

STAFF REPORT

**SUBJECT:** Paratransit Discussion

**FROM:** Michael Tree, Executive Director  
Christy Wegener, Director of Planning & Communications

**DATE:** January 25, 2016

**Action**

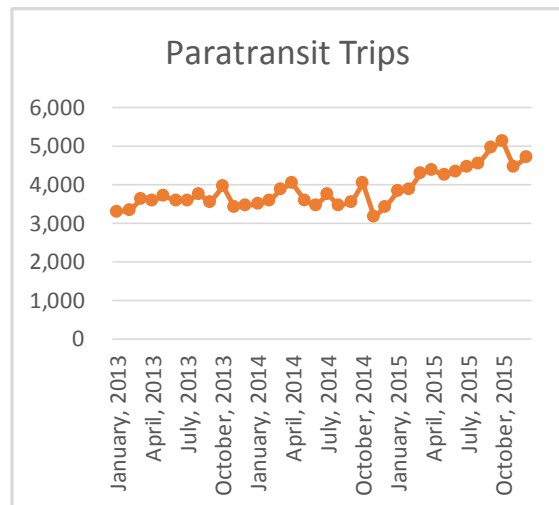
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**Background**

As the Committee is aware, paratransit trips (door-to-door service for those who can't access the fixed route system) have been increasing at an alarming rate over the past 12 months, with ridership increasing 30% in 2015. With our paratransit contractor being paid on a per trip basis the current rate of growth is not sustainable.

**Discussion**

For several years prior to 2015 the number of paratransit trips was for the most part stable. However, over the past year there have been several notable trends driving up ridership:



The first trend is with social service agencies that work with the developmentally disabled. Within these programs has been an emphasis to improve the integration of clients into the mainstream of the community. One of the ways they have accomplished this has been to reduce their specialized transportation program in favor of pushing clients to LAVTA for their transportation needs. The Go Group (Futures Explored), for example, increased the number of LAVTA paratransit rides to and from their location by 157% from fourth quarter 2014 to 2015; Keystone Learning Center increased their trips by 206% between the same two quarters. Annualized, the total cost of trips provided to and from these two locations is over \$200,000. The Go Group and other social service agencies thus far have not been willing to compensate the transit agency more than the regular fare charged to clients.

The second trend is with dialysis treatment centers. With dialysis treatment on the rise the number of paratransit trips is also increasing. Comparing the fourth quarters of 2014 and 2015, Pleasanton Dialysis increased their trips by 108%, and Livermore Dialysis by 88%.

#### How to Stabilize Paratransit Trips and Budget

LAVTA's policies regarding paratransit services are solid and closely follow the ADA requirements. The Board-approved policy is included as Attachment 1. Working within the paratransit policy framework set up by the Board the following are areas where staff has been focusing on improvement:

**Subscription Rides:** Although not required by the FTA, the Board has authorized staff to set up subscription rides, or standing orders, for riders with repeat trips that have the same starting and ending location and the same pick-up day and time. However, the Board has limited the number of subscription trips to 50% of system capacity.

While the subscription rides are a convenience for the rider and have some positive effects on the transit agency (reduced number of phone calls), they can be a detriment to the transit agency in negotiating trip times with riders to optimize the efficiency of the vehicles. Additionally, the need to call more often to schedule trips can often be a natural incentive for riders to combine daily activities to minimize the number of rides requested. Currently, our contractor has allowed up to 60% of the system capacity to be allocated to subscription trips. Staff has asked the contractor to reduce subscription trips to a range of between 40% and 50%.

**Negotiate Trip Times:** Because paratransit service is a shared ride system, the FTA encourages transit agencies to negotiate trip times to improve the efficiency and optimization of the system. Negotiating trip times entails recognition that the desired pick-up time cannot always be accommodated when optimizing trips in a vehicle, and that the reservationist may offer alternative pick-up times ranging from one (1) hour before to one (1) hour after the requested time.

Staff is working with the contractor to increase our capacity to negotiate trip times with customers so that the vehicles are better utilized (currently we pick up less than 2 riders per vehicle in an hour). Doing so, as with subscription rides, will create a natural incentive for riders to combine activities where possible.

