

FTA

Access Services ADA Paratransit Compliance Review

Final Report
April 2018



U.S. Department of Transportation
Federal Transit Administration

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Executive Summary

Objective and Methodology

This report reviews the Access complementary paratransit service in Los Angeles County. It verifies whether Access Services (Access) is meeting the obligations of LA County's fixed route operators under the Americans with Disabilities Act (ADA) requirements to provide paratransit as a complement to fixed route service.

This compliance review included three stages:

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

Access complementary paratransit service includes the following positive program elements:

Positive Program Elements

- On-time pickup performance during the sample week was 90 percent or higher
- Contractor and subcontractor monitoring and oversight is comprehensive and effective
- Sufficient resources are available to efficiently process eligibility applications

The following administrative deficiencies are easily correctable to bring its program into compliance with 49 CFR Parts 27, 37 and 38:

Administrative Deficiencies

- The Rider's Guide explanation of beyond the curb service is incorrect and inconsistent with actual policy
- The appeal request form requires written explanation for appeals for eligibility denials and no-show suspensions
- Pickup times offered during some trip reservations do not account for riders' practical needs

The following substantive deficiencies need to be addressed to bring its program into compliance with 49 CFR Parts 27, 37 and 38:

Substantive Deficiencies

- Eligibility functional assessments are not reflective of applicants' differing abilities or path-of-travel limitations, and limit eligibility for some trips by origin/destination or trip purpose
- Access hours do not match fixed route service hours for some routes in the Santa Clarita and Antelope Valley regions

Please see Section 6 for a discussion of all 11 deficiencies. The Summary Table of Compliance Review Findings (following Section 6) lists all findings. Unless otherwise stated, Access must address all deficiencies within 60 days of receipt of this report.

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1 General Information

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

| | |
|--------------------------------|--|
| Grant Recipient: | Access Services (Access) |
| City/State: | El Monte, California |
| Grantee Number: | 5830 |
| Executive Official: | Andre Colaiace, Executive Director |
| On-site Liaison: | Matthew Avancena, Senior Manager of Planning and Coordination |
| Report Prepared By: | the Collaborative, Inc. |
| Dates of On-Site Visit: | August 14–18, 2017 |
| Review Team Members: | Bill Schwartz, the Collaborative, Inc. David Chia, the Collaborative, Inc. Jim Purdy, the Collaborative, Inc. Russell Thatcher, Thatcher Consulting LLC |

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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 ADA complementary paratransit service for persons who, because of their disability, are unable to use the fixed route system. These regulations (49 CFR Parts 27, 37, 38, and 39) include eligibility requirements and service criteria that must be met by ADA complementary paratransit service programs. Section 37.135(d) of the regulations required that ADA complementary paratransit service met these criteria by January 26, 1997.

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

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3 Purpose and Objectives

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

3.1 Purpose

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

3.2 Objectives

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

The review team observed dispatch, reservations and scheduling operations and independently analyzed service statistics, basic service records, and operating documents. FTA solicited comments from eligible riders and from local disability organizations.

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

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4 Introduction to Access Services

Access, located at 3449 Santa Anita Avenue, El Monte, is Los Angeles (LA) County's consolidated transportation services agency. Formed in 1994, Access provides coordinated complementary paratransit services for LA County's 44 fixed route operators. Access has a nine-member board of directors, with one appointment by:

- Los Angeles County Board of Supervisors
- City Selection Committee's Corridor Transportation Representatives
- Mayor of the City of Los Angeles
- Los Angeles County municipal fixed route operators
- Los Angeles County local fixed route operators
- Los Angeles County Commission on Disabilities
- Coalition of Los Angeles County Independent Living Centers
- Los Angeles County Metropolitan Transportation Authority
- Alternating appointment by the municipal and local fixed route operators

Access funding comes from Federal assistance, state sales tax revenue, and rider fares.



For further information on Access, see <https://accessla.org/>

4.1 Complementary Paratransit Services and Organizational Structure

Access provided just under 3.5 million rides in Fiscal Year (FY) 2017. Table 4.1 presents ridership statistics for 2014–2017 as well as the percent change in ridership from the prior FY.

Table 4.1 – Access Ridership

| Year | Ridership | Percent Change |
|------|-----------|----------------|
| 2014 | 2,913,902 | 8.95% |
| 2015 | 3,148,885 | 8.06% |
| 2016 | 3,348,710 | 6.35% |
| 2017 | 3,426,314 | 2.32% |

The Access service area is divided into six operating regions, as shown on the map below. In each of these regions, a contractor provides service as follows:

- Eastern region: San Gabriel Transit (SGT)
- West Central region: California Transit (CTI)
- Southern region: Global Paratransit, Inc. (GPI)
- Northern region: MV Transportation (MV)
- Antelope Valley region: Keolis
- Santa Clarita region: City of Santa Clarita/MV



The Eastern, West Central, Southern, and Northern regions constitute the LA Basin, which includes the City of Los Angeles and neighboring municipalities. Each contractor is responsible for providing all trips

originating in its respective region, including trips to another LA Basin region. Riders wishing to travel from the LA Basin to the Antelope Valley region or the Santa Clarita region must transfer vehicles at a designated address. Similarly, riders traveling between Antelope Valley and Santa Clarita must also transfer.

Each of the six contractors is responsible for accepting trip requests, scheduling trips, dispatching vehicles, and maintaining a vehicle fleet. Some contractors use taxi companies to serve a portion of their trips. SGT and I have the same owners; SGT operates a combined Eastern region and West/Central region call center and schedules trips for both regions. MV operates a combined Northern region and Southern region call center; MV and GT schedule trips independently. The Southern region has the largest ridership, with approximately one third of total Access ridership. Table 4.1 presents the relative size of the six regions.

Table 4.2 – Regional Ridership (FY 2016)

| Region | Portion of All Ridership |
|-----------------|---------------------------------|
| Eastern | 27% |
| West Central | 16% |
| Southern | 34% |
| Northern | 18% |
| Antelope Valley | 5% |
| Santa Clarita | 1% |

Access also contracts with Medical Transportation Management, Inc. (MTM) to assist with the eligibility process (see Section 6.2) and with Alta Resources to provide several customer service functions, including complaint intake. See Section 6.7.

Access prepares a monthly “Board Box” for its board members and the fixed route providers for whom it provides service with statistics on eligible riders, trips provided, on-time performance, telephone performance, complaints, safety, and other measures. Access also publishes the Board Box reports on its website (http://accessla.org/about_us/publications.html).

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5 Scope and Methodology

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

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

5.1 Scope

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

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

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

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

5.2 Methodology

FTA's Office of Civil Rights sent a notification letter on February 13, 2017, to Access Executive Director Andre Colaiace requesting that information be sent to the review team before the site visit. See Attachment A.

The review team spoke by telephone with Access representatives to discuss the information request. Prior to the on-site visit, the review team examined the following service information:

- The structure of Access complementary paratransit service
- Public information describing the complementary paratransit service
- Access' standards and goals for on-time performance, trip denials, missed trips, complementary paratransit trip length, on-time performance, and telephone hold times

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

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

The Access complementary paratransit service site visit took place from August 14–18, 2017. The visit began with an opening conference, held at 9 a.m. on August 14 at the Access office at 3449 Santa Anita Avenue, El Monte, CA. Attending the conference were:

- Andre Colaiace, Executive Director, Access
- Matthew Avancena, Senior Manager of Planning and Coordination, Access
- Faye Moseley, Deputy Executive Director, Human Resources, Access
- Alfredo Torales, Special Projects Administrator, Access
- Jack Garate, Project Administrator, Access
- Matt LaVere, Access legal counsel, Jones & Lester, LLP
- Marisa Appleton, Civil Rights Officer for Oversight, FTA
- Dawn Sweet, Director of Headquarters Operations, Office of Civil Rights, FTA

- Ray Tellis, Director, Los Angeles Metropolitan Office, FTA Region IX
- Bill Schwartz, Review Team Leader, the Collaborative, Inc.
- David Chia, Review Team Member, the Collaborative, Inc.
- Jim Purdy, Review Team Member, the Collaborative, Inc.
- Russell Thatcher, Review Team Member, Thatcher Consulting LLC

Following the opening conference, the review team and FTA representatives met with Access managers to discuss the requested information and Access complementary paratransit policies and procedures. Access made a presentation on service performance and tracking related to an earlier FTA Triennial Review finding on how LA County fixed route operators in LA County monitor Access paratransit service.¹ Reviewers also discussed site visit logistics with Access managers, including contractor and staff interviews and data sources.

During the afternoon, reviewers analyzed trip and telephone data and examined Access complementary paratransit policies. A team member visited the Access eligibility center (5747 Rickenbacker Road, Commerce) to begin the review of the eligibility process.

On August 15, three reviewers visited the West/Central region (CTI) facility in Los Angeles. Three other reviewers visited the Eastern region (SGT) facility in El Monte. At both facilities, reviewers interviewed the site manager, training manager, and drivers. They also observed dispatchers. At SGT, reviewers observed call-takers accepting trip requests and responding to rider inquiries.

On August 16, two team members visited the Northern region (MV) facility in Van Nuys. Two other reviewers visited the Southern region (GPGTI) facility in Gardena. At both facilities, reviewers interviewed the site manager, training manager, and drivers. They also observed dispatchers. At MV, reviewers also observed call-takers accepting trip requests and responding to riders. Other reviewers examined eligibility files and interviewed Access eligibility staff at the Access office.

On August 17, the review team continued interviews, research, and analysis at the Access office. They verified missed trips, gathered information about the complaint intake and response procedures, service criteria, and other policies.

On August 18, also at Access, the review team analyzed and tabulated the various data and prepared for the exit conference, which took place at noon at the Access office. Attending the conference were:

- Andre Colaiace, Executive Director, Access
- Matthew Avancena, Senior Manager of Planning and Coordination, Access
- Faye Moseley, Deputy Executive Director, Human Resources, Access
- F. Scott Jewell, Director, Administration, Access
- Mike Greenwood, Deputy Executive Director, Access
- Randy Johnson, Manager, Operations, Access
- Rogelio Gomez, Project Administrator, Access
- Hector Rodriquez, Deputy Executive Director, Access
- Alvina Narayan, Grants & Compliance Analyst, Access
- Rycharde Martindale, Community Relations Analyst, Access
- Melissa Thompson, Data Analyst, Access

¹ FTA closed these findings upon completion of the site visit. See Section 6.11.

- Dawn Sweet, Director of Headquarters Operations, Office of Civil Rights, FTA
- John Day, Program Manager for Policy and Technical Assistance, FTA (via telephone)
- Ray Tellis, Director, Los Angeles Metropolitan Office, FTA Region IX (via telephone)
- Bill Schwartz, Review Team Leader, the Collaborative, Inc.
- David Chia, Review Team Member, the Collaborative, Inc.
- Jim Purdy, Review Team Member, the Collaborative, Inc.
- Russell Thatcher, Review Team Member, Thatcher Consulting LLC

FTA provided Access with a draft copy of the report for review and response. See Attachment B for Access' correspondence documenting its response to the draft report.

5.3 Stakeholder Interviews

Before the site visit, the review team interviewed five complementary paratransit riders and two representatives of an agency that works with paratransit riders. The following is a summary of comments received:

Eligibility. There were few concerns about the eligibility determination process. One agency representative said that the application for recertifications asked for too much information, particularly for riders with developmental disabilities. Another agency representative said the [prior eligibility contractor's] determinations were inconsistent. All riders and agency representatives said that Access promptly reviewed applications and recertifications.

Telephone access. In general, riders expressed concerns about telephone hold times, but said service was improving. Hold times for trip requests were generally thought to be acceptable and one rider said that morning hold times are regularly longer than afternoon hold times. However, calls for "Where's my ride?" consistently have long hold times, according to several riders.

Denials. No interviewees were aware of wait lists or trip denials. All noted that Access negotiates pickup times; one rider called the negotiations "inflexible," with call-takers sometimes offering two unacceptable pickup times and stating that Access does not allow callers to schedule trips by appointment time. One rider said that, on occasion, Access offers pickup times that are more than one hour from the requested time.

On-time performance. One rider was critical of on-time performance for pickups, believing that performance was "80 percent." Another rider described performance as significantly improved compared to two years ago. Other riders noted that pickups are occasionally late due to traffic and other factors.

Travel times. All riders and agency representatives noted occasionally long trips, but none said there is a pattern. One agency representative said that subscription ("steady") rides are not overly long, but next-day trips are.

Drivers. Riders and agency representatives were mostly complimentary about drivers. An agency representative called them "excellent." One rider noted that the prime contractor drivers are "99.9 percent great," but the taxi drivers are not as good. One rider stated that GPI drivers need more training.

Resolving complaints. Opinions on complaint resolution were mixed. Several riders and agency representatives were satisfied with the timeliness of complaint resolutions. However, one rider and one agency representative viewed the responses as not useful. One agency representative said he contacts contractors directly to resolve complaints.

Other comments. One agency representative suggested that Access needs more precise definitions for mobility aids to ensure proper vehicles are dispatched. One rider said that the seating configuration of the smaller vehicles makes it difficult to fit wheelchair users.

