Coordinator (CGR Management Consultants)
- Broker (ATC/Vancom, Inc.)

The team of four PCI staff reviewers conducted an in-depth study of most, if not all, aspects of EBPC's organization, policies, and service performance. Their objective was to ascertain the degree of compliance with the federal ADA paratransit regulations, especially regarding system capacity, service availability, and adequate performance of the service.
The reviewers and FTA also stated that they would like to offer helpful advice in areas that may not have compliance problems per se, but that from their experience may be worth considering as alternatives or improvements to our practices. EBPC staff welcomed this approach, especially where it could help lead to better efficiencies and cost control. The four PCI staff members used the following methods to examine EBPC’s program:

- Review of EBPC policies and rider information
- Review of eligibility certification procedures
- Observation of Broker call center and Service Provider dispatch operations
- Review of statistical performance and financial data
- Comparison of system statistics with samples of raw data, such as driver manifests
- Analysis of individual trips to evaluate on-time performance and to determine appropriateness of fares and ride durations
- Interviews with passengers, drivers, dispatchers, call center agents, and other operating staff
- Review of complaints
- Review of reservations and scheduling procedures
- Review of telephone system capacity, features, and reporting/analysis tools

Findings and Recommendations

The review resulted in a number of findings and recommendations in several key areas of EBPC policy and service. The majority of the findings concerned technical approaches to the way service is supplied, and did not constitute findings of non-compliance. In a few areas, EBPC staff recognized that compliance with the ADA requirements could be an issue if the situation were left unattended. Attachment 2 contains detailed descriptions of each finding and EBPC’s response. The responses describe what EBPC plans to do (or is already doing), and give an estimated time for implementation.

One area of concern by the reviewers was that of the appropriateness of the EBPC “blended” fare. They felt that some comparable trips could be taken on AC Transit buses, which would result in a fare lower than the existing EBPC fare for trips between 8 and 24 miles in length. After in-depth discussions about the rationale for the publicly-approved EBPC fare structure, the reviewers did not require a response for action by EBPC. They did, however, state that we should pay special attention to the mid-range fares in any review or revision of the EBPC fare structure. This will be an important point when EBPC re-visits its plans to adjust fares to follow recent fixed-route fare increases.
GM Memo No. 03-268
Subject: Results Of ADA Paratransit Compliance Assessment By FTA
Date: September 17, 2003
Page 4 of 4

Attachments:
1. Summary of Findings from Compliance Review
2. Cover letter for responses to FTA
3. Responses to FTA Compliance Review
4. EBPC Compliance Review "Errata" (items EBPC felt needed technical corrections in the FTA report)

Approved by: Rick Fernandez, General Manager
Kathleen Kelly, Deputy General Manager, Service Development

Prepared by: Doug Cross, Accessible Services Manager

Date Prepared: September 5, 2003
Alameda-Contra Costa Transit District
&
Bay Area Rapid Transit District

Oakland, CA

Compliance Review
of
ADA Complementary Paratransit Service

February 24-28, 2003

Summary of Observations

Prepared for

Federal Transit Administration
Office of Civil Rights
Washington, DC

Prepared by

Planners Collaborative, Inc.

Draft Report: June 26, 2003
Summary of Findings

This section of the report summarizes the findings drawn from the assessment. Please note that findings do not necessarily denote deficiencies, but are statements of observations made at the time of the compliance review. The bases for these findings are addressed in the following sections of this report. The findings should be used as the basis for any corrective actions proposed by AC Transit and BART. Recommendations are also included in the report for the consideration of AC Transit and BART in developing corrective actions.

A. Findings Regarding Service Parameters

1. EBP provides service to a strict 3/4-mile zone around AC Transit bus routes and BART rail stations in the East Bay. The ADEPT software that ATC uses to schedule trips has a geographic database that checks the requested origin and destination addresses to confirm that they are within the EBP service area.

2. EBP has established a procedure to allow riders to transfer to ADA Complementary Paratransit providers in contiguous service areas. There are about 20 round trip regional transfers per weekday.