**Interview and Functional Evaluation in Certification/Recertification Process:** The Board approved application for paratransit services includes the ability for staff to schedule a personal interview and functional evaluation to assure the agency that those using the paratransit service are persons who are unable to independently use regular public transit, some or all of the time, due to a disability or health related condition.

Of the six (6) transit agencies recently contacted by staff, five (5) included a personal interview and/or functional evaluation in their approval process. From discussions with these transit operators, staff anticipates that approximately 20% of those invited to interview for eligibility will either be found ineligible or will self-eliminate from the application process.

Staff currently evaluates between 75 and 100 applications a month (new and renewal applicants). Although not all paratransit applicants will need an interview or assessment, staff is now asking for an interview and functional evaluation when there is a question as to eligibility. Estimates are that for every 1 dollar spent in the interview and functional evaluation process the agency will save 3 dollars by not providing service to those not eligible or who have self-eliminated from the application process.

**Fares:** Generally speaking, a transit agency may not charge more than twice the fare for paratransit services that would be charged to an individual paying full fare on the entity's fixed route system. However, federal law provides that the transit agency may charge a fare higher than otherwise permitted to a social service agency or other organization for agency trips (*i.e.* trips guaranteed to the organization).

Staff is currently working with the LAVTA's legal department to confirm that the transit agency can negotiate with other social service agencies the fare for paratransit services provided to clients. If given the authorization, staff will begin negotiations with other agencies, such as the Go Group, and will bring to the Board updates and outcomes of negotiation for consideration.

Additionally, staff is working on the final draft of the fare study with the COA planning team. The recommendations for fare changes will be presented to the Board in April or May 2016, which may include a recommendation to increase the regular paratransit fare to the full amount allowed by ADA.

**Late Cancellations/No-Shows:** Working with LAVTA's paratransit contractor, staff has started to compile a list of clients who have excessive late cancellations or no-shows and are beginning to enforce sanctions. Current policy states that passengers are subject to sanctions if they have 20% or more no-shows and/or late cancellations within any given month, and at least three no-shows and late cancellations during that month. Staff has identified 24 clients who had excessive late cancellations or no-shows in the month of December 2015 and will be following up with those passengers in January. As a reminder, the first sanction is a call from LAVTA; the second, a letter from LAVTA; additional occurrences in a 24-month period result in a progressive suspension of service.

**Pleasanton Paratransit:** Staff is working to develop a list of LAVTA paratransit clients who should be utilizing Pleasanton Paratransit (PPS) for their Dial-A-Ride trips. During the month of December, approximately 800 trips (17%) were eligible for PPS service. Staff will be meeting with PPS staff in January and providing a list of clients who should be registered with PPS for future trips.

### Conclusion

Staff has initiated the abovementioned steps to better manage the paratransit ridership within the policy of the Board and the Federal Transit Administration, and estimates that the agency may save as much as \$900,000 over the next three year through these efforts. However, the Board should be aware that many of these steps involve give and take by our potential and

current customers so that capacity is maintained and the system operates more efficiently, which will inevitably generate more complaints by riders who may be unaccustomed to negotiating trip times, sharing rides with others, being interviewed about eligibility, etc.

Attachments:

1. Current LAVTA Paratransit Policy

# LIVERMORE AMADOR VALLEY TRPANSIT AUTHORITY

## WHEELS DIAL-A-RIDE OPERATING POLICY

**Policy Adoption Date – 7-6-2015**

This Wheels Dial-a-Ride Operating Policy (“Policy”) consolidates and clarifies LAVTA policies and regulations related to the Wheels Dial-A-Ride service. This Policy has been developed to meet or exceed all applicable state and federal laws and regulations.

### **1. SERVICE CHARACTERISTICS**

#### **1.1 ADA Paratransit**

Public transportation systems that provide fixed route transit service are required by law to provide a complementary paratransit service. Pursuant to this mandate, LAVTA provides the Wheels Dial-A-Ride paratransit service.

#### **1.2 Demand Response**

Dial-A-Ride is a demand-responsive transportation service.

#### **1.3 Shared Ride**

Dial-A-Ride is a public shared ride transportation service.

