FEDERAL TRANSIT ADMINISTRATION

Hampton Roads Transit
Paratransit Compliance Review Report
June 2015

Federal Transit Administration

U.S. Department of Transportation
Federal Transit Administration

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Executive Summary

Objective and Methodology

This report reviews Hampton Roads Transit's (HRT's) complementary paratransit service (Paratransit) in the Virginia Beach-Norfolk-Newport News, VA metropolitan area. Its objective is to verify whether HRT 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 Paratransit riders and local disability organizations
2. Site visit: a three-person review team's observation of how HRT handles Paratransit trip requests, scheduling and dispatching, examination of eligibility applications and related documents (including appeals), and interviews with HRT and contractor employees
3. Analysis and reporting: identification of deficiencies requiring corrective actions and suggestions of effective practices in complementary paratransit service

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

Positive Program Elements

- HRT meets or exceeds regulatory requirements related to the Paratransit service area, days and hours of operation, fares, response time, and trip purposes.
- Paratransit operates with no trip denials, waiting lists, or trip caps.
- Paratransit travel times are comparable to trips made on the fixed route system.
- HRT has a thorough process for tracking and responding to rider complaints about Paratransit service.

HRT 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

- HRT's eligibility determination letters do not communicate applicants' rights to presumptive eligibility for applications not processed within 21 days.
- HRT's appeal materials improperly require appellants to provide written reasons for submitting an appeal.
- HRT does not have a policy to provide complementary paratransit to visitors not already ADA paratransit eligible from another transit agency.
- HRT has a policy that improperly suspends riders based on timely (not late) trip cancellations.

HRT 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

- HRT's eligibility determination process is not sufficiently comprehensive, particularly with respect to addressing applications with missing or conflicting information and denying or limited eligibility without first obtaining additional information.
- HRT does not provide origin-to destination service via Paratransit for trips between the two sides of the James River. Instead, it requires all riders to transfer to and from a fixed route bus for a portion of the trip, regardless of their type eligibility.
- Paratransit riders experience excessively long telephone hold times at certain times of the day.
- Nearly one of every five trips (19.4 percent) had pickups after the end of the window, which represents a substantial rate of untimely pickups.
- The proportion of significantly untimely drop-offs for trips with requested appointment times is substantial. This includes late and very early drop-offs.

Please see Section 6 for a discussion of all 22 deficiencies. The Summary Table of Compliance Review Findings (following Section 6) lists all findings. HRT must address all deficiencies within 60 days of receipt of this report.

1 General Information

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

Grant Recipient:	Hampton Roads Transit (HRT)
City/State:	Hampton, Virginia
Grantee Number:	3083
Executive Official:	William Harrell, Chief Executive Officer
On-site Liaison:	Keith Johnson, Manager of Paratransit Operations
Report Prepared By:	the Collaborative, Inc.
Dates of Site Visit:	December 8–11, 2014
Review Team Members:	David Chia, the Collaborative, Inc. Jim Purdy, the Collaborative, Inc. Richard Weiner, Nelson\Nygaard Associates

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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 HRT

The Transportation District Commission of Hampton Roads, commonly known as Hampton Roads Transit (HRT) is the public agency in the Virginia Beach-Norfolk-Newport News, VA metropolitan area responsible for providing public transportation services. HRT began in 1999 with the merger of Tidewater Regional Transit and Pentran. Currently, HRT provides service in the municipalities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Virginia Beach, and a small portion of Suffolk. Service modes include:

- Local fixed route and regional express bus (MAX)
- Commuter bus
- Light rail (The Tide)
- Ferry
- Complementary paratransit (Paratransit)

HRT's fixed route fleet consists of 302 buses, nine light rail train sets, and three ferries. In FY 2014 (July 2013–June 2014), HRT provided 16.9 million unlinked passenger trips on all modes of fixed route service, with an operating budget of $93.2 million.

For more information on HRT Paratransit services, go to www.gohrt.com/services/paratransit

4.1 Introduction to Complementary Paratransit Services and Organizational Structure

Paratransit, HRT's complementary paratransit service was formerly known as "Handi-Ride." HRT uses private contractors for both operations (MV Transportation) and eligibility determination (ADARIDE). HRT's Paratransit Manager is based at 3404 Mangrove Avenue in Norfolk. MV has two facilities. Its "Southside" facility (1179 Lance Road in Norfolk) houses most employees: call-taking, dispatch, vehicle maintenance, Southside scheduling activities, vehicles, and drivers. MV's smaller "Northside" facility (704 Industry Drive in Hampton) houses scheduling activities, vehicles, and drivers for Northside operations.

At the time of the site visit, HRT planned to contract with two paratransit providers (MV Transportation and First Transit) beginning in February 2015.

HRT owns fleet of 41 lift-equipped vans and 47 sedans used for Paratransit service; at the time of the site visit, HRT was also leasing 11 vans from MV. Most vehicles are equipped with mobile data terminals (MDTs) and automatic vehicle location (AVL) technology. At the time of the site visit, HRT was anticipating delivery of new Paratransit vehicles by the end of February 2015.

HRT uses paratransit software for reservations, scheduling, and dispatch operations.

As of November 2014, HRT had granted ADA paratransit eligibility to 5,685 individuals. In FY 2014, HRT provided 311,789 one-way Paratransit trips. The actual FY 2014 budget for Paratransit was $9,295,357 and the FY 2015 budget is $9,673,809.

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 HRT's complementary paratransit service (Paratransit) 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) and 27.121(b))
- 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 whether:
    - 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 William E. Harrell, HRT's President and Chief Executive Officer, on September 2, 2014, confirming the dates for the site visit and asking HRT to send information to the review team in advance of the site visit (Attachment A).

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

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

As requested by FTA, HRT made additional information available 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 incident reports
- HRT'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 HRT complementary paratransit service site visit took place from December 8–11, 2014. The visit began with an opening conference, held at 9 a.m. on December 8, 2014, at the HRT administrative offices at 509 East 18th Street, Norfolk, VA. Attending the conference were:

- William Harrell, President and CEO, HRT
- Mark Stemple, Director of Technical Services, HRT
- Brandon Singleton, CFO and Treasurer, HRT
- Keith Johnson, Manager of Paratransit Operations, HRT
- Margaret Denoncourt, Internal Auditor, HRT
- Juanita Davis, Interim Director of Budgets, HRT
- Mary LaFontaine, ADA Compliance Specialist, HRT

- Dyanne Sampson, Director of Procurement, HRT
- Richard Williams, Customer Service Manager, HRT
- Andrew Steed, General Manager, MV Transportation
- Anita Heard, FTA Office of Civil Rights (via telephone)
- David Chia, Review Team Leader, the Collaborative
- Jim Purdy, Review Team Member, the Collaborative
- Richard Weiner, Review Team Member, Nelson\Nygaard Associates

Following the opening conference, the review team met with HRT representatives to discuss the information sent in advance, the on-site information and material, Paratransit policies and procedures, and the trip records and data that would be needed for the on-time performance and travel time analysis.

The review team began its analysis of several areas, including: HRT's process for accepting, tracking, resolving, and responding to complaints; compliance of HRT's Paratransit with the DOT service criteria; and coordination with transit agencies with adjoining fixed route service areas.

During the afternoon, the review team began to gather information on the telephone system. Two members of the review team also began observing reservationists taking trip requests at the MV office in Norfolk. A member of the review team continued to discuss the eligibility determination process with the Manager of Paratransit Operations (Paratransit Manager) and (by telephone) with the eligibility contractor.

On Tuesday, December 9, the review team again observed trip reservations during the peak morning call time. Team members met with HRT's chief financial officer to discuss the budgeting process for Paratransit service. One team member continued to review the eligibility determination process, including applicants' files. Team members also gathered data needed to analyze on-time performance, on-board travel times, and no-shows for a sample week (October 19–25, 2014), and observed Paratransit dispatchers. A team member gathered further information on the telephone system to analyze hold times. The team also began to interview Paratransit drivers at the MV office.

On Wednesday, December 10, a team member observed the Paratransit dispatchers during the morning peak. Team members continued to analyze on-time performance, travel times and no-shows. A team member met with the Paratransit Manager to review a sample of trips coded as rider no-shows to verify their coding. The review team also interviewed additional drivers.

On Thursday, December 11, 2014, the review team continued to analyze and tabulate the various data they had gathered. They posed additional questions to HRT staff and prepared for the exit conference, which took place at 3 p.m. at HRT's administrative offices at 509 East 18th Street, Norfolk. Attending the conference were:

- William Harrell, President and CEO, HRT
- Mark Stemple, Director of Technical Services, HRT
- Brandon Singleton, CFO and Treasurer, HRT
- Keith Johnson, Manager of Paratransit Operations, HRT
- Margaret Denoncourt, Internal Auditor, HRT
- Mary LaFontaine, ADA Compliance Specialist, HRT
- Dyanne Sampson, Director of Procurement, HRT
- Amy Braziel, Executive Assistant, HRT
- John Day, FTA ADA Team Leader (via telephone)
- David Chia, Review Team Leader, the Collaborative

- Jim Purdy, Review Team Member, the Collaborative
- Richard Weiner, Review Team Member, Nelson\Nygaard Associates
- Bill Schwartz – Project Manager, the Collaborative (via telephone)

FTA provided HRT with a draft copy of the report for review and response. On June 4, 2015, HRT communicated with FTA via email that they had no comments on the draft report.

5.3 Stakeholder Interviews

Before the site visit, the review team interviewed eight HRT Paratransit riders and two local disability organization representatives on a range of topics, including eligibility determinations and Paratransit various service issues. Following is a summary of comments received.

- **Eligibility**: Only one rider contacted the current eligibility contractor (for recertification), and she had no problem. Two other riders said that the previous in-house system for certification seemed to involve a lot of paperwork.
- **Telephone access**: Six of the eight riders complained about telephone hold times, with some hold times more than 15 minutes. Three riders were disconnected while on hold and had to call back to start the process over again. Most riders agreed that phone service is better in the morning and worse during the afternoon. One rider cited Fridays as the worst day, while another rider said that the evenings are the worst time.
- **Denials**: All respondents said HRT schedules all their trips without denials or wait lists.
- **Trip negotiation**: Two riders indicated that reservationists sometimes negotiate trips with them, typically 15 minutes for pickup times. Others reported getting the trip times they requested. All but one rider indicated that they could request either pickup times or drop-off (appointment) times; the other rider did not know.
- **On-time performance**: Three riders said that most pickups were on time. The other riders estimated that a significant portion of pickups were late (between 25 and 40 percent). One rider noted that on-time performance is better on weekends.
- **Travel times**: Most of the respondents had concerns with travel time; two riders cited trips of more than two hours. One rider said that travel times were a problem in the past, but had improved. Two riders did not have concerns with their travel times.
- **Drivers**: Respondents provided mixed feedback on driver assistance and performance. Four riders said that certain drivers do not leave their seats or assist riders. Three said that drivers think service is limited to curb-to-curb. One disability organization representative said that some drivers do not properly assist riders with vision disabilities. Most respondents said that some drivers were helpful, skilled, and courteous, while others were not.
- **Resolving Complaints**: Opinions varied widely concerning HRT's responsiveness to complaints. Several riders described HRT's responses as acceptable, but not useful. One rider was very complimentary, saying that HRT aggressively responded to complaints. Two respondents said that they had never called or written a complaint to HRT.
- **Other Comments**: Respondents also provided the following additional comments:
    - Two riders said that the vehicles' condition had worsened. In particular, the reliability of the lifts was not good.
    - One rider said that she was told that there were not enough drivers, particularly on Fridays.
    - One rider felt that HRT's Paratransit Advisory Committee was helping to improve service.