6 Findings and Advisory Comments

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

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

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

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

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

6.1 Comparable Complementary Paratransit Service

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

Discussion: During this compliance review, no deficiencies were found with the requirement. Access provides complementary paratransit service on behalf of 44 fixed route operators in the LA County area. The largest provider is the Los Angeles County Metropolitan Transportation Authority (Metro), which operates both bus and rail services. Most other providers are municipal systems and their services often overlap with Metro and in some cases, with other municipal routes. In Downtown Los Angeles, several providers serve the same bus stop. Because of service overlaps, Access often provides paratransit service that complements more than one fixed route provider during a trip.

6.2 Paratransit Eligibility Process

Absence of Administrative Burdens

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

Discussion: During this compliance review, no deficiencies were found with the prohibition against imposing unreasonable administrative burdens on applicants.

Access does not charge any fees for its application process. Information requested in the application form is reasonable and appropriate. Access offers free transportation to applicants participating in an interview or functional assessment and to appeal evaluations, if required. See Section 6.8 for a discussion of how Access addressed a prior requirement for language interpretation during eligibility interviews.

Paratransit Eligibility Standards

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

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

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

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

Discussion: During this compliance review, deficiencies were found with the Access eligibility determination process, which did not properly apply the regulatory criteria. An advisory comment is made concerning the need to include sufficient information to make a proper determination for certain applicants.

The review team examined public information describing the eligibility process as well as forms and documents used in the eligibility determination process. The team interviewed employees and contractors and observed an interview and assessment at the Access Eligibility Center.

Eligibility Process

The Access eligibility process for new applicants includes an application form, an in-person interview, and if needed, one or more functional assessments and/or follow-up with the applicant’s treating professional. Since July 2017, Access has contracted with Medical Transportation Management, Inc. (MTM) for assistance with the eligibility process. Access previously contracted with C.A.R.E. Evaluators.

When individuals call Access customer service inquiring about eligibility, Access enters their information into a database and provides them with an Access ID number, which enables them to obtain any needed transportation.

Next, individuals complete an application form, which they can request by mail or download from the Access website. Access anticipates future website upgrades to permit online applications. The six-page application form (see Attachment C) requests general information (address, telephone number, emergency contact, etc.), current use of fixed route transit, disability/health condition, mobility aids used, and the maximum distance applicants can walk outdoors unassisted. The application form also requests contact information for a treating professional, and a signature on an Authorization for Release of Information statement to allow Access and its contractor to contact the treating professional.

After mailing in a completed application, applicants call to schedule an in-person interview. Access asks applicants to wait seven days after mailing in a completed application form before calling to schedule an interview. In practice, some individuals do not wait seven days or mail applications. In these cases, evaluators assist applicants in completing the form as part of the in-person interview. If requested, Access provides free paratransit service to the interview.

Evaluators conduct interviews at the Access Eligibility Center (5747 Rickenbacker Road, Commerce, CA). At the time of the site visit, MTM employed 35 evaluators, enough to let them schedule interviews within a week from the time applicants call for an appointment.

When applicants first arrive for their interview, they watch a video that describes the Access program as well as other accessible fixed route and demand responsive transportation options in the region. Interviews start with the evaluator's review of information in the application form. The evaluator then gathers additional information about the applicant's disability, mobility aids used, medications taken, and functional abilities to travel in the community.

Based on the information collected during the interviews, evaluators decide whether they need to conduct one or more functional assessments. There are several possible assessments, including:

- Physical functional assessment
- Cognitive assessment using the Functional Assessment of Cognitive Transportation Skills (FACTS) test developed by Easter Seals Project ACTION
- Assessment of memory using the Mini Mental Status Exam (MMSE)

Following any required assessments, evaluators determine if they need to follow up with the applicant's treating professional(s). If so, the evaluator contacts the professional(s) by phone or sends an additional form for the professional(s) to return. Different forms include questions specific to psychiatric disabilities, seizure conditions, and vision disabilities.

Based on all information gathered, Access makes an eligibility determination and sends the determination letter to the applicant. Access prepares photo IDs for eligible riders and mails the IDs about two weeks after sending determination letters. Prior to receiving photo IDs, riders may use Access with the ID number they obtained at the beginning of the process.

Eligible Riders, Application Volume, and Certification Outcomes

As of August 2017, there were 171,275 registered Access riders. Table 6.1 shows eligibility determination statistics and outcomes for new applications and recertifications in FY 2017. Access processed 68,621 applications in FY 2017, including 31,323 new applications and 37,298 recertifications. Half of new applicants received unrestricted eligibility, 20 percent received either conditional or temporary eligibility, and 30 percent were determined to be not eligible.

Table 6.1 – Access Eligibility Determination Outcomes, FY 2017

| | Unrestricted | | Conditional | | Temporary | | Not Eligible | | Total | |
|------------------|---------------|--------------|--------------|-------------|--------------|-------------|---------------|--------------|---------------|-------------|
| | Num. | Pct. | Num. | Pct. | Num. | Pct. | Num. | Pct. | Num. | Pct. |
| New | 15,531 | 49.6% | 4,585 | 14.6% | 1,715 | 5.5% | 9,492 | 30.3% | 31,323 | 100% |
| Recertifications | 33,832 | 90.7% | 937 | 2.5% | 334 | 0.9% | 2,195 | 5.9% | 37,298 | 100% |
| Total | 49,363 | 71.9% | 5,522 | 8.0% | 2,049 | 3.0% | 11,687 | 17.0% | 68,621 | 100% |

See discussion of recertification later in this section

Review of Eligibility Files

To assess whether Access appropriately applied the regulatory criteria for eligibility to its applicants, the review team randomly selected and reviewed 35 eligibility files. This sample included 25 determinations made in July 2017 by MTM, Access' new eligibility contractor, and 10 determinations made by C.A.R.E. Evaluators (the prior contractor); these all resulted in appeals considered between January and June 2017. Based on the information in each file, the review team judged the reasonableness of each eligibility decision.

In 23 of the examined files, the review team judged the decisions Access made as reasonable and appropriate. For 12 applicants, the review team identified issues with the Access' eligibility determinations, as discussed below.

In six cases, applicants had difficulty completing the physical functional assessment, indicating distress and stopping before completing the course. Evaluators indicated in their summary remarks that they were not sure if applicants had given their best efforts, and they were unsure of the applicants' abilities. One

evaluator wrote, “Due to speed and gait changing, not able to formulate an adequate assessment.” For another applicant, the evaluator wrote, “Unclear if customer showed true ability.” Other evaluators cited “inconsistencies” and “insufficient information to make a decision.” In all six cases, applicants provided information about their disability/health condition such as COPD and use of portable oxygen, degenerative joint or disc conditions, arthritis, and chronic pain that could support issues with lack of endurance during the assessment. In all six cases, no evidence of evaluator follow up was present in the files and each applicant was found ineligible. Four were C.A.R.E evaluator decisions while two were MTM decisions.

FTA encourages follow up with treating professionals when assessment observations are inconclusive. The relatively high rate of eligibility denials (see Table 6.1) and the relatively high rate of appeals for denied new applicants (see Administrative Appeals Process later in this the section), suggest eligibility denials without conclusive information or observations could be a systemic issue.

In two cases (both MTM cases), applicants cited psychiatric disabilities in their application forms and interviews. The applicants described effects of disabilities that could impact independent travel, such as audio and visual hallucinations and side effects of medications (dizziness and fatigue). Evaluators chose not to follow up with the applicants’ treating professionals. They found both applicants not eligible. Because functional assessments are not designed to accurately assess the impacts of psychiatric disabilities, FTA also recommends following up with treating professionals.

The scope of work for Access’ contractors states that medical verification is a requirement for all applications in which medical information is supplied to support claims of eligibility, and that if the medical verification portion of the application has been completed, it must be verified with the professional indicated. There are circumstances where this requirement may be waived, but these require documentation and verification, and there are procedures to document when the applicant’s medical professionals cannot be reached. The review team’s observations suggest that these procedures are not consistently followed.

In two cases (both MTM), applicants received conditional eligibility for trips requiring them to walk more than 1/4 mile to use fixed route service. Both stated shorter maximum walking distances in their applications.

In one case, the evaluator documented that the applicant walked 100 feet in seven minutes with two rest breaks and showed signs of “fatigue and pain.” The evaluator checked “No” to the summary question of whether the applicant could travel 1/4 mile.

In the second case, the applicant used a manual wheelchair and the evaluator recorded a maximum walking distance of one block. The file did not contain physical assessment notes and there was no other information to confirm or dispute the applicant’s stated maximum walking distance.

The only distance condition in the 35 sample files was 1/4 mile. Access appears to apply the ¼-mile condition as the “default” distance when endurance is an issue. A default maximum walking distance does not account for each applicant’s actual abilities.

In one case (MTM), an applicant with renal failure who was receiving dialysis treatment received conditional eligibility for service only on treatment days. Access staff indicated that “day of treatment” eligibility is the type of eligibility that they typically grant for applicants are receiving dialysis. Under DOT ADA regulations, conditions of eligibility reflect functional abilities, not trip purposes. For example, granting eligibility to riders who experience extreme fatigue due to end stage renal failure and associated treatments “day of treatment’ or “for dialysis trips only” is not appropriate. Instead, an appropriate condition of eligibility is expressed as “when severe fatigue from your medical condition or treatment prevents you from using the fixed route service.”

In another case (C.A.R.E), the applicant used a power wheelchair. The applicant was found not eligible and the determination did not appear to consider path-of-travel issues. The applicant appealed. The appeal upheld the original denial of eligibility and again did not appear to consider path of travel issues. Given that there are many streets where sidewalks or other reasonable alternative accessible paths of travel do not exist, applicants who use wheelchairs—including those who use power wheelchairs—should not be found ineligible based solely on the type of mobility device they use.

Eligibility Restrictions

According to the Access Eligibility Determinations and Appeals Providers Policies and Procedures Manual, Access applies the following restrictions to certain riders with the following conditions:

1. Eligible for all paratransit trips except trips from X to Y or several defined origin – destination pairs,
2. Eligible for paratransit trips from A to B or several origins – destination pairs only.
3. Eligible for all paratransit trips between sunset and sunrise.
4. Eligible for all paratransit trips between sunrise and sunset.
5. Eligible for paratransit when fixed route transit requires specified number of transfers to complete the same trip.
6. Eligible for paratransit when the distance to the fixed route boarding location or the distance from the disembarking location to the destination is greater than a specified distance.
7. Eligible for paratransit when an environmental barrier is identified which prevents accessing fixed route transit, e.g. hills.
8. Not eligible for paratransit while using a specific type of mobility device.

Restriction 2 limits use of Access to a specific trip or trips (i.e., one or more specific origin-destination address pairs). Access used to identify which trips applicants couldn't make via bus or train and limited eligibility to only those trips. Such limitations place the burden on riders to request eligibility for all other trips, and is overly restrictive. Although Access no longer uses this type of restriction, four riders had this type of eligibility at the time of the site visit.

Access applies Restriction 8 when applicants indicate they use a powered wheelchair on occasion. This restriction makes them ineligible for service when they use their powered wheelchair. As noted above, given that there are many streets where sidewalks or other reasonable alternative accessible paths of travel do not exist, applicants who use wheelchairs—including those who use power wheelchairs—should not be found ineligible based solely on the type of mobility device they use.

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, Access must revise its eligibility criteria and determination procedures to:

- Set eligibility restrictions on variable walking distances that more accurately reflect applicants' abilities
- Reflect path-of-travel limitations for applicants who use wheelchairs, including powered wheelchairs, based on the need for random travel throughout the service area
- For applicants with renal failure and receiving dialysis, set limitations based on functional abilities on treatment and non-treatment days
- Remove limitations to specific origin and destination pairs from the list of eligibility restrictions

Advisory Comment: In cases where interviews and assessments are inconclusive or do not provide adequate information to make an informed decision, it is an effective practice to ensure that contractors consistently follow established policy to obtain and consider information from an applicant's treating professional before denying eligibility,

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 Access communicates the availability of materials in accessible formats to applicants and potential applicants.

Team members examined published materials, website information, and Access eligibility and appeals correspondence and documents. They found that Access provides eligibility information and materials in alternate accessible formats (large type, braille, online, computer file) upon request.

The following statement is included on the inside front cover of the Rider's Guide, as well as on the first page of the application packet:

If you would like this document in an alternative accessible format, please contact Access Customer Service:

1.800.827.0829

TDD 1.800.827.1359

The following statement is included on page 3 of the Access application packet:

This application is available in alternative formats. If you require an accessible format of this application, please contact Access Customer Service: 1.800.827.0829 (TDD 1.800.827.1359) between the hours of 8 am and 5 pm Monday through Friday

The standard application packet and application form uses 14-point font. Access produces information in larger sizes on request. Access also has a braille machine.

Eligibility Determinations or Presumptive Eligibility Within 21 Days

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

Discussion: During this compliance review, no deficiencies were found with the presumptive eligibility process.

Access considers the application process complete once applicants participate in an in-person interview and if required, functional assessment (transit evaluation). The webpage on applying for Access eligibility states:

Within 21 days after completing the Transit Evaluation, you will be notified by mail whether or not you are eligible for Access. If your eligibility is not processed within 21 days, please contact Access Customer Support Center and Access will allow you to use the service until you receive your notification.