#### **1.4 On-Board Travel Times**

A trip on a Dial-A-Ride paratransit vehicle takes approximately the same amount of time as a similar trip on a Wheels fixed route bus, including travel time to and from a bus stop, and any transfer time.

#### **1.5 Trip Priorities**

Dial-A-Ride does not assign priorities by trip purpose.

#### **1.6 Door-to-Door Service**

Dial-A-Ride is a door-to-door, origin-to-destination service subject to the limits described in Section 2 of this Policy.

#### **1.7 Passenger Assistance**

Subject to the limits described in Section 2 of this Policy, drivers will provide assistance in boarding and deboarding the vehicle, upon request. Assistance may include helping a passenger to or from the door of their origin or destination (no further than public lobbies), guiding a passenger to or from the vehicle, lending a steady arm for balance, finding a seat, or securing a mobility aid.

Drivers will not provide assistance that involves lifting or carrying a passenger. Passengers in need of extensive assistance should arrange to travel with a Personal Care Attendant (PCA).

Driver assistance with grocery and shopping bags of reasonable weight or luggage is limited to two (2) trips (four bags total) from origin to vehicle, and from vehicle to destination. Driver may set bags outside a front door, but will not enter a private residence.

## **1.8 Service Area**

Dial-A-Ride service area is complementary to the LAVTA fixed route service area and generally consists of the cities of Livermore, Dublin, and Pleasanton. See *Attachment A* for the Dial-A-Ride service area map

### **1.8.1. Livermore Veterans Affairs Medical Center Service Area Extension**

The Livermore Veterans Affairs Medical Center is located in unincorporated Alameda County, south of the City of Livermore. Direct service between the Dial-A-Ride service area and this medical facility is provided as an extension of the regular service area.

### **1.8.2. Southern portion of San Ramon Service Area Extension**

LAVTA and the Central Contra Costa Transit Authority have a reciprocal agreement that allows each operator to provide direct service from one system to the other, allowing a passenger to avoid the transfer at the Dublin/Pleasanton BART station if the transfer would have an undue negative effect on the passenger.

As a general rule, given the very close proximity and boundaries of the two service areas, the reciprocal agreement provides for direct service between the Dial-A-Ride service area and the southern portion of San Ramon, bordered by the I-680 to the West, Norris Canyon Road to the North, Alcosta Boulevard to the East, and the City of Dublin city limits to the South.

## **1.9 Service Hours**

Dial-A-Ride service operates during the same days and hours as Wheels fixed-route service.

## **2. DRIVER AND RIDER CODE OF CONDUCT**

### **2.1 Drivers are not Permitted to:**

- a. Escort a passenger beyond the ground floor lobby of a public building, beyond the lobby of a multi-unit residential building, or beyond the front door of a private residence.
- b. Perform any personal care assistance for any passenger. Examples include assisting with dressing, grooming, or administering medicine.
- c. Accept tips or gratuities.
- d. Wait for a passenger to make a stop to conduct business, such as at an ATM/Cash machine or pharmacy.
- e. Smoke, eat, or drink (except for water) in the vehicle while servicing a trip.

- f. Use a cell phone for personal calls, play loud music, or wear headphones.
- g. Neglect acceptable standards of personal hygiene.
- h. Dress in an unprofessional manner.
- i. Forget to wear their badge.
- j. Be rude or harassing to the passengers.
- k. Commit violent or illegal acts.

## **2.2 Riders are not Permitted to:**

- a. Eat or drink (except for water) on vehicles, unless doing so is medically necessary.
- b. Play radios or music at a volume loud enough to be heard by the driver or other passengers.
- c. Litter on the vehicles.
- d. Neglect acceptable standards of personal hygiene.
- e. Distract the driver or interfere with the operations of the vehicle or equipment.
- f. Block the aisle with their mobility aids.
- g. Carry fireworks, flammable liquids, or weapons aboard the vehicle.
- h. Use abusive, threatening, or obscene language to other riders or any LAVTA/Dial-A-Ride staff.
- i. Commit seriously disruptive (including violent) or illegal acts.