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 HRT'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 HRT to provide comparable 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 the prohibition against unreasonable administrative burdens in HRT's eligibility process for Paratransit service.

An advisory comment is made regarding consistency of information between HRT's website and its ADA paratransit eligibility vendor's website.

Until March 2014, HRT managed the ADA paratransit eligibility process and performed in-person interviews for eligibility determinations. Because their in-house process proved inefficient, HRT contracted with an outside eligibility vendor (ADARIDE) to manage the application and documentation portions of the eligibility determination process. The eligibility vendor's process is primarily web-based. Applicants wishing to complete paper applications may call the eligibility vendor to provide information via the telephone and obtain verification materials via mail.

HRT's website explains how to access the eligibility vendor's website, stating:

> Applicants have two ways to apply:
>
> - Apply online
> - Call 877-ADA-RIDE (877-232-7433) (11 am – 8 pm EST) to start the application process and have the necessary forms mailed to you

The eligibility vendor's landing page asks for the applicant's zip code; entering the zip code brings applicants to an HRT-specific application page. Neither the general landing page nor the HRT page explicitly explains how to call to obtain a written application form. Users have to click on the "Contact us" link on the left side of the page to obtain the call-in hours (weekdays 8 a.m. to 4 p.m. PST with "Lunch Break Noon to 1 p.m."). These are not the same hours as listed on HRT's website.

Advisory Comment: To ensure easy access to application materials, an effective practice is to provide consistent information in all printed materials and websites covering how to obtain printed application forms, telephone numbers to request such materials, and office hours.

6.3 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, deficiencies were found with the comprehensiveness and accuracy of HRT's eligibility process, particularly with respect to making eligibility determinations based on incomplete or conflicting information without sufficient follow-up efforts. In addition, HRT's reasons for denying eligibility are potentially inappropriate.

As discussed in the previous section, in March 2014, HRT began using a vendor to remotely process Paratransit eligibility applications. HRT no longer requires in-person interviews or functional assessments. HRT instructs applicants to apply via a web-based form or by calling the vendor and requesting verification materials they can return by fax or mail.

HRT requires information from a verifying professional as a supplement to the initial application. According to the eligibility vendor's website:

> Once you have completed the application, you will need a healthcare professional of your choice to help support your documentation. Please choose a professional (or two) who can best qualify your abilities and who has seen you recently. Examples of accepted professionals are physical therapists, doctors, social workers, rehab specialists, and orientation and mobility instructors.

After completing the web-based form, applicants can print and/or email the professional verification form; professionals can complete the required verification online or mail the completed form to the vendor.

The eligibility vendor routes completed applications to individual evaluators with expertise in an applicant's primary disability. Evaluators then prepare a "justification summary" and recommend a determination, which a manager reviews and finalizes. The vendor then communicates the determination in a letter it mails directly to applicants stating, for those granted eligibility, that HRT will send them a second letter with an ID card within a few days, and that applicants should call HRT if the letter has not arrived within three days. (See below for a discussion of the written eligibility determinations.)

For applicants determined not eligible for Paratransit, HRT relies solely on its vendor to transmit letters denying eligibility and does not review the language in the letters before the vendor mails them. (Also see below for a discussion of the written eligibility determinations.)

Table 6.1 presents the distribution of eligibility determinations since 2011. As shown, while the percentage of determinations of not eligible in 2014 is comparable to prior years, the percentage of conditional and temporary eligibility increased while unconditional eligibility decreased.

Table 6.1 – Paratransit Eligibility Determinations 2011–2014

				2014*	
Eligibility Category	**2011**	**2012**	**2013**	**Jan-Feb**	**Mar-Nov**
Unconditional	78.9%	83.3%	86.2%	N/A	64.4%
Conditional	8.9%	5.0%	5.0%	N/A	17.3%
Temporary**	6.6%	5.9%	4.3%	N/A	14.2%
Not eligible	5.6%	5.8%	4.5%	2.0%	4.0%
Total Applications	**2,781**	**2,452**	**2,526**	**725**	**2,799**

* ADARIDE data is for March through November; HRT data not categorized January–February
** Almost all determinations of temporary eligibility are without conditions.

Incomplete Eligibility Application Files/Insufficient Follow-up

To assess HRT's eligibility determination process, the review team examined a sample of 37 eligibility determination files. This included 16 determinations of unconditional eligibility, four determinations of temporary unconditional eligibility, ten conditional eligibility determinations, and nine eligibility denials. Unfortunately, the review team was unable to complete its assessment of whether the sample determinations were reasonable due to the lack of sufficient information in the files.

HRT's ADA paratransit eligibility process is not sufficiently comprehensive. While the review team could not agree or disagree with many of HRT's final determinations due to insufficient information in the files, several examples of files contained potentially contradictory information and evidence of insufficient follow-up efforts to resolve such contradictions.

For instance, when applicants and medical professionals provided potentially contradictory information, the eligibility vendor quite often made either only one attempt to reach both parties or made no attempts at all. Such instances included eligibility denials. When considering potential denials, transit agencies should attempt to resolve discrepancies to justify the denials.

Potentially Inappropriate Reasons for Denying Eligibility

The review team found that in five of the nine eligibility denials, HRT's vendor made determinations without obtaining additional information that might have altered the determinations. This included instances in which HRT's vendor made no follow-up calls or made one call but failed to reach the

medical professional or applicant. Potentially inappropriate reasons for denying eligibility without making any follow-up calls include the following two cases:

- The applicant indicated he can walk up to a half-mile but the professional indicates that he cannot walk one block. HRT made no attempt to reach the professional for clarification.
- Applicant's professional checked "Yes/Sometimes" in response to the question, "Does the applicant take medications which affect their ability to travel?" HRT denied eligibility without follow-up with the professional to clarify how she believes the medications would affect the applicant's travel.

Potentially inappropriate reasons for denying eligibility without making more than one follow-up call or waiting a few days for the professional to respond include the following three cases:

- Applicant's professional indicated that she has safety concerns about the patient using a bus unaccompanied due to anxiety. The evaluator initiated the evaluation, made one unsuccessful attempt to reach the professional, and denied the applicant eligibility on the same day.
- Applicant's professional indicated that weather can make the applicant's joint pain worse; he sometimes has safety concerns about the applicant's travelling on a bus, and that the applicant's medications can (or sometimes do) affect her ability to travel. HRT denied eligibility the same day the evaluator made one unsuccessful attempt to reach the professional, without having the opportunity to discuss the severity of these concerns and whether they would prevent fixed route travel.
- The professional indicated that the applicant has paranoia in crowds, anxiety when crossing streets, takes medication that affects the applicant's ability to travel. HRT denied eligibility on the same day the evaluation was initiated and the evaluator made one unsuccessful attempt to reach the healthcare professional.

Resolution of potentially conflicting information in applications for ADA paratransit eligibility can help to avoid incorrect determinations and subsequent appeals. It is common to make two (or more) attempts to reach healthcare professionals, particularly when considering determinations of not eligible or conditionally eligible.

Corrective Action Schedule: Within 60 days of the issuance of the final report, HRT must change its determination process to be more comprehensive, including making more than one attempt to contact applicants and/or medical professionals with follow-up questions and allowing more time to clarify information before making a determination. In addition, documentation contained in applicant's files should be sufficient for HRT to review the basis for the eligibility 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, no deficiencies were found with the requirement for HRT to make all information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility available in accessible formats.

The website includes the following language: "For information in alternative format, please call the Paratransit Department at (757) 222-6087 or email us at paratransitdept@hrtransit.org." Public documents identify HRT's Paratransit Manager as the point of contact for all inquiries related to Paratransit. HRT also tracks each ADA paratransit eligible rider's preferred method of contact in its paratransit database, which includes alternative formats such as braille, large print, and e-mail (or other electronic format). HRT has an arrangement with Insight Enterprises in Hampton to fulfill requests for information in braille.

Eligibility Determinations or Presumptive Eligibility Within 21 Days

Requirement: Under 49 CFR § 37.125(c), a transit agency that has not made a written eligibility determination by the 21st day following submission of a complete application must treat the applicant as eligible on the 22nd day and provide service until and unless the transit agency denies the application. Transit agencies that require functional assessments must schedule such assessments within a reasonable period of time (7–10 days). The transit agency's process must communicate to applicants the right to this presumptive eligibility 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 HRT to communicate applicants' rights to presumptive eligibility for applications not processed within 21 days.

No deficiencies were found with the timeliness of communicating eligibility determinations. An advisory comment is made concerning HRT's application recordkeeping process.

HRT's web-based and printed applications for Paratransit service do not explain an applicant's right to presumptive eligibility if HRT has not made a decision within 21 days of receiving a completed application. This information is also missing from HRT's Paratransit Eligibility webpage.

HRT's eligibility vendor provides monthly statistics on applications received and processed and includes data on the time elapsed between receipt of complete applications and verification forms (in most cases) and mailing of the eligibility vendor's notification letters. The review team examined these monthly reports, which showed that the vendor notified applicants within two days or less.

FTA considers the date of notification as the date HRT sends its written determination letters. To measure HRT's processing time, the review team examined files for each of the six months prior to the site visit and found that HRT transmitted notification letters within five business days. In no instance did the turnaround time exceed 21 days.

The review team found that the method for tracking applications in process does not provide HRT with the ability to easily measure the elapsed time between its vendor's receipt of completed applications and the date HRT mails determination letters. Most but not all of the files the review team examined included the dates when the vendor received completed applications. In addition HRT does not have reporting tools available to track applications over the course of the month. Rather, HRT must rely on the eligibility vendor's monthly statistics reporting average processing times. Current reports do not permit HRT to identify applications taking longer than 21 days.

Corrective Action Schedule: Within 60 days of the issuance of the final report, HRT must revise its eligibility applications, related correspondence, and other public information to inform applicants of their right to receive Paratransit service starting on the 22nd day when HRT has not made its determination within 21 days of receiving completed applications.

Advisory Comment: An effective practice for monitoring application processing times is to track all milestone dates in the application process, including the dates of interactions with applicants and verifying professionals, receipt of written materials, phone calls, messages left, etc.

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. The documentation must include the name of the eligible individual, the name of the transit provider, the telephone number of the entity's paratransit coordinator, an expiration date for eligibility, and any conditions or limitations on the individual's eligibility including the use of a personal care attendant (PCA). Under § 37.125(e), 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 HRT's written eligibility determination letters with respect to determinations of temporary and conditional eligibility and with HRT's letters denying eligibility. In addition, HRT does not review the letters its vendor sends to Paratransit applicants.

