



## **Prohibiting Capacity Constraints**

Policy adopted October 1, 2018

Updated March 29, 2019

In order to comply with 49CFR, Part 37 - Transportation Services for Individuals with Disabilities, Porterville Transit has adopted the following policy.

### **General**

Porterville Transit shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

1. Restrictions on the number of trips an individual will be provided;
2. Waiting lists for access to the service; or
3. Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.
  - i. Such patterns or practices include, but are not limited to, the following:
    - a. Substantial numbers of significantly untimely pickups for initial or return trips;
    - b. Substantial numbers of trip denials or missed trips;
    - c. Substantial numbers of trips with excessive trip lengths;
    - d. Long telephone hold times.
  - ii. Operational problems attributable to causes beyond the control of the Porterville Transit (including, but limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.

## **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 continued in 49 CFR Part 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.

### Service Area

Porterville Transit provides complementary paratransit service that covers all areas within a  $\frac{3}{4}$ -mile radius of all of its bus routes, and within a "core service area" that includes any small areas that may be more than  $\frac{3}{4}$  mile from a bus route, but are otherwise surrounded by served corridors.

Porterville Transit utilizes software technology provided by its CAD/AVL vendor(s) to determine whether the requested trip address is within the service area. Porterville Transit will update its software on an annual basis to ensure accuracy.

### Response Time

Porterville Transit accepts trip requests one day ahead of the travel day and accepts same-day request on a limited basis. Riders may call seven days a week, 6 a.m. to 6 p.m. For early morning trips (e.g., after Midnight), riders may call until 6 p.m. on the prior day.

Porterville Transit's policy is to offer pickup times within 60 minutes of the requested time. When riders cannot leave before a certain time, Porterville Transit negotiates only 60 minutes after the requested time.

Porterville Transit will not subsequently change pick up times after a reservation has been confirmed.

When riders request specific drop-off times (appointments), Porterville Transit will offer pickup times to ensure on-time arrivals before the appointments.

### Fares

Porterville Transit complementary paratransit fares shall not be more than twice the fixed route fares for the same trip at the same time of

day on the fixed route system, excluding discounts. Porterville Transit allows eligible riders to travel with at least one companion (with additional companions accommodated on a space-available basis). If a personal care attendant (PCAs) accompany riders, Porterville Transit shall provide service to one companion in addition to the PCA. Companions will be charged the same fare as the eligible rider; no fare may be charged for a PCA.

The following table describes Porterville Transit's Fare Policy:

<b>Type</b>	<b>Fixed Route Fare</b>	<b>Paratransit Fare</b>
General 1-Ride	\$3.00	Not eligible
Reduced 1-Ride	\$1.50	\$2.50
Route 9	Free	Free

No Trip Purpose Restrictions

Porterville Transit shall place no restrictions or priorities based on trip purpose. When a rider reserves a trip, Porterville Transit will request the origin, destination, time of travel, and how many people. Porterville Transit shall not ask for the trip purpose.

Hours and Days of Service

Porterville Transit offers complementary paratransit service during the same days as the fixed route service. The following table describes the hours and days of service:

<b>Hours and Days</b>	<b>Fixed Route</b>	<b>Paratransit</b>
Monday - Friday	6 am to 10 pm	6 am to 10 pm
Saturday	8 am to 10 pm	8 am to 10 pm
Sunday	8 am to 6 pm	8 am to 6 pm
Holiday	8 am to 6 pm	8 am to 6 pm

Restriction on the Number of Trips

Porterville Transit shall not impose restrictions on the number of trips provided to ADA paratransit eligible riders. On a monthly basis, Porterville Transit will random check contractors for compliance. This will be performed either in person, third party review, or mystery callers.

No Waiting List

Porterville Transit shall not establish waiting list(s) for accessing paratransit service. On a monthly basis, Porterville Transit will random check contractors for compliance. This will be performed either in person, third party review, or mystery callers.