## **3. ELIGIBILITY**

### **3.1 Eligibility Definitions**

- 3.1.1.** Individuals who, because of physical or developmental impairment, cannot utilize fixed route transit, no matter how accessible, are eligible for Dial-A-Ride service. This eligibility requirement is generally synonymous with inability to “navigate the system.”
- 3.1.2.** Those individuals who can use fixed route transit, but who, because of physical or developmental impairment, cannot access their desired route, or cannot access their final destination after leaving a fixed-route vehicle, are also eligible for Dial-A-Ride service.

### **3.2 Eligibility Determination**

- 3.2.1.** The Dial-A-Ride eligibility determination process includes submittal and review of a paper application and the applicant’s Medical Care Professional’s verification.
- 3.2.2.** LAVTA will process ADA Paratransit applications for the residents of Livermore, Dublin, Pleasanton, and Sunol.
- 3.2.3.** LAVTA will process all applications within twenty-one (21) days of receipt.

### **3.3 Children's Eligibility**

- 3.3.1.** To be determined eligible for Dial-A-Ride service, a child with a disability who is not able to use fixed-route bus service independently must show that his or her disability -- rather than age -- causes the child's inability to use fixed-route bus service independently
- 3.3.2.** For children younger than five (5) years of age, LAVTA evaluates the functional ability of the *child with an adult*, as opposed to the child alone. LAVTA certifies a child with an adult as paratransit-eligible if the child's disability prevents him or her from using fixed-route bus service when accompanied by an adult.
- 3.3.3.** In the event a child younger than five years of age with a disability is able to use fixed-route bus service when accompanied by an adult, the child would generally not be eligible for paratransit.

### **3.4 Visitor Eligibility**

- 3.4.1.** The right to paratransit services as mandated by ADA cannot be restricted based on where the individual lives. An individual seeking to use Dial-A-Ride services does not have to reside in LAVTA service area and does not have to be ADA paratransit certified by LAVTA. LAVTA will honor individuals' ADA paratransit certification by other United States public transit agencies.
- 3.4.2.** If the individual is not able to produce documentation of ADA certification by another transit system, but claims to be eligible for service, service will be provided. However, LAVTA may request proof that the individual is not a resident, and in some cases (for hidden impairment conditions), medical documentation may be required.
- 3.4.3.** Under no circumstances is a visitor to the system entitled to service beyond twenty-one (21) days, in any combination, during any 365-day period, beginning with the visitor's first use of the service. Visitors intending to use Dial-A-Ride services for more than this limit should apply for Dial-a-Ride eligibility through LAVTA directly.

### **3.5 Eligibility Denials and Appeals**

If an applicant does not agree with the eligibility decision made by LAVTA in response to his/her application, he/she must request an appeals hearing in writing within sixty (60) days of the date of the eligibility determination notification letter. The applicant may bring an advocate or personal representative to the appeals hearing. Complimentary Dial-A-Ride service will be provided both to and from the appeals hearing.

- 3.5.1.** The request for an appeal must be forwarded to LAVTA's Executive Director. A response by the Executive Director will be completed within thirty (30) days of



the receipt of communication of the request. The response will be provided in a written or accessible format. If the decision is not made by the 31st day, appellant may request use of paratransit services until a decision is made.

#### **4. MOBILITY AIDS**

Passengers using mobility aids will be accommodated whenever safely possible. A passenger who uses a mobility aid may be required to attend an in-person assessment at the LAVTA offices (at no cost to the passenger).

##### **4.1 Mobility Aids Characteristics**

###### **4.1.1. Weight**

A mobility aid, when occupied by a user that exceeds the specified maximum weight capacity of the lift/ramp on a Dial-A-Ride vehicle may not be accommodated. Occupied mobility aids exceeding the weight capacity of the ramp/lift will be evaluated on a case-by-case basis.

###### **4.1.2. Dimensions**

Mobility aids will be accommodated on paratransit vehicles as long as the mobility aid and user do not exceed the size of the mobility aid securement area on the vehicle. As a safety requirement, mobility aids cannot block the aisle and cannot present a physical threat to other passengers.

##### **4.2 Mobility Aid Securements and Passenger Restraints**

Wheelchairs and other mobility aids must be secured to the Dial-A-Ride vehicles, ideally via a four-point tie-down system, and passengers must use the appropriate personal restraints. Passengers refusing the securements and/or restraints will be asked to deboard the vehicle.