Reviewers examined computerized eligibility records and log sheets that track application progress. They compared processing times for all 5,238 determinations in June 2017.

Table 6.2 summarizes the results. Access made the vast majority of determinations (89.5 percent) within seven days. Access made another 10.4 percent of the determinations from 8 to 14 days after completing transit evaluations. Only three determinations took more than 14 days, with the longest being 16 days.

Table 6.2 – Application Processing Time for Determinations Made in June 2017

| Processing Time (Days) | Determinations | Percent |
|------------------------|----------------|-------------|
| 0 (same day) | 2 | 0.04% |
| 1–7 days | 4,688 | 89.5% |
| 8–14 days | 545 | 10.4% |
| 15–16 days | 3 | 0.06% |
| Total | 5,238 | 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, no deficiencies were found with the written eligibility determination requirements.

The review team examined a sample of determination letters, including letters to riders granted unconditional eligibility, restricted eligibility, and temporary eligibility, as well as to riders determined not eligible.

The review team found that letters granting some level of eligibility listed the individual’s name, the transit provider (Access), the number for Access Customer Service, and the eligibility expiration date. Letters granting restricted eligibility listed all conditions or limitations on the individual’s eligibility.

The review also found that letters denying or restricting eligibility, or granting only temporary eligibility included explanations for the decisions. These letters also included information on how applicants can appeal.

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 Access communicates recertification of eligibility to applicants.

Access eligibility typically has a three-year term. It is shorter if an applicant’s disability is temporary. Determination letters include the date when eligibility expires. Access sends out letters 45 days in advance alerting riders their eligibility is about to expire.

Riders who receive restricted or temporary eligibility must complete a new application form and appear in person for another interview and/or functional assessment. Riders granted unrestricted eligibility complete

a new paper application, which eligibility staff members review. Based on the new application, Access determines whether a rider needs to appear in person for a new interview and/or functional assessment. If Access does not require either, Access renews eligibility based on the new application form.

Access offers a simplified “auto renewal” recertification process for riders with unrestricted eligibility and whose functional abilities are not likely to change, even if they may change mobility aids. Within 45 days of expiration, Access sends a three-page auto-renewal application requesting updates to personal information (e.g., address, phone number), emergency contact information, and types of mobility aids. Access automatically renews eligibility for these riders upon receiving completed forms.

Table 6.3 shows a breakdown of recertifications, including decisions based on auto renewal, paper applications, and in-person evaluations (full process) for riders who previously received conditional or temporary eligibility.

Table 6.3 – Access Eligibility Recertification Outcomes, FY 2017

| | Unrestricted | | Conditional | | Temporary | | Not Eligible | | Total | |
|-------------------|---------------|--------------|-------------|-------------|------------|-------------|--------------|-------------|---------------|-------------|
| | Num. | Pct. | Num. | Pct. | Num. | Pct. | Num. | Pct. | Num. | Pct. |
| Auto Renewal | 11,394 | 100.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 11,394 | 100% |
| Paper Application | 19,300 | 100.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 19,300 | 100% |
| Full Process | 3,138 | 47.5% | 937 | 14.2% | 334 | 5.1% | 2,195 | 33.2% | 6,604 | 100% |
| Total | 33,832 | 90.7% | 937 | 2.5% | 334 | 0.9% | 2,195 | 5.9% | 37,298 | 100% |

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

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

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

Discussion: During this compliance review, deficiencies were found with the administrative appeals process. While Access provides all appellants with an in-person hearing, the appeals process also requires a written explanation of why the appellant believes the transit evaluation decision was incorrect. It is not clear whether an appeal would be accepted from an appellant who cannot or does not wish to include such information as a precursor to the hearing.

The review team reviewed the following information related to eligibility appeals:

- Applicant information packets
- Access appeal process fact sheet
- Description of the appeal process, which is available online and attached to letters for all applicants determined not eligible or who receive limited eligibility
- “Appeals Policies of Access’ Eligibility Determinations and Appeals Providers Policies and Procedures Manual” (updated July 24, 2017)

Access accepts all requests for appeals received within 60 days of applicants' receipt of the initial eligibility determination letter. Requests filed after 60 days are accepted at the discretion of the Access eligibility staff.

To request an appeal, applicants must complete and submit an appeal form explaining why they believe the initial determination was incorrect and why they cannot use fixed route transit. See Attachment D. Using that information, the appeals coordinator forwards the appeal to the appropriate specialist and follows up with appellants whose forms are incomplete. While every appellant receives an in-person hearing, the requirement to provide a written explanation presents a barrier to persons whose disabilities prevent them from doing so. Making the request for an explanation optional would still permit Access to determine which appeals specialist to employ when appellants provide such information.

The appeals coordinator assigns the case to an appeals specialist. Access engages rehabilitation agencies with physicians, physical therapists and occupational therapists, a clinical psychologist, and an orientation and mobility specialist. Typically, within 12 days of receiving the appeal form, Access sends a referral letter to the appellant with contact information and instructions for arranging an appeal evaluation.

The appeals coordinator arranges free transportation to the office of the appeals specialist (rather than at the Access eligibility facility). The appeals coordinator also assists appellants with obtaining additional information that might be helpful in the appeals process. The Access eligibility webpage provides a link to "ADA Paratransit Eligibility: How to Make Your Case," developed by the Disability Rights Education & Defense Fund.

Appeals specialists conduct interviews and (if necessary and with prior Access approval) assess functional abilities. When a disability is not apparent, appeals specialists verify disabilities from treating professionals or other sources.

At appeal evaluations, appellants can present additional information and invite advocates to do so as well.

Appeal specialists document their evaluations and final eligibility determinations. The appeals coordinator ensures the report is complete and consistent with Access policies and procedures. Access prepares and sends final determination letters within 30 days of an appeal evaluation. Beyond 30 days, Access grants presumptive eligibility and lets appellants use the service until a final appeal decision is made.

In FY 2017, Access completed 3,266 appeals, which represents 4.8 percent of the 68,621 eligibility decisions, and 17 percent of the 19,258 initial decisions that denied or limited eligibility. In approximately 52 percent of completed appeals, the initial decision was upheld while 48 percent of completed appeals resulted in changes to the initial decision.

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, Access must demonstrate to FTA that the requirement for appellants to explain why the initial determination was incorrect and why they cannot use fixed route transit is no longer mandatory.

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, no deficiencies were found with the requirement to make paratransit service available to individuals meeting the definition of a visitor or with how Access communicates information concerning visitor service to individuals. Access provides a link on its website for visitors (https://accessla.org/riding_access/visitors.html), stating:

Eligible visitors will receive service for up to 21 days during any 12-month period

- Individuals from outside Los Angeles County service area will receive Access paratransit as ADA Visitors if they are unable to use accessible, fixed route transportation services due to disability related functional limitations
- According to ADA regulations, an individual residing outside of the Access service area is eligible for complementary paratransit service as a visitor
- If the individual presents documentation of ADA paratransit eligibility from his or her home jurisdiction
- If the individual has no such documentation (of ADA paratransit eligibility), then the individual is to provide documentation of residence outside of Los Angeles County and, if the individual's disability is not apparent, proof of the disability. This might include, for example, a letter from a doctor

Access processes requests for service to visitors generally within one day. It requires either documentation of ADA paratransit eligibility from another transit agency or proof of disability if the disability is not apparent.

6.3 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 review, deficiencies were found with Access policies to provide complementary paratransit service on an origin-to-destination-basis.

The base level of Access service is curb-to-curb. In driver training materials and on its website, Access refers to additional service as “Beyond the Curb” (BTC) Service.” The Rider’s Guide (page 20) states:

You are responsible for getting to, into and out of the vehicle. Drivers will offer assistance as you get on and off the vehicle and in using the vehicle securement devices. However, they will not lift you or carry you nor will they accompany you to or from locations away from the vehicle. If you need assistance we do not provide, please bring a personal care assistant or be sure to have someone available at the pick-up or drop-off location to help you.

The Access webpage titled, “Beyond the Curb Service,” states:

Eligible customers should request Beyond the Curb service during reservations. Contractors will make their best effort to accommodate requests not made during reservations (e.g. on the vehicle) by any customer, whether eligible or not eligible. This includes situations with changing environments caused by weather and construction. Access cannot fulfill requests that fundamentally alter the nature of the service (e.g. door through door service).

The BTC Service webpage describes policies consistent with the regulatory requirements, but the Rider's Guide description is incorrect.

Access establishes BTC service for certain riders during the eligibility process. Access instructs its contractors to have reservationists check a BTC field on the reservations screen for riders with BTC service. Reservationists also check this field for any riders who request BTC service during the reservations call.

Riders the review team interviewed said that drivers helped them beyond the curb when asked. All but one driver said they honor riders' requests for BTC service even if not asked in advance. See Section 6.9 for an advisory comment on BTC service training.

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, Access must modify its Rider's Guide to explain its BTC service policies and procedures.

6.4 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 the Access 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 Access service area.

The Rider's Guide states (page 4):

Our Service Area: Access operates in the same general area as the Los Angeles County local bus and rail routes. If your pick-up and drop-off locations are 3/4 of a mile or less from these routes, Access can take you where you want to go.

The map on pages 36–37 shows Access' service area. It extends from Antelope Valley in the north to San Pedro in the south, and from Malibu in the west to Claremont in the east.

The Access service area extends into parts of adjoining counties where at least one of LA County's fixed route services operates within 3/4-mile of the county boundary. This includes Ventura, Orange, and San Bernardino Counties.

The service area extents are incorporated into the trip scheduling software. Call-takers can also enlarge on-screen maps to verify whether trip origins and destinations are within the Access service area.

Response Time

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

Under 49 CFR § 37.131(b)(4), if transit agencies propose to change their reservations system, they must comply with the public participation requirements equivalent to those of § 37.137 (b)–(c). Transit agencies may permit reservations to be made up to 14 days in advance of an eligible individual's desired trips, subject to the same trip negotiation requirements as next-day trips required under § 37.131(b)(2).

Discussion: During this compliance review, deficiencies were found with the trip negotiations process. No deficiencies were found the next-day service requirements or with reservations hours.

Access accepts trip requests one day before travel. For trips originating in the LA Basin, riders may call daily between 6 a.m. and 10 p.m. For trips right after midnight, riders may call until 10 p.m. on the prior day. For trips originating in the Antelope Valley region, riders may call daily between 8 a.m. and 5 p.m. For trips originating in the Santa Clarita region, riders may call from 6 a.m. to 10 p.m. Monday to Saturday and from 6 a.m. to 8 p.m. Sunday. A rider may schedule as many as six (one-way) trips per call.

The review team observed call-takers at the two LA Basin call centers: at MV (Northern and Southern regions) and at SGT (Eastern and West Central regions). Reviewers did not observe any trip denials. Access schedules pickup times but does not let riders schedule trips based on drop-off (appointment) times. Riders have to estimate pickup times to ensure on-time arrival. See discussion in Section 6.4 under Drop-offs for Appointments.

During review team observations, call-takers usually accepted trip requests without negotiation. When requested times were not available at SGT, call-takers offered riders a pickup time either before or after the requested time.

At MV, however, reviewers observed several instances where call-takers offered two times on one side of the hour. For example, if a rider requested 8 a.m., the call-taker offered a 7:30 pickup. If the rider declined and stated the time was too early, the call-taker offered an earlier time (e.g., 7:15 a.m.). In other instances, riders requested the earliest pickup time they could leave. Yet the call-takers offered a pickup even earlier, so the riders declined. In one instance, the call-taker suggested if the times offered were unacceptable, the rider should call back later since Access limits time requests to two.

A true negotiation as contemplated under 49 CFR § 37.131(b)(2) must account for the rider's practical travel needs as well as the entity's own service considerations. While some riders have inherent flexibility (e.g., shopping or recreational trips), other riders have constraints with respect to when they can travel (e.g., not before the end of the individual's workday or not until after an appointment is over). For example, a rider requesting a 4 p.m. pickup may indicate during the negotiation process that an earlier pickup is not possible because his or her workday ends at 4 p.m. It would therefore be inappropriate to continue to offer only pickup times prior to the time requested. In such instances, offering a pickup any time between 4 p.m. and 5 p.m. would be appropriate and consistent with the negotiation requirement.

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, Access must modify its call-taking procedures to ensure that trip negotiations account for riders’ practical constraints.

Fares

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

Discussion: During this compliance review, no deficiencies were found with Access’ complementary paratransit fare policy.

Table 6.4 presents the tiered Access fares, which vary by region and distance.

Table 6.4 – Access Fares

| Trip Region/Distance | Fare |
|---------------------------------------|--------|
| Los Angeles Basin | |
| 0–19.9 miles | \$2.75 |
| 20+ miles | \$3.50 |
| Santa Clarita and Antelope Valley | |
| Within Santa Clarita region | \$2.00 |
| Within Antelope Valley region | \$2.00 |
| Santa Clarita to/from LA Basin | \$6.00 |
| Antelope Valley to/from LA Basin | \$7.00 |
| Santa Clarita to/from Antelope Valley | \$7.00 |

Section 3023 of 42 USC 12143, “Paratransit System under FTA Approved Coordinated Plan applies to Access fares, stating:

Notwithstanding the provisions of section 37.131(c) of title 49, Code of Federal Regulations, any paratransit system currently coordinating complementary paratransit service for more than 40 fixed route agencies shall be permitted to continue using an existing tiered, distance-based coordinated paratransit fare system, if the fare for the existing tiered, distance-based coordinated paratransit fare system is not increased by a greater percentage than any increase to the fixed route fare for the largest transit agency in the complementary paratransit service area.

