

Response to
FTA State Management Review – Oregon
(3/31/2010)

ODOT Public Transit Division remains committed to assuring full compliance with all requirements of the ADA and is mindful of the intent - that all citizens, regardless of disability, enjoy equal access to public transportation services.

In September of 2009, the Federal Transit Administration (FTA) conducted a review of ODOT's process and procedures for managing Federal grant funds and monitoring sub-recipient compliance with Federal rules and regulations. Deficiencies were identified in ODOT's process for monitoring subrecipient compliance with the Americans with Disabilities Act of 1990 (ADA).

These deficiencies were specifically related to the requirement that each public agency that operates a fixed route public transit service develop and submit a plan indicating how complementary paratransit service requirements are met.

The FTA found that the division lacked adequate documentation that the fixed route providers were completing these requirements.

The Public Transit Division's (PTD) ADA Compliance Monitoring Plan will ensure every PTD Grant Sub Recipient (Recipient) receiving funding assistance to operate fixed route public transit has an appropriate ADA Complementary Paratransit Plan and operates complementary paratransit service in compliance with ADA requirements.

PTD's goal is for all fixed route providers to operate their complementary paratransit services in a manner that meets or exceeds the requirements of the ADA thus ensuring that individuals with disabilities that cannot access fixed route bus services will have opportunity to travel.

These procedures describe how PTD will conduct activities to assure each recipient complies with these requirements.

PTD's ADA Complementary Paratransit Compliance goals are:

1. Each Recipient offering fixed route service will offer appropriate complementary paratransit services that meet or exceed the requirements of the ADA.
2. Each Recipient offering fixed route service will have a current adopted Complementary Paratransit Plan that meets federal requirements and that describes their ADA service compliance program.

3. Each Recipient offering fixed route service will make accurate information about the service readily available to the public in appropriate formats.
4. Each Recipient offering fixed route service will provide an annual certification of ADA Compliance or if significant change has been made, an updated ADA Complementary Paratransit Plan.

Recipients affected by this procedure are defined as providers of rural 5311 general public fixed route transit service that are not direct recipients of FTA. Direct recipient of FTA 5307 funding are monitored for ADA compliance by FTA. If a FTA 5307 direct recipient participates in PTD's rural program and is not in compliance with ADA complementary paratransit service requirements, the PTD will notify the FTA with this information and coordinate any follow up actions with FTA.

Initial Steps

An outcome of the 2009 FTA State Management Review clarified for the division the responsibilities for participants' provision and documentation of ADA complementary services and the required plans. PTD is required to ensure that providers are meeting complementary paratransit requirements.

Steps already taken:

1. A self assessment survey of providers was conducted to determine service types and status of plans. A desk review of the providers' website, written service information, and maps was conducted to verify the survey assessments.
2. Follow up telephone correspondence was conducted with fixed route providers to individually verify they had fixed route services as defined by federal regulation.

This resulted in a listing of providers that fall in the fixed route category of service that requires a Complementary Paratransit Plan and service. PTD surveyed thirty eight transit providers to determine those affected.

The follow up phone discussions also helped to identify service design problems that can be immediately corrected. Providers were alerted to these discrepancies with additional follow up activities noted.

Notes and follow up to be done is being collected in status notes for each provider on an ongoing basis as the survey and follow up conversations indicate areas where documentation is incomplete.

3. PTD immediately began drafting a contract "Scope of Work" for a consultant to assist in the activities over the next two years.

4. PTD began an assessment of training products for updating providers on ADA requirements for the ADA Plan and service design. A special workshop on developing a Paratransit Service Plan will be held for the 14 fixed route providers at the October 2010 Annual Transit Conference. Attendance at the conference session will be mandatory for the 14 affected providers. Workshop content will be tailored to requirements for the ADA plan with time for individual questions and discussion. A nationally recognized trainer has been identified. Follow up activities will be provided as a result of any questions arising from the workshop.
5. An additional session at the annual conference will focus on service design and ADA requirements.
6. The development of a plan for ongoing monitoring of ADA Complementary Paratransit service and plans will be one of the first products of the consultant.

Ongoing ADA Complementary Paratransit Requirements Monitoring Goal

- Every fixed route Recipient will submit a current ADA Plan to PTD in 2010.
- In subsequent years a certification form will be submitted with the annual 5311 operating application.
- Public Transit Division will have a current ADA Complimentary Paratransit Plan that meets ADA plan requirements on file for each fixed route provider.
- Each provider offering fixed route service will have an onsite review of service a least once every three years.