Untimely Pickups for Initial or Return Trips

Porterville Transit defines an on-time trips as one that takes place within 15 minutes before or after the scheduled time (-15/+15), and requires contractors to be on time at least 95 percent of the time. The five-minute boarding window does not begin until the schedule pickup time; riders may board earlier but are not required to do so. On a monthly basis, Porterville Transit will use paratransit software data to calculate on time performance of all trips.

Paratransit software data will be presented in the following format:

<b>Trips</b>	<b>Number</b>	<b>Percent</b>
<b>Early</b>		
<b>In window (-15/+15)</b>		
<b>Early or in Window</b>		
<b>All late</b>		
1-15 minutes late		
16-30 minutes late		
>30 minutes late		

No Substantial Numbers of Trip Denials or Missed Trips

Porterville Transit shall provide complementary paratransit service without substantial numbers of trip denials or missed trips. Porterville Transit’s policy is to have zero denial and contractors shall report any trips when they do not offer a new time to the rider within the usable hour.

Porterville Transit shall track refusals (“adversarial denials”) and “eligibility denials”.

Porterville Transit defines a missed trip as a scheduled trip in which:

- The contractor does not pick up the rider, excepting rider cancellations or no-show.
- The pickup occurs more than 60 minutes after the scheduled pick up time.
- The contractor arrives beyond the pickup window and no pickup takes place.

On a monthly basis, Porterville Transit will use paratransit software data to calculate on time performance of all trips.

### No Substantial Numbers of Trips with Excessive Trip Lengths

Porterville Transit shall 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.

Porterville Transit bases complementary paratransit travel time on the comparable fixed route travel time, plus 20 minutes to allow for a reasonable 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.

For example, a trip from Bob's Tiny Mart to Walmart takes approximately 37 minutes using fixed route service, plus 20 minutes to allow for walking and waiting, for a total travel time of 57 minutes.

Contractors shall use Google Trip Planner to determine if their travel times are equal to or less than the fixed route time. This standard shall not apply when verifiable circumstances exist beyond the contractor's control, such as inclement weather, unusually heavy traffic, etc.

Each month Porterville Transit shall compare paratransit and fixed route travel times by selecting a sample of 20 trips. Those 20 trips will be compared from the prior month.

Porterville Transit investigates all rider complaints related to trip length by compiling a detailed record of a complainant's trips and compares travel times and on-time performance. Should Porterville Transit identify a pattern or practice of long trips for that rider or from its monthly analysis, it directs its contractor to improve performance for the rider's future trips.

### No Operational Patterns or Practices Limiting the Availability of Service - Telephone Hold Times

Porterville Transit shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any operational patterns or practices that significantly limit the availability of service to ADA paratransit eligible people. Examples of such operational patterns or practices include insufficient capacity to take a reservation, long telephone hold times, untimely drop-offs for appointments, insufficient capacity of available operators and vehicles.

Porterville Transit's standard for telephone hold times are as follows:

No. Rings	Standard	Max Hold Time
3	75% call on hold < 75 sec 95% calls on hold < 90 sec	120 seconds (2 Min)

Porterville Transit's call center shall have sufficient capacity, including hardware and incoming lines, to avoid busy signals at peak call times.

Porterville Transit shall monitor telephone performance data on a monthly basis. All hold times shall be reviewed and compared to the prior month. On a monthly basis, telephone hold times shall be reviewed on an hourly basis and compared to the prior month.

No Operational Patterns or Practices Limiting the Availability of Service - Untimely Drop-offs for Appointments

Porterville Transit defines untimely drop-offs for appointments as "dropping off a rider on-time for their appointment shall be defined as dropping the rider off at their destination on or before the recorded appointment time." Porterville Transit's standard requires contractors to achieve on-time performance equaling or exceeding 95 percent of the drop-off appointment times. Drop-off times shall not exceed 30 minutes prior to appointment times.

On a monthly basis, Porterville Transit will use paratransit software data to calculate on time performance of all drop-off appointment times.