No deficiencies were found with HRT's letters granting unconditional eligibility.

As discussed above, HRT and its eligibility vendor both send letters to applicants. The vendor notifies applicants in writing of unconditional, temporary, and conditional eligibility, which explain the determination and include the following statement:

> Hampton Roads Transit will be sending your paratransit identification card with your client ID# in a separate correspondence within the next few days. If you have not received your ID card within 3 business days of receipt of this letter, please call (757) 222-6087.

To promptly process determinations (other than ineligible), the HRT's Paratransit Manager and the Administrative Coordinator electronically access vendor reports each weekday. HRT then sends vendor-approved applicants letters containing the applicant's name, HRT's name and telephone number, and the eligibility expiration date. (See Attachment B.)

For applicants determined conditionally eligible, the vendor's letter describes specific conditions and explains an applicant's right to an appeal. The letters include the following general statement with specific justifications in brackets:

> Thank you for applying for Hampton Roads Transit (HRT) paratransit service. ADA paratransit eligibility is determined by your functional ability to use our fixed route bus service. Based on your application process, it has been determined that you are unable to independently use local fixed route bus service under specific circumstances. Therefore, you have qualified for **conditional** use of HRT paratransit. The specific results of your personal application process are as follows:
>
> [justification summary]
>
> This means you can request HRT paratransit service only when your condition prevents you from using the local fixed route bus service.

HRT's vendor selects predetermined justification responses from a template and inserts language into the justification summary, as appropriate. The review team examined the menu of responses and found the language related to eligible trip conditions insufficient. In order for HRT to apply conditions to trip requests, the language tied to conditional eligibility should be clear to both riders and HRT personnel.

The review team's examination of a sample of the vendor's conditional eligibility letters repeated language for different conditions, which could confuse the applicant or HRT employees. One such letter states:

> The information provided on your healthcare verification indicates you are diagnosed with physical disability. Your application and healthcare verification have identified challenges in the following areas: balancing, breathing and ambulating, which appear to prevent you from using the bus under certain circumstances. As a result of this assessment, you qualify for restricted eligibility. This means you can request Paratransit: when you have to walk/wheel ¾ of a mile or more which prevents you from using local fixed route bus service to your destination. You are restricted from using HRT Paratransit when you have to walk/wheel less than ¾ of a mile to use

> local fixed route bus service to get to your destination. When you have to walk/wheel less than ¾ of a mile, local fixed route bus service is your ADA accessible transit option.

HRT's letter, which FTA considers as formal notification of eligibility determination, does not include the specific reasons cited in the vendor's letter, and contains confusing language as follows:

> Thank you for your interest in Paratransit. Your application for service has been approved as Conditional-Use Fixed Route Service Whenever Possible. You are eligible to use Paratransit Service for any purpose, to go anywhere within the Paratransit service area.

At the time of the site visit, HRT was not applying conditions to trip reservations. Conditionally eligible riders were able to reserve the same trips as other riders.

In addition, HRT's letter does not explain the applicant's right to appeal the decision of conditional eligibility. The inclusion of the right to an appeal in the vendor's letter does not satisfy the 49 CFR § 37.125 requirements.

HRT's letter granting temporary eligibility does not explain the basis for the determination or the applicant's right to appeal the decision. Providing this information in the vendor's letter does not satisfy the 49 CFR § 37.125 requirements.

As discussed in Section 6.3, HRT relies upon its vendor to communicate eligibility denials. (See Attachment C.) HRT does not send out its own letter.

The current vendor letter denying eligibility does not provide the applicant sufficient information to prepare to appeal the decision. Following is sample language from a vendor-issued denial letter.

> The individual results of your evaluation indicate that you are capable of the following transit skills: seeing, hearing, crossing a street, remembering, balancing and may be inconvenienced by navigating the public bus system, breathing. The information gathered also found inconsistencies between your application and healthcare verification in the following area: ambulating. Inconsistent information does not allow for a clear evaluation. Many inconsistencies can be clarified and explored further in an appeal. The ADA recognizes that persons with disabilities face difficulties in using the bus, however, these are not always grounds for eligibility.

To meet the § 37.125(e) requirements, HRT's letter must state the specific reasons for the decision and include information on the appeals process. When denying eligibility, as explained in the Appendix D section on ADA Paratransit Eligibility Process, "the reasons must specifically relate the evidence in the matter to the eligibility criteria of this rule and of the entity's process. A mere recital that the applicant can use fixed route transit is not sufficient."

HRT must not rely on its vendor to send notification letters to applicants without first having reviewed and approved the content of these documents.

Corrective Action Schedule: Within 60 days of the issuance of the final report, HRT must:

- Revise its eligibility letters granting conditional eligibility to include specific reasons for the decision and explain an applicant's right to appeal the decision.
- Revise its eligibility letters granting temporary eligibility to include specific reasons for the decision and explain an applicant's right to appeal the decision.
- Revise letters denying eligibility to include specific reasons for the decision, and explain an applicant's right to 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 the recertification process or with how HRT communicates eligibility recertification to applicants. Approved applicants are typically eligible to ride Paratransit for three years. Individuals certified for temporary eligibility may receive terms of 6–12 months.

HRT requires all Paratransit riders to reapply for eligibility at the end of their three-year period of eligibility using the same process as for new riders.

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 how HRT administers its appeals of ADA paratransit eligibility with respect to its eligibility appeals form.

No deficiencies were found with the appeals process in terms of separation of function, timelines for hearing appeals and making decisions, or with providing appeal decisions in writing.

When applicants contact HRT to request an appeal, HRT sends them both an appeal form and a copy of the agency's appeals policy. (See Attachment D.) Last revised on August 8, 2012, the appeals policy describes:

- Composition of the appeals panel (a non-Paratransit staff member not involved with original decision, a Paratransit Advisory Committee member, and a community representative)
- Requirement to submit an appeal within 60 days
- Hearing procedures
- Instructions on presenting additional information
- Timeline for appeal decisions (30 days)
- Presumptive eligibility for appellants recertifying or conditionally eligible if a final decision is not made within 30 days

Section V of the policy states, "The Request for appeal must be in writing and explain the specific reason(s) for disagreeing with the initial determination or sanction." Appellants can choose not to appear in person and to send written information for consideration instead. However, a transit agency cannot require written appeals because the process must give individuals the opportunity to present information and arguments in person.

HRT's Paratransit Manager reviews all appeals upon receipt to verify whether the initial determination was appropriate. For those he can reverse without the appeals panel, he administratively grants eligibility. He forwards cases that require a hearing to the appeals panel.

The appeals panel meets on an as-needed basis. They did not have a need in 2014.

HRT received eight appeal requests in the six months prior to the site visit, all of which the Paratransit Manager administratively addressed to appellants' satisfaction. The review team examined four of these appeals and agreed with HRT's disposition of these appeals.

Corrective Action Schedule: Within 60 days of the issuance of the final report, HRT must revise its appeal policy document and appeal request form to no longer require appellants to document the basis for appeals. HRT may continue to offer appellants the option to submit supporting information but cannot require such documentation.

Complementary Paratransit for Visitors

Requirements: Under 49 CFR § 37.127(d)–(e), complementary paratransit service must be made available to visitors not residing in the jurisdiction(s) served by a transit agency 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. Transit agencies 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, transit agencies 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, deficiencies were found with regard to eligibility for visitors who do not have eligibility in another system. No deficiencies were found with regard to granting eligibility to those visitors who are ADA paratransit eligible in another jurisdiction.

HRT does not have a policy to provide complementary paratransit to visitors without documentation from another transit agency. The HRT paratransit manager said that it had not received any request from a visitor who has no documentation. Nevertheless, HRT must be prepared for this possibility.

For those with eligibility from another transit agency, HRT instructs visitors to ask their home transit agency to fax documentation of eligibility and then asks visitors to subsequently call HRT to provide additional information. HRT permits visitors to ride Paratransit for 60 days within a 365-day period, which exceeds the minimum requirements.

HRT usually processes and provides visitor eligibility within one business day.

Corrective Action Schedule: Within 60 days of the issuance of the final report, HRT must revise its visitor eligibility policy for visitors not eligible elsewhere to accept such requests. HRT can require proof of residence for those whose disabilities are apparent. For visitors whose disability is not apparent, HRT can require documentation of disability.

6.4 Types of Service

Requirement: Under 49 CFR § 37.129(a), transit agencies must provide complementary paratransit service on an origin-to destination-basis. Transit agencies may determine, through their local planning process, whether to establish either door-to-door or curb-to-curb service as the basic mode of complementary paratransit 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 the requirement to provide origin-to-destination service to ADA paratransit eligible riders. Deficiencies were also found with how HRT communicates its origin-to-destination service policies.

The Paratransit service area includes both sides of the James River: the Peninsula (Northside) includes Hampton and Newport News, and the Southside includes Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach. When riders request trips that require a river crossing, HRT requires them to used fixed route bus (MAX) Route 961 to cross the river. According HRT's website:

> **Service Between Southside and Peninsula**
> Paratransit vehicles will not travel directly from one side to the other. Should a passenger need to travel between the Southside and the Peninsula, a Paratransit vehicle will pick the passenger up at their pickup location on one side and bring them to the accessible MAX fixed route bus for transfer. The MAX bus will transport the passenger to the opposite side of the water where a Paratransit vehicle will meet with them in Newport News, Hampton, or Norfolk transfer location to continue onto the end destination.

The review team confirmed this procedure with HRT and its service provider. Reservationists work with riders who request cross-river trips by coordinating pickup and drop-off times with the MAX bus (Route 961) schedule. The fare for these trips is the same as all other Paratransit trips.

HRT then schedules Paratransit vehicles to drop-off riders about 15 minutes prior to Route 961's scheduled arrival. Paratransit drivers do not wait with riders for the MAX bus to arrive. Similarly, MAX bus drivers do not wait for Paratransit drivers to arrive on the other end of the trip. For riders whose eligibility is based on the inability to independently use fixed route service, HRT cannot require them to use fixed route in order to complete this cross-river trip.

Another consideration is excessive trip lengths, covered under 49 CFR § 37.131(f)(3)(i)(c), and discussed below. Riders who miss the connection can face much longer travel times since, except for peak periods on weekdays when buses run every 30 minutes, Route 961 buses run every 60 minutes.

HRT's policy regarding driver assistance is not communicated consistently. HRT's website, under Paratransit "Driver Assistance," states:

> Because Paratransit Service is an origin to destination service, drivers are not required to assist you to or from your door. Should you require reasonable assistance to or from your origin or destination please let the driver or reservationist know.

Several Paratransit riders the review team contacted before the site visit confirmed that some drivers do not provide assistance beyond the curb.

In contrast, HRT's contract with MV Transit (Section 2.6.21) states:

> Drivers shall assist disabled passengers entering and departing the vehicle to and from the curb, and shall honor other reasonable requests for assistance, consistent with ADA regulations and HRT policy. The driver shall get out of his or her seat each time that a rider boards the vehicle and each time that a rider disembarks the vehicle so as to be available to assist the passenger.