In addition, since there is no local fixed route service between the LA Basin and either Santa Clarita or Antelope Valley, or between Santa Clarita and Antelope Valley, there is no equivalent fixed route fare.

No Trip Purpose Restrictions

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

Discussion: During this compliance review, no deficiencies were found with this requirement. The Rider’s Guide (page 5) notes, “all destinations must be treated as equal.” For example, a person who needs to visit the doctor cannot get a quicker pick-up or a faster ride than a person who wants to see a movie.” In addition, review team members did not observe call-takers restricting or prioritizing trip requests based on the trip purpose.

Hours and Days of Service

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

Discussion: During this compliance review, deficiencies were found with the Santa Clarita and Antelope Valley region comparable service hours as some fixed routes operate beyond Access hours.

No deficiencies were found with hours and days of service in the LA Basin, where Access is available seven days a week from 4 a.m. to midnight. In certain portions of the Los Angeles Basin, service is available 24 hours, corresponding to the available fixed route bus and rail service.

Table 6.5 presents the paratransit service hours for the Santa Clarita and Antelope Valley regions and Tables 6.6 and 6.7 list the Antelope Valley Transit Authority (AVTA) and City of Santa Clarita Transit (SCT) bus routes, respectively, in which fixed route service hours exceed paratransit service times. As shown, six AVTA routes and three SCT routes operate outside of Access service hours.

Table 6.5 – Paratransit Service Hours for Santa Clarita and Antelope Valley Regions

| Region | Weekdays | Saturday | Sunday |
|-----------------|----------------------|---------------------|---------------------|
| Santa Clarita | 4:15 a.m.–11:15 p.m. | 5 a.m.–10 p.m. | 7 a.m.–9 p.m. |
| Antelope Valley | 5 a.m.–12:30 a.m. | 6:30 a.m.–8:30 p.m. | 6:30 a.m.–8:30 p.m. |

Table 6.6 – AVTA Bus Routes with Service Beyond Access Service Hours

| Route | Day(s) | Start Time | | End Time | |
|-------|------------------|------------|-----------|------------|-----------|
| | | AVTA | Access | AVTA | Access |
| 1 | Saturday | | | 11:30 p.m. | 8:30 p.m. |
| 4 | Saturday, Sunday | | | 9:17 p.m. | 8:30 p.m. |
| 7 | Saturday | | | 8:40 p.m. | 8:30 p.m. |
| 11 | Saturday | 5:45 a.m. | 6:30 a.m. | | |
| 12 | Saturday | 6:02 a.m. | 6:30 a.m. | | |
| 50 | Saturday | | | 9:53 p.m. | 8:30 p.m. |
| 51 | Saturday | | | 9:33 p.m. | 8:30 p.m. |

Table 6.7 – SCT Bus Routes with Service Beyond Access Service Hours

| Route | Day | SCT End Time | Access Time |
|-------|----------|--------------|-------------|
| 1 | Saturday | 10:08 p.m. | 10 p.m. |
| 2 | Saturday | 10:06 p.m. | 10 p.m. |
| 6 | Saturday | 10:29 p.m. | 10 p.m. |

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, Access must adjust schedules to ensure paratransit service hours are comparable to fixed route service hours for Santa Clarita and Antelope Valley Regions.

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 this requirement. Access does not limit the number of trips eligible riders may request and receive.

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.²

Discussion: During this compliance review, no deficiencies were found with the requirement to establish waiting lists for Access paratransit trips.

No Access policies refer to wait lists. Neither pre-visit rider interviews nor call-taker observations showed any evidence of wait lists.

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

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

Discussion: During this compliance review, no deficiencies were found with the requirement that complementary paratransit service be provided without substantial numbers of significantly untimely pickups for initial or return trips. No deficiencies were found with the Access' on-time pickup performance standards or with how it monitors on-time pickup performance. No deficiencies were found with how Access publicly communicates this requirement.

An advisory comment is made about monitoring on-time performance for dedicated wheelchair accessible vehicles.

In its pre-review information, Access stated:

On time performance is the percentage of trips in which the vehicle arrives at the pickup location within the 20 minute on time arrival window, based on geo-validated automatically transmitted data from the transit vehicle. Access' standard for on time performance is > 91 percent.

Using Access paratransit software data, the review team independently analyzed more than 64,000 trips during a sample week (July 11–17, 2017).

Table 6.7 shows an overall on-time performance rate of 92.0 percent, including 48.5 percent of pickups occurring before the pickup time. Among the six regions, performance that week ranged between 90.5 and 94.5 percent.

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

Table 6.7 – On-Time Performance for 64,021 Access Trips: July 11–17, 2017

| Trips | All Trips | | Regional Percentages | | | | | |
|---------------------------|---------------|--------------|----------------------|--------------|--------------|--------------|-----------------|---------------|
| | Number | Percent | Eastern | West Central | Southern | Northern | Antelope Valley | Santa Clarita |
| Early | 31,069 | 48.5% | 53.2% | 50.2% | 45.2% | 46.6% | 47.1% | 47.7% |
| In window (-0/+20) | 27,817 | 43.4% | 39.7% | 40.3% | 46.9% | 45.2% | 44.0% | 46.9% |
| Early or in Window | 58,886 | 92.0% | 92.9% | 90.5% | 92.1% | 91.7% | 91.1% | 94.5% |
| All late | 5,135 | 8.0% | 7.1% | 9.5% | 7.9% | 8.3% | 8.9% | 5.5% |
| 1–15 minutes late | 4,117 | 6.4% | 5.6% | 7.7% | 6.5% | 6.3% | 7.2% | 4.8% |
| 16–30 minutes late | 848 | 1.3% | 1.2% | 1.5% | 1.2% | 1.5% | 1.5% | 0.5% |
| >30 minutes late | 144 | 0.2% | 0.2% | 0.3% | 0.2% | 0.3% | 0.1% | 0.2% |

The review team separately analyzed on-time performance by region for all trips to assess potential performance differences between contractor-operated sedans, contractor-operated wheelchair accessible vehicles, and taxi subcontractor vehicles. Table 6-8 summarizes the on-time performance for LA Basin regions according to vehicle type and provider type. As shown, overall contractor on-time performance is consistent regardless of vehicle type. Within the regions, however, on-time performance is lower for contractor wheelchair accessible vehicles in the Eastern and West Central regions and higher in the Southern and Northern regions. In addition, while subcontractor on-time performance was 93.5 percent overall, subcontractor performance in the West Central and Southern regions was lower.

Table 6.8 – LA Basin On-Time Performance by Vehicle and Provider Type: July 11–17, 2017

| | LA Basin | Eastern | West Central | Southern | Northern |
|-------------------|----------|---------|--------------|----------|----------|
| All Trips | 91.4% | 92.9% | 90.5% | 90.4% | 91.7% |
| Contractor Trips | 90.3% | 90.2% | 90.2% | 90.7% | 89.8% |
| Contractor Sedans | 90.2% | 90.8% | 90.4% | 90.6% | 87.0% |
| Contractor Vans* | 90.3% | 88.9% | 89.5% | 90.9% | 90.7% |
| Subcontractor | 92.5% | 94.9% | 90.8% | 90.2% | 95.9% |

* Wheelchair accessible vehicles

Advisory Comment: When using different vehicle fleets and subcontractors, it is an effective practice to separately track on-time performance for sedans and wheelchair-accessible vehicles and for subcontractors to ensure that all trips operate at comparable levels.

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 requirements that ADA paratransit service be provided without substantial numbers of trip denials or missed trips. No deficiencies were found with Access' standards for defining denials and transit agency missed trips or with how Access monitors service to determine whether or not either type of capacity constraint exists. Finally, no deficiencies were found with Access publicly communicates these requirements. Advisory comments are offered regarding establishing missed trip standard and publicizing the standard.

Denials

Access provided pre-visit data on recorded service denials and stated it does not deny trips due to lack of capacity. However, Access reported a small but ongoing rate of denials (see Table 6.9), ranging from 0.02 percent in FY 2014 to 0.39 percent in FY 2017.

Table 6.9 – Recorded Access Denials (FY 2013–2017)

| Fiscal Year | Denials |
|-------------|---------|
| 2013 | 0.11% |
| 2014 | 0.02% |
| 2015 | 0.18% |
| 2016 | 0.20% |
| 2017 | 0.39% |

Access explained:

Access' denial oversight program is based on a monthly sample audit of reservation calls. The internal standard using this methodology is < 1%. Access reservation agents will book and plan for all trip requests, or in other words, never deny any trip request. A "denial" is counted when, during the trip time negotiation, the reservation agent offers a pickup time that is more than one hour before or after the customer's requested time. Denials reported by Access usually occur because of a reservation agent error. For example, they mishear or mistype the customer's requested time into the software and offer the time outside the hour.

Access calculates this denial rate by dividing call-taker errors by total audited calls. Access tracks trips arranged outside the one-hour negotiation window as denials. Because the rate of denials is less than 0.4 percent in any of the reported years, this does not represent a substantial number of denials. At the same time, the percentage of denials has increased. FTA encourages Access to see if additional or alternative call-taker training can reduce the number of denials.

Missed Trips – Definition and Performance

Access provided the review team with the following missed trip definitions:

- Driver arrives after the 20-minute pickup window and no-shows rider (regardless of how long driver waits)
- Driver arrives after the 20-minute pickup window, rider cancels at the door
- Rider cancels trip before driver arrives, if cancellation time is after the 20-minute pickup window
- Driver waits less than five minutes at the pickup address

Access uses these definitions for performance monitoring but does not publicly share them. The Rider's Guide (page 10) explains trips that are not no-shows as, "The driver arrives after your 20-minute pick-up window, and you call to cancel the trip." This language could imply that if riders fail to call in such instances, they will be charged with a no-show. Detailing what comprises a missed trip in rider guides can avoid such confusion.

Access tracks and reports missed trips on a monthly basis. In FY 2017, the overall missed trip rate was 0.65 percent and monthly rates were fairly consistent, ranging from 0.56 percent to 0.80 percent.

Access does not have an established missed trip standard.

Missed Trips – Verification

Access determines and verifies each missed trip. Contractors use an automated system to code scheduled trips that are not cancellations, late cancellations, or no-shows.

The review team independently analyzed no-shows and cancellations not recoded as missed trips from the sample week. As part of this analysis, the review team found that if a driver arrives prior to a scheduled pickup time, waits at least five minutes, but the five minutes are not within the pickup window, the automated method Access uses does not flag this as a missed trip. The review team analysis identified a small number (0.04 percent) of missed trips left incorrectly coded as rider no-shows.

Advisory Comments: It is an effective practice to publicize complete definitions of missed trips in rider guides. It is also an effective practice to establish a missed trip standard and to report it in public documents. Finally, when using automated no-show verification methods, it is an effective practice to ensure the algorithm is consistent with the missed trip definition.

No Substantial Numbers of Trips With Excessive Trip Lengths

Requirement: Under 49 CFR § 37.131(f)(3)(i)(c), transit agencies must provide complementary paratransit service without substantial numbers of trips with excessive trip lengths.

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

Discussion: During this compliance review, no deficiencies were found with the requirements that complementary paratransit service be provided without substantial numbers of trips with excessive trip lengths. No deficiencies were found with Access’ standards for defining when trips are comparable with fixed route travel time and when trip lengths are excessive. No deficiencies were found with how Access monitors trip lengths or with how Access publicly communicates this requirement. Advisory comments are made regarding establishing a long trip performance standard and monitoring trip length performance.

Access described its methodology for determining the comparable travel times:

Access, for administrative purposes, compares actual trip travel times to the comparable fixed route trip travel time for a comparable trip at a comparable time of day utilizing the [LA] Metro fixed route trip planner.

Access publishes mileage-based travel time estimates in its Rider’s Guide (page 12). See Table 6.10.

Table 6.10 – Access Travel Time Estimates

| Miles | Estimated Travel Time |
|-------|-----------------------|
| 1–10 | 0:30–1:30 |
| 11–20 | 1:00–2:30 |
| 21–30 | 1:30–3:00 |
| 30+ | 2:00–3:30+ |

Based on the LA Metro trip planner, Access uses an automated analysis for trip length comparability for trips possible via fixed route. Each segment of transfer trips (between Antelope Valley or Santa Clarita and another region) is analyzed separately. Table 6.11 summarizes results for the sample week for all trips and for each region. As shown, 3.4 percent of all comparable trips analyzed were 21 minutes or longer via Access.

