

FTA

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

Metropolitan Council
Paratransit Compliance Review Final Report
March 17, 2014

Federal Transit Administration



U.S. Department of Transportation
Federal Transit Administration

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Executive Summary

Purpose

This report reviews Metropolitan Council's Metro Mobility complementary paratransit service in the Minneapolis/St. Paul, Minnesota metropolitan area. Its objective is to verify whether Metropolitan Council (Met Council) is meeting its obligations under the ADA to provide paratransit as a complement to its fixed route service.

This compliance review included three stages:

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

Key Findings

During the review team's visit, Met Council representatives were committed to providing high-quality paratransit service as a complement to its fixed route service. The review team also observed that:

- Met Council provides sufficient financial resources to operate Metro Mobility service
- Metro Mobility's in-person assessment process for determining ADA paratransit eligibility is thorough and well run, enabling them to process all eligibility applications within 21 days of receipt
- Metro Mobility's service is "first door-through-first door service," which exceeds the DOT ADA requirements
- Metro Mobility drivers are well trained and understand their job responsibilities

The review identified the following deficiencies that Met Council can correct immediately:

- Letters determining eligibility and explaining appeal decisions do not include all of the language the regulations require
- Inconsistent with Met Council's normal business hours, three service providers do not accept telephone calls between 4 and 5 p.m. on weekends
- Some policies and procedures regarding what constitutes a no-show, how no-shows affect subsequent trips, and how suspensions for no-shows are reviewed are not compliant
- Existing performance standards for excessively long trips and long telephone hold times do not properly ensure compliant service

The review also identified the following deficiencies that Met Council must address:

- In Metro Transit's free-fare and reduced-fare zones, Metro Mobility fares exceed twice the fixed route fare
- Some of Metro Mobility's agency trips exhibit a potential pattern of excessively long trips for particular riders

- Several service providers are not meeting the Metro Mobility standard for on-time drop-offs, particularly for very early drop-offs
- Service provider monitoring is deficient in several areas of service delivery, including excessively long trips, telephone hold times, and untimely drop-offs

Please see Section 5 for a discussion of all 36 deficiencies. The Summary Table of Compliance Review Findings (following Section 5) lists all findings. Met Council must address all deficiencies within 60 days of receipt of this report.

1 General Information

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

Grant Recipient:	Metropolitan Council (Met Council)
City/State:	Saint Paul, Minnesota
Grantee Number:	5155
Executive Official:	Patrick Born, Regional Administrator
On-site Liaison:	Kathleen Shea, Director, Program Evaluation and Audit
Report Prepared By:	the Collaborative, Inc.
Dates of Site visit:	September 30–October 4, 2013
Review Team Members:	David Chia, the Collaborative, Inc. James Purdy, the Collaborative, Inc. Russell Thatcher, TranSystems Corp.

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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 Introduction to Metropolitan Council

Metropolitan Council (Met Council) is a public agency with a range of responsibilities in the seven-county Minneapolis-St. Paul, MN metropolitan area, including regional planning, parks management, affordable housing, water supply planning and wastewater treatment, and public transportation service.

The fixed route system (Metro Transit) includes bus, light rail, and commuter rail service. Met Council also operates the Transit Link general public demand responsive service and Metro Mobility, the complementary paratransit service, which is the subject of this compliance review. Based on ridership, Metro Transit is the 12th largest fixed route operator in the United States. According to its website, Met Council provided 81 million passenger trips in Fiscal Year (FY) 2012 (January–December), with approximately 70 million trips by bus. According to FTA’s National Transit Database (NTD), Metro Transit’s service area is 2,975 square miles, with a population of 2,849,567.



Metro Mobility van and website [link](#)

3.1 Introduction to Complementary Paratransit Services and Organizational Structure

According to NTD, Metro Mobility serves 2,314,701 people in a 1,111-square mile six-county service area with a 400-vehicle fleet of small buses and sedans. Metro Mobility includes some non-ADA service. In FY 2012, Metro Mobility provided 1.71 million complementary paratransit trips. At the time of the review team’s site visit (October 2013), Metro Mobility had approximately 35,000 ADA paratransit eligible riders in its database.

Five complementary paratransit service providers operate under contract to Met Council. DARTS, Transit Team, and First Transit are private entities and Anoka and Scott Counties are public entities. These service providers cover the following five geographic regions (see Figure 3.1):

- Anoka County
- Dakota County (DARTS)
- West Metro: primarily Hennepin County (Transit Team)
- East Metro: primarily Ramsey and Washington Counties (First Transit)
- Scott County

Metro Mobility service providers are responsible for:

- Accepting and scheduling trip requests
- Hiring and training drivers
- Dispatching vehicles
- Maintaining vehicles

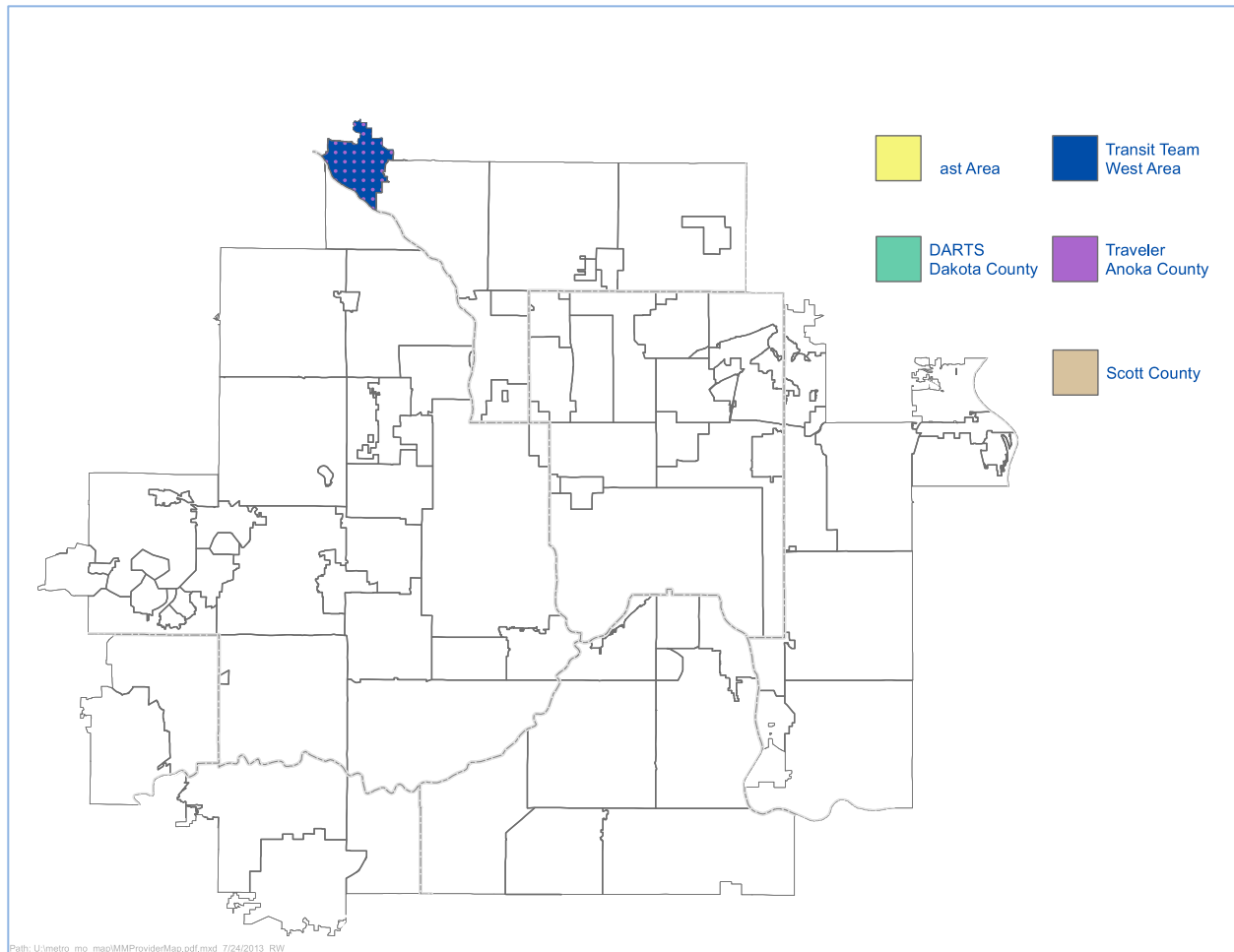


Figure 3.1 – Metro Mobility Service Provider and Service Area Map

Metro Mobility staff, based in Met Council’s St. Paul office, determines ADA paratransit eligibility and monitors service provider operations. (See Sections 5.12 and 5.13 regarding Met Council’s respective oversight of its private and public service providers.) Met Council owns the vehicle fleet, telephone systems, computer hardware, and paratransit software. Met Council also resolves complaints, maintains complaint records, and oversees the appeal process.

The majority of Metro Mobility’s trips occur in Hennepin (including Minneapolis), Ramsey (including St. Paul), and Washington Counties, with some overlap in service areas. Metro Mobility assigns riders to service providers (known as “home carriers”) based on where riders reside. For trips between East Metro and West Metro, home carriers provide complete trips (i.e., no transfers) along with any requested return trips. Trips between East Metro or West Metro and Anoka, Dakota, or Scott Counties require transfers, although home carriers can opt to provide entire trips. Fares for transfer and non-transfer trips are the same.

Met Council also contracts with First Transit to provide what it defines as “agency trips.” According to Met Council’s contract for agency services:

“Agency” means a day training and rehabilitation center, adult day care center, or other high volume social service agency designated by the Council to be provided Metro Mobility Agency Service by the Contractor.

“Agency Trip” means a one-way trip for an ADA-certified rider from a designated pickup point that is to be delivered by the Contractor. An Agency trip is initiated through a request by a participating Agency to establish a regularly scheduled set of trips.

All of Metro Mobility’s agency trips are subscription service trips. First Transit provides contracted agency trips throughout Metro Mobility’s service area for riders traveling to participating agencies — regardless of location or the rider’s home address. Riders that First Transit serves for agency trips must use their home carrier for non-agency trips.

First Transit, which also serves East Metro for complementary paratransit service (“demand service”), operates out of one facility. Some drivers, staff, and equipment serve both operations, but First Transit uses separate fleets; with Met Council’s prior approval, First Transit may temporarily reassign vehicles from one service to the other.

For a small portion of its ADA paratransit service, Met Council contracts with Taxi Services, Inc. to serve “peak demand overflow” trips that its other contractors cannot serve.

Table 3.1 summarizes Metro Mobility ADA paratransit ridership by service provider for FY 2012 and the first eight months of FY 2013. This table includes H.S.I., Washington County’s service provider during FY 2012; First Transit began providing these trips late in FY 2013.