Paratransit managers (both HRT and contractor) stated that drivers are instructed to provide assistance, as needed, to Paratransit riders.

Corrective Action Schedule: Within 60 days of the issuance of the final report, HRT must no longer require all Paratransit riders to use the MAX bus to travel between the Northside and Southside. HRT can require riders whose eligibility determination confirms their ability to independently use fixed route service (i.e., those who would be eligible for feeder service under 49 CFR 37.129(b)&(c)) to use the

MAX bus for these trips. HRT must ensure that any Paratransit trips involving transfers to fixed route service have travel times comparable to fixed route trips between the same origins and destinations. For riders who cannot independently use fixed route service, HRT must provide origin-to-destination service via Paratransit.

HRT must also revise its website and other public documents to properly explain origin-to-destination service policies, including the policy of providing service beyond the curb to some individuals or at some locations. HRT should also review all training materials, service-provider contracts, and internal communications such as agency directives to ensure the origin-to-destination policy is consistently applied.

6.5 Service Criteria for Complementary Paratransit

Requirement: As codified in 42 U.S.C. 12143, the ADA directed the Secretary of Transportation to issue regulations that establish minimum service criteria for determining the level of service provided by paratransit as a complement to fixed route service. These criteria are contained in 49 CFR § 37.131 and include service area, response time, fares, and 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 HRT's complementary paratransit system using these criteria as described in this section.

Service Area

Requirement: Under 49 CFR § 37.131(a)(1), all public entities operating a fixed route transit 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 transit agency does not have the legal authority to operate in those areas. For transit agencies operating a light rail or rapid rail transit service, the complementary paratransit service area must also include a 3/4-mile radius around each station, with service provided from points within the service area of one station to points within the service area of another.

Discussion: During this compliance review, no deficiencies were found with the requirement to provide complementary paratransit service to eligible individuals to and from origins and destinations within the service area.

The HRT website and eligibility materials describe the fixed route service area in narrative format. HRT provides Paratransit service within 3/4 mile of the fixed route service (based on routes, not stops). HRT communicates proposed fixed route service changes to the Paratransit Manager who in turn informs MV. Personnel from MV routinely verify the service area parameters in the paratransit software and make any necessary adjustments. MV also uses GIS tools to verify trip requests during the reservations process.

HRT receives occasional calls from riders who disagree with a reservationist's determination that a requested trip lies outside the Paratransit service area. HRT uses different mapping tools to respond to such calls, which the Paratransit Manager demonstrated to the review team's satisfaction.

Response Time

Requirement: Under 49 CFR § 37.131(b), transit agencies must schedule and provide complementary 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 transit agencies may negotiate the pickup time with a caller prior to a trip being scheduled, they cannot require a rider to

schedule trips to begin more than one hour before or after the rider's desired departure time. Any greater deviation would exceed the bounds of comparability. Negotiations should take into account riders' practical constraints. Transit agencies must have policies and procedures in place to ensure that schedulers and dispatchers do not adjust a rider's negotiated pickup time or pickup window without the rider's consent.

Under 49 CFR § 37.131(b)(4), if transit agencies propose to change their reservations system, they must comply with the public participation requirements equivalent to those of § 37.137 (b)–(c). Transit agencies may permit 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 how HRT schedules next-day service during normal business hours or with how reservationists negotiate trip requests.

HRT communicates rider information on its website and does not publish a formal rider's guide. HRT includes General Information Packets to riders as part of its eligibility notification letters. These packets Paratransit trip reservations, including information to have available before making reservations, options for reserving trips, and policies on subscription trips, group trips, attendants, companions and children, and trip cancellations or changes.

Reservationists answer trip request calls between 8 a.m. and 5 p.m. every day. The review team confirmed that these times are consistent with telephone reports HRT generated for both weekdays and weekends.

The review team observed 167 trip bookings, of which 59 percent were for next-day trips, an indication that riders are confident that HRT can accept their requests. Reservationists properly offered trips consistent with riders' requests.

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, no deficiencies were found with Paratransit fares or with how HRT communicates fare information.

Riders may purchase single ride tickets at a cost of $3 per trip or ten-ticket booklets for $30. This is less than the maximum allowable fare; rides on local fixed route bus and light rail are $1.75. In response to community concerns, HRT held Paratransit fares level when they last increased fixed route fares in October 2014. At that time, HRT approved a Paratransit fare increase to $3.50 in 2016, which would be the maximum permitted fare should fixed route fares stay the same.

No Trip Purpose Restrictions

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

Discussion: During this compliance review, no deficiencies were found with the prohibition against imposing restrictions or priorities based on trip purpose.

The review team observed that Paratransit reservationists did not ask riders for their trip purpose. When known, reservationists enter trip purpose data into the software for trip analysis purposes.

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, no deficiencies were found with the hours and days of Paratransit service.

HRT's paratransit software incorporates parameters that allow for pickups starting at 4:30 a.m. and ending at 1:30 a.m. on the busiest corridors in Norfolk. HRT shortens service in other areas to correspond with the fixed route service hours on each route. The review team's analysis of HRT's website and published bus schedules showed that Paratransit service hours are accurately linked to HRT service hours throughout the service area.

6.6 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, no deficiencies were found with the prohibition against imposing restrictions on the number of complementary paratransit trips.

HRT has no policy that limits the number of Paratransit trips any individual may receive. Review team members observed that reservationists did not limit the number of trips riders requested over the phone.

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]

[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.

Discussion: During this compliance review, no deficiencies were found with the prohibition against waiting lists for non-subscription complementary paratransit service.

HRT policy prohibits waiting lists for Paratransit service. Review team members observed that reservationists accepted and scheduled all eligible trip requests.

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, deficiencies were found with HRT's on-time pickup performance for Paratransit service.

Per its website, HRT's on-time pickup window for Paratransit trips is from 15 minutes before the negotiated pickup time to 15 minutes after the negotiated time (-15/+15). To measure on-time pickup performance, the review team analyzed reconciled electronic data for the sample week: October 19-25, 2014. Data included negotiated and actual pickup times for 6,153 completed trips. Table 6.2 summarizes the analysis, showing that 67.4 percent of the trips were within the window, 13.2 percent of trips had pickups before the start of the window. Nearly one of every five trips (19.4 percent) had pickups after the end of the window, which represents a substantial rate of untimely pickups. In addition, 6.8 percent of trips were more than 15 minutes late, another indication of a potential capacity constraint.

Table 6.2 – On-Time Pickup Performance for Paratransit Trips: October 19–25, 2014

Pickups	Number	Percent
Total trips in sample	6,153	100%
Early (window -15/+15)		
1–15 minutes early	652	10.6%
>15 minutes early	163	2.6%
In window (-15/+15)	**4,145**	**67.4%**
All early/in window	4,960	80.6%
All late (window -15/+15)		19.4%
1–15 minutes late	775	12.6%
16–30 minutes late	304	4.9%
>30 minutes late	114	1.9%

Prior to the site visit, HRT provided the review team with on-time performance standards, including the following contractor standard for on-time performance: "If the transport vehicle arrives within 13 minutes of the 30 minute pick-up window it is considered on time. The current on time performance goal is 93%." HRT provides a 30-minute pickup window to riders but is collecting data and measuring on-time performance on its contractor standard, which effectively masks poor on-time performance.

Corrective Action Schedule: Within 60 days of the issuance of the final report, HRT must provide FTA with a plan to improve on-time pickup performance, and then carefully monitor performance based on its 30-minute pickup window.

No Substantial Numbers of Trip Denials or Missed Trips

Requirements: Under 49 CFR § 37.131(f)(3)(i)(b), transit agencies must provide complementary paratransit service without substantial numbers of trip denials or transit agency missed trips. A denial

occurs whenever a transit agency is unable to provide a trip on a next-day basis as requested by an eligible passenger between points within the complementary 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), transit agencies may negotiate pickup times with a passenger, but cannot require the passenger to schedule a trip to begin more than one hour before or after his or her desired departure time. If the trip cannot be arranged within this timeframe, a denial has occurred whether or not the passenger accepts a departure time of more than one hour earlier or later. In addition, when a denied trip makes a subsequent requested trip impossible, as could occur in the case of an individual taking a round trip to and from a specific location, two trips have been denied.

Discussion: During this compliance review, no deficiencies were found with the number of trip denials or missed trips.

An advisory comment is made concerning the definition and calculation of missed trip rates.

HRT does not deny any Paratransit trip requests. Because HRT accommodates all trip requests, there are no denials.

Based on a review of the data from the October sample week, HRT's missed trip rate is very low.

HRT's missed trip definition does not accurately account for all potential missed trips. The HRT definition includes trips that occur more than 45 minutes after the end of the pickup window (60 minutes after the negotiated time), whether the driver picks up the rider or not. When vehicles are between one and 45 minutes late and riders, who are permitted to do so without penalty, refuse trips, HRT codes these instances as same-day cancellations and not late cancellations; HRT codes trips more than 45 minutes late as missed trips.

FTA defines missed trips as the following:

- The vehicle arrives and leaves before the beginning of the pickup window without picking up the rider.
- The vehicle arrives and leaves without picking up the rider and does not wait at least five minutes within the pickup window.
- The vehicle arrives after the end of the pickup window and departs without picking up the rider.

Advisory Comment: When determining missed trip rates, an effective practice is to consider HRT's responsibility in the missed trips, consistent with FTA's missed trip definition.

No Substantial Numbers of Trips With Excessive Trip Lengths

Requirement: Under 49 CFR § 37.131(f)(3)(i)(c), transit agencies must provide complementary 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 complementary 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, no deficiencies were found limiting the availability of Paratransit service due to an operational pattern of excessive trip lengths. An advisory comment is made concerning ways in which HRT can analyze Paratransit service to determine if there is a pattern or practice of excessive trip lengths.

HRT does not have a ride time standard, but keeps monthly statistics that indicate that nearly 99 percent of trips from January through September 2014 were less than 90 minutes long. HRT does not compare Paratransit trips to fixed route trips between the same points.

Using data for all trips for the October sample week, the review team examined the number of Paratransit trips that exceeded 60 minutes, 90 minutes, and 120 minutes. The distribution of trip times is shown in Table 6.3. Trips longer than 60 minutes comprised 7.9 percent of total trips. Trips longer than 90 minutes comprised 1.5 percent of total trips, and 0.3 percent of all trips exceeded 120 minutes. This does not represent a substantial proportion of long trips.

Table 6.3 – Trip Length Distribution for October 19–25, 2014

Trip time (minutes)	Number	Percent
60 or less	5,669	92.1
61–90	396	6.4
91–120	71	1.2
> 120	20	0.3
Total	**6,156**	**100**

The review team then compared the fixed route travel times from the sample week for 15 Paratransit trips longer than 60 minutes. This sample included seven trips longer than two hours and eight trips between 60 and 120 minutes long.

The review team used Google Transit to determine travel times for comparable fixed route trips (same origin and destination, same day and time). The fixed route travel time includes: walking from the origin address to the initial fixed route stop; travel time on all vehicles; any wait times during transfers; and walking to from the fixed route stop to the destination address. Google Transit incorporates a walking speed of three miles per hour or 20 minutes per mile.