Table 6.11 – Access vs. Fixed Route Travel Times: July 11–17, 2017

| Trips | All Trips | | Regional Percentages | | | | | |
|---------------------|-----------|---------|----------------------|--------------|----------|----------|-----------------|---------------|
| | Number | Percent | Eastern | West Central | Southern | Northern | Antelope Valley | Santa Clarita |
| Equal or shorter | 35,694 | 89.2% | 94.4% | 87.4% | 87.8% | 84.8% | 92.4% | 92.1% |
| 1–20 minutes longer | 2,919 | 7.3% | 4.5% | 8.9% | 8.1% | 9.4% | 6.1% | 4.8% |
| 21+ minutes longer | 1,340 | 3.4% | 1.1% | 3.8% | 4.1% | 5.8% | 1.5% | 3.1% |

While Access’ performance in this regard is not indicative of a capacity constraint, it should be noted that Access does not have an established long-trip standard. As discussed in Section 8.5.5 of the ADA Circular, FTA encourages establishment and use of travel time performance standards, such as “at least X percent of complementary paratransit trips shall have travel times equal to or less than comparable fixed route travel times,” and expects transit agencies to closely monitor trip length performance. By monitoring and analyzing trip lengths, agencies can observe service issues and, if necessary, make operational adjustments to improve performance.

Advisory Comments: It is an effective practice for Access to establish a long-trip standard and to use the standard in contractor monitoring and public reporting.

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, no deficiencies were found with Access’ telephone performance for reservations. An advisory comment is made regarding same-day in-service calls.

Each service operator is responsible for accepting trip requests, trip cancellations, and other telephone calls related to same-day in service calls (ETA or “Where’s my ride?”). Some contractors have chosen to consolidate telephone services.

- San Gabriel Transit accepts trip requests for the Eastern and West/Central (CTI) regions
- MV Transportation accepts trip requests for the Northern and Southern (GPI) regions
- Keolis accepts trip requests for the Antelope Valley region, though in a separate facility from its garage and dispatch facility
- The City of Santa Clarita accepts trip requests for the Santa Clarita region

One toll-free telephone number (800-883-1295) and one TTY line (800-826-7280) is used for all Access reservations. The caller selects the language (English or Spanish) and, based on the pickup address, selects the contractor for the first part of the trip. If the return trip (or subsequent parts of the trip) begins in another region, the caller must reserve the trip with that region’s contractor. Call-takers can transfer callers to other regions (saving the caller the need to hang up and make another call), but then callers enter a second call center queue.

Access uses two telephone performance standards. Pre-visit information stated:

Providers must have a sufficient number of trained Customer Service Reservations (CSRs) to ensure rapid and accurate response to phone calls during operating hours. Staffing levels must be sufficient to meet the following contract standards:

1. Average initial hold time for reservation calls of no longer than two (2) minutes
2. 95% of calls are answered within 5 minutes

Access can view telephone performance data for all regions (the two consolidated call centers collect performance data separately for each region). Hourly performance metrics track the number of incoming calls, answered calls, and abandoned calls. For answered calls, metrics include average hold time and number of calls answered within one-minute increments up to five minutes (Santa Clarita does not have breakdowns by one-minute increments).

Access's monthly Board Box performance reports combine telephone data for reservations and "Where's my ride?" (ETA) calls systemwide, for both standards and each region, as shown in Table 6.12 (July 2017). With one exception, Access met both performance standards for the month; the percent of calls on hold in the Southern region exceeded 5 percent.

Table 6.12 – Access Telephone Performance (Board Box): July 2017

| Standard | Systemwide | Eastern | West Central | Southern | Northern | Antelope Valley | Santa Clarita |
|---|------------|---------|--------------|----------|----------|-----------------|---------------|
| Initial average hold time (seconds) | 83 | 61 | 62 | 106 | 93 | 105 | 36 |
| Percent of calls with holds longer than 5 minutes | 4.5% | 4.7% | 4.7% | 5.2% | 3.2% | 3.0% | 1.1% |

However, looking at just monthly performance can mask poor performance on certain days or during certain periods. In addition, blending reservations calls and ETA calls can mask potential variations between call types. For ETA calls, the sample week data shows poor performance. Overall, the Eastern and West Central regions had 17 percent of ETA calls on hold more than five minutes. In the Southern region, 20 percent of calls were on hold more than five minutes. Holds during busy hours often exceeded 40 percent for the worst hours of the day in those regions, and holds were high for several consecutive hours, particularly in the morning. The Northern region had the best performance for ETA calls, but still averaged four hours per weekday with 10 percent or more of the calls on hold for more than five minutes.

To evaluate their telephone performance, many transit agencies have established performance standards for telephone hold times. An optional good practice is to define a minimum percentage (e.g., X percent) of calls with hold times shorter than a specific threshold (e.g., 2 minutes) and a second (higher) percentage (e.g., Y percent) of calls with hold times shorter than a longer threshold (e.g., 5 minutes).

Advisory Comment: Access should improve its telephone hold time performance for ETA calls, and consider separating them from reservations calls.

Untimely Drop-offs for Appointments

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

Discussion: During this compliance review, the review team was unable to evaluate operational patterns or practices relating to appointment times, due to Access' practice of not scheduling to appointment times. An advisory comment is made regarding recording and monitoring trips with known appointment times.

Access schedules trips based on requested pickup times; Access does not schedule trips to appointment times. As such, trip records with appointment times were not available for review team analysis. During its observations of reservations calls, review team members noted instances when riders stated their appointment times to the call-takers. Access does not ask its call-takers to record such information even if

riders provide it. Both LA Basin call centers have paratransit software with the ability to record such information, but the fields are not activated.

All travelers using a transportation provider to travel to a time-sensitive appointment want to have confidence in the provider's reliability. This is also true for complementary paratransit. Frequently arriving late to appointments could discourage use of the service. As such, FTA considers a pattern or practice of untimely drop-offs for trips with stated appointment times as a capacity constraint. As in pickup performance, monitoring on-time performance for trips with requested drop-offs is necessary. If the analysis indicates a pattern of late drop-offs, agencies can then make appropriate operational changes.

Advisory Comment: It is an effective practice to record appointment times when riders provide this information during the reservations call. That way, transit agencies can monitor on-time performance to ensure riders arrive on time during trips with appointment times.

6.5 Subscription Service

Requirement: Under 49 CFR § 37.133, transit agencies are permitted (but not required) to provide subscription service (pre-arranged trips at a particular time not requiring individual trip reservations for each trip). If provided, however, subscription service may not comprise more than 50 percent of the available trips at any given time unless the system is experiencing no capacity constraints.

Discussion: During this compliance review, no deficiencies were found with the requirements concerning the provision of subscription trips as part of the ADA paratransit program or with how the transit agency communicates this requirement to eligible riders and potential users of the service.

Access offers subscription service ("standing order"). It does not approve all requests for subscription trips. The trip must occur at least once per week and continue for at least six consecutive weeks. A rider may have multiple standing orders, e.g., a 7 a.m. trip on Monday, a 9 a.m. trip on Wednesday.

The review team did not identify specific periods during the week when there were capacity constraints and subscription service comprised more than 50 percent of the available capacity.

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

Requirements: Section 37.125(h) of the DOT ADA regulations states that transit agencies "may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA eligible individuals who establish a pattern or practice of missing scheduled trips." FTA has permitted transit 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 Access' lack of a sunset provision for subsequent no-show suspensions and with the appeal process.

Access policies and procedures regarding no-shows are contained in Part 4B of Section 1 of its Policy and Procedures Manual. Essential elements of the policy are included in the Rider's Guide (pages 9–10), which defines a rider no-show as one of the two following occurrences:

- Cancellation is made less than two hours from the scheduled pickup time
- When a rider does not cancel a trip, is not at the agreed upon pickup location at the agreed upon time, and all of the following occur:
 - Vehicle arrives at the pickup location within the 20-minute on-time window
 - Vehicle waits five minutes for the rider within the pickup window
 - Driver contacts dispatch to request a no-show approval
 - Dispatch checks the GPS reading to determine the location of the vehicle at the time of the driver request
 - Dispatch attempts to call the rider if a phone number is available

Riders who have a pattern or practice of no-shows may lose riding privileges for a designated period. Access defines a pattern or practice as five or more no-shows within a calendar month and that represent more than 10 percent of all trips taken in the same calendar month. No-shows beyond a rider's control are excused and excluded from the pattern or practice definition.

Access notifies riders by mail or another format, for the third and subsequent no-shows each calendar month. Notices provide the date, time and location of each no-show and invite riders to contact Access Customer Service within 15 days to have no-shows removed from their record if they feel they were caused by circumstances beyond their control.

Access sends letters to riders who violate the no-show policy and exceed the threshold for a suspension. The letters detail recorded no-shows and explain the proposed period of suspension. Proposed suspensions are stayed during the appeal process. The letters state:

It is easy to avoid a suspension. You may respond to this appeal in writing by mail, fax or e-mail as listed below.

Write to: Access Services No Show Suspension Appeals P. O. Box 5728 El Monte, CA 91734

E-mail: cserv@accessla.org

Fax to: (213) 270-6057

Please provide the following information:

1. What caused your no-show trip(s)?
2. Is there any reason that you were unable to respond to the previous missed trip notices mailed to you?

We encourage you to cancel your scheduled trips when you are unable to or no longer wish to take the trip. When customers do not show up for their scheduled rides, time and valuable resources are wasted that could have helped other customers to get to their destinations.

Once we receive your appeal a response will be provided.

Under § 37.125(h)(3), the appeal process required under § 37.125(g) must also be available to an individual on whom sanctions are being imposed, which means transit agencies must provide an opportunity for the rider 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 impose suspensions.)

Access suspends riders for 10 days for the first violation and 30 days for each subsequent violation. There is no sunset provision. A rider could be suspended for 10 days after the first violation, travel for several years without any no-shows, and the next suspension occurrence would be for 30 days. A 30-day suspension under such circumstances would not meet the regulatory provision permitting suspension “for a reasonable period of time” under § 37.125(h).

As discussed earlier in Section 6.4 under Missed Trips, contractors initially code any scheduled trip that is not a cancellation, late cancellation, or no-show. Access uses an automated algorithm to determine if it is a missed trip. This includes verifying that the necessary documentation is captured in the paratransit software.

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, Access must remove the requirement for appellants to contest no-show suspensions in writing. Access must also modify its no-show suspension policy to incorporate a sunset provision for subsequent no-show suspensions.

6.7 Complaint Resolution and Compliance Information

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

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

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

Discussion: During this compliance review, deficiencies were found with Access’ complaint response procedures. No deficiencies were found with the remaining requirements related to complaint resolution and compliance.

Access has designated its Senior Manager of Customer Service to coordinate compliance with Part 27. Access advertises complaint filing information on its website and in its Rider’s Guide.

Individuals wishing to file a complaint may do so via letter, email or telephone. Access’ customer service center contractor Alta Resources, manages the complaint intake process. The process is also accessible, both for complaint intake and for responses.

Access has procedures to promptly and equitably resolve complaints. Access tracks all customer service records into a customer relationship management (CRM) software tool. Its customer service contractor logs all phone complaints directly into the CRM. The system forwards inquiries requiring investigation and response to the appropriate service provider or eligibility contractor. Access’ customer service team reviews contractor responses (if applicable) and reviews video files for independent investigation.

Access does not ask complainants if they would like to receive a response. Should riders request a response, Access notes the type of response requested (e.g., phone call, email, or letter) and communicates its resolution accordingly. Not asking complainants if they would like a response does not

satisfy the § 27.13(b) requirement that entities promptly communicate their response to complaint allegations.

The review team requested a sample of responses to 26 complaints Access received during the past 12 months. Seven sample complaints from the database included a response, which reflected a proper internal investigation and timely correspondence with the complainant. The remaining 19 complaints did not include a response.

Access has extensive records of complaints extending back for more than five years.

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, Access must modify its complaint intake procedures (telephone scripts and written complaint instructions) to ensure that they promptly communicate responses to complainants.

6.8 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 Access' procedures for service suspensions. No deficiencies were found with Access' public information or with policies related to 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.

49 CFR § 37.5(h) permits transit agencies to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or that individual constitutes a direct threat to the health or safety of others. Overlap among these four thresholds is common and therefore FTA recommends agencies consider them as a unit. Rarely is violent behavior such as physical assault, for example, not also seriously disruptive, illegal, and a direct threat. Consider another example: a verbal outburst directed at a driver or other passengers may start out as seriously disruptive but become so threatening as to prevent a driver from safely operating the vehicle and, therefore, rise to a direct threat as well.

It can be especially challenging to assess whether rider behavior rises to the level of "seriously disruptive." Given that a service refusal can be a denial of a civil right, the threshold for seriously disruptive conduct, like the other denial bases, is an intentionally high standard. A transit agency cannot refuse service to individuals with disabilities solely because their appearance or involuntary behavior may offend, annoy, or inconvenience employees or other riders. As discussed in [Appendix D](#) to § 37.5, "some persons with Tourette's syndrome may make involuntary profane exclamations. These may be very annoying or offensive to others, but would not be a ground for denial of service." As another example, many agencies have asked FTA for guidance on serving riders with hygiene issues. It would not be appropriate to refuse service if the situation were merely unpleasant to other passengers or drivers. If the situation disrupts the provision of service, however, grounds for refusing service may exist.

Rider Conduct Policies and Consequences for Violations

The Rider's Guide (pages 20–21) lists a set of requirements and prohibitions for Access riders. Access also has an internal standard operating procedure (SOP) on rider conduct (revised June 2010). Both documents cover:

- Required use of seatbelts
- No smoking
- No eating or drinking unless medically necessary
- No deliberate fare evasion
- No weapons or firearms
- No hazardous materials
- “Must maintain an acceptable standard of cleanliness”

The Rider Conduct SOP sets forth the potential consequences for riders “who willfully and repeatedly violate the Rules of Conduct.”