##### **4.3 Segway Use**

Segways (or similar personal assistive mobility devices) are only permitted on-board when used as a mobility aid. Segways used for leisure will not be allowed on Dial-A-Ride vehicles. Segways must be secured on Dial-A-Ride vehicles.

#### **5. RESERVATIONS**

##### **5.1 Scheduling Reservations**

Reservations can be made one (1) to seven (7) days in advance. Reservations can be made by phone by calling (925) 455-7510 from 8:30 a.m. to 5:00 p.m. any day of the week, or by using the Book-A-Trip feature on LAVTA's website.

##### **5.2 Standing Orders/Subscription Rides**

For their repeated trips, passengers may set up a Standing Order/Subscription Ride. A Standing Order is an ongoing reservation for a trip ("subscription trip") that has the same starting and ending location and the same pick-up day and time.

Standing Order requests cannot always be fulfilled. To allow for equal access to service for all passengers, federal paratransit regulations provide that subscription trips may not absorb more than 50% of total system capacity at any time.

#### **5.2.1. Standing Orders During Holidays**

Except for trips to and from dialysis, Standing Orders will not be served on the following holidays: New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the Day after Thanksgiving, Christmas Eve, and Christmas Day. Individual reservations on these holidays can still be made per the regular scheduling process.

#### **5.3 Reservation Request**

Passengers have the option of requesting a reservation based on EITHER the desired pick-up time OR the desired drop-off time.

#### **5.4 Negotiating Pick-Up Time**

If the desired pick-up time cannot be accommodated, the reservationist may offer alternative pick-up times ranging from one (1) hour before to one (1) hour after the requested pick-up time.

#### **5.5 Changing a Reservation**

To make changes to existing reservations, passengers must notify Dial-A-Ride at least one (1) day before the scheduled trip.

#### **5.6 Canceling a Trip**

Passengers must cancel the trips they do not plan to take as soon as possible and at least one (1) hour before the scheduled pick-up window to avoid penalties.

### **6. SERVICE DELIVERY**

#### **6.1 Fares**

Fares must be paid at the beginning of the ride. Passengers may pay with pre-purchased Dial-A-Ride tickets or cash (exact change).

#### **6.2 Pick-Up Window**

The pick-up window is defined as the thirty (30) minute time period starting from the scheduled pick-up time. The pick-up is considered to be on time if the vehicle arrives anytime within the 30 minute pick-up window. For example, if the pick-up is scheduled for 2:30 p.m., the vehicle may arrive anytime between 2:30 p.m. and 3:00 p.m. and be considered on time.

#### **6.3 Five (5) Minute Rule**

After the vehicle arrives within the thirty (30) minute pick-up window, the passenger must be ready within five (5) minutes of notice of the vehicle's arrival. If the passenger does not meet the vehicle when it arrives, the driver will attempt to find the

passenger and dispatch will attempt to telephone the passenger. If the passenger cannot be located or chooses not to start boarding within five (5) minutes, the driver may leave.

#### **6.4 Early Pick-Ups**

If the vehicle arrives before the thirty (30) minute pick-up window, the passenger may choose to take the trip early or have the driver wait until the start of the confirmed pick-up window.

#### **6.5 Late Pick-Ups**

If the vehicle is expected to be more than thirty-five (35) minutes late, the dispatcher should call the passenger as a courtesy. If the ride arrives after the 30-minute pick-up window, the passenger may decline to take the trip without penalty.

#### **6.6 Same Day Trip Changes**

If an appointment (e.g., medical or dental) takes longer than expected, the passenger or office personnel should call (925) 455-7510 as soon as possible to give a new pick-up time. Due to the nature of Dial-A-Ride's prescheduled operation, the new desired pick-up time cannot be guaranteed in this situation.

#### **6.7 Passenger No-Show and Late Cancellation**

##### **6.7.1. Definitions**

###### **6.7.1.1 "No Show"**

A trip for which a passenger is not present at the prearranged time and prearranged location, and has not notified Dial-A-Ride about a schedule change, constitutes a "No Show." If a schedule change or cancellation is required, passengers are expected to inform Dial-A-Ride no less than one (1) hour prior to the beginning of the prearranged pick-up window.