The analysis showed that for six sample trips (40 percent), Paratransit travel time exceeded comparable fixed route travel time. Nine of the Paratransit trips (60 percent) were comparable to fixed route time: seven were shorter and two others were within five minutes of the fixed route travel time. With the relatively small percentage of trips exceeding 60 minutes, the number of excessively long trips is not substantial.

The review team also analyzed patterns in the sample of long trips and identified only one rider who traveled longer than 90 minutes four or more times during the sample week.

Advisory Comment: An effective practice is to regularly analyze Paratransit trips to compare the travel times of long trips to those of comparable fixed route trips. Another effective practice is to regularly examine trip records to ensure riders do not experience a pattern of excessively long trips compared to fixed route times, and to schedule runs differently to prevent that from happening.

No Operational Patterns or Practices Limiting the Availability of Service to ADA Paratransit Eligible Individuals – Telephone Hold Times

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 patterns of long telephone wait times and high rates of abandoned calls that may limit the availability of Paratransit service.

HRT has 12 telephone lines to handle Paratransit calls via a single telephone number (757-455-8010), from which callers may select:

- Trip reservations

- "Where's my ride?"
- Calls to the contractor's management personnel

The contractor's manager supervises the reservations call center. According to the manager, demand sometimes exceeds the current phone system's capacity and callers receive busy signals. At the time of the site visit, HRT expected to hire a new contractor by February 2015 to manage telephone calls with a system with adequate capacity.

Several Paratransit customers the review team contacted prior to the site visit indicated that busy signals occur and that hold times are sometimes long.

HRT accepts Paratransit trip requests up to seven days in advance from 8 a.m. to 5 p.m., every day and also takes cancellation calls during those hours.

There are as many as five reservationists staffing the call center during the published reservations hours. When all on-duty reservationists are taking calls, additional calls divert into a queue, indefinitely. Each telephone set has a display that indicates the number of waiting calls.

HRT's telephone standards are:

- Answer all calls within two minutes
- Limit abandoned calls to no more than five percent

Telephone standards are most useful when stated as a percentage of calls answered before a stated threshold. Answering all calls within three minutes is more achievable than two minutes. In addition, tracking the percentage of calls answered within several time intervals (e.g., two, three, and five minutes) helps determine the appropriate staffing levels for call center operations.

HRT's telephone reports show the distribution of call wait times up to 120 seconds, but do not further stratify wait times beyond 120 seconds. The reports also provide the percentage of abandoned calls by hourly time periods, by the hour on each day, and also by the week.

HRT provided data for the October sample week in half-hour intervals for each day and for the week as a whole. See Tables 6.4 and 6.5, respectively. HRT did not meet its call standards on any day, although HRT met their standards for several hours on Wednesday, Thursday, and Saturday. Performance was very poor during most hours on Sunday, Monday, and Tuesday, and during the mid-afternoon hours on Friday. Overall, there is inadequate staffing to handle calls in the mid-morning hours and most of the afternoon hours on these days.

Table 6.4 – Daily Telephone Performance: October 19–25, 2014

Day	Calls Received	Percent Answered <= 120s	Percent Answered > 120s	Percent of calls abandoned	Average Answering Time (seconds)
Sunday	396	12	33	55	304
Monday	691	7	40	53	332
Tuesday	626	8	45	47	353
Wednesday	369	68	25	7	83
Thursday	309	74	21	5	78
Friday	366	48	33	19	144
Saturday	170	91	8	2	50

These data suggest that inadequate staffing leads to longer wait times and high numbers of abandoned calls. Examination of the abandoned calls showed that during hours of inadequate telephone capacity,

many attempted calls from the same incoming telephone number occur multiple times before a caller reaches a reservationist.

Corrective Action Schedule: Within 60 days of the issuance of the final report, HRT must provide sufficient capacity to answer telephone calls promptly during all service hours. To comply with the 49 CFR § 37.131(f) requirements, HRT must collect and carefully analyze hourly telephone performance data and increase the number of reservationists and other required resources during hours when performance falls below its standards.

Table 6.5 – Hourly Telephone Performance: October 19–25, 2014

Start Time	Calls In	Percent of All Calls	Average Wait Time (seconds)	Percent of Calls Abandoned
7:30–8 a.m.	16	0.54	205	6.3
8–8:30 a.m.	96	3.25	99	7.3
8:30–9 a.m.	100	3.39	103	11.0
9–9:30 a.m.	124	4.20	136	19.4
9:30–10 a.m.	143	4.85	175	31.5
10–10:30 a.m.	124	4.20	166	25.8
10:30–11 a.m.	87	2.95	99	8.0
11–11:30 a.m.	147	4.98	168	15.0
11:30 a.m.–noon	127	4.31	141	22.8
Noon–12:30 p.m.	126	4.27	160	15.1
12:30–1 p.m.	123	4.17	135	14.6
1–1:30 p.m.	158	5.36	204	19.6
1:30–2 p.m.	164	5.56	242	29.9
2–2:30 p.m.	210	7.12	247	37.1
2:30–3 p.m.	182	6.17	230	33.0
3–3:30 p.m.	208	7.05	244	29.3
3:30–4 p.m.	262	8.88	191	23.3
4–4:30 p.m.	275	9.32	234	29.5
4:30–5 p.m.	271	9.19	239	31.7
5–5:30 p.m.	7	0.24	153	0.0
Total	**2,950**	**100**	**179**	**24.5**

No Operational Patterns or Practices Limiting the Availability of Service to ADA Paratransit Eligible Individuals – Untimely Drop-offs for Appointments

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, the following deficiencies were found with HRT's operational practices related to untimely drop-offs for appointments:

- HRT does not have a formal performance standard for on-time drop-offs.
- The proportion of late drop-offs is high.
- The proportion of very early drop-offs is high.

During the site visit, HRT managers stated their informal on-time standard as 93 percent, measured on a monthly basis. HRT generates monthly drop-off performance reports that compare requested rider appointment times with actual drop-off times. Table 6.6 presents Paratransit monthly drop-off performance for the first 11 months of 2014, which shows that HRT did not meet its informal drop-off standard for any of the 11 months. The HRT managers also noted that they do not review the monthly reports or actively monitor on-time drop-off performance. (See Section 6.12 for a discussion of deficiencies with respect to monitoring service that private entities provide under contract.)

Table 6.6 – HRT Paratransit On-Time Drop-off Performance: January–November 2014

Month	Percent
January	89.1%
February	89.4%
March	88.6%
April	91.2%
May	89.7%
June	91.8%
July	92.7%
August	91.9%
September	87.3%
October	88.3%
November	90.1%

Table 6.7 presents the review team's analysis of HRT Paratransit drop-off performance for the October sample week. Of the 6,153 trips in the sample, 1,770 (28.8 percent) had requested drop-off times. Late trips—after the requested appointment time—comprised 14.6 percent. This represents a high proportion of untimely drop-offs.

Table 6.7 – On-Time Drop-off Performance for HRT Paratransit Trips: October 19–25, 2014

Drop-offs	Number	Percent
All on time	**1,511**	**85.4%**
0–15 minutes early	443	25.0%
16–30 minutes early	472	26.7%
31–60 minutes early	508	28.7%
60+ minutes early	88	5.0%
>30 minutes early	**596**	**33.7%**
All late	**259**	**14.6%**
>30 minutes late	22	1.2%
16–30 minutes late	63	3.6%
1–15 minutes late	174	9.8%

Total sample: 1,770 trips

In addition, 33.7 percent of the trips with requested drop-off times were more than 30 minutes early. This is a high proportion of untimely (very early) drop-offs. Very early drop-offs are a potential concern for riders with early morning appointments, since such they may take place before a facility opens.

In addition, the review team observed that Paratransit dispatchers must switch to another display screen to check riders' appointment times, indicating that ensuring timely drop-offs is not one of their primary activities.

Corrective Action Schedule: Within 60 days of the issuance of the final report, HRT must establish formal on-time drop-off performance standards and apply these standards to daily operations. HRT must also reduce the high proportion of late drop-offs and the high proportion of very early drop-offs.

6.7 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, deficiencies were found with HRT's practice of subscription service, which exceeds 50 percent of its total trips. Because HRT is experiencing capacity constraints with on-time performance and telephone hold times, HRT must lower subscription service to less than 50 percent of total trips in the periods when these constraints are present, or resolve the capacity constraints.

Table 6.8 presents an analysis of trips during the October sample week. During four morning hours (4–8 a.m.) and the 3 p.m. afternoon hour, subscription trips accounted for more than 50 percent of all trips. There were five additional one-hour periods when subscription service exceeded 40 percent of all trips.

Table 6.8 – Subscription Service Analysis

Hour Beginning	Total Trips	Subscription Trips	Percent
4 a.m.	**20**	**19**	**95%**
5 a.m.	**188**	**165**	**88%**
6 a.m.	**276**	**197**	**71%**
7 a.m.	**471**	**284**	**60%**
8 a.m.	**618**	**285**	**46%**
9 a.m.	558	179	32%
10 a.m.	510	191	37%
11 a.m.	410	108	26%
12 noon	485	77	16%
1 p.m.	411	97	24%
2 p.m.	**564**	**263**	**47%**
3 p.m.	**774**	**460**	**59%**
4 p.m.	**334**	**149**	**45%**
5 p.m.	161	53	33%
6 p.m.	93	19	20%
7 p.m.	**67**	**31**	**46%**
8 p.m.	61	17	28%

Corrective Action Schedule: Within 60 days of the issuance of the final report, HRT must begin analyzing subscription trips to compare its distribution by time of day with periods of capacity constraints. During those hours where capacity constraints exist, HRT must limit subscription service to 50 percent of all trips. This can be done by reducing the number of subscription trips or by increasing capacity in those hours.

6.8 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 agencies 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. If riders do not show up for the outgoing portions of round trips, transit agencies cannot automatically assume that the return trip is not needed.

Under 49 CFR § 37.125(h)(1), trips missed by riders for reasons beyond their control, including trips missed due to operator or transit agency 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 appeal 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 HRT's written policies that trigger service suspensions for missing scheduled trips. Deficiencies were also found with HRT's "Excessive Cancellation Policy."

HRT's General Information Packet includes a three-page document entitled "No-Show and Late Cancellation Policy" that explains the agency's policy and procedures for suspending riders who miss scheduled trips. The key elements of that policy are described below.

- A passenger is considered a "No Show" if the passengers fails to board or fails to be ready to board at the scheduled pickup location when the driver has waited 5 minutes during the Paratransit Service "on-time" window for service. An on-time window is defined as 15 minutes prior to or 15 minutes after the negotiated/scheduled pick up time.
- A passenger is considered a "Late Cancellation" if the passenger cancels scheduled Paratransit Service at any time two (2) hours or less before the beginning of the passenger's scheduled pickup window.
- Any combination of three (3) Late Cancellations or No Shows in any consecutive three-month period or less will be deemed "excessive" and is defined as a "violation" of this policy. Passengers with excessive Late Cancellations/No-Shows will be subject to sanctions as described below. Please note considerations for the number of violations will be made for more frequent users of the service.
- If a passenger no-shows or late cancels for an "outbound" trip and has one or more other trips (e.g., return) on the same day, HRT will not automatically cancel the subsequent trip(s). It is the passenger's responsibility to either take the later trip(s) or cancel it/them in a timely manner if they wish to avoid being charged with any additional No-Show or Late Cancellation.
- A trip missed by a passenger for reasons beyond a passenger's control, including Paratransit error or uncontrollable or unpredictable impacts of their disability, will not count as a No-Show. Documentation of impacts may be required.