- First violation in a rolling six-month period leads to a written warning
- Second violation leads to a second written warning
- Third violation leads to a letter of suspension

Access enables riders to contest first and second violation warning letters (by telephone or in writing) within five days of receipt. For proposed suspensions, Access provides riders 60 days to file a written request to appeal the suspension. Riders may request an in-person appeal. A panel composed of riders appointed by the Access Advisory Committee (volunteer oversight group comprised of riders and advocates) hears such rider appeals.

Access has an internal operations bulletin effective 5/16/16 titled, “Maintain a clean and safe environment for all who use Access Services vehicles.” It requires riders to “maintain an adequate level of cleanliness, including mobility devices.” It also states, “riders, including their service animal, which may contaminate an area due to blood, urine, fecal matter, or other bodily fluids, may be denied service.” This includes “those whose body odor is so offensive that others would be reasonably expected to complain and vacate the immediate area.” The bulletin lists procedures for reporting and confirming incidents.

Access also provided the review team with a document dated April 19, 2016, titled, “SOP Decision Tree for Determining Conduct Actions.” This document states:

If the conduct is not part of a pattern or practice, are there any mitigations available likely of success that should be imposed together with or in lieu of suspension.

1. If not a direct threat, was the conduct solely that which because of the individual's disability results in appearance or involuntary behavior that may offend, annoy or inconvenience employees or other riders?
 - a. If yes, no suspension may be imposed.
 - b. If no, consider:
 - c. Was the conduct a part of a pattern or practice?
2. If part of a pattern or practice, are there any mitigations available and likely of success (i.e. required use of a PCA, etc.) short of suspension?
 - a. If yes, impose such conditions
 - b. If no mitigations are likely of success, consider the duration of a suspension based on severity and frequency of the conduct and any history of past warnings and/or suspensions for similar behavior

The Customer Service Department is responsible for reviewing rider conduct issues and proposing actions. Access provided the review team an Excel spreadsheet listing 31 suspensions imposed between August 2016 and May 2017 and listing the following information:

- Rider ID
- Suspension Type
- From Date
- Thru Date
- Comment
- Suspension Notes
- Incident Recap

Upon examination of Access' records, it appears that the default for many violations of Access' rider conduct policies is indefinite suspension. Of the 31 suspensions, eight were for 90 days or fewer while the rest were indefinite. The reasons given for these indefinite suspensions ranged from "harass[ing] Customer Service" representatives on the telephone, to use of a Rider ID card by another party, to "punching the driver in the head" and "grabbing the steering wheel" of a paratransit vehicle. Conversely, a threat involving firearms and an assault-by-PCA resulted in suspensions of 9-10 days. There seems to be little consistency as to how suspensions for conduct are applied. Further, not all of the items contained in Access' rider conduct policies and not all of the issues for which riders have been suspended constitute "violent, seriously disruptive, or illegal conduct," or represent a direct threat to the health or safety of others. Clearly "grabbing the steering wheel" and assault meet all or most of these criteria, but "harassment" by difficult callers is something that customer service representatives can be expected to handle as a regular part of their duties. Further, Access' requirement that riders "[m]ust maintain an acceptable standard of cleanliness" is highly subjective; while riders with communicable diseases or infestations would fall under the direct threat provision of the regulations, riders whose mobility devices are merely "dirty" from everyday use should not be subject to exclusion from service.

Access Suspension Letters

The review team examined the following letter templates that Access uses as part of its rider conduct program:

- Minor Conduct Letter Template (Initial Warning)
- Immediate Suspension Letter (redacted sample)
- Appeal Panel Determination Letter Templates (Overturned and Sustained)

Each letter references the § 37.5(h) service refusal provision for violent, seriously disruptive, or illegal conduct. The minor conduct and immediate suspension letters explain the right to appeal and the appeal process. The appeal panel determination letter that sustains suspensions indicates that suspensions are not permanent and states, "As access to public transit is a civil right, you always have the opportunity to subsequently present information to Access Services which demonstrates how your issues have been resolved and/or provide options to mitigate any problems which were the cause of your indefinite suspension."

Access Policy Regarding Language Interpretation During Eligibility Appeals

In 2016, Access' eligibility denial letter listed several items for appellants to consider in preparing an appeal, including the following statement:

If you need a language interpreter, you will need to have someone assist you. Access Services will provide a sign language interpreter for the hearing impaired, if requested.

During the site visit, Access provided the review team with an updated letter that includes the following revised statement:

If you are able to provide your own interpreter you can. If not Access Services will provide one for you, which includes American Sign Language (ASL) at no charge.

Access also provided the review team with evidence that it now uses phone interpreter services for those who request language interpretation during appeal evaluations, the same phone service available to call-takers.

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, Access must implement improved oversight procedures for service suspensions for rider conduct. This includes incorporating internal review procedures to ensure suspensions are appropriate, and that riders are suspended only for conduct that is violent, seriously disruptive, or illegal, or represents a direct threat to the health or safety of others, and not for minor conduct issues.

6.9 Training Requirements

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

Discussion: During this compliance review, no deficiencies were found with training for Access employees or with its contractors. An advisory comment is offered regarding how Access communicates its beyond the curb (BTC) policy with drivers.

The review team interviewed training managers for MV, GPI, SG, and CTI. The review team also interviewed 22 drivers at the four LA Basin contractor sites and reviewed training curricula. Training materials are comprehensive and the training process for contractor drivers appears well organized and managed. Driver training includes a combination of classroom work and field practice, such as maintaining sensitivity to passengers and transporting, assisting and securing those who use wheelchairs. Contractors also provide refresher training, mostly via regular safety meetings. Interviewed drivers appeared to understand their responsibilities and Access policies.

With the exception of the Access BTC policy, drivers provided consistent responses to questions about policies and procedures. However, training differs among contractors regarding BTC service. For example, GPI trains its drivers to provide BTC service when a rider asks for it, even if not cited on the manifest. Other contractors train drivers to contact dispatch if a rider asks for BTC service when not cited in the manifest.

The contractors provide training for taxi subcontractors and taxi company trainers. Taxi drivers must obtain training certificates (with copies made available for contract and Access inspection)

The review team observed customer calls at the Northern and Eastern call centers. The call-takers understood their responsibilities, including Access policies, and how to use paratransit software. However, as noted in the Response Time discussion in Section 6.4, the review team observed improper trip negotiations.

The review team also observed MV, GPI, SGT, and CTI dispatchers. Practices varied slightly, as they were using different paratransit software. Nevertheless, contractors appeared well trained and treated riders respectfully.

Advisory Comments: It is an effective practice to communicate policies for service beyond the curb in all training materials and to ensure call-takers apply consistent procedures during trip negotiations.

6.10 Service Under Contract with a Private Entity

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

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

Discussion: During this compliance review, no deficiencies were found with how Access monitors the paratransit services private entities provide. Access has a team of managers whose sole responsibility is oversight of contractors for trip requests, scheduling, trip delivery, and vehicle maintenance. This includes a Deputy Executive Director, Operations, a Senior Manager of Fleet Maintenance (with three analysts), a Manger of Operations with four Project Administrators and five Operations Service Monitors, and a Senior Road Safety Inspector with four Road Safety Inspectors.

Access uses key performance indicators (KPIs) and a robust software tool to track them. Operations department staff has real-time access to information. Project administrators flag any KPI issues to contractors. Road Safety Inspectors respond to incidents and conduct trip inspections and quality checks.

Access requires each regional service contractor to conduct road safety inspections of its own drivers and any subcontractors it may use, including taxi subcontractors, all whom must receive Access certification. Access stated that certification has become increasingly important to taxicab drivers due to competition from transportation network companies. In its visits to LA Basin contractor sites, the review team discussed each contractor's procedures for such inspections with operations managers.

Access independently inspects taxi subcontractors for compliance with Access policies and procedures. The penalty for noncompliance is decertification.

6.11 Service Provided by Another Public Entity

Requirement: 49 CFR Part 37 applies to any public entity that provides designated public transportation or intercity or commuter rail transportation. Under 49 CFR § 37.21(b), for entities receiving Federal financial assistance from the Department of Transportation, compliance with the applicable requirements of 49 CFR Part 37 is a condition of § 504 of the Rehabilitation Act of 1973 and of receiving financial assistance. Where a transit agency relies on another public entity to provide complementary paratransit service on its behalf, the transit agency remains responsible for meeting the requirements of 49 CFR Part 37. In other words, a transit agency must ensure that the service provided on its behalf meets all of the requirements that the transit agency would be required to meet, if the transit agency provided the service directly.

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

Discussion: During this compliance review, no deficiencies were found this requirement. Access does not contract with any public agencies. Other public entities, however, rely upon Access to provide complementary paratransit service on their behalf. FTA Triennial Reviews of several LA County fixed route providers identified as a deficiency the lack of a process for obtaining paratransit performance data specific to the providers' service area. Instead of associating each rider trip to one of the 44 fixed route providers in its system, Access collects performance data on a regional basis. This approach, on its face,

makes it more difficult for an individual fixed route provider to confirm the paratransit service run in its particular service area—and on its behalf—is free of capacity constraints prohibited by 49 CFR § 37.131(f).

Among the goals of this compliance review was to better understand what data Access provides to LA County fixed route operators. This review confirms that Access uses sophisticated performance monitoring tools, has technically skilled personnel, and regularly communicates performance metrics to its fixed route providers, including through standing and ad hoc meetings, advisory committees, and Board Box monthly reports.

The Board Box, which Access prepares for its board members and the fixed route providers for whom it provides service and publishes on its website (http://accessla.org/about_us/publications.html), provides monthly statistics on eligible riders, trips provided, on-time performance, telephone performance, complaints, safety, and other measures.

This review confirms that the regional data breakdown is reasonable considering the large number of fixed route providers overlapping in a relatively concentrated area and the fact that Access provides riders a direct trip across service areas within the LA Basin, a significant benefit to the customer.

6.12 Coordination of Service

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

Discussion: During this compliance review, no deficiencies were found with how Access coordinates service with other fixed route operators with overlapping or contiguous service areas or jurisdictions.

Access has overlapping service with ADA complementary paratransit services in three counties:

- Orange County: Orange County Transportation Authority
- San Bernardino County: Omnitrans
- Ventura County: Gold Coast Transit Service

For each these three counties, there is at least one designated address that serves as a transfer point between Access and the other county's paratransit service.

A rider who wants to continue paratransit service in one of the adjoining counties is responsible for arranging that portion of the trip with the other county's paratransit operator.

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/Exit Meeting Notes | Response Days/ Date |
|------|---|-------------------|--|---|--|
| 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) | 3 deficiencies Advisory comment | <ul style="list-style-type: none"> Functional assessments do not properly reflect applicants' differing abilities to walk to and from fixed route stops or stations Eligibility denials for applicants who use powered wheelchairs may not reflect potential path-of-travel limitations Use of inappropriate eligibility restrictions for specific origin and destination pairs and for dialysis treatment | 60/June 2018 60/June 2018 60/June 2018 |
| 4 | Accessible information | 37.125(b) | No deficiencies | | |
| 5 | Eligibility determinations within 21 days | 37.125(c) | No deficiencies | | |
| 6 | Written eligibility determinations including specific reasons for denials or temporary or conditional eligibility | 37.125(d)(e) | No deficiencies | | |
| 7 | Recertification of eligibility at reasonable intervals | 35.125(f) | No deficiencies | | |
| 8 | Administrative appeals process for denials and conditional eligibility | 37.125(g) | Deficiency | Appeal request form requires written explanation for appeal | 60/June 2018 |

| Item | Part 27 or 37 or 38 Requirement | Reference | Site Visit Finding deficiency/no deficiency or advisory comment | Finding(s) of Deficiency/Exit Meeting Notes | Response Days/ Date |
|------|--|--------------------|--|--|------------------------|
| 9 | Complementary paratransit for visitors | 37.127 | No deficiencies | | |
| 10 | Types of service | 37.129 | Deficiency | Rider's Guide inaccurately explains Access policy for service beyond the curb | 60/June 2018 |
| 11 | Service area | 37.131(a) | No deficiencies | | |
| 12 | Response time | 37.131(b) | Deficiency | Pickup times offered during trip reservations do not account for riders' practical needs | 60/June 2018 |
| 13 | Fares | 37.131(c) | No deficiencies | | |
| 14 | No trip purpose restrictions | 37.131(d) | No deficiencies | | |
| 15 | Hours and days of service | 37.131(e) | Deficiency | Access hours do not match fixed route service hours for some fixed routes in Santa Clarita and Antelope Valley regions | 60/June 2018 |
| 16 | Absence of capacity constraints | 37.131(f) | See 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) | Advisory comment | | |

| Item | Part 27 or 37 or 38 Requirement | Reference | Site Visit Finding deficiency/no deficiency or advisory comment | Finding(s) of Deficiency/Exit Meeting Notes | Response Days/ Date |
|------|---|---|--|--|------------------------------|
| 20 | No substantial numbers of trip denials or missed trips | 37.131(f) (3)(i)(b) 37.131(3)(1) (b) | Advisory comments | | |
| 21 | No substantial numbers of trips with excessive trip lengths | 37.131(f) (3)(i)(c) | Advisory comments | | |
| 22a | No operational patterns or practices significantly limiting service availability (telephone hold times) | 37.131(f) | Advisory comment | | |
| 22b | No operational patterns or practices significantly limiting service availability (untimely drop-offs) | 37.131(f) | Advisory comment | | |
| 23 | Subscription Service | 37.133 | No deficiencies | | |
| 24 | No-show, late cancel and reasonable service suspension & appeal policies | 37.125(h) (1)-(3) | 2 deficiencies | Suspension letter requires no-show disputes to be in writing Second and subsequent suspensions are 30 days; no sunset provision is provided | 60/June 2018 60/June 2018 |
| 25 | Complaint Resolution & Compliance Information | 27.13(a)(b) & 27.121 | Deficiency | Access does not sufficiently communicate complaint resolutions to complainants | 60/June 2018 |
| 26 | Nondiscrimination | 37.5 | Deficiency | Process for implementing service suspensions for rider conduct appears to be inconsistent and imposes penalties for minor issues. | 60/June 2018 |
| 27 | Training | 37.173 | Advisory comments | | |
| 28 | Service under contract with a private entity | 37.23 | No deficiencies | | |
| 29 | Service provided by another public entity | 37.21(b) | No deficiencies | | |
| 30 | Coordination of service | 37.139(g) | No deficiencies | | |