Table 3.1 – Metro Mobility ADA Paratransit Ridership

Service Provider	FY 2012		FY 2013 (8 months)	
	Trips	Percent	Trips	Percent
Transit Team	636,006	37.2%	454,929	37.5%
First Transit (demand)	460,214	26.9%	333,941	27.5%
First Transit (agency)	354,753	20.7%	239,280	19.7%
DARTS (Dakota County)	149,026	8.7%	109,228	9.0%
H.S.I/First Transit (Washington County)	21,720	1.3%	11,711	1.0%
Anoka County	67,533	3.9%	25,655	2.1%
Scott County	22,349	1.3%	17,097	1.4%
Taxi Services, Inc.	0	0%	21,052	1.7%
Total	1,711,601	100%	1,212,893	100%

Table 3.2 summarizes how Met Council allocates its vehicles (small buses, vans, and sedans) to each service provider.

Table 3.2 – Metro Mobility Vehicle Fleet

Service Provider	Vehicles
Transit Team	149
First Transit (demand)	120
First Transit (agency)	80
DARTS	35
Anoka County	10
Scott County	4
Total	398

Met Council clearly distinguishes between ADA and non-ADA trips. Trips that begin and end within the complementary paratransit service area are ADA trips. Conversely, trips that began or end beyond the ADA service area are non-ADA trips.

Met Council records the limited number of same-day trips it provides (primarily using Taxi Services, Inc.) as non-ADA trips.

Met Council also provides subscription (“standing order”) service in addition to First Transit agency trips for any trips (one-way or round trip) that occur at least weekly between the same origins and destinations.

4 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.

4.1 Scope

The review focused on whether Met Council's complementary paratransit service (Metro Mobility) 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 Metro Mobility's 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)

4.2 Methodology

FTA's Office of Civil Rights sent a notification letter to Met Council's Chairwoman Susan Haigh on August 8, 2013, confirming the dates for the site visit and asking Met Council 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:

- Met Council's description of how it structures its complementary paratransit service
- Public information describing Met Council's complementary paratransit service
- Met Council's standards or goals for on-time performance, trip denials, missed trips, complementary paratransit trip length, and telephone hold times, and how it specifies all of these standards or goals in its contracts with service providers and in its "Metro Mobility Service Guide"

As FTA requested, Met Council 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 passenger complaints and other incident reports
- Met Council's summary of complaints
- A fleet roster of Metro Mobility vehicles
- A listing of complementary paratransit employees and their start dates
- Capital and operating budgets and cost data

The Met Council complementary paratransit service site visit took place from September 30–October 4, 2013. The site visit began with an opening conference, held at 9 a.m. on September 30, 2013, at the Met Council office at 390 North Robert Street, St. Paul, MN. Attending the conference were:

- Kathleen Shea – Director, Program Evaluation and Audit, Metropolitan Council
- Gerri Sutton – Assistant Director, Contracted Transit Services, Metropolitan Council
- Andrew Krueger – Senior Manager, Metro Mobility
- Mary Gustafson – Grants Manager, Metro Transit
- Marjorie Espina – Region V Civil Rights Officer, FTA (via telephone)
- David Chia – Review Team Leader, the Collaborative

- Jim Purdy – Review Team Member, the Collaborative
- Russell Thatcher – Review Team Member, TranSystems

Following the opening conference, the review team met with representatives from Met Council and Metro Mobility to discuss the information sent in advance, as well as the on-site information and material. For the remainder of the day, the review team discussed the eligibility process with Metro Mobility's customer service manager. Using data from a sample week of Metro Mobility service (September 8–14, 2013), the review team began its analysis of on-time performance, trip lengths, and telephone performance. The review team also discussed the Metro Mobility complaint process and budgeting process with Met Council staff,

On Tuesday, October 1, 2013, the review team visited the First Transit Metro Mobility facility in Roseville, MN. The review team interviewed First Transit's project manager and toured the facility, including the Metro Mobility garage. The review team met with First Transit's lead scheduler for its demand service and observed the dispatching process for both First Transit operations. The review team examined a sample of completed driver manifests to verify data in the monthly performance reports and interviewed six First Transit drivers.

The review team also examined First Transit's policies and procedures for handling trip reservations and listened to incoming calls, observing how reservationists negotiated trip requests with callers and entered the information in the paratransit software. This examination sought to identify any calls that resulted in denials or unsuccessful negotiations, evidence of trip caps or waiting lists, or any patterns or practices of denying a significant number of trip requests.

The review team also gathered the following information:

- Vehicle fleet composition
- Vehicle pullout and driver availability
- Other staffing schedules and staffing turnover
- Driver training materials

On Wednesday, October 2, 2013, the review team visited the Transit Team Metro Mobility facility in Minneapolis. The review team interviewed the Transit Team's project manager and toured the facility. They met with the Transit Team's lead scheduler, observed the dispatching process, and examined a sample of completed driver manifests to verify data in the monthly performance reports. The review team also interviewed six Transit Team drivers.

The review team also examined Transit Team's policies and procedures for handling trip reservations, and listened to incoming calls, observing how reservationists negotiated trip requests with callers and entered the information in the paratransit software. This examination sought to identify any calls that resulted in denials or unsuccessful negotiations, evidence of trip caps or waiting lists, or any patterns or practices of denying a significant number of trip requests.

The review team also gathered the following information:

- Vehicle fleet composition
- Vehicle pullout and driver availability
- Other staffing schedules and staffing turnover
- Driver training materials

On Thursday, October 3, 2013, the review team analyzed data at Met Council's office, examining on-time performance, on-board travel times, and eligibility determination records. The review team compared on-board complementary paratransit travel time with those via fixed route service for comparable trips,

focusing on complementary paratransit trips with lengthy travel times. The review team gathered additional information concerning Met Council's monitoring policies and practices.

On Friday, October 4, 2013, the review team continued to analyze and tabulate the various data they had gathered. They posed additional questions to representatives from Met Council and Metro Mobility and prepared for the exit conference, which took place at 2 p.m. at Met Council's office. Attending the conference were:

- Kathleen Shea – Director, Program Evaluation and Audit, Metropolitan Council
- Gerri Sutton – Assistant Director, Contracted Transit Services, Metropolitan Council
- Andrew Krueger – Senior Manager, Metro Mobility
- Wanda Kirkpatrick – Director, Office of Diversity and Equality Opportunity, Metropolitan Council
- Andy Streasick – Manager, Customer Service, Metro Mobility
- David Chia – Review Team Leader, the Collaborative
- Jim Purdy – Review Team Member, the Collaborative
- Russell Thatcher – Review Team Member, TranSystems
- Bill Schwartz – Project Manager, the Collaborative (via telephone)

FTA provided Met Council with a draft copy of the report for review and response. A copy of Met Council's response to the draft report, dated March 4, 2014, is included as Attachment B.

5 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 Met Council's complementary paratransit system is provided below, 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.

5.1 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 Met Council to provide comparable paratransit service with the Metro Mobility service.

5.2 ADA Paratransit Eligibility Process

Absence of Administrative Burdens

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

Discussion: During this compliance review, no deficiencies were found with respect to the prohibition against unreasonable administrative burdens in Met Council's eligibility process.

Applicants must complete a two-part application form (see Attachment C), which is available online and via telephone by calling the Metro Mobility Service Center (Service Center). The first part of the application (Certification Questionnaire) requests general information as well as information about mobility aids, personal attendants, functional abilities, and current use of fixed route transit. The second part (Professional Verification) requires a professional familiar with the applicant to describe the type of disability, whether permanent or temporary, current treatment, impacts of extreme environmental conditions, and functional abilities. Met Council accepts verifications from a wide array of professionals.

Depending on an applicant's disability, Met Council requires some individuals to attend an interview or an in-person assessment to enable Metro Mobility staff to measure their physical or cognitive functional abilities.

According to Page 17 of the Metro Mobility Service Guide (Service Guide – see Attachment D), when scheduling in-person assessments, Met Council provides free transportation. Customer service representatives also ask applicants if they need transportation to and or from these assessments.

All riders who use Metro Mobility must have photo ID cards, which Met Council issues free of charge; replacement ID cards are \$5. During in-person assessments, Met Council photographs applicants and sends photo ID cards with eligibility letters. (See Attachment E.)

Applicants deemed eligible without needing an interview receive letters with temporary IDs (Attachment E). Then they obtain photo IDs by:

- Traveling to the Service Center in downtown St. Paul; as with in-person assessments, Met Council provides free transportation for this purpose
- Contacting Minnesota Driver and Vehicle Services (DVS) to request duplicate drivers' licenses or State ID cards; Met Council works with DVS to have the letter "A" included on the licenses or State IDs, indicating the individuals are ADA paratransit eligible

5.3 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, no deficiencies were found with the comprehensiveness of Met Council's eligibility processes, application materials, and public information communicating the eligibility process. An advisory comment is made regarding in-person assessments for applicants whose functional abilities are in question.

Pages 14–17 of the Service Guide describe ADA paratransit eligibility as well as the application process in a section titled, "Met Council Answers Your Questions about Metro Mobility." Met Council publishes the Service Guide on its website and makes it available in hard copy and in accessible formats upon request. Page 14 of the Service Guide outlines the three categories of eligibility in § 37.123(e)(1)–(3). Representatives can also explain the ADA paratransit eligibility process via telephone.

A Metro Mobility Customer Service Specialist (CSS) screens application forms for errors or omissions. If the CSS finds any, he or she calls the applicant to complete the form. The CSS returns forms to applicants when professional verification is missing.

The CSS confers eligibility to applicants whom they judge to clearly have disabilities that would prevent them from using fixed route service. The CSS forwards all other applications to the ADA Paratransit Evaluator (Evaluator), a Met Council staff member who has nine years of experience and training as an occupational therapist, vocational assessment and job coach, and speech therapist, and is a certified brain injury specialist. The Evaluator is also trained to administer the Tinetti test (used to assess an individual's ability to balance while standing and while moving) and the Functional Assessment of Cognitive Transit Skills (FACTS) test (used to assess an individual with cognitive disabilities regarding their ability to use fixed route service), and has participated in ADA paratransit eligibility training.

The Evaluator contacts some applicants and/or the professional who completed the verification forms to obtain additional information and/or schedule an in-person appointment. These appointments include an interview followed by any necessary functional assessments such as the Tinetti Balance and Gait test, the FACTS test, or a short outdoor walk along a designated route.

The Evaluator then determines the applicant's eligibility (i.e., unconditionally or conditionally eligible or not eligible). Determinations cover Met Council's entire term of eligibility of 1.5–5 years (see below) or include a termination date (temporary eligibility). Only the Evaluator can determine whether or not applicants are conditionally eligible.

At the time of the site visit, Metro Mobility's Customer Service Manager (CSM) estimated that 35,000 individuals were listed as ADA paratransit eligible, of which 25,000 were active riders (i.e., those who used the service at least once in the past year).

The review team examined Met Council's eligibility determination records for September 1, 2012–August 31, 2013. Table 5.1 summarizes this key process and outcome information. As shown, Met Council received 8,888 applications during the 12-month period and made determinations for 8,561 applications. Of the remainder, 276 applications (3.1 percent) were determined incomplete and 51 applications (0.6 percent) were in process at the time of the site visit.

For the 8,561 completed eligibility determinations, Met Council found 6,601 applicants unconditionally eligible (77.1 percent), 1,151 conditionally eligible (13.4 percent), 571 eligible on a short-term (temporary) basis (6.7 percent), and 238 not eligible (2.8 percent).