3. EBP provides service during all days and hours when fixed route service operates.

4. For trips of 8 miles or less, the paratransit fare of $2.25 is less than two times the fare of a comparable fixed route trip by a typical user. For trips of 8 to 24 miles, it appears that the paratransit fare of $4.50 can be more than two times the fare of a comparable fixed route trip, if the rider chooses to travel by the slower, but less expensive routing. For trips of more than 24 miles, the paratransit fare of $6.75 appears to be less than two times the fare of a comparable fixed route trip by a typical user.

B. Findings Regarding ADA Complementary Paratransit Eligibility

1. In general, the eligibility determination process used by ATC on behalf of AC Transit and BART does not seem to deny service to eligible individuals. In fact, ATC’s approval rate for full or partial eligibility of 99% may indicate that its evaluation process may be granting eligibility to individuals who are able to use fixed route service.

2. Applicants who are denied eligibility receive a letter from EBP that states the reason for the denial. The letter also includes a copy of EBP’s appeals process and “Request for Appeal” form. Applicants who receive conditional or temporary eligibility receive a letter stating the reason for the limitations. Their letter refers to EBP’s appeals process, but does not actually provide a copy of the process.

3. EBP’s “Request for Appeal” form includes, “I think I am eligible for ADA paratransit services because,” followed by blank lines. All that is required of the appellant is a signed declaration, within the specified timeframe, that he/she is exercising his/her right to appeal.
4. EBP has a suspension policy for riders in which three no-shows in a calendar quarter could result in a 30-day suspension. EBP has not suspended any riders for excessive no-shows for at least two years. Nevertheless, this policy’s threshold for potential suspension may be an overly restrictive interpretation of the DOT ADA regulations. Appendix D of 49 CFR Part 37 indicates that suspensions of eligibility for no-shows are intended to prevent a “pattern or practice of ‘no-shows.’” It is further noted, “a pattern or practice involves intentional, repeated or regular actions, not isolated, accidental or singular incidents.”

5. Based on both the assessment team’s review and EBP’s own records, EBP does take more than 21 days to make some of its eligibility determinations. While the DOT ADA regulations do not require an agency to make an eligibility determination within 21 days, 49 CFR 37.125(c) does require an agency to provide service to an applicant until the agency makes an eligibility determination. It is not apparent whether EBP is providing service to applicants for whom EBP has not made a decision within 21 days. In addition, none of the eligibility information provided to applicants mentions the availability of service after 21 days in the absence of an eligibility determination.

6. EBP grants conditional eligibility for health, weather, terrain, or other conditions. The rider with conditional eligibility determines for each trip whether those conditions apply.

C. Findings Regarding Telephone Capacity & Trip Reservations

1. Telephone access and the reservation process do not appear to be an impediment to customers in scheduling trips. Although customer interviews by the assessment team and complaints recorded by EBP both indicated consumer concern with telephone hold times, assessment team members did not observe any long hold times or long telephone queues.

2. ATC has a goal in its contract with EBP of two minutes for its average hold time for telephone calls. Sample data from ATC’s call management system yielded an average hold time of 2:15.

3. ATC has a goal of one minute for its average call time. Sample data from ATC’s call management system yielded an average call time of 2:22.

4. ATC’s peak staffing for call-takers is from 1 PM to 3 PM. However, call management data indicates that the peak time for calls is from 3 PM to 5 PM.

5. When call-takers could not offer a trip within one hour of the requested time, sometimes they recorded these as trip cancellations or placed them on standby – rather than recording them as trip denials. This practice results in understating the number of trip denials.

6. Call-takers were consistent in giving callers a 20-minute window for the pickup time, rather than a specific time. This practice provides customers with a clear understanding of when to be ready for the vehicle to arrive.

7. Call-takers were not consistent in authorizing a carrier to no-show a rider, primarily in terms of how long the driver had to wait at the pickup address; this varied from 5 to 15 minutes. This practice can delay drivers and contribute to them to be late in performing their schedule.
D. Findings Regarding Scheduling of Trip Requests

1. The assessment team observed scheduled pickup times on vehicle manifests that were outside of the 20-minute pickup window.

2. The vehicle manifests do not display the pickup window times or the negotiated pickup time. This can cause a driver to be unaware that he/she is late and cause miscommunication with customers.