Attachment A
FTA Notification Letter to Access



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

Headquarters

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

February 13, 2017

Mr. Andre Coalaice
Interim Executive Director
Access Services, Inc.
3449 Santa Anita Ave
El Monte, CA 91731

Dear Mr. Coalaice:

The Federal Transit Administration (FTA) is responsible for ensuring compliance with the Americans with Disabilities Act of 1990 (ADA) and the Department of Transportation's (DOT) implementing regulations at 49 CFR Parts 27, 37, 38 and 39 as they apply to public transportation. As part of its ongoing oversight efforts, FTA through its Office of Civil Rights conducts a number of on-site ADA compliance reviews of grant recipients. Access Services (Access) has been selected for a review of its ADA paratransit service to take place from August 14–18, 2017.

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

The review process includes data collection prior to the site visit, an opening conference, an on-site analysis of the ADA complementary paratransit service, and an exit conference. The entire on-site portion of the review will be completed over seven working days. FTA has engaged the services of the Collaborative, Inc. (the Collaborative) of Boston, MA to conduct this compliance review. As part of the review, the following FTA contractor personnel will be granted temporary access to your TrAMS account: William Schwartz, Russell Thatcher, David Chia, and Jim Purdy. Please do not remove these individuals. FTA will do so at the close of the review. The Collaborative team and FTA representatives will participate in the opening and exit conferences, with FTA participating by telephone.

We request an opening conference at **9 a.m. Pacific on Monday August 14, 2017**, to introduce the Collaborative team and FTA representatives to Access, including you or your designee, representatives responsible for ADA paratransit eligibility and paratransit operations, and other key staff. During the opening conference, the review team members will present an overview of the on-site activities.

Because review team members will spend considerable time on site during the week, please provide them with temporary identification and a workspace within or near the Access offices for the duration of their visit. Please let us know if you will designate a member of your staff to serve as Access's liaison with the review team and will coordinate the site visit and address questions that may arise during the visit.

So that we may properly prepare for the site visit, we request that you provide the information described in Enclosures 1 and 2. Enclosure 1 consists of items that the Collaborative must receive by **June 15, 2017**. These materials should be forwarded to:

Bill Schwartz
Sr. Vice President
The Collaborative, Inc.
122 South Street
Boston, MA 02111
617-306-9466
wschwartz@thecollaborative.com

Enclosure 2 consists of items that the Collaborative team will review on site beginning on August 14, 2017 after the opening conference.

We request the exit conference be scheduled for **12 Noon Pacific Friday August 18, 2017**, to afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you or your designee, the director of ADA Paratransit service, each grantee's ADA coordinator, and other key staff attend the exit conference. The FTA Office of Civil Rights will make findings and will provide them to you in a draft report. You will have an opportunity to correct any factual errors before FTA finalizes the report. The Draft and Final Reports, when issued to Access, will be considered public documents subject to release under the Freedom of Information Act, upon request.

Access representatives are welcome to accompany the review team during the on-site activities, if you so choose. If you have any questions or concerns before the opening conference, please contact John Day, Program Manager for this compliance review, at 202-366-1671 or via e-mail at *john.day@dot.gov*.

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

Sincerely,



John Day
Program Manager for Policy & Technical Assistance

cc: Leslie Rogers, Regional Administrator, FTA Region IX
Lynette Little, Regional Civil Rights Officer, FTA Region IX
William Schwartz, the Collaborative, Inc.

Enclosure 1

The following information must be submitted to the Collaborative by April 6, 2017.

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

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

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

Enclosure 2

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

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

Access Services: ADA Complementary Paratransit Compliance Review

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

Attachment B
Access Response



Access Services
PO Box 5728
El Monte, CA 91734
213.270.6000
accessla.org

March 7, 2018

Mr. John Day
Program Manager for Policy and Technical Assistance
Office of Civil Rights
Federal Transit Administration
1200 New Jersey Ave., SE, Room E-54-310
Washington, DC 20590

Subject: Access Services ADA Paratransit Compliance Review Draft Report

Dear Mr. Day:

Thank you for giving Access Services (Access) the opportunity to respond to the ADA Paratransit Compliance Review Draft Report. I would also like to thank your consultants from the Collaborative, Inc. and Thatcher Consulting, as well as the FTA Office of Civil Rights staff, for their professionalism and willingness to provide technical assistance and insight during this review. While Access has some concerns with some findings, we are committed to working with our partners at the FTA and look forward to discussing our mutual goal, which is to provide superior paratransit service to our customers.

Access would like to provide the following comments on the Draft Report:

1. Page 1 and throughout: Access Services legal name is now "Access Services" rather than "Access Services, Inc."
2. Page 10 and throughout: Access' Southern region provider is Global Paratransit, Inc. (GPI) rather than Global Transportation (GT).
3. Page 44, Section 6.9 under Discussion, change "CT" to "CTI."
4. Item 3: ADA Paratransit Eligibility standards

As discussed at the site visit, Access has made a number of changes to its eligibility process. Access' new process, housed in a new facility, using a different contractor (MTM) implementing (most significantly) a new scope of work, started on July 5th, 2017 and was new when it was examined by the reviewers.

Our comments on this section are as follows:

- Given the substantial changes in the eligibility process, it would be helpful to clarify in the report which of the 35 reviewed eligibility files belonged to which contractor (either C.A.R.E. Evaluators or MTM). While this is done at the top of Page 21 (“Four were C.A.R.E. evaluator decisions while two were MTM decisions.”), it is not done throughout this section. As discussed below, MTM is executing a completely different scope of work than C.A.R.E. Evaluators.
- The Draft Report contains four deficiencies related to Access’ eligibility process:

Some eligibility denials are based on incomplete information without evidence of obtaining information from treating professionals.

Access respectfully requests that this deficiency be removed (along with the proposed corrective action) because this is already being done in the current eligibility process (including during the ADA Compliance Review) consistent with the following Scope of Work as excerpted below:

8. *Task VIII – Medical Verification*

a. *Once an applicant has completed their interview and/or assessment, their application packet shall be reviewed. The review process shall include a review of the full record of the application, interview and the physical assessment (if applicable). If the applicant completed the medical verification portion of their application, this must be verified with the professional indicated. Medical verification is a requirement for all applications in which medical information is supplied to support the claim of eligibility. It is permissible, in appropriate cases, to waive the requirement for a medical verification if it is deemed to be un-necessary because of other information in the packet. In cases where a medical verification is necessary, proposing firms shall develop a protocol to contact these professionals and to have this information verified. This protocol shall include a means by which applicants will be contacted for additional information, should the medical professional not respond or should the information in the application be incorrect. In cases where applicants are asked to provide additional or clarifying information for the medical verification, each attempt to reach the medical professional and/or the applicant shall be documented. In cases where a medical verification is deemed to be unnecessary, the reasons for this shall be fully documented. The EMEC shall provide or develop a decision making protocol governing the decision to conduct or waive a medical verification. Note that the requirement shall be to verify and the exception to waive.*

b. *The medical verification process shall include procedures to document instances where an applicant's medical professionals cannot be contacted and the medical validation cannot be completed. An application without a completed or waived medical verification will be considered an incomplete application. Once an application is complete, the interview is completed, the assessment is completed or waived and the medical*

verification is completed or waived, the application package will be considered complete and the 21-day decision clock will start.

Furthermore, while Access agrees that this is a best practice for ADA paratransit eligibility processes, the ADA and its regulations nowhere specify or require that treating professionals be consulted during eligibility decisions. As the FTA has often opined, eligibility is not a medical decision but rather a functional assessment of the rider's ability to use the accessible fixed route

Functional assessments do not properly reflect applicants' differing abilities to walk to and from fixed route stops or stations.

Access will ensure that distances are reflective of applicant's abilities and, in consultation with MTM, has made changes to its process. Access will ensure the ¼ mile is not the "go to" distance but rather the distance shall be based on how far the applicant ambulates/wheels independently. Additionally, the eligibility contractor's documentation that supports the determinations will also reflect such a change. Lastly, Access' internal audit forms will also be reflective of the changes as well to ensure all areas are in alignment for added consistency.

Eligibility denials for applicants who use powered wheelchairs may not reflect potential path-of-travel limitations.

Access respectfully requests that this finding be removed. Our current eligibility process does consider path-of-travel limitations for power wheelchairs. MTM evaluators conduct the physical assessment and observe the applicant navigate a variety of terrains, ask the applicant what barriers or challenges they face when traveling within the community and/or via fixed route, what locations they go to and where they might want to go in the future and base their eligibility on these findings. We believe this policy to be more liberal in favor of rider eligibility than the "tight scrutiny" suggested by 49 C.F.R. 37, Appendix D, Section 37.123 Category 3.

Use of inappropriate eligibility restrictions for specific origin and destination pairs and for dialysis treatment.

Access accepts the suggestions contained in the draft report on this item and, after consulting with MTM, has made changes to its process.

5. Item 8: Appeal request form requires written explanation for appeal

Access accepts the suggestion and will add the word "Optional" in the section where it asks to explain why the applicant disagrees with the determination.

6. Item 10: Beyond the Curb

Access agrees that its printed Rider's Guide should be updated on this issue and is in the process of doing so.

7. Item 12: Trip Negotiation

Access believes its current negotiating process is compliant with the regulations 37.131 (b) (2) and would respectfully ask that this deficiency be removed. Booking complaints received by Access are minimal compared to the number of trips provided which exemplifies that customers find the system useable and the system is taking into account riders' practical constraints, often through the use of subscription trips which comprise approximately 23 percent of total trips on the system. (Access can also provide the results of its most recent customer satisfaction survey which show that customers are satisfied with the reservations process.) If Access were not accounting for riders' practical constraints or travel needs to a significant extent, it would be reflected in the complaint and survey data.

Access is also concerned that complying with this new requirement (which stems from the publication of FTA Circular 4710.1 and is a new interpretation of the regulations) will put the Agency out of compliance with other regulations. As you know the regulations prohibit the prioritizing of trips or the asking of trip purpose (as confirmed by the FTA on page 30 of the Draft Report). The Draft Report is not clear about how reservationists are supposed to ascertain riders' needs for travel given these restrictions. Furthermore, the Draft Report appears to privilege those riders who have "constraints" over those that have "inherent flexibility" by stating that extra consideration should be given to those riders with constraints.

8. Item 15: Hours and Days of Service

AVTA: In February 2017, Access became aware of the discrepancy in the Antelope Valley's paratransit service when it was discovered that Keolis, Access's Antelope Valley contractor, was not operating late enough on Saturday evenings due to an AVTA schedule change that was not transmitted to Access. This was addressed immediately by Keolis at Access' request so it should be mentioned that Access was in operational compliance when the reviewers were on site. Access asks that the FTA consider this information for this particular issue and plans to update its Rider's Guide pending the issuance of the Final Report.

Santa Clarita: Access became aware of the Santa Clarita discrepancy in the ADA compliance review draft report which states that Santa Clarita Transit is not operating early enough on weekdays (by five minutes) and is not operating late enough on Saturdays (by 30 minutes). Staff has discussed the issue with Santa Clarita Transit and they are in the process of updating their procedures to book ADA trips starting at 4:10 am. As for the Saturday evening period, Santa Clarita books pick-up times through 10:00 pm which, accounting for travel time, provides coverage of service corresponding to Santa Clarita's fixed-route operation, which ends at 10:29 pm. This is

consistent with guidance in the FTA Circular 4710.1, Chapter 8, End of Service Day Considerations. Access asks that the FTA consider this information for this particular issue and plans to update its Rider's Guide pending the issuance of the Final Report.

9. Item 24: No-show, late cancel and reasonable service suspension & appeal policies

Access will revise its No Show policies, which were approved by the FTA in 2015, to reflect these new requirements.

10. Item 25: Complaint Resolution and Compliance Information

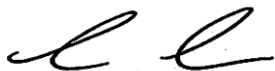
Access will modify its complaint process in response to the FTA's comments.