**Table 5.1 – Metro Mobility Eligibility Process Statistics and Outcomes
September 1, 2012–August 31, 2013**

	Number	Percent
Incomplete applications	276	3.1%
Applications still in process	51	0.6%
Eligibility determinations made	8,561	96.3%
Total applications received	8,888	100%
Unconditional determinations	6,601	77.1%
Conditional determinations	1,151	13.4%
Temporary determinations	571	6.7%
Not eligible determinations	238	2.8%
Total eligibility determinations	8,561	100%

The review team examined a sample of 31 eligibility determination files to assess Met Council's processing of unconditional (11 files) and conditional eligibility (10 files) or not eligible (10 files).

Based on an examination of the 11 sample files for unconditionally eligible applicants, the review team agreed with the determination that these applicants could not use fixed route transit service under any conditions.

Based on an examination of the 10 sample files for conditionally eligible applicants, the review team agreed with the determination that these applicants were either already using fixed route service for some of their trips or could expect to use fixed route services under some conditions.

Based on an examination of the 10 sample files for ineligible applicants, the review team agreed the applicants' disabilities did not prevent them from using fixed route transit services. In one case, information from the verifying professional was not very detailed. The applicant was a homeless woman, and the professional had limited contact with the applicant and was unsure of her functional abilities. In this instance, Met Council made its determination without conducting an interview or in-person assessment. (See the advisory comment below.)

Advisory Comment: An effective practice for transit agencies that conduct in-person assessments is to invite all applicants whose functional abilities are in question to attend in-person assessments.

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 to provide accessible eligibility information, or with how Met Council communicates the availability of materials in accessible formats to potential applicants.

The Service Guide includes the following statement on the Contents page:

This document contains important information about public transportation for people with disabilities. It is available in alternative formats upon request, and is posted at our accessible website. Contact us online at www.metromobility.org or at the Service Center: 390 North Robert Street, St. Paul, MN 55101. Telephone 651-602-1111; 651-221-9886 TTY; Fax 651-602-1660.

The ADA Paratransit Eligibility Application/Recertification form (Attachment E), which is also posted on the Met Council website, states:

If you need this form in an accessible format please call a customer service representative at (651) 602-1111, (651) 221-9886 TTY.

The first page of the application form also states:

This application and future written information are available in large print. Does large print better suit your needs?

According to Metro Mobility's CSM, Met Council maintains a supply of application forms in large print. Met Council also maintains five Braille copies of applications and has a relationship with State Services for the Blind to prepare additional copies. Met Council also makes the application and other information available via CD upon request.

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. 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 how Met Council communicates presumptive eligibility to applicants.

No deficiencies were found with the requirement to have a process in place for applicants whose eligibility has not yet been determined to provide them service beginning on the 22nd day following the submission of a complete application. An advisory comment is made regarding tracking dates during the application process.

Met Council stated that they process all applications for ADA paratransit eligibility within 21 days. The review team confirmed this practice through its review of Met Council's procedures for tracking applications as well as through an analysis of processing time. Although Met Council's application processing practices effectively provide service to ADA paratransit eligible applicants within 21 days, Met Council does not inform applicants of their right to service starting on the 22nd day. Section A of the professional verification portion of the application form states, "Once all required information is received, you will be notified within 21 days regarding your eligibility status or if you need to participate in an in-person assessment." In addition, the application instructions page states, "Please note that applicants who need to come in for in-person assessments will still have their applications processed within 21 calendar days."

Met Council maintains a database to track applications for ADA paratransit eligibility and enters the dates they receive applications and the dates they certify riders as eligible. Using this database, the review team analyzed the processing time for recent applications for 679 determinations made between September 16, 2013 and October 16, 2013, as shown in Table 5.2. Met Council made approximately 28 percent of the determinations the same day they received completed application forms and made approximately 87 percent of its determinations within seven days of receipt. Met Council made approximately 99 percent of its determinations within 14 days and all determinations within 21 days.

According to the CSM, when Met Council requests applicants to attend in-person interviews and/or functional assessments, they do not make any adjustments to the database—such as the dates they contact applicants to schedule interviews/assessments or the dates of the appointments. They start the "21-day clock" the day they receive completed paper applications.

Corrective Action Schedule: Within 60 days of the issuance of the final report, Met Council must revise its Metro Mobility application form and instructions to explain applicants' right to service on the 22nd day if they have not received an eligibility determination within 21 days.

Advisory Comment: An effective practice is to record dates of interviews and assessments, including dates of calls to schedule and confirm appointments. These records help a transit agency determine whether its process meets the § 37.125(c) requirements including not imposing unreasonable administrative burdens upon applicants. Another effective practice is to record any events outside the transit agency's control that delay the applicant submitting a completed application, such as applicants' canceling or not appearing for scheduled interviews/assessments.

Table 5.2 – Processing Time for 679 Eligibility Determinations Made September 16–October 16, 2013

Days	Applications	Percent	Cumulative Percent
0 (same day)	191	28.13%	28.13%
1	198	29.16%	
2	43	6.33%	
3	60	8.84%	
4	29	4.27%	
5	31	4.57%	
6	13	1.91%	
7	24	3.53%	86.75%
8	28	4.12%	
9	28	4.12%	
10	0	0.00%	
11	10	1.47%	
12	4	0.59%	
13	3	0.44%	
14	9	1.33%	98.82%
15	3	0.44%	
16	1	0.15%	
17	1	0.15%	
18	0	0.00%	
19	1	0.15%	
20	0	0.00%	
21	2	0.29%	100.00%
Total	679	100%	

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 the requirement to inform individuals determined to be conditionally or temporarily eligibility of their right to appeal the decision.

Deficiencies were also found with the lack of information in the written determination concerning the use of a PCA.

No deficiencies were found with the requirements to make eligibility determinations in writing, to provide the required documentation to eligible individuals, to provide specific reasons for eligibility denials, or to

inform individuals who are denied eligibility about their right to appeal. An advisory comment is made regarding how Met Council explains conditional eligibility.

Met Council's ADA paratransit eligibility determination letters (Attachment E) note the specific type of eligibility under "Eligibility Status," explaining the three types of eligibility, describing:

- Unconditional eligibility as "You can use ADA public transit service for all your trips"
- Conditional eligibility as "Under certain conditions you may be able to use other modes of public transit"
- Temporary eligibility as "You are eligible for a limited period of time"

Met Council uses two templates for letters communicating eligibility denials. (See Attachment F.) One letter is tailored to applicants that participated in in-person assessments; the second letter is for those who do not receive such assessments. Both letters provide opportunities for the author to insert text outlining specific reasons for the decision. The templates also include a list of common reasons for denials of eligibility, which the author can include as appropriate. The denial letters also include information on the right to an appeal and how to appeal the decision.

However, Met Council's conditional and temporary eligibility letters do not include information on the right to an appeal and how to appeal the decision.

Met Council's ADA paratransit eligibility determination letters meet some, but not all of the § 137.125(d) documentation requirements as follows:

- Letters are on Met Council's letterhead. Metro Mobility is also named on the detachable portion of the letters that serve as temporary ID cards
- The eligible individuals' names are on top of the letters as well as on the detachable portion of the letters
- The letters and temporary ID cards provide the Service Center telephone number
- The first line of the letters lists the eligibility expiration date
- The detachable temporary ID cards state limitations on eligibility (conditional or temporary only)

The letters do not state whether Met Council authorizes an eligible rider to travel with a personal care attendant (PCA). According to Metro Mobility's CSM, Met Council permits all eligible riders to travel with PCAs. During trip request calls, reservationists ask riders if they will be traveling with a PCA and then add this information to the reservation.

As discussed above, the review team examined 10 ineligible applicants' files, which included personalized, detailed, and appropriate explanations of the reasons for Met Council's determinations.

For individuals determined conditionally eligible, the letters do not explain the conditions under which the rider can use complementary paratransit. Metro Mobility's CSM explained that those determined conditionally eligible can decide which trips they would like to make on Metro Mobility.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, Met Council must revise the letters it sends to conditionally or temporarily eligible applicants to include information about their right to appeal the decision and the appeal process.

Met Council must revise the letters it sends to conditionally or temporarily eligible applicants to include information about the use of a PCA.

Advisory Comment: Met Council's letters conferring conditional eligibility do not indicate the specific conditions under which applicants can be expected to use fixed route services. An effective practice is for transit agencies to explain the conditions under which riders are eligible for complementary paratransit service with statements such as, "when the distance to or from stops and stations is more than four blocks

or when the route to stops and stations is inaccessible.” Transit agencies making such distinctions can use this information to implement trip-by-trip eligibility.

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 Met Council communicates recertification of eligibility to applicants.

According to Metro Mobility managers, new Metro Mobility riders are eligible for 1.5–5 years. In an effort to help riders remember their eligibility expiration dates, Met Council ties the date to either their birthday or state ID/driver’s license expiration. Once recertified, eligibility terms are four years long. Met Council ties the length of riders’ temporary eligibility to the expected duration of their disability.

Met Council tracks eligibility expiration dates and notifies riders four months in advance of the need to reapply.

Met Council provides a three-month transition period to existing riders who apply for recertification but are later determined ineligible, which provides them an opportunity to appeal the decision before their current eligibility expires. This transition period also provides them time to arrange alternate travel if they do not appeal the decision or remain ineligible after a panel hears their appeal (see below).

Met Council grants certain riders unconditional permanent eligibility. According to its policy—effective July 1, 2009—this includes unconditionally eligible riders who are “in a situation where future advancements in technology or newly developed skills are unlikely to alter eligibility status because of either advanced age (65+) or reduced life expectancy as a symptom of a health condition or disability.” (See Attachment G.)

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 Met Council’s process for administering appeals of eligibility determinations.

Deficiencies were also found with the requirement for the appeal process to include appropriate separation of functions (i.e., a person not involved with the initial denial making an appeal decision).

Deficiencies were also found with how Met Council explains its reasons for denying an appeal.

Met Council’s Office of Diversity and Equal Opportunity (ODEO) oversees the appeal process. When applicants appeal eligibility determinations, ODEO contacts them to schedule a hearing; ODEO confirms

the hearing dates and times in writing and encloses its written procedures for hearing appeals and making decisions. (See Attachment H.) The procedures require ODEO's Appeal Panel to decide appeals within 21 days of the hearings and to communicate their decisions within 30 days or "the appeal shall be considered granted and the Appellant shall be certified for Metro Mobility service by the Metro Mobility General Manager." (See Attachment H.)

A three-person panel hears the appeals. The chairperson of Met Council's consumer advisory committee—the Transportation Accessibility Advisory Committee (TAAC)—serves as chair of the Appeal Panel. The other two representatives include a professional who works with persons with disabilities, and a volunteer professional acquainted with the appellant's stated disability that the TAAC recommends.

At the time of the site visit, available volunteer professionals included a rehabilitation worker from the Courage Center, a representative from a local rehabilitation agency, a travel instructor from the St. Paul School, which serves individuals with intellectual disabilities, and a representative of ADA Minnesota, which is a regional ADA technical assistance agency.

Met Council's letter denying eligibility (Attachment F) requires appellants to send a written statement with reasons they feel they are eligible for Metro Mobility service, stating:

If you wish to appeal this decision, you may do so by sending a written statement in which you discuss the reasons why you feel you are eligible for ADA paratransit services, such as Metro Mobility.