###### **6.7.2.1 "Late Cancellation"**

If a passenger informs Dial-A-Ride of a schedule change or cancellation less than one (1) hour prior to the beginning of a prearranged pick-up window, the patron will receive a "Late Cancellation."

##### **6.7.2. Infractions**

Both "No-Shows" and "Late Cancellations" are considered equal infractions.

##### **6.7.3 Excused No-Shows and Late Cancellations**

The following are circumstances in which the No-Show or Late Cancellation is excused:

- a. Late arrival by a Dial-A-Ride vehicle (outside the prearranged window);
- b. The Dial-A-Ride vehicle is dispatched to a wrong address or entrance of a building;

- c. A verified worsening of a passenger with a variable condition (medical or otherwise) which prevented the patron from calling at least one (1) hour in advance;
- d. A verified family emergency which prevented the passenger from calling at least one (1) hour in advance;
- e. Other verified circumstances that make it impracticable for the passenger to travel at the scheduled time and also for the passenger to notify dispatch before one (1) hour of the beginning of the pick-up window to cancel the trip.

## **6.8 Do Not Leave Alone Policy**

LAVTA strongly recommends that passengers who cannot wait alone to be met at, or let into, their destinations be accompanied by a Personal Care Attendant (PCA). PCAs travel for free with a paying ADA paratransit passengers. The Do Not Leave Alone Policy is provided for those times when a PCA is not available and the passenger is not able to wait alone.

### **6.8.1. When The Driver Will Wait**

For passengers travelling alone who cannot wait alone at their destinations, the driver will wait with the passenger until the connecting transit agency arrives or a person at the destination receives the passenger if both of the following conditions have been met.

- 6.8.1.1** The passenger has a Do Not Leave Alone note in his/her Dial-A-Ride file.
- 6.8.1.2** As part of the trip reservation, LAVTA was informed of the need for an attended transfer or drop-off.

### **6.8.2. Receiver Not Present Infraction**

If the person responsible to receive the Do Not Leave Alone rider is not present within five (5) minutes of the arrival of the vehicle, the trip will be recorded as a Receiver Not Present infraction. Passengers will be notified when a trip is recorded as a Receiver Not Present infraction. Passengers will be given an opportunity to discuss their trip records with, and present information on the circumstances concerning the trip to LAVTA staff.

### **6.8.3. Excused Receiver Not Present Infraction**

The passenger will not receive an infraction if the receiver is a connecting paratransit operator.

## **7. ACCOMPANIED PASSENGERS**

### **7.1 Personal Care Attendants (PCAs) and Companions**

Dial-A-Ride passengers may be accompanied by a PCA at no charge to the passenger or PCA. Dial-A-Ride passengers may also be accompanied by one or more companions. Companions must pay full Dial-A-Ride fares.

Reservations for PCAs and/or companions must be made when scheduling the Dial-A-Ride-eligible passenger's trip. Additional companions beyond the first companion are accommodated on a space-available basis. Companions and PCAs must ride to and from the same locations and at the same times as the Dial-A-Ride-eligible passenger.

## **7.2 Children**

All children who are under eight (8) years old, unless they are at least 4-foot, 9-inches tall, must travel in a child safety seat in order to comply with California State Law. Parents or guardians must provide their own child safety seat and take it with them when they exit the vehicle. Dial-A-Ride does not provide or install child safety seats.

## **7.3 Service Animals**

The passenger may bring a service animal that has been individually trained to work or perform tasks for the passenger with a disability. The service animal must be under its owner's control at all times and may not display aggressive or other seriously disruptive behavior, or behavior that poses a direct threat to the health or safety of others. Passengers must specify during the reservation process if they will be accompanied by a service animal.

# **8. NEIGHBORING PARATRANSIT OPERATORS**

## **8.1 Pleasanton Paratransit Service**

According to an agreement with the City of Pleasanton, the Pleasanton Paratransit Service also provides demand-responsive service within the LAVTA service area, but only within the City of Pleasanton. The Pleasanton Paratransit service is operated by the City of Pleasanton and is a separate entity from Dial-A-Ride.