11. Item 26: Nondiscrimination

Access respectfully requests that this deficiency be removed because it believes there is sufficient documentation to justify the decisions contained on the summary spreadsheet provided to the reviewers. It is unclear if this documentation was provided to the reviewers when they were on site. Access would be happy to provide this documentation for further review upon request.

Thank you again for the opportunity to respond to the Draft Report. If you have any questions or would like to discuss further, please feel free to contact me at 213-270-6000.

Sincerely,



Andre Colaiace
Executive Director
Access Services

Attachment C
Access Paratransit Application



Access Services

Applying for Access

- > [Other Transportation Resources](#)
- > [Applying for Access](#)
- > [The In-person Assessment](#)
- > [Mail-in Application](#)

About Access

Access is a public transportation agency dedicated to providing quality transportation for people with disabilities in Los Angeles County. Our services and programs are mandated by the Americans with Disabilities Act (ADA).

Access is essentially a curb-to-curb, shared ride paratransit service that requires reservations the day before you would like to ride. Access is comparable to buses and trains in Los Angeles County including days and times of service as well as service area. Service is provided within 3/4 mile on either side of a fixed route bus or rail line. Fares on Access are based on the distance you travel. Visit our website at accessla.org for fare information.

Eligibility for Access is based on your ability to use accessible buses and trains in Los Angeles County. Eligibility is not based solely on whether you have a disability.

If you would like this document in an alternative accessible format, please contact Access Customer Service:

1.800.827.0829

TDD 1.800.827.1359

access

Your Access Services
information is here.

access

Other Transportation Resources

Los Angeles County has buses and trains and other “fixed route” services that are all accessible for persons with disabilities and do not require any type of reservation. No matter your mode of transportation, all buses and trains will be equipped with ADA accessible features such as lifts or ramps, securement spaces, designated priority seating, stop announcements, audio announcements, handrails, lighting, and operators who are trained to assist passengers with disabilities.

For more information about bus and train routes, schedules, and/or reduced fares in Los Angeles County, please visit metro.net or call **323.GO.METRO (323.466.3876)**. Riders with hearing or speech impairments can use the California Relay Service. **Dial 711** and then the number you need.

Access can also assist with your search for other transportation options that meet your needs and may be less expensive than paratransit. Call Access Customer Service at **1.800.827.0829 (TDD 1.800.827.1359)** or visit accessla.org.

Applying for Access

Access requires an in-person evaluation for all new applicants and, in some cases, for those who are renewing their eligibility.

In order to ensure that Access has the necessary information to make the correct determination, complete the following steps:

- 1 Submit the application either online at [??????](#) or via US Mail
- 2 If submitting by mail, please send to:
**Access Eligibility Center
5747 Rickenbacker Road
Commerce, CA 90040**
- 3 The Access Eligibility Center may call you before your appointment for any clarifications.
- 4 Seven (7) calendar days after you send in your application form, call the Access Eligibility Scheduling Center at **626.532.1616 (TDD 626.532.1620)**, Monday through Friday from 8am to 5pm to schedule your in-person assessment. Please do not call before the seven (7) calendar day period.

If you need a ride to your in-person assessment, Access will transport you free of charge. When you schedule your in-person assessment, let the reservationist know that you will need transportation.

The In-person Assessment

- > If applicable, bring your primary mobility device that you intend to use while out in the community.
- > Bring a valid photo ID. Access accepts the following form(s) of photo ID:
 - a. Driver’s License or ID with photo issued by another state
 - b. Military ID
 - c. U.S. Passport
 - d. LACTOA Reduced Fare ID card
 - e. Other transit operator reduced fare ID card with photo
- > Bring any medical documentation/information with you that will support the information in your application.
- > During your appointment, you will have an in-person assessment with a Mobility Assessment Evaluator. The assessment will include an interview as well as a physical functional assessment and/or a cognitive functional assessment, if necessary. The Mobility Assessment Evaluator will be looking at your functional skills which are needed to ride buses, rails, and trains.
- > If the Mobility Assessment Evaluator needs clarification from your healthcare professional, they will contact them.

- > The application process will be considered complete with the following:
 - a. Completed application including a copy of your photo ID
 - b. Completed in-person assessment
 - c. Completed healthcare professional verification (if applicable)
- > You will receive a letter within 21 days after the completion of the application process informing you of your eligibility status.

This application is available in alternative formats. If you require an accessible format of this application, please contact Access Customer Service: **1.800.827.0829 (TDD 1.800.827.1359)** between the hours of 8am and 5pm Monday through Friday.

6 Responsible Party

If you require someone else to make decisions and act on your behalf, you may designate that person as a Responsible Party.

| | |
|--------------------------------------|------------------------------------|
| _____ Name | _____ Relationship to applicant |
| _____ Agency (if applicable) | _____ Home phone |
| _____ Other phone | |
| _____ Responsible party signature | |
| _____ Date | |

7 Authorization for Release of Information

I _____ authorize my healthcare professional to release any and all information about my disability or health condition and its effects on my functional ability to travel. I understand that Access staff or the ADA certification contractor may contact the healthcare professional who completed the verification in order to confirm this information. I understand that all medical information will be kept strictly confidential.

| | |
|--|---------------|
| _____ Applicant/responsible party signature | _____ Date |
|--|---------------|

8 Healthcare Professional Contact Information

Please provide the contact information of your treating healthcare professional who is familiar with your condition and, if needed, could be contacted for clarifying information.

The following licensed healthcare professionals are authorized to provide clarifying information:

- > Physician (MD or DO)
- > Registered nurse
- > Psychologist
- > Psychiatrist
- > Ophthalmologist
- > Optometrist
- > Physical therapist
- > Occupational therapist
- > Other licensed provider familiar with your condition

| | | |
|---|-----------------------------|--------------|
| _____ Healthcare professional's name | | |
| _____ Institution/facility/agency name | | |
| _____ Specialization | | |
| _____ Street address | _____ Suite number | |
| _____ City | _____ State | _____ Zip |
| _____ Phone number | _____ Other phone number | |
| _____ Fax number | | |

Access Transit Evaluation Application

1 Personal Information

| | | |
|---|--|---------|
| Six digit Access ID number □□□□□□ | | |
| Last name □□□□□□□□□□□□□□□□□□□□ | | |
| First name □□□□□□□□□□□□□□□□□□□□ | | MI □ |
| Medi-Cal ID number (optional): □□□□□□□□□□□□□□□□□□□□ | | |
| <input type="radio"/> I do not have a Medi-Cal number | | |

| | | |
|--|---|---------------------|
| _____ Date of birth | Gender: <input type="radio"/> Male <input type="radio"/> Female | |
| _____ Home street address | _____ Apt number | |
| _____ City | _____ State | _____ Zip |
| _____ Mailing address (if different from your home address) | | _____ Apt number |
| _____ City | _____ State | _____ Zip |
| _____ Home phone number | _____ Alternate phone number | |
| TDD <input type="radio"/> Yes <input type="radio"/> No | TDD <input type="radio"/> Yes <input type="radio"/> No | |
| _____ Cell number | | |

2 Emergency Contact

Name _____
Relationship _____
Home phone number _____ Alternate phone number _____

3 Current Use of Public Transportation

When was the last time you rode the fixed route bus, rail, or train?

How frequently do you ride the fixed route bus, rail, or train?
 Daily Weekly Monthly Not currently using
How far do you live from your nearest bus stop?

Travel training is available to those who want to learn how to ride fixed route transit in the Los Angeles region. Would you like information about travel training? Yes No

4 Disability/Health Condition Information

Please describe the disability or health condition which prevents your ability to travel:

Is this a temporary disability or health condition? Yes No
If yes, how long do you expect it to prevent you from using fixed route buses or trains? _____ months
Are you currently receiving any treatment? Yes No
If yes, please provide information on what type of treatment you are currently receiving:

Do you live in an assisted living facility or nursing facility? Yes No
Do you need to bring someone with you to help you when you travel (a personal care assistant or personal attendant)?
 Yes No Sometimes
What is your primary mobility aid? (If applicable)
 Powered wheelchair Manual wheelchair Powered scooter
 Walker Cane Crutches
 Brace Prosthesis Portable oxygen
 White cane Communication board
 Other: _____

What is your secondary mobility aid? (If applicable)
 Powered wheelchair Manual wheelchair Powered scooter
 Walker Cane Crutches
 Brace Prosthesis Portable oxygen
 White cane Communication board
 Other: _____

Do you use a service animal? Yes No
If you use a wheelchair or scooter, what is the width, length and weight with you in it?
Width: _____ inches Length: _____ inches Weight: _____ pounds

IMPORTANT: Most of the accessible vehicles in our fleet are designed to accommodate a mobility device no larger than 30 inches wide by 48 inches long and/or weighing with its passenger up to 600 pounds. While we make all reasonable efforts to accommodate our riders, if your mobility device is larger than this, we may be unable to transport you either because it would damage the vehicle or to do so would impose an unreasonable safety hazard.

Under the best conditions, what is the farthest that you can walk outdoors (using your mobility aid if you use one) without the help of another person?
 Less than 1 block 1-4 blocks More than 4 blocks
Please provide any other information about your disability or health condition:

5 Certification

I hereby certify that, to the best of my knowledge, information given in this application is correct. I agree to undergo an in person assessment of my functional abilities and limitations for the purpose of making a determination regarding my eligibility for ADA paratransit service.

Applicant/responsible party signature _____ Date _____

Attachment D
Eligibility Appeal Form



Access Services
PO Box 5728
El Monte, CA 91734
213.270.6000
accessla.org

APPEAL PROCESS FOR ACCESS SERVICES

Dear Access Services Applicant:

Recently you participated in a functional evaluation to determine your ability to use public accessible fixed route transportation. As a result of that evaluation, you were either found not eligible for Access Services or provided restrictive use of Access Services.

If you feel this decision is not truly reflective of your functional abilities to use accessible public transportation, you have the right to an in-person appeal of the decision. Enclosed, for your convenience, is an Appeal Request Form, which must be filed within 60 days of your initial certification determination letter. Please return the completed Appeal Form:

Mail To: Access Services
Attn: Eligibility Appeals
P.O. Box 5728
El Monte, CA 91734

The Americans with Disabilities Act (ADA) entitles you to have an impartial in-person hearing independent of the initial evaluation. Your appeal will be assigned to an appeal specialist qualified to evaluate the functional issues you present at your appeal. The specialists include a medical physician, a licensed clinical psychologist, a physical therapist and orientation and mobility evaluators. This evaluation may include some functional testing and examinations to assess your ability to get to the bus, to get on the bus, to ride the bus and to get off the bus.

The ADA directs the eligibility process, including the appeal process, "to ensure that people who meet the eligibility criteria, strictly applied, are regarded as ...eligible¹." The ADA indicates "a condition which makes traveling to a boarding location or from a disembarking location more difficult for a person with a specific impairment-related condition than for an individual who does not have the condition, but does not prevent the travel, is not a basis for eligibility...²."

You will be notified within 30 days of the completion of your appeal of the decision. If a decision is not made within the 30 day period after your appeal, you will be given temporary eligibility until the decision is made. The appeal decision is the final determination of eligibility.

If you have any questions, please call our Customer Service Center at 1-800-827-0829, Monday through Friday between 8am and 5pm.

Sincerely,

Access Services

¹ Title 49 Part 37 Subpart F Section 37.125 Appendix D

² Title 49 Part 37 Subpart F Section 37.123 B.3.i



Access Services
 PO Box 5728
 El Monte, CA 91734
 213.270.6000
 accessla.org

ACCESS SERVICES APPEAL FORM

If you disagree with your eligibility determination for Access Services, you have the right to appeal this decision within **60 days** of your initial certification determination letter. Your original eligibility determination will remain in effect until a final decision is made and your appeal is closed.

Please return your completed Appeal Form to:

Access Services
 Attn: Eligibility Appeals
 P.O. Box 5728
 El Monte, CA 91734

Access Services ID Number: _____ (required)

Last Name: _____ First: _____ MI: _____

Home Address

Street: _____

City: _____ State: _____ Zip: _____

Daytime Phone: (____) _____ Evening Phone: (____) _____

What is your disability? _____

Please explain why you think the transit evaluation decision is incorrect and why you cannot use the bus: _____

Which of the following mobility aids or equipment do you use? NONE
 Power Wheelchair Manual Wheelchair Scooter Width Length
 Walker Service Animal White Cane Other: _____

I certify that the information I gave is true and correct. I understand that falsification of information may result in denial of service. I understand all information will be kept confidential and only the information required to provide the services I request will be disclosed to those who perform those services.

Signature: _____ **Date:** _____

Person, Other Than Appellant, Completing Form

I certify that the information provided in this questionnaire is true and correct based upon information given me by the appellant or based upon my own knowledge of the appellant's disability.

Signature: _____ **Date:** _____

Print name: _____

Address: _____

Phone: (____) _____ Relationship: _____

Note: If the appellant is under age 18 on the date of form is signed or if the appellant has had a guardian or conservator of the person appointed for them, this form must be signed by a parent, legal guardian or conservator.

The undersigned certifies that he/she is the parent or legal guardian or conservator of the participant, and as such on behalf or myself and the participant agrees to the term of this Consent.

Signature: _____ **Date:** _____

Print name: _____