Your statement should include additional information about any limitations you have that make it impossible for you to use regular-route bus service.

While transit agencies may require individuals to request appeals in writing, they may not require appellants to put in writing the reasons for the appeals.

As discussed above, Met Council makes some eligibility determinations without first conducting an in-person assessment. When applicants who receive letters notifying them of the denial write to Met Council requesting an appeal, Met Council telephones to offer them two options: (1) participate in an in-person assessment before proceeding to the hearing stage; or (2) arrange for a hearing directly. Met Council schedules hearings for appellants who choose to skip an in-person assessment (see above). When an appellant chooses the first option, Met Council schedules an in-person assessment, which the Evaluator performs. The Evaluator discusses his or her findings with the appellant at the end of the assessment (i.e., whether the assessment confirms his or her previous eligibility determination or supports its reversal). Met Council also communicates this information in a follow-up letter, which invites the appellant to request a hearing.

Metro Mobility's CSM explained that these in-person assessments are useful and can minimize the number of appeal hearings. While this practice is acceptable, the regulations require "an appropriate separation of functions" during the appeal process, which means someone other than the individual who initially denied the applicant's eligibility must perform the in-person assessment. At present, the Evaluator determines eligibility and performs in-person assessments.

Met Council does not keep records of how many such in-person assessments occur on appeal.

Met Council communicates Appeal Panel decisions in writing. (See Attachment I for two letter templates and a form.) Met Council uses the first letter to deny the appeal and uses the second letter to reverse the initial determination. The form Met Council attaches to the letter communicates the relevant facts of the appeal and decision, but without detailed reasons. Appeal decisions must give reasons for denying appeals.

Corrective Action Schedule: Within 60 days of issuing the final report, Met Council must no longer require appellants to submit written statements describing reasons for their appeals.

If Met Council continues to offer in-person assessments on appeal, it must ensure separation of functions between individuals making initial eligibility decisions and individuals conducting assessments on appeal.

Met Council must revise its appeal decision letters and forms to include specific reasons for denying appeals.

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 the requirement to make complementary paratransit service available to individuals meeting the definition of visitor, including limiting documentation requirements to those whose disabilities are not apparent.

Deficiencies were also found with Met Council documentation requirements for ADA paratransit eligible visitors.

The review team examined the certification database and identified 24 visitors that Met Council granted eligible for Metro Mobility service.

When visitors request Metro Mobility service, Met Council asks for names and dates of birth and enters these details into its database. Met Council also asks those certified as ADA paratransit eligible by other transit agencies to forward copies of their certifications. For visitors without such certifications, Met Council asks for other disability documents, even from visitors who have an apparent disability. According to Metro Mobility’s CSM, Met Council is very lenient on the source of those documents, and easily accepts statements from third parties or the people describing their own disabilities.

Met Council also asks visitors how long they will stay and sets their dates of eligibility accordingly. When the same visitor returns, Met Council requires them to contact the Service Center to update the dates of eligibility. When visitors arrive more than once in a 365-day period, Met Council does not track the number of eligible days. If they stay more than 21 days, Met Council asks that they apply for eligibility as a local applicant.

Page 15 of the Service Guide states,

If you are visiting the Twin Cities metropolitan area you must register with the Metro Mobility Service Center prior to your arrival in the Twin Cities. Metro Mobility will request a letter from the transit agency in your home state, which verifies your eligibility under the Americans with Disabilities Act (ADA).

The regulations require transit agencies to accept verification information visitors provide. Requesting verification from the transit agency that granted eligibility is not consistent with the requirements.

Corrective Action Schedule: Within 60 days of the issuance of the final report, Met Council must revise its policy and procedures regarding visitors to accept requests for visitor eligibility from who indicate an apparent disability when making such requests, regardless of whether they are certified as ADA paratransit eligible.

Met Council must revise its documentation requirements for ADA paratransit eligible visitors to accept documentation directly from visitors as opposed to requesting documentation from a visitor's home transit agency.

5.4 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, no deficiencies were found with the requirement to provide origin-to-destination service to ADA paratransit eligible riders or with how Met Council communicates its origin-to-destination service policies.

According to Page 1 of the Service Guide, Met Council's origin-to-destination service policy is "first-door-through-first-door service." "Drivers escort every passenger from the first-entry door at their pickup through the first-entry door at their destination."

Met Council's contracts with its service providers include liquidated damages for drivers not providing the required level of service. The review team interviewed First Transit and Transit Team managers and drivers who said they understood the requirements for first-door-through-first-door service. The review team also interviewed Metro Mobility riders who confirmed drivers provided this level of service.

5.5 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 Met Council'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 or with how Met Council communicates the service area.

In fulfillment of local requirements, the Metro Mobility service area is larger than what the DOT ADA regulations require. Page 4 of the Service Guide states, “Metro Mobility provides service in areas served by all day local fixed route transit service and the area designated by the state legislature known as the ‘Transit Taxing District.’” This includes areas Metro Transit bus and light rail serve.

Metro Mobility also provides complementary paratransit service to meet the obligations of the following five suburban transit systems that have “opted out” of Metro Transit service but are within the Met Council region:

- Maple Grove Transit
- Minnesota Valley Transit Authority
- Plymouth Metrolink
- Shakopee Transit
- SouthWest Transit

Minnesota Valley Transit, Shakopee Transit, and SouthWest Transit operate local bus routes. Maple Grove Transit and Plymouth Metrolink provide commuter service only. All five transit agencies only operate weekday service.

Met Council’s [website](#) includes three maps depicting ADA and non-ADA service areas—one each for weekday, Saturday, and Sunday service. Riders can enter origin and destination addresses and days of travel to determine if Metro Mobility provides the desired trip. In addition, the Met Council website lists the municipalities that offer Metro Mobility service, with start and end times for weekday, Saturday, and Sunday service.

When riders request trips by phone, reservationists use the paratransit software’s geographic database to determine whether or not the origin and destination addresses are within the Metro Mobility service area.

Response Time

Requirements: 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. 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, deficiencies were found with the response time requirements to schedule and provide next-day service during normal business hours.

No deficiencies were found with how Met Council negotiates or schedules trip requests to within 60 minutes of the requested pickup time.

According to the Page 4 of the Service Guide, “Reservations are taken seven days per week between the hours of 6:00 a.m. and 5:00 p.m.” Riders can reserve trips from one to four days in advance either by

phone or through the Metro Mobility [website](#). According to Metro Mobility staff, riders can also request same-day non-ADA trips, which service providers try to accommodate without any guarantees.

Met Council's normal business hours are from 8 a.m. to 5 p.m. every day. By analyzing Metro Mobility's telephone reports, the review team was able to confirm that First Transit and Transit Team reservationists were on duty from 6 a.m. to 5 p.m. every day, accepting reservations two hours before the start of and until the end of Met Council's normal business day. The weekday telephone reports for Scott, Anoka, and Dakota Counties showed that reservationists were on duty from 7 a.m. to 5 p.m. on weekdays, accepting reservations for one hour before the start of and until the end of Met Council's normal business day.

Saturday and Sunday reservations reports for the three counties showed that reservationists answered calls from 8 a.m. to 4 p.m. While the 8 a.m. start time is consistent with the start of Met Council's normal business day, the 4 p.m. end time is one hour before the end of Met Council's business day.

Met Council's contracts with its county service providers reflect the incorrect end time for accepting reservations calls on weekends and holidays. (Sections 5.12 and 5.13 discuss the respective requirements for Met Council to ensure its private and public service providers comply with the response time requirements.)

Reservations hours as published in the Service Guide (6 a.m. to 5 p.m.) are inconsistent with actual practice in the three counties. On weekdays, the inconsistency applies to 6–7 a.m. On weekends, the inconsistency applies to 6–8 a.m. and 4–5 p.m.

According to the Service Guide, reservationists may negotiate pickup times up to 60 minutes before or after the requested pickup times. The review team observed that reservationists followed this policy. As discussed in Section 5.6 below, the review team also observed that when callers indicated appointment times for requested trips, reservationists provided pickup times that yielded scheduled drop-offs at requested destinations up to 60 minutes prior to requested arrival times. See Section 5.6 for findings of deficiency regarding Metro Mobility service due to a pattern of untimely drop-offs.

Corrective Action Schedule: Within 60 days of the issuance of the final report, Met Council must require Scott County, Anoka County, and DARTS to accept (at a minimum) trip reservations during normal business hours (i.e., until at least 5 p.m. every day).

Met Council must modify its contracts with these service providers to reflect this requirement.

In addition, Met Council must ensure that all public information (service guides, websites, etc.) reflects the corrected hours for making reservations with all service providers.

Fares

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

Discussion: During this compliance review, deficiencies were found with the requirement that complementary paratransit fares must not exceed twice the fixed route fares at the same time of day.

No deficiencies were found with Met Council's fare policies for PCAs or companions or with how Met Council communicates Metro Mobility fares.

In the majority of the Metro Mobility service area, the complementary paratransit fares do not exceed twice the non-discounted fixed route fare. Table 5.3 summarizes Metro Transit and Metro Mobility fares and shows that Metro Mobility fares are less than twice the Metro Transit fares. Complementary

paratransit riders pay the higher (peak) fare only when both the negotiated and actual pickup times are within the peak time periods.

**Table 5.3 – One-way Fares for Metro Transit and Metro Mobility
(Excluding Reduced Fare and Free-fare Zones)**

Time (peak and off peak)	Metro Transit (bus & light rail)	Metro Mobility (complementary paratransit)
Monday–Friday 6–9 a.m., 3–6:30 p.m, excluding holidays	\$2.25	\$4.00
All other days and times	\$1.75	\$3.00

The Metro Mobility fare does not comply with the § 37.131(c) requirements in three geographic zones (shown on the Metro Transit system map and on Metro Transit’s [website](#)) that have reduced fares or no fares for bus and light rail service. Table 5.4 compares the Metro Mobility fares (peak and off-peak) with free Metro Transit service in the Nicolet Mall corridor and reduced fares for Metro Transit service in the downtown Minneapolis and downtown St. Paul zones. As shown, Metro Mobility fares are six to eight times higher than fares in the two downtown zones.

**Table 5.4 – One-way Fares for Metro Transit and Metro Mobility
(Reduced Fare and Free-fare Zones)**

Time (peak and off peak)	Metro Transit (bus & light rail)		Metro Mobility (complementary paratransit)
	Nicolet Mall	Downtown Minneapolis and Downtown St. Paul	
Monday–Friday 6–9 a.m., 3–6:30 p.m., excluding holidays	Free	\$0.50	\$4.00
All other days and times	Free	\$0.50	\$3.00

To comply with the § 37.131(c) requirements, complementary paratransit trips that have an origin and destination within 3/4-mile of any of these three geographic zones (but not from one zone to another), cannot exceed twice the fixed route fares in these zones. In the downtown Minneapolis and St. Paul zones, the maximum fare Metro Mobility can charge is \$1.00. In the Nicollet Mall free-fare zone, Metro Mobility cannot charge any fare. Alternatively, Met Council may undertake an analysis to determine which trips a typical fixed route rider would take using the free or reduced-fare service and which trips they would take via services with a fare, and use that information to establish a comparable fare for trips between points within 3/4-mile of these routes.