## **8.2 County Connection LINK and East Bay Paratransit**

LAVTA's ADA paratransit passengers may use ADA paratransit services anywhere in the nine (9) San Francisco Bay Area counties where such services are available. Passengers may schedule trips that take them into the service area of other Bay Area ADA paratransit providers. Dial-A-Ride has agreements with neighboring paratransit operators to facilitate transfers between service areas.

**8.2.1.** LAVTA coordinates transfer trips with East Bay Paratransit and County Connection LINK.

**8.2.2.** The designated transfer point between Dial-A-Ride and the neighboring East Bay Paratransit and County Connection LINK operators is at the East Dublin/Pleasanton BART Station.

**8.2.3.** The drivers for East Bay Paratransit and County Connection LINK do not have policies under which they will wait with a passenger after de-boarding.

- 8.2.4.** When Dial-A-Ride receives a passenger from East Bay Paratransit or County Connection LINK at the Dublin/Pleasanton BART station, fare is NOT collected for the second part of the trip.

## **9. REASONABLE MODIFICATIONS**

- 9.1** LAVTA considers all requests for reasonable modifications of its policies, practices, or procedures, including those set forth herein, when necessary to avoid discrimination on the basis of disability. LAVTA is not required to grant requests for reasonable modifications that would fundamentally alter the nature of Dial-A-Ride services, programs or activities; are not needed for access to LAVTA services, programs or activities; or present a direct threat of injury to other persons or property.
- 9.2** Any person seeking a reasonable modification of LAVTA or Dial-A-Ride policies, practices or procedures, desiring to appeal a reasonable modification determination, or who believes they have been discriminated against by LAVTA on the basis of a disability may submit a modification request, appeal, or complaint for handling in accordance with related LAVTA policies.
- 9.3** The designated responsible employee for the reasonable modification requests is LAVTA's Paratransit Planner.

## **10. SANCTIONS**

### **10.1 Progressive basis**

LAVTA will sanction Dial-A-Ride passengers progressively based on the cumulative infractions described above, and as further set forth below, over a rolling twenty-four (24) month period.

### **10.2 Sanctionable Offenses**

#### **10.2.1. Excessive Late Cancellations and No-Show Infractions**

Passengers are subject to sanctions if they have 20% or more No-Shows and/or Late Cancellations (calculated by dividing validated No-Shows and Late Cancellations by actual "taken trips") within any given month (from the 1<sup>st</sup> to the last day), AND at least three (3) No-Shows and Late Cancellations during that month.

#### **10.2.2. Excessive Receiver Not Present Infractions**

Passengers are subject to sanctions if they have received Receiver Not Present infractions two (2) or more times within any given month (from the 1<sup>st</sup> to the last day) or four (4) or more times within a six (6) month period.

### **10.3 Progressive Sanction Penalties**

- 10.3.1. 1<sup>st</sup> Sanction** – Passenger will receive a phone call from the LAVTA staff. Staff will detail the specific dates and times of No-Shows/Late Cancellations or Receiver Not Present Violations, will discuss the impact to the system caused by

ineffective use, and will describe the progressive sanctions if the pattern of these violations continues.

