

CAPITAL METRO
Refuses To Purchase Crucial Enhancements For Its Existing Technology
Which Would Increase Efficiency & Help Ensure FTA Compliance For Paratransit
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Capital Metro Board Members

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The following brief report presents one example (many similar examples exist), of why it is imperative that MetroAccess purchase a \$115,000 software module for its Trapeze scheduling system. The purpose of this module, (see the judicial case pertaining to Tucson AZ, page 3), is to address the elimination of excessive trip lengths for paratransit passengers. Despite numerous and well-founded complaints throughout its history, Capital Metro has not properly addressed the pervasive fact that it is routine for disabled paratransit passengers to ride on paratransit vehicles far longer than mandated by FTA guidelines.

On page 2, the facts concerning a recent MetroAccess complaint illustrates a continued pattern of noncompliance regarding excessive trip length, i.e. a paratransit passenger was forced to ride on a MetroAccess vehicle for more than 35 minutes longer than what a sighted passenger would ride if using the Cap Metro fixed route bus system. Many similar complaints exist but MetroAccess claims that it is too expensive to obtain detailed reports from its Trapeze scheduling system.

At the July 2009 Access subcommittee meeting, I asked MetroAccess director Inez Evans if she had changed her mind regarding statements she made last year concerning Excessive Paratransit Trip Lengths:

- ◆ that paratransit trip lengths should mirror and parallel trip lengths on the fixed route bus system.

She stated that she had not changed her mind.

In response to my question as to why MetroAccess did not have a software program which would help paratransit schedulers ensure that actual trip lengths were in accordance to those for trip times on fixed route, Inez Evans stated that the \$115,000 Trapeze module was too expensive.

Surely, it is obvious that Fred Gilliam and other Capital Metro decisions makers should abide by “Best Practice” standards in order to upgrade and enhance current systems. Instead, they have wasted over \$250,000 since January 2008, in a fruitless and nonproductive campaign to illegally change our paratransit system without following proper procedure and without board approval.

It is my firm belief that Inez Evans does want this software module, but that Capital Metro management does not see the need for this enhancement, even though it would ensure compliance with FTA regulations. Otherwise, MetroAccess could take advantage of this technology to accomplish the following:

- ◆ Increase scheduling efficiency;
- ◆ Drastically Reduce paratransit passenger complaints, thus cutting administrative costs;
- ◆ Utilize taxpayer funds to improve our paratransit system rather than impairing it;
- ◆ Comply with FTA regulations and eliminate the need to respond to transmittal letters and investigations;
- ◆ Not subject paratransit passengers to unequal and inferior treatment as afforded to passengers who are able to use the fixed route bus system.

EXCESSIVE PARATRANSIT TRIP LENGTH COMPLAINT

The following regards MetroAccess paratransit violating the Excessive Trip Length Standard as defined by FTA as well as judicial interpretations. This standards in effect states that a paratransit passenger must not be forced to ride on a paratransit vehicle more than the time it takes for a sighted individual to ride the bus from the starting point to the final destination plus the time it would take that person to walk to the bus stop from each location.

The violation concerns Ms. Marda Andersons paratransit ride from 3004 S. 1st street to her home address on Monday, July 20, 2009.

- ◆ The paratransit pick-up arrived at 12:12 p.m. and Ms. Anderson arrived at home at 1:55 p.m.
- ◆ This is an Excessive Trip Length of one hour and forty three minutes.

It should be abundantly clear from the following two fixed route itineraries obtained via capmetro.org that MetroAccess does not even come close to meeting the federal requirements regarding excessive trip length.

Itinerary 1

Trip from 9617 COVY RIDGE LANE to 3004 S 1ST ST
on 7/21/2009 departing after 12:40 PM

- 56 minutes
- No transfers
- Walk 0.68 miles

Walk 0.17 miles southwest to bus stop, 1M-NORTH LAMAR/SOUTH CONGRESS-SB
Depart: RUTLAND & PARK VILLAGE EB 12:48 PM
Arrive: CONGRESS & LA VISTA 1:44 PM
Walk 0.51 miles northwest to ending location

- ◆ [total trip length is 56 minutes plus 10 minutes for walking time.]
- ◆ [Total trip length on fixed route for a sighted person: max of 1 hour, 10 minutes.]