PCAs pay no fare while companions pay the same fare as Metro Mobility riders.

Corrective Action Schedule: Within 60 days of the issuance of the final report, Met Council must revise its Metro Mobility fares to not exceed twice the fares for all comparable fixed route trips in the service area, including trips with origins and destinations within its reduced-fare and free-fare zones.

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 Metro Mobility reservationists do not ask riders for their trip purpose and do not enter any trip purpose data into the paratransit software system.

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 requirement to provide complementary paratransit service during the same hours and days as fixed route service or with how Met Council communicates the hours and days of Metro Mobility service.

Based on the review team's investigation of the Metro Mobility website and published schedules, Metro Mobility service hours are accurately linked to Metro Transit service hours in each community. Metro Transit and Metro Mobility operate 24-hour service in Minneapolis, St. Paul, Bloomington, and at MSP Airport. In other communities, Metro Transit and Metro Mobility services operate during normal daytime and evening hours. (Attachment J summarizes the Metro Mobility service hours for each community.)

Met Council's paratransit software incorporates information on Metro Mobility's start and end times throughout its service area. When Metro Mobility reservationists enter trip requests into the software, the system notifies them if the requests are within the fixed route service schedules and routes. According to Metro Mobility managers, when fixed route service times change, they update the software accordingly.

5.6 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 Metro Mobility provides to ADA paratransit eligible riders.

Met Council does not have a policy limiting the number of Metro Mobility trips. During review team observations, Metro Mobility reservationists did not limit the number of trips that a rider could reserve.

No Waiting List for Access to the Service

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

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

When Metro Mobility riders request “ADA trips” (at least one day in advance and within the complementary paratransit service area), Metro Mobility reservationists either directly confirm or negotiate pickup times within one hour before or after requested times.

Metro Mobility staff place some “non-ADA” trip requests onto waiting lists. These non-ADA trips typically have origins and/or destinations beyond the ADA service area.

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

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

Discussion: During this compliance review, no deficiencies were found with the requirement to provide complementary paratransit service without substantial numbers of significantly untimely pickups for initial or return trips or with how Met Council defines timely pickups. An advisory comment is made regarding electronic recordkeeping for taxi subcontractors.

Page 19 of the Service Guide, states “Drivers are considered “on time” if they arrive within a 30-minute window that follows the scheduled pickup.” Met Council’s contractual standard is 95 percent on-time performance, as reported on a monthly basis. Met Council defines on-time pickups as those occurring before the beginning of the “0/+30” pickup window as on-time pickups.

Met Council was unable to provide the review team with data demonstrating that Scott County is providing complementary paratransit service with timely pickups. (See Section 5.13 for deficiencies with respect to monitoring service provided by other public entities.)

Met Council was unable to provide the review team with data demonstrating that its taxi contractor (Taxi Services, Inc.) is providing complementary paratransit service with timely pickups for the trips it provides. (See Section 5.12 for a discussion of deficiencies with respect to monitoring service that private entities provide under contract.)

Met Council monitors on-time pickup performance for all but the aforementioned Scott County and Taxi Services trips. According to reports Met Council provided to the review team, during FY 2012, overall on-time pickup performance was 97.5 percent. In FY 2012, performance exceeded Met Council’s 95-percent standard every month except December (94.1 percent). Each service provider Met Council monitors exceeded the standard in all months except December. For the first eight months of FY 2013, reported on-time pickup performance exceeded Met Council’s standard in all months except March (94.5 percent). All monitored service providers, with the exception of First Transit demand trips exceeded the standard in all eight months of FY 2013. First Transit’s reported on-time performance for demand trips during the eight-month period averaged 93.4 percent and ranged from 90.8 to 95.2 percent.

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.

The review team independently assessed Metro Mobility's on-time performance by analyzing complementary paratransit trip data from its paratransit software for the September 8–14, 2013 sample week for the following service providers:

- Anoka County
- DARTS
- First Transit (agency trips)
- First Transit (demand trips)
- Transit Team

Table 5.5 summarizes the results of the review team's analysis, which yielded an overall on-time pickup performance rate of 95.3 percent, indicating that 4.7 percent of trips were late. Of these, 3.8 percent were 1–15 minutes late and less than 1 percent were more than 15 minutes late. The lowest performing service provider was First Transit (demand trips), with 91.4 percent of its pickups on time during the sample week.

Table 5.5 – Sample On-Time Performance for Metro Mobility ADA Trips (September 8–14, 2013)

	Anoka County	DARTS	First Transit agency	First Transit demand	Transit Team	Total
All pickups	827	3,524	7,060	9,687	12,753	33,851
Early	7.7%	30.0%	41.2%	29.2%	35.2%	33.7%
1–15 minutes early	7.7%	20.5%	36.1%	25.9%	30.4%	28.7%
>15 minutes early	0%	9.5%	5.7%	3.3%	4.8%	4.9%
In window	88.7%	66.5%	56.6%	62.2%	61.0%	61.6%
All early/in window	96.4%	96.5%	98.4%	91.4%	96.2%	95.3%
All late	3.6%	3.5%	1.6%	8.6%	3.8%	4.7%
1–15 minutes late	3.6%	2.7%	1.5%	6.5%	3.3%	3.8%
16–30 minutes late	0%	0.7%	0.1%	1.4%	0.4%	0.6%
>30 minutes late	0%	0.1%	0%	0.7%	0.1%	0.3%

Overall, 33.7 percent of pickups occurred prior to the beginning of the pickup window. However, of these early pickups, most (28.7 percent) were 1–15 minutes early. This does not demonstrate a substantial number or pattern of early pickups that would discourage riders from using Metro Mobility. Furthermore, interviews with drivers and observations of dispatch did not identify any practice or policy of coercing riders to enter the vehicles earlier than they were obligated to under Metro Mobility policy.

Advisory Comment: When using taxi contractors for complementary paratransit service, an effective practice is to establish electronic recordkeeping to monitor taxi contractor performance.

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 requirement to provide complementary paratransit service without substantial numbers of trip denials or missed trips.

Based on materials Met Council provided to the review team, Met Council’s missed trip definition is, “The Vehicle arrives more than 30 minutes AFTER the scheduled pickup time AND is either UNABLE to locate the passenger OR the passenger cancels the trip due to the late vehicle arrival.”

The review team examined the paratransit software data for the first eight months of FY 2013 and determined that four complementary paratransit trip denials occurred out of 1.17 million trips provided during the eight-month period. See Section 5.8 for a discussion and analysis of how service providers code missed trips.

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, deficiencies were found limiting the availability of Metro Mobility service due to an operational pattern of trips with excessive trip lengths for certain riders.

Deficiencies were also found with Met Council’s performance standard for long trips.

The review team analyzed 21,578 Metro Mobility’s complementary paratransit trips for its three largest service providers during the September 8–14, 2013 sample week to determine the proportion of trips with excessive trip lengths. (The analysis omitted Anoka County and DARTS because less than 1 percent of these providers’ trips were 61–90 long minutes and none were longer than 90 minutes; Scott County data were not available.) (See Section 5.13 for deficiencies with respect to monitoring service provided by other public entities.)

As shown in Table 5.6, approximately 90 percent of the 21,578 sample week trips took 60 minutes or less while slightly more than 1 percent of the trips exceeded 90 minutes. All told, 10.2 percent of the trips took longer than 60 minutes.

**Table 5.6 – Trip Duration for Metro Mobility’s Three Largest Providers
Week of September 8–14, 2013**

Provider	Sample Size	Trips ≤ 60 Minutes	Trips 61–90 Minutes	Trips > 90 Minutes	All trips >60 Minutes
First Transit (demand)	7,779	91.3%	7.7%	1.0%	8.8%
First Transit (agency)	4,576	81.3%	15.9%	2.8%	18.7%
Transit Team	9,223	92.6%	6.9%	0.4%	7.3%
Total	21,578	89.7%	9.1%	1.1%	10.2%

To identify a pattern or practice limiting service availability due to excessively long trips, the review team also analyzed transfer trips and a sample of long trips. For each trip, the review team used Google Maps to determine travel times for comparable fixed route trips. Google Maps estimates walking speeds of three MPH (20 minutes/mile).

The review team's analysis of transfer trips did not reveal a pattern or practice of excessively long trips. Trips between the same origins and destinations using fixed route service were of comparable length.

The analysis of trips longer than 90 minutes consisted of two steps. In the first step, the review team obtained a sample of 32 trips longer than 90 minutes, divided among First Transit demand (12 trips), First Transit agency (10 trips), and Transit Team (10 trips).

The analysis showed that five of the ten Transit Team sample trips were more than 20 minutes longer than their respective comparable fixed route trips. As noted in Table 5.7, 7.3 percent of Transit Team's trips took more than 60 minutes.

Ten of First Transit's 12 demand trips were more than 20 minutes longer than their respective comparable fixed route trips. As noted in Table 5.7, 8.8 percent of First Transit's demand trips took more than 60 minutes.

The analysis of First Transit's agency trips showed that nine of the 10 trips in the sample were more than 20 minutes longer than their comparable fixed route trips. Because Met Council's contract with First Transit for agency trips is exclusively for group trips to social service facilities, the review team further investigated these trips. A potential concern with group trips is excessively long travel times for the group members who reside farthest from their common destination. Such "first on-last off" vehicle runs may pick up the riders farthest from each destination first and pick up additional riders en route. On return trips, the reverse pattern can occur.

The analysis of First Transit's agency trips identified vehicle runs with travel times exceeding 60 minutes (approximately 850 trips). After sorting these long trips by passenger ID, the review team identified nine passengers who experienced multiple trips exceeding 60 minutes. Table 5.7 summarizes this analysis for 72 trips the nine passengers took during the sample week, and shows that seven of these long trips were more than 20 minutes longer than comparable fixed route trips. While not a substantial number of excessively long trips as compared to the number of trips in the sample week, at least one rider (#9) experienced a clear pattern of trips with excessive trip lengths. During the sample week, First Transit provided rider #9 with 10 trips to and from Walker Methodist Health Center (3737 Bryant Avenue South, Minneapolis) and four of rider #9's trips took longer than the comparable fixed route travel time by more than 20 minutes.

Met Council's service provider contracts include performance standards for long trips stating, "Customer ride times shall not exceed 90 minutes for more than one percent of all customer trips in a calendar month." This standard is deficient because it fails to compare Metro Mobility trip lengths with the length of comparable fixed route trips. In addition, in cases where riders are transferring between two service providers, Met Council's standard permits 90 minutes for each leg of such trips, allowing trips two providers serve to take three hours and still meet Met Council's performance standard.

Corrective Action Schedule: Within 60 days of the issuance of the final report, Met Council must develop and implement procedures to: identify Metro Mobility trips of excessive length; ensure that riders do not experience a substantial number of trips with excessive trip length; monitor trip lengths and eliminate any such patterns.

Met Council must establish a trip-length standard based on the length of comparable fixed route trips (e.g., "Metro Mobility trips should not exceed the length of the comparable fixed route trip"). Met Council may include walking time to and from bus stops or rail stations in the comparison. Met Council must apply the revised standard to all Metro Mobility trips, including those that include transfers.