3. Subscription trips comprise nearly half of EBP's weekday trips requested. However, less than half of the subscription trips are pre-assigned to vehicle runs. The remaining subscription trips are placed on a "wait list" and are scheduled every day. Assigning all of the subscription trips to runs can reduce the effort required to assign demand trips. In addition more consistent runs can be refined as needed through driver feedback and facilitate operations thereby increasing operating efficiency.

4. Much of the effort of ATC schedulers is devoted to assigning "standby" trips to vehicle runs, even though they comprise only five to six percent of EBP's total trips.

5. Various parameters used in the scheduling software, including average vehicle speeds, may not be properly set. This may lead to unrealistic vehicle runs.

E. Findings Regarding Operations

1. EBP appears to have a small, but consistent, number of trip denials and missed trips each day. Eleven additional potential denials were identified from ATC records for the sample day of January 15, 2003. This represents less than 0.4% of requested trips. The missed trips represent 1.2% of requested trips. EBP also reports a small number of trip denials and missed trips from its sampling of trip records.

2. Based upon the sample day analyzed by the assessment team, some trip offers that were more than one hour from the time requested by the customer were not counted as denials. In addition, trips offered more than one hour from the initially requested time but turned down by the caller were counted as cancelled requests – rather than denials. More accurate accounting of these trips can assist in planning and scheduling service to eliminate denials.

3. 174 trips (7.6% of scheduled trips) were reported as late cancellations and customer no-shows on the sample day. These cancellations and no-shows might provide capacity on the day of service to schedule and serve denied and missed trips.

4. EBP appears to have a small number of significantly late pickups. EBP reports approximately 0.2% pickups more than one hour late in 2002. Based on the one-day sample conducted by the assessment team, 1.0% of pickups and 1.3% of drop-offs were more than one hour late.

5. The definition of the 20-minute on-time window (0/+20) does not appear to be effectively communicated to service providers and drivers. The contracts between ATC and the service providers cite a contract penalty for pickups completed more than 30 minutes after the
scheduled pickup time. As a result, the service providers' incentive is to pickup customers within 30 minutes of the scheduled pickup time (0/+30), not 20 minutes. Operator manuals do not address the on-time pickup window and only an estimated pickup time appears on the driver's manifests. Several observations were made of scheduled pickup times on driver manifests that were outside of the customer's 20-minute pickup window. Most drivers interviewed did not know what the pickup window is. As a result, the driver is usually unaware of what the customer is expecting for a pickup time. This can result in miscommunications between driver and customer and can contribute to late and early pickups.

6. EBP does not have a standard for on-time performance for drop-offs for appointments and does not measure on-time performance for drop-offs.

7. EBP does not appear to have a substantial number of significantly long ADA Complementary Paratransit trips. One trip from a sample of 23 trips greater than one hour had a travel time that was significantly longer than that of a comparable fixed route trip.

8. Three of the 23 long trips were on one route. This might indicate that the small number of long trips observed result from assignment of too many passenger trips to one route.

9. Drivers do not appear to consistently understand “no-show” procedures.

F. Findings Regarding Resources

1. Funding for EBP services appears to be adequate and does not appear to limit service capacity. Economic conditions may limit future funding.

2. Comparison of EBP's ADA Complementary Paratransit passenger trip volumes with those of comparably sized transit operators indicates that there is potential for continued growth in the demand for service in the Oakland area.

3. Operating resources, including drivers and vehicles, appear to be adequate to serve existing travel demand. Flexible capacity for some carriers may be insufficient to respond to absences, demand spikes, and real time scheduling of trips that are currently denied.

4. The process for preparing budgets appears to adequately reflect service needs. An allowance for 7.5% ridership growth in 2003 appears to adequately provide for the current small number of denied and missed trips and a reasonable level of ridership increase.

5. Not explicitly including unserved, expressed demand for service – in the form of denials and missed trips – in the budgeting process could result in underestimation of projected ridership if the number of trip denials and missed trips were substantial.
August 27, 2003
Mr. Michael Winter
Director, Office of Civil Rights
U.S. Department of Transportation
Federal Transit Administration
400 Seventh St., S.W.
Washington, D.C. 20590

Dear Mr. Winter:

Attached is our response to the Compliance review of ADA Complementary Paratransit Service provided by the East Bay Paratransit Consortium (EBPC). The EBPC consists of the Alameda-Contra Costa Transit District (AC Transit) and the San Francisco Bay Area Rapid Transit District (BART). EBPC ADA Paratransit service is provided on behalf of these two agencies through a Joint Exercise of Powers Agreement. We believe it is important to list the entity as EBPC (AC Transit and BART) in order to avoid any confusion, and would appreciate FTA’s efforts to do this.