FTA requires that transit agencies consider riders' trip frequencies when establishing a threshold for excessive no-shows and cancellations. HRT's policy incorrectly considers the number of violations rather than the rate of no-shows/late cancellations as a percentage of all trips riders take. In response to a

Triennial Review, HRT added the following policy language. "Please note considerations for the number of violations will be made for more frequent users of the service." However, HRT must provide more specific and quantifiable guidance to establish a threshold of no-shows/cancellations in relation to regular use.

HRT's policy for no-shows and late cancellations is based on any combination of three late cancellations or no-shows in any consecutive three-month period. HRT imposes the following sanctions:

- First Violation - Fourteen-day suspension of Paratransit Service.
- Second Violation – One-month suspension of Paratransit service. Passenger has option in lieu of suspension to pay the "full cost" ($20 per trip) for each No-Show or Late Cancel that they have incurred during this interval, including No-Shows or Late Cancels that occur prior to appeal hearing.
- Third Violation – Three-month suspension of Paratransit Service. Passenger has option in lieu of suspension to pay twice the "full cost" ($40 per trip) for each No-Show or Late Cancel that they have incurred during this interval, including No-Shows or Late Cancels that occur prior to appeal hearing.
- Fourth Violation - One-year suspension of Paratransit Service and the passenger has the responsibility to request re-instatement of active eligibility.

HRT does not count no-shows or late cancellations beyond a rider's control.

In 2013, HRT suspended 14 riders for more than 30 days: 11, for 90 days and three for 365 days. FTA considers suspensions longer than 30 days excessive.

HRT's no-show suspension letters properly include the dates of the suspension, records of trips that were either no-shows or late cancellations, and instructions on how to file an appeal. HRT uses the same appeal process as it uses for eligibility appeals. During the month of August 2014, HRT notified 105 riders of service suspensions. Subsequently, HRT reversed suspensions for 47 riders based on file reviews without holding formal appeal hearings.

Methodology for Verifying No-Shows

Prior to charging riders with late cancellations or no-shows, HRT's Paratransit Manager reviews the trips the service provider initially records as missed trips, late cancellations, or cancels at the door. If he identifies coding errors, he directs the service provider to correct the trip records in the paratransit software.

To verify the accuracy of HRT's no-show coding process, the review team analyzed a sample of 34 scheduled trips (four different riders) that dispatchers initially coded as no-shows, late cancellations, or cancellations at the door. A review team member and the HRT Paratransit Manager reviewed these 34 scheduled trips, and:

- Confirmed 16 scheduled trips as rider no-shows
- Confirmed 17 scheduled trips as late cancellations or cancellations at the door
- Re-coded one scheduled trip from a no-show to a no-fault late trip.

Records from the one trip recoded from a no-show to a no-fault late trip did not contain sufficient information to confirm that the driver waited at least five minutes at the pickup location. HRT's procedures to ensure that it does not improperly charge riders with no-shows and late cancellations appeared to be effective.

Excessive Cancellation Policy

In June 2014, HRT adopted a policy to address the impact on operations of those riders who book a significant number of trips and then cancel most of them more than two hours in advance of the trip. The

policy states that riders who cancel "in excess of 10 scheduled trips which equate to more than 50 percent of their demand (non-subscription) trips for any 30 day period may receive a 14 day total service suspension." HRT increases this sanction for each subsequent occurrence to four occurrences (using the same method of ten trips in a month equating to more than 50 percent) in 24 months resulting in a 365-day suspension. HRT cited as an example a rider who booked 104 trips (in a three-month period) and: cancelled 74 trips more than two hours in advance; and was a no-show or late cancellation for 20 other trips. HRT had not yet enforced this policy. Nevertheless, HRT may not suspend a rider's service based on timely (i.e., not late) trip cancellations; as such, HRT's proposed excessive cancellation policy is not compliant.

Corrective Action Schedule: Within 60 days of the issuance of the final report, HRT must:

- Revise its no-show policy to incorporate frequency of scheduled trips that result in no-shows or late cancellation.
- Modify its service suspension policy to cap suspensions at 30 days.
- Eliminate its excessive cancellation policy.

6.9 Complaint Resolution and Compliance Information

Requirements: Under 49 CFR § 27.13(b), transit agencies must have administrative procedures in place that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints. Under 49 CFR § 27.121(b), transit agencies must keep all complaints of noncompliance on file for one year and a record of all such complaints (which may be in summary form) for five years.

Discussion: During this compliance review, no deficiencies were found with how HRT maintains complaint records or with the procedures for resolving complaints.

HRT's website provides information on submitting complaints and comments and includes a Customer Assistance Form as well as the customer service telephone number. HRT customer service representatives refer all telephone complaints to the complaint line extension, where a Complaint Specialist enters the details into a computer database, known as Customer Assistance System (CAS). HRT categorizes complaints and refers any ADA-related complaints to the Paratransit Manager, who refers service complaints to the MV Transit, who also has access to the CAS. The Paratransit department has up to seven days to respond to Customer Service.

The MV manager has access to the CAS database. HRT contractually requires MV to document complaint investigations and resolutions in the CAS database within five business days.

Upon request, HRT contacts complainants to explain how HRT resolved the complaint and notes the response in the CAS database. HRT only closes complaints after HRT's Customer Services Manager approves the proposed resolution and (applicable) communication.

HRT maintains the detailed complaint documentation indefinitely. At the time of the site visit, entries in the database dated back at least five years.

The review team examined 100 fixed route and Paratransit complaint records from the first ten months of 2014 and found that HRT promptly and appropriately resolved the complaints. These included a detailed review of responses to complaints through September 2014, demonstrating that notes for each complaint were extensive and included follow-up actions and milestones.

6.10 Nondiscrimination

Requirement: Under 49 CFR § 37.5, transit agencies are prohibited from discriminating against an individual with a disability in connection with the provision of transportation service, or deny any

individual with a disability the opportunity to use the transportation services it provides to the general public. Discriminatory practices include and are not limited to requiring the use of alternate transportation services, requiring persons with disabilities to be accompanied by an attendant, imposing user fees or special charges upon people with disabilities and requiring people with disabilities to use designated priority seating.

Discussion: During this compliance review, no deficiencies were found with respect to nondiscrimination. HRT policies for Paratransit riders are comparable to policies for fixed route riders.

6.11 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, no deficiencies were found with the requirement to train personnel to proficiency.

The review team interviewed HRT's service provider's training manager and reviewed the training curriculum, which appears to be thorough and complete as pertaining to ADA topics. The review team also observed that dispatchers, schedulers, and drivers were trained appropriately to their responsibilities.

New driver trainees receive a mix of classroom and road training. All drivers also operate live runs with a more senior driver before performing runs on their own.

The service provider conducts regular safety meetings, and all drivers receive six hours of scheduled refresher training every two years. Targeted refresher training is also required following incidents and complaints, including sensitivity training on serving individuals with disabilities.

6.12 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 contract or other arrangements with the private entity or entities.

Discussion: During this compliance review, the following deficiencies were found with how HRT monitors its service providers:

- HRT does not actively monitor telephone performance — in particular, hold times for riders making trip reservations. (See Telephone Hold Times discussion above.)
- HRT does not actively monitor on-time drop-off performance. (See Untimely Drop-offs discussion above.)

Corrective Action Schedule: Within 60 days of the issuance of the final report, HRT must:

- Begin to monitor its contractor's telephone performance
- Begin to monitor its contractor's on-time drop-off performance

6.13 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: HRT does not contract with or have an agreement with another public entity to provide complementary paratransit service on its behalf.

6.14 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, no deficiencies were found with how HRT coordinates service with other fixed route operators with overlapping or contiguous service areas. HRT's fixed route service area overlaps the Williamsburg Area Transit Authority (WATA) service area to the north and the Suffolk Transit service area to the west. HRT has established designated transfer points for complementary paratransit trips to/from the WATA service area (Lee Hall in Newport News). HRT has also established transfer points for trips to/from the Suffolk Transit service area (Chesapeake Square Mall and along College Avenue in Suffolk). When a complementary paratransit rider takes a trip that involves a transfer between HRT and another complementary paratransit service, the rider contacts the two providers and is responsible for coordinating the separate legs of the trip.

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	1 advisory comment		
3	ADA paratransit eligibility standards	37.123(e) (1)-(3)	2 deficiencies	HRT makes eligibility determinations based on incomplete or conflicting information without sufficient follow-up efforts to applicants and/or medical professionals. HRT's reasons for denying eligibility are potentially inappropriate.	60/8-10-15
4	Accessible information	37.125(b)	No deficiencies		
5	Eligibility determinations within 21 days	37.125(c)	1 deficiency 1 advisory comment	HRT does not communicate applicants' rights to presumptive eligibility for applications not processed within 21 days.	60/8-10-15
6	Written eligibility determinations including specific reasons for denials or temporary or conditional eligibility	37.125(d)(e)	4 deficiencies	HRT's letter granting conditional eligibility does not include specific reasons for the decision, and does not explain an applicant's right to appeal the decision. HRT's letter granting temporary eligibility does not include specific reasons for the decision, and does not explain an applicant's right to appeal the decision. Letters denying eligibility do not include specific reasons for the decision, or explain an applicant's right to appeal the decision.	60/8-10-15

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
7	Recertification of eligibility at reasonable intervals	35.125(f)	No deficiencies		
8	Administrative appeals process for denials and conditional eligibility	37.125(g)	1 deficiency	HRT's appeal policy and appeal request form improperly require appellants to document the basis for their appeals.	60/8-10-15
9	Complementary paratransit for visitors	37.127	1 deficiency	For visitors without ADA paratransit eligibility from another transit agency, HRT does not have a process that enables them to appeal for provide complementary paratransit.	60/8-10-15
10	Types of service	37.129	2 deficiencies 1 advisory comment	HRT requires all complementary paratransit riders traveling across the James River to use fixed route service for the river crossing portion of the trip regardless of a rider's type of eligibility. HRT's driver assistance policy is not communicated consistently; information on the website sates "drivers are not required to assist you to or from your door." HRT's service provider contract requires rider assistance.	60/8-10-15
11	Service area	37.131(a)	No deficiencies		
12	Response time	37.131(b)	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
13	Fares	37.131(c)	No deficiencies		
14	No trip purpose restrictions	37.131(d)	No deficiencies		
15	Hours and days of service	37.131(e)	No deficiencies		
16	Absence of capacity constraints	37.131(f)	(See items 17-22 below)		
17	No restrictions on the number of trips provided to an individual	37.131(f)(1)	No deficiencies		
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)	1 deficiency	Analysis of data from the sample week indicated a substantial number of pickups were untimely. Nearly one of every five trips (19.4 percent) had pickups after the end of the window. In addition, 6.8 percent of trips were more than 15 minutes late.	60/8-10-15
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		