**Table 5.7 – Sample of First Transit Agency Riders with Frequent Long Trips
Week of September 8–14, 2013**

Rider	Morning/Afternoon Trip	Comparable Fixed Route Time (mins.)	Trips Exceeding Comparable Fixed Route Time by More Than 20 Minutes
1	Morning	118	0 of 5
2	Morning	98	0 of 5
3	Morning	92	0 of 5
3	Afternoon	93	1 of 4
4	Morning	106	0 of 5
5	Morning	111	0 of 5
5	Afternoon	108	0 of 5
6	Morning	96	2 of 5
6	Afternoon	97	0 of 3
7	Morning	82	0 of 5
7	Afternoon	90	0 of 5
8	Morning	92	0 of 5
8	Afternoon	102	0 of 5
9	Morning	78	3 of 5
9	Afternoon	84	1 of 5
Total			7 of 72

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 policies limiting the availability of Metro Mobility service due to long telephone hold times.

Deficiencies were also found with Met Council’s telephone hold time standard.

Deficiencies were also found due to occasional busy signals, as reported by Metro Mobility riders.

Met Council’s telephone standard for its service providers states, “Average reservations response time shall not exceed 90 seconds on average on any given day.” Met Council’s standard overlooks whether callers are on hold longer than specific periods, e.g., longer than three minutes. (Sections 5.12 and 5.13 discuss the respective requirements for Met Council to monitor its private and public service providers’ telephone performance.) Average response times can easily mask both very long and very short hold times. A more appropriate measurement is the percentage of calls that remain on hold for long periods, which may reveal patterns that limit telephone access.

The review team analyzed the available reports of average wait times for three weeks of data (September 8–28, 2013) covering 231 hours for callers to Transit Team and First Transit. Although the reports did not indicate how many calls on hold exceeded a more appropriate standard, the average wait times indicated patterns that substantially limited access to Metro Mobility. During the three-week period, callers to Transit Team experienced average waits exceeding two minutes in 37 of the hours while callers to First Transit experienced average waits exceeding two minutes in 36 of the hours. Average waits exceeding two minutes imply that many callers during these hours experienced wait times much longer than two minutes. Transit Team’s Chief Executive Officer reported that they had call center staffing vacancies at the time of the site visit.

The review team also analyzed telephone performance data for the smaller service providers during the same sample week. The data revealed that callers to Anoka County experienced average wait times longer than two minutes for 3.6 percent of the hours analyzed. Riders calling DARTS experienced average waits longer than two minutes for 40.3 percent of the hours, with waits longer than five minutes during several hours.

In the review team's interviews with Metro Mobility riders, some reported experiencing occasional busy signals when they tried to make trip reservations in the early morning. Busy signals are different from call holds because the calls never reach a service provider's phone system, and they are therefore not included in Met Council's call data. Met Council managers stated they were adding more telephone lines and expected to have more capacity in place by December 2013.

Corrective Action Schedule: Within 60 days of the issuance of the final report, Met Council must begin analyzing the distribution of long wait times on an hourly basis and communicate to its contractors its threshold for unacceptably long wait times. If this analysis confirms that wait times exceeding that threshold are common, Met Council must take action to provide an adequate number of call-takers during the days and hours when these long waits occur.

Met Council must also report on its progress to increase line capacity to the call centers and reduce the incidence of busy signals.

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, deficiencies were found limiting the availability of Metro Mobility service due to a pattern of untimely drop-offs.

Deficiencies were also found with the operational practice of failing to enter drop-off times for a portion of Metro Mobility trips with actual appointment times into the paratransit software.

Met Council encourages riders to provide known appointment times for requested trips. Page 4 of the Service Guide suggests that riders have available “the time you would like to be picked up or the time you need to arrive at your destination (appointment time).” The Service Guide also offers the following advice:

Getting to an appointment on time:

1. Tell the reservationist you have an appointment time.
2. Build in travel time from the drop-off location to your destination inside the building.
3. Remember, it's a shared-ride service. You may not get a direct ride.

The Service Guide does not specify drop-off windows or Met Council's standard for on-time drop-offs. Met Council's service provider contracts allow a window of 60 minutes before and up to the appointment time (-60/0 minutes), stating, “No less than 90% of the trips with a designated appointment time will be dropped off between 0 and 60 minutes before the designated appointment time.” A 60-minute drop-off window is a potential indicator of capacity constraints as it has the potential to discourage eligible riders' use of the service. Met Council has an implicit obligation to get riders to appointments on time (not late). A model drop-off policy would also get riders to appointments not substantially early (for example, no more than 30 minutes early).

Met Council does not regularly obtain drop-off performance data from all of its service providers. (Sections 5.12 and 5.13 discuss the respective requirements for Met Council to monitor its private and public service providers' drop-off performance.)

The review team examined Metro Mobility's on-time performance for drop-offs using data from the September 8–14, 2013 sample week for the following service providers:

- Anoka County
- DARTS
- First Transit agency
- First Transit demand
- Transit Team

Table 5.8 summarizes the analyzed drop-off performance. The analysis, which is based on reconciled data for all trips scheduled that Metro Mobility provided (from the paratransit software), includes only those trips that had a specified drop-off time in the paratransit software. As shown, drop-off performance for this sample week was approximately 87 percent on time and 13 percent late. This indicates a potential capacity constraint. First Transit agency, First Transit demand, and Transit Team did not meet Met Council's travel time standard, while Anoka County and DARTS did.

In addition, 3.7 percent of the sample trips had drop-offs more than 60 minutes early ("very-early drop-offs"), which is also outside Met Council's drop-off window (-60/0 minutes). DARTS' sample showed the highest rate of very early drop-offs at 11.2 percent. Overall drop-off performance, which includes late drop-offs plus very early drop-offs, shows that only Anoka County, with 89.9 percent of trips dropped off within the window, effectively met Met Council's drop-off standard.

Drop-off windows help ensure that riders arrive on time for requested appointments and also help prevent riders from arriving too early. Met Council's drop-off window of -60/0 minutes can lead to concerns for riders with appointments—particularly those with early morning appointments—who may arrive well in advance of when the building opens.

The last two rows of Table 5.8 show that three of the service providers' trip records had relatively low percentages of completed trips with a drop-off time (DARTS, First Transit agency, and First Transit demand). In FTA's experience, 35–45 percent of complementary paratransit trips typically have scheduled designated drop-off times, which correspond to "going" trips where riders need on-time arrivals for example, for medical appointments, work, school, or other appointments.

First Transit agency reported just 2.6 percent of its trips with appointment times, which is likely inaccurate since Met Council structures the agency contract so nearly all of its riders attend programs with specific start times (e.g., adult daycare, day training and rehabilitation centers, etc.).

One possible explanation for the low percentages of trips with drop-off times is that the service providers did not enter riders' appointment times into the paratransit software. Failure to enter this information from the software also means it is not printed on driver manifests and is unavailable to dispatchers. Drivers and dispatchers may claim they are familiar with repeat riders' appointment times, but this practice does not account for changes in riders' appointment times or driver turnover.

**Table 5.8 – Sample On-Time Drop-off Performance for Metro Mobility ADA Trips
September 8–14, 2013**

	Anoka County	DARTS	First Transit agency	First Transit demand	Transit Team	Total
All trips with requested drop-offs	325	952	185	2,714	5,176	9,352
0–30 minutes early	50.2%	52.2%	48.7%	50.7%	57.8%	54.7%
31–60 minutes early	39.7%	31.6%	12.4%	35.4%	24.2%	28.5%
61+ minutes early (very early)	4.6%	11.3%	6.5%	3.4%	2.2%	3.6%
All on time	94.5%	95.1%	67.6%	89.5%	84.2%	86.8%
1–15 minutes late	4.9%	4.2%	0%	7.3%	10.4%	8.5%
16–30 minutes late	0.6%	0.5%	29.7%	2.6%	3.5%	3.4%
31+ minutes late	0%	0.2%	2.7%	0.6%	1.9%	1.3%
All late	5.5%	4.9%	32.4%	10.5%	15.8%	13.2%
All late plus very early	10.1%	16.2%	38.9%	13.9%	18.0%	16.8%
Overall drop-off performance (0-60 minutes early)	89.9%	83.8%	61.1%	86.1%	82.0%	83.2%
All completed trips	827	3,524	7,060	9,687	12,753	33,851
Percent completed trips with a drop-off time	39.3%	27.0%	2.6%	28.0%	40.6%	27.6%

Note: shaded cells identify particular performance concerns

The review team analysis of sample on-time drop-off performance does not include trips Scott County or Taxi Services, Inc. provide. Met Council does not receive drop-off data from either Scott County or Taxi Services, so it cannot measure or monitor these two providers' drop-off performance.

Corrective Action Schedule: Within 60 days of the issuance of the final report, Met Council must reduce the number of very early drop-offs.

Met Council must ensure that all of its service providers ask riders to provide appointment times when making reservations, and then enter these times into the paratransit software.

5.7 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 Met Council's subscription trips, which comprise more than 50 percent of Metro Mobility trips because of capacity constraints.

Met Council offers subscription ("standing order") service to Metro Mobility riders. Riders who travel between the same origin and destination at the same time at least once per week may establish standing orders at no additional charge. Met Council treats subscription trips the same as demand trips (e.g., use of a 30-minute pickup window, requirements to cancel at least one hour in advance, etc.). The Service Guide (Page 9) states: "Some requests for standing orders may not be accepted based on capacity." If Met Council does not accept a specific standing order request, riders may still request a trip as a demand trip.

Based on an analysis of the three largest service providers, 42 percent of Metro Mobility's ADA trips during the September 8–14, 2013 sample week were subscription trips overall, and the proportion

exceeded 50 percent in the early morning and mid-afternoon hours. (Agency contract trips are subscription trips.)

As discussed in Section 5.6, because this review identifies capacity constraints in Metro Mobility service, a pattern of excessively long trips for certain riders, limitations on telephone access, and untimely drop-offs, Met Council must ensure that subscription service does not exceed more than 50 percent of all service during the hours capacity constraints occur.

Corrective Action Schedule: Within 60 days of the issuance of the final report, Met Council must analyze its subscription (standing order) trips for all Metro Mobility service providers to compare these hours with times when there are capacity constraints. During those hours, Met Council must limit subscription service to 50 percent of all trips.

5.8 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 Met Council’s no-show policies, which improperly designate as no-shows riders who cannot pay the fare or present proper identification.

Deficiencies were also found with Met Council’s no-show warning and suspension letters, which do not inform riders that they can dispute no-shows outside of their control.

Deficiencies were also found with Met Council’s no-show suspension policy, which does not consider the proportion of no-shows relative to the rider’s frequency of travel.

Deficiencies were also found with the lengths of the potential no-show suspensions.

Deficiencies were also found with Met Council’s no-show suspension appeal process, which does not provide the requisite separation of functions or permit appellants to attend an Appeal Panel hearing.

Deficiencies were also found with Met Council’s practice of cancelling return trips when riders are no-shows for outgoing trips.

No deficiencies were found with how Met Council’s two largest service providers (First Transit and Transit Team) code no-shows; the review team did not review other service providers’ practices. An advisory comment is made regarding confirming return trips for riders who are no-shows for initial scheduled trips.