Itinerary 2

- 1 hour 10 min
- 1 transfer
- Walk 0.21 miles

Walk 0.17 miles southwest to bus stop, 1M-NORTH LAMAR/SOUTH CONGRESS-SB
Depart: RUTLAND & PARK VILLAGE EB 12:48 PM
Arrive: NW CORNER CONGRESS & 10TH 1:28 PM
Transfer: 10-SOUTH 1ST/RED RIVER-SB
Depart: NW CORNER CONGRESS & 10TH 1:41 PM
Arrive: S 1ST & PEACOCK SB 1:58 PM
Short walk northeast to ending location

- ◆ [Total trip length for a sighted person: max of 1 hour 20 minutes.]

I have the response to this complaint, both in an email from the ADA specialist for MetroAccess as well as a telephone recording from a MetroAccess official. Both indicate that current paratransit policy is in direct conflict with, and is a violation of, FTA regulations pertaining to Accessive Trip Length.

SETTLEMENT AGREEMENT

This agreement is entered into between the parties in Preston, et al. v, City of Tucson, et al. No. CV 02-278 - TUC-JMR (JCC) (D. Ariz.), an action commenced on May 30, 2002, in the United States District Court for the District of Arizona.

The action is based on the paratransit requirements of the Americans with Disabilities Act, 42 U.S.C. Â§ 12131, et seq. ("ADA"), the Rehabilitation Act, 29 U.S.C. Â§ 795 et seq. ("RA"), and their implementing regulations, 49 C.F.R. parts 27 and 37.

Defendant City of Tucson ("the City") provides ADA paratransit service to "ADA paratransit eligible" persons through its program entitled, "Van Tran," which is presently managed for the City by PTM Paratransit of Tucson, Inc.

Plaintiffs' claims arise from the City's provision of ADA-mandated paratransit service. The Court certified this action as a class action for purposes of Fed. R. Civ. P. 23(b)(2) on March 31, 2003. The class in this action is defined as all persons who are or will be certified as "ADA paratransit eligible" under 49 C.F.R. Â§Â§ 37.123 and 37.125 for Defendants' Van Tran paratransit service required by 42 U.S.C. Â§Â§ 12132 and 12143

The purpose of this Settlement Agreement is to settle the claims brought by Plaintiffs, both their individual claims and on behalf of the class they represent. By entering into this Settlement Agreement, Defendants make no admission or concession, express or implied, that the City has in any way violated the requirements of the ADA or the RA, or their implementing regulations, or any other federal, state or local law, regulation, order, or rule.

In entering into this Settlement Agreement, the parties acknowledge that: (a) while the City has limited resources to meet virtually unlimited demands for public services, the City is committed to allocating sufficient resources to meet its paratransit obligations under the ADA; and (b)

Definitions

11. An "Excessive Length Trip" is defined as a paratransit trip that is more than 110% longer than the length of a comparable fixed route trip on Sun Tran. The paratransit trip for purposes of the comparison is the measured time from the time the customer boards the Van Tran vehicle at the pick-up point until the customer departs the Van Tran vehicle at the drop-off point. The fixed route trip for purposes of the comparison is the measured time from the time the customer leaves his or her origin point until the customer reaches his or her destination.

To be included in the fixed route trip time are the following components:

(a) walk time to a bus stop from the point of trip origin; (b) wait time at the bus stop (to be calculated as the scheduled headway at that time of day and day of week); (c) time on board a bus; (d) as applicable, transfer bus stop wait time and time on board after transfer; (e) walk time to the final destination.

However, Plaintiffs acknowledge that the City, through Van Tran, is presently in the process of implementing a computer software program to make comparisons between Van Tran paratransit trips and Sun Tran fixed route trips, and to measure the number of "Excessive Length Trips."

Until such time as the City's computer software program for comparison of Van Tran paratransit trips and Sun Tran fixed route trips is fully operational, the "Excessive Length Trips" will be defined as paratransit trips more than 90 minutes in length.