Drop-off Performance shall be presented in the following format:

	Number	Percent
<b>Trips</b>		
<b>All late</b>		
1-15 minutes late		
16-30 minutes late		
>30 minutes late		
<b>All on-time/early</b>		
1-15 minutes early		
16-30 minutes early		

Subscription Service

Porterville Transit shall provide subscription service (pre-arranged trips at a particular time not requiring individual trip reservations for each trip). Subscription service shall not comprise more than 50 percent of the available trips at any given time unless the system is

experiencing no capacity constraints. Depending on operational considerations, Porterville Transit may place requests for subscription service on a waiting list.

On a monthly basis, Porterville Transit will use paratransit software data to calculate the percentage of subscription service by the hour.

Subscription Service Performance Data shall be presented in the following format:

	<b>Number</b>	<b>Subscription Service Percent</b>
<b>Trips</b>		
6 am		
7 am		
8 am		
9 am		
10 am		
11 am		
12 pm		
1 pm		
2 pm		
3 pm		
4 pm		
5 pm		
6 pm		
7 pm		
8 pm		
9 pm		
10 pm		

Should the subscription service exceed the standard 50 percent in a given hour, the contractor shall eliminate subscription service for that hour until it is less than the 50 percent standard. Subscription Service data shall be compared to the prior month.

Reasonable No-Show Policy

Porterville Transit may suspend a rider's paratransit service if the rider accumulates no-shows, cancels at the door, or cancels late at the following rate in a calendar month.

- No shows/late cancellations represent 10 percent or more of the rider's scheduled trips; and
- Rider has three or more no shows.

Porterville Transit shall take the following progressive actions for repeated instances of violating the no-show policy:

1. First Violation - Warning letter advising the rider that he/she has violated Porterville Transit's no-show/late cancellation policy
2. Second Violation within a 30-day period - Second warning letter
3. Third Violation within a 30-day period - Rider receives a 7-day suspension
4. Fourth Violation within a 30-day period - Rider receives a 14-day suspension.
5. Fifth and subsequent violations - Rider receives a 30-day suspension.

Porterville Transit shall verify each recorded no-show, late cancellation, and door cancellation before sending any letter or taking any subsequent action. Porterville Transit shall inform the rider of a potential service suspension (stages 3, 4, or 5). A rider may appeal any potential suspension. The rider can request details on individual recorded no-shows, late cancellations, and cancels at the door.

#### Complaints

Porterville Transit shall record all complaints and provide a prompt resolution of complaints. Porterville Transit shall utilize the myPorterville software to record, track, and investigate and resolution for all complaints.

Porterville Transit records all complaints received via telephone, mail, in-person, and website in the myPorterville database and initiates the investigation.

Porterville Transit requires its contractors to initiate appropriate retraining or disciplinary action as appropriate. Porterville Transit shall promptly communicate the resolution to the complainant and records this information in the database. Complaint records shall be kept for at least 5 years.

#### Monitoring

Porterville Transit shall monitor its contractor's performance on a monthly basis to ensure that the contractors meet the requirements. Porterville Transit's Analyst shall provide oversight of its contractor who accept trip request, schedule trips, deliver trips, and maintain Porterville Transit vehicles. All service provider contracts shall specify performance standards for travel time, on-time pickup and drop-off performance, and missed trips.



Porterville Transit shall analyze trips on a monthly basis. If particular riders have a high number of trips longer than comparable fixed route trips, Porterville Transit shall provide a written letter to the contractor requiring a plan to ensure future service does not reflect a pattern.

Porterville Transit shall use paratransit software to run reports and compare performance to their standards on a monthly basis. Porterville Transit shall carefully monitor on-time performance each service day and requires contractors to identify performance issues with an accompanying plan of action to achieve on-time performance.

Porterville Transit requires contractors to submit a Provider Missed Trip Report on a monthly basis. Porterville Transit shall assess a liquidated damage for each reported trip equal to two times the hourly reimbursement rate that it pays to the contractor. If Porterville Transit identifies a missed trip that a contractor did not report, it shall assess a liquidated damage equal to four times the hourly reimbursement rate that it pay to the contractor.

Porterville Transit shall run ShoreTel telephone on-hold performance reports on a monthly basis for all calls. Porterville Transit shall impose liquidated damages when the contractor does not meet the telephone performance standards.