The attachment outlines the corrective actions that the EBPC has already undertaken, the necessary corrective actions that the EBPC implement, and our estimates of when those corrective actions will be complete.

Although not all of the findings requiring responses result from noncompliance with the Americans with Disabilities Act of 1990, we have considered all of the recommendations and have implemented, or will implement, those that will improve our paratransit operation. We have also developed additional improvements to address the conditions noted in some of the findings. Where we consider that the stated findings do not fairly represent the condition, we have provided additional information to clarify the issue.

The contact person who will be primarily responsible for tracking and communicating on implementation of measures to be put in place is:

Terry Green
BART Internal Audit Department
San Francisco Bay Area Rapid Transit
800 Madison St.
Oakland, CA. 94604
Phone: 510-464-7563
Email: tgreen@bart.gov
We appreciate your assistance in meeting our obligations under the Act, and appreciate the insights shared with us by the members of the Planners Collaborative team.

Sincerely,

Ann Branston
Executive Manager, Planning and Budget
San Francisco Bay Area Rapid Transit District

Kathleen Kelly
Deputy General Manager, Service Development
Alameda Contra Costa Transit District

Cc: Cheryl Hershey, FTA
Derrin Jourdan, FTA
Thomas E. Margro, BART
Richard Fernandez, AC Transit
Terry Green, BART
Alameda-Contra Costa Transit District
&
San Francisco Bay Area Rapid Transit District
(East Bay Paratransit Consortium)

Responses to the FTA Compliance Review of
ADA Complementary Paratransit Service

Compliance Review Date: February 24 – 28, 2003
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East Bay Paratransit FTA Review Finding Responses

A. SERVICE PARAMETERS

Finding #1 - Service Area  
• No response required.

Finding #2 – Regional Trips  
• No response required.

Finding #3 – Days and Hours  
• No response required.

Finding #4 - Fares  
• No response required.
B. ELIGIBILITY

Finding #1 – Eligibility Process
In general, the eligibility determination process used by ATC on behalf of AC Transit and BART does not seem to deny service to eligible individuals. In fact, ATC’s approval rate for full or partial eligibility of 99% indicates that its evaluation process may be granting eligibility to individuals who are able to use fixed route service.

Response
East Bay Paratransit, through ATC, uses an eligibility process which was developed in concert with 21 transit agencies in the Bay Area in an effort facilitated by the Metropolitan Transportation Commission, our MPO. During the past three years, the denial rate at ATC has varied from 3% to 1%. That rate is typical of Bay Area agencies. In addition to those denied, approximately 2% of the initial applicants self-select out during the application process. Finally, 28% of the applicants who are not denied are granted only partial or “conditional” eligibility. That rate is similar to agencies nationally using rigorous eligibility processes.

Staff from BART and AC Transit have reviewed the eligibility process and the outcomes of a sample of recent applications. There appear to be no systematic errors with the decisions being reached by the certification staff. Nevertheless, along with all the agencies in the Bay Area, EBPC is interested in strengthening the eligibility process. Therefore we will be implementing recommendations from a common program of improvements developed by a consulting team working for the Metropolitan Transportation Commission on behalf of the 21 Bay Area transit agencies on a schedule which has not yet been finalized.

Finding #2 – Appeals Letter
Applicants who are denied eligibility receive a letter from EBP that states the reason for the denial. The letter also includes a copy of EBP’s appeals process and “Request for Appeal” form. Applicants who receive conditional or temporary eligibility receive a letter stating the reason for the limitations. Their letter refers to the appeals process but does not actually provide a copy of the process.

Response
EBP procedures will be changed effective November 1, 2003 to send all appeals information to those receiving conditional and temporary eligibility determinations.
Finding #3 – Appeal Form

EBP's "Request for Appeal" form includes, "I think I am eligible for ADA paratransit services because," followed by blank lines. All that is required of the appellant is a signed declaration, within the specified timeframe, that he/she is exercising his/her right to appeal.