- 10.3.2. 2<sup>nd</sup> Sanction** – Passenger will receive a formal written correspondence from LAVTA detailing the specific dates and times of the No-Shows/Late Cancellations or Receiver Not Present Violations. This correspondence will warn the passenger that another month of excessive violations will result in a 15-day suspension of service.
- 10.3.3. 3<sup>rd</sup> Sanction** – Passenger will receive formal notification from LAVTA of a fifteen (15) day suspension of service. This correspondence will detail the specific dates and times of the No-Shows/Late Cancellations or Receiver Not Present Violations as well as the proposed suspension dates. The proposed suspension dates will be no sooner than twenty (20) days after sending the written correspondence to provide time for an appeal by the passenger. The notification shall warn the patron that another month of excessive violations will result in a 30-day suspension of service.
- 10.3.4. 4<sup>th</sup> Sanction** – Passenger will receive formal notification from LAVTA of a thirty (30) day suspension of service. This correspondence will detail the specific dates and times of the No-Shows/Late Cancellations or Receiver Not Present Violations as well as the proposed suspension dates. The proposed suspension dates will be no sooner than twenty (20) days after sending the written correspondence to provide time for an appeal by the passenger. This notification will warn the passenger that another month of excessive violations will result in a 60-day suspension of service.
- 10.3.5. 5<sup>th</sup> Sanction** – Passenger will receive formal notification from LAVTA of a sixty (60) day suspension of service. This correspondence will detail the specific dates and times of the No-Shows/Late Cancellations or Receiver Not Present Violations as well as the proposed suspension dates. The proposed suspension dates will be no sooner than twenty (20) days after sending the written correspondence to provide time for an appeal by the passenger. This notification will warn the passenger that another month of excessive violations will result in a 90-day suspension of service.
- 10.3.6. 6<sup>th</sup> Sanction** - Passenger will receive formal notification from LAVTA of a ninety (90) day suspension of service. This correspondence will detail the specific dates and times of the No-Shows/Late Cancellations or Receiver Not Present Violations as well as the proposed suspension dates. The proposed suspension dates will be no sooner than twenty (20) days after sending the written correspondence to provide time for an appeal by the passenger. This notification will warn the passenger that another month of excessive violations will result in another 90-day suspension of service.

## **11. APPEALS PROCESS FOR SANCTIONS**

**11.1 Right to Appeal**

The passenger has the right to appeal a suspension of service or sanction. Passengers may bring an advocate or personal representative to the appeals hearing(s). Complimentary transportation will be provided both to and from appeals hearings.

**11.2 No Action Before Resolution**

In no event will the sanction go forward until the final outcome of the appeals process is completed.

**11.3 How to Start the Appeals Process**

**11.3.1. Step #1.** The passenger has fourteen (14) calendar days after the date of the suspension or sanction notification to appeal the suspension/sanction in writing. Review of the appeal will consist of an interview with the passenger.

**11.3.2. Step #2.** If the passenger disagrees with the decision made in Step #1, he/she may appeal that decision. To make an appeal, the passenger must send a written request to LAVTA. The passenger’s written appeal must be received by LAVTA within fourteen (14) calendar days after the date of the written decision in Step #1.

**12. APPEALS PROCESS FOR REASONABLE MODIFICATION REQUEST DENIALS**

**12.1 Right to Appeal**

The passenger has a right to appeal a decision to deny a reasonable modification request. Passenger may start the appeal process by contacting LAVTA Customer Service phone line at 925-455-7500, or fill out the online Customer Service Form on LAVTA’s website.

**12.2 No Further Action Before Resolution**

If LAVTA has denied a passenger's request for a reasonable modification, this decision will remain effective until the final outcome of the appeals process is completed.

**12.3 How to Start the Appeals Process**

**12.3.1. Receive Appeal from Customer (Clock Starts)**

**12.3.2. Notify the Director of Administrative Services, who will open investigation**

**12.3.2.1** Review all relevant documents, practices and procedures as well as discussions of the complaint with all affected parties to determine the nature of the problem.

**12.3.2.2** Begin investigation process within 10 business days.



**12.3.3. Additional Information Needed**

**12.3.3.1** If more information is needed to resolve the case, the Paratransit Planner will contact the complainant. The complainant must provide additional requested information within ten (10) business days of the date of the request.

**12.3.4. Closing the Case**

**12.3.4.1** If the investigator is not contacted by the complainant or does not receive the additional information within ten (10) business days of LAVTA's request, LAVTA can close the case administratively.

**12.3.4.2** A case also may be closed administratively if the complainant no longer wishes to pursue their case.

**12.3.5. LAVTA will issue a closure letter or a letter of finding (LOF).**

**12.3.5.1** A closure letter summarizes the complaint/appeal of a reasonable modification decision and states that the request was properly denied and that the appeal will be closed.

**12.3.5.2** A LOF summarizes the complaint/appeal of a reasonable modification decision and information obtained through the investigation, and whether action is taken.

**12.3.6. Notify LAVTA's Paratransit Planner for record keeping purposes**

**13. CUSTOMER COMPLAINTS AND COMMENTS**

To initiate LAVTA's customer complaint or comment process passengers should call the LAVTA Customer Service phone line at 925-455-7500, or fill out the online Customer Service Form on LAVTA's website.