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
21	No substantial numbers of trips with excessive trip lengths	37.131(f)(3)(i)(c)	No deficiencies 2 advisory comments		
22a	No operational patterns or practices significantly limiting service availability (telephone hold times)	37.131(f)	1 deficiency	HRT has patterns of long telephone wait times and high rates of abandoned calls that may limit the availability of Paratransit service.	60/8-10-15
22b	No operational patterns or practices significantly limiting service availability (untimely drop-offs)	37.131(f)	3 deficiencies	HRT does not have a formal performance standard for on-time drop-offs. The proportion of late drop-offs is high. The proportion of very early drop-offs is high.	60/8-10-15
23	Subscription Service	37.133	1 deficiency	HRT provides subscription trips in excess of 50 percent of total trips during certain hours on certain days when capacity constraints are present.	60/8-10-15
24	No-show, late cancel and reasonable service suspension & appeal policies	37.125(h) (1)-(3)	3 deficiencies	HRT's suspension policy incorrectly considers the absolute number of violations rather than the rate of no-shows/late cancellations as a percentage of all trips a rider takes. HRT's no-show suspensions are excessively long (i.e., longer than 30 days). HRT has a policy that improperly suspends riders based on timely (not late) trip cancellations.	60/8-10-15

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
25	Complaint Resolution & Compliance Information	27.13(b) & 27.121	No deficiencies		
26	Non-discrimination	37.5	No deficiencies		
27	Training	37.173	No deficiencies		
28	Service under contract with a private entity	37.23	2 deficiencies 3 advisory comments	HRT does not actively monitor its service provider's telephone performance particularly hold times for riders making trip reservations. HRT does not actively monitor its service provider's on-time drop-off performance.	60/8-10-15
29	Service provided by another public entity	37.21(b)	Not applicable		
30	Coordination of service	37.139(g)	No deficiencies		

Attachment A

FTA Notification Letter to Hampton Roads 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

September 2, 2014

Mr. William E. Harrell
President and Chief Executive Officer
Hampton Roads Transit
3400 Victoria Boulevard
Hampton, VA 23661

Dear Mr. Harrell:

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. Hampton Roads Transit (HRT) has been selected for a review of its Handi-Ride complementary paratransit service to take place during the week of December 8-11, 2014.

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

The review process includes data collection prior to the on-site visit, an opening conference, an on-site analysis of the Handi-Ride 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 **9 a.m. on Monday, December 8, 2014,** to introduce the Collaborative team and FTA representatives to HRT, including you or your designee, the HRT 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 Handi-Ride offices for the duration of their visit. Please let us know if you will designate a member of your staff to serve as HRT's liaison with the review team and will coordinate the on-site review and address questions that may arise during the visit.

So that we may properly prepare for the on-site visit, we request that you provide the information described in Enclosures 1 and 2. Enclosure 1 consists of items that must be received within 45 calendar days of the date of this letter. These materials should be forwarded to:

David Chia
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 December 8, 2014, after the opening conference.

We request the exit conference be scheduled for **2 p.m. on Thursday, December 11, 2014,** to afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you or your designee, the HRT 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 comment on the draft before FTA finalizes the report. The Final Report, when issued to HRT, will be considered a public document subject to release under the Freedom of Information Act, upon request.

HRT and Handi-Ride 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 HRT and Handi-Ride staff.

Sincerely,

for John Day
ADA Team Leader

cc: Brigid Hynes-Cherin, FTA Region III Administrator
Monica McCallum, FTA TCR Division Regional Operations Chief
Keith Johnson, HRT Director of Paratransit

Enclosure 1

<u>The following information must be submitted to Transystems within 45 calendar days from the date of this letter.</u>

1. A description of how complementary paratransit service is structured and provided, including:
    - How trip requests/reservations are handled (by the contractors?) and the address(es) where reservations are taken
    - How trips are scheduled (by the contractors?) and the address(es) where scheduling is done
    - How dispatching is handled (by the 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 of the 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?
    - What standards have been set regarding acceptable numbers or percentages of ADA trip denials?
    - What travel time is considered comparable to fixed route and what travel time is considered too long? What are the goals for the percentages of trips to be provided within the standards?
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 on-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

- 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
Sample Eligibility Letters

Hampton Roads Transit
3400 Victoria Boulevard, Hampton, Virginia 23661
Phone: 757-222-6000 ~ Southside Fax: 757-222-6103
Peninsula Fax: 757-222-6195 ~ www.hrtransit.org

September 24, 2014

[redacted]

Dear [redacted]

Thank you for your interest in Paratransit. Your application for service has been approved as **Unconditional.** You are eligible to use Paratransit Service for any purpose, to go anywhere within the Paratransit service area. Your current eligibility is valid until **September 30, 2017**. If you have a continuing need for Paratransit Service after this time, please contact us a month prior to the expiration date.

Attached to this letter is your identification card. Please sign the card and carry it with you at all times. The customer ID number shown on the card signifies important information regarding your functional abilities and eligibility. Please review the information enclosed to familiarize you with our service. This eligibility determination may also enable you to use similar paratransit services nationwide.

NOTE:

1. For your convenience, 10 ride ticket books can be purchased by mail. If you wish to purchase paratransit tickets by mail, please use the enclosed order form and make your check or money order payable to MV Transportation. Please do not send cash. Write your customer ID number (noted below) on your check or money order when ordering.
2. One-way fare for paratransit is $3.00. You may pay with cash or tickets. If cash is used, please have exact fare. Operators are unable to make change. Paratransit is a scheduled origin to destination service meaning stops other than those scheduled are not allowed. A $3.00 fare is charged for each scheduled stop during your paratransit trip.

If you have additional questions, please feel free to call me at 222-6087.

Sincerely,

Keith Johnson

Keith Johnson
Manager of Paratransit Operations

HRT Hampton Roads Transit — Certificate of Eligibility for ADA Paratransit Service

Passenger Name [redacted]	
Date 09/24/2014	Expiration Date 09/30/2017
Passenger Signature	
ID Number [redacted]	Travels with Personal Care Assistant YES
Eligibility Conditions Unconditional	

Hampton Roads Transit
3400 Victoria Boulevard, Hampton, Virginia 23661
Phone: 757-222-6000 ~ Southside Fax: 757-222-6103
Peninsula Fax: 757-222-6195 ~ www.hrtransit.org

September 29, 2014

[redacted]

Dear [redacted]

Thank you for your interest in Paratransit. Your application for service has been approved as **Conditional – Use Fixed Route Service Whenever Possible**. You are eligible to use Paratransit Service for any purpose, to go anywhere within the Paratransit service area. Your current eligibility is valid until **September 30, 2017**. If you have a continuing need for Paratransit Service after this time, please contact us a month prior to the expiration date.

Attached to this letter is your identification card. Please sign the card and carry it with you at all times. The customer ID number shown on the card signifies important information regarding your functional abilities and eligibility. Please review the information enclosed to familiarize you with our service. This eligibility determination may also enable you to use similar paratransit services nationwide.

NOTE:

1. For your convenience, 10 ride ticket books can be purchased by mail. If you wish to purchase paratransit tickets by mail, please use the enclosed order form and make your check or money order payable to MV Transportation. Please do not send cash. Write your customer ID number (noted below) on your check or money order when ordering.
2. One-way fare for paratransit is $3.00. You may pay with cash or tickets. If cash is used, please have exact fare. Operators are unable to make change. Paratransit is a scheduled origin to destination service meaning stops other than those scheduled are not allowed. A $3.00 fare is charged for each scheduled stop during your paratransit trip.

If you have additional questions, please feel free to call me at 222-6087.

Sincerely,

Keith Johnson

Keith Johnson
Manager of Paratransit Operations

HRT Hampton Roads Transit — Certificate of Eligibility for ADA Paratransit Service

Passenger Name	[redacted]
Date 09/29/2014	Expiration Date 09/30/2017
Passenger Signature	
ID Number [redacted]	Travels with Personal Care Assistant YES
Eligibility Conditions	Conditional – use fixed route service whenever possible

HRT
Hampton Roads Transit
3400 Victoria Boulevard, Hampton, Virginia 23661
Phone: 757-222-6000 ~ Southside Fax: 757-222-6103
Peninsula Fax: 757-222-6195 ~ www.hrtransit.org

December 1, 2014

[redacted]
Virginia Beach, Va. 23455

Dear Mr [redacted]

Thank you for your interest in Paratransit. Your application for service has been approved as **Temporary Unconditional.** You are eligible to use Paratransit Service for any purpose, to go anywhere within the Paratransit service area. Your current eligibility is valid until **May 31, 2015.** If you have a continuing need for Paratransit Service after this time, please contact us a month before this expiration date.

Attached to this letter is your identification card. Please sign the card and carry it with you at all times. The customer ID number shown on the card signifies important information regarding your functional abilities and eligibility. Please review the information enclosed to familiarize you with our service. This eligibility determination may also enable you to use similar paratransit services nationwide.

NOTE:

1. For your convenience, 10 ride ticket books can be purchased by mail. If you wish to purchase paratransit tickets by mail, please use the enclosed order form and make your check or money order payable to MV Transportation. Please do not send cash. Write your customer ID number (noted above) on your check or money order when ordering.
2. One-way fare for paratransit is $3.00. You may pay with cash or tickets. If cash is used, please have exact fare. Operators are unable to make change. Paratransit is a scheduled origin to destination service meaning stops other than those scheduled are not allowed. A $3.00 fare is charged for each scheduled stop during your paratransit trip.

If you have additional questions, please feel free to call me at 222-6087.