Response

The appeal form has been modified. It now indicates that any explanation from the rider on why they believe they are eligible for ADA certification is completely optional.

Finding #4 – No-show Suspension

EBP has a suspension policy for riders in which three no-shows in a calendar quarter could result in a 30-day suspension. EBP has not suspended any riders for excessive no-shows for at least two years. Nevertheless, this policy's threshold for potential suspension may be an overly restrictive interpretation of the DOT ADA regulations. Appendix D of 49 CFR Part 37 indicates that suspensions of eligibility for no-shows are intended to prevent a "pattern or practice of 'no-shows.'" It is further noted, 'a pattern or practice involves intentional, repeated or regular actions, not isolated, accidental or singular incidents."

Response

East Bay Paratransit has had a threshold of possible suspension after three no-shows in a quarter since ADA service began in 1996. This policy was discussed in detail during a review of the Rider Policies in 1997 and was supported by both the rider advisory committee and the Boards of both operators at that time. Any change to the policy would need consultation with the EBPC consumer advisory committee. East Bay Paratransit will discuss this finding with the advisory committee and make a determination by January 2004 about whether or not to pursue a change in the policy.

In general, East Bay Paratransit finds that counseling and warning individuals who no-show prevents the need for substantial numbers of suspensions. In FY 2000/2001 and FY 2001/2002, there were few suspensions, partly because of a transition to new reservation and scheduling software. However, the normal procedure has resumed. East Bay Paratransit believes that the current policy is fairly administered and does not represent an overly restrictive burden on the riders. This is indicated by the fact that, in FY 2002/2003, only 41 individuals were suspended for no shows, out of an active ridership of over 10,000. East Bay Paratransit has a dedicated no-show clerk who monitors and counsels riders who no-show.

Suspensions are not instituted for no-shows that are beyond the rider's control, no matter how frequent. In addition, no-shows are not imposed if the driver arrives past the end of the pick-up window and the rider has left. Riders who dispute a no-show on their record are afforded every opportunity to explain their circumstances, and the decision errs on the side of the rider. No-shows which
prove to be beyond the control of the rider are removed from their records. EBP is confident that riders who are ultimately suspended are ones whose no-shows has become a practice of intentional no-shows and late cancellations.

Finding #5 – 21 Day Turnaround
Based on both the assessment team’s review of 61 eligibility applications, EBP takes more than 21 days to make some of its eligibility determinations. While the DOT ADA regulations do not require an agency to make an eligibility determination within 21 days, 49 CFR 37.125c does require an agency to provide service to an applicant until the agency makes an eligibility determination. It is not apparent whether EBP is providing service to applicants for whom EBP has not made a decision within 21 days. In addition, none of the eligibility information provided to applicants mentions the availability of service after 21 days in the absence of an eligibility determination.

Response
Applicants are provided rides if a determination is not made within 21 days of EBP receiving a complete application. EBP application literature will be modified to include an explanation of this policy by November 1, 2003.

Finding #6 – Conditional Eligibility
- No response required.
C. TELEPHONE ACCESS AND TRIP RESERVATIONS

Finding #1 – Hold Times
- No response required.

Finding #2 – EBP Goal for Hold Times
ATC has a goal in its contract with EBP of two minutes for its average hold time for telephone calls. Sample data from ATC’s call management system yielded an average hold time of 2:15.

Response
Monitoring wait time on hold allows EBP and ATC to make informed decisions about staffing levels and call center procedures. Data analysis led us to increase staffing which has resulted in call center average hold time being under two minutes since January 2003.

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Finding #3 – ATC’s Goal for Call Times
ATC has an internal goal of one minute for average call times. Sample data from ATC’s call management system yielded an average call time of 2:22.

Response
EBP has no goal in the contract with ATC concerning call duration. ATC does not have a formal goal of one minute for average call time.

Finding #4 – Peak Call Time Staffing
ATC’s peak staffing for call-takers is from 1 PM to 3PM. However, call management data indicates that the peak time for calls is from 3 PM to 5PM.