Annual Desk Review

The desk review is intended to ensure compliance standards for providing complementary paratransit are met when 5311 rural providers offer fixed route service. The review provides an indicator of the Recipient's practices. If operating issues are observed, it will allow PTD to focus on appropriate technical assistance, training or additional compliance review to ensure sufficient grant management and financial capacity of the Recipient to continue receiving grants.

There will be two levels of desk review

Comparison/concurrence A desk review of Plan or certification form will be conducted upon annual operating fund application. The review will include;

- Comparison of plan, Annual Certification and annual description of service offered.
- Comparison of website or schedule information with plan and service description.
- Comparison of any new service design or new plan information for compliance with federal ADA requirements. (A desk review worksheet will be developed for this purpose)

In-depth desk review Full review of Plan. When a new recipient or new fixed route service is initiated, staff will conduct an in-depth desk review. Service statistics, rides provided, denials, sample documentation of eligibility determinations will be included in the review. Analysis of service area demographics and service design will be included. .

Desk Review follow-up. If compliance issues are indicated, the Recipient will be notified in writing, and will be required to develop a remediation plan that will bring the Recipient into compliance. Actions must be taken within 90 days after the date of the notification to become compliant. A follow-up on-site review will be scheduled within six months of a Recipient being determined not to be in compliance.

On-Site Review

Each recipient of capital and operating assistance will have an on-site review within a three year schedule. A review of ADA complementary plan and service requirements is conducted as part of this on-site review. The on-site review will also include a visual inspection of service delivery. *See Exhibit E, Monitoring Checklist.*

Implementation

PTD has begun implementing the ADA Complementary Paratransit Monitoring Plan by performing the survey of fixed route systems. The survey provided data on how well Recipients have been conducting and documenting ADA complementary paratransit activities. This information will assist PTD in determining the workload associated with conducting desk and site reviews. When the consultant begins work, PTD will refine the desk review criteria, determine the workload associated with conducting the desk reviews, and develop the desk review schedule. At a minimum, PTD expects all Recipients to be reviewed by desk review annually and on-site review a minimum of once every three years

Non Compliance consequences

Recipients who fail to perform ADA complementary paratransit as required will lose eligibility for participation in PTD's federally funded grant programs. When desk or on-site review identifies insufficiency a letter is sent requesting corrective action be taken immediately and documentation submitted within 90 days. Reimbursement will be withheld until the ADA Complementary Paratransit Service is determined to be in compliance. At PTD discretion, an on-site review may be conducted before payment is reassumed.

PTD is developing a process for termination of eligibility based on ADA requirements. This process is expected to be in place by June 2011.

ADA MONITORING PROGRAM IMPLEMENTATION SCHEDULE

January – April 2010 –

- Survey and assessment of fixed route provider status. Development of SOW for consultant procurement. Review provider service information and web information for conformity and compliance. Note discrepancies and contact providers for follow-up.
- Review provider ADA Complementary Paratransit Plans.
- Share ADA compliance expectations with fixed route providers. Note provider training needs, identify best practice training and materials.

May – June 2010 –

- Conduct procurement for consultant.
- Distribute information and take input. Present program to Public Transportation Advisory Committee for comment. Begin process to hire contractor or staff to support activities.
- Contractor on board.
- Amend policy and procedures and update information in the State Management Plan. Share with Public Transportation Advisory Committee and participants. Share policy and process for termination of provider eligibility when ADA requirements are not met.
- Distribute packet of ADA Complementary Paratransit responsibilities to Fixed Route Providers:
 - Policy and requirements
 - A sample template for ADA Plan
 - Checklist of required elements for monitoring review
 - Copy of Annual Certification Form

July - September 2010

- Contractor develops schedule for completion of new or updated local plans.
- Consultant and staff begin technical assistance work with individual providers.
- PTD will work with trainer on ADA workshop at October Conference.
- Notification to fixed route providers of required attendance at training.

October – December 2010

- Conduct ADA compliance training for recipients (at annual conference or other venues)
- Local Governing Bodies adopt new or updated ADA Complementary Paratransit Plans.

January 2011

- Staff or consultant conduct desk reviews of annual ADA complementary paratransit plan updates provided by Recipients
- Review additional documentation from Recipients in order to complete desk reviews.
- Schedule on-site reviews for Recipients with deficiencies noted during desk reviews.

Ongoing

- Schedule sufficient on-site reviews to meet PTD goal
- Review annual plan submissions.
- Track recipient corrective action plans to conduct follow up activities and actions.
- Periodically review findings of desk and site reviews to identify annual training needs.