Sincerely,

Keith Johnson

Keith Johnson
Manager of Paratransit Operations

HRT Hampton Roads Transit — Certificate of Eligibility for ADA Paratransit Service

Passenger Name	[redacted]		
Date	12/01/2014	Expiration Date	05/31/2015
Passenger Signature			
ID Number	[redacted]	Travels with Personal Care Assistant	NO
Eligibility Conditions	Temporary Unconditional		

Attachment C

Eligibility Denial Letter

6/17/2014

[redacted]
[redacted]T
VIRGINIA BCH, VIRGINIA 23464

HAMPTON ROADS
TRANSIT

HAMPTON ROADS PARATRANSIT
3400 VICTORIA BLVD
HAMPTON, VIRGINIA 23661

DEAR [redacted],

THANK YOU FOR APPLYING FOR HAMPTON ROADS PARATRANSIT. ADA PARATRANSIT ELIGIBILITY IS DETERMINED BY YOUR FUNCTIONAL ABILITY TO USE LOCAL FIXED ROUTE BUS SERVICE. BASED ON YOUR APPLICATION PROCESS, IT HAS BEEN DETERMINED THAT YOU ARE ABLE TO INDEPENDENTLY USE LOCAL FIXED ROUTE BUS SERVICE. THEREFORE, **YOU HAVE NOT QUALIFIED FOR USE OF HRT PARATRANSIT AT THIS TIME.**

THE INFORMATION GATHERED FROM YOUR APPLICATION AND HEALTHCARE VERIFICATION INDICATES THAT YOU APPEAR TO POSSESS THE NECESSARY TRANSIT SKILLS TO USE THE BUS. THEREFORE, YOU DO NOT QUALIFY FOR ADA PARATRANSIT SERVICES AT THIS TIME. THE INDIVIDUAL RESULTS OF YOUR EVALUATION INDICATE THAT YOU ARE CAPABLE OF THE FOLLOWING TRANSIT SKILLS: SEEING, HEARING, CROSSING A STREET, REMEMBERING, BALANCING AND MAY BE INCONVENIENCED BY NAVIGATING THE PUBLIC BUS SYSTEM, BREATHING. THE INFORMATION GATHERED ALSO FOUND INCONSISTENCIES BETWEEN YOUR APPLICATION AND HEALTHCARE VERIFICATION IN THE FOLLOWING AREA: AMBULATING. INCONSISTENT

INFORMATION DOES NOT ALLOW FOR A CLEAR EVALUATION. MANY INCONSISTENCIES CAN BE CLARIFIED AND EXPLORED FURTHER IN AN APPEAL. THE ADA RECOGNIZES THAT PERSONS WITH DISABILITIES FACE DIFFICULTIES IN USING THE BUS, HOWEVER, THESE ARE NOT ALWAYS GROUNDS FOR ELIGIBILITY.

IF YOU DISAGREE WITH THIS ELIGIBILITY DETERMINATION YOU HAVE THE RIGHT TO APPEAL THIS DECISION WITHIN 60 DAYS FROM THE DATE OF THIS LETTER. YOU MAY PARTICIPATE IN A REVIEW BY AN INDEPENDENT PANEL. IF NEEDED, YOU WILL BE PROVIDED TRANSPORTATION AT NO COST. YOU HAVE THE RIGHT TO PRESENT ADDITIONAL INFORMATION REGARDING YOUR FUNCTIONAL ABILITY AND BRING ANY DOCUMENTATION OR ADVOCATE SUPPORTING YOUR CLAIM. YOUR ORIGINAL CERTIFICATION DETERMINATION WILL REMAIN IN EFFECT UNTIL THE FINAL DECISION IS MADE AND YOUR APPEAL IS CLOSED. TO REQUEST AN APPEAL PLEASE CALL (757) 222-6087.

WE UNDERSTAND TRANSPORTATION IS IMPORTANT TO EVERYONE. IN THE FUTURE, SHOULD YOUR CONDITION CHANGE YOU MAY WISH TO RE-APPLY. AGAIN, THANK YOU FOR YOUR INTEREST IN HRT PARATRANSIT.

SINCERELY,
ADARIDE ON BEHALF OF HAMPTON ROADS PARATRANSIT

Attachment D

Appeals Policy and Appeal Form

HAMPTON ROADS TRANSIT

mpton Roads Transit (HRT)
Appeals Policies & Procedures for ADA
Complementary Paratransit Services
Effective February 15, 2002
Revised August 08, 2012

I. The HRT "Unified Service Plan and Policy for Complementary Paratransit Services under the Americans with Disabilities Act (ADA)" adopted by the commission on July 12, 2001 requires the following composition and process for Appeals Panels:

Appeals under this process will be determined by a three or five-member panel. One member shall be a staff member from HRT. A second member shall be a voting member of the Hampton Roads Transit Advisory Committee for Persons with Disabilities. The additional member(s) shall be from one of the member cities Advisory Committees, or Mayors Committees on Disabilities or Human Rights, agreed upon by the two other panel members, or, if none is available, another outside person(s) agreed upon by the two other panel members. A majority decision of the Appeals Panel shall be final and binding."

the interest of fairness to all participants, all individuals who serve on an ADA Appeals Panel for HRT Paratransit must agree to abide by the following:

1. Receive Appeals Panel training from HRT and legal representatives before participating on a Panel. As the need arises, panelists will receive additional training.
2. Must comply with all relevant laws, regulations and agree to follow processes and procedures established.
3. No individual involved in the original determination to deny eligibility or to impose a sanction shall have a decision-making role in the appeal of that decision (this is also known as "separation of functions").
4. All hearings, deliberations, and decisions must be conducted with strict compliance with the need for objectivity, confidentiality, consistency, and documentation regarding the process and all participants.
5. Panel candidates or Panelists must promptly disclose any known or potential issues relating to conflict of interest, bias, or anything that might have the appearance of impropriety if they were to participate on an Appeals Panel.
6. Members of HRT staff may only serve in that role on a Panel, even if they are eligible for "third party" category.
7. There are no quotas for Appeals outcomes-the critical issues are independent judgment by Panelists and the integrity of the decision process.

8. Service on any Appeals Panel is voluntary and appreciated.

§ II. General Rules for Appeals:

1. All information regarding appeals must be readily available, including the availability of accessible formats upon request.
2. To the extent feasible, Appeals Hearings will be conducted on both sides of the HRT service area.

§ III. Eligibility (full or partial):

1. HRT defines a complete application as the application form; and if deemed necessary, an in-person interview and functional assessment; and such outside professional verification and documentation (medical or otherwise) as is reasonably necessary for the eligibility determination. If, by a date 21 days following the submission of a complete application, HRT has not made a determination of eligibility, the applicant shall be treated as eligible and shall be provided Paratransit Service until and unless HRT denies the application.
2. An appeal must be filed within 60 days of the date of a denial of an individual's application. No appeal requests will be accepted beyond 60 days after determination.
3. For denials of eligibility, HRT is not required to provide Paratransit Service to the individual pending the determination on appeal.

   Note: If an individual has been granted conditional, trip by-trip, or temporary eligibility, but is appealing for unconditional eligibility, the individual will be provided Paratransit Service in accordance with their "limited" approved eligibility while the appeal is pending.
4. If HRT has not made a decision within 30 days of the completion of the appeal process, the individual shall be provided Paratransit Service, upon request, until and unless a decision to deny the appeal is issued.
5. If an individual who has been denied eligibility wishes to re-apply, they must identify those circumstances or condition(s) which they believe have changed their ability to use fixed-route public transit.

§ IV. Sanction(s) for Behavior:

1. Service may be suspended, for a reasonable period of time, for any individual who establishes a pattern or practice of missing or late-cancelling scheduled

trips, or for conduct that is violent, seriously disruptive, or illegal or that is prohibited on fixed route vehicles.

2. Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips that are missed due to HRT error or because of the individual's disability) shall not be a basis for determining whether a pattern or practice of missing scheduled trips exists.
3. An appeal must be filed within 60 days of the date of the Suspension Notice. No appeal requests will be accepted beyond 60 days after a Suspension Notice.
4. For suspension of Service, the sanction is stayed pending the outcome of the appeal.
5. For conduct that is violent, seriously disruptive or illegal, a requirement for the individual to use a personal care attendant may be mandated pending a determination from the Appeal Panel as a compromise in lieu of suspension or termination of Service.
6. If HRT has not made a decision within 30 days of the completion of the appeal process, the individual shall be provided Paratransit Service, upon request, from that time until and unless a decision to deny the appeal is issued.

§ V. Policies/Procedures for Appeals Hearings and Decisions:

1. Each individual who has the right to appeal any eligibility denial or sanction(s) will be notified, in writing, of that right, of the reason(s) for the decision, and of the appeal procedures.
2. Any eligibility determination or sanction may be appealed.
   - Request for appeal must be in writing and explain the specific reason(s) for disagreeing with the initial determination or sanction.
     At a minimum: For eligibility: must include a description of the individual's functional limitation(s) and why they are unable to ride fixed-route. For sanctions: must identify reasons why the behavior was "beyond the individual's control" and/or why it was not a "pattern or practice".
   - A mandatory "Appeal Request Form" will be made available with the Notice to help structure Appellant's explanations.
   - Upon written authorization by the Appellant, another individual or organization may file an appeal on their behalf.
3. Upon receipt of Appeal, HRT will assemble the Appeals Panel and schedule the hearing.
   - To the extent possible, include expertise on the Panel particular to the disability or situation claimed.
   - Hearings should be scheduled as promptly as reasonably possible.
   - HRT reserves the right to "expedite" the scheduling of a hearing, in its discretion (e.g., re-certification, sanctions for behavior)
   - If unable to contact Appellant, HRT must document attempts and process followed. It is the responsibility of Paratransit applicants and passengers to keep HRT informed of their current mailing address.
   - Appeals should be conducted in person.
   - The reason for this is to mirror substance and process of the initial determination as much as possible.

- Upon written request by Appellant, the Appeals Panel will act solely upon written materials submitted. This serves as a waiver of the right to an in-person hearing.
- For documented good cause, Appellant can request a postponement of the Appeal Hearing. However, if the individual requests such a postponement, they are not entitled to any further stay of sanction (e.g., suspension).

4. Appellant and Panelists should identify any "special needs" for hearing (e.g. accessible formats for materials, sign interpreter, audio-visual equipment, etc).
    - Transportation to and/or from the hearing is the responsibility of Appellant (if subject of hearing is eligibility, Paratransit will not provide transportation; if subject of hearing is sanction, Appellant may ride Handi-Ride, at their own cost, within their eligibility limits).
5. Preparations-HRT is responsible for all records that have been submitted to HRT, for providing copies of Appellant submittals (if timely), and for ensuring logistics and accessibility of room. All hearings will be recorded.

6. Select Chairperson to conduct this hearing.

7. Call to order and introductions of persons present.

8. Present testimony and documents.
    - Appellant has burden of proof to state their case; HRT will rebut only "as needed"
    - Appellant has opportunity to present additional written materials and supporting information. Materials received by HRT five business days before hearing will be reproduced by HRT, including accessible formats if needed.
    - If Appellant wishes to present additional written materials at, or less than five business days before, the hearing, he or she must provide copies for all Panel members (<u>including accessible formats, if needed</u>), for the HRT attorney and one " for the recording secretary.
    - Appellant has the opportunity to confront and present witnesses, within reasonable time limits.
    - To reduce burden on Appellant and Panelists, public portion of the hearing should be concluded within one hour, whenever possible.
9. Deliberations
    - Closed to public, including Appellant
    - If additional information/review is needed, should minimize hardship to Appellant (including HRT to provide transportation to/from and subsequent meeting(s) deemed necessary, unless the continuance is at the request of the Appellant)

10. Panel will document findings and reasons.

11. HRT will correspond results to the Appellant in writing within 30 days of the hearing, with reason(s) for the final decision.
    - If unable to contact Appellant, HRT must document attempts and process followed. It is the responsibility of Paratransit applicants and passengers to keep HRT informed of their current mailing address.
12. As stated in paragraph 2 “A majority decision of the appeals panel shall be final and binding”. Should the Appellant feel their case had not been treated objectively, they have the right to contact the Federal Transit Administration (FTA) to file a complaint.

HAMPTON ROADS TRANSIT For more information call 757-222-6087