Pages 4 and 6 of the Service Guide define the 30-minute pickup window and the 60-minute (trip reservations) negotiation window, and informs riders that, “you are not required to board until your scheduled ready time. However, if you are ready to go early you may board the vehicle before the scheduled ready time.” Page 7 of the Service Guide explains Metro Mobility’s no-show process. Met Council charges riders with no-shows when they:

- Cancel a trip less than one hour before the scheduled pickup time
- Cancel or refuse a trip when the vehicle arrives within the 30-minute pickup window²
- Are not at the designated pickup point at the ready time and during the 30-minute pickup window
- Do not have the required fare
- Do not have proper Metro Mobility identification

While transit agencies are permitted to refuse service when riders cannot pay the fare or do not have the required ID, transit agencies are not permitted to suspend riders for such infractions.

A Metro Mobility CSS sends letters to riders who accumulate three no-shows within a 30-day period warning them of a suspension of service if they accumulate a fourth within the same 30-day period. Before sending out these warning letters, the CSS reviews the records for each of the charged no-shows to confirm their accuracy.

In instances of a fourth no-show within 30 days, the CSS reconfirms the records before sending riders suspension letters. The length of suspensions varies as follows:

- 30-day suspension for the first pattern of four no-shows in 30 days
- 30-day suspension for the second pattern of four no-shows in 30 days
- 45-day suspension for the third pattern of four no-shows in 30 days
- 60-day suspension for the fourth pattern of four no-shows in 30 days
- 90-day suspension for the fifth pattern of four no-shows in 30 days
- 120-day suspension for the sixth pattern of four no-shows in 30 days

The warning and suspension letters include detailed lists of all recorded no-shows. The letters also invite riders to call or email the Service Center to dispute any no-shows that were “the result of driver, dispatch or reservationist error.” The letters do not inform riders of the right to dispute no-shows outside of their control or those due to transit agency error.

Met Council’s no-show suspension policy is based on the absolute number of no-shows; the policy does not compare the number of trips taken within a 30-day period and the number of no shows, as the policy must not unfairly penalize frequent or infrequent riders. Four no-shows in a 30-day period may reflect a small percentage of trips a frequent rider takes, and may not reflect a pattern or practice of missing scheduled trips. For example, a rider who requests 80 trips in one month and has four no-shows has a no-show rate of 5 percent. If this percentage approximates the Metro Mobility systemwide average, this percentage would not amount to abuse of the service.

Furthermore, the lengths of the proposed suspensions do not represent “reasonable periods of time.”

Met Council has established a four-step appeal process for riders to dispute no-shows and suspensions. (See Attachment K) and does not carry out any suspensions until all appeals options are exhausted. In step one, a CSS—the same person that issues suspensions—reviews the appeal and may uphold the suspension. The CSS can offer riders a 30-day probationary period, after which Met Council can then

² Upon arrival, Met Council requires its service providers to have its drivers wait at least five minutes within the 30-minute pickup window before recording riders as no-shows.

rescind the suspension. Riders not satisfied with the disposition of their appeal can advance to the next step.

In step two, the CSM, who supervises the CSS, reviews the appeal. He or she can make a one-time exception to reduce the length of the proposed suspension by half. He or she can also offer a 30-day probationary period if the CSS did not previously make this offer. Riders not satisfied with the disposition of their appeal can advance to the next step.

In step three, Metro Mobility's Senior Manager, who supervises the CSM, reviews the appeal. He or she has the discretion to grant exceptions, such as offering a 30-day probationary period or reducing or modifying the suspension. Riders not satisfied with the disposition of their appeal can advance to the next step.

In the fourth and final step, riders can request a review by Met Council's Appeal Panel (see above). During this review, Metro Mobility's Senior Manager attends an Appeal Panel meeting and describes the no-show policy, explains the no-shows in question, and describes the riders' no-show history. The Appeal Panel then sustains or overrules the proposed suspension.

Met Council's appeal process does not correctly separate functions since the CSS reviewing the appeal is the same person proposing the suspension. The individuals reviewing the second and third level appeals supervise the CSS and are within the same department. The fourth level of appeal, while an appropriate separation of functions, does not allow suspended riders to present their case at an Appeal Panel hearing.

Met Council does not monitor how its service providers code no-shows. (Sections 5.12 and 5.13 discuss Met Council's respective requirements to monitor how its private and public service providers document no-shows.)

The review team examined a sample of First Transit and Transit Team paratransit software data of scheduled trips coded as rider no-shows. As summarized in Table 5.9, First Transit and Transit Team coded 312 scheduled trips as rider no-shows during the September 8–14, 2013 sample week. The review team analyzed these trips to determine if drivers:

- Arrived within the 30-minute pickup window and waited at least five minutes before departing without picking up the rider (which should have been coded as a no-show)
- Arrived within or before the 30-minute window and departed before waiting at least five minutes within the 30-minute pickup window without picking up the rider (which should have been coded as a missed trip)
- Arrived after the 30-minute window without the rider being transported (which should have been coded as a missed trip)

Table 5.9 – Review of No-Show Coding for September 8–14, 2013 Sample Week

Service provider	First Transit (agency + demand)	Transit Team	Total	Percent
Total no-shows recorded	138	174	312	100%
Actual no-shows	134	169	303	97.1%
Driver waited <5 minutes	0	3	3	1.0%
Driver arrived after window ended	4	2	6	1.9%
Total missed trips incorrectly coded	4	5	9	2.9%

As shown in the table, First Transit and Transit Team correctly coded as no-shows 303 of the 312 trips they recorded. No-shows that were actually missed trips comprised three trips where drivers waited less than the required five minutes (1.0 percent) and six trips where drivers arrived after the 30-minute window ended (1.9 percent). This yields an overall no-show coding error rate of 2.9 percent.

According to the Service Guide, “If a rider ‘No Shows’ the outgoing leg of their trip, all other scheduled trips for that day will be cancelled unless the rider contacts the provider within one hour of the ‘No Showed’ ride.”

Transit agencies must consider each leg of a trip as a separate trip request and cannot automatically cancel other scheduled trips that day if a rider is a no-show for the first leg of a trip. Met Council may only cancel subsequent trips upon the rider’s notification.

Corrective Action Schedule: Within 60 days of the issuance of the final report, Met Council must cease the practice of charging no-shows against riders who do not pay the fare or who do not present a Metro Mobility ID card.

Met Council must revise its no-show warning and suspension letters to state that riders can dispute no-shows they believe were outside of their control.

Met Council must revise its no-show suspension policy to reflect the percentage of no-shows relative to the rider’s frequency of travel rather than only an absolute number of no-shows and establish suspension periods of reasonable length.

Met Council must revise its appeals process for disputing no-show suspensions by providing the requisite separation of functions between those initially proposing service suspensions and those deciding appeals. The revised process must also permit riders facing service suspension to continue to receive service pending the outcome of the appeal.

When a rider is a no-show for an outgoing trip, Met Council must no longer cancel the return trip unless Met Council contacts the rider and confirms that the rider does not need the return trip; Met Council must also revise its policy documents and public information regarding no-shows accordingly.

Advisory Comment: An effective practice is to review a sample of trip requests coded as no-shows to ensure that they are in fact no-shows. In particular, transit agencies should verify any no-shows for riders facing a suspension for excessive no-shows.

5.9 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 the requirement to have administrative procedures in place that incorporate appropriate due process standards or with how Metro Mobility communicates its complaint policies and procedures. An advisory comment is made regarding the ability to submit comments via Metro Mobility’s website.

No deficiencies were found with the requirement to resolve complaints promptly and equitably and file summaries and records of complaints.

The Metro Mobility Service Guide includes a page immediately following the table of contents titled, “Resolution of Service Problems,” with telephone numbers and an email address to contact the Service Center, as well as suggestions on how to report incidents. This page states, “When an issue is filed with Metro Mobility Service Center, customer service staff will:

- Record a detailed description of the issue
- Research the complaint
- Forward information to the transportation provider to help quickly resolve the issue

Metro Mobility's web page www.metromobility.org provides links to the Service Guide, customer service telephone numbers, and a link that generates an email to customer service.

Metro Mobility's Service Guide states, "Customers can expect a response to their complaint within two working days if requested." Metro Mobility's CSM provided its reports to the review team summarizing ADA complaints Met Council received during the first nine months of 2013. Met Council maintains full records of all complaints for more than five years—whether received by letter, e-mail, or telephone call—documenting all complaints and their resolutions. Based on a review of the complaint files, the review team concluded that Met Council resolves complaints promptly (generally within five days) and consistently documents complaints and their resolutions in detail.

One file contained a rider complaint that the driver on a particular trip took an indirect route, which resulted in her arriving late to her medical appointment. The resolution column in the file stated, "The driver took a bad route in this case. Driver will be educated on route decisions and client will be sent a ride coupon for her trouble."

The number of complaints filed against Metro Mobility's service providers ranged from 0.1 to 0.74 complaints per 1,000 trips provided.

Advisory Comment: The Metro Mobility webpage does not provide a direct link related to complaints. At the time of the site visit, the web page stated, "Questions, Call Customer Services at 651.602.1111 (TTY 651.221.9886) between 7:30 a.m. and 4 p.m., Monday through Friday" followed by a hyperlink, "Send your e-mail questions or comments to Metro Mobility." Clicking on this link generated an email. In addition, the website featured two "contact us" links, one on the top right of the page and one on the bottom left of the page. Each of these links connected to a different page and neither of these links referenced comments or complaints about service. An effective practice is for transit agencies to have a customer support tab on the website that links to a form for riders to enter information, comments, and includes an address and telephone number that allows riders to mail or call in a complaint.

5.10 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, deficiencies were found with Met Council's requirement that Metro Mobility riders under age six travel with personal care attendants (PCAs) (Page 6 of the Service Guide). This requirement discriminates against individuals with disabilities because Met Council does not require Metro Transit fixed route riders under age six to travel with PCAs. A nondiscriminatory policy would require all children under age six to travel with an adult on any transportation service.

Deficiencies were also found with Met Council's practice of permitting its service providers to transfer riders from one provider to another without waiting with riders who cannot be left unattended. Riders needing to transfer vehicles who cannot be left unattended would require an attendant to accompany them, which is a discriminatory practice.

Corrective Action Schedule: Within 60 days of the issuance of the final report, Met Council's age policy for riders under age six must be the same on both Metro Mobility and Metro Transit.

Met Council must also change its policies and procedures for Metro Mobility trips that include transfers so that riders who cannot be left unattended are not also required to travel with attendants to transfer between vehicles to complete their trips.

5.11 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 as appropriate to their duties, or with how Met Council communicates, manages and/or oversees training requirements with respect to staff or its service providers. An advisory comment is made regarding effective reservations practices.

Prior to the site visit, the review team conducted telephone interviews with current Metro Mobility riders. The interviews covered the quality of service that reservationists, drivers, and Metro Mobility staff and its service providers provide, and the riders' satisfaction with the resolution of complaints presented to Metro Mobility staff. These telephone interviews helped the review team identify potential concerns warranting further investigation during the site visit. For example, one concern identified was the lack of experience of some newer Metro Mobility drivers in navigating the service area.