Response
In July 2003, ATC adjusted schedules to schedule peak staffing during peak hours.
East Bay Paratransit
Responses to Compliance Review

Finding #5 - Call Taker Methods
When call-takers could not offer a trip within one hour of the requested time, sometimes they recorded these as trip cancellations or placed them on standby – rather than recording them as trip denials. This practice results in understating the number of trip denials.
Response
All call takers will be re-trained by November 1, 2003 so that they do not mis-code trip requests that should be categorized as denials.

Standby trips do not get coded until they are scheduled. Once a standby trip is scheduled, a determination is made as to whether or not it is a denial.

Finding #6 – Consistency of 20 Minute Window Promise
• No response required.

Finding #7 – Consistency of No Shows to Drivers
Call-takers were not consistent in authorizing drivers to no-show riders, primarily in terms of how long the driver had to wait at the pickup address. This varied from 5 to 15 minutes. This practice can delay drivers and contribute to them to be late in performing their schedule.
Response
Call takers will be retrained by November 1, 2003 to consistently authorize drivers to no-show riders.
D. SCHEDULING OF TRIP REQUESTS

Finding #1 - Scheduled Pick-up vs. Window
The assessment team observed scheduled pickup times on vehicle manifests that were outside of the 20-minute pickup window.

Response
In reviewing procedures we found that trips scheduled for pick up (as shown on the driver's manifest) that are outside the 20 minute window would result only from the manual scheduling of standby trips – manual trip insertions. The schedulers will be re-trained by November 1, 2003 to check the resulting schedule times, for trips occurring after the inserted trip, to ensure that manual insertions do not violate the 20 minute pick up window promised to the client.

Finding #2 - Pick-up Window Not on Manifest
The vehicle manifests do not display the pickup window times or the negotiated pickup time. This can cause a driver to be unaware that he/she is late and cause miscommunication with customers.

Response
The pick-up window will be printed on the driver manifest and the drivers will be trained about the relevance of the window to their schedule. Completion of this project at all five providers is expected by January 2004.

Finding #3 - Anchoring of Subscription Trips
Subscription trips comprise nearly half of EBP's weekday trips required. However, less than half of the subscription trips are pre-assigned to vehicle runs. The remaining subscription trips are placed on a "wait list" and are scheduled every day. Assigning all of the subscription trips to runs can reduce the effort required to assign demand trips. In addition more consistent runs can be refined as needed through driver feedback and facilitate operations thereby increasing operating efficiency.

Response
EBP's current practice with respect to anchoring subscription trips tries to maximize the benefits of batch scheduling un-anchored trips with the operational benefits of anchoring trips. This includes allowing for latitude for the scheduling engine to find room for subscription as well as "demand" trips. We do not believe that anchoring more subscription trips to runs will necessarily increase efficiency. The designer of our scheduling software has advised that given the shape of our service area, our patterns of trip making, and the frequency with which riders change their subscriptions, unanchored subscription trips can be scheduled most efficiently. However, we do anchor at least 50% of them in order to improve driver familiarity with routes and riders and achieve some efficiencies in that way.
Finding #4 - Schedulers Workload
Much of the effort of ATC schedulers is devoted to assigning “standby” trips to vehicle runs, even though they comprise only five to six percent of EBP’s total trips.

Response
Manual scheduling of stand-by trips has been found to be an efficient way to maximize the productivity of the system and an appropriate use of scheduling staff.

Finding #5 - System Parameters
Various parameters used in the scheduling software, including average vehicle speeds, may not be properly set. This may lead to unrealistic vehicle runs.

Response
Software parameters are reviewed on an on-going basis. ATC’s General Manager and Operations Manager reviewed all system speeds currently in use for reasonableness in August 2003. Based on seven years experience with San Francisco Bay Area traffic they found the current system parameters to be appropriate.
E. OPERATIONS

Finding #1 – Level of Denials
EBP appears to have a small, but consistent, number of trip denials and missed trips each day. Eleven additional potential denials were identified from ATC records for the sample day of January 15, 2003. This represents less than 0.4% of requested trips. The missed trips represents 1.2% of requested trips. EBP also reports a small number of trip denials and missed trips from its sampling of trip records.

Response
The small number of denials at EBP reflects a continuing commitment to analyze the system, improve efficiency, and shift capacity to reflect demand trends and denial times. We will continue to do so in the expectation of reducing the level further in the future.