Met Council trains its Metro Mobility staff. Each Metro Mobility service provider is responsible for training its drivers, schedulers, dispatchers, customer service staff, and other staff. Met Council is also responsible for setting the system parameters in the paratransit software that all of its service providers use.

The review team met with and observed reservationists, schedulers, dispatchers, and drivers working for the two largest Metro Mobility service providers, First Transit (demand and agency) and Transit Team.

The review team observed how reservationists accept ADA and non-ADA trip requests at both First Transit and Transit Team. They observed requests for 123 trips at First Transit and 119 trips at Transit Team. Reservationists did not deny any trip requests. They handled three refusals properly, i.e., when they offered a trip within one hour of the pickup time requested by the rider and the rider turned down the offer, they recorded this as a "refusal" in the computer software. They placed 39 non-ADA trip requests on standby. These were requests for trips that were outside of the ADA service area and/or were at a time when fixed route service was not offered at the origin and/or destination.

Based on review team observations, the schedulers and dispatchers are properly trained to assist and treat individuals with disabilities with respect.

The review team also evaluated the First Transit and Transit Team drivers' training programs and curricula, which provide sufficient information and practice to train drivers to operate vehicles and equipment safely and assist and treat individuals with disabilities with respect. During the interviews with the review team, drivers said that they received enough training to carry out their jobs properly. Both First Transit and Transit Team have refresher training for drivers. Both have trainers and supervisors observe drivers while they are on the road.

Advisory Comment: The review team observed that reservationists were not consistent in confirming the following key information at the end of telephone calls: pickup times (most stated the negotiated time rather than the pickup window), use of special equipment, need for a PCA or companion, and fare (which can be peak or non-peak). An effective practice is to confirm all pertinent information at the end of each telephone call and to use a script for all reservationists that includes the following confirmation details:

- Rider contact information
- Date and time (use pickup windows rather than specific times)
- Pickup address
- Traveling with a PCA and/or companion(s)
- Special equipment the rider will use
- Drop-off address
- Fare

The review team identified some paratransit software parameters that merit Met Council's attention as potential contributors to the poor pickup and drop-off performance discussed in this report. For example, the setting for average road speed was 25 miles per hour, which in FTA's experience is higher than the setting other urban transit agencies use. Second, the maximum on-board ride time (trip length) was set to 90 minutes, regardless of distance traveled. This setting alone can create very early pickups and drop-offs and turn relatively short trips into excessively long trips. An effective practice for service providers is to review the software parameters and adjust them accordingly.

5.12 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, deficiencies were found with how Met Council monitors its contracted service providers (First Transit, Transit Team, DARTS, and Taxi Services), with respective report sections noted as follows:

- Met Council is unable to measure Taxi Services' on-time performance. (See untimely pickups in Section 5.5 above.)
- Met Council's telephone hold-time performance standard is incorrect, which prevents them from properly monitoring private contractors (See telephone hold times in Section 5.5 above.)
- Met Council is unable to measure Taxi Services' drop-off performance. (See untimely drop-offs in Section 5.5 above.)
- Met Council does not monitor how its contractors code no-shows. (See discussion of no-shows in Section 5.8.)

Corrective Action Schedule: Within 60 days of the issuance of the final report, Met Council must begin monitoring and measuring on-time pickup performance for trips Taxi Services, Inc. provides.

Met Council must modify its telephone hold-time performance standard and must require its service providers to report telephone hold times.

Met Council must regularly monitor each service providers' drop-off performance.

Met Council must regularly review the trip requests that its contractors classify as no-shows to ensure they are properly distinguishing between rider no-shows and missed trips.

5.13 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: During this compliance review, deficiencies were found with how Met Council's monitors public entities that provide Metro Mobility service, with respective report sections noted as follows:

- Met Council cannot monitor real-time operations data for trips Scott County provides. Furthermore, Scott County does not report its on-time performance to Met Council (See untimely pickups in Section 5.5 above.)
- Met Council's telephone hold-time performance standard is incorrect, which prevents them from properly monitoring public service providers. (See telephone hold times in Section 5.5 above.)
- Met Council is unable to measure Scott County's drop-off performance. (See untimely drop-offs in Section 5.5 above.)
- Met Council does not monitor how its service providers code no-shows. (See discussion of no-shows in Section 5.8.)

Corrective Action Schedule: Within 60 days of the issuance of the final report, Met Council must begin receiving and reviewing performance information from Scott County, including on-time performance (pickup and drop-off), long trip analysis, and telephone hold-time performance.

Met Council must modify its telephone hold-time performance standard and must require its service providers to report telephone hold times.

Met Council must regularly monitor each service providers' drop-off performance.

Met Council must begin to review the trip requests that its service providers are classifying as no-shows to ensure they are properly distinguishing between rider no-shows and missed trips.

5.14 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 Met Council coordinates service with other fixed route operators with overlapping or contiguous service areas. No other fixed route transit system's complementary paratransit service area overlaps with or is contiguous to Met Council's complementary paratransit service area. Therefore, Met Council has no such coordination obligations.

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
1	Comparable complementary paratransit service	37.121	No deficiencies		
2	Absence of administrative burden	37.125 & 37.5	No deficiencies		
3	ADA paratransit eligibility standards	37.123(e) (1)-(3)	No deficiencies 2 advisory comments		
4	Accessible information	37.125(b)	No deficiencies		
5	Eligibility determinations within 21 days	37.125(c)	1 deficiency 1 advisory comment	Met Council does not communicate availability of presumptive eligibility to applicants	60 days of issuance of Final Report
6	Written eligibility determinations including specific reasons for denials or temporary or conditional	37.125(d)(e)	1 deficiency	Met Council's determination letters for individuals granted conditional or temporarily eligibility do not inform applicants of their right to appeal the decision	60 days of issuance of Final Report
7	Recertification of eligibility at reasonable intervals	35.125(f)	No deficiencies		

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days
8	Administrative appeals process for denials and conditional eligibility	37.125(g)	3 deficiencies	<p>Met Council requires individuals requesting appeals to submit written statements with reasons they feel they are eligible for Metro Mobility service (a prohibited practice)</p> <p>Met Council does not have the required separation of functions when conducting in-person assessments as an interim step prior to an appeal hearing</p> <p>Met Council's letters explaining its appeal decisions do not contain specific reasons for denying appeals</p>	60 days of issuance of Final Report
9	Complementary paratransit for visitors	37.127	2 deficiencies	<p>For visitors without certification from another transit system whose disability is apparent, Met Council incorrectly requires documentation</p> <p>Met Council requires documentation for ADA paratransit eligible visitors from their home transit agency rather than from visitors themselves</p>	60 days of issuance of Final Report
10	Types of service	37.129	No deficiencies		
11	Service area	37.131(a)	No deficiencies		
12	Response time	37.131(b)	1 deficiency	Weekend and holiday reservations hours in Scott, Anoka, and Dakota Counties end one hour before Metro Mobility's normal business hours	60 days of issuance of Final Report

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days
13	Fares	37.131(c)	1 deficiency	Fares for Metro Mobility service for trips in Metro Transit's reduced or free fare zones exceed twice the fixed route fare	60 days of issuance of Final Report
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)	No deficiencies 1 advisory comment		
20	No substantial numbers of trip denials or missed trips	37.131(f)(3)(i)(b) 37.131(3)(1)(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
21	No substantial numbers of trips with excessive trip lengths	37.131(f) (3)(i)(c)	2 deficiencies	Met Council's long-trip standard (90 minutes) fails to consider comparability with fixed route trips Metro Mobility's agency trips reveal the pattern of excessively long trips for particular riders	60 days of issuance of Final Report
22a	No operational patterns or practices significantly limiting service availability (telephone hold times)	37.131(f)	3 deficiencies	Met Council's telephone performance led to long telephone hold times Met Council's standard for acceptable telephone hold times improperly considers average daily hold times rather than the proportion of peak hold times longer than a stated amount Rider interviews reported occasional busy signals, likely due to insufficient system capacity, which Met Council confirmed	60 days of issuance of Final Report
22b	No operational patterns or practices significantly limiting service availability (untimely drop-offs)	37.131(f)	2 deficiencies	Drop-off performance for the sample week was approximately 87 percent on time and 13 percent late. Met Council's three largest service providers did not meet the on-time drop-off performance standard. In addition, 3.7 percent of the sample trips had drop-offs more than 60 minutes early (very early drop-offs) The sample data contained many trips without appointment times, implying that service providers omitted this information from the paratransit software. The lack of drop-off times can prevent dispatchers and drivers from meeting riders' drop-off needs	60 days of issuance of Final Report
23	Subscription Service	37.133	1 deficiency	Due to the presence of capacity constraints, subscription service cannot exceed more the 50 percent of all service during the hours when capacity constraints exist	60 days of issuance of Final Report

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days
24	No-show, late cancel and reasonable service suspension & appeal policies	37.125(h) (1)-(3)	5 deficiencies 1 advisory comment	<p>Met Council improperly designates as no-shows riders who cannot pay the fare or present proper identification</p> <p>Met Council's no-show warning and suspension letters do not inform riders that they can dispute no-shows they believe were outside of their control</p> <p>Met Council's no-show suspension policy does not consider the percentage of no-shows relative to the rider's frequency of travel</p> <p>Met Council's no-show suspension appeal process does not provide appropriate separate of functions between those initially proposing suspensions and those deciding appeals. In addition, the revised process does not permit appellants to present their cases to the Appeal Panel</p> <p>Met Council improperly cancels return trips if riders are no-shows for outgoing trips</p>	60 days of issuance of Final Report
25	Complaint Resolution & Compliance Information	27.13(b) & 27.121	1 advisory comment		
26	Non-discrimination	37.5	2 deficiencies	<p>Met Council's requirement that Metro Mobility riders under age six travel with PCAs discriminates against individuals with disabilities because Met Council does not require Metro Transit riders under age six to travel with PCAs</p> <p>Met Council permits its service providers to leave riders unattended when transferring them from one provider to another; for riders who cannot be left unattended, this policy improperly requires them to travel with an attendant, a discriminatory practice</p>	60 days of issuance of Final Report

Item	Part 27 or 37 or 38 Requirement	Reference	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days
27	Training	37.173	No deficiencies 1 advisory comment		
28	Service under contract with a private entity	37.23	4 deficiencies	<p>Met Council does not obtain data from Taxi Services, Inc. that would allow analysis of on-time pickup performance, on-time drop-off performance, and trip lengths</p> <p>Met Council does not collect or review data regarding the distribution of telephone hold times</p> <p>Met Council does not monitor contractors' drop-off performance</p> <p>Met Council does not monitor how its contractors code no-shows</p>	60 days of issuance of Final Report
29	Service provided by another public entity	37.21(b)	4 deficiencies	<p>Met Council does not have an electronic link to Scott County's software and thus cannot monitor on-time performance for trips Scott County provides</p> <p>Met Council does not collect or review data regarding the distribution of telephone hold times</p> <p>Met Council does not monitor service providers' drop-off performance</p> <p>Met Council does not monitor how its service providers code no-shows</p>	60 days of issuance of Final Report
30	Coordination of service	37.139(g)	No deficiencies		