Finding #2 – Denial Counts
Based upon the sample day analyzed by the assessment team, some trip offers that were more than one hour from the time requested by the customer were not counted as denials. In addition, trips offered more than one hour from the initially requested time but turned down by the caller were counted as cancelled requests – rather than denials. More accurate accounting of these trips can assist in planning and scheduling service to eliminate denials.

Response
The denial report EBP currently uses for tracking denials provides counts of three types of denials: 1) when no trip can be offered, it is called a “capacity denial”; 2) when the client accepts an offer outside the 1 hr window is called a “scheduled denial”, and when the client refuses an offer made outside the 1 hr. window, it is called a “refused denial”. Total denials are the sum of the three. EBP believes that this level of tracking offers us adequate detail for monitoring denials and for budgeting purposes. As mentioned in response to Trip Reservations Finding #5, call takers are being re-trained to ensure that trip denials are not mis-coded as cancelled trips.

Finding #3 – Same Day Capacity
174 (7.6% of scheduled trips) were reported as late cancellations and customer no-shows on the sample day. These cancellations and no-shows might provide capacity on the day of service to schedule and serve denied and missed trips.

Response
The time freed up by cancellations and no-shows is used for medical “go-backs”, urgent same day trip requests, and capacity for helping late runs including minimizing “missed trips”. EBP believes that the amount of over-scheduling currently being used is appropriate.
Finding #4 - Very Late Pick-ups
EBP appears to have a small number of significantly late pickups. EBP reports approximately 0.2% pickups more than one hour late in 2002. Based on the one-day sample conducted by the assessment team, 1% of pickups and 1.3% of drop-offs were more than one hour late.

Response
EBP believes that the inconsistencies between the assessment team on-time calculations and those of EBP are a result of differences in the sampling methodology and volume. The team sampled approximately 300 trips. EBP samples 100% of the trips on five randomly selected sample days each month. In FY 2002/2003, a total of approximately 100,000 trips were sampled. The annual average was 0.14% pick-ups more than one hour late.

Finding #5 - Communication of the Window Definition to Providers
The definition of the 20-minute on-time window (0/+20) does not appear to be effectively communicated to service providers and drivers. The contracts between ATC and the service providers cite a contract penalty for pickups completed more than 30 minutes after the scheduled pickup time. As a result, the service providers' incentive is to pick customers up within 30 minutes of the scheduled pickup time (0/+30), not 20 minutes. Operator manuals do not address the on-time pickup window and only an estimated pickup time appears on the drivers' manifests. Several observations were made of scheduled pickup times on driver manifests that were outside of the customer's 20-minute pickup window. Most drivers interviewed did not know what the pickup window is. As a result, the driver is usually unaware of what the customer is expecting for a pickup time. This can result in miscommunications between driver and customer and can contribute to late and early pick-ups.

Response
As stated in the response to D.2. above, the manifest will be revised to include the pick-up window. Drivers, dispatchers, and call center agents will receive training prior to implementation which is expected by January 2004.

AC Transit's and BART's contract with ATC contains incentives and disincentives relating to on-time performance and missed and very late trips which are related closely to the window. ATC's contracts with their sub-contracted service providers are developed by ATC based on their experience of service provider management.

Finding #6 - On Time Performance for Drop Offs
EBP does not have a standard for on-time performance for drop-offs for appointments and does not measure on-time performance for drop-offs.

Response
EBP finds that it is more accurate to measure on-time performance for all trips based upon the single measure pick-up time. A reverse engineered pick-up time is created for all appointment arrival times requested by the passenger. This
pick-up time includes time for travel and shared rides. Timeliness of drop off is monitored through passenger surveys, complaints, and ride diaries.

Finding #7 – Long Trips
• No response required.

Finding #8 – Long Trip Route Analysis
Three of the 23 long trips were on one route. This might indicate that the small number of long trips observed result from assignment of too many passenger trips to one route.

Response
EBP believes that this observation may stem from the relatively small sample examined by the assessors, and not from a pattern of assigning too many passenger trips to single routes. However, schedulers and service provider dispatchers will be re-trained by November 1, 2003 to search for and re-assign trips which contribute to trips of excessive duration.

Finding #9 – Communication of No Show Definition to Providers
Drivers do not appear to consistently understand “no-show” procedures.

Response
A procedure to strengthen consistency in authorizing no shows was distributed to providers in February 2003.
F. RESOURCES

Finding #1 – Funding Levels
• No response required.

Finding #2 – Trip Volume
• No response required.

Finding #3 – Operating Resources
Operating resources, including drivers and vehicles, appear to be adequate to serve existing travel demand. Flexible capacity for some carriers may be insufficient to respond to absences, demand spikes, and real time scheduling of trips that are currently denied.

Response
Because EBP has five service providers and the capability to easily shift trips between carriers even on the day of service, we believe there is adequate capacity to respond to the issues mentioned above.

Finding #4 – Budgeting for Growth
• No response required.

Finding #5 – Explicit Definition of Un served Demand
Not explicitly including un-served, expressed demand for service – in the form of denials and missed trips – in the budgeting process could result in underestimation of projected ridership if the number of trip denials and missed trips were substantial.

Response
In future budget cycles, the small number of denied trips will be added to total passenger trips when forecasting future ridership. Our next budget will be adopted in May or June 2004.
East Bay Paratransit Compliance Review Errata

Following are a few minor errors we found in the report. None of these impact the findings and we provide these corrections for your convenience.

Page 1, Para. 4: San Francisco Bay Area Rapid Transit District, not Bay Area...

Page 1, Para. 5: EBP not EBT

Page 4: Anne Muzzini and Mary Rowlands are not employees of East Bay Paratransit. EBP, as such, has no employees. Muzzini and Rowlands are consultants under contract to AC Transit, working on EBP tasks. They are under contract as CGR Management Consultants.

Page 5, Para. 4: ATC is not under contract to EBP. Rather there is a three party contract between ATC, AC Transit, and BART.

Page 5, Para. 5,6: AC Transit paratransit unit is not under contract to ATC. Rather ATC provides oversight and monitoring of the unit. AC Transit and BART have reached an agreement whereby AC Transit provides some of the service as a service provider.


Page 7, Para. 7: See page 4, 5

Page 8: FY2002 Ridership 661,413. 98% was ADA passengers, escorts, or attendants. 15,000 trips (2%) were non-ADA trips for municipalities.

Page 10, Para 6: Complaints Procedure: complaints can be made to reservationist or can be left as a voice mail on a separate line.

Page 11, Para 1: free ride tickets are sent if the error on EBP's part was substantial—not primarily if the complainant is not satisfied with the response.

Page 16, Para 6, Page 17, Para 1: Some of AC Transit's Transbay routes may resemble peak hour "commuter bus service" as defined in the ADA but many do not. Several routes operate seven days per week, all day, at frequent intervals in both directions, with origins, routes, and stops throughout the service area. One route operates 24 hours/day.

Page 30, Para 4: The call-takers on duty from 4 AM to 7 AM and from 7 PM to 1 AM handle customer service calls only, not reservations. EBP does not accept voicemail reservations. Requests for cancellations, not reservations can be left on the voicemail or with a customer service call-taker. Voice mail cancellations, not reservations are handled starting at 4 AM.

Page 31, Para 3: Pick up window is not -5/+15. Rather the computer generates a 20 minute window period at the time the reservation is booked.

Page 40, Para 2: Note that an individual “pick-up time” is never given to the passenger. The passenger is given a 20 minute pick-up window, only.

Page 43, Para 4: See page 5 for AC Transit's status.

Page 46, Para 1: Riders who are unable to meet a return ride reservation are never “abandoned.” It would be more appropriate to say that go-backs are requests for same day trips by customers who are unable to meet their reserved return ride due to circumstances beyond their control.

Page 48, Para 2: Trip is on time if it is within the 20 minute window established at the time of reservation. Note that no smaller pick-up time is negotiated with the client. The computer sets a target pick-up time in order to generate the window at the time of reservation, but this target is not communicated to the rider and may change as more trips are added before the day of service.

Page 54, Table X.1: Population of City of Oakland, one of the cities served by East Bay Paratransit, is about 400,000. Make clearer the source of the population figure listed.

Page 55: Revenue source list is incorrect. AC Transit is responsible for 69% of the costs, BART for 31%. Both agencies use a variety of sources to cover their responsibilities: Fares, TDA, STA, Measure B